

well have said "a crore of times" and then said 'Well, this is subject to correction and subject to what Government may say' There can be no limit to that. That would be extremely irresponsible. He has withdrawn his words. Let us close this chapter.

THE DURGAH KHAWAJA SAHEB BILL, 1955—*continued*

SHRI H. P. SAKSENA (Uttar Pradesh): Sir, I pay my reverential homage to the hallowed memory of that great Saint known as Khawaja Moin-ud-din Chishti. Sir, the hon the Deputy Minister, while sponsoring the Bill, said that the Saint was so popular with all the communities residing in the country in his time that Hindus, Muslims and members of all the communities were his devotees. That must certainly have been the state of affairs then because as we all know, there was very little of communalism then. There were no political strings attached to public life and the people belonging either to the Hindu community or to the Muslim community were God-fearing, pious and righteous and their mission in life was to do good to human beings as such. They never differentiated between a Hindu and a Mussalman. So it is established that the great Khawaja counted amongst his millions of followers both Hindus and Muslims. Now, the Hindus have got as great a right to contribute towards the preservation of the shrine of the Khawaja as any other community has got including Hanafi Muslims. Now, a perusal of the Bill makes me understand that it is confined to a particular sect of Mussalmans, excluding even the members of the Muslim community belonging to other denominations. Sir, this is something which is beyond my comprehension. But, I am not, in this sacred moment of speaking on a Bill which is intended for the preservation and the good manage-

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ment of the Shrine of a very noted Saint, going to introduce any controversial matter. But this much I am positive of, that other communities also should be given an opportunity to show their reverence and respect to the memory of the great Saint and I do not understand why in a secular State like ours, this differentiation and this distinction is being brought about as we find in this Bill.

Now, another thing is this. Besides this shrine very great and very famous as it is, there are other shrines also in other parts of the country which are equally famous, equally noted, equally revered and respected by all communities. Take for instance my own Pradesh, the Uttar Pradesh. There is the very famous shrine of Saint Kabir. Now, for aught I know, Kabir had a reputation unparalleled, not to say unsurpassed, by any other saint at any time, counting among his followers millions upon millions of Hindus, Mussalmans, Sikhs and others. So, I do not know of any arrangement officially being made for the preservation and the management of that shrine of Saint Kabir. It is not in a spirit of any envy or jealousy that I am saying it, but it is a matter of a parallel thing that occurred to me and that is why I have mentioned it. Kabir after all comes under the list of very few, very famous saints.

Then in Lucknow City itself, there is a Durgah known as Shah Amina Durgah of which our hon. the Home Minister, who was the Chief Minister of Uttar Pradesh is very much familiar. The Shah Amina Durgah is a place which is respected and worshipped by people of all communities. It is right in the heart of the City.

Then there is still another shrine in the District of Bara Banki in a small place known as Deva.

[Shri H. P. Saksena.]

Haji Waris Ali Shah was the saint of that place and even today, year after year, thousands of Hindus and Muslims go to a certain ceremony which is known as Urs, which is observed there every year.

So, consistently with the secular nature of the Government, if these shrines are to be preserved and taken care of, a list ought to be prepared for the preservation of all such shrines whether they belong to the Hindus, the Sikhs, the Mussalmans, the Christians or to anybody and all such shrines should be preserved. This is one of my submissions.

Now, the other is this. Obviously and evidently, this is a matter which relates to a certain State Government and the State Government in this particular case is the Ajmer Government. Now, it was after all not a very big Durgah which a small Part C State like Ajmer could not have supervised and looked after. So, this matter ought to have been entrusted to the care of the Ajmer Government and the Central Government ought not to have taken the trouble of bringing a Central Bill for the management of this one single shrine.

The third is that, so far as my knowledge goes, none of the shrines which belong to other communities are, till the present moment, being looked after and taken care of. The easiest thing, in my humble opinion, should have been to entrust the care and management of this shrine to the Ancient Monuments Preservation Wing under the Education Ministry of the Central Government. This is after all an ancient historical monument.

A shrine is, as we all know, nothing more, nothing less than a tomb, a sepulchre. Now, apart from the question of whether we encourage or we do not encourage worship of tombs and sepulchres, if the memory

of a certain saint is to be revered and respected, is to be kept green and hallowed, we have got to do it in the proper manner and that proper manner, in my humble opinion, ought to have been to entrust it to the care of the ancient Monuments Preservation Wing of the Education Ministry.

Sir, I have not yet been able to understand why the descendants of some of the devotees of such a big, Godly and righteous Saint should be deprived of the opportunity of showing their veneration and respect to the memory of the great Saint whom their ancestors worshipped and revered. It is not clear to me and I hope that some clarification in that direction will be forthcoming when the hon. Minister sponsoring the Bill gives the reply. The other point is with regard to the lineal descendant of that dignitary. Now, it is very difficult at this late hour, after about 800 years, to find out the lineal descendant of the great Khawaja.

KAZI KARIMUDDIN: There have been decisions of the civil courts.

SHRI H. P. SAKSENA: I heard him most attentively. Of course, he gave us all the information that he had; what else could he do? So, if it has been established beyond a shadow of doubt that the lineal descendant has been found out and he and he alone is entitled to that subsistence allowance or any maintenance allowance that was earmarked for that purpose, then I have got nothing to say. After all, I repeat my feelings of respectful homage to the memory of that great Saint and I hope that his shrine will be managed in the best possible way, preferably with the agency of the Ajmer Government.

MR. DEPUTY CHAIRMAN: You have to be very brief, Mr. Vaidya. We have to finish this Bill by five o'clock. There are other speakers also.

श्री कन्हैयालाल दाँ० बँदा (मध्य भारत): उप-सभापति महोदय, मैं इस बिल का जहाँ स्वागत

करता हूँ, वहाँ एक दो सुभाव माननीय गृहमंत्री जी के सामने रखना चाहता हूँ। माननीय मंत्री जी ने अपने वक्त य में कहा कि ख्वाजा साहब चिश्ती एक महापुरुष हुए हैं और उनको सब वर्ग और धर्म के लोग आदर प्रेम और श्रद्धा की दृष्टि से देखते हैं। फिर मैं नहीं समझता कि हमारी सरकार की संवैयलर पालिसी घोषित हो जाने के बाद भी उसकी व्यवस्था करने में केवल मुसलमान वर्ग के लोगों को ही क्यों रखा जाए या नामीनोट किया जाए, यह कहा तक उचित है ? इस तरह का धार्मिक स्वरूप सरकार की ओर से क्यों लिया जा रहा है उस चीज की व्यवस्था करने के लिए जब कि सब धर्म के लोग उनको प्रेम की दृष्टि से देखते हैं ?

दूसरी चीज यह है, जैसा कि श्री सक्सना जी ने भी कहा कि दश के अन्दर महापुरुषों के ऐसे बहुत से स्थान हैं जहाँ सरकार का ध्यान जाना चाहिए। तानसेन का मकबरा मध्य भारत में है जो दुर्दशा की स्थिति में पड़ा हुआ है। तानसेन हमारे दश के एक महान् संगीतज्ञ गिने जाते हैं और उन्होंने संगीत के नाम पर दश की बहुत सेवा की है। इसी तरह से राजस्थान में रामद्वज जी का स्थान जीर्ण अवस्था में पड़ा हुआ है। रामद्वज जी को दश के हर धर्म वाले प्रेम और श्रद्धा की दृष्टि से देखते हैं। उन्होंने अपने समय में छुआछूत मिटाने का दश में प्रचार किया था। आज जिस चीज को मिटाने की सरकार अपनी पालिसी समझती है उसे उन्होंने अपने युग में ही आरम्भ कर दिया था। आज भी उस महापुरुष की स्मृति में लाखों आदमी राजस्थान में एकीकृत होते हैं और उनके कार्यों की सराहना करते हैं। आज के महीने में लाखों आदमी बाहर से इस स्थान में जाँकि राजस्थान में दुर्दशा की अवस्था में पड़ा हुआ है आते हैं। जिस स्थान की पूजा लाखों आदमी बाहर से आकर करते हैं सरकार को उसकी दशा सुधारने के लिए कदम उठाना चाहिए। जिस प्रकार का प्रयोजन इस बिल को लेकर सरकार हल करना चाहती है, जो प्रेम सरकार ख्वाजा साहब के लिए दिखा रही है उसी तरह का प्रेम सरकार इस दश के उन महापुरुषों के लिए भी करे जिन्होंने इस दश की

बहुत सेवा की है और जनता जिनको प्रेम और आदर की दृष्टि से देखती है। जिन महापुरुषों ने बिना भेदभाव और धर्म सकीर्णता के जनता की सेवा की है उनके लिए भी सरकार को कुछ न कुछ अवश्य करना चाहिए। हमारी सरकार ने संवैयलर स्टैंड के जिस महान् आदर्श को अपनाया है मंत्री विनम्र प्रार्थना यह है कि जो सुभाव मैंने दिए हैं उन्हें अपनाकर उसी प्रकार की व्यवस्था दश के उन महापुरुषों के लिए भी करे जिस प्रकार से वह अजमेर में ख्वाजा साहब की दरगाह के लिए करने जा रही है। अगर दश के विभिन्न हिस्सों में जो महापुरुषों के स्थान दुर्दशा में पड़े हुए हैं उनकी सुव्यवस्था की जाएगी तो उनकी रक्षा हो सकेगी और साथ ही साथ मानवीय आदर्श की पूर्ति होगी दश के अन्दर हिन्दू मुस्लिम एकता के आदर्श की पूर्ति भी होगी जिसके लिए ये महापुरुष कार्य कर गए हैं। अगर सरकार ने मेरा सुभाव माना तो उन महापुरुषों के कार्य का प्रचार होगा। मैं इन शब्दों के साथ इस बिल का समर्थन करता हूँ।

SHRI AKBAR ALI KHAN (Hyderabad) Mr Deputy Chairman, I offer my sincere thanks to the hon. Minister and the Government for introducing this Bill. I submit that certain suggestions have been made by my learned friends Mr Saksena and Mr. Vaidya. They said that some arrangements regarding certain other shrines should also be made. I do not think there is anybody here who objects to that proposition. And I have several enactments in my mind regarding several temples and shrines where for the better management of that institution, Legislatures have taken steps. There is nothing extraordinary in bringing this measure for the proper management and administration of an institution which is being held in great esteem, as pointed out by the hon. Minister, by persons of all creeds and religions. But there is one point to which I should refer. As pointed out by my learned friend, Kazi Karimuddin, even among Muslims and even among the Hanafi sect there are people who do not believe in certain

[Shri Akbar Ali Khan.]

tenets of Khawaja Moin-ud-din Chishti. For instance, he gave a very appropriate example of singing the *Qawwali*. Suppose, Sir, somebody from Deoband or some other institution is put in charge of this institution, he will abolish this institution. So, when you consider about the protection and management of a certain institution, you have to give your first thought to the persons who believe in that shrine and in the principles or in the tenets which have been preached by that Saint.

KAZI KARIMUDDIN: That is in clause 15.

SHRI AKBAR ALI KHAN: That is there in clause 15. This clause has limited the choice not only to Muslims, not only to Hanafi Muslims, but to those Hanafi Muslims who believe in the ideology which has been preached by the great Khawaja. In view of this I submit that it is necessary to ensure that only persons who believe in the ideology of Hazrat Khawaja Saheb should be kept in the management and I am sure that the Government will bear this in mind.

If I am allowed to quote the philosophy of Sufism which this great Saint has preached I would quote the two couplets of the great Persian poet Moulana Rumi who has expressed the basic ideas of love and service as follows:

کعبه بلهاد خلیل آذر است

دل گزگانه جلیل اکبر است

دل بدست آور که حج اکبر است

از هزاران کعبه یک دل بهتر است

It means:—

"Mecca has been made and built by the Prophet Ibrahim;

But the heart of man is the abode of the eternal and the great;

You by service win the heart of somebody, that is the great pilgrimage;

Thousands of Meccas on one side, but getting the heart of somebody by service and love, that is greater."

That is the gospel, that is the philosophy of life that he preached. And that is why, Sir, after centuries, even now, when we go in "*Rajab*" month to this sacred shrine you will see thousands of people coming, showing their utmost devotion, paying their respect and homage to this great Saint. It is a great privilege for me to say that I am also one of the humblest devotees; and I take pride in being a devotee of that Saint.

Now, Sir, coming to the Bill proper, I would recommend, as regards the income of *jagir* villages in Ajmer, to the hon. Home Minister the method that we have adopted after abolishing the great *jagirs* in Hyderabad, regarding the *jagirs* given to shrines and temples. What we did there is this. So far as they relate to the personal maintenance, we have abolished them and given a commutation amount which will be finished in ten, fifteen or twenty years as the case may be. But regarding the *jagirs* that were given to temples and shrines we have made it clear that only 20 per cent. deduction will be made and 80 per cent. of the income will be given in perpetuity—not for any person, but for that object, for that purpose. I hope, Sir, that the hon. Minister will verify this thing, and if he agrees, he will see to it that this income of the *jagir* is also dedicated to this great shrine which is held in great esteem. (*Time bell rings.*) Only one minute more, Sir.

As regards the other suggestions, I submit that I entirely agree with some of the suggestions that have been placed by Kazi Karimuddin. And I am sure, Sir, that you will also not grudge in accepting them. For instance, the word 'licence' does not go well with the trend of the enactment. You can put in, if not Sanad, some

such other word suitable, which would give them the right to attend to the activities of the Durgah. Similarly the point that some of the Members of Parliament also may be taken also deserves your consideration. And I am sure that the hon. Minister will bear this in mind. After having given these suggestions, Sir, with great respect, I commend this Bill for the approval of this House.

SHRI B. N. DATAR: Sir, I am happy that the provisions of this Bill have been generally welcomed. Certain very constructive suggestions have been made, but I shall point out how it is difficult for Government to accept them. And I would reply to some of the points made by others.

Sir, so far as my hon. friend, Kazi Karimuiddin, is concerned, he made a reference to the *Khadims*. Now, I might point out to him that so far as the *Khadims* are concerned, they are carrying out a very important piece of work as 'pilgrim guides', and therefore I desire that whatever they might have done in the past, we should forget it. They have done a lot which has been very strongly criticised by the Committee to which I made a reference. They referred to a number of acts of omission and commission. But so far as we are concerned, we are prepared to forget that completely. Therefore, you will find, Sir, that in the provisions of the Bill, as it exists, we have suggested that bye-laws should be made for educating indigent *Khadims* as well.

Now, Sir, he contended very strongly the expression 'licence'. He objected to it very strongly. So far as this is concerned, Sir, the word 'licence' had to be put in in view of what has happened over decades. And secondly, it will kindly be noted by this House that we have not made it compulsory that in all cases licences should be issued as a matter of course. I would like to read out to this House what we have said in sub-clause (f) of clause 11, where we have stated very clearly that "to

determine the privileges of the *Khadims* and to regulate their presence in the Durgah by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do." The word 'presence' is wide enough to include also their conduct, if it is not proper, if it is not dignified. Therefore you will find, Sir, that we have not made it compulsory or imperative that in all cases licences should be issued. What we have done is that we have left it entirely to the discretion of the Committee and in case they find it necessary, they would issue licences, otherwise not. Therefore so far as the *Khadims* are concerned, it will be seen that there are special provisions which are beneficial to the *Khadims*, and I am hoping, Sir, that no contingency will arise for the purpose of instituting licences, because that will depend upon the way in which this Bill will be received and upon the conduct that these *Khadims* will have. And I am appealing to all the *Khadims* to realise that after all what is most important is the sacredness of the shrine, and before that everything ought to bend itself. And I am quite confident that in the ultimate analysis they would be great guides to the pilgrims. After all we have seen that on account of the misconduct of *Khadims* amongst Muslims and *Pundas* amongst Hindus, when the pilgrims return after visiting the holy shrines, their faith is considerably shattered, in the sacredness of those particular places. That is all on account of the way in which some of these *Khadims* or *Pundas* behave. I am therefore appealing to all the *Khadims* to forget the past entirely and to keep the sacredness of the shrine before them, and to consider that whatever they do to the pilgrims is by way of service to the Khawaja Saheb. And if the appeal is accepted in that spirit, then I am sure no difficulty will arise at all.

Then, Sir, he stated that so far as clause 15 was concerned, it was quite all right, but that we should lay down

[Shri B. N. Datar.]

a rule or a qualification that those who are proposed to be, or who are going to be, appointed Members of this Committee, should have faith in the Chishti tradition. Now purposely the matter has been kept in such a way that Government would consider the question of qualifications in a very proper manner. They would take into account the circumstance whether the particular man to be appointed as a Member has or has not got faith in the doctrine attached to this shrine. They would also consider the question if it would be desirable for them to appoint Members of Parliament. Now, Government would take into account the qualifications and usefulness of all the Members of Parliament in this respect. And therefore it is perfectly open, Sir, in a proper case, to appoint some Members of Parliament on the Committee also. It all depends upon the circumstances then existing. And therefore no particular restrictions or no particular condition should be laid down that certain persons should belong to a particular class.

And lastly, Sir, if anything is done in contravention of clause 15, that itself would constitute a violation of the rules, and that itself would constitute gross mismanagement of the affairs of the Durgah. Clause 8 deals with supersession of the Committee. And if for example certain principles which have got to be followed are not followed, then you will find, Sir, that that particular Committee will be guilty of mismanagement. I have no doubt about this matter, because then in that case, the fundamental principle of the Administration is that it ought to be carried on according to certain well-laid-down religious and traditional principles. And if they are not carried on, then naturally that Committee will render itself liable to that charge of gross mismanagement.

Then, Sir, a number of other points have been raised by my friends. But I would not make a reference to all of them. So far as the question of salaries is

concerned, generally, for some time at least, we desire to follow the practice that, as far as possible, a senior Government officer, say, of the status of a Deputy Collector would be appointed, and therefore his salary would be the same which he would be drawing as a Deputy Collector or as a senior Government officer. And therefore in such cases, it would not be practicable, Sir, to fix any salary, so far as the present Bill is concerned.

Then, Sir, my friend stated something about the dignity of the *Sajjadanashin*. That is quite true. We are aware of the dignity of the *Sajjadanashin*. We have also made a provision that the person who has been recognised as *Sajjadanashin* as a result of the decree of a civil court will continue to be recognised as such, unless there is a decree to the contrary by a higher court. For that some special provision has been made. And then, so far as remuneration is concerned, as has been pointed out by many other members, it might be difficult to have a larger income than the one that we have. In fact the income is likely to dwindle and sometimes I wonder whether we shall be in a position to pay even Rs. 200 per mensem as we have done in clause 12. Therefore let the figure remain as it is. I am quite confident that the dignity of an office does not depend solely upon the amount that it carries. After all, he belongs to the family of a great Saint and is held in great esteem. Therefore, the Government of India thought that there ought to be no difficulty about livelihood.

Some friend spoke about the secular character of our State, but these are religious institutions, and religious institutions have to be carried on according to religious principles and religious traditions. That is the reason why we have to respect the opinions of the Muslim

community, especially the Hanafi Muslims. Therefore we have made provisions according to religious tenets. This is not a secular institution and therefore we have to respect the religious sentiments of those who are the followers or devotees of this institution

SHRI H P SAKSENA: I took the cue from his opening speech. He himself said that the devotees belonged to all communities

SHRI B. N DATAR: What I said was that there were devotees of this Saint from all communities, that they were not confined only to one community, but naturally the largest number of devotees come from Hanafi Muslims. That cannot be disputed. This is not an institution of a secular character. Here we have to follow certain religious principles and also religious tradition—good tradition—and therefore a certain scheme has been laid down, which respects the feelings of the people, especially the religious feelings of the people most concerned

Then, my friend made a reference to other institutions, but it is entirely beside the point here. The Central Government was in charge of this institution for more than one hundred years, and therefore it is the privilege of Parliament to pass a law on the subject

MR DEPUTY CHAIRMAN: The question is:

“That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chishti, generally known as Durgah Khawaja Saheb, Ajmer, as passed by the Lok Sabha, be taken into consideration”

The motion was adopted

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill

MR DEPUTY CHAIRMAN: Motion moved:

“That clause 5 and part of the Bill”

Do you wish to move your amendment, Mr Karimuddin?

KAZI KARIMUDDIN: No Sir, but I will make a statement on the Third Reading

MR DEPUTY CHAIRMAN: If you are not moving your amendment, no statement is necessary, but you may speak on the Third Reading.

Clauses 5 to 22, Clause 1, the Title and the Enacting Formula were added to the Bill

SHRI B. N DATAR: Sir, I move

‘That the Bill be passed.’

MR DEPUTY CHAIRMAN: Motion moved

‘That the Bill be passed’

KAZI KARIMUDDIN. Mr. Deputy Chairman, the amendments which I had proposed were not pressed by me because the Minister in charge has given assurances in regard to two very important amendments of mine. The first is that the Committee will be dissolved if there is misconduct on the part of the Committee regarding the contravention of the rites and ceremonies of the Chishti Saint. Secondly, it has been stated and an assurance has been given that licences will be introduced only in very exceptional cases and that, if there is any further occasion to amend this Bill, the word ‘licence’ will be removed. I must congratulate the Government for bringing in this legislation in regard to the administration of the Durgah of a very famous Saint

THE MINISTER FOR HOME AFFAIRS (SHRI GOVIND BALLABH PANT): I wish to say just a few words. The Bill has been blessed by those who are interested in it. I have reason to believe that there is some feeling among the *Khadims* on account of the provision regarding licensing. We have absolutely no desire to hurt the susceptibilities of any class or any individual. The Bill

[Shri Govind Ballabh Pant.]

has been introduced with the best of motives in order to maintain the dignity of a Durgah with which is associated the name of one of the most eminent Sufi saints, Chishti, in this country. We all honour the memory of that sacred and holy Saint, and we wish that we may be of some service in preserving his memory in a befitting manner. We wish that no malpractices should be noticed within the precincts of this shrine hereafter. We will be glad if no occasion for introducing the system of licensing ever arises, and if there is any objection to the word 'licence', another term can be coined in Hindustani for the word 'licence' which we will be glad to use, as we do not want to cause any injury to anybody whether in mind or in body, and we should be very glad to assist in improving the state of affairs obtaining in the Durgah. The history of this place was quite edifying but latterly it has been equally depressing. So, we wish to set the house in order so that the large number of devotees who come there may really feel elated when they come to visit this centre of sacred memory which has been hallowed for the last eight hundred years. So, there need be no worry and no disquiet of any kind. The Committee will consist of very responsible persons. I do not want to say anything about the complaints that had been made from time to time against some of the persons associated with the administration of this Durgah as no good can come by reminding people of the errors of the past. I hope, however, that all will co-operate now in conducting the affairs of this Durgah in a really decent and befitting way. I hope the Committee that will be appointed will see to it that every man gets his due and nobody is put to any disadvantage or hardship and that the maximum convenience and comfort is provided for the pilgrims who may be going to the Durgah from various parts of the country.

SHRI AKBAR ALI KHAN: I would suggest, if the hon. Minister agrees,

some other word may be used for "licence".

SHRI GOVIND BALLABH PANT:

We will find some equivalent, if we can, for licence. But we all take licences, say, for a motor-car or a gun and so on. I think even the highest among us do so. I am not against licences and for myself I would like to be a licensee.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE LAND CUSTOMS (AMENDMENT) BILL, 1955

THE MINISTER FOR REVENUE AND DEFENCE EXPENDITURE (SHRI A. C. GUHA): Sir, I beg to move:

"That the Bill further to amend the Land Customs Act, 1924, as passed by the Lok Sabha, be taken into consideration."

Sir, some months ago Parliament passed certain amendments to the Sea Customs Act and the present Bill seeks to put those amendments also in the Land Customs Act. Under section 9 of the Land Customs Act, certain sections of the Sea Customs Act are also applicable to land customs and some of those sections have now been changed or amended by the recent amendments to the Sea Customs Act and some new sections have also been introduced into the Sea Customs Act. So all those amendments, the new sections and the amended sections of the Sea Customs Act, we now propose to put into the Land Customs Act also. They are about 8 or 10 sections.

There is only one point which I have to explain. Some of these words and phrases can have applicability only for sea traffic, for instance, "ships", "seaports", "bill of entry" and so on. But under section 9 of the Land Customs Act, these terms are taken in a different sense, for a "bill of entry" or "shipping bill" is deemed to denote a