

Rajdhani Express between Delhi - Trivandrum and Mangalore which will help a part of Karnataka also.

I urge upon the Central Government to introduce Rajdhani Express between Delhi, Trivandrum and Mangalore to help the people of South particularly the people of Kerala.

(ix) **Need to provide radial to the people affected by earthquake in Tehri Garhwal, U.P.**

SHRI SAIFUDDIN CHOUDHURY (Katwa): Sir, I would like to raise the problems faced by the victims of seven earthquake in Tehri Garhwal, especially of Bhilangana Ghati and 60 villages around it.

People who became victims of this earthquake could not be traced for weeks together. Many of the injured could not get even first-aid. As a consequence of earthquake, people of the areas are facing acute shortage of drinking-water not to speak about the crops which have heavily suffered because of no watering system.

A motorable road between Bhatwadi Bhilangana (Tehri) and Chameli inaugurated in 1952 was totally destroyed. It should be repaired and arrangements for drinking - water made immediately. All such areas be connected with communication facilities.

The affected horses required immediate repairs. It is alleged that assistance given to the earthquake victims is not adequate. I request that a list of affected victims should be prepared and published.

One family should be taken as a unit for the purpose of assistance while rehabilitating them. It is also imperative that mobile dispensaries are provided in those areas enabling the victims to get medicines.

14.00 hrs

There are big cracks in the hill-rocks. It is feared that during rainy season they may come down. It is, therefore, requested that necessary financial assistance be given and

a scheme chalked out for the purpose.

MR. SPEAKER: The House now stands adjourned to meet again at 3.00 p.m.

14.01 hrs

The Lok Sabha then adjourned for Lunch till Fifteen of the Clock

[English]

The Lok Sabha re-assembled after Lunch at four minutes past Fifteen of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

[English]

MR. DEPUTY SPEAKER: The House shall now take up item no. 8 on the Agenda paper. Shri Sitaram Kesri.

NATIONAL COMMISSION FOR MINORITIES BILL

[Translation]

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): I beg to move:

"That the Bill to constitute a National Commission for Minorities and to provide for matters connected therewith or incidental thereto, be taken into consideration".

Mr. Deputy Speaker, Sir, Congress party had made an important commitment in its election manifesto of 1991 General Elections to provide constitutional status to Minorities Commission to make it more effective.

Hon. President had also reiterated it in his Presidential Address delivered in the Parliament in July 1991. Prime Minister had also assured the House about the introduction of a Bill during the current session to solve the purpose while replying to the Motion of Thanks on Presidential Address recently.

[Sh. Sitaram Kesri]

Therefore, I have moved a Motion in this regard on 4th May, 1992. Now I would request the House that this Bill may please be taken into consideration.

At the outset, I would like to tell you that this bill has been introduced to instill confidence in the minorities and the security measures provided in the Constitution are fully implemented.

Minority Commission having statutory back up would prove more important and influential in practice in the State Governments, administration of the Union Territories, and departments of Central Government and other institutions. The Bill propose to vest such powers in it that would enable the Commission to summon any person, to ensure his presence and investigation and presentation of any document. The main responsibility of the Commission would be monitoring of the implementation of the security measures to protect the interests of the minorities in the Acts of the State Governments and Central Government. This Commission would also investigate any complaint regarding the deprivation of rights to minorities and security measures for them.

It would also organize studies, research and analysis on the issues concerning socio-economic and educational development of the minorities, so that proper remedial measures for overcoming shortcomings could be taken into consideration. With these words, I would request the House that provisions of the Bill be taken into consideration.

[English]

MR. DEPUTY SPEAKER: Motion moved

"That the Bill to constitute a National

Commission for Minorities and to provided for matters connected therewith or incidental thereto, be taken into consideration."

PROF. RASA SINGH RAWAT (Ajmer): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 18th August, 1992."

MR. SPEAKER: Now Shri Advani.

SHRI LAL K. ADVANI (Gandhi Nagar): Sir, I rise to oppose this Motion moved by the hon. Minister. I oppose it not only because of the contents of this particular Bill, but I oppose it on more basic grounds. I regard it as one more example of the Government's mishandling of this issue which is ostensibly related to minorities, but which, I believe, is very much linked up with the unity of this country.

As it is, I regard this particular piece of legislation as ill-conceived and retrograde. It will solve no problem; it will create new problems. In fact, it will not achieve anything. It will serve no useful purpose. All that it would do is to promote divisiveness which is already there and what the appetite of separatist forces. This is my feeling and therefore it is that I rise to oppose this Bill *in toto*.

I had a view that I might plead for a reference to a select committee or circulation for public opinion, but it would in theory at least commit me to accept the principles of the Bill and, therefore, it is that I did not move any Motion of that kind and I have sought the indulgence of this House to listen to my arguments as to why I thought this Bill is ill-conceived and why it would be counter-productive. Because, I do not want to say that the Government deliberately wants to weaken the unity I would not say that. But right from, years back, and in fact, when I

was going through the excellent book, in five parts of Shri B. Shiva Rao on the "Framing of the Indian Constitution" I noticed that the very first sentence under the chapter 'Minorities' says that —

"The problem of minorities had bedevilled Indian politics for a long time. It was in fact a one single factor above all others that held up the progress of the country towards freedom and independence."

Now, Shri Sitaram Kesri and other learned people on the Treasury Benches must be aware that Shri Shiva Rao who was himself a Member of the Constituent Assembly and played a very important role in the making of the Constitution had written this excellent treatise.

The problem of minorities has not come before us today. It is a problem that has been with us for many many decades. More particularly, I think after 1857, and after 1857 the British Government adopted a certain approach and that approach landed up us with this problem and which issue as Shri Shiva Rao says, was, in fact, the one single factor above all others that help up the progress of the country towards freedom and independence. The freedom and independence movement also was thwarted because of this issue. This is what he says, and very rightly.

And then he recalled how in 1908, the British Government gave to this country separate electorates. Why did they give them? The Viceroy at that time was Mr. Minto and Mr. Minto propounded a thesis, because at that time the two major communities in this country were the Hindus and the Muslims. He propounded the thesis, and said that

"The Indian Muslims are much more than a religious body. They form, in

fact, an absolutely separate community, district by marriage, food and custom and claiming in many cases, to belonging to a race different from the Hindus."

This is the thesis propounded by the British rulers. A thesis which the leaders of the freedom movement in this country never accepted and they all along felt that this is wrong and it is *perverse* to think in terms of Muslims as a separate race, not morally as a separate religion but as a separate race. Jinnah proposed a thesis that they are two nations and therefore they cannot live together, co-exist in one country and let us have two countries. Step by step at that time the British Government, the imperialist Government, proceeded further. I think, this kind of historical background is necessary to understand why in this particular case, some may think *innocuous*, I am so strongly opposed to this Bill. I quote Shri B. Shiva Rao. He said:

"Step by step the recognition of communal claims and communal interests became part of the basic policy of the British Government in India. Each step in the direction of the establishment of popular government and representative institutions was accompanied by a corresponding emphasis on the obligation of the British Government to ensure that the minorities were protected from oppression and exploitation at the hands of the majority.

This is the approach adopted by the British's deliberately.. Again I quote Shri Shiva Rao.:

"In course of time the Sikhs, the Anglo-Indians, the Indian Christians, the depressed classes, all these communities were treated as minorities in need of such protection

[Sh. Lal K. Advani]

from the majority community. In fact, the concept of minorities was so expand as to include even the prosperous European commercial and mercantile community in India as needing separate representation in the Legislatures."

Sir, this is the background of this concept of minorities as we inherited it in 1947.

When I had gone through the Constituent Assembly debates, I felt gratified that the Constitution makers were fully conscious of this approach of the Britishers and they saw to it that did not *Succumb* to it. Till such time as partition was not officially decided, there was an attempt to somehow *avert* partition by *acquiescing* in some of the practices that had gone on in the past. By conceding that, even on the basis of community, there might be reservations in the services; there might be reservations in the Parliament and in the Assemblies.

When I read the original draft, I somewhat felt, I *scorn* literally, that if that had become the Constitution how ban the situation would have been! But after partition when it became a certainty, when it became clear that all our attempts somehow to persuade Muslim League and the leaders of the Muslim community not to stress upon partition, we had to give them guarantees, give them representation on communal basis, etc. That was supposed to be a kind of compromise. When partition became a reality, immediately the Advisory Committee, the Minorities Committee, the Constituent Assembly - all of them came to the conclusion that here fate they will not compromise with any such approach and they once for all decided that there will be no reservations for anyone on grounds of religion or on grounds of community, or on grounds of the fact that it is a minority meaning that there are fewer

numbers. But the only ground on which reservations or special representation can be conceded was that if there are sections which are oppressed for centuries like Scheduled Castes and Scheduled Tribes. Only in that case, we kept reservations.

Shri Sardar Patel, Pandit Nehru came to the Constituent Assembly and said that they had decided to change the original draft and hereafter except for reservations for Scheduled Castes and Scheduled Tribes, there will be no other reservations. And we will not recognize anything on the basis of religion and community etc. There was an elation in the Constituent Assembly. There was an enthusiastic response even from the smaller communities like the Paris. They said, 'No'. We are very happy with this. We do not want these reservations. A concession was made in the case of Anglo-Indian in which it was said that in their case there will be two nominations here and some nominations in the State Legislative Assemblies where Anglo-Indian as a community exists. That was a kind of magnanimous gesture that after Independence the Government was capable of. They were not happy about it. In fact, after Sardar Patel conceded to this, he again invited Parsi leaders and asked them that now I am conceding to the Anglo-Indians, yours is also a small community, would you like to avail of it? It goes to the credit of that community that they said, 'No'. We go along with the rest of the Constituent Assembly and the decision that you have taken that there will be no reservations of any kind in the name of minorities, we accept it.

Now, on that day Sardr Patel made this very historic statement - it was a long speech worth reading . - He said:

"In the long run it will be in the interests of all to forget that there is anything like a majority or minority

in this country, and that there is only one community".

Forty four-forty five years after that what are we doing? Nehruji described it as a "historic turn in our destiny". He said:

" A safeguard of this kind, would have some point where there was autocratic or foreign rule; it would enable the monarch to play one community against the other."

He added:

"But where you are up against a full blooded democracy, if you seek to give safeguards to a minority, you isolate it. May be you protect it to a slight extent, but at what cost? At the cost of isolating it and keeping it away from the main current in which the majority is going, at the cost of *forfeiting* that inner sympathy and fellow-feeling with the majority".

Mr. Deputy Speaker, through you, I would like to tell the hon. Minister that what they are doing today - I do not know how much - is going to *assuage* the feelings of the minorities to which they are addressing themselves. But, I do not know that the majority which has been proud of the fact that this country in 1947 rejected theocracy, that this country in 1949 - even though the country was divided on the basis of religion - did not *emulate* Pakistan. This country in 1949 if it had chosen to become a theocracy like Pakistan, the world would not have *Hamed* us. But, this country after 45 years seems to suffer from - at least the leadership - seems to suffer from a guilt complex that we have been unfair to the minorities. Therefore, something needs to be done to see that this sense of injustice and grievance that they harbor must be removed. This particular Bill at best the most charitable in the interpretation that I can give is intended to remove that

feeling of injustice. The truth is that every section of society in this country - the situation being what it is; the difficulties being what they are; the economy being what it is and the fact that we are a democracy, we did not go in for any authoritarian rule and which democracy makes us a free society in which every section including say the Brahmins in Tamil Nadu, from which my hon. friend comes, have a right to feel *aggrieved* and say what is it? We are being aggrieved again. We are being ill-treated. Every section of the society harbour a sense of injustice. But these Bills are not addressed to those sections. This kind of Bill is addressed in name, of course, to the Christians, to the Paris, to the Sikhs etc., but actually it is addressed only to one section. I am sorry to say that this is not prompted by any earnest consideration of their interest. This is prompted by *sordid* politics of the vote banks. It is unfortunate but it is true. When I say this, I may be accused of being a political leader belonging to a particular persuasion and in the Opposition today who is making this accusation. But I was surprised to know these very days, after this Bill came up and I started studying it, that an outstanding jurist and an outstanding legal authority - whose volumes we always refer to whenever here is any legal problem and I am sure my learned friend Shri Somnath Chatterjee would be knowing him personally - Shri D.D. Basu also feels like it. I was going through his notes and his books - one of them - a small introduction to the Constitution of India - here with me. I found that he refers to the situation after 1980 elections and in the concluding chapter of this introduction he says:

"The present chapter would be incomplete without recounting the *ominous trends* which have been *revealed* since the general election of 1980 as regards the ever aggrieved demands of the religious minorities. The most *grievous* feature of this post-

[Sh. Lal K. Advani]

independence development is that the minorities have held up their vote as a bait and political leaders from the majority community, belonging to different parties, have indiscriminately swallowed that bait in their election manifesto and alliances".

When Shri Sitaram Kesri tells me that he is moving this Bill only because he has to fulfill a particular commitment which he had made in his manifesto it only convinces me of the above point. Therefore, Shri Basu - who is not a politician — says:

"In this background, it is the duty of an impartial academician to point out to a nationalist Indian that to accept such demands of the Minorities would be to tear India into pieces, with a second Pakistan for Muslim-majority areas or a Christendom for Christians or a Khalistan so far as the Sikhs are concerned".

This kind of warning is being given by Shri Basu. It is not a *misgiving* being expressed by and Opposition political leader belonging to the Bharatiya Janata Party. It is this that makes me feel that I wish there have been more thinking about this issue.

Why is that only in 1991 did your manifesto come out with this? Why was this not said earlier? After all, I hold myself guilty for having been party the creation of the Minorities Commission, even though or an administrative level, without any statutory back up. I was in that Government. When that Government did this, we pointed out that the manifesto of the Janata Party did not commit itself to a Minorities Commission. The manifesto of the Janata Party issued in 1977 spoke about a Civil Rights Commission,

not about a Minorities Commission. That became an aberration, a distortion about which within the Government we said what we wanted to say. But as part of the Government I hold myself guilty for that also. I would not absolve myself of that guilty. Today you are going a step forward. (*Interruptions*)

SHRI BHOGENDRAJHA (Madhubani): Not only the Government, but of that party also.

SHRI LAL K. ADVANI: Yes, I was party to that. Therefore, I am pointing it out. (*Interruptions*)

SHRI MOHAMMAD YUNUS SALEEM (Katihar): You have now become a little wiser.

SHRI LAL K. ADVANI: Yes, Just as the Constituent Assembly became wiser after those 60 years.

Everyone learns from past follis. Here, I find it purposing that these very people most of them who were there in that 1977 days, used to tell us:

[*Translation*]

Why did you accept it? You should not have accepted it. You have committed such a grave mistake, that is why they want to go a step further.

[*English*]

They want to go forward. I am sure that if the BJP has not been there in this strength, you would have been satisfied with this kind of statutory status. It is a relief that you are not able to give it a constitutional status. You would have gone happy and given it a constitutional status, which is the demand of this section. You are not able to do it today because of the wisdom of the people who

have returned us in this great strength, but why are you doing? I wish you had in your opening speech narrated what are the injustices that are being done to the so-called minorities because of the absence of statutory powers to this Minority Commission.

SHRI MOHAMMAD YUNUS SALEEM (Katihar): Was it not your commitment when the Minorities Commission was constituted? In 1978 when the Minorities Commission was constituted, it was said that very soon legal status would be given to this Commission.

[Translation]

SHRI LAL K. ADVANI: I told you that as far as Janata party election manifesto is concerned, it is an aberration from the election manifesto.

[English]

It was a distortion from the Manifesto and that.....

SHRI MOHAMMAD YUNUS SALEEM: That is why I am saying.....

SHRI LAL K. ADVANI: Yes, yes, I was at fault. That is what I have said.

SHRI MOHAMMAD YUNUS SALEEM: You were a Member of the Cabinet Committee.

SHRI LAL K. ADVANI: That was there. I was *hamstrung*. (Interruptions). I have come here not merely to oppose this Bill, but also to formally recommend — after all, in this country it is not merely minorities which, according to this Bill, are suggested, though it is a very strange situation that the definition of the 'minority' as given in this Bill is, "minority" for the purpose of this Act means a community notified as such by the Central Government."

This is the only definition given of minority which means that tomorrow if say, an Arya Samaji applies saying that 'we are a minority', the Ramakrishna Mission which has already had a case in the court that 'we are not Hindus',....

SHRI SOMNATH CHATTERJEE (Bolpur): They have been found to be a 'minority'.

SHRI LAL K. ADVANI: Yes, they have been found to be a minority though the Supreme Court has been endorsed that till now. But this Government has acquired the right to do it on its own. Whether the Supreme Court or the High Court may say anything, but they have assumed to themselves the right to declare any section as 'minority'. This kind of fussy *inchoate* conception of a minority, where is it going to lead to? And, therefore, the arguments that were advanced by a former Chairman of the Minorities Commission on why the Minorities Commission should be converted into a National integration-cum-Human Rights Commission have become very relevant. It is he who said that till now.... (Interruptions). He was Justice Beg. He was the Chief Justice of the Supreme Court and then later on he became the Chairman of the Minorities Commission. (Interruptions). He was asked, "Who, according to you, are the minorities?" He admitted that there is no definition of minority as such. The present policy of the Minorities Commission is to confine its attention to five communities which it recognises as religious minorities, namely, Muslims, Sikhs, Christians, Buddhists and Zoroastrians. These are the five communities which, according to the Minorities Commission at that time were supposed to be minorities whose concerns, whose interests, discrimination against whom was to be probed into by the Minorities Commission.

[Sh. Lal K. Advani]

He also mentioned:

"That claims have been made on behalf of the Jains and the Bahais which are still under examination by the Minorities Commission."

I do not know what is the present position, and whether any Minorities Commission had subsequently taken decision on this. But the kind of authority that you have assumed and you are seeking to assume will make you all powerful and then claims will be made to declare some people as 'minorities'. These days claims are made to declare some people as 'Scheduled Tribes' or 'Scheduled Castes' etc., because certain benefits follow *thereupon*. Now, every section of the Indian society is going to seek to be declared as a 'minority' by the Government. No Court is needed for that. Do you realise the consequences of this? Would it not have been necessary that in a statutory provision of this kind, the word 'minority' should have been more precisely defined? I can understand some measure of flexibility, but not this kind of arbitrary authority that you have sought to vest in yourself.

In the course of that argument that Justice Beg gave, he made a very *pertinent* observation and that in a way says that Hindus are not a majority in this country. He does not say that specifically, but if this is the approach, he says:

"Indeed, it has been urged by some that the term 'Hindu' does not indicate a single monolithic religious community, which could be properly described as a religious 'majority'. In origin, the term stood for those who resided in the region of river 'Indus'. By an extension, for political purposes, the descriptive term Hindu has become associated with

and is used today for a congeries of communities whose religions are believed to have an Indian origin, but each of which constitutes and acts, on the whole, as a separate ethnic group or entity with its own customs and traditions; and, their religious beliefs and forms of worship too vary considerably."

Then, he observes:

"Hence, some observers have gone to the extent of asserting that India is a land of minorities, from the point of view of group affiliations, and that there is nothing like a Hindu 'majority community'."

Then, he makes a very pertinent remark which I quoted from Shri P.D. Basu and I quote now from Justice Beg, the Chairman of the Minorities Commission. He says:

"To think of Hindus as a single *monolithic* community may appear to some to be quite unhealthy. The feeling and belief that there is such a single 'majority' community, whose *machinations* the minorities should fear and try to protect themselves against, were fostered by our foreign British rulers during a colonial past. They sought to 'divide and rule' us. Even after the British have quite India, the same divisive patterns of thought and feeling have been adopted in *soliciting* votes and competing for power or for benefits whether political or economic. This vicious circle has to be broken. How can this be done? This is the crux of the problem before us."

Here is an accusation against you, against the persons who bring in Bills of this kind, made by a former Chairman of the Minorities

Commission that you are only following the British pattern. The concept of 'minorities' was injected into the body politic of this country by the British and you are following it up after 45 years of independence, after the Constituent Assembly had laid it to rest practically. Now, you are reviving it again officially. This is being done by the Congress Party. If it had been done by the earlier Government, I might have understood something. Even then, my reaction would have been the same. But I cannot understand this Government doing it and this Party doing it, particularly today except for the fact that you had written in your manifesto, except for the fact that you think that in this game of competitive politics for vote bank, you would be again *outstripped* by your adversaries on this side and on account of this fear, you are going to the extent of bringing a Bill of this kind which goes against partially what the Chairman of the Minorities Commission had said earlier. I wish you could revise your opinion even now, because all that I say or all that Mr. Beg says is not to scrap the Minorities Commission. He does not say that.

He says, "Convert it into the National Integration-cum-Human Rights Commission". If there is a case of discrimination against a Muslim or a Muslim group, if there is a case of discrimination against the Parsis, against the Christians, let the Human Rights Commission go into it. But this sort of situation that the greatest case of injustice in free India's history has been perpetrated against the Hindus of Kashmir and the Minorities Commission cannot do anything about it, only because they are Hindus, is not going to contribute to national unity. It is this that would be obviated instead of Minorities Commission, if you set up what Justice Beg described as the National Integration-cum-Human Rights Commission which we have been describing as the Human Rights Commission. In fact, in this particular

longest note of Mr. Beg which he has written in 1987 or 1988, I was surprised to find, reference also. When he said this, obviously someone must have told may-be from the Minorities Commission, "What you are saying is precisely what the BJP is demanding and why are you saying that?" He says, it is no real answer to the need pointed out to any that it should not be made simply because some political party other than the ruling Congress has supported such a measure. Indeed such support if it really exists should provide an added reason favouring the recommendation made by this Commission which seeks to advance propositions which are acceptable to and accepted by all political parties because they promote constitutionally enjoined basic objective to which all swear allegiance.

With this kind of background, I feel emboldened to urge you again to reconsider this Bill. After all, this Government has been on record talking about the Bunkar Rights Commission also. But that Human Rights Commission is regarded only as a kind of antidote to the kind of allegations that are being made against us from abroad, say, Amnesty International etc. We think that we can paper up things that are happening here, the kind of killings that are going on in police stations or excesses that are committed else-where by setting up the official Human Rights Commission and saying that we also have the Human Rights Commission to look after it. I think, both the purpose can be combined if there is a statutory authority suitably armed, suitably equipped, with suitable personnel at the helm of affairs. Both these purposes can be looked after — the human rights purpose as well as the question of discrimination against any citizen of the country, whether he belongs to the so-called majority or the so-called minority. This purpose would be fully served if Justice Beg's recommendation and Bhartiya Janta Party's commitment in its manifesto is accepted by the ruling party.

[Sh. Lal K. Advani]

If you do not do it, I can only warn you. Your earlier Congress Government made a historical blunder when you succumbed to the fundamentalist lobby on the issue of Shah Bano in 1985. I am of the view that unless you review your opinion and revise your stand, you are going to commit a similar kind of monumental and historical blunder by passing this Bill. This Bill is not going to serve any purpose. It will add to divisiveness. In this particular case when D.D. Basu spoke about the demands being made by the minorities which various political parties have incorporated in their manifestoes, he identified three particular demands. Firstly they want proportional representation in Legislatures and services. Secondly they want minorities to be given the statutory and constitutional status. Thirdly, they want that article 44 relating to the uniform civil code be totally disregarded or repealed. If these three demands are to be accepted, he says, then we are destroying the basic tenets of the Constitution of India. This is the opinion of Mr. D.D. Basu. I would plead with you, if you surrender on this particular demand, the time will not be far when you will be surrendering on the other two issues also. Already your Government has committed itself to creating a riot police force on communal grounds, on communal considerations. The riot force is necessary. If there is anything lacking in the present Police force, it must be reformed. If they are also polluted by the *communal virus*, action should be taken against those individuals or those groups. But to allow the composition of any riot force to be based on community or religion is a remedy worse than the disease. But you are committed to it and just as you are committed to this particular minorities Bill being given statutory status, I would like to warn the Government that this is a sworn path that you are pursuing. The sooner you do away with it, the better for the country's unity and the better for the so called minorities.

SHRI DIGVIJAYA SINGH (Rajgarh): Hon. Deputy Speaker, Sir, I rise too support this Bill.

I heard with rapt attention hon. Advaniji's very forceful plea as to why this Bill should be rejected outright and I was happy to note that at least he accepts the guilt of being a party to the official government resolution of the then Janata Party Government in 1978 in which the Minorities Commission was created, though without powers.

This is a double standard of the BJP and Mr. Advani, in particular. They had no qualms. They had no difficulties in accepting the support of the rank communalism like Shahi Imam Bukhari in 1977 election. They had no *qualms* in catching Muslim votes because of the Fatwa of the Shahi Imam Bukhari. Probably Mr. Advani was not aware of the credentials of Shahi Imam Bukhari by then. He has also become wiser. Probably he had not read the Constitution debates, Shiva Rao's speeches on Constitution or he had not read the speeches made by Sardar Patel and Pandit Jawaharlal Nehru during the constitutional debates.

Why the minorities of this country feel alienated? This is something which has to be understood. This can only be understood if you are a minority yourself or you have some kind of a softness or some kind of affiliation with the minority communities in this country. Let us do some introspection ourselves. Have we treated the minorities of this country fairly? How many people of the minority community are in the IAS? How many of them in the IPS? How many of them in Government services?

SEVERAL HON. MEMBERS: Who prevented them?

SHRI DIGVIJAYA SINGH: The attitude which Mr. Advaniji and the BJP represents in this country....(Interruptions) I did not interrupt.

MR. DEPUTY SPEAKER: You kindly bear with him.

SHRI DIGVIJAYA SINGH: I did not interrupt him. Today if the minorities of this country feel alienated, we should be blamed. If we had treated the minorities properly, this demand would not have arisen.

The definition of Hindu, as defined by Shri Advani here in this House and as defined by the RSS cadre in the field is quite different.

I quite agree when he said that the term 'Hindu' quite refers to the people here living on this side of the river Indus. But the definition and the meaning of Hindu as spelt out by the leaders of the RSS and Vishwa Hindu Parishad and as proclaimed by them, on the ground, is much different to what Mr. Advani says in this House. (*Interruptions*)

What is this slogan of
**

(*Interruptions*) We have heard this from the RSS, and when the *Ram Rath* was being taken out, when Shri Lal K. Advani was going all around the country, these were the slogans raised by the RSS people. This is precisely the position. I am not yielding. (*Interruptions*)

SHRI RAM KAPSE (Thane): Sir, I am on a point of order.

MR. DEPUTY SPEAKER: He is on a point of order. Let us hear him.

SHRIRAMKAPSE: Shri Digvijaya Singh, while referring to the RSS, quoted one slogan which the RSS had never given. He is quoting that quotation without any information. This is my point of order. I request the Chair to expunge these remarks. (*Interruptions*)

SHRI DIGVIJAYA SINGH: I am only relating the events. I am only referring to the
**Expunged as ordered by the Chair.

inflammatory slogans made by the BJP, the RSS workers, by the volunteers of the VHP during the *Ram Rath Yatra* of Shri Lal K. Advani. It sparked communal riots all over the countries. (*Interruptions*)

MR. DEPUTY-SPEAKER: I shall look into it, if it is irrelevant.

(*Interruptions*)

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): During 1984 elections you had raised the slogan **

You had raised ** slogan about.....(*Interruptions*)

SHRIMATI SUMITRA MAHAJAN (Indore): You had also given **

15.51 hrs.

[SHRI P.M. SAYEED *in the Chair*]

[*English*]

SHRI DIGVIJAYA SINGH: This is the double-standard of the BJP and the Leaders like Shri Lal K. Advani. They every hesitated to parade Shri Sikandar Bakht into the Muslim-dominated areas during the elections. If they really are not so concerned about the Muslim vote-bank or Hindu vote-bank or whatever vote-bank they talk of, why do they parade Shri Sikandar Bakht into the Muslim-dominated areas during the elections? This is precisely their attitude.

[*Translation*]

SHRI MADAN LAL KHURANA: You should first join RSS, learn the definitions there and then speak something. (*Interruptions*)

MR. CHAIRMAN: You must listen, if all of you start this way, it would become impossible.

(Interruptions)

DR. LAXMINARAYAN PANDEYA (Mandsaur): First tell us the definition. How does Hindu Parishad define a Hindu and how does RSS define a Hindu? (Interruptions)

[English]

MR. CHAIRMAN: If there is any objectionable thing, I will expunge it..... but not like this.

(Interruptions)

SHRI DIGVIJAYA SINGH: Would the VHP accept the Muslims as a Member of their organisation? They will not. So, when they do not....(Interruptions)

This is what I am saying. The definition as propounded by Shri Lal K. Advani on the floor of this House differs vastly from the understanding and the meaning of Hindu by the workers of the BJP and the VHP. This is what I say the real example of double-standard as practised by the BJP.

Today, in Madhya Pradesh the Muslims are being persecuted; they are being harassed. The Christians are being persecuted and harassed. They have lost their right of civil liberty (Interruptions)

[Translation]

SHRI LAXMINARAYAN PANDEYA (Mandsaur): How did you come to remember Madhya Pradesh? You don't seem to remember anything else.....(Interruptions)

[English]

SHRI DIGVIJAYA SINGH: I have got

specific instances where senior officers have been punished on flimsy grounds. (Interruptions)

MR. CHAIRMAN: Order, please, You are a senior Member.

(Interruptions)

[Translation]

MR. CHAIRMAN: If you utter anything objectionable, it would be expunged from the proceedings.....(Interruptions)

[English]

SHRI DIGVIJAYA SINGH: In all the States ruled by the BJP, in Rajasthan, 200 Muslims were detained under TADA.

[Translation]

SHRI MADAN LAL KHURANA: Mr. Chairman, Sir, it is wrong to allege that in Madhya Pradesh Government Muslim community alone is being prosecuted....(Interruptions)

SHRI DIGVIJAYA SINGH (Rajgarh): I am making this allegation with full responsibility.....(Interruptions).....

SHRI MADAN LAL KHURANA: If I charge that Hindus are being massacred in Kerala, would he dare to talk in such away?

[English]

SHRIDIGVIJAYASINGH: I totally agree with you on this point. This Bill should have included the State of Jammu & Kashmir. I have always held that the special status enjoyed by Jammu and Kashmir has to be respected. But at the same time, this Bill and the Protection of Places of Worship Bill, I demanded, at that time also, that Jammu and Kashmir should have been brought under

the ambit of this Bill. There, the Hindus are in the minority. And by excluding that State, we are giving to BJP a handle to defame this kind of a Bill. That is why, I would urge upon the hon. Minister to seek the clearance of the J&K Government and include that State under this Bill.

Hon. Advaniji was saying that theocracy was rejected in 1947. But what really is he propounding? He is propounding the creating of a theocratic State in this country. That is what he stands for and that is what his party stands for. Sir, this is what I say. Shri Advani, in Lok Sabha is quite different too Shri Advani, in Lok Sabha is quite different to Shri Advani, in Lok Sabha is quite different to Shri Advani on the streets of this country. This is what I call as double standards of BJP and Shri Advani. He says one thing on the floor of the House and says quite opposite thing on the streets of this country. His inflammatory speeches, they inflame communal passions in this country. It is because of the very behaviour of the BJP and their die-hard communalists, the minorities deserve special protection. And this is what this Government has done. (Interruptions)

Please do not worry about my coming here, because I fought tooth and nail and won this election. I have never come to this House with you blessings. Let me make it very clear. (Interruptions) Up till now, it was the BJP which has won and I defeated your RSS leader.

This Government needs the congratulations. They have not only fulfilled our election promise but they have given dynamic power to a toothless Minorities Commission which really could not look after the interests of the minorities in this country. (Interruptions)

MR. CHAIRMAN: You do whatever you want when you can speak. But not like this.

(Interruptions)

MR. CHAIRMAN: It he yields then early

you can speak. But he is not yielding, Then why are you disturbing ?

(Interruptions)

[Translation]

SHRI LAKSHMI NARAIN MANI TRIPATHI: Let you first say who is Hindu, what is the definition of a Hindu? (Interruptions)

PROF. RASA SINGH RAWAT (Ajmer): Mr. Chairman, Sir, this is a sensitive issue. I would, therefore, request the hon. Member or think before he speaks, so that no tension is generated in the society. Dangerous situations are being created by leveling allegations and counter allegations. That is my submission to you. (Interruptions)

[English]

SHRI DIGVIJAYA SINGH: Sir, we stand for communal harmony and not for communal division as you people want. The credentials of this Government as a secular Government and as a protector of minorities stands vindicated by bringing in this Bill. I have a slight grievance on one point. The power to inquire into specific complaints which was requested by the Minorities Commission, was requested under the Esquire Commission Act. But unfortunately, the provisions of the Inquiry Commission Act which were made for the SC/ST Commission have not been made for this specific Bill. The provisions have been made as that of a Civil suit. Sir, you would agree with me that such complaints as brought forward to the Minorities Commissioned summary disposal. Therefore, the provision for inquiry into the complaints should be made; the Minorities Commission should be armed with the specific provision, as is given in the Inquiries Act, instead of the Civil Suit Act. This is one lacuna which should be put straight.

The other thing is about the term of the Chairman which has been restricted to three years which I think, is not correct. We have kept the term of the Chairman as three to five years for ST/ST Commission. Therefore, for

[Sh. Digvijaya Singh]

the Minorities Commission also, the term of the Chairman should be three to five years. The Minorities Commission has not been empowered with the specific powers to investigate and prosecute all suit offenders who have prosecuted the minorities, who have taken the double standard as far as dealing with the minorities are concerned.

In other countries also, there are Minorities Commission. There is a Commission on Racial Equality in UK also. These Commissions have also got the powers to prosecute, to investigate also. These powers should also be given to the Minorities Commission which is very necessary. Summons may be disobeyed, as it is done in most of the cases. I know of a number of cases. The complaints were filed with the Minorities Commission here in Delhi, because we could not do it in the Madhya Pradesh State, since the Minorities Commission has been disbanded there. For a number of complaints, the summons have been disobeyed. They have not been answered. That is why, there should be a specific provision for levying penalties on all such persons who do not respond to the queries of the Minorities Commission. So, such special powers have to be given; and more teeth have to be given to the Minorities Commission to make it more effective and more meaningful.

The terms which were notified in the 1978 Resolution were much wider than what is given in the Minorities Commission. The programmes, policies and the laws being inactive, how will they affect the minorities of this country? So, the Minorities Commission should be given the powers to review all such policies and laws so that they could advise and suggest remedial action to the Government.

As I have already told you, there are a

number of instances, specifically in the State of Madhya Pradesh to which State I belong to and I have seen a number of communal riots. The people involved in the communal riots were given curfew passes by the local administration. Persons involved in the communal arson and loot were sitting in the police stations and guiding the police to arrest the people from the minorities communities.

One more instance I would like to narrate. In the home town of the Chief Minister of Madhya Pradesh, the Government of Madhya Pradesh in its notification had notified about 3600 feet of land on which the Mosque was constructed. It was a Government notification; it was a Wakf property. But the Government of Madhya Pradesh, without giving notice, have demolished the structure around the Mosque and reduced it.....

DR. LAXMINARAYAN PANDEYA (Mandsaur): I am on a point of order.

SHRI DIGVIJAYA SINGH: Sir, what is this? Let him reply to it in his speech.

DR. LAXMINARAYAN PANDEYA: Let the Chairman decide that. How can you decide it? I have raised the point of order, Sir.

[Translation]

When discussion in the context of minorities is going on let me allow refer to the same. The Madhya Pradesh Government has neither issued any such notification nor has any demolition been done. What he is stating is but a distortion of facts. The Madhya Pradesh Government has on the contrary, formed the Human Rights Commission.....(Interruptions)

[English]

SHRI DIGVIJAYA SINGH: He can rebut it in his own speech.

MR. CHAIRMAN: There is no point of order involved in this.

SHRI DIGVJAYA SINGH: What I was telling was that out of 3600 sq. ft. of land belonging to them, the Government, without notice, has demolished the structure and has confined to 600 sq. ft. only. There is a specific court order which the Madhya Pradesh Government is not accepting.

DR. LAXMINARAYAN PANDEYA: There is no such Notification.

MR. CHAIRMAN: When you get a chance to speak, you can rebut it at that time.

SHRI DIGVJAYA SINGH: The 15-point programme initiated by late Shrimati Indira Gandhi is not being followed. I would urge upon the hon. Minister to review this State by State because this is a programmer for the minorities of this country; and this is a programmes of the Government of India. Therefor, the hon. Minister must review the implementation of the 15-point programmes in each State and punish those States which are not following the recommendations and the decisions of the Government.

In Madhya Pradesh, it was proposed that every Selection Committee must have a member of the minorities communities. But, unfortunately, I know of a number of Selection Committee where minority community has not been represented. That is why I say that you must give all the powers possible too a Commission for Minorities because of the threat to their very existence because of the unruly and undignified behavior of the BJP in particular in the State and their Government. *(Interruptions)* I support the amendment made by Shri E Ahamed. In the Bill on page 3, line 36 reads as follows:

"Make recommendation for the effective implementation and the safeguard and protection of interest

of minorities by the Central Government or the State Government".

Public undertakings and quasi Government Institutions must be added after this because the commercial banks and other public undertakings also should be sobered by the Minorities Commission Bill.

With these words, I would like to congratulate the hon. Prime Minister and Shri Sitaram Kesri who has always been championing the cause of the minorities, backward classes and the Scheduled Castes of this country. I wholeheartedly support the Bill.

I would urge upon our friends from BJP to keep their communal thinking under garb so that they can be secular as they are trying to show themselves. That is why I urge upon the whole House to accept this Bill unanimously.

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. Chairman, Sir, I support this Bill, nevertheless, I would demand that the drawbacks of this Bill must be removed with firms. It is a question of political will.

Mr. Chairman, Sir, what was, necessitated to constitute the Minority Commission with all earnestness. Shri Advani has rightly said just now that the Minority Commission was constituted in 1977-78 during the Janata Party regime. I do not believe that formation of the Minority Commission was a mistake, rather it was a historic deed. Credit also goes to Shri Advaniji who was a Minister during that period. I would still like him to share the credit by extending his co-operation to a good cause. Steps should be taken to further this kind of work.

Mr. Chairman, Sir, it is a matter of pride

[Sh. Ram Vilas Paswan]

that the Government did good work during 1977-78, be it the question of price-control or any other thing. Moreover, Shri Atal Bihari Vajpayee was also a Minister during that period. There was, however, no problem of Ram Janam Bhoomi issue. I would like to emphasise that the issue of minorities is a matter of Constitutional responsibility. In this connection when I was talking to Shri Kesriji I told that there has been a special provision in the Constitution for the Scheduled Castes, Scheduled tribes and the minorities and it has been mentioned that there should be arrangement to protect their rights. Article 25 to 30 of the Constitution deals with the interests of the minorities. We could not do much in this regard because we were just in a different situation. We lacked your support and some of those who sat beside us in our Government had different views. Now the Government should not observe economy in providing support and it must provide minorities with the equal rights as are envisaged for Scheduled Castes and Scheduled Tribes.

Mr. Chairman, Sir, I am not in favour of leaving the question of welfare of the minorities to the minorities themselves. If a section of the country is weak it amounts to the weakness of the whole country. The country is facing crisis on the front of self-defence, protection of people, wealth and property i.e. almost all the fronts. Unless the country is strong wholly, it cannot prosper. I would like to tell not only to the B.J.P. but to the Congressmen also that a very wrong thing was done against the Sikhs in 1984 in the wake of Indiraji's assassination. The result is that the Punjab is burning today. The problem of Punjab has always enhanced the prestige of the country through thick and thin. It can solve the problems of water and the capital itself, but the wounds received by sikhs in the wake of Indiraji's assassination is manifested in the shape of horrible

terrorism. When there is a reference to minorities, it includes not only sikhs but Muslims, Parsis and Buddhists also. The fact, however, remains that 90% minorities are Muslims. The Punjab and the Kashmir are now burning under great flames.

Mr. Chairman, Sir, it is for the first time that people of majority class are raising such slogans. If the demand for a Hindu Rashtra is made, how can you be able to check the demand for a Kalistan? The Christians will demand a separate nation in the North-East in the name of religion. I would, therefore, urge that it is the responsibility of the majority to bring the minority into the mainstream of the country. I would also like to say that the Sikh religion has not come into existence a long time back. You will not find any Brahman among Sikhs. All the Sikhs have their origin from scheduled castes and many of them were jats and those days jats had the same social status as that of the scheduled castes these days.

Many people often talk about Babar. I have also been a student of history. Who was ruling when Babar came to India? India was being ruled by Ibrahim Lodhi. It was Muslim rule that time. All the Muslims had not come with Babar. Today, there are Muslims who are converts from scheduled castes, muslims who are converts from Gujjars, and Muslims who are converts from Brahmins. Even today there are people who on the one hand are "Maulana" and on the other hand they are "Pandit". Religious conversion is going on today as well. A few years back a religious conversion took place in Meenakshipuram. A few days back, 300 families embraced Sikhism in Meerut. Why does this happen? Everyone does not get money from foreign countries. Today, we are talking about Hindus. It is very good to talk about Hindus, but what is meant by the word 'Hindu'? The way in which Hinduism is standing, one person's foot is on the other's forehead and till such a condition continues,

discrimination in the name of caste shall continue to exist in this country. That is why to Muslim, Sikh or a Christian opposes reservation which was brought in by the Mandal Commission. Mandal Commission and reservation is opposed only by those who call themselves Hindus. That is why we shall have to go into this very deeply and that is why we repeatedly saw that work of cleaning the water should be done and the dirty drain should also be cleaned. If you don't do the cleaning and only keep killing but we should make arrangements so that mosquitoes do not breed. That is why the majority class calls itself Hindu, although the definition of Hindu has not yet become clear, whether Hindu means Verity, Kshatriya, Brahman or Shudra - till today "Hindu" has examined a vague term. That is why you should learn to love your brother, you should learn to embrace your brother and believe that we are all one.

Today America has arrived at an eyeopening situation. Firstly, there is no American over there. Secondly, who are in minority in America? The blacks of America form the minority, whose population is 7% one black person was locked up and the motor driver was beaten up. The police beat him up but did not kill him. He was beaten up badly and it had its influence right from Los Angeles to New York. Here in our country 22 people were killed at Chundur but there was nobody to witness the event. Everyone was left as if they were born to die. Sometimes people are massacred at Meerut and Pilibhit and in a single sentence, it is said that they are extremists. Similar is the case of Bihar. Poor people are being killed there everyday, there was nobody to cry for them, but when the poor people killed 40, everyone is crying. I am not talking about this Government or about the party. Now-a-days the Government of one party or the other is working in various states, that is why I would like to say that minorities should not be taken into account. In the beginning, there were 51% Hindus and 49% Sikhs in Punjab. Sometimes it was

claimed that there were 51% Sikhs and 49% Hindus. Punjab is burning today on this account. Whenever we spoke in favour of the rights of the minorities there was a reduction in their rights on the part of the Government. Today, Farooq Abdullah is with you, but when Farooq Abdullah was strong he was compelled by you and G.M. Shah formed the Government. Today if south is left, Punjab is left, and North east is left, then there is only one Muslim minority in the whole country. There is no such state where Muslims are present in a sizeable number. Today by raising the slogan of Hindu-Muslim or by taking up the question of minority majority if we talk then for a few days we shall certainly get the benefit of the vote but when we shall talk of nationalism and the unity of the nation, on the other hand we work to attack that unity and integrity. Our country is like a garden. India is a garden which has all kinds of flowers in it and all flowers have an equal opportunity to bloom.

Baba Sahib Ambedkar's constitution tells us that every flower has the right to bloom in this garden. Only that garden is good who nourishes and looks after every flower. Unfortunately during the last 47 years, such a person was the gardener of our country and he watered only few chosen flowers. The result is not only 4-5 per cent are becoming and only 4-5 percent flowers are blossoming and the remaining 95 per cent flowers are withering in scorching summer heat.

Our policy should be such that we make efforts to water every flower regularly so that, every flower gets the opportunity to bloom and to spread fragrance. There was a time when these Muslims whom we call minorities, were ruling the country, but what is their position in Government jobs today? They form only 2% of the Indian administrative service in Central services, whereas their population is 16%. The percentage in Government jobs is only 2% and there is no security of life and property.

[Sh. Ram Vilas Paswan]

Now-a-days, wherever I go, whether to Rajasthan, U.P. etc., I can state with conviction that Bihar is the only place where since two years no crime or atrocity was committed against any member of minority or if any communal riots have taken place. The incidents of atrocities are on the increase in the B.J.P. ruled and Congress ruled States., the incidents of injustice and atrocities against minorities are increasing.

Therefore we should not measure that the national commission for Minorities Bill on the basis of minorities or majorities. Remember that nobody can stop the flow of justice in this country. Mr. Jaffer Sharif and Shri Kesri should remember that poor people and minorities shall get their rights. As I have said that the matter related to America, is an eye opener. You pass a Resolution that a person was beaten up in America. It is very bad and over here, everybody the people of the minorities will be beaten up, scheduled castes are beaten up. What a marvellous deed: This dual policy is not going to last going.

There were two options before the English one was the way of non violence shown by Gandhi and the other was that violence followed by Bhagat Singh, he had to choose one path — for the independence of the country either through Gandhi's way or through Bhagat Singh's way. Even today, the minority people of this country, now scheduled castes and scheduled tribes and backward communities of the country, have to make a choice between the two and one is the path shown by Baba Saheb Ambedkar through constitution. If you will shut the constitutional way I would like to warn you on the floor of the House. The safety valve of a pressure cooker is opened a little when the water gets too hot. If an ignorant man does not open the safety valve, the pressure cooker bursts. Intelligent man opens the

safety valve so that the hot air is released. Today, the anxiety in the minds of Scheduled Castes and Scheduled Tribes, 52% of the backward castes and minorities is boiling just like water. You have brought this Bill here to slightly loosen the valve of the pressure cooker. No very big revolution is going to take place over here, this will not make it possible for the minority to get jobs. Are you going to provide the minorities with anything in the Budget.

It is said that if an incident takes place anywhere, then just an enquiry should be held. They are not prepared to hold even such an enquiry. They say that they should be consulted first, but even that provision has not been made. Our colleague Shri Suraj Mandal had made the plea that the only way left was that of A.K.47. There is one path of non-violence and if non-violence fails to achieve justice for the minorities., then we are making the Parliamentary system of Democracy a failure by sitting here. The day on which the Parliamentary Democracy come to an end, then one should not be surprised if other states also face Bihar like situation.

Mandal Commission, Minorities Commission, Schedule Castes and Schedule Tribes Commissions are according to the spirit of various Articles of the Constitution and Government should try to implement them strictly.

I was the Welfare Minister. When I went to my office for the first time, I asked the secretary as to what the 15 points programme was. Kesri ji, you will be surprised to know that nobody from top to bottom knew as to what the 15 point programme was. When I told them that such and such programmes would be undertaken under 15 point programme, then the officers said that if that is done, there might be communal riots. I told them that I was not doing anything new, I was presenting proposals according to the 15 point programme of 1983. None of the

officers wants to read and know as to what is there in the 15 point programme and what is the programme for schedule castes and schedule tribes. If the existing laws are implemented strictly then a drastic change can be brought about.

With these words I would like to extend my support to it and submit a few points to the Hon. Minister. If you want to replace old Minorities Commission by a new Minorities Commission and if you want to accord it a Constitutional status and if you want to delegate powers under Commission of enquiry Act, then there should be a separate Bill for Minorities Commission and there should be separate Bill for schedule castes and schedule tribes as passed by us in the Parliament. Both of these Bills are with me. You may compare both of these Bills and make additions to them of what has not been added to them. If it is done, I think we will not have to utter even a single word. If it is not done, then the amendment given by us should be considered. You have stated in the Bill:

[English]

I quote:

"The Commission shall consist of a Chairperson and six Members to be nominated by the Central Government from amongst persons of eminence of ability and integrity; Provided that five Members including the Chairperson shall be from amongst the Minority Communities'

[Translation]

The commission will have seven members. There will be six members and one chairman and you say that two members will be from among the non-Minority communities provided that five members

including chairperson should be from among the minority community. The Chairman of the Minority Commission may be a Muslim. Members might be a Sikh, a Christian, a Buddhist and a Parsi. It means that the Muslim will preside over, That is why I have said

[English]

" Provided that five members " should be changed as provided that six Members including the Chairperson shall be from amongst the Minority Communities".

[Translation]

The six members should be from amongst the minority communities. I was of the view that the number of members should have been increased by one more member, but if you can not do so, then at least six members should be from the minority communities. It is written in the clause 4 (3) (F):

[English]

I quote.

" In the opinion of the Central Government, has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest ".

[Translation]

You have written that whomsoever works against public interest will be removed. I would like to know whether you are appointing the Chairman of the Minorities Commission or that of that public service commission. 85 per cent are non-minority and the 15 per cent are from minority. Whenever the question of vote arises, the 85 per cent will say that he has done a wrong thing. Here you should

[Sh. Ram Vilas Paswan]

keep words "the minority interest" instead of "public interest". He should be removed if one works against the interest of the 'minority interest'. Public interest is a multi-dimensional word. Public interest is something different for us and Public interest of others is different. Therefore, the word 'public interest' should be deleted.

It has been given in the function of the schedule castes and schedule tribes commission.

[English]

"(a) evaluate the progress of the development of minorities under the Union and States:

[Translation]

What do you mean by evaluation? How will you evaluate? Without participation, how will it be evaluated? How will it be evaluated without giving advice? We had said about the schedule castes and schedule tribes commission that it will participate, it will give advice and it will also undertake the work of evaluation. You have deleted that. We will request you to add two more words of 'advice' and 'participation'. Secondly you have said that it is not to be monitored. You have said that Parliament should monitor it. How one can monitor when one is allowed to sit in the House? Therefore, the word 'investigation' should be used in place of the word 'monitor'.

[English]

"to investigate, monitor the working of the safeguards provided in the Constitution."

[Translation]

It should not monitor, but it should

undertake the work of investigation. You have written that "it will look into specific complaints". What does it mean? My English is not good as well as yours but I admit that he has a good command on English.

You should write 'Inquire' instead of 'look into' I have seen on many occasions how the Ministry settles the real issue. That is why I would like to suggest that only such words should be used that are comprehensible. There is a great difference between 'Inquire' and 'Look into', 'Monitor' and 'Investigation', 'Evaluate' and 'Participate'. There is no comparison between these pair of words. Even a minor lapse can be of a bigger dimension. I would therefore request you to make use of proper words.

It is laid in 9 (2)

[English]

"The Central Government shall cause the recommendations referred to in clause (c) of sub-section (1)".

Will the Minister of

[Translation]

Only Subsection (1) clause (c) will be put before the Parliament. Clause (c) should be deleted. The substance contained in the clause number one from 'A' to 'F' may be tabled in the parliament; You have dictated that only clause (c) sub-section (1) will be laid in the Parliament. It will be meaningless. The letter 'c' should be deleted.

Similarly you have written

[English]

(4) The Commission, shall while performing any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1) have all the powers of a civil court".

[Translation]

What is the need of writing 'A', 'B' and 'D'? You should write

[English]

The Commission shall, while performing any of the functions mentioned in sub-clause (1) have all the powers of a civil court.

[Translation]

What is meant by 'A', 'B' and 'D'? The Hon. Minister who is an humble person should not be influenced by any misgivings. We had to change as many as three secretaries while we were introducing Mandal Commission. It is a pleasure for us that we got the report of Mandal Commission passed through the hands of Shri. P.S. Krishnan who is a brahmin. He is one of the best Secretaries. Similarly, Shankaran is one of the best Secretaries who also happens to be a Brahmin. We are not against any particular caste. We are not against the system. The person who will safeguard the interests of the poor will alone be their leader.

This is Scheduled Castes and Scheduled Tribes Commission which is as amended by the Parliament. There is a line in it which reads as follows:-

[English]

As amended by Parliament.

[Translation]

There is a sentence which reads:

[English]

"To anticipate and advise on the planning process of socio-economic development of Scheduled Castes and Scheduled Tribes

and to evaluate the progress of their development under the Union and the States.

[Translation]

You should put the word 'Minorities' in place of 'Scheduled Castes' and 'Scheduled Tribes' so that Minority Commission may be consulted and may participate in all the planning and socio-economic development programmes to be made for them. Their advice will always be sought whether it is accepted or not.

There are a few major points which demand special attention, but there will be voting if you do not concede to that. We do not doubt the intentions of Shri Kesri. He is such a Minister who must do a thing when he is once convinced about that. We are ready to extend our co-operation if needed. You should provide the Minorities Commission with full rights. I would like to remind Shri Advani and Atal Ji that they had supported the Minorities Commission in 1978 in this very House. The then Government was committed to provide statutory power to it. We could not pass the Minorities Commission Bill in 1990 when our Government was in power. Our limitation was that the men of the B.J.P. were with us in the Government. You have now got a chance. We are ready to extend full support. You must make a history by passing this Minorities Commission Bill. I know that this will not ensure their ultimate prosperity, but it will surely generate a lease of confidence into the minds of minorities and when once that confidence is generated they will participate in nation building work and in work of making the country strong.

With these words I support the proposal and I would request you to accept the amendment suggest by us. Many thanks to Mr. Chairman, Sir, I thank you very much for giving me so much time to express my opinion.

SHRI MANI SHANKER AIYAR (Mayiladuturai): Mr. Chairman, Sir, at the very outset I regret the absence of Shri Lal Krishna Advani who had just been expressing his views here in sugar coated language. I wanted to give him a befitting reply in the very same language. Being the leader of the opposition he must be listening to my words in his room through a loudspeaker and if he is listening to my words he should take the trouble of coming to this place. It is very essential for him to get reply in the same language as he was using.

I would, however, say that in the House while he was delivering his speech. So I do not know....

SHRI DAU DAYAL JOSHI (Kota): What will the hon. Member reply when he did not listen to the speech?

SHRI MANI SHANKAR AIYAR: Mr. Chairman, Sir, as Shri Advani is now not present when I am to speak likewise I was also not present in the beginning when he started his speech. But be a bit patient, I am also a Hindu and I am proud of being a Hindu. I came in when he was speaking and I heard his speech for half or quarter to one hour, so I can reply only those topics about which I have some information. I think the man with a turban who is getting angry there may please explain to me if something is left. I am ready to satisfy him. When I entered the House Shri Advani was telling that when a discussion on the Constitution was in progress in this House, may in the Constituent Assembly, Shri Sardar Patel opined that there would not be a need to talk much about minorities and majority in modern India. We would gradually forget that somebody is associated with minorities and the other with majorities on the ground of religion. He also told that Pandit Jawaharlal Nehru, who was also participating in the debate had given the same opinion that there would be no need to discuss about minorities and majorities and

that they would mould India in such a way that all the citizens would first consider themselves Indians. I agree to it that in days to come we must forget to care as to which religion we are attached too. Advanijee, however, says that there is no reference of minorities at all in the Constitution. To some extent we should clear this confusion. The word 'Minorities' has first been used in the article-30. It is not that the makers of the Constitution did not think that there was something like minorities in this country. They especially mentioned that there are minorities on the basis of religion and language. So he had mentioned it especially Article 30. But all the same, if he did not mention about majority and minority, he did mention about religion. Why? Because he was aware that there are different religions in India. Look at the Preamble. It says that there is freedom of religion to all. He did not say that there is freedom of religion, will be only for the grey-haired and not for the people with black hair. It is for both. Why then religion was brought in? Because he apprehended that there may be a situation where some Government or a particular class of our society may attempt to take any action against other class on the basis of religion. So when they spoke of freedom and liberty, they did mention religion in the Preamble. Similarly, if we go through the Constitution, we can find that there is mention of religion. As I said in the beginning, the mention of religion is in Articles 15, 16, 25, 26, 28, 29 and 30. In Article 15 to 30 or our Constitution on Fundamental Rights have been given. It means that the framers of the Constitution were somewhat apprehensive that there may be some assault on the rights on the basis of religion. Why was it so? He said that the foremost duty of the State of India is that there should be no discrimination on the basis of religion and nobody should be harmed on the basis of religion. None of our Indian citizens should suffer on the basis of religion. It is a matter of regret that we have not been able to fulfill the promise that we

had made in the beginning. It is a fact and Shri Advani also admits it like myself. He says that it is the fault of our party, but I do not agree. It is such a social problem which is deep-rooted in the hearts of the people and we should try to understand it. We should try to understand this problem sympathetically, and we should look at those Indian citizens affectionately who have some apprehensions that there would be some assault on them and some action would be taken against them. We should assure them that they are as good citizens of India as anybody else. Whenever we try to sympathise with them the Congress tries to sympathise with the minorities, then our this act is termed as pseudo-secularism. They say that our only interest in them is because we want to woo them for getting their votes. Had they no vote, we would have had no sympathy with them

I may submit that it is not a fact, because when our party was leading the independence struggle we had a very important problem to face. There were some people amongst us who were associated with the Muslim League. They were in favour of partition of the country on the basis of religion. They got only 4.3 per cent votes in all, in 1937 when there were separate electorates. These were Muslim votes. Later on, when all our leaders were in jail during the Quit India movement, Muslim League came forward first of all, after 1940. We arrived at particular political situation after 1945 when we had to affront this demand. I regret to say that we lost that war. Had we prepared ourselves in 1947 for a few years more slavery, there was a possibility that a united India would have emerged. But the fact is that Pakistan was created on the basis of religion and we were left with the only one alternative to create India on the basis of religion. But the Congress party and the Constituent Assembly was of the opinion that the basis on which Pakistan was created is a historical reality which we admit. But we are not prepared to follow the same party which was shown to us by Pakistan. Therefore, we

established a secular State. Because we called our country a secular State, our greatest leader, Mahatma Gandhi was assassinated and the person who shot him dead was Nathu Ram Godse. He was working with a newspaper called "Hindu Rashtra". Mahatma Gandhi was assassinated on 30th January, 1948 but an attempt was made on his life earlier also that is on 19th January, 1948. This attempt was made by Madan Lal Pahwa and the same newspaper Hindu Rashtra had reported that attempt had been made on his life, because he has adopted the policy of appeasement. The phrase Hindu Rashtra is associated with Nathu Ram Godse and since 1948 till this day the most important question about the future of India is whether we want to become a Hindu Nation or a secular State. Till now we have not given a definite reply to this question, because at times we feel that the people who are in favour of Hindu Nation are gaining some approval at times they are able to earn some votes or win two seats here in the Lok Sabha and some times it so happens that they win as many as 119 seats. It is not the problem of B.J.P. alone, it is our internal problem as well. I know that from 1950 to 1951, there was a conflict within the Congress party between Pandit Jawahar Lal Nehru and Shri Purushottam Das Tandon as to the way to look at India. In this connection Shri Purushottam Das Tandon said since there were so many countries in the world which are known by the religion of the majority of the people of that country. For instance, England prefers to be known as Protestant country, France prefers to be called Catholic country, and Pakistan has been calling itself an Islamic country right from the beginning. So why not to call ourselves a Hindu State. So this has been our internal problem, in the Congress and amongst ourselves also and it will continue to be. Unless this question is answered, minorities shall have to think, whether they will live with those who want to make it a Hindu Nation or they will opt for those who are in favour of a secular country.

[Sh. Mani Shankar Aiyar]

This question does not tease me because I am proud of being a Hindu. It is not a problem for me. I am aware that there are 85 per cent people of this country who belong to the religion to which I belong. When I come across Muslim brothers and when I talk to them- I am especially mentioning about Muslim brethren-I have many Muslim friends who were earlier with me in Indian service, Shahabuddin Sahib was my first boss, He was born in India. He could have opted for Pakistan and left India. But he did not go there. Here he qualified the examination and stood first or second and joined the Indian Foreign Service. He worked with me. When he was 40-45 years of age, he resigned from the service and became a Member of Parliament. He has been a renowned member of Parliament for 13 years with all that, he has developed a suspicion as to, whether his brethren on the opposite side accept him or not. Personally, I feel that it is an obligation on my part to reply his question. If I am able to tell him, look my dear Shahabuddin, what you call Hindu is not a religion, you embrace it and you become Hindu Muslims. If he agrees, I would be happy, but if he does not accept it, it is not my duty to disown him and say that Shahabuddin is not an Indian. I shall have to find out and make enquiry as to what is there in his mind. When I look at Shri Shahabuddin and ask him, "Are you an Indian Muslim?" He says "yes". And when I ask him, "Are you a Muslim Indian?" He again says, "Yes," Although it is an ordinary thing, it will be discussed afterwards. Whenever I ask him, "Are you an Indian Muslim?" He proudly says, "Yes". At the time of Pakistani aggression, Shri Shahabuddin did not take up pistol to kill Hindus, or he was not impatient to see Islamic flag hosted at the Red Fort. All the same, he says that he is an Indian Muslim, but he is not prepared to accept that he is a Hindu Muslim. Who does ask him to accept it and who is asking him all this. (*Interruptions*)

Please allow me to speak, I have listened to your leader with rapt attention. I request you to listen me, as it is the question of India's existence.

Shri Advani suggested that we should not use the words 'majority' and 'minority'. But when he was the leader of BJP, time and again he had suggested in his interviews that the Indian Christians should consider themselves as Hindu Christians. Similarly, the Muslims should consider themselves as Hindu-Muslims and Sikhs too as Hindu-Sikhs. At the moment he is not present in the House. I would urge him to give clarify it some say. He suggests that the Hindu must consider themselves as Hindus. But the word 'Hindu' used in this manner, relates to a particular religion and nationality. When the issue of minority comes, he is not satisfied with the fact minorities consider themselves as Indians only. He is of the opinion that from the cultural point of view they should consider themselves as Hindu-Muslims. My submission is that when our Constitution recognises this country as 'India' and 'Bharat' and not as a Hindi State, why should I question Shri Ebrahim Sulaiman Sait for considering himself an Indian Muslim and not a Hindu-Muslim? He recognises the importance of the word 'Hindi' at his own will. He gives reference that when Alexander reached the Sindhu river, (Indus) he enquired from his Persian interpreter which river it was. As in Persian the sound of 's' is not there he said it was Hindu river. Alexander remarked that those who were on that side of the river Sindhu (Indus) were Hindus and that area was Hindustan. I am ready to agree to this. We can use the word in this sense. But our Constitution does not refer to the word 'Hindustan'. It recognises our country as India in English and Bharat in Hindi and there is mentions of Hindustan. All the Muslims in India are ready to accept word Bharat and India in the Constitution whereas he is not ready to accept what has been written in our Constitution. Why Shri Advani,

who is my friend, leader and whom I respect so much, compels others to call themselves Hindus. Will the Hindus living in Mauritius be asked not to call themselves Mauritian Hindu, will the Hindus in Nepal be asked not to call themselves Nepali Hindu but only Hindus. I do know, whatever the origin of the word 'Hindu' may have been, gradually it was associated to a particular religion. Persons who suggest the people to call themselves Hindus come here and say in the House that they are ignorant of its meaning. The word 'Hindu' relates to that religion or the followers of the religion which is known as 'Sanatan Dharam' and they are equivalent. I know that my name is Mani Shanker Aiyar, I may be an atheist or a Hindu but not a Muslim or a Christian; I do not know that Shri Guman Mal Lodha who is sitting there is either a Muslim or a Sanatan Dharam follower. If I ask him whether he is a Hindu, he won't deny. He knows that this word relates to Hindu religion and secularism means that every person—whether he is a Hindu or a Muslim, a Christian or a Sikh, an atheist or an agnostic if he consider himself to be an Indian, I am satisfied. But he suggests first to recognise this country as a Hindu State, the Indian culture as Hindu culture and the people living on this side of river Sindhu (Indus) as Hindus. When this is said the minorities become apprehensive and feel insecure. They find it difficult to decide whether they are Indians not if they offer Namaz or read Bible. They think that if they are not Indians what would be the future of their family and whether they would be able to retain their immovable property, I do agree that Shri Advani speaks in a very impressive manner and it is only in his speech that he has referred to Hindu-Muslims and Hindu Christians; however, we will have to take into view the persons who are quite close to him because there is a proverb in English that

1700 hrs.

[English]

"A man is known by the company he keeps".

*Not recorded

[Translation]

And the fact is that his close associates are those who express their resolution to construct the temple at a particular place. Why do they insist on that place; this creates tension and with this* makes reference to the progeny of Babar. Kumari Uma Bharati is not present here. She should have been present here, it is very interesting to discuss the matter with her. I would like to ask her whether BJP has ever opposed the slogans raised by RSS? I do agree that they have not adopted them... They might not have done it for lack of confidence or due to political cleverness I asked him whether it was not the birth place of Lord Rama before 1986, whether Ram Janma Bhoomi was not in existence earlier than that, and whether Mir Baqi of Babar had not raised the tomb on the same Ram Janam Bhoomi? BJP did not refer to Babri Masjid till 1986. Now they plead that during the discussion on the Places of Worship Bill, they had submitted that the day when Shahbano case (Interruptions)

[English]

SHRI SHREESH CHANDRA DIKSHIT (Varanasi): Sir, I am on a point of order. (Interruptions)

SHRI MANI SHANKAR AIYAR: Sir, I am not yielding.

MR. CHAIRMAN: But, he is on a point of order. You may please sit down.

SHRI SHREESH CHANDRA DIKSHIT: Sir, is the House prepared to discuss the Ram Janambhoomi affair? Why has this been brought into this debate?

MR CHAIRMAN: There is no point of order involved in it. Shri Aiyar may continue.

[Translation]

SHRI MANI SHANKAR AIYAR: I was submitting that Shri Advani told twice in the House in regard to Shahbano case...

[Sh. Mani Shankar Aiyar]

(Interruptions) He was so much agitated that a poor Muslim woman was not given proper protection; that is why he raised that matter.

(Interruptions)

MR. CHAIRMAN: Mr. Aiyar, please sit down for a moment. In your speech you have referred to Kumari Uma Bharati's name. You can refer to that name. But the order will not go on record.

(Interruptions)

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, what is there in it? There is nothing wrong in it. *(Interruptions)*

SHRI MANI SHANKAR AIYAR: Sir, I accept your ruling. *(Interruptions)*

MR. CHAIRMAN: You can refer to the name of the Member of this House, whether he or she is present or absent.

(Interruptions)

MR. CHAIRMAN: Shri Bansal, will you not allow me to speak? Irrespective of whether the member of this House is present or absent here, you can refer to that name of the Member and that can remain in the proceedings. But the name of the person who is not a Member of this House cannot go on record.

(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, he has not cast any aspersion on anybody. He has referred to two names who come to symbolise with rapid communalism.

(Interruptions)

MR. CHAIRMAN: Irrespective of whether he has cast any aspersion or not,

the name of the person who is not a Member of this House, cannot go on record.

(Interruptions)

[Translation]

SHRI MANI SHANKAR AIYAR: Sir, I was saying that in 1986, when the Women Personal Law was passed here as a equal to the Shah Bano case, our friends in the B.J.P. got so enraged that they raised this issue.....

AN HON. MEMBER: You had humiliated a Muslim lady. It was an anti-women act on your part. It doesn't behave you to take the name of Shahbano.... *(Interruptions)*

MR. CHAIRMAN: Mr. Joshi, do speak vociferously when your turn comes. If anything objectionable is said, it shall be looked into....

SHRI MANI SHANKAR AIYAR: Sir, excuse me, there has been enough interruptions. Please allow me to speak.

Sir, I was saying that when Shri Lal Krishna Advani said, I am mentioning his name, Shri Indera Jit need not interrupt.... when Shri Lal Krishna Advani says that his party took up this issue because they were agitated over the Shah Bano issue, I would like to ask him whether it is proper to demolish a mosque to protect Shah Bano? Shah Bano passed away last week, i.e. two days back. She died as a Muslim., She was a devout Muslim, who offered Namaz in the mosque and she looked upon the Babri Masjid as a mosque. It is beyond my comprehension as to why anyone should demolish a Muslim place of worship to protect a Muslim woman? It is necessary to say all these things because.... *(Interruptions)*

SHRI DAU DAYAL JOSHI (Kota): Mr. Aiyar, your stature has been dwarfed by your utterances *(Interruptions)*

SHRI MANI SHANKAR AIYAR: I would like to tell you that if my image has suffered a setback in the eyes of the B.J.P., then I am proud of it and I don't need any certificate from that party. Now it has become clear that the moment a reference is made to the minorities, the saffron crowd surges forwards in all fury. Which is that party which has brought saints, sadhus and even sadhvis to this august House? One is at a loss to understand whether it is the Parliament or some Ashram, when one sees these people. Religion is being exploited to the hilt. I have been observing for the past one year that wherever Shri Shahabuddin, Shri Sulaiman Sait or Shri Ahmed rise to speak, the saffron crowd surges forward and screams... silence... silence With deep regret, I have to say that the vision of Pandit Nehru and Sardar Patel to keep out religion from politics, Government and Governance remains to be fulfilled. In this very House, there are 119 such Members who have come to this House by exploiting the religious sentiments of the masses. Unless and until we don't completely rout this party, we will have to take care of the feelings and sentiments of the minorities and as long as these people occupy the seats in the House, their number will be on the rise and till then, we will have to be alert and maintain vigil. As a responsible party and Government, we should reassure our brethren belonging to minority communities that they need not fear, as we are here to protect them. Now, who are we? We are the Hindus, the Muslims, Sikhs and atheists belonging to this country and every citizen is entitled to have a say in the governance of this country. These people are spreading canards in every nook and corner of the country that whenever Pakistan wins any cricket match, the Muslims celebrate the event where such false propaganda is carried out... (*Interruptions*)

Mr. Chairman, Sir, I was talking about religion. I don't know why those people are looking at this as an emotional outburst. I

would like to draw the attention of the House towards the undeniable fact that many faiths are followed by the people of this country and while 85% of our population follow a particular religion, the remaining 150 constitute the minorities believing in different faiths. Among the minorities, the Muslims constitute the majority and they have their rights and interests. Both these have been guaranteed in our Constitution. Despite the fact that rights have been guaranteed to women in our Constitution, in practice it is not so. Hence, we constituted a National Commission for women, similarly, rights and privileges have been granted to the scheduled castes and scheduled tribes in our Constitution but in practice, they are denied these rights. So, a National Commission for Scheduled Castes and Scheduled Tribes was also constituted. From that point of view, I feel that this legislation provides statutory status to the Minorities Commission, whose establishment was perhaps the most significant act on the part of the B.J. P., when it was a coalition partner at the centre. If we pass this legislation, we would be giving a concrete shape to the one good thing done by the B.J.P.

Mr. Chairman, Sir, lastly, I would like to say with pride that I am a Hindu, but with shame that these people too are Hindus.

MR. CHAIRMAN: Shrimati Suseela Gopalan.

(*Interruptions*)

MR. CHAIRMAN: I request Shri Joshi and all other Members to pay attention to what this lady Member has to say.

[*English*]

SHRIMATI SUSEELA GOPALAN (Chirayinkil): Mr. Chairman, at least the Government has taken courage to introduce a Bill to constitute the National Commission for Minorities, with statutory power.

[Shrimati Suseela Gopalan]

This is a right step in the right direction. This, if properly implemented - I underline the words, if properly implemented, because we have the experience of the other two Commissions, that is why I am telling, if it is properly implemented - it will help the minorities to a certain extent to end some of the discriminations they are suffering from.

If this was done years back we could have helped them to come to the mainstream. We failed and at present they are feeling alienated from the national mainstream. We did not learn from the martyrdom of Mahatma Gandhi. But what happened? Actually, even after that, the Congress Party in power did not learn from that. How many years did it take them to constitute the National Commission for Minorities? After independence it took 31 years. To help them, how much time did it take for the Government? Thirty-one years though not with statutory status, but anyhow one commission was formed.

By dealing if you were denying them an opportunity to merge into mainstream. The minorities were suffering so much of discrimination and inequalities in the country. I still remember that when the Communist Ministry came to power in Kerala in 1957 we had taken note of some of these discriminations and taken steps for their rectification. Till then, for ten years Congress Ministry was in power and they could not even allow a Muslim Mosque to be repaired when it was broken and it was in a very bad state of affairs. You did not grant them a right to rebuilt it. Only after Mr. E.M.S. came to power, it was allowed.

In Malabar Special Police, the Muslims were not recruited and that also only the Communist Ministry rectified.

When our Ministry came to power, Urdu

and Arabic were actually accepted as second language. What were the Congress Party doing all these years? We knew that by giving them equal opportunities only they can be brought to the mainstream. That is why, we did all these things.

Also in civil services, their number was less. So, we took steps to bring more number of Muslims into the civil services also. Many such things were done. We thought that this would only help them to end the feeling of discrimination. But you were, instead of conceding to the genuine demands of the democratic sections, yielded to the pressures of the fundamentalists in all these communities; even major community or minor community, you were always yielding to them. That is why, so much had been talked about Shah Bano case. What have you done? Our organisation collected signatures from 47,000 Muslim women. How did they sign? There was so much of threat. Even their lives were in danger. But the Muslim women signed it. We brought that and gave it to the Government. It was for the first time in the history of India that one thousand women demonstrated in Delhi and then gave a memorandum to the Government asking them not to pass this law relating to Muslim women's right to divorce and also not to implement that law.

But you yielded to the pressure of the fundamentalists in the community. That will not help that section to the mainstream. What little common rights they had you took away. And then, what did you do? Actually, Shila Nyas was allowed to be ilatics done in the disputed place to please the majority community and the fundamentalists. Did you not do that? What is the result of that? By doing all these things, you could not solve the problem of the disputed place of Ram Janma Bhoomi Babri Masjid so far. You were yielding to the pressure of one community and then yielding to the pressure of the other. That is not going to solve the problems of the country.

You have to stick to principles. Then only you will be able to solve the problems.

I still remember one thing. When Sikhs raised a problem about their Sikh Personnel Law, in this House it was announced that the Government will consider the question of Sikh Personnel Law, which will take our countries centuries back. But, because of the pressure from the women organisations and other sections, who were actually for the progress of the country, then it was actually not conceded. What is now happening in the country particularly in States like Punjab? We had veteran leaders from Punjab in the independence movement who fought for the country. They were the biggest patriots. But what is happening in Punjab today? This is the result of succumbing to the pressures of these fundamentalists and not accepting the democratic rights of the people. Likewise, in Kashmir also we have seen, during the time of Independence, it was not the Hindus who fought for the unification of Kashmir with India. They were with the Rajas, the landlords. These fundamentalists said that there should be an independent Kashmir. But the Muslims in that State stood with the rest of the country. The safety of their life they found in secular India. Now, we do not have that spirit in our country. Had it been there we could have done so many things; we could have won the Muslim minorities in this country? That is not what we have done. That is why, Kashmir problem is so acute. They are alienated from the mainstream.

In the Ekta Yatra, the Government took the leaders in the aeroplane to talk part in the flag hoisting ceremony in Kashmir. Did it actually help the Muslims feel one with us. Were we able to remove that feeling of alienation? In stead the feeling of alienation actually been accentuated. In Kashmir, now how many people are with us? Those who are with us are afraid to say that they are with us because they are afraid and they know

that there is no principles with the Congress Party in Power. Even now they are dilly-dallying with these problems. They want help for keeping their power; they want help from the BJP for implementing their economic programmes. There is some tact understanding with them. There is no use of talking and passing resolutions against communalism. Even, now they are having alliance with the Muslim League in Kerala. What is the use of passing a resolution that we are anti-communal and for giving new veison of communalism. (*Interruptions*). We had united with Muslim League. At that time, communalism in our country was not so grave. The Congress was the main enemy doing so much against the people of the country. Even along with Janta we worked, at the time of emergency... (*Interruptions*)

MR. CHAIRMAN: Unless she yields, you cannot interrupt. Shri Ahamed, she is not yielding. (*Interruptions*)

MR. CHAIRMAN: Shri Ahamed, the hon.lady Member is not yielding. Kindly resume your seat.

(*Interruptions*)

SHRIMATI SUSEELA GOPALAN: In the Trivandrum Corporation the Muslims united with B.J.P. together with Congress and they are having the Corporation regime there. That understanding is there. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (PROF. P.J. KURIEN): Sir, how many times have they not formed Government in Kerala with Muslim League? (*Interruptions*)

SHRIMATI SUSEELA GOPALAN: Now communalism is the real danger. It was not at that time (*Interruptions*)

MR. CHARIMAN: The lady Member may please address the Chair. She should not indulge in conversation with others.

(Interruptions)

SHRIMATI SUSEELA GOPALAN: Communalism is a very dangerous force. *(Interruptions)* That is why you have united with BJP *(Interruptions)*

(Interruptions)

MR. CHAIRMAN: Please resume your seat. I do not allow cross-talk. There should be no running commentary. Nobody should interrupt the main speaker.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Are they serious about this Bill? Why are they disturbing the hon. member?

SHRIMATI SUSEELA GOPALAN: Communalism is a great danger to the country. You have to fight both the fundamentalists in the majority community and also against the minority community. Please take a principled stand that we will be able to do something for the unity of the country. This step of forming of this Commission for minorities with statutory powers is a every good step in the right direction. That will help them, to join the main stream. I agree with most of the provisions in this Bil. But one major drawback that is there in this Bill is that there is no provision for ensuring their participation in the planning process. It is very important. Many legislations were actually passed but they were not implemented. Many of the programmes were chalked but not completed. I want to know what are the programmes that are going to be taken up the proposed Commission? If this propose Commission sits with the Planning Commission in the planning process, it will actually to chalking out

programmes beneficial to the minorities. In the Women's Commission they have a role to play with the Planning process. It is very important that they should be associated with planning process of the country. On the other aspects of the Bill my colleagues will be talking in more detail.

In the proposed Commission you should include men of standing and also secular people who will do real service to the nation. The Commission should also be given ample opportunity to function properly. I want to know as to what has happened to the S.C. and S.T. Commission after giving it the statutory powers. Has it started functioning in the right direction? That is being delayed. Even the Women's Commission is in the search of a room. They have no money for the proper functioning. Passing a Resolution or constituting a Commission alone is not enough. You have to give them all powers and money for proper functioning and they can then function properly. If you want the proposed Commission to function well, please consider these aspects.

On the amendments also one Member will be speaking. I only say that is a right step and it will have to be continued. For the effective functioning they should be given enough facilities and money to function. Then only it can function effectively. With these few words, I support the Bill. Thank you for giving me the opportunity.

SHRI EBRAHIM SULAIMAN SAIT (ponnani): Mr. Chairman, Sir, I stand to support the Bill before the House, namely, The National Commission for Minorities Bill, 1992.

I am very happy that the Government has come forward to give statutory powers to the Commission that existed in this country for the last 12 years. The Commission had so far no powers at all. Its recommendations had no value at all and if the Commission ask

for the details or for any figures, the Administrative Services in various States would just throw such a request in the wastepaper basket. That was the position. Now, this Commission is being given statutory power, as the Government says: "The Minorities Commission with statutory status would infuse confidence among the minorities about the working and the effectiveness of the Commission."

But I must say one thing. While I welcome the statutory powers that are being given to this Commission, I say they are not enough. Just now my respected friend, Mr. Paswan, has spoken. He has mentioned about the powers given to the Scheduled Castes and scheduled Tribes Commission., You just compare the Scheduled Castes Commission with this Minorities Commission. Can't you see that more powers have been given to the scheduled Castes Commission than to the Minorities Commission here? I would very much like that this should have been brought at par with the Scheduled Castes Commission so that it could have been much more effective.

Now, I would like to say one thing, Sir. So far as Muslims are concerned, whatever our friends in the B.J.P. may say, whatever their leader, Shri Advani may say, it is clear that there is some misunderstanding about Muslims in India. Muslims are equal citizens of this country, Muslims are part and parcel of the Indian nation and Muslims are the sons of this soil. This is a fact that nobody can deny. So, you all know full well that our patriotism and loyalty is questioned by such people like BJP people, who want to create a gulf between Hindus and Muslims in this country for electoral benefits. That is a fact that nobody can deny.

Sir, we have been leaving in this country not now, but for centuries together and nobody can refute that Muslims always loved this country, Muslims contributed towards

the progress and well-being of this country and Muslims have shed their blood for this country. While the freedom struggle was going on, Muslims felt that after independence they will have honourable existence in this country, they will have equal opportunities in this country. But what do we see today? Please search your hearts. Including the BJP people, please search your hearts and tell me what the status of Muslims in India now is. They are suffering and suffering today. Is there any security for Muslims in this country There is no security at all for them because of the conspiracy of certain communal forces. They carry on communal riots in this country, You brought down the Muslims economically and it is demoralising them. Therefore, the Muslims in this country do not have any security of life. Have they got equal opportunities? Nothing. Have they got social justice? Nothing. They are suppressed, oppressed and humiliated, They are subject to humiliation. Their loyalties are put to test. They are humiliated, and converting a mosque into a temple, that is humiliation that nobody can tolerate. Today there are fascist communal forces in this country. You say that this Bill, if passed, will lead to alienation.

What a logic it is. Mr. Advani said here that if this Bill is passed, there is alienation, there so separateness, as if separateness does not exist today, as if alienation does not exist today. Why does it exist? It exists because of the activities of the BJP, RSS and so on, and these are the facts that nobody can deny. These are the people who created separatism. These are the people who created alienation. This is harming the communal harmony. Now, he talked that India is not a theocratic state, Pakistan has become a theocratic State, we are a secular State. But are you not carrying on propaganda that India is a Hindu state?? Are you not converting the Indian nation into a Hindu Rashtra? Who is carrying on the propaganda of the 'Hindu Rashtra'? Who is having the slogan of 'Hindi-Hindu-Hindustan'? while Shri Advani took off on the Rath Yatra' what

[Sh. Ebrahim Sulaiman Sait]

did he do? It was all trishuls, swords and abusive language. Is that the way you are going to build up communal harmony in this country?? If there is communalism in this country, the one and the only party slowly responsible is the Bharatiya Janata Party, I charge. I charge that it is because of their activities that today you have got alienation, today you have got separatism. Otherwise, all Muslims want to live in peace; all of them want religious harmony. All Muslims are first and foremost in protecting the integrity of the country as they want to protect our cultural identity.

Sir, there was one Mr. Mohammed Ismail, He was the President of the Indian Union Muslim League. He wrote to Panditji at the time of Chinese aggression saying that he had got only one son and he was prepared to sacrifice his son for the sake of independence of this country. He said; 'let him go and fight on the borders for the security of India, for the integrity of India and for the protection of India'. That is our history. We have sacrificed our blood. Please think of Tipu Sultan who came forward to fight the Britishers and think of Moulana Mohammed Ali who was fighting for the independence of this country from London. Now, you want to create a misunderstanding with Muslims.

Now, we say that there is no justice in this country for us. We are suppressed, oppressed and there is no secularism in this country and there is no social justice in this country. Just now, it was pointed out that Muslims are about 12 to 15 per cent in this country. But, are we represented in the services for at least two to three per cent? Now, when there are riots, you want to have a riot force. When Muslims ask for representation in the riot force, that is communalising the police force. What is this argument? India has a composite character. So, the police force also must have a

composite character. There should not be only one community in the riot force, not majorityism. When we say that everybody should be represented, then it becomes communalism, when we talk about our rights, it is communalism and if they try to divide the country that is nationalism and when they talk of 'Hindu Rashtra', it is nationalism. What logic is this? I must understand. I must say that today, there is more alienation, today there is more separatism and today there is more communalism in this country than 10 or 15 years ago, because the BJP has gained strength.

Sir, unfortunately the fascist forces are gaining strength today. When communal forces gain strength, there is more and more alienation, there is more and more separatism. Just now, Shri Mani Shankar Aiyar pointed out clearly that there is the apprehension of the growth of the fascist forces. We have got that apprehension. Our friends are here. I am sorry to say that we are not happy, we are not satisfied with the role played by the secular forces in this country to put down communalism and fascism. Now, they say that Muslims are communalists. But, there cannot be a minority communalism at all. Muslims have never acted in a manner which goes against the interests of the country. We have not taken to violence, we are not spreading communal hatred, as these people do., It is the BJP who is propagating hatred and carrying on violence. We never did it. We want to live in peace. How is it possible? The minorities must live in peace with all others., There has to be security for them and secularism is the best guarantee for the honorable citizens of Muslims. Mr. Advani asked as to why there should be a minority and a majority. Why not? The secular Constitution concedes the very fact that there are religious minorities in this country. Therefore, they have to be given fundamental rights. Hence, Muslims, Christians or Sikhs or anybody else, everybody has got freedom of religion, to

profess, practise and propagate the religion. That is what the Constitution says. It says so because the fathers of the Constitution knew fully well India as a country is multi-religious, multi-lingual, multi-racial, multi-civilisation. Therefore it is a conceded fact and acknowledged fact that minorities, particularly religious minorities have been guaranteed in the Constitution, particularly under articles 13 and 15. There are religious minorities, cultural minorities and linguistic minorities. How can you just refuse to acknowledge this fact? You cannot bring a bull dozer and just crash all the minorities in the country saying, it is only Hindu and Hindustan. That say would be a very sad day and the integrity of the country would be shattered to pieces. It is not possible for a country like India to have such a slogan, to have such a theocratic state. India as a country is multi-religious, multi-religious, multi-cultural and multi-lingual. Therefore, all these people belong to different religious and speak different languages. They want to live in peace and they want their identity to be protected. Can any Musalman tolerate that his religion should be boycotted? You talk about Shah Bano case. What is that? We want the protection of Shariat Act, Our personal law. The Constitution has given us complete religious freedom. It is under the fundamental rights.

Now, Mr. Advani has also said about article 44. That is only a directive principle. The directive principles are subservient to the fundamental rights. The directive principle says, "The Government will endeavor to have uniform civil code". That is not a fundamental right. The fundamental right is superior to directive principles. We fight for the fundamental rights. That is the actual basis of the secular Constitution. Unfortunately, it is misunderstood by our BJP friends. All the Muslims want to live peacefully here. But the minorities have been denied justice. Secularism is not being observed in the country. There is no social justice in the country. They do not get equal

opportunities. Therefore, they are fighting for the reservation. Reservation is there in the Constitution. Mandal Commission is there. We supported it. In Kerala, we have Natur Commission for reservation to minorities. All the Muslims have been given reservation in Kerala on the basis that they are educationally backward and socially backward. It is the condition of Muslims in the country. Go and see there conditions in Uttar Pradesh and Bihar. You will find how miserable they are. A Musalman cannot get a share in the Government service. Justice is not being done to them They are thrown away from the national mainstream. Therefore, reservation has to be given. There is already reservation for the Scheduled Castes, for Scheduled Tribes and backward classes Even now the Government is contemplating reservation for economically backward among the upper castes. Then, why should the Muslims be denied reservation? We, therefore, say that we are not slaves in the country. We are equal partners in the country and we must have our share in the society. If anybody wants to suppress us or to create a misunderstanding about us our friends do or to say pseudo secularism and then what is called to criticise appeasement of minorities, they will not succeed. Where is the question of appeasement? Who is massacred Musalman. Whose properties are damaged — Musalman. Whose houses are burnt-Musalman. To say, it is th appeasement policy of the Governmen, is not correct. As far as services are concerned, Muslims are just two per cent. Where is appeasement I cannot understand. I am sorry at the argument made by our friends because either they want to mislead or they have no sense to understand. They want to mislead the entire nation and create misunderstanding among the Muslim minority in the country and thus create gulf.

Today they are very happy that the Government has come forward to give this

[Sh. Ebrahim Sulaiman Sait]

power to the Minorities Commission. Let us hope at least some justice will be done. Now, if you want to get employment, you can find it at all Government service alone. This Commission should work even to have reservation for Musalmans.

Adequate number of Musalmans should be there in public sector industries, in national banks, in railways and in airlines, everywhere. Nobody can deny this right, to us. We are the citizens of this country. Who can say 'not'? We have a right in this country. Nobody can deny our right, and if they do it, they are anti-national. They want to suppress the secular population and just create a sort of misunderstanding. Do you want to create a sort of animosity between Hindus and Muslims and then expect to get some peace? Understand this. They rake up issues like Babri masjid. They know fully well that there was a mosque right from 1528. But now they say "O! Ramachandraji was born there". There are also other temples, called Ram Janmabhoomi. All these things are there. It really pains. I am very sorry it may hurt the feelings of our brothers over there, But I am very sorry over it. I am speaking of truth and nothing but truth, the reality as it exists.

Therefore, please come forward to do justice to every section of the population including the Muslim community., justice should be done to all. We must feel that we are all equal citizens. We must feel that Justice is being done.

Could you get good government Pandit jawaharlal Nehru said:-

" You will get a good government for the minorities. If we are happy your government will be good, If you are dissatisfied, the government is bad".

That is the criterion. Please understand this. Please see that justice is done too us. We are for the country. We are for the integrity of the country. We are for the solidarity of the country. We are for peace and progress of the country. At the same time, we must also get honourable position in our country, There should be social justice and all opportunities should be there to protect our cultural identity. It is a fact which nobody can deny.

Please understand that all these matters spoken by Mr. Advani have no basis now. There is a mention of minorities. Minorities rights are guaranteed; guaranteed by the secular Constitutional Therefore, it is that we have got minority rights. All these facts have to be acknowledged.

Therefore, I welcome this. I hope that everybody will come forward, by Shri Sitaram Kesri who is considered to be really a man of secular mind. I hope that you will see that justice is done to Muslims. I think there are very few persons in Government with such secular mind as Kesriji. If the entire cabinet has got same mind like you, problems, will be solved. India can become a happy country. Therefore, I conclude with a couplet.

"Chaman Chaman hi nahin jis ke goshe goshe mein Kahin bahar na aye, kahinbahar aye".

[Translation]

The spring should cast its magic everywhere, and flowers should blossom everywhere.

' Yeh maikade ki, sakigari ki hain tohin Koi ho jam-bakaf, koi sharamsar aye"

So, pleasee don't make us feel ashamed. It would be proper if both of us have drinks in our hands

[English]

SHRI B. AKBAR PASHA (Vellore): Mr. Chairman, Sir, I have come forward to support this Bill. This Bill has been introduced for the welfare of the minorities. The Government has taken a major initiative in this regard. The Government has finally decided to bring forward this Bill for the grant of statutory status to the Minority Commission. This is a welcome thing. It had been pending for a long time. There has been a lot of bloodshed in India due to communal problems, due to the narrow-mindedness of certain sections of the people in India. But finally the Government has come forward to give statutory status to the Minorities Commission.

Sir, I commend the efforts taken by Shri Sita Ram Kesri, who had made all the efforts to bring this Bill forward to give a statutory status to the Minorities commission.

Shri Burney, the Chairman of the Minorities Commission, presented the 13th Report of the Commission to the Welfare Minister, hon. Shri Sitaram Kesariji. This is not to appease the Muslims. But actually we are living in a secular State. Please see how the minorities are treated, so, seeing this, it is but necessary that they should have certain status and some protection. Further, Shri Burney said that the Commission has reviewed the 15-Point programme but no headway has taken place. The 15-Point Programme that the late-lamented Shrimati Indira Gandhi had brought forward as early as 1983 is not put into proper effect by the Government, by introducing this Bill and giving powers, it will be possible to get some justice in his country.

Sir, just now Shri Ebrahim Sulaiman Sait has said we, the Indian are loyal. We have got her right to live in peace and amity along with the others, we should have equal truths in all aspects in getting our education, in keeping the identity, in preserving our prestige and our culture and identity.

With regard to education, I think the Muslim minorities are not having proper chances for the spread of education., I remember a couple of months back I was invited to Meerut to participate in a Seminar. In that Seminar, the hon. Minister Shri Salman Khursheed was also there., They are celebrating the Centenary Celebrations of the College Faiz-e-Am at Meerut. But it still remains only as an Inter-College., It is not even a first grade College even after hundred years. So, this time so many people, so many educationists, vice-chancellors of so many institutions had come there to participate in the seminar. They told me that there are so many colleges like that. In spite of so many decades, in spite of a century, they are still remaining as Inter-Colleges. This situation should have to change. And these minorities should be allowed to have proper education. Education is a fundamental thing, in order to participate in the works of the Government. And if they do not have education how can they come forward in this country? There are reports on various problems faced by the minorities with special reference to communal situations. I am sorry to say that in the year 1991, a steady escalation of this problem is found. The communal riots keep on increasing. The Commission reviewed the working of the coaching scheme of the University Grants Commission (UGC). The programmes had to be reviewed quarterly.

I happened to manage a college in Ambur. We applied for the UGC for aid for certain things. I was told when I personally went and met the Chairman of the UGC, that the whole File is lost, There is actually about two years delay. Such sort of a thing will have to be checked.

Also, I find that the teachers of today-the College/university teaches-they are having an Association of University Teachers (AUT) and they do not do justice. They are interested in wasting away the time. They are not keen

[Sh. B. Akbar Pasha]

in teaching the students. They utilise all the leave that is available to them. And not only that they exhaust their casual leaves, they exhaust their earned leaves, they exhaust their medical leaves and in order to get more leave, they sometime instigate the students to go on strike so that they can enjoy a free pay. When this is the state of affairs in our country, how can there be any improvement?

The 15 point programme which Shrimati Indiraji brought out as early as in 1983, requires to be put to practical use. The educational programmes, they got to provide the minorities the central services, State Government services and disbursement of the bank credits that is available to every citizen in this country.

17.57 hrs.

(MR. DEPUTY SPEAKER *in the chair*)

Concrete action programmes for the welfare of minorities finalised by the Cabinet Committee should include programmes of smallscale industries, handicrafts, handloom, khadi and village industries in minority concentrated district., The Credit Development Centres at Agra, Hyderabad have come into being. It has got to be provide in other States also.

More powers to Minority Commission has to be given for prosecution, as stated by Shri Paswan. Otherwise this Bill will not have the powers.

With these few words, I support the Bill and I thank the chair for giving me this opportunity to participate.

MR. DEPUTY SPEAKER: Shri guman Mal Lodha to speak now.

SHRI RAM VILAS PASWAN (Rosera):

Sir, it is going to be 6 o'clock, I would like to know whether they want to extend the time or not?

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, a decision was taken in the Business Advisory Committee that we will sit upto 8 o'clock. We may not sit upto that time but I would submit that let all the speeches be completed. (*Interruptions*)

18.00 hrs.

MR. DEPUTY SPEAKER: The House will sit upto 8 P.M. today (*Interruptions*)

[*Translation*]

SHRI RAM VILAS PASWAN: We have no objection whether we sit till eight or nine. But I suggest that many members are going to speak, all of them should be allowed to speak today and tomorrow the hon. Minister should given a reply in the first hour.

MR. DEPUTY SPEAKER: It is all right, Kesriji has accepted your suggestion.

[*English*]

SHRI PWAN KUMAR BANSAL: For a change, it is a very good suggestion.

[*Translation*]

SHRIGUMAN MALLODHA (Pali): Hon. Mr. Deputy Speaker Sir, when we are discussing the Minorities Commission Bill which is at present before the House we shall have to take into account some international changes which have taken place during the recent few months in the national perspective. At this time most of the hon. Members of the Congress, the hon. Members of the communist Party and the hon. Members of the Janata Dal, ignoring the national unity and caste considerations, have emphasis the

caste considerations, have emphasis the need for humanity, cordiality and good feelings. The opposition leader in the House, the hon. Advaniji was also of the opinion that a commission should be set up for the protection of human rights. The issue of minorities, any type of atrocities and injustice committed on anybody irrespective of the caste etc. should fall under the jurisdiction of the Human Rights Commission. It is not a new thing. Beg Sahib submitted report in which it has been said that even in other nations of the world Human Rights Commissions exist. Beg Sahib, who himself belongs to the Minority community, has submitted his well considered report regarding the Human Rights Commission. He has written in the Report:-

[English]

"It may be mentioned here that Canada has a machinery for redressing the grievances through a Human Rights Commission appointed in that country, in each State as well as Central level".

Further written.

"In Australia also, a Human Rights Commission has been set up to deal with the question arising out of complaints and grievances on the grounds of discrimination. In neither of these two countries, has the fact of Human Rights Commission been to oust the jurisdiction of ordinary law of courts. Indeed, it can be said, it is taken off an exceptional load of work which can be done better elsewhere from the list of ordinary courts".

[Translation]

Sir, Beg Sahib's thinking is laudable and the Madhya Pradesh Government of the Bharatiya Janata Party has also set up a Human Rights Commission there falling in line with this idea.; Even our Home Minister had sometime back given an indication regarding this and he had said that the Government should set up a Human Rights Commission and the issues relating to minorities could also be discussed in that commission. We should not go into the controversy as to what constitutes minority or majority and what is its philosophy, what is the difference between them and what is its historical background or its role in India.

Mr. Deputy Speaker, Sir, I would also like to request you that in this context, Beg Sahib has also written.

[English]

"In India, there is no direct or hidden domination of any single ethnic or religious group. Nor do any of the smaller groups suffer from disabilities. Cultural diversity is regarded as a natural condition to be respected and safeguarded, We are conspicuously preserving the traditional characteristics of our regional cultures. No group faces the prospect of being forced into any fixed mould. No group experiences the feeling that its safety and progress will be promoted only by casting off its cultural or other identity and getting itself ' assimilated ' into some larger whole".

[Translation]

I am surprised that the opinion expressed by Shri Beg, who has been the Chief justice of the Supreme Court, Chairman of the Minorities Commission, and has done a lot of

[Sh. Gumanmal Lodha]

research in this connection, after traversing India, is not being respected. He has also expressed his views that this work should be done by the Human Rights Commission and it is very essential; for national integration. He has also opined that various kinds of Commissions should not be set up. Mr. Deputy Speaker, Sir, it has also been stated here that many kinds of atrocities are being committed on the minorities in our country. Although I do not want to go into the details of all these things yet I would like to ask Shri Iyer Sahib, who has given a long speech to search his soul first. After Indiraji's murder not only in Delhi but in the whole of India, sikhs were burnt and killed. 3-4 thousand Sikhs were killed in Delhi alone and at other places, Sikhs were burnt alive in a large number; they were dragged and brutally killed, innocent children and ladies were also not spared. Who were the persons behind it? I would like to seek information about. The concrete evidence of this is the report of the Chief Justice of India and the report of the former Chief Justice of Delhi Shri Mangi Lal Jai in which it has been stated that the persons occupying seats here - some of them may not be members now-and some of them are Ministers, enflamed passions in Delhi and incited violence;. Atrocities were committed on Sikhs. Mr. Deputy Speaker Sir, when the police went to arrest them, a petition was filed in the Delhi High Court by the honourable Members and till today cases against them are pending in the Court. I would like to know from the hon.Member whether he wants to teach us - physician heal thyself? They must do introspection and judge whether they are not responsible for killing thousands of Sikhs of the country, Are they not responsible for the aftermath of murder of Indira Gandhi? Are they not responsible for throwing several Sikhs into the furnaces at various places. I would not like to go into much details of all these things; I am only referring to the report which has

been given by a judge. I would like that the same report should be laid on the table of the House and there should be a discussion on it so that the facts should come out and everyone should be able to know as to who is the real well-wisher of the minorities, False slogans are raised with a view to establish a vote bank and a competition is going on within this country as to who can capture the vote bank and who can win the favour of the minorities? And with this intention, attempts are on to set up this Commission. So I would like to say that since 1952, the congress was continuously in power in the country and after 43 years they are going to set up such commission; what were they doing before?

Mr. Deputy Speaker, Sir,, I would like to submit in this context that today in our nation, there is no danger to any minority. Many exaggerated stories were made out against the Bharatiya Janata party leader Shri Sikander Bakht. It has also been said that Muslims have no faith in B.J.P. and it has a feeling of hatred against the Muslims, I would like to tell them that we have only one Muslim leader and in spite of being Muslim, he is our leader in the Rajya Sabha. Was this possible if we had any kind of hatred against Muslims and on the other hand. It is a historical fact that at the Round Table Conference, Jinnha Sahib said something to Shri Gandhiji and in reply to his comments, Gandhiji advised jinnah that the country should remain united and integrated. then Jinnah said to Gandhiji:-

[English]

" You do not represent India; you only represent Hindus of this country;; and Muslims are represented by Muslim League".

[Translation]

Today they feel that patriotism is at test, I would like to point out that some of our colleagues have expressed here such feelings., but I want to say to those colleagues

that it would have been better if they, keeping this feeling aside, had given a slogan that the creation of Pakistan is wrong. Pakistan should not be an Islamic State; its creation is based in communalism and so Pakistan should be abolished as a separate country and it should be merged with India and also an integrated and United India may be formed. If they talk like this, then only I can understand that they have some sense of patriotism in their heart. Otherwise all their such activities are meaningless. At the time of creation of Pakistan, there had been large scale bloodshed. The then Chief Minister of Bengal and the then Finance Minister Liyakat Ali Khan were the main persons who were responsible for this bloodshed. In Lucknow the national guards of Muslim League were responsible for riots and it is a matter of surprises that today they are teaching us a lesson of peace and preach us that we should live like brothers, there should not be a feeling of discrimination. But I would like to state that our leader Shri. Advaniji has repeatedly stated that we do not have any discriminatory policy, we do not adopt any differential attitude against anybody; but despite all these facts, we do want that every person living in India must be a patriot. If we take Shri Iyer's views into consideration both Shri Purushottam Das Tandon and Shri Sardar Patel were not patriot. When Shri Iyer referred to the incident of Hyderabad gave a slogan that Hyderabad would go with Pakistan and bloodshed started there, Sardar Patel forcibly merged it with India through Police action. Sardar Patel also is a communal, he is not a patriot, Seth Govinddas is also a communal in his eyes, he too is not a patriot. In his eyes all the persons who celebrate the 'Ganesh Utsava' are communal. The Veteran freedom fighters Tilak and Gokhale are also communal. If Tilak, Gokhale Sardar Patel and Purshottam Das Tandon are communal, then we are not at all sorry if they call us communal.

But the issue relating to the Constitution of the Commission and providing blanket powers to the Government with regard to deciding the Minority Community, will create a new conflict and dispute in the country because the Constitution does not define 'minorities'. There is a mention of minorities in Article 29 and other Articles of the Constitution with reference to religions, educational or linguistic sections. But the framers of the Constitution have nowhere defined as to who would be classified as "Minorities" in the country. If now the Government of India is vested with the powers of deciding the minority, community, it will create a lot of problem. Today the political party who is in power will declare one community as 'minority', the political party coming to power later on, may change it through a notification and those who were by then in minority, will come into the category of majority. In this connection, the draft was prepared by the Minorities Commission itself. Certainly, this draft has no status of its own; it does not have any formula or criteria to distinguish between minority and majority. It will rather entitle the Government to give discretion to declare any Community as 'Minority' as per its liking. This is against the spirit of the Constitution I request that all the hon. Members of the House irrespective of their party affiliations should think over it seriously and find out the reasons as to why they could not be able to define it. Why they could not prepare a draft? If you feel that the Muslims are in Minorities here, why are you hesitating in writing the word 'Muslims'? If you think that the 'Sokhs' are in 'Minorities' here, why do you hesitate in writing this word here.

Mr. Speaker, Sir, so many allegations have been levelled here against us and I wished to reply all of them but due to time constraint, I will do as you permit me. Though the time factor was not taken into account

[Sh. Gumanmal Lodha]

while levelling allegations yet I will abide by your orders. I would like to point out here that I had read out the speech of Sardar Patel here. While the debate on Shrine-Bill was going on in the House, I had read out the views of Sardar Patel as quoted in Gadgil's book. If they consider Sardar Patel as communal then nothing can be done. But I would like to tell him that the word 'secular' has been mentioned in our Constitution very clearly, but when this Constitution was applied to Kashmir the term 'secularism' was deleted from it. The main principle which has been mentioned in the 'Preamble' of the Constitution, has not been enforced in Kashmir. I want to know from the Government as to why double standards are being adopted. They say that Shri Advani has been indulging in double talk. But it is a matter of controversy as to what Shri Advani thinks and what he does not. But it is on record. It is mentioned in the Constitution that you have not used it in the context of Kashmir. That is what I want to know from you as to why it has not been done. If the Government considered Sheikh Abdullah a patriot, why did you put him in prison for 11 years. In this House many exaggerated things are said. Those people who did nothing in the freedom struggle, made no sacrifice at any stage, say today that they will shed their blood for Kashmir. But why Sheikh Abdullah was put behind the bars by Pt. Jawahar Lal Nehru, when Sheikh Abdullah was undoubtedly in good books of Shri Nehru.

Why Shri Rajesh Pilot goes to Kashmir today and why not Shri Ghulam Nabi Azad? What is wrong with Shri Ghulam Nabi Azad, notwithstanding the fact that he hails from Kashmir and Shri Pilot from Rajasthan? I want to know as to what is wrong with Dr. Farooq Abdullah and Shri S.B. Chavan.

Mr. Deputy Speaker, Sir, I would like to point out that the Bhartiya Janata Party

believes in outspokenness. It believes in nationalism and this is the only reason that in the beginning our number in Lok Sabha was two, later on it increased to 89 and today we are 119. The people of India believe in nationalism and the time is not too far when the followers of pure nationalism and the true sons of the soil will sit on treasury benches and those who do not believe in pure nationalism will be rooted out and their pseudo-secularism will be exposed.

SHRI SULTAN SALAHUDDIN OWAIISI (Hyderabad): Mr. Deputy Speaker, Sir, I cannot support this Bill whole-heartedly, because if the Government is really interested to set right the injustice done to the Muslim minorities, it should have given those very rights which have been given to the Scheduled Castes and Scheduled Tribes through a Bill which has been passed by the House. But it is a very strange policy of the Congress that it shows a lot of sympathy, but when the occasion for giving something arises it makes a lot of curtailment in the facilities which were genuinely required for the minorities. This is the reason that discontent is spreading everywhere. If the Government feels that the injustice being meted out to the minorities should be set right, the Government should have given adequate rights to them so that they are not subjected to injustice in future. But, it appears that as per this Bill, the Minorities Commission is not being given those rights. As a result of it the Commission will present the reports only and will not be able to take any concrete steps for the welfare of the minorities. Thus this Bill will create a feeling among the Muslims that a discriminatory attitude is being adopted towards them. The facilities being given to the Harijans are not given to us. This shows that nature of your secularism. It is not the question of making a propaganda of secularism, it is the question of implementing it in letter and spirit. If the Muslims admit that there is secularism in the country then the world will certainly accept

India as a secular nation. But merely making the propoganda of secularism cannot be taken as a genuine secularism. Today the intention behind the struggle for bringing this Bill was to stop atrocities being committed on minorities. During the incidents of riots, we die, we are looted and are the worst sufferers and even then the police arrest us. We want that impartial enquiry should be made into all these riots and the facts may be brought before the public. But I am sorry to state that the reality would never come out. Had the Government given sufficient rights, the present plight of Muslims would have never been there. You may yourself notice the percentage of Muslims in Governemnt jobs before Independence and today this percentage has been reduced to less than one per cent. I would like to cite a specific example of the Andhra Pradesh Governemnt. There are 7 Universities but not a single one has a Muslim Vice-Chancellor. It is very strange that on the one hand, there are a large number of Muslims in the country but there are only two Muslim judges in the High Courts despite the fact that there are many Muslims who are competent to hold the post of judges. Similarly, the Government must be knowing the percentage of muslims in the field of engineering and medical sciences. It is wrong to say that the Muslims do not qualify in these disciplines, they do so and their performance is also very good. But their position is intentionally brought down and that is the only reason we are fighting for our rights.

Perhaps you might be knowing that even today 150 Muslims are under determination under TADA in Rajasthan. More than two years have pased since ...
(Interruptions)

SHRI DAU DAYAL JOSHI (Kota): I want to know from you as to why they were arrested. (Interruptions) They were arrested because bombs were found in their possession. (Interruptions)

SHRI SULTAN SALAHUDDIN OWAIISI: I talked to the Chief Minister. The Chief Minister told me that he wanted to release them. But in the House their attitude is to suppress our voice by making noise, you must realise that your popularity among the masses has gone down. Now you cannot carry on with such an attitude (Interruptions)

I would like to point out that the Central Government should realise the prevailing situation and should intervene in these affairs. At the same time we also want that all the Amendments presented today should be accepted and only after accepting these amendments you will be able to do some constructive work in this regard. Otherwise, if you do not introduce them, we shall always feel that there is nothing but promises for us. For the last 45 years after independence, we have been living in the world of dreams, assurances and promises only. The Governemnt is still in a illusion that it will go on winning the favour of Muslims by befooling them through its false promises. I would like point out that those days have gone now. This House might not have been informed, but I with full responsibility would like to inform this House clearly that the new young muslim generation has lost its faith in democracy. Today we try to stop them from indulging into violence to achieve their goals but they do not pay heed to it rather they say they have no other way to get their problems solved except to resort to the use of weapons so they would also take up weapons. What would be the consequences? We cannot stop them for long. You must have received reports from Intelligence agencies. What is this all gling on in the country? You seem to be under wrong impression. I would like to remove that impression. Remember, the consequences would be disastrous, if the problems are not solved right now.

You should neither take it as a threat nor as a joke. You have been following the policy of solving the problem only when the situation

[Sh. Sultan Salahuddin Owaisi]

aggravates. The Government should be quick enough to solve the problem as soon as it arises. If the situation aggravates or crosses all limits it becomes very difficult to control it. For how long injustice would continue to be done even after forty five years of independence and Government would remain a silent spectator?

Today, I would like to submit that it should be implemented. Government sometimes constitutes Human Rights Commission and at other times another Commission but Government must also consider the conditions in which people are living. The situation would deteriorate after four or five years. Therefore, conditions would have to be improved right now. If Government follows the right path then certainly positive results would follow. But if the Government follows wrong path results would not be good. When the situation goes out of control, the Government would not be able to do anything. I would only request you to take correct steps. If any Commission is proposed to be constituted, it must also be given adequate powers.

18.27 hrs

[SHRIMATI MALINI BHATACHARYA *in the Chair*]

It is strange that when scheduled castes and scheduled tribes commission is constituted, the powers given to it are different from those which are given to the Commissions constituted to look into the interests of Muslims. Is it not a discriminatory attitude? In spite of all this you raise the slogan of secularism? Is your secularism real. You must tell us about all these things. With these words, I conclude.

SHRI BHOGENDRA JHA (Madhubani):
Madam Chairperson, I rise to support the Bill

presented in the House to give statutory status to the Minorities Commission. I would like the Bill to be passed unanimously in the House. It is unjustified, if the main opposition party opposes the Bill. It would be in the interest of the country, if the Bill is passed unanimously. Right from the beginning of the Constitution of Minorities Commission Bill, it has not been given the shape of an Act, even though Government had declared its intentions to do so. BJP had not come into existence by then, Jansangh had merged with the Janata Party and leaders of BJP Shri Advani and Shri Vajpayee were in the Government that had initiated this step. Today it is being granted statutory status to give it teeth and to enable it to bring out reports and to provide for its financial expenditure. Shri Advani and Shri Lodha understand these facts and therefore, they did not raise any objection. With this background, it had become even more necessary for them to support it otherwise it would be alleged that they supported the matter when they were in the Government but opposed it when they were in opposition. This attitude appears to be illogical having no value and no basis.

Our Minister Shri Kesri is present here. It is true that Jammu and Kashmir has got a special status in this country. But the purview of Minority Commission should be extended to all the States of the country including Jammu and Kashmir including the region of Laddakh. I submit that Government should examine it from this angle and if there is no constitutional hinderance then Jammu and Kashmir should not be kept out of its purview.

Madam Chairperson, I would like to submit a few things. It pertaining to the history of this country. Shri Advaniji has also referred to it. Britishers ruled this country and they followed the policy of divide and rule. All the persons, who fought for the independence of the country, made all the possible efforts to bring about unity in the country in order to

challenge the Britishers and achieve freedom. It is true that Muslim league at that time raised the slogan of a separate country or the theory of two nations, they demanded a separate muslim nation while RSS and Hindu Mahasabha, since Jansangh had not come into existence by then, raised the slogan of a Hindu nation. It was not raised keeping the people of our country in view, but it was raised in communal sense. Muslim league said that Muslims are a separate community and thus they should have a separate country, similarly RSS raised the demand for a Hindu nation.

Britishers' strategy of dividing both the Communities proved successful and they agreed to the formation of two separate nations.

Our great leader Mahatma Gandhi struggled to avert partition—I did not support the idea even at that time, He tried to bring about unity in both the countries in his own way. He said "*Ishwar Allaha Tere Nam, Sab Ko Sanmati De Bhagwan*". Mahatma Gandhi did not consider himself a communal, He considered himself a Hindu but even then he was shot dead by a person in the name of God. We could not save Mahatma Gandhi and some people succeeded in dividing the country in the name of Allah. If this country had not been divided, muslim community would have been much more powerful in this country. I would have been glad if my friends had also expressed their views on this issue. The persons like me, who participated in the freedom struggle were most happy on August 15, 1947 because the country had become independent; at the same time we were aggrieved that a part of our land where books like Vedas were written and where we had taken the pledge to achieve independence, had become foreign for us. Today again the country faces the threat of division. My friend Shri Salt spoke before me but what all this mean?

I am aware that the rights and duties of the people of both the communities are equal. Members in the House represent the population of 85 crores people of our country. We all agree that our duties and rights are equal. However, the partition of 1947 also brought about a sea change in the way of thinking. If Gandhiji failed to control the riots through non violence, his sacrifice certainly helped in containing that trend. Gandhiji's sacrifice saved the lives of crores of people. Today great personality like Mahatma Gandhi is not amongst us. Therefore, it would be in the interest of the country that we should not talk in threatening tone.

In the same context, Shri Lodha has just stated that they were two, then their number rose to eighty six and then to one hundred and nineteen. But our ruling party friends as well as some of other friends have been much more responsible for it to a great extent because they talk only about minorities. Shahbano was a citizen of this country and many such women are living in this country who are like my sisters. But all of them have been deprived of their human rights and also equal rights. Despite all this, many of the hon. Members submit that they had done a right thing. As Shri Sait has said that whatever they had done was right and whatever they will do in future, will also be right. I think still there are some friends who will show courage to speak on this. Because it is not an ordinary thing. The B.J.P. got this golden opportunity, they speak everywhere about it. We, the communists had opposed the idea at that time. What was done at that time was wrong and what these people are doing now is also wrong. Even today the Congressmen have no courage to speak on this and admit that it was a mistake on their part. On that basis the B.J.P. people say that when the Supreme Court's verdict was not implemented in Shahbano case how can the High Court's verdict on Ayodhya be implemented. It is difficult to adopt double standards among

[Sh. Bhogendra Jha]

the people in this country. The B.J.P. leaders owe this strength to the Congress Government. On the one hand, it deprived Shahbano of the human rights just to appease a particular community and on the other hand it allowed 'Shilanyas' Neither that type of communalism nor this type of communalism helped them. You have seen the results, Opportunism never bore good results, whoever might follow it. It may produce momentary benefits, it would not last long.

In the same way, one more danger is looming large in a University of Delhi? The Pro-Vice-Chancellor says that it was not proper to ban the book. People's sentiments were hurt. I do not support it. And now he said that he was prepared to apologize if any body's sentiments had been hurt. What will be the remedy? When I read Valmiki Ramayan, I find descriptions on merits of Lanka and greatness of Ravan. Should we cut Ravan's head and scratch his mouth on that ground. An agitation is still going on in the Jamia-Milia University over this issue. It is the voice of the minorities and let them raise their voice. The misguided youth should join the mainstream. If people give wrong advice to them we will foil their bid by our correct advice. There is a happy news that about 50-60 Iranian intellectuals have expressed a different opinion. All the academic work in the university has come to a standstill. The Ministers, and the Government are keeping quiet over the issue. The leaders of that community are silent here. But I know they have nothing to say in this regard. In my opinion the Muslims who are nationalists are true Muslims. There is a revolutionary judgment against usury in Islam. If a Muslim takes interest on money, he cannot be a true Muslim even if he offers 'Namaz' five times a day. If he has surplus money he should give it to his poor neighbour and it should not be regarded as giving alms.

On the contrary we want that poverty should continue. It is a blow to our country's self respect. I, therefore, have the apprehension that the B.J.P. is instigating the trouble because by-elections are round the corner in Delhi. If this agitation continues in the university it will help them in the by-elections. I would like to tell one and all that it is dangerous. All my hon. friends should try to understand it. Every action has a reaction. If you harm others, they will retort. Communalism has a chain reaction. Jamaat-e-Islami is a prominent communal party in the country. Ours is an all India party. The Jamaat-e-Islami Party and has no unit in Jammu and Kashmir. It says that Jammu-Kashmir should be a part of Pakistan and not that of India. When their leaders were asked about it, they replied that it is not the Jamaat-e-Islami to which they belong. They say that they have no member in the above Jamaat-e-Islami. We charged the party that it says that Jammu and Kashmir should be separated from India. But they say it is a separate organisation. Even they did not get five persons to constitute their unit in Jammu and Kashmir? The Jamaat-e-Islami had reported in its editorial the stand taken by the Government of India on Ayodhya issue. They had advocated the idea of maintaining the status quo as it was in 1947 and given the historical background. In another column on the same page it states that at the outset a right Islamic Government come to power in Pakistan which functioned on communal basis. People who can read both the columns, what will they think? My hon. friend, Shri Sait is present here. He spoke a lot on patriotism but even after partition the Muslim League in Kerala did not take a nationalist stand. Even if it is based on communal lines, the Jamaat-e-Islami should see to it that the poison is again spreading in the country. It is a new trend. Jamaat-e-Islami in Jammu and Kashmir is not a part of Indian Jamaat-e-Islami. They have no intention to establish their units in J & K. Even they do not get five people to enroll as their members. What

effect will it have in the country? Can we make people understand that it is a right approach. Let them continue to be communal. I am talking about C.P.M. and C.P.I. When we made friendship with the Muslim League in Kerala, people like me said that it was an invitation to R.S.S. Our leaders could not understand how it could be possible. I said that if we call Muslim League a secular party and R.S.S. a Communal party, people would not accept it. And this happened. They help each other. The Congress Party is following the policy of opportunism. They have committed several other mistakes also.

Shri Lodha gave several examples. Like us the B.J.P. was also supporting the Janata Dal Government. The B.J.P. demanded that Shri Jagmohan should be appointed as the Governor, but the State Government opposed the move and requested to appoint some other person. The J.D. Government succumbed to their wishes because they had a sizable membership (*Interruptions*). As soon as Shri Jagmohan took charge, Dr. Farooq Abdullah resigned. In spite of that Shri Jagmohan recommended the dissolution of State Legislative Assembly. Now what is the relation between the people of Kashmir and the Government at the Centre? Perhaps it is a relation of bombs and guns. No democratic relation is there. The previous Government to which we extended our support is responsible for this offence. I am saying that the mistakes that we committed. (*Interruptions*)

PROF. PREM DHUMAL (Hamirpur): This charge is time and again made that the National Front Government sent Shri Jagmohan under pressures from B.J.P. Shri George Fernandes, a Minister in the said Government as well their Prime Minister is also present in the House. I would like to tell them that they have also supported the proposal. If necessary they can verify the

facts. The fact is that he was appointed Governor at the instance of the then Minister of Home Affairs, Shri Mufti Mohammad Sayeed. The B.J.P. opposed the manner in which Shri Jagmohan was removed. (*Interruptions*) The B.J.P. had no hand in it. So it is wrong on their part to repeat the same thing again and again.

SHRI BHOGENDRA JHA: Thank you, I say how could he be appointed had the Home Minister not wished? It is a well known fact that he was sent there by the hon. Minister. The hon. Minister will say that he is not going to part with the secrets of the Cabinet, neither I am going to ask him anything about it... (*Interruptions*)

PROF. PREM DHUMAL: The B.J.P. had no hand in it.

(*Interruptions*)

SHRI BHOGENDRA JHA: I would not like to ask him to part with any secrets. (*Interruptions*) Let the B.J.P. say even today that it and its Leaders had no hand in the appointment of Shri Jagmohan, if so Shri Advaniji would have made it clear whose party was supporting that Government. It will be a news for the country. The Communists had opposed it and the Chief Minister had requested not to send him because his arrival would create trouble there. And it happened. The State Assembly was dissolved. Shri George is present here, He should not disclose any secrets which I cannot refute.

SHRI GEORGE FERNANDES: It is a fact that his appointment was done as per decision taken only by the National Front Government. There was no pressure or outside influence in any way. I have written this thing in my article. It can be seen in the library in the April issue of 'Seminar'. I am replying to your question because it is necessary to clarify certain points.

SHRI BHOGENDRA JHA: Mr. Chairman, Sir, I do not refute the statement of Mr. George Fernandes but at that time all of us, Communists and Leftists, who were the supporters of the then Government, had said that Mr. Jagmohan should not be appointed— (*Interruptions*) Please listen. We were not in the Government.... (*Interruptions*) We were also the supporters of the then Government. I am not refuting his statement, rather I am placing the facts..... (*Interruptions*) The Government of Kashmir, and the Chief Minister had also opposed his appointment and when he had been appointed, the Chief Minister resigned and meanwhile Mr. Jagmohan gave the suggestion of dissolving the Legislative Assembly and it had been dissolved. But the present Government has not yet decided as to when the Legislative Assembly may be constituted there ... (*Interruptions*)

I do not know about the present situation, but that had been opposed by the Leftists. It is a fact (*Interruptions*)

Since then the danger has increased in Kashmir, there are other reasons too for this increasing danger; but I would not speak on them. I am requesting Shri Kesri that it should be looked into and if there is not a big legal hurdle, provision regarding keeping Kashmir out of it should be deleted because Muslims are still in minority in Jammu, Laddakh and Srinagar. At least I do not understand why the issue of separating Kashmir from it, is necessary. You can think over it through out the night and may accept it tomorrow.

I would like that the sentiments expressed by Shri Sait should prevail in the country and if B.J.P. support them it will further add to their significance. If it becomes the opinion of the Parliament of the country, it will strengthen the unity and integrity of the nation. Ways may be different, but we all would like to help in this effort.. But if B.J.P.

opposes it today, it would be a wrong step because they had supported its implementation in 1978, and at that time it had no statutory status. After 14 years statutory status is being given to it and if they oppose this Bill, it will be a moral defeat for them. It will not be a proper step. It should not happen. So, they should also support it.

As I said whatever be the type of communalism, both help each-other to spread Communalism of minority is not dangerous but all the same it encourages communalism. We have to discuss with intellectuals. They say why the verdict of the Supreme Court has been changed in Shahbono case. The Vice-Chancellor of the leading university of Delhi is also a Muslim, even then it is being demanded to expel him, otherwise the students will not allow examination as well as studies. The people who become leaders in the name of religion should speak openly against the move. Youths are also patriot but when they are misled they go astray.

Mr. Chairman, Sir, I do not know whether Quid-e-Azam Jinnah was a communalist. I think he was not. I am saying a very different thing but I am confident that he was not a communalist. When Pakistan came into existence, on that occasion Mr. Jinnah as the first President of Pakistan in his first speech, said that since Pakistan had come into existence, there should not be any communal conflict. Hindu, Muslims, Sikhs all have equal rights. Pakistan will be a secular nation. Pakistan Government does not publicise it. In India if the Government does not propogate Jinnah's view, other people should publicize them. Still I have a portion of that speech with me. But when we follow the wrong path the results is loaned to be disastrous. Thus we pafronise communalism for the sake of votes only The number of their M.Ps. increased from 2 to 86 and from 86 to 119. Will you go on taking the shelter of religion in this very manner; will you

allow the country to be disintegrated? But this is the very country which can reduce the number from 119 to 2.. "Puner-e-mooshak bhav" is not a great thing. A saint had done this. There is a reverse counting also, which begins from 100 and then go down wards 99, 98, and so on. In a nut shall we should pass this Bill unanimously and show that we stoned united on certain principles.

Certain sections have been making complaints as to why Muslims have not been given same facilities as are available to the Adivasis and Harijans. The issue of Adivasis is different. It is a racial issue. Adivasis are of Indian origin. I am not calling them aboriginals. Originally they are Indians of course, it is a separate issue. Muslims are not of different race. Out of 1000 Muslims 999 are of the same origin. Only one or two do not belong to that origin. If we try to trace their lineage, we will find a number of Muslims were Hindus about 4-10-15 generations back and many of them might be relatives of present generation of Hindus. Therefore, the matter of Muslims and Adivasis could not be treated on the same footing. Similarly, Harijans and scheduled castes were not the creation of Hindu Society in the ancient time. The caste system was introduced later on in the Indian society. Initially the Varna System was not based on birth but it was based on the merits when after a certain period caste was used to be decided purely on the basis of birth, the disturbances in the society started and the people, who did not accept the difference between poverty and richness and revolted against such discrimination were called 'Dusadhya' It means those people may not be easily controlled. These things are described in our ancient books called 'Vedas' Mahabharat and Harivansh. One reason of the backwardness of Muslims is the partition of India in 1947. Lakhs of people, who were businessmen, rich and educated fled away either to Bangladesh or to Pakistan. A good number of those advanced Muslim people who had also voted

for Pakistan remained in India and those people were neglected here.. They should not have been neglected. Today, we are giving a statutory status to the Minorities Commission, which will lode into the matter and will proceed further.

It is an experience of my life that a Muslim does not lag behind mentally and intellectually in comparison to a non-muslim. When he gets an opportunity he competes equally in every field and makes progress. We 85 crore people, irrespective of religion should have the duty to raise a unanimous voice for unity and integrity and should not resort to any such step as may cause disintegration of the country. Again I would like to urge that we all should pass this Bill unanimously and strengthen the unity of the country. With these words I conclude.

[English]

SHRI RAJAGOPAL NAIDU
RAMASAMY (Periyakulam): Sir, on behalf of AIADMK, I wholeheartedly welcome the National Commission for Minorities Bill, 1992.

I fully agree with the principles of the Bill and I also agree with the necessity of according the Minorities Commission a statutory status.

While the Government is for a statutory status to the Commission, I would like to go a step further and suggest that it should be given a statutory and democratic status. To achieve this end, I propose the creation of a Standing Parliamentary Committee on the Welfare of Minorities. The Committee must be created on the lines of the existing Committees like PUC, PAC and SCST Committee. The creation of such a Committee has several advantages.

A Parliamentary Committee will be more independent than a Commission constituted by the Government. It will have enormous

[Sh. Rajagopal Naidu Ramaswamy]

powers to summon witnesses and documents, and it will have access to all areas affected by communal riots and the functioning of the Committee cannot be obstructed as it enjoys the privilege of the Houses. The willful disobedience to comply with the directions of the Committee for implementation of its recommendations will also attract punishment for breach of privilege. Further, the constitution of the Committee will be mandatory exercise for every year or for every two years. The proposed Commission may not enjoy such powers and privileges. I, therefore, urge upon the Government to seriously give thought to this. Besides the above, the Parliamentary Committee will also have an independent Secretariat under the Hon. Speaker to serve the Committee.

In case the hon. Minister wants to proceed with the Bill, I have got specific suggestions to make.

The first thing is that the law must specify who the minority communities are. It should be got approved by Parliament when the law is made. If a list is given in the law itself, any change in the list of minority communities can only be effected by Parliament. But under Clause 2 (c) of the Bill, this power to specify the list of minority communities has been granted by the Central Government. Parliament's approval is only *ex post facto* that too only when it desires. Such a scheme is very much against the substance of the Bill. Members of Parliament would be voting for the constitution of a Commission without knowing who these minorities are. I had given an amendment to Clause 2 and also to the Schedule. I hope the hon. Minister would accept the amendments.

Madam, in my humble opinion, the Chairman and the Members of the Commission should not be appointed by

Central Government. The Members of Parliament should be able to elect the Members of the Commission. The Central Government may reserve the power to appoint one of the Members as the Chairman of the Commission. It should be a national-level election and the poorest of the poor among the minorities must be encouraged to contest. It is not that one or two supposed leaders of the minority communities can be allowed to corner the position. The objective behind this is to create a mass awareness among the minorities and in the years to come to create a cordial atmosphere among the various communities in the society so that the minorities themselves, on their own accord, may choose to fuse themselves with others into one single entity. When that golden time comes, this law would be defunct. Madam, on the other hand, if you do not give importance to those poorest of the poor among the minority communities, a handful of leaders of the minority communities would be developing vested interests and all their attempts would be to promote and preserve the minority status of the communities. I would also like to add that the continuance of the Commission must be reviewed at every 10 years. I had given certain amendments regarding constitution of the Commission and for the removal of the members thereof. The hon. Minister may kindly accept the amendments.

I had also given an amendment for tabling the report of the Commission before the State Legislatures because in most cases, they are the implementing authority. That should also be accepted. Madam, I must also point out a very serious lacuna in the drafting of the Bill. The hon. Minister would agree with me that Parliament grants a general power to the Government under Clause 16 to issue an order for removing any difficulty in regard to implementation of the Bill for two years. This is a very wide power and since Parliament grants it, it is a delegated legislation. However, in Clause 15 (3), this

order has not been included for Parliament's scrutiny. I had given an amendment to correct the position. I hope the hon. Minister would accept this.

Having said a few words on the provisions of the Bill, let me say something about the matters which the Bill has failed to take care of.

Madam, if you take the case of Tamil Nadu, Muslims and Christians constitute a large proportion of the minorities and Sikhs and Bhuddists have very low proportion. There are no communal tensions prone areas as such in Tamil Nadu. However, the DGP has been instructed to see that when the police are deployed, they are in composite group. Only officials of highest known efficiency, impartiality and special record are posted in communally sensitive areas.

In Tamil Nadu Police Force, there are in total 18.2 per cent Muslims and Christians in all ranks upto DSP level which is well over the population average.

The deployment of composite police force is essential to allay the fears among the minority communities. An express provision in this regard in the proposed law must have been made.

An express provision for trying communal offences by special courts should also have been made in the Bill. Special provisions on the lines of Tamil Nadu Prevention of Destruction to Public Properties Act and Goondas Act should be there in the Bill for detaining people who incite communal violence in addition to provisions in the National Security Act.

Sir, the root cause of several communal tensions all over India is the Press. We must note with disapproval the role played by the Press in the name of freedom in inciting communal violence. Most of the regional

press is indulging in yellow journalism. Therefore, those who cry for codification of privileges of public representatives must realise that indeed we want a law for regulating freedom of pressmen who are, unlike public representatives not accountable to the people of India. The Government must bring a law for regulating press freedom.

Sir, there are around 3,600 minority educational institutions in Tamil Nadu. There is also an institution for special coaching for IAS in Madras. There are also two minority institutions, namely, Muslim Educational Association of South India, Madras and Justice Basheer Anmed Sayeed Women's College in Madras. There are also 47 polytechnics in 12 minority concentrated districts of Tamil Nadu. It must be appreciated by all that most of the minorities in Tamil Nadu come under the broad group of "Backward Classes" and are entitled to concessional treatment. The social and economic welfare having been taken care of, there is no communal psychology of separation amongst the minorities in Tamil Nadu under the glorious rule of Puratchi Thalaivi.

With this and with the hope that my suggestions would be considered, I support the measure.

SHRI KODIKKUNIL SURESH (Adoor):
Madam, I support this Bill. Through this Bill, the Minority Commission is being given statutory power so that it will be able to examine the safeguards provided in the Constitution.

Unfortunately, in spite of the safeguards, the minorities have always felt insecure and threatened. Their representation in Government services is negligible. In spite of their continuous demand for better representation in services, particularly in the armed forces, we have not been able to do much. So, this Bill is a right step in the right direction.

[Sh. Kodikkunil Suresh]

The minorities have in this country, a genuine feeling of alienation. The stand taken by the BJP on the issue of minorities has contributed to this fear. This fear has been aggravated by the Rama Janmabhoomi issue and the general trend of thinking among this section. Therefore, it has become necessary for a secular Government to take concrete steps to protect the interests of the minorities. This will inspire confidence in their mind and allow them to remain in the national mainstream.

The Congress party is committed to protect the minorities. This Bill is one such example of the attitude of the Congress party towards minorities interests. When we examine as to who protected the interests of the minorities in this country, after independence, it is clear that it is only one party and that is Congress party. No doubt, that the minority community of this country fully support the Congress party.

Lastly, I congratulate the hon. Prime Minister and the hon. Welfare Minister for introducing this Bill. Thank you.

[Translation]

SHRI S.M. LALJAN BASHA:(Guntur):
Madam Chairman, the delay caused by Government in bringing forward this Bill indicates the love the Congress party has for the minorities, after achievement of independence. It shows that they could not give rightful dues to the minorities. They only shed tears for them. I am astoished to see their love for the minorities. It is perhaps because of the fact that the Government in itself is a minority Government. My friends from this side said that it was the Janata Party which took steps in the interest of the minorities in 1978, but the file was kept pending when Smt. Indira Gandhi came to power.

Madam, when I was elected to the Parliament in 1991, I had asked about the 15 point programme that had been launched in 1978. In reply to that Shri Sita Ram Kesri said in this august House that it had not been implemented anywhere. He further assured that a meeting of the Chief Ministers would be convened for this purpose and they would be asked to pay full attention to the minorities. If they did not comply with the directions, action would be taken against them. There was no proposal to constitute a Minorities Finance Corporation in Andhra Pradesh till 1983 but when N.T.R. came to power, he set up an institute at a cost of Rs. 2 crore to finance the minorities. The institute has been helpful in ensuring their progress. There is a need to set up this type of finance corporations in each and every State in the country.

Madam Chairman, I want to cite one or two examples. I have been elected from Guntur, a minorities deminated area. The Congress Party did not give ticket to any Muslim for the Guntur seat. This shows their affection for the minorities. After Hyderabad, Guntur is the second largest Muslim dominated constituency. N.T.R. gave ticket to a person belonging to minorities who defeated the deputy leader of the Congress Party in Lok Sabha, Shri Ranga and got elected to Lok Sabha. It is crystal clear that the Congress Party has suppressed the minorities.

Madam Chairman, similarly, the minorities are facing financial problem. The minorities do not get house in any housing scheme and the minorities were much harassed when a number of communal riots took place during the Congress Regime in Andhra Pradesh.

A large number of Muslims lost their lives during that period. But not a single instance of communal riots was noticed during the 7 year long tonure of N.T.R. It

proves that where the Congress Party rules, communal riots take place there. The reason is that they want to remain in power by intimidating people on the pretext of communal riots and by terrorising the masses. Communal riots do not occur in States where opposition parties rule. Let us take the case of West Bengal. No Communal riots take place in opposition ruled States. But the riots do take place in Gujarat, U.P., Bihar, where the Congress Party was in power.

Today Congress is not in power in many States. There is complete peace in States ruled by the National Front and the minorities are safe there. Minorities are being given tickets at many places. Many elected representatives of minorities have come to this House. The Minorities Finance Corporation was set-up in 1978. The 15 point programme should be implemented and the minorities should be given their right according to a fixed ratio. The Government should also make adequate provisions in the Bill to extend Government assistance to the minorities. I make this demand from Shri Sita Ram Kesri to incorporate these provisions in the Bill in order to strengthen it further. He should take steps to set up Minorities Finance Corporations in each and every State. He should also take measures to reserve 5 to 10% jobs for them and provide similar reservations for them in education in proportionate to their population. It will be beneficial for the minorities. With this suggestion, I support this Bill and I would like to say something to my B.J.P. brethren also. Earlier, they used to have two seats only in the House. They are still not able to understand as to how this number went up from 2 to 86. When they were in alliance with the National Front in the 1989 elections, then the prominent Muslim leaders issue a religion order through newspapers that all Muslim voters should cast their votes in favour of the B.J.P., R.S.S. and Shiv Sena and not in favour of the Congress Party. This order had appeared 10 days before the 1989 elections

in all the newspapers of India. It can be seen ever today. Due to that the B.J.P. got 86 seats. The B.J.P. has bagged Muslim votes and this is the reason that their number went up to 86. Muslims are not the enemies of the B.J.P. I want to tell you that it is written in the holy Quran!

"LUKUMDDINKUM VALIYUDDIN"

Who loves his own religion cannot have hatred for other religions. So we do not misunderstand any Hindu. We regard Hindus as our own brethren. We are to live together in this country and make India a secular country. Therefore, shed this ill will and have love and affection for the Muslims. With this submission, I support the Bill brought forward by Shri Kesri and thank you for giving me an opportunity to speak.

[English]

SHRI CHITABASU (Barasat): Madam, I rise to support the Bill. In the course of supporting the Bill, I would only make certain comments briefly. It is a fact and nobody can deny that the Constitution of our country enshrines certain rights on the minorities of our country. These rights are reflected under Articles 14, 15, 16, 25, 26, 29, and 30. Madam, although these Articles are mentioned in the Constitution of our country, I must dare to say that these constitutional provisions have not been given proper implementation. These guarantees have not been implemented and have not always been ensured. Naturally, a demand for a commission which has statutory basis has been raised in order to ensure that these constitutional rights are properly implemented. Not to add to any other constitutional rights but to the rights which are enshrined in the Constitution under these Articles should be properly implemented, monitored and in order to monitor it, we require an organisation or a mechanism which

[Sh. Chitta Basu]

can be provided by the Minorities Commission. At that time, we welcomed when the Minorities Commission was set up and I think the BJP was also a party to it and they should feel proud of it that a Minorities Commission was set up. Of course, it had no statutory basis. Now, a Minorities Commission without a statutory basis could not function properly and meet the hopes and aspirations of the minorities. Therefore, we have been demanding that there should be constitutional basis of the Minorities Commission.

The commitment of the nation for the guarantee, safeguards and protection of the minorities pluralism in our society, the multilinguicity, multiethnicity, and multicultural manifestation of our society have been part of our national freedom movement, if anybody says that the freedom movement of our country did not express its concern for the protection of the minorities, for the preservation of the cultural varieties and multiethnicity of other varieties of our society. As a matter of fact, our freedom movement itself has taken care of it and these issues were always a part of our national freedom movement. I quite appreciate the Government's decision to bring in these measures and I take this in fulfilment of our national commitment of our freedom movement. Of course, they have done it after a delay, after 43 years of independence which is unpardonable but yet, they have agreed to bring in these measures. In this case, I want to draw the attention of the House and the nation to the assurances or to the objective of our Indian Constitution. On the 13th December, 1946, the Constituent Assembly adopted an objective resolution. The objective resolution was to show and accept the objectives of our Constitution. In the course of moving that resolution, Pandit Nehru mentioned:

"Adequate safeguards shall be provided for minorities, backward and tribal areas and depressed and other classes."

Madam, this was very much part of our Constitutional framework that pluralism in our society is to be protected, is to be retained, special safeguards for the minorities and compensatory discrimination for the weaker sections of their community are to be provided for. This constitutes the basic framework of social justice in our Constitution, although, I would say, this has not been properly implemented.

Sir, an Advisory Committee was formed for the Constituent Assembly to advise the Constituent Assembly on the fundamental rights and the minorities. A special Advisory Committee was set up. Without going into the details of it, I will only refer to the recommendation of that fundamental rights and minorities Advisory Committee. It recommended for reservation of seats in the Legislatures on the basis of population for minorities, for Scheduled Castes and Scheduled Tribes, with the provision of a joint electorate. This is for our historical understanding of the evolution of the Constitution-making process. It also recommended, consistent with efficiency of administration, due recognition to be given to the claims of the minorities to public services on the basis of their population.

Madam, the third recommendation was appointment of special minority officers in the Union and in the States for effective protection of the minorities' interests.

These three assurances or three recommendations were made by the Advisory Committee on fundamental rights and rights of the minorities, but it could not be accepted because of a national tragedy viz. the partition of the country. Subsequent to that, the

attitude of the Constituent Assembly underwent a change.

Anyway, I am bringing this out in order to show that the Constituent Assembly, the nation as a whole, were very much concerned about the protection of the minorities, pluralism, of our society, multi-linguism, multi-ethnicity and the multi-cultural manifestation of our nation.

Madam, you have already rung the bell, therefore, I don't want to take much of your time and I will conclude now.

I want that the House should take into account the Indian specifics in relation to the minorities. If we do not take into account that, I am afraid, what has befallen in the former Society Union, may take place in this country also. Taking a clue from what had happened in the former Society Union, I feel, the Indian specifics suggest that we should always take into account the cultural pluralism, inherently disadvantaged position of permanent minority due to number and the need for a positive discrimination as affirmatory action of the State to partly compensate for denial of opportunities in the past.

Madam, I hope, the Government will take note of it and continue to take effective steps, energetic steps, to implement the 15-point programme for the minorities. It has not been implemented. It has been an eye wash. It has been merely a window-dressing. It has been nothing but an electoral promise. And not more than that. Unless that 15-point programme, particularly, in relation to the spread of education among the minority communities, particularly, in relation to the economic uplift of the minority communities and particularly, irrespective of providing and guaranteeing the social justice for them, I think the lots of the minorities cannot be improved.

In this connection, the Mandal Commission's Report is also to be taken into account. That has also referred, that some kind of reservation and some advantages are to be offered to the Muslims, belonging to certain professions.

With these observations, I commend that this Bill should be adopted. Had it been a unanimous one, it would be better and if not, the House should adopt the Bill either today or tomorrow as it might think fit.

SHRI SYED SHAHABUDDIN (Kishanganj): I have been listening attentively to the debate today which has been very wide ranging with great emotion; and at this moment, the words of that great Indian and great Muslim, Maulana Abul Qalam Azad, whose centenary we are celebrating now at a national level, are ringing in my ears; the words he pronounced in his famous Presidential Address at Ramgarh. He proclaimed his pride at being a Muslim; he proclaimed his pride at being an Indian; and indeed the Muslims of India stand at the inter-section of two circles: the circle of Islam and the circle of India; they are not what they are without belonging to both or by disowning either of them.

And therefore since my name was taken here in this debate, a question arose whether I call myself a Muslim-Indian or an Indian-Muslim. I know where I stand. I am a Muslim-Indian, I am not an Indian-Muslim; and the distinction I find it very hard to explain to the people who do not appreciate the fine nuances of the English as you do Madam, Chairperson.

A Muslim-Indian is an Indian who happens to be a Muslim, who happens to profess Islam; and an Indian-Muslim is a Muslim who happens to be born in India. Madam Chairperson tell me which is a more nationalist, a more secular, a more positive

[Sh. Syed Shahabuddin]

formulation? And that is how I answer my good friend, Mr. Mani Shankar Aiyar.

This question is not obviously a matter of just semantics nor is communalism nor is secularism; they are matters of life and death for communities, for peoples, who are identified and constitute identifiable social groups. And man is not uni-dimensional; man has a multi-dimensional personality; man has multi-faceted identity; he resides in a State basically where he was born; he professes a religion; he belongs to a race; he speaks a language and therefore his personality has many identities. The purpose of a State is the very purpose of civilization is to see that all facets are harmonised into a complete whole and none clashed with the other. And therefore sometimes a more crucial question is put to the like of us; all right, you say, you are a Muslim and you are an Indian. What are you first? Are you first a Muslim or are you first an Indian? It is a patent question of the Hindu communalists, it has been hurled at us not from today but from the time of the freedom movement; this question was hurled at Azad himself; this question was hurled at a great fighter Maulana Mohammad Ali who, speaking at the Round Table Conference, challenged the might of the British imperialism and told them, I shall not go back to my country without the charter of freedom in my hand, either you had to provide a piece of land for my grave here or you had to give me my freedom. His was the ringing voice. And in that famous address at the Round Table Conference, he also referred to this question. I am asked, what are you first? Are you a Muslim first or are you Indian first? And his words also are ringing into my ears this afternoon. He said, when it is a question of the future of India, of the welfare of India, of the good of the people of India, I am an Indian first; I am an Indian second; and I am an Indian last, but I am also a Muslim. And therefore, when it is a question of a

threat to Islam, an insult to Islam, then I am also a Muslim, and I am a Muslim first and I am a Muslim second and a Muslim last.

The Constitution of India that we have adopted has resolved that conflict; it has harmonised the situation it has tried to ensure that on the inter-face of religion and a State, there is a no discrepancy; there is no contradiction; there is no conflict. And therefore I say I am a Muslim-Indian.

No State in the world therefore today is absolutely homogenised uniformly monochromatic

It is not; it should not be. Man is not made out to be like that. Man cannot be bound in a strait-jacket. Therefore, minorities are a universal phenomenon. Let us not consider, as some of my friends do, as if minorities were a stigma on the land, the minorities were a handicap, the minorities were an obstacle, the minorities were a difficulty to be surmounted. No; they are not. Minorities are the glow of life. Minorities are the beauty and loveliness of this garden. Uniformity can never be as lovely as diversity. And it is that diversity that, we as a nation and as a State have decided to embrace. All the diversity, whether religious, linguistic, racial, what have you, all the elements that go into the making of man we have accepted in the fullness of our culture, with the traditions that we have long nursed we have embraced all the diversity. And, therefore, minorities are there. Minorities will be there.

Question whether minorities exist or not, is a stupid question. Minorities exist. And the funny part in our country is this. And that is a point that I would like the hon. Minister to note. That the term minorities does not mean, Muslims or Sikhs or Christians or Parsis alone. Are not the Hindus a minority at some decision making level? The Hindus are a minority; they are a majority in the entire country. But there are a minority

at least in four or five States of our country. And therefore, I would like to make a general proposition. Every majority community, every majority group in our country at a given level is also a minority, at some level or the other. Therefore, when we speak of the Minorities Commission we speak for all the social groups who constitute a minority, if not at the national level, at the State level; if not at the State level at the district level; if not at the district level at the Panchayat level, where they are subjected to discrimination, oppression and injustice. It is the duty of the Minorities Commission, it is the duty of a civilised Government, it is your duty, Mr. Minister, to see to it that whichever group constitutes a minority at any decision making level, receives its due, gets justice, is free from oppression, is not subdued, does not have to feel frustrated and does not have to feel deprived.

19.33 hrs

[SHRI P.M. SAYEED *in the Chair*]

The question has been raised about the definition of communalism. I have only one definition. Protection of the rights of the minorities cannot be communalism. Deprivation of any group, deliberate oppression of any group is communalism. So those who snatch away the mass of food from my mouth, those who do not give me jobs, those who kill me, those who demolish a mosque, are communal. If I also do the same thing, I am equally communal. And, therefore, the definition lies in this. Communalism means deprivation of a group, of its rights of its dues, that it does not receive justice. And to protect it, to defend it is humanity, is secularism, is the highest value of the Constitution of India. That cannot be called communalism.

The entire world is changing today. I want to look at the problem also in an international perspective. The world is

changing last. There is a surge for ethnicity. Everywhere any identifiable group, whatever be the basis of its identity is crying hoarse for recognition, for equality, for justice, for participation for a share in the affairs of the society, for a right to finger on the levers of power, for a place in the sun, for a share of the cake. It is a legitimate aspiration. No State can deny it. No State in the world can deny it. And there are many States which have even gone ahead of us, Mr. Minister.

I must recall to you, I commend you for what you are doing. And I am happy that you have fulfilled an election commitment which the previous Governments did not. Because this has been on the agenda of the nation for a long time, since 1979.

You have also fulfilled the word of the Prime Minister which he gave in this House during this session that a Bill shall be presented here. I congratulate you for that. At the same time I must point out to you, look at the world. The world is running very fast. In U.K. the CORE looks into the grievances of the minorities about representation or under representation in Government services. And the Director of the CORE himself told me, we had a *prima facie* case that the racial minorities are under represented in the Home Office, which controls the CORE. The CORE decided to file a case against the Home Office. And the case was to be financed by an allocation of fund by the Home Office itself. We might speak against the British. But this is an example that I would like to place before you. The Ministry of Home Affairs of the Government of the U.K., the Home Office provides funds to the CORE to file a suit and fight a case against itself for allegation on the question of under representation of minority groups in the Home Office.

I will give you another example. I was in Canada and there, there was a big dispute going on about the title to the land, what is

called reservation to which the aboriginals has been slowly driven down. In the north west of Canada, there are a large number of reservations. They provided funds to organisations representing the Adam Jatis the aboriginal to file a case against the State of British Columbia about title to the disputed land. These are questions which are covered now by Commissions like the one you are trying to create here. And the entire U.N. system is now involved in this. They have gone far beyond the Universal Declaration of Human Rights. They are now working on the Universal Declaration of Minorities Rights. And our country which has signed the Universal Declaration of Human Rights, which has signed the international Covenant on Political and Civil Rights, which is a the party to the Declaration against Religious Intolerance, is bound to accept the Charter on Minorities Rights. And I am sure, it would if you happen to be and if you continue to be the Minister.

Therefore, the world is running very fast,. Here we are still arguing whether minorities exist; whether minorities should have rights or they should not have rights; whether the minorities can be defined or not defined. What a world we are living in !

Mr. Chairman, Sir, I would like to inform you that the question of minorities came up in the Kerala Education Bill. And if you look at the pronouncement there, you will find, there is a clear definition, that the term 'minority' or which group constitutes a minority has always to be defined in relation to the jurisdiction of a particular law. In any area where the law applies which community or group happens to be numerically inferior is a minority? It does not need more elaborate definition. But I am very much in favour of this that you are making today must apply to the entire country. It must apply to the State of Jammu and Kashmir. And you must define the minorities because in India where we have a two tier system of Government in

relation first to the Central Government, that is to say the Union Territory and then the State Governments that is to say, the State Territory. And in your List that you propose to make under this Act you must have a very clear category for the Union in the context of the Union and the second list in the context of the States so that our brothers who are a minority any where do not feel deprived.

Mr. Chairman, Sir, I would like to add that minority problem is not therefore just a Muslim problem. It is a political problem and a national problem. What is the essence of the problem? There is enough safeguard in this book, Sir, enough in the law that we have made. But we need a watchdog; we need an autonomous body to keep a tab on the gap between precept and practice. The problems of the deprived groups arise not because the rights have not been defined and do not flow from the Constitution. They do. They arise because in actual practice, man being what he is, there is always a gap between precept and practice, between the constitutional safeguards and the implementation. So, the essence of the Minorities Commission must be to act as a watchdog and the capacity to look into a right claimed under the Constitution. To me the test of legitimacy is the Constitution. I may ask for the moon, And you have every right to deny me the moon. If I ask something that is implicit and explicit in the Constitution, you have no right to deny me. And if you deny me, I must have an authority to whom I can appeal. That is why I wanted a statutory status for the Minorities Commission. I am glad that you are bringing it about. I am sorry, so far, our experience of the Minorities Commission as it existed has not been very happy. I will not dilate on it. I only recall a line from a very famous poet of Patna:

"Tammannaon mein Ulfhaya Gayua
Hon Khilone De Ke Bahlaya Gaya
Hon."

It was like a toy in our hands. It had no life, it had no spirit; it was not really functioning; it was not even a mechanical toy; it was a rigid and frigid toy which could not laugh; which could not cry and which could not weep. Therefore, today you are instilling life into it. It was created in 1978. I will take this opportunity to remind my friends from the BJP that they were a party to its creation. They should never forget that.

(Interruptions)

MR. CHAIRMAN: Please address the Chair.

SHRISYEDSHAHABUDDIN: You must not forget that only it could not be given a statutory status at that time, and until 1992 it has completed 13 years of its life.

Twelve reports have been submitted. I believe that nine of the reports have been placed on the Table of the House by the hon. Ministers concerned over a period of time. I am very sorry to inform you that none of these reports have ever been discussed in this House. Whether it was our Government or their Government, the minorities question, the report of the Minorities Commission, the recommendations of the Minorities Commission were never discussed on the floor of the House. I hope that with the passage of this Bill, we shall certainly ensure that there is at least an annual debate on the state of the minorities in our country.

Let me caution you, the minorities sometimes, all over the world, tend to exaggerate their woes; their troubles; their sufferings and their grievances. There has to be a balance and that balance can only be reached between the claims which are legitimate and the acts of omission and commission on the part of the Government which deprived them in actual practice with the enjoyment of those rights, the balance can only be reached if there is a free and air

discussion in the national spirit on the floor of this august House. Therefore, I hope at least that will become a routine. It had become a dead letter office and at best it had become a post office. I hope you shall put some life into it.

I would like to take this opportunity to remind the hon. Minister that this Bill is not enough and this Bill has a number of lacunae. It can be improved. Of course, there can be no last word in human wisdom. We have submitted some amendments. I hope the hon. Minister in his wisdom will accept some of those amendments. These amendments are not meant in any way to detract from his achievement or even to cast aspersion or raise doubt upon his intention. No, not at all. These amendments are only meant merely to help him create a national institution which, as I said, is no longer a dead letter office and does not merely function as a post office. At the same time, I would like to remind him that the very famous report of the High Power Panel, headed by Dr. Gopal Singh, remains unimplemented. Whatever view might have been taken by the past Governments, howsoever it might have been delayed by the past administration, I have every hope that Shri Sitaram Kesri will dust it up look it up; will read it again and will study it and will see to it that at least those of the recommendations of the Gopal Singh panel which can be implemented, shall be implemented, while he is the Minister for the Welfare of the minorities.

Secondly, he has also promised us to recast the 15-Point Programme. I do not have to dilate on it. He fully agrees with me that the very programme itself needs to be recast. It has not been implemented because in many ways it is not implementable. Therefore, I hope that he will initiate discussions on the subject with all the parties concerned, with all the legislators concerned and see to it that it is recast and that it becomes an effective instrument for the

[Sh. Syed Shahabuddin]

welfare of the religious minorities of this country.

Finally, he has promised us a Corporation for the financing the development of the minorities. He has created one, for the OBC's. He held a national seminar on the subject and that national seminar went threadbare into the whole subject. Shri Jaffer Sharief was there; and also other many Members of the Congress Party were there. A National Steering Committee has been formed. I hope that the Steering Committee has submitted its report to him. I hope that the hon. Minister shall take immediate action to bring into being this Minorities Finances Development Corporation.

My final word is that there are only two basic defects in the Bill. Do not take away anything that was given to us by the Resolution of 1978. I know it is not your intention. But do not dilute it. Secondly, I certainly do not accept that the Scheduled Castes and Scheduled Tribes Commission should have more powers and privileges and more authority than this Commission. It is immaterial whether it has the constitutional status or not. At least under the law it must have an equal authority and equal scope of operation so that it can function effectively and so that we do not have to recite next year the line from Zafar

I hope, Mr. Minister, you shall not keep us waiting any longer.

"Daure Hayat Mang Kak Laye the
Char Din Do Arju mein Kat Gaye,
Do Intzar Mein"

[Translation]

SHRI SURAJ MANDAL (Godda): Mr. Speaker, Sir, the Minorities Commission Bill which has been brought forward here reminds

us of the practice that was prevalent in princely States. For example in those days a prince at the age of 20-25 years was enthroned. He used to forget to think about his family while enjoying power. After 20-25 years, his attention was drawn as to who would be heir to his wealth and property. At the age of 40-45 years, he was married with the hope of having a son, who would become the heir to his wealth and property. I feel that the above Bill has also been brought forward with this intention. The Bill has been brought forward at a time when the Congress Party has realised that its Muslim vote bank was going out of its hands.

Mr. Chairman, Sir, no matter it is better late than never. But it should have been brought forward in a proper shape. As all of you are listening all the Muslim leaders said that full powers were not being given to this Commission. Muslims are not the only minorities. There are Christians and Sikh also. In the past, the Central Government used to formulate the policy and States were directed to implement it. But, today, this type of Bill has already been brought forward in Bihar and the Commission has been constituted there. The Bihar Government has shown the path to the Central Government to win the confidence of minorities and to assure them that they have equal rights in India. In the Minority Commission Bill of Bihar, it has been provided that if the Chairman is Muslim then of the two Vice Chairman — one would be belonging to Christian community and the other to Sikh Community. Similar provision should have been made in this bill. There should have been one Chairman and two Vice Chairman so that every community could have got equal representation. Many Members have discussed this point and put question mark on the unity and integrity of India. Today, we are blaming Muslims. Such discussion had not taken place, if we had not been divided into India and Pakistan. Power hungry people created two separate nations India and

Pakistan so that two persons could become Prime Ministers of two separate nations. That is how India and Pakistan came into being. There would have been no harm, if a Muslim would have been made Prime Minister of this country. At least, division of India would not have taken place. But the India was divided only for the sake of power. Today, again the same thing is happening. The power hungry people in the country are raising issues in the name of religion and are trying to divide the people to capture power.

Mr. Chairman, Sir, I would like to say that such type of talks are held just to create tension in the minds of minorities living in India. Today, a slogan is raised in India that if Muslims worship Ram, they would be allowed to live in India. Such type of things are talked about.

The speakers who spoke before me have said that 90 per cent of the Muslims are converted ones. After partition of India, the Hindus got themselves converted into Muslims. What was the reason behind it? Why the atrocities were perpetrated on them? Have the people of this country ever pondered over it? Mr. Nasiruddin Haider Saheb was Minister of Education in Bihar. He belonged to the family of Burkel Singh. He was a converted Muslim. Why? Because he had eaten chicken in a Muslim house. That is why he was converted or treated as a Muslim by Hindus. The sections of the society which weakened the Hindu religion for the sake of their selfish motives and created differences in the Hindu religion, today the same people have become well wisher of Hindu religion. Today, Adivasis and Harijans have embraced Islam and Christianity. Why have they done so? Were they converted because of their own deeds? They were converted because of the attitude adopted by Mr. Tej Narain Singh or Shahabuddin? They got confronted due to the attitude of those people who were in power. Today also Harijans are being converted as Muslims

and Adivasis are being converted as Christians, because the people are raising the bogey of Hinduism.

Therefore, I would like to say that the Adivasi does not fight for the sake of power. He struggles for his survival. Today the Muslims and Adivasis should get equal rights. Only then, the unity and integrity of the country can be maintained.

When a demand was made to implement the Mandal Commission, a Rath Yatra was launched to die down this issue. The former Prime Minister had assured that 10 per cent reservation could be given to the people belonging to high castes and Muslims should also be given reservation. But nobody had paid any attention to it, at that time. Today, the party in power is also talking about giving 10 per cent reservation to the people belonging to high cast. In Gulmohar Park, in Delhi, a fire broke out all of a sudden the entire media of the country went there to cover it. But where this fire has not broken out? A Commission is constituted. But its reports should not be kept in cold storage. Kaka Kalekar Commission was set up. If the recommendations of that Commission would have been implemented, there would have been no need of Mandal Commission. You want power. The Janta Dal, I mean National Front Government had tried to implement the recommendations of Mandal Commission... (Interruptions) The population of Adivasis is 3 crore in the country. There are 11 per cent Adivasis who neither go to temple nor follow Hindu religion. There could be a problem for the followers of Baba Ambedkar who don't follow Sanatan Dharam and for Adivasis who don't follow Hindu religion. They worship under Gachh... (Interruptions) If Hindu nation comes into being, what would be their fate. This fight is not for the sake of religion. In the name of religion a fight to capture power is being fought. They want to grab power in the name of religion. Though belated, a bill has been

[Sh. Suraj Mandal]

brought forward to set up a Commission. We have suggested to provide for two Vice Chairmen and make appointment on these posts turn by turn. Hindu religion is not the monopoly of any one man. We are also Hindus. The other people belonging to Harijan, Adivasis and Minority Community, have equal rights in the country. Because their fore fathers had equally contributed in the struggle for freedom of the country. They are having a feeling of insecurity because they think that they are looked upon with hate and suspicion. We, all of us should work together to remove these things. A feeling has been created in the minds of Muslims that they should first of all, take care of their mosque. There is an apprehension in their minds. They are asked to protect their mosque and religion before doing anything else. In this country, all religions should be respected equally. Now-a-days, political parties want to capture power in the name of religion. The people of the country would give them a befitting reply very soon and if their number can increase from 2 to 86 or

120 it can also come down. I conclude with these words.

[English]

20.00 hrs.

SHRI N. DENNIS (Nagercoil): Mr. Chairman, Sir, while supporting the Bill to constitute a National Commission for Minorities, I would like to say a few things.

SOME HON. MEMBERS: Sir, we can continue tomorrow.

MR. CHAIRMAN: Mr. Dennis, you can continue tomorrow.

The House stands adjourned to meet against tomorrow at 11.00 a.m.

20.02 hrs.

The Lok Sabha then Adjourned til Eleven of the Clock on Tuesday, May 1992/Vaisakha 22, 1914 (Saka).