

Committee on Private Members' Bills and Resolutions presented to the House on the 1st September, 1965."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Sixty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 1st September, 1965."

The motion was adopted.

14.31 hrs.

SIKH GURDWARAS BILL—contd.

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the motion moved by Sardar Amar Singh Saigal on the 19th August, 1965 for reference of the Sikh Gurdwaras Bill to a Joint Committee.

How much time does the hon. Minister want for reply?

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): Ten to fifteen minutes.

Mr. Deputy-Speaker: Thirty-five minutes are left, Shri Hem Raj . . .

Shri Hem Raj (Kangra): Mr. Deputy-Speaker, the Bill which has been brought forward by Sardar A. S. Saigal is a welcome measure. The object with which he has brought this Bill is also very laudable and very much to be appreciated. The objects for which the money of the gurdwaras are to be spent have been enumerated in clause 72 of the Bill, and there is no doubt that they will be spent for purposes which will be for the good of the society.

So far as the objects and reasons are concerned, it has been enumerated that they will bring about uniformity in the performance of religious rites. The gurdwaras are there for spiritual

purposes, to propagate the teachings of the Gurus to infuse a new life among the Punjabis and others. Guru Nanak preached for amity among the different communities at a time when in the Punjab the relations between Hindus and Mohammadans, in those old old Muhammadan times, were very much strained.

So far as the gurdwaras are concerned, as long as they remain places of religious worship, for bringing about amity and preaching goodwill among the communities, and for leading a religious life, it is all for good. But so far as the Punjab gurdwaras are concerned, we have got certain experiences. The experiences are that sometimes, as the previous speaker, Shri Kapur Singh, said, when these gurdwaras are used for political wranglings, then they become hot-beds of politics rather than places for religious worship. That is a danger which, instead of furthering the religious cause, would retard it. Instead of creating amity between communities, sometimes hatred begins to be preached. Thereby instead of bringing the communities together, it divides the communities. That is a danger that we should guard against.

Some time back when political agitations were started in the Punjab, in those days Panditji also remarked that gurdwaras are religious places and that they should be used for preaching goodwill and amity and for religious worship. But when they are being used for political agitation, then the purpose is defeated.

Even in these days, the political agitations, so far as the Punjab is concerned, take place not outside the gurdwaras but within the precincts of the gurdwaras themselves.

Therefore, when I see Part IV of this Bill I find it is provided under clause 28 that the Government shall not interfere with gurdwaras in any way whatsoever.

Mr. Deputy-Speaker: Order, order. The hon. Member, Shri Sinhasan Singh, should not show his back to the Chair.

Shri Hem Raj: Clause 28 says:

"Save as provided in this Act, it shall not be lawful for the Central Government or any State Government or for any executive officer of the said Central or State Government as the case may be in his official capacity, to undertake or assume the superintendence of any land or other property granted for the support of or otherwise belonging to, any Notified Sikh Gurdwara; to take any part in the management or appropriation of any endowment made for its maintenance or to nominate or appoint any office holder of, or to be concerned in any way with such Gurdwara."

That means that when a gurdwara, which is supposed to be a sacred place, is used for political agitations, this clause will prevent any Government from interfering with the gurdwara in any way, with the consequent result, Sir, that even if a murderer hides himself in a gurdwara or if a dacoit goes within the precincts of a gurdwara, no policeman can go inside the gurdwara, and that murderer or dacoit cannot be arrested there. That is a danger under this section which will prevent the Government from taking any action. By creating a centralised body you will be creating a theocratic state within a secular state at all India level. Because, there has been a statement only two days back by Sant Fateh Singh that this gurdwara, Akal Takhat within the Golden Temple, is a Vatican within which nobody can come, no Government can interfere. That is what he has said. If that view is to be taken, then ultimately they can within those precincts even store arms, store smuggled goods, or do anything else. And no Government can interfere.

So I want Government to see in respect of these religious places, whe-

ther they belong to my Sikh brethren or to Muslim or to Christians or to Hindus, that no such religious place is used for political agitation; and if they are so used, then Government should be free to interfere and control those gurdwaras or other religious places. If this possibility is not ruled out or guarded against, the secularity of the State will be disturbed and destroyed.

With these remarks I would request the hon. Minister to explain and clarify the position in his reply.

Shri Jaganatha Rao: Mr. Deputy-Speaker, Sir, the other day when this Motion was moved by the hon. Mover, there was universal support for this Bill being sent to a Joint Select Committee. But I am placed with a difficulty which appears to me to be fundamental. There is the Punjab Regional Committees Order, 1957, issued under Article 371(1) of the Constitution. Under that, all matters which are scheduled have first to be discussed by the Regional Committee and then only any amending legislation or original legislation can be introduced. This Bill has not been referred to the Regional Committee and is not based on the recommendations of the Punjab Regional Committee as required under the Order. Therefore, any Act that the Parliament has to pass or the State Legislature wishes to pass cannot be introduced under the Constitutional Order. That is my difficulty. The hon. Mover has not chosen to take the opinion of the Regional Committee. Under the Punjab Regional Committees Order, 1957, there are two Regional Committees in the Punjab, namely, the Regional Committee for the Hindi region and the Regional Committee for the Punjabi region. Under paragraph 4 of that Order, all scheduled matters shall be within the purview of the Regional Committees. The entry, 'charities, charitable institutions, charitable and religious endowments and religious institutions' forms one

of the scheduled matters. As the Sikh Gurdwaras Act, 1925, is relatable to this entry, no proposal for the amendment or repeal of this Act should be entertained unless the same has been referred to and approved by the Regional Committee. This appears clear from paragraphs 5 and 7 of the Order.

Shri D. C. Sharma (Gurdaspur): What is para 5?

Shri Jaganatha Rao: The President's Order.

The present Bill seeks to repeal the Sikh Gurdwaras Act, 1925. This will be contrary to the letter and spirit of the Punjab Regional Committees Order, 1957. At present no recommendation or suggestion has been made by the Regional Committee for the Punjabi region for the amendment or repeal of the Sikh Gurdwaras Act, 1925. In that view of the matter, the present Bill should appropriately exclude from its purview the Sikh Gurdwaras Act, 1925. And if that Act is excluded from the present Bill, then the principal reason for the enactment of the present Bill vanishes.

Shri Narendra Singh Mahida (Anand): Who is the authority appointing the Regional Committees?

Shri Jaganatha Rao: The President under Article 371 (1) of the Constitution.

श्री बलजीत सिंह (उना): रिज्नेल कमेटी पंजाब के लिए है और यह चीज तमाम हिन्दुस्तान के गुरुद्वारों के लिए है।

Shri Jaganatha Rao: The same Bill was introduced by the Mover in 1958; that was circulated for eliciting public opinion and the weight of the opinion was against introducing such a Bill. I am giving in brief the objections received.

"(a) The State of Punjab which is the original and principal home of the Sikhs is satisfied with the Sikh Gurdwaras

Act, 1925 and does not want its repeal.

- (b) Strong objections to the Bill have come from the other important States where there is any substantial number of Sikhs such as Bombay, Rajasthan, Madhya Pradesh and Uttar Pradesh.
- (c) The Bengal Sikhs have expressed strong disapproval of the Bill.
- (d) Several other Sikh bodies and associations outside Punjab like the Shri Takht Harimandirji, Patna Saheb, Patna City or the Gurudwara Committee of Imphal, Manipur, have also expressed their objections to the Bill.
- (e) Last but not least, the most vehement objection to the Bill has come from the Chief Khalsa Diwan which is situated in the very citadel of Sikh religion, namely, Amritsar."

The public opinion seems to be against this Bill. In the face of these objections, the vital objection according to me being that it does not conform to the requirements of the Punjabi Regional Committee's Order, 1957, issued under Article 371(1). I cannot accept the principle of the Bill, much less the Motion. I oppose it. If, however, the Hon. Member wants to send it for circulation, it is a different matter.

Shri D. C. Sharma: I move:

"That the Sikh Gurdwaras Bill be circulated for eliciting opinion thereon by the 28th February, 1966."

Shri P. R. Chakraverti (Dhanbad): Let the Bill be circulated for eliciting public opinion.

Mr. Deputy-Speaker: Does the Hon. Member accept the amendment?

Shri A. S. Saigal (Janjgir): I accept the amendment moved for circulating the Bill for eliciting public opinion thereon.

Shri Jaganatha Rao: Those were my objections to the Bill. If the Bill is sent for circulation, I may not seriously object to it. Technically 1958 Bill lapsed with the dissolution of the Parliament. You can take it as a new Bill though the Mover is the same person.

Shri A. S. Saigal: The Bill was circulated in 1958 and that Parliament was dissolved. Now this is a new Parliament. I request that the Bill be now sent for circulation. If there is anything against it in the law, I will request you to give the necessary permission.

Mr. Deputy-Speaker: The same thing might happen again.

Dr. M. S. Aney (Nagpur): The Governments may change their opinions now. Seven years have elapsed.

Mr. Deputy-Speaker: The question is:

"That the Sikh Gurudwaras Bill be circulated for eliciting opinion thereon by the 28th February, 1966."

The motion was adopted.

14.48 hrs.

THE DELHI RENT CONTROL (AMENDMENT) BILL

(Amendment of section 14)

Shri N. B. Laskar (Karimganj): I move:

"That the Bill further to amend the Delhi Rent Control Act, 1958, be taken into consideration."

My Bill No. 42 of 1963 seeks to amend the Act as to give protection to a section of tenants against evictions, i.e., that class of tenants who have sublet their premises or part of

their premises after 9th June, 1952, without any written consent from the landlord. I have also stated in my Statement of Objects and Reasons. The object is to help and safeguard the interests of the tenants from being ejected. Before moving for consideration of the Bill, I think I should refer first to the original Section of the Act to which I propose this amendment. The original Section 14 reads as follows:—

"14. (1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:

Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely:—

- (a)
- (b) that the tenant has, on or after the 9th day of June, 1952, sub-let, assigned or otherwise parted with the possession of the whole or any part of the premises without obtaining the consent in writing of the landlord."

The Section 14 provides a large number of provisos from clause 'a' to clause 'l' and not only that, I find clause (c) also to be sub-divided. Here, I want to say one thing that we must realise also the composition of the tenants in this city as also with that in the other cities in the country. Most of the tenants are poor and they have no means to fight their cases in the higher courts or the appellate courts. So, it is not very much impossible for a landlord to