

MR. DEPUTY SPEAKER: You do one thing. We shall have a discussion on this as an independent subject.

SHRISRIBALLAVPANIGRAHI: Sir, Shri Jena is a very influential member of the Janata Dal, which is the ruling party in Orissa. I would like to know whether he has also spoken or placed this demand before the State Government. An ordinary enquiry would be merely an eye-wash. *(Interruptions)*

15.00 hrs.

[English]

NATIONAL COMMISSION FOR
MINORITIES BILL:- *CONTD.*

MR. DEPUTY SPEAKER: Let us not convert this into a Zero Hour.

Shri Dennis to continue his speech. Let us not go deep into the matter.

(Interruptions)

SHRI SRIKANTA JENA (Cuttack): Panigrahi, upto 1979-90, this liquor trading was reduced to 50 per cent.. *(Interruptions)*

MR. DEPUTY SPEAKER: Let us not involve in a discussion. It is not the subject before is. *(Interruptions)*

MR. DEPUTY SPEAKER: Whatever you wanted to tell, you have definitely done so. *(Interruptions)*

MR. DEPUTY SPEAKER: Now we shall take up the debate.

(Interruptions)

SHRI SRIKANTA JENA: Mr. Deputy Speaker, Sir, I took this permission from you only to submit because it had happened in

my parliamentary constituency. That is why I requested you that it should be heard and not that it should be made a political issue.

MR. DEPUTY SPEAKER: Anyhow you have ventilated your grievances. *(Interruptions)*

MR. DEPUTY SPEAKER: You have brought it to the notice of the Government.

(Interruptions)

MR. DEPUTY SPEAKER: I request the hon. Members to have their seats.

(Interruptions)

MR. DEPUTY SPEAKER: Let us not demand a discussion. Where is the subject before us for discussion?

(Interruptions)

MR. DEPUTY SPEAKER: This is not the subject -matter.

(Interruptions)

MR. DEPUTY SPEAKER: Let us not deviate from the rules.

(Interruptions)

SHRI SRIKANTA JENA: Sir, Member from Sambalpur understands the problems. This kind of thing happened in Delhi also. *(Interruptions)*

MR. DEPUTY SPEAKER: No cross-talk please.

SHRI SRIKANTA JENA: More than 300 people died in Delhi itself. *(Interruptions)*

MR. DEPUTY SPEAKER: Let us come to the normal conditions.

(Interruptions)

MR. DEPUTY SPEAKER: Let us carry on the debate.

(Interruptions)

SHRISRIKANTA JENA: Will you please agree for a total prohibition? *(Interruptions)*

MR. DEPUTY SPEAKER: It is an independent subject.

(Interruptions)

SHRI N. DENNIS (Nagercoil): Mr. Deputy Speaker, Sir, while supporting the Bill, I wish to make a few points. The proposal for constitution of a national commission for minorities with statutory status is a step in the right direction. It reflects the secular intentions of the Government. The Bill creates a sense of security among the minorities. It also enables to monitor the working of the safeguards provided in the Constitution for the minorities.

I would like to make some suggestions in the clauses and sub-clauses of the Bill. As per clause 3(2), two out of seven Members can be from non-minority communities. I would like to suggest that it can be one. The Commission is for protecting the interests of minorities. A large number of sections comprises minorities. They would like to get accommodated in the Minorities Commission. Moreover, inclusion of more non-minority member in the Minorities Commission would lead difference of opinion thereby that confrontation and it would affect the smooth and effective working of the Commission. Again, in Clause (2), it is seen that the Government would nominate persons of eminence of ability and integrity. The terms used are very wide and general. The nominee should be a person commanding respect and confidence of the minorities.

MR. DEPUTY SPEAKER: Mr. Dennis, hon. Minister would like to say something now.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Deputy Speaker Sir, it was decided yesterday, in one way, that the Minister would be replying today and we would have this Bill over quickly. There are a number of other matters including discussion on ABB which some Members wanted to discuss. There is a general feeling that today, as far as possible, let us not try and extend the time of the House. In all circumstances, I request that the reply of the Minister could be fixed at 4.15 PM and those who were waiting in queue to speak may be permitted to speak. The Minister may be called to reply at 4.15 PM, if the House agrees. Otherwise, all other business would get upset. *(Interruptions)*

SHRI MOHAMMAD YUNUS SALEEM (Katiyar): Then, why do you fix the time for reply?

SHRI RANGARAJAN KUMARAMANGALAM: The allotted time was four hours. We have crossed that time well over.

SHRI LAL K. ADVANI: The House should also be apprised as to which of these Bills are to be taken up because the list of business that I have seen includes Parliament (Prevention of Disqualification) Amendment Bill, Army (Amendment) Bill, Foreign Trade (Development and Regulation) Bill, Air Corporations (Transfer of Undertakings and Repeat) Bill and added to them is the Short Duration Discussion on M/s ABB. I am sure that anyone can see that this kind of business listed for one day cannot be completed. You just cannot do it. So, it would be proper and fair to the House if it is apprised in advance. You have proposed that the answer to the National Commission for Minorities Bill can be at 4.15 PM. After that, we can go straight to the Short Duration Discussion and leave the rest...

SHRI MOHAMMAD YUNUS SALEEM: It will be after the reply of the Minister Clause-by-Clause consideration, etc.

SHRI LAL. K. ADVANI: I am saying that after the Bill is disposed of, then at the most, we can take up the discussion on electric locomotives. No other legislative business should be there, This would be my submission.

SHRI RANGARAJAN KUMARA-MANGALAM: With due respect to the Leader of the Opposition, there is only one small Bill in addition to the National Minorities Commission Bill which we have been interested to pass, that is, the next item. It is Parliament (Prevention of Disqualification) Amendment Bill. It is a very simple Bill and will take only a few minutes. Regarding the rest of it, I would agree with the Leader of the Opposition that we can have them in the next Session. These are the two matters. Then, we can go to the discussion on M/s ABB. But there is one problem. The more amount of time we take on Minorities Bill, the less chance of M/s ABB discussion to become fruitful. I think I should bring it to the notice of all the hon. Members.

SHRI N. DENNIS: A person who is commanding confidence and respect among the minorities should be included in the Commission and the persons who are not interested in the commission and the persons who are not interested in the welfare of the minorities, should not be included in the Commission, There is no specific guidance or norms provided in the Bill for inclusion of persons in the Commission., There should be prescription of specific norms for the nomination of persons in the Commission.

15.20 hrs.

[RAO RAM SINGH *in the Chair*]

Regarding Clause 3(f) viz, removal of

Members, the hon. Minister has given an amendment. The amendment is for "public interest" substitute "interests of minorities or the public interest". Public interest should not be interpreted to the disadvantage of minorities. A Member who belongs to a minority community, in the transaction of his obligations as a Member of the Minority Commission may get the displeasure of non-minority communities. In that way, that should not be taken as a disqualification for his continuance as a Member of the Minority Commission.

Regarding Clause 9(1) - Functions of the Commission - I would say, it is laudable and timely. The implementation of their functions would help in solving many problems faced by the minorities so far. But, there is some sort of a difficulty in implementing Clause 9 (1) viz. "The Commission shall perform all or any of the following functions". The Commission should perform all the functions and not any one of the functions or one or two functions. The transaction would be full only if all the functions are performed by the Commission. So, the words "all or any of the following" should be deleted in order to facilitate or enable the Commission to perform all the functions stated in Clause 9 (1).

In Clause 9(b), it is stated that: "It would monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures".

In the Constitution, a number of Articles are provided for the protection and safeguard of minorities, viz. Articles 14, 15, 16, 25, 26, 29, 30 and also for linguistic minorities Article 350 C (1 and 2). Though these provisions for their safeguards are provided in the Constitution, often these provisions are violated and flouted. There are frequent interference in the rights of the minorities. To cite instances in Article 30(1) of the

Constitution the minorities are given the right to establish and administer educational institutions. But, in the establishment of educational institutions, there are hurdles created by the State Governments. Often they are not giving recognition to establish educational institutions and administering. Moreover the State Governments are interfering in the administration of the educational institutions established by the minorities. In such circumstances, the minority institutions are seeking remedies through the courts to redress their grievances. On several occasions, the Courts have passed the orders redressing their grievances. Recently, in one of the cases viz. Saint Stephen's College, a decision given under Article 30(1) of the Constitution has reduced the power of minorities and there is erosion in the interpretation of Articles 29(2) and 30(1) while clubbing them together.

The newly formed Commission should take steps to safeguard the rights of the minorities as provided in Article 30(1) of the Constitution.

Moreover, in Clause 10 of this Bill the quantum of grant to be provided for meeting the financial expenses of the Commission is provided. But the specific amount has not been mentioned. Adequate amount has to be given for the effective functioning of this Commission.

Clause 8 of the Bill Speaks about convening of the meetings of the Commission but the minimum number of meetings to be conducted by the Commission is not mentioned. That means the Commission can postpone the convening of meetings for a very long time and that would affect the functioning of the Commission.

Another point I would like to mention is that the 15-Point Programme has to be implemented effectively. It has not so far been implemented effectively and

appropriate directions have to be given to the State Government and also the concerned Ministries for the effective implementation of the programme.

About communal harmony it is necessary that sensitive areas should be identified and the Government has to take steps to prevent the occurrence of riots in such areas.

Regarding reservation of jobs adequate job opportunities should be given to the minorities proportionate to their population either by way of reservation by any appropriate methods. Also, a person from a minority community has to be included in the recruiting Committee to deal with this.

Article 350 B of the Constitution speaks the linguistic minorities. They are there in every State but they find it very difficult to pursue their studies in their mother tongue as schools and other facilities are not available to them. Even sections of Classes the schools where linguistic minorities live in spite of respected representations. They thus face lot of inconvenience and difficulties. After passing the examination in their mother tongue, they are not getting employment opportunities in their own State. Adequate measures have to be taken to safeguard their right to study in mother tongue and to get employment opportunities.

A time limit may be fixed for them to acquire knowledge of the State Language so that the linguistic minorities do not find any difficulty in getting employment opportunities.

Lastly, I would like to bring to the notice of the hon. Minister another important problem, which he knows. Recently Scheduled Caste converts to Buddhism have been included in the list of Scheduled Castes. Likewise the Scheduled Caste persons who have embraced Christianity should also be included in the list of Scheduled Castes. Several representations have been made to

the hon. Minister, to the Prime Minister and also to the Government on this matter. This is nothing but denial of opportunities under Article 15 and 25 of the constitution where in dealing with freedom of religion is guaranteed. The hon. Minister may kindly look into this and ensure that the necessary steps to be taken to include the Scheduled Caste Christians too in the list of Scheduled Caste.

SHRI SHREESH CHANDRA DIKSHIT (Varanasi): Mr. Chairman, Sir, I rise to oppose this Bill. I have two important points which I would like to place before the House. Giving statutory status to minority commission would just mean preventing the problem of majority and minority forever. You claim that it is necessary because for more than the last 42 years, since we got independence, minorities have not been given protection. The question is, which party has been ruling at centre from the day we got independence till today—either it was congress or the parties supported by congress party. Pandit Jawahar Lal Nehru, Shrimati Indira Gandhi, Lal Bahadur Shastri, Shri Rajiv Gandhi and our present Prime Minister too all are the members of Congress Party; and the other Prime Ministers like Shri Morarji Desai, Shri Chandra Shekar, Shri Vishwanath Pratap Singh—they also belonged basically to congress culture. Since independence till today the Congress Governments have been adopting a policy which can be termed as appeasement policy. We are as much against minorities as against majoritism, we do not want even a single right to be given only to majority communities and this depriving the majority communities from that should be meant for all the citizens irrespective of communities. In this context I would like to quote an example of Shri. V. V. John, the educationalist and the member of minority commission. It must be given attention.

[English]

"We would be less than just to the idea of secularism if we view it as a concession by the religious majority in the State to the minorities".

"It is possible to establish one's secular credentials by denouncing the Rashtriya Swayamsevak Singh while making deals with communal parties and seeking the political support of religious demagogues"

[Translation]

What is the cause that today, even after many years of independence the minorities do not find themselves secure. The Government only wants to create a vote bank while pretending to safeguard the interests of the minorities.

The most interesting thing is that the authority to decide which are the minority-communities is with the Central Government. The word 'community' has been used which does not necessarily mean religious communities.

[English]

Bengalis are a community, Gujaratis are a community, Brahmins are a committee, Kshatriyas are a community. It is stated here.

"minority", for the purposes of this Act, means a community notified as such by the Central Government"

Which community? Brahmins are a community, Gujaratis are a community. You can name anybody as community, and the result will be that more and more groups of citizens will strive to get the minority position.

[Sh. Shreesh Chandra Dikshit]

[Translation]

What would be its result? Should we bring about unity and integration in the country or should we act in such a way that our country is disintegrated? The Government should provide minority rights too every community that calls itself a separate community. But it will have its disastrous consequences. If one looks into the freedom struggle. One will find that the ultimate result was the division of India into two parts. It had begun in this very manner. First of all, proportional representation in the matter of services was demanded. Later on a demand was made to provide proportional land on the basis of their population. If a special status is granted to minorities in the matter of services, in the legislature or such other matters there are chances that these minorities may never try to integrate themselves in the national main stream, after getting special status. They will never try to come to the main stream. Why should they try to do so? Nobody would like to harm one's community by joining the national stream and extending his support to the majority community. The result would be that this problem of majority and minority would continue to persist and instead of moving towards solving the problem of majority and minority after 42 years of independence, we will make it permanent for ever by enacting a law. The commission which you are going to constitute....

[English]

It will be only a handmaid of the Central Government and it will provide an opportunity to the Central Government to whip any allegedly recalcitrant State Government.

[Translation]

Because all the powers will rest with the

Central Government. It will appoint the members.. It will fix their pay and decide all terms and conditions of their appointment. It would also have the powers to remove them. You just go through it. It has been mentioned therein -

[English]

"The Central Government shall remove a person from the office of Chairperson or a member referred to in sub-section (2) if that person —

x x x

(f) in the opinion of the Central Government, has so abused the position of Chairpersons or member as to render that person's continuance in office detrimental to the public interest".

[Translation]

All these reasons have been given in it which make this Commission totally a handmaid of the Central Government and it will function according to the wish of the Government. One can just think of a Commission whose Members are appointed by the Government and who could be removed by the Government. The service conditions of Members as also their pay would be fixed by the Government. The Commission would become the handmaid of the Government whichever comes to power at the centre. That is why we are totally opposed to this Bill. I as well as my party has never advocated for providing any special status to the minorities or majority.... (Interruptions) Sir, it is not possible. You have given so much time to those people who were supporting the Bill, now I would also like to place my point of view. I would like to submit to you... (Interruptions) They did not speak against me, but they spoke against the Bill. We should be given time to speak against the Bill. Because maximum people

have spoken in support of the Bill. We too want to express our view point... During discussion, it has been mentioned that every few people belonging to minority community have been recruited in the cadres of I.A.S., I. P.S. and other Central Services. What does it mean? Do you mean that all the Public Service Commissions, Recruiting bodies, Union Public Service Commission, Provisional Service Commissions, Subordinate service Commissions, recruit the people in the army, Defence Forces or in the police on communal lines? If the members of minority community could not be recruited are their representation is inadequate, do you want to blame Union Public Service Commission, Provincial Service Commission and Recruiting Bodies for that? You should know it that if the members of minority Communities have not been recruited or are not recruited, it means that they are not capable and qualified. Those who are capable, they will certainly be selected. Mr. Shahabuddin was himself selected. A number of intelligent people have been recruited. To hold the Commissions responsible for their inadequate representation in the cadres of I.A.S., I.P.S. and Central Services and Provisional Services, is not justified. I am not ready to accept this view.

[English]

There should neither be a majority community, nor a minority community. There are no minority community rights and there are no majority community rights, there are only human rights and that is precisely what we want.

We simply want that every citizen in the country should have equal status.

I would like to say one thing more. Many big people visit foreign countries. You might have found in several countries in the world that the majority community enjoys more rights than those of minority communities in

those countries. Except South Africa, in all the other countries of the world majority communities enjoy more rights than the minority communities. In the advanced countries the fundamental differences are almost nil, whatever the differences are, they are insignificant. For instance, in England none other than the persons belonging to Protestant Christianity can become the king and similarly in America too the President can only be a person belonging to Christianity. Leaving aside these few insignificant things, there is no other country where minority communities enjoy rights which the majority communities do not—whether it is the land, employment, human rights or any other field. It is only in India that they have been given special protection for about 42 years. When we find that by following this policy for 42 years. When we find that by following this policy for 42 years, the position has further worsened, then we must think as to whether it would be wise to strengthen the policy which is sure to be proved harmful to us. Therefore, my submission is that the bill resented here is not in the interest of the country.

Sir, I would also like to point out that yesterday, when you were in the Chair, the Hon. Members who spoke in favour of this Bill raised Ram Janam Bhoomi Babri Masjid issue and the other members heard them patiently. Therefore, I also have full right to express my views on this issue.

[English]

MR. CHAIRMAN: Mr. Dixit, if you are implying any partiality on the part of the Chair, then, it is not correct.

[Translation]

SHRI SHREESH CHANDRA DIKSHIT: My submission is that Sir, you were in the Chair and you and yourself have heard the Members raising this issue. I am just making

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a request. I cannot dare to level any charge on the Chair. If at all the Hon'ble Chair has gathered such an impression from my speech, I seek apologise for that, I did not really mean it.

Two points are stressed upon time and again - that the Ram Janam Bhoomi - Babri Masjid dispute can be settled either through negotiations or through court. In regard to the negotiations, I would like to submit that when Shri Vishwanath Pratap Singh was the Prime Minister, Government had given an assurance in writing to solve this problem within four months. The Prime Minister Shri Vishwanath Pratap Singh, in regard to this dispute had made an appeal to Vishwa Hindu Parishad and various other parties connected with it that Government should be given time to consult the all the parties.

[English]

SHRI P.C. THOMAS (Muvattupuzha): I am on a point of order. Something is referred from a document. The document which he has referred to is not made clear. I think, it may not be proper to admit the contents of the document and allow him to read the document as such. He has referred to something which was passed on to VHP.

MR. CHAIRMAN: I will examine that document, if it is all right, it is all right. If the document is not all right, then we will decide about it.

[Translation]

SHRI SHREESH CHANDRA DIKSHIT: To discuss the matter with all the political parties, they needed some time; because it is an issue which is related to the sentiments of the masses and we all together can help to solve this problem. In the end Shri

Vishwanath Pratap Singh expressed hope to find the solution to the problem within four months. At this assurance of the Hon. Prime Minister, we postponed the construction work of the temple which was to be started in February. On Oct 30, 1989 the construction work was started with 'car-seva' by the volunteers and the hon. Minister knows that it had resulted in blood shed at large scale.

[English]

MR. CHAIRMAN: I would request you to kindly stick to the subjects.

(Interruptions)

MR. CHAIRMAN: If all of you speak at the same time, I cannot hear.

SHRI BHUVAN CHANDRA (Garhwal): Sir, this sort of objection was raised by me yesterday. I said, the people on the other side should talk on the Minorities Commission Bill only. But the Chair has turned down my objection and said this matter is relevant and it can be referred to. Now, Shri Dixit is speaking on the same subject as it was spoken yesterday.

[Translation]

MR. CHAIRMAN: Look, I cannot say anything in regard to the precedent you are quoting. However, I will find out the exact position and let you know.

[English]

I would only request you now, please do not use precedent to start discussing the subjects which are beyond the scope of this Bill.

SHRI SHREESH CHANDRA DIKSHIT: I am only speaking on the subject and I may be allowed to continue. (Interruptions)

[Translation]

When Shri Chandra Shekar became the Prime Minister of the country, he constituted a committee; talks were held with both the sides. The then Minister of State in the Ministry of Home Affairs Shri Subodh Kant Sahay, the Chief Minister of Uttar Pradesh Shri, Mulayam Singh Yadav, the Chief Minister of Rajasthan, Chief Minister of Maharashtra Shri Pawar and others participated in the talks. It was decided that both the sides should put forth their views and then the Government would take a final decision. And in the end.... (Interruptions)

[English]

This is the paper on which the persons who are sitting on the Opposition side have said: We need at least six weeks time to produce relevant evidence and to visit Ayodhya.

[Translation]

After that, they stopped taking part in the meetings so we had no one to have a dialogue in this regard. How, you say that we would sort out the matter through negotiations. When Shri Vishwanath Pratap was the Prime Minister, he gave an assurance in writing to solve the problem in four months, but soon after that his Government was out of power and no decision could be taken. When Shri Chandra Shekar came into power, he invited for negotiations, again we accepted the proposal but he was also out of power very soon. We are still ready to solve this problem through negotiations but the Government prefers court to talks. So far as the court is concerned, they consider the incident to have taken place on December 22-23, 1949. Sunni Central Wakf Board lodged their claim in December, 1961.

[English]

except 18th December 1961 i.e., 11 years, 11 months and 25 days after that.

MR CHAIRMAN: Mr. Dikshit, please wind up.

There are a number of other speakers. The hon. Minister has to reply.

[Translation]

SHRI SHREESH CHANDRA DIKSHIT: If the mosque had unauthorisedly been occupied then why did these people remain silent for 11 years, 11 months and 25 days. We requested the Supreme Court, High Court and also the special High Court Bench to decide the matter at the earliest, even by taking day to day evidences. In 1987 a special bench of High Court was appointed to decide this matter. About four years have passed since then, but the matter has not made even a little progress. What will be the consequences? But in regard to the Bill you have introduced I can produce a number of evidences however, I have to obey your order to conclude soon I would try to conclude as soon as possible. Whatever we have done, was in accordance with the law, we haven't taken any step in violation of the law. We took this matter to High Court and Supreme Court. I have the judgments given by these two courts with me and I can produce them to prove that we had not done anything in violation of the law.

[English]

MR, CHAIRMAN: Please wind up. You have already taken more than 20 minutes. The hon. Minister has to reply at 16.15 hrs

[Translation]

SHRI SHREESH CHANDRA DIKSHIT: My submission is that this may please be found out as to how many minutes these people have spoken.

[English]

MR. CHAIRMAN: You are asking me to find out how many minutes somebody else spoken. I am sorry I am in no position to find

out now. It is decided that the hon. Minister will reply at 16.15 hrs. There are eight speakers. I can only divide the time equally between them.

SHRI SHREESH CHANDRA DIKSHIT:
Please give me only two more minutes.

MR. CHAIRMAN: Mr. Frank Anthony, please give Mr. Dikshit another two minutes only.

[Translation]

SHRI SHREESH CHANDRA DIKSHIT:
We think that the proposed Bill is not in the interest of the national. It will aggravate the problems relating to minorities and religion. It will create hurdles in the way of integrity. More and more people will declare themselves belonging to the minority. It will lead to fragmentation instead of integration in the country. The law, which is being enacted, will be considered as a black law. It will be considered very bad in the history of the country. Today we regret the day on which we effected partition. The same will happen to it and we will regret as to why did we pass such a Bill. In the coming days people will not forgive us for it. With these words, I strongly oppose this proposed Bill since I consider it to be anti-national. I consider it against the national integration, therefore I oppose this Bill.

[English]

SHRI FRANK ANTHONY (Nominated Anglo-Indian): /Mr. Chairman, may I say with great respect to the hon. Minister in charge of this Bill that I find it a largely meaningless Bill?

I had the privilege of arguing at least 30 minority cases winning most on 29 and losing ironically the last one to my Premier school in Delhi. Fortunately now, it has been referred to five judges. I was asked to

comment on some two judgments and I said in terms it is a piece of judicial legislation which is utterly irrelevant and baseless. Six persons are being appointed or due to be appointed under this Bill and under Clause 14, they are all public servants. To me that means that not a single Member of this House who would like to be a Member would be prepared to serve on this meaningless body. What I feel is this. The Supreme Court has already passed judgments and the one particular judgment that I have in mind is as to how a minority is assessed, They say that a minority is assessed by its position in a particular State. It may be a majority elsewhere, But it is a minority in a particular State and then it has the right postulated in this Constitution,. I myself had argued the case for the Arya Samaj College in Punjab. I happened to win that case, On the fine day the Rya Samaj Hindus had become a minority in Punjab. What I find here is that you have a body of six persons, I not one of whom can be meaningful Member of this House. What they say, to my mind, carries no mandatory connotation at all. Whatever they say, it can only be some kind of a request at best which can be ignored. I am quite certain that if they make a request to certain States, then they will not read it at all and they will send it to the nearest waste-paper basket. The word 'statutory' has been very widely used. What is the implication of the word ' statutory ' ? Can you possibly erode by one word, one letter the fundamental Rights already guaranteed to the minorities? I happened to be an elected Member of the Constituent Assembly. I had a little to do with the various decisions that concerns the minorities. For instance, there is Article 16 (1) which says:

" There shall be equality of opportunity for all citizens.... That article recognise all citizens. It covers the minorities. There shall be equality of opportunity in the matter of employment in the State. Article 16(2) so another Fundamental Right which says that there shall be no discrimination of sex, caste

etc. Today, we have imposed on us the curse of casteism. For a particular Government, for 15 years, it was an agonising period. They increased the number of castes. There was a particular Caste Body and it numbered the castes as 3474. But this particular Government, over this agonising period of 15 months, increased the number of over 4000. Can this six persons body, however eminent they may be outside this House, attempt to erode by one letter the content of Article 61? What does Article 31 say? It gives some right to the minorities. I am mostly talking of the linguistic minorities, it refers to the religious minorities also. So, the minorities have the right to establish and administer educational institutions of their choice. In the case that I had argued with regard to Kerala in the Supreme Court with regard to the Anglo-Indian Schools, I was the only person to win the case. Why did I win the case? Because, the six Judges have said that the Anglo-Indian Schools in Kerala do not get my aid, ex-gratia. (*Interruptions*) So, as I was saying, I was the only person to win that case. There were other distinguished Judges. The Chief Justice late became the vice-president he argued on behalf of the Hindi Schools.

16.00 hrs.

The six Judges held that they do not get any aid ex-gratia, and if a minority school is running reasonably well, then no Government can say one word to them in the administration of their schools. And that was reported in 1975 SCR. Now, almost everyday, we have divergent judgments by two Judges and that is a tragedy. What will happen?

I used to go to Chandigarh and to Punjab High Court. And they had some very brilliant Sikh Judges and some of them, for some reason, have trusted me more than their own people. And when I came back, I was a Member of the National Integration Committee and I was joining with late Rajiv

Gandhi. Ji said I was looking very tired. I said I argued three full cases in one day, and I went on to win all the three. I do not know whether I should say this. He said, "Why do you not recommend somebody worthwhile?" I said, I had never done it and it is against my nature to recommend people, and I am sorry that I did not do it. Later on, the position became such in the Supreme Court. I say this with great respect - that except for one judge - the chief justice - the other Judges, eminent in their own fields like Income-Tax laws or in some other law, did not know anything about the judgments on Criminal Law, or about the rent cases, admissions, or life sentences. There used to be 40 cases in one day, 40 cases Special Leaves. I used to do five or seven Special Leaves in one day.

MR. CHAIRMAN: We are running short of time. May I respectfully request you to stick to the subject in hand which is about the Minorities Bill.

SHRI FRANK ANTHONY: What can they do now? For instance, with regard to a State that gives all the benefits meant for the backward classes to the most wealthy, economically the most prosperous persons. This is what they are doing. In some States, they have given 78 per cent of reservations to the most powerful, the so-called backward classes. This is what has happened. And this is what is going to happen with this Bill. This Bill is going to encourage the destruction of secularism. Now, you got over 4,000 castes. What will happen? They will say, you take the majority. Let the President of India whether he is worth to or not, however unworthy he may be, as the person belongs to a particular caste and the caste he belongs runs into ten millions, he must be made as Presents of India. What mandatory powers have you got under this Bill? That is what I want to know. What can you say to a State to show that it carries out your direction - statutory or whatever they may be said to be? What can

[Sh. Frank Anthony]

you say to the Centre except make a very respectful request. What I am trying to say is this what I would like to ask that this matter be referred for further consideration.. What is going to happen is this. It will be used for building up vote banks by people who have increased their numbers by millions. Between 1950-60, the number of Scheduled Castes increased by a thousand castes in order to get these benefits.. So I am pleading with my friend. I asked him whether he is going to be the Minister In-charge? He said no. Then, I am going to plead with him to hold this up a little and consider it further.

SHRI A. CHARLES (Trivandrum): Sir, I am thankful to you for the time. I am aware of the time constraint. , I will be very brief.

This particular Bill has been brought forward to give statutory validity to the Minorities Commission that was set up in January, 1978. To that extent, I am sure, it will give self-confidence and more sense of belonging to the minority communities.

I am not going into the details of the Bill because that has been extensively discussed here. But I would like to highlight one or two points. In the past few years, much has been said about the mixing up of religion and politics. It is said that it is only because of religion and politics that all the trouble is there. But I do not subscribe to that view. It is not exactly the mixing up of religion with politics but it is the mixing up of religious fundamentalism and communalism with politics. And for political ends, we misuse religion which is love, all embracing.

But instead of that, we preach hatred and enmity.. In this context, I would like to quote very short quotations from two books.

First, I quote from a book "The message of Jesus Christ " written by Gandhiji:

" The rich and radiant personality of Jesus cast a fascinating spell over him. " The gentle figure of Christ ", so patient, so kind, so loving, so full of forgiveness that he taught his followers not to retaliate when abused or struck, but to turn other cheek - it was a beautiful example, I thought, of the perfect man " .

This is exactly the message of Christ , given to the whole mankind. But unfortunately we know, at no point of time, even those who are supposed to follow the teachings of Christ, adhere to it, Instead of love, there is hatred.

I also quote from another book " Anna Ramayan ", written by Shri Sadguru Devai Anand Namah. I quote this because you know what has been happening in the country during the last three years. I do not want to mention any disputed issues here like Ramjanam Bhoomi or Sabri Masjid. But I will say that here is a book written by a famous saint. And I quote from page 106 of this book:

" Tumh Te Adhik Gurahi Jiy Jani,
Sakal bhav sevahi Sanmmani,
Kaam Krodh Mad Maan Na MMoha,
Lobh Na Kshoob Na Raag Na
Droha,
Jinh Ke Kapat Na Dambh Na Maya,
Tinh Ke Hridaya Basahu
Raghuraya."

MR. CHAIRMAN: Mr. Charles, in which language are you speaking?

SHRI A. CHARLES: Sir, I know only a little Hindi.

Now I quote the elucidation in English:

" Looking upon the Holy Master as greater,
Serving with devotion and due honor.

Eradicating lust, anger, attachment,
arrogance,
Without greed, hypocrisy, deceit
and malice.
In such a pure heart free from
illusion,
Abide Thou O Lord Rama, of Divine
Vision.

This is exactly the abode of Lord Rama.
We on this side uphold every religion.

It still goes on and I quote:

"On reaching Rishi Balmk's Ashram,
Bhagwan Ram enquired of the Muni as to
where He should live.... "

Those who looked upon their
preceptor as greater than yourself
and wait upon him with due honour
and devotion, who have no lust,
anger, arrogance, pride or
infatuation, are without greed,
excitement, attraction or aversion
and who are free from fraud,
hypocrisy and deceit-it is in their
heart that you should abide. O chief
of Raghus. That is the gracious
abode for you".

This is where exactly I say that Shri Ram
should live. In all humility I ask the hon.
Members, whether if Shri Ram is to appear
again, will he go to that disputed land which
is full of enmity, full of hatred and full of
fight? I leave this with you, Sir. So, this is the
problem in the last few years. We are using
religious fundamentalism and all sorts of
communalism for political ends. Now, one
hon. Member said here that there should not
be any minority right or majority right, there
should be only human rights. With all the
strength at my command, I support that. But
I would like to draw the attention of this
august House, through you, to the grossest
discrimination that has been shown to a
small section of the minorities, namely, the

Scheduled Castes converted into Christians,
Now, the senior most hon. Member, Shri
Frank Anthony referred to Article 16 (2) of
our Constitution which says:

" No citizen shall, on grounds only
of religion, race caste, sex, descent,
place of birth residence or any of
them be ineligible for, or
discriminated against in respect of,
any employment or office under the
State ".

What is the present condition of the
Scheduled Castes Christians? They are
discriminated only because they have
converted themselves into Christians. The
moment he re-converts into Hinduism, all
benefits are given to him. Sir, I am a student
of law but I am not practicing it. I say that this
is the grossest injustice and it violates Article
16(2) of our Constitution. We, in this great
august House, are having a close mind.
When the Janata Dal Government was there,
the then Minister, Shri Paswan was piloting
the Bill where concessions were given to the
neo-Buddhists. I personally meet him and I
pleaded with him that this is the only time
available and this injustice can be removed
unanimously. And he said, " Mr Charles, we
are opening the door. Let us pass the Bill and
I am sure that before long, injustice will be
rectified". Then I said, " Do not say that we
are opening the door. The door is already
open. All that you have to do is just add one
word " scheduled Castes, converted to
Christianity/neo-Buddhists." At that time itself
the whole thing would have been over. I told
him that before long the door will be closed,
then it will be very difficult to open it again. I
am saying this to our hon. Members who now
say that there need not be minority or majority
rights but there should be only human rights.
Let us remove this discrimination
unanimously as a very negligible section of
the community has been suffering.

While concluding, I would say that I

[Sh. A. Charles]

belong to a minority community and I only say that I had never had any minority complex in my life. I am proud to say that this is one of the rests of the countries where the minorities have a sense of belonging and the rights of the minorities are protected and the hopes and aspirations of the minorities are always protected. I would like to bring to the notice of this august House that during the last four decades of our Republic, there had been two persons from the minority community of Muslim holding the high office of Rashtrapati.

Sir, the Sikh community does not even constitute two per cent. But one from their community had held the highest office of this great country.

Sir, I come from Trivandrum, the Capital City of Kerala, It is highly educated constituency. Eighty per cent of my constituency people are caste Hindus; people with a rich culture. This is the third time that a minority Christian has been elected from those constituency I feel proud of my country. Mr. Shahabuddin has been trying to claim whether he is a Muslim Indian or Indian Muslim. I never had any doubt about my identity. I am an Indian when I speak of my nation. I am a Christian in respect of religion and that is my private life. Every drop of my blood is an Indian.

So, I am glad to say that the minorities are in the mainstream and I only plead with the majority community that they should not create dissensions.

What about Article 370? By giving a special status, you have given a sense of confidence to the minority community.

With these few words. I support the Bill

because, it will give confidence for the minorities to feel that they are the children of this great country.

MR. CHAIRMAN: Hon. gentlemen, now, the time is 4.15 p.m. The reply was to begin at 4.15 p.m. But, I find that there are still four or five Members who are very keen to speak on this Bill.

So, I suggest, if the House agrees, to extend the time by another half an hour and then the reply of the hon. Minister may start. Is that all right.

Several hon. Members: Yes

[Translation]

SHRI SYED MASUDAL HOSSAIN (Murshidabad): Mr. Chairman, Sir, it would have been far better if our friends of B.J.P. had support this Bill. So this Bill is a slap on the face of the Congress Government today. They have been ruling for the past 40-45 years and now they have to bring this Bill, There are only checkpoints of the safeguards given in the Constitution. There is no question of reservation in this Bill and I wanted to discuss a great deal about it but time is very short.

Hon. Member Dikshitiji has just now cited an example while participating in the discussion that the able Muslim are not found in the higher judiciary services then how they will be recruited, My submission is that it is a slap on the face of the Congress I am quoting from the Report of the Minority Commission. It was constituted during the tenure of the Janta Government. This is Dr. Gopal Singh report. The Janata Government wanted to do a lot for them. I am reading out the administrative recruitment figures:

Year	No. of Total recruitment	No. of Muslims
1971	87	1
1972	42	1
1973	124	3
1974	141	1
1975	129	2
1976	138	5
1977	158	10
1978	134	10
1979	117	3
1980	124	1

[English]

MR. CHAIRMAN: Is this in the Central Government recruitment

SHRI SAYED MASUDAL HOSSAIN: Yes in administrative service.

[Translation]

I am laying more emphasis on the figures of the year 197 - 78, when the Janata Government was there. The member of recruitment increased from 1-2 to 10. During both the years of the Janata Government 10 Muslims were recruited each year. May I ask from Shri Advani and Shri Atal Bihari Vapayee, who were in the Janata Party Government, as to whether they had recruited 10 Muslims each year to appease them or were there able persons in the Muslim community? Such things are not good. Is the recruitment policy being implemented keeping in mind the communal view? Its root lies somewhere

else. Nepotism is rampant in the country. The educated persons have migrated from here after partition. Even in the Hindi Community one will not be recruited unless he enjoys patronage from high - ups. The case of Muslim community is altogether different. The question is not of the reservation, though the list prepared for the minority community includes Christians, Buddhists, Sikhs, Parsis and Muslims, Sikhs are getting little benefit from schedule Caste and schedule Tribe quota. Neo-Buddhists are also deriving benefits from the Scheduled Caste and Scheduled Tribes quota. The Central Government is to see whether proper function is going on in the safeguards or not and whether double standard are not being adopted at any place.

Raising the issue of Ram-Janam Bhooni and Babri Madjid is useless., That is a wrong approach. If you go through the reports of the committee the enrolment in primary standard is satisfactory. If you permit me I

[Sh. Sayed Masudal Hossain]

can give figures as I have complete figures with me. The drop-out at the primary standard in respect of average minority community at the all India level is almost the same. The pass percentage up to class 10th is also the same. The pass percentage in respect of minority community benigns to fall from the level of Higher secondary, B.A., B.Sc. Engineering and Medical. It is clear from it that they are unable to afford the costly education, It should be pondered over. The worst is the situation with regard to bank loans., I would like to make a request to my friends of B.J.P. and Dr. Laxminarayan Pandeya that they should see that where there are 50 percent weavers, the bank loan is being provided to only 3-4 percent of the people of Muslim community. Some arrangements should be made to check it.

This will is not grating any special status to anyone. Had it aimed at granting any special status. I would not have opposed it. I think we shall have to think against about the status guaranteed under Article 15, 16, 19, 25, 26, 229, 30 of the Constitution., Yesterday Shri Advaniji had said that if there is the Minority Commission, there should be the Human Rights Commission as well. I do not agree to it since the jurisdiction of the Human Rights. Commission will become vast and as such its implementation will also be extremely wide. The human Rights Commissions in other countries will also poke their nose in it as the Amnesty International is doing in Kashmir and Punjab. It will tarnish the image of the nation. I mean to say that if the Human Rights Commission is set up the situation will further deteriorate.

I have given several amendments to the Bill moved by Kesri ji. He must think over those amendments and giving answer he must mere it clear while replying as to how many amendments he has accepted and how many rejected along with reasons for

the rejection. There is no time to read the amendments. The Members of all the parties should pass it unanimously.; Our friends of the B.J.P. may also support it in order to put a slap on the face of the Congress Government.

[English]

SHRI E. AHAMED(Manjeri): Mr. Chairman, Sir, thank you for calling me.

I rise to support this Bill and also congratulate the hon.Minister and the Government of Shri P.V. Narasimha Rao having brought this legislation for the consideration and passing in this House.

This is the year that we are all remembering the late lamented leader, Shri Rajiv Gandhi-his first death anniversary. This is the greatest tribute to Shri Rajiv Gandhi who was the first politicians or the leader who promised according the statutory recognition to the Minority Commission and his lieutenants like Shri Kesriji has brought this legislation. I am doubly happy because I was one who raised those point on the floor of the House to accord those statutory recognition to the Minority Commission. I was very much surprised that it has been opposed by the Opposition and also not really surprised because the BJP will definitely oppose. But, there is already a Commission since 1976 and we are only according statutory recognition. This Commission has submitted 13 reports. But, so far, no report has been submitted before this House. The senior Members like Shri Indrajit Gupta and other hon.Members has no occasion to discuss what the report was? According to the statutory recognition, Parliament will have a right to discuss the contents of the report because in India there are minorities. It is also a fact that minorities have a large number of problems. It is also a fact that under the democracy, we have to try to solve this problem. Therefore, there is not ground,

no justification for any national political party to oppose the constitution of a National Commission for the national minority. Therefore, I, say, the very Bill which has been brought before this House is a real reflection of the spirit of the national movement, the freedom struggle, The ideas and values of our freedom movement recognise the demands of the plural as well as special safeguards to the minorities or the weaker sections.

Sir, the ideals are the very result of what Mahatma Gandhi had inculcated in our freedom movement. May I, Sir, in this regard quote what Mahatma Gandhi had said in the Second Round Table Conference? On 13th November 1931 Gandhiji had said during the discussion in the Round Table Conference;

" And the mention of Muslim brings me to the baffling problem of the minorities. Believe me, that problem exists and I repeat what I used to say in India. I have not forgotten those words — that without the problem of minorities being resolved, there is no Swaraj, there is no freedom for India ".

Therefore, Sir, these problems are to be solved and the Muslims as a minority here constituting 11.35 per cent. There are also other minorities; according to the census of 1981 2.4 per cent are Christians, 1.98 per cent are Sikhs, 0.79 per cent are Buddhists and 0.48 per cent are Jains. The total will come to about 16 to 17 per cent. So, this Bill is only for a population of 16 to 17 per cent. So, what is going to happen? I was against to hear the speech of Shri Dikshit when he said that the passing of this Bill will create another Partition of the country. I do not understand what he means. I am very much sorry to say this, Sir. What are the provisions of our Constitution? Jawaharlal Nehru's view about the Constitution is that the supremacy of the

Constitution is the most important thing. Jawaharlal Nehru made it abundantly clear in the Objectives Policy Resolution of the Constitution. Sir, may I just say that it was exactly on the 13th December 1946 Jawaharlal Nehru said in the Constituent assembly on Objectives Resolution as follows:-

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

That is the crux of the point here, Sir. May I say, there are several rights enshrined in the Constitution for the minority? I do not know what was meant by Shri Dikshit when he said there are no special rights. May tell him that there is a right to equality before law as provided under Article 14 of the Constitution, non-discrimination on the ground of religion, race caste, sex and the place of birth, equality of opportunity in the matter of public employment under Article 16, right to freely profess practice and propagate any religion including rights of the religious dimensions to manage their religious affairs under Articles 25 and 26? what do these Articles say? These are the rights enshrined in the Constitution and these rights have been upheld by our courts, both the High Courts and the Supreme Court. In those connection I may just bring to the notice of this House what the observation of the apex court, is. There is a memorable Judgment by Chief Justice Das. May I just quote it, Sir? In one of the Fundamental Rights cases which came before the Supreme Court involving the minorities' rights, he observed:

" We the people of India have given unto ourselves the Constitution which is not for any particular community or section, but for all. Its provisions are intended to protect all, minority as well as majority

[Sh. E. Ahamed] *

communities. There can be no manner of doubt that our Constitution has guaranteed certain cherished rights of the minorities concerning their language, culture and religion. These concessions must have been made to them for good and valid reasons.... So long as the Constitution stands as it is and is not altered, it is we conceive, the duty of this court to uphold the Fundamental Rights and thereby honour our sacred obligation to the minority communities who are of our own ".

These are the observations made by Justice Das in his memorable judgment, as the former Chief Justice of India, dealing with a case involving minorities.. Therefore, I was very much surprised when some of my hon. friends have been quoting Sardar Patel to say that these rights have not been given. What was the observation made by Sardar Patel during the debate in the Constituent Assembly? He said:

" So, the future of a minority, any minority is to trust the majority. If the majority misbehaves, it will suffer".

What Sardar Patel said was, if the majority misbehaves, the minority will suffer. So, what my hon. friend Mr. Hussain has just pointed out is an indicator. What is the representation of the Muslims in the services? Mr. Dixit was saying that if they are not competent, how can they be taken? He was referring to the Muslims. Yes, it is true. But, may I ask one question? Why have only one section of the people in this country been made incompetent in this matter? The administration has no answer to it. We have, for the last 40 years, been dependent on the Government and also on the goodwill of the

majority. But what have we got for the last 40 years? What is the representation of Muslims in the Government? What is our socio-economic condition in this country? What was the wrong or error committed by our people? And only because they happen to be a religious minority, they have to suffer in this country. Mr. Dixit knows much better as to what happened to the minorities in Varanasi only because they happened to be belonging to a particular religion. I do not want to go into the details.

Therefore, we must realise the problem before this country. So far as the Muslims are concerned, I may say that Muslims are the citizens of this country. Muslims must first be patriotic to their mother land. The patriotism, so far as the Muslims are concerned, is the article of faith for them. They cannot be true Muslims, if they are not patriotic to their country. So, the talk about minority and dividing of the country is wrong. Why has the BJP constituted a Minority Cell. Sop, you also accept that there is also problem for the minorities. If there is no problem for the minorities, then, why should the BJP constitute a Minority Cell? Is it only an eye-wash? It may be also. The only time they have supported the ' minority' was when they supported the ' minority Government o' of Shri V.P. Singh.

So, by all means, we are supporting this Bill, Everybody has to supporting this Bill, and by supporting this Bill, we will only be discharging a national duty so far as an Indian is concerned. It will be wrong to think that the existence of the different sects, religious communities, castes and tribes is a potential threat to the integration of our traditional society. It is only in the national interest that these different groups should be provided a meaningful participation in the democratic politics of this country. This will strengthen our unity and integrity,

Sir, with regard to the Bill, we have given

some amendments and I am very happy that the hon. Minister has accepted one amendment and has brought an official amendment. I am very grateful to the hon. Minister for that. As a member of the Muslim community, I would like to say that we all must live in harmony and peace. I may quote Allama Iqbal as he sang in his famous couplet "Saare Jahan Se Achcha". He said:

"Majhab Nahi Sikhta, Apas Mein
Bair Kama,
Hindi Hai, Hum Vatan Hai,
Hindustan Hamara.

As the citizens of this country, let us all live in peace, happiness and amity.

[Translation]

SHRI MOHAMMAD YUNUS SALEEM (Kathihar): Mr. Chairman, Sir, I won't take much time. Yesterday, I heard the speech of my old friend, Shri Advani with rapt attention. However, I am sorry that at the moment both Shri Advani and Shri Vajpayee are not present in the House to take note of my viewpoint. Shri Vajpayee knows well and probably Shri Advani also knows that during the freedom struggle the issue of minorities and the majority was raised on a number of occasions under the stewardship of Mahatma Gandhi, not only from the Congress platform, but also from the platforms of Muslim League and Mahasabha, it is wrong on the part of Shri Advani to say that the question of majority and minority is the creation of the Britishers and their regime in the country. I quote clearly remember that during the Congress session this issue was discussed and a committee was set up under the chairmanship of Pandit Motilal Nehru who had given this famous communal award. The award was widely debated. After the said Communal Award a minorities conference was held in 1929 at Lucknow under the chairmanship of Maulana Hazrat Mohani, I attended the Conference as a Scholar. The issue of rights

of minorities was specially discussed. The discussion was focused on the point, whether elections should be conducted jointly or separately.

Just now my friend, Shri Ahmed quoted the words of Mahatma Gandhi who had given an assurance in the Round Table Conference that when India becomes free rights of minorities would be fully safeguarded. This was the difference between the Muslims who fought the freedom struggle under Congress flag and those who were making a demand for partition. Both the Muslim League and the Mahasabha wanted to divide the Hindus and Muslims on communal basis. However lakhs of Muslims who were called National Muslims and who remained with the Congress under the flag of Jammāt-e-Ulma held the view that at that juncture they should fight against the Britishers and make India free. After attaining freedom, all the leaders including Mahatma Gandhi, Pt. Nehru and Shri C.R. Das had made a promise that rights of minorities would be fully safeguarded in free India., Mr. Chairman, Sir, the constitution came into force in 1950. I would not like to go into the discussions and views expressed in the Constituent Assembly about the minorities and the majority. However, the Constitution is before us. A number of facilities have been provided to religious, linguistic and other minorities in the Constitution. Various guarantees and assurances have also been given to them. On the basis of religions they have been given an assurance to practise and propagate their religion in any manner they liked and to protect their places of worship. If the religious freedom of the minorities is obstructed, their places of worship are acquired and they are prevented from offering prayers in these places, it will tantamount to an attack on their Constitutional rights. They must be provided adequate security for this. If the minorities are not permitted to receive primary education in their mother tongue, it is just depriving them

[Sh. Mohammadyunus Saleem]

of the guarantees and rights granted by Article 350 of the Constitution. If this happens, then whom should they approach for redressal of their grievances? Who in the country is there to listen to their tales of woe? We approached the Congress for redressal of our grievances. Government changed, but our voice proved to be a cry in the words.

In 1978, when the Minorities Commission was set up I was a Member of the Rajya Sabha and also a Member of the Consultative Committee attached to the Ministry of Home Affairs. At that time Chaudhary Charan Singh used to be the Minister of Home affairs. I was the first person to raise a voice in the meeting of the Consultative Committee that the Government had deceived the Muslims by offering them a toy in the form of the Minorities Commission. What is the importance of this minority commission, till you give out statutory status.

I remember that Chaudhary Charan Singh said twice or thrice in the consultative committee that all efforts are being made for this and very soon it is going to be given legal status. I had a dialogue with Shri Shanti Bhushan, who was the law minister at that time, because I myself had been the Deputy Law Minister prior to that. I talked to Peri Shastri, the secretary at that time, who later became the Chairman of the Election Commission. He said that we have the instructions that the Draft should be prepared and it should be presented as soon as possible and passed. I am saying all these things because it is not right to say that today statutory status is being given and it is a new thing. This is being demanded from the day the Commission has been set-up.

Many governments and political parties have time and again affirmed that they shall give legal status to it. Atal Bihar Vajpayee

and Lal Krishna Advani both were the cabinet joint ministers in the Government which had set-up a minority commission. All these people had taken the joint responsibility to grant legal status to it. Has the situation changed today? Has the injustice done towards the minorities been checked now? Is the voice of the minorities being heard? Just now, my learned friend was mentioning that minorities do not get representation in administrative services, You talk about administrative service, this is your ** how many peons are there. How many people are being appointed just enquire**. how many people of minority communities have been taken. Is any competitive examination conducted? Are the people of the minorities so incompetent, so incapable, so worthless that they cannot compete in any competitive examination? Can they not even become peons, constables or soldiers in the army? They cannot even be given loans, they cannot be employed as labourers in the public sector, they are not even allowed to work in mills. The minorities are being deprived of their constitutional rights.

I have raised this issue many times that Urdu is the mother-tongue of many people. For this purpose the report of the Gujaral committee and after that the Jaffery committee has been presented But till today this report has been kept secret. I have raised this question in the consultative committee and in the Parliament, but my voice always went unheeded. I congratulate Kesri sahib and I am grateful to the Prime Minister who had given an assurance during the discussion on the motion of thanks on the President's address that a bill shall be brought for the purpose of giving statutory status to the minority commission in this session and Kesri Sahib worked hard to present the bill., I welcome him and I am grateful to him and congratulate him. The Hindu-Muslim debate is present in the constitutional The Hindu community was mentioned.. (Interruptions)..

**Expunged as ordered by the Chairs

[English]

MR. CHAIRMAN: Shri Mohammed Yunus Saleem, I would like to inform you one thing.

SHRI MOHAMMED YUNUS SALEEM: I am concluding, Sir,

MR. CHAIRMAN: I am not talking of your concluding the speech. I may inform you that there should be no remarks about the Secretariat of the Speaker and the Lok Sabha in the Lok Sabha. So I would request you very respectfully that any remarks...

SHRI MOHAMMED YUNUS SALEEM: I have not made any remarks I have just looked at things and said.

MR. CHAIRMAN: Whatever remarks were made about the Office of the Secretariat, will be expunged.

SHRI MOHAMMED YUNUS SALEEM: I do not press it., I simply cited an example saying that this is the situation in this country.

[Translation]

I was stating that this law has been brought in parliament and Articles 25 and 26 of the constitution guarantee certain rights to the minorities and state that reference to Hindus shall be constructed as including a reference to Sikhs, Jains and Buddhists. It has been said that in the constitution, there is no mention of the Hindu religion. This is there in Article 26 of the constitution, in article 29 and 30, the security of the religion of the minorities has been safeguarded and they have been given the right to run educational institutions of their choice and the power to protect their rights. I hope that by giving the legal status the minority commission it will have the power of redressal of complaints

regarding encroachment of rights of minorities and right to appeal. Now I would like to say two things to Kesri Sahib. He is an old and experienced Congressman and he has learnt from the Congress platform and the principles of the Congress that there should be no discrimination between one man and the other on the basis of caste, sex or faith. At present, a copy of your bill is with me, and together with this two more laws have been accepted in this house. A commission has been set-up for scheduled castes and scheduled tribes and a national commission has been set up for the women. I shall draw your attention to the clauses which you have incorporated in that and will conclude it. I am reading out clause ' F ' of paragraph ' A ' of section 9 of this law in which you have given their rights that-

[English]

" conduct studies, research and analysis in the issue relating to socio-economic and education development of minorities."

[Translation]

In this you have only mentioned conduct, studies and research, but in the commission which you have set-up for women and for scheduled castes, you have mentioned that

[English]

" to participate and advice on the planning purpose of socio-economic development of women "

[Translation]

In the same way in the enactment in which a law has been made for scheduled castes it has been said that:-

[Sh. Mohammed Yunus Saleem]

[English]

" to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being enforced or under any of the Government and to evaluate the working of such safeguards. "

[Translation]

I would like to draw your attention to the parts that

[English]

" to participate and advice on planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes. "

[Translation]

As far as socio-economic development is concerned, you have provided for the participation of women in planning. As far as scheduled castes and tribes are concerned, they are participating in socio-economic development. But for unknown reasons, you have only kept law. I am requesting you to be kind enough to consider this and in the national Woman commission act., it should be provided here also. This should not be made meaning-less. The very purpose of this should not be defeated for which you have after so might efforts,, with so much care, showing so much sympathy with the minorities, made this laW. The empire purpose of this should be fulfilled.

Ultimately, I have something to say. You have stated that there shall be 7 members in this Commission, and 2 of them shall belong

to the non-minorities. The implication of this is that in this commission minorities shall remain as minorities. In the constitution, the Sikhs and the Buddhists have been included in the Hindus i.e. in the majority community. If any Sikh, Buddhist or any Jain comes as minority,

[English]

he will constitute a majority and not a minority.

[Translation]

If you keep two more non-minorities in this, then there shall be a minority of minorities in the commission its purpose shall not be fulfilled. Most politely I shall urge you to give attention to this.

I would like to thank you for giving me an opportunity to speak.

17.00 hrs.

[English]

KUMARI FRIDA TOPNO (Sundargarh):
Mr. Chairman, Sir, I congratulate the Government for introducing this historic Bill giving constitutional status to the Minorities Commission. The secular character of our Indian democracy, for the first time, is being debated and the disruptive and divisive forces have thrown an open challenge to the very unity and integrity of India. The minorities, be it racial, linguistic or religious, who are the supporting pillars of our democracy, feel insecure, being humiliated and their constitutional rights encroached upon by subversive forces. Simply because one gets majority in the legislature, one should not try to justify his action of encroaching upon the constitutional rights of the minorities. And when it is going to happen, there has to be an independent constitutional body with certain powers to point out the misdoing and to

recommend measures to safeguard their constitutional rights.

Till today, the work of the Minorities Commission has been of a survey-making and recommending authority. Its recommendations have no compelling force to the legislature to be bound to consider such recommendations. The administration has not been made answerable for its acts of omission and commission leading to encroachment upon minority rights. In the recent past, many communal violence incidents have taken place in many parts of the country. And what was the role of the Minorities Commission? Is it just to survey and report? How many administrators have been made answerable or have been punished?

Sir, the Commission must have enormous administrative as well as judicial powers to try and punish the persons responsible for such communal violence. In order to deal with firmly and timely, a riot force may be created and be placed under the disposal of the Minorities Commission. I take the privilege to place before this august House that teachers of over 200 mission-managed schools in Orissa have been denied retirement and provident funds benefits only because they serve in the minority educational institutions. These benefits are given to all the teachers of government and privately-managed educational institutions. And there is no authority to enforce it. When the mission-managed educational institutions are regarded to be the best everywhere, why is there such a discrimination against them? My submission here is that the Commission's findings and recommendations, even if falling within the purview of the State Government because of their gravity which very often shake the secular fabric of our country - be placed before this august body for discussion. The newly constituted Minorities Commission with constitutional status, would certainly be able to do away all apprehensions and

disappointments that have cropped up in the minds of the minorities owing to various reasons.

About the composition of the Minorities Commission, my submission is that men of eminence and of highest integrity from different racial, linguistic and religious minority communities be represented in the Commission. The communal violence prone zones are to be identified, and where minorities feel more insecure and neglected, the Commission's branches be allowed to function.

Very often, we observe that these Commissions do not have manpower to make them more effective and approachable. The Commissions must go to the very door of the people to study their problems and for on the spot solution. This will Create confidence among the minorities, a sense of security leading to fellow feelings and unity and integrity of the nation.

I support the Bill and I thank you very much for allowing me to say a few words on this Bill.

PROF. RASA SINGH RAWAT (Ajmer):
Hon. Mr. Chairman, Sir, with regard to the National Commission for Minorities Bill, which has been introduced here, I would like to say that hardly has the nation forgotten the trauma of partition, that Shri Kesri has come up with a National Commission for Minorities Bill, which carries within its womb, the seeds of another partition and I vehemently oppose it.

Sir, the Bharatiya Janata Party wants the welfare of all sections of our society without any kind of inequal or discriminatory treatment but the party also believes that the land stretching from Kashmir to Kanyakumari and Gujarat to Nagaland constitutes one nation. The country has already been divided on casteist, linguistic and religious lines and

[Prof. Rasa Singh Rawat]

now a permanent cleavage is sought to be created in the name of majority and minorities and I strickently oppose this kind of an attitude.

Mr. Chairman, Sir, I have been listening to the thoughts expressed by the hon. Members since yesterday and they have spared no effort to tarnish the image of the Rashtriya Swayam Sevak Sangh, Vishwa Hindu Parishad, and the Bharatiya Janata Party and they have levelled several allegations. Nobody has responded to the argument put forward by Shri Advani with reference to the observations made by the former Chairman of the Minorities Commission. Shri Justice Beg and the grounds on which he had opposed the Minorities Commission, despite being a Muslim himself. Sir, secondly, nobody has responded to the substantial arguments against the Minorities Commission made by a renowned jurist like Shri D.D. Basu in his works. Rights now, one of the hon. Members mentioned

'Mazhab Nahin Sikhata,

Apas Mein Bair Rakhna,

Hindi Hain Hum, Watan Hain, Hindustan Hamara".

It's a noble concept and is sweet to the ears, but what psychological make-up made Dr. Iqbal say later on -

"Muslim Hain Hum, Watan Hain Sara Jahan Hamara".

Dr. Iqbal who once penned eloquent lines on national integration later on said 'Muslim Hain Hum Watan Hain, Sara Jahan Hamara'. What kind of attitude was it 'Sir, these people expect the majority community, not to discriminate against these brethren

belonging to minority communities, but have they ever called upon the minorities to do some introspection? Sir, during cricket matches between India and Pakistan, some of our citizens decorate their houses with lights in the event of Pakistan's victory and India's defeat. What kind of attitude is that 'It will have to be changed. (*Interruptions*)

[*English*]

MR. CHAIRMAN: Mr. Rawat, Kindly restrict your speech to the subject in hand. It has got nothing to do with the hockey match between India and Pakistan.

[*Translation*]

PROF. RASA SINGH RAWAT: Such attitude will have to be changed. Only then will the people of this country be united and become part and parcel of the national mainstream and culture. Only a fraternal feeling towards each other can be an antidote to separatist tendencies. Is it in the larger interest of the minorities that divisions are sought to be created between them and the majority community, in the name of Minorities Commission? Of the 12 reports submitted to the Union Government by the Minorities commission so far, four of them have not been placed on the Table of the House and made public. I would like to know from Kesriji, their whereabouts as also the action taken by the Government on the basis of these twelve reports. The Government should come out with a white paper giving details of the action taken by the successive Congress Governments on the basis of the reports submitted by the Minorities Commission, so that the eyes of the Minorities are opened to the fact that they are being misled, for the sake of votes. The condition of this country is going from bad to worse.

Sir, the Union Government doesn't possess the courage to arrest those people who by their inflammatory speeches arouse

the passions of lakhs of people who congregate at the Jama Masjid, every Friday and talk about boycotting the celebrations of the Republic Day but it has no qualms in putting behind the bars, saintly and revered people like the Shankaracharya, who talk highly of our religion and culture, who say 'Vande Mataram' and work for national integration and upholding the tricolour.

Sir, so long as the Hindus are there, this country will remain secular, for they are tolerant and liberal. If Hindus and Muslims love each other and live like brothers, it will put an end to all internecine quarrels. (interruptions) Sir, they are feeling so uncomfortable. I would like to say something in this regard. This country has given birth to so many saintly people, whom our people revere. The Hindu society looks upon Kabir, Raskhan and Rahim with the same respect, with which it looks upon Surdas, Tulsidas and Meerabai.

Sir, even today, Hindus in large numbers pay obeisance at Dargahs and Mazars. All political leaders, in the name of secularism, proudly offer prayers at the places of worship of all communities. I would like to know as to how many people belonging to the minority communities reciprocate it, respect the religious sentiments of their Hindu brethren and go to temples? Sir, this a fact and it cannot be ignored. (Interruptions)

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Chairman, Sir, what is being said? Do we have to go to temples and offer prayers? What is being said? (Interruptions)

SHRI HARIN PATHAK (Ahmedabad): When you were speaking, they gave a patient hearing. Now you too should have the courage to listen to what is being said. Have courage. (Interruptions)

[English]

THE MINISTER OF STATE OF THE

MINISTRY OF COMMUNICATIONS (Shri Rajesh Pilot): This is very embarrassing. It should not go on record. Is this the way to speak in Parliament?

[Translation]

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, I would like to say that we should make all possible efforts to bring the minorities into the national mainstream. If this is done, it will go a long way towards national integration. Here, we should not be identified as Hindus or Muslims, but as human beings, as Indians. If at all, you have to set up a commission, constitute a Human Rights Commission, so that we treat each other as human beings. The need of the hour is to create a feeling of oneness and equality among the masses.

Through you, I would like to submit here that we all have many things to learn from the Muslims of Indonesia. That country has the largest Muslim population in the world, yet they respect the sentiments of people belonging to other religions. Even they name their children after these ancestors like Sukuno, Suharto etc. (Interruptions) and they are proud of it. The Indonesian Muslims proudly watch Ramayana plays, but unfortunately some of the people living in this country are not fully loyal to their motherland. They lack allegiance towards these motherland. (Interruptions)

I would like to add here that this Bill has been brought merely to appease the minorities and this endangers the unity of the country. This Bill poses a threat to the integrity of this country. This Bill poses a threat to the integrity of this country and it has within it the potential to break this country into pieces. Therefore, I vehemently oppose this Bill.

[English]

MR. CHAIRMAN: Please sit down. Prof. Rawat, please sit down. I will request you to

kindly show some discipline in the House. I would also request you to kindly stick to the subject which is under discussion and not let your emotions run away with you and try to cover the subject. I have already requested you and I am again requesting you to kindly wind up. Anyway, I will give two more minutes and you please stick to the subject.

[Translation]

PROF. RASA SINGH RAWAT: Sir, that is why, through you, I would like to request the Government to bring forward a Bill on Human Rights Commission in place of the present Bill on Minorities Commission in place of the present Bill on Minorities Commission..... (interruptions)

SHRI NITISH KUMAR (Barh): Mr. Chairman Sir, you said that you have not yet called his name. When you have not called his name, whatever the hon. Member said should not go on record, because he spoke without your permission. The second thing is that when he sat down you called him to speak again. (Interruptions)

MR. CHAIRMAN: I have given ex post facto sanction for that.

(Interruptions)

SHRI NITISH KUMAR: He made a complete speech and now he has wound up (Interruptions)

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, through you, I would like to make a demand from the Government that in place of the Minorities Commission Bill they should bring forward a Human Rights Commission Bill in the interest of the unity of the country. A white paper should be published on the action the Government has taken on the basis of 12 reports of the Minorities Commission. The second demand that I would like to make is that the Government

should refrain from its appeasement policy forever so that peace and calm is established in the country.

Sir, secularism means giving equal respect to all religions. The implication of secularism is not only the appeasement of one community and rejection of the majority community. It is not ignoring the majority and it cannot be tolerated. Sir, right to equality has been granted in our Constitution. That is why I say that all the citizens of the country are equal. As such, the Government should set up a Human Rights Commission.

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Chairman, Sir, I support this Bill. At the same time I express my thanks to my hon. friend Shri Sita Ram Kesri that the work which had been left incomplete since 1978, was completed in his regime. I hope that the hon. Minister shall keep doing good work in this way in future also. Although there are some drawbacks in the Bill, I support it. This Bill was legally very necessary for the unity and integrity of the country. If this kind of a Bill had not come, then the people of the minority communities in this country would have felt that they are insecure and especially in these days they feel more insecure because these days the threat of communalism is looming large on them and to speak the truth, the role which secular forces should play is not being played by them properly. I feel that the psyche of the people of the country is not like that which may enable them face the communal forces.

In the Lok Sabha many such issues are raised. Last year also an uproar was created in the Lok Sabha on this issue.

MR. CHAIRMAN: Tej Narayan Singh ji, you had asked for 2 minutes time. Now you may please wind up.

SHRI TEJ NARAYAN SINGH: Last year, Shri Vishwanath Pratap Singh had brought

forward a Bill to Provide to reservation 85% people. At that time there had been resentment. And even today, when this Bill has been presented by the Congress Government, though some of us support it, some others allege that this will lead to disintegration of the country. I would like to say exactly the reverse that if reservation is not provided and this Bill is not passed, the country will disintegrate. People who oppose this Bill want to disintegrate the country. They do not want that the country should remain united (Interruptions)

MR. CHAIRMAN: Tej Narayan Singh ji, hence forward your speech will not go on record. That is why you may please sit down. I say that whatever you speak, nothing will go on record.

An experienced person like you should not exceed the limits of discipline. At your request, I had called your name. When I called your name, you were not present. When you requested for the second time, I gave you 2 minutes time and now you are going on speaking. That is why you should sit down.

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): Sir, first of all Advaniji levelled two allegations. Firstly he said that the Bill which has been brought forward here for purpose of giving statutory status to the Minorities Commission and also for giving it legal status is aimed at securing the votes of the minorities. He gave an example for that. I would like to say very clearly that this has also been included in our manifesto. (Interruptions)

SHRI VISHWANATH PRATAP SINGH (Fatehpur): Mr. Chairman, Sir, I would like to tell the hon. Minister that no statutory powers are being given through the Bill. If he brings a constitutional amendment Bill for giving statutory powers, we shall fully support him. If he really wants to do something for them,

he should bring forward a constitutional amendment Bill. If he brings forward a Bill on the same line he brought a Bill for scheduled castes and scheduled tribes, we will support him.

SHRI SITARAM KESRI: Mr. Chairman Sir, the question of constitutional powers or legal status shall come up later and if the need is felt for it, then even that will be brought.

17.20 hrs.

[MR. SPEAKER *in the Chair*]

Sir, Advaniji said two things. First of all he said that in bringing forward this Bill we have been motivated by the consideration of winning over the minorities. He cited an example. As I have already said, we have made a commitment for this in our manifesto. We are bringing this forward in pursuance of the same.

Secondly, he made a mention of Beg Sahib and gave his example. First of all I would like to state very clearly that I have not presented this Bill for the purpose of mobilizing votes. No matter, we get votes or not we have included this in our manifesto. Various parties included certain issues in their manifesto and they talk in terms of fulfilling those promises. Bhartiya Janta Party has also got its own manifesto. Now, it is different that they have not made any announcement for the minorities. I presented this Bill here to fulfill the promise made in my party's manifesto and that is why I take pride in it and I can claim with pride that I shall fulfil these promises.

Secondly, as far as the example of Beg Sahib is concerned, I understand that he has not read it completely or it has not been explained to me or I am less educated than him, because I never feel proud of the fact that I am an intellectual or a learned or

[Sh. Sita Ram Kesri]

knowledgeable person. In 1929, I came here on foot. I was not even aware that I would come here. That is why I would like to state that Beg Sahib has said many things in it. He has also made certain suggestions. He made a proposal for SC./S.T. sub committee. He also proposed for setting up a sub committee for human rights. So, I would like to submit that all these things are there in it. Now I shall come to the basic issues.

All of you expressed you views, I have no grouse against anyone. The incidents which take place in this country should be analyzed intellectually. I do not want that it should be thought about me that I am making any allegation. I would like to ask how and why this situation was created. First of all, I would like to say that in 1978 they had also set up this commission and they had also moved a Resolution for constitutional amendment, but the Bill fell as required number of members were not present. That is why as far as the setting up of this commission is concerned they are also responsible for it. It is correct that they had a political purpose behind it. Since this is based on political realities and logic, they should also be given a chance to come to power and serve the country. I have no such feelings against anybody. I that they do not think about the country, But their line of thinking is different. For example, you organised a Ram Rath Yatra. I am just explaining the point. You can construct temple anywhere you like. That is a separate issue. But have you ever thought of the apprehension that the Ram Rath had in the mind of 10 crore Muslim families in the country when it was taken out from Somnath temple. I am just citing an example. There are two ways of getting votes. The first is by requesting the voters and the another is by intimidating them. (interruptions)

SHRI LAL K. ADVANI (Gandhi Nagar): There may be occasions when such speeches may be justified. But, if this is the standard of

the reply when we are deliberating on the Minority Commission Bill, what will be its consequences. During the course of the Rath Yatra many Muslims met me. After hearing me, they said that their impression was totally different but after my speech their apprehensions had been dispelled. What I want to say is that at the moment we are not discussing that issue. You may not take into account the logic I have put forward in regard to Minorities Commission. But the logic put forward by Shri D.D. Basu, Justice Beg and Shri B. Shivram has a direct bearing on the subject. It will be enough if their points are replied.....(Interruptions)

SHRI SITARAM KESRI: Advaniji made a number of submissions. He quoted the views expressed by different intellectuals. I request him to take into account the verdicts of different High Courts. All intellectuals do not give the same opinion. He cited one example in reply to which I can cite another example. In the present circumstances I would like to make a submission. I have no such feeling at all. He is at liberty to comprehend it in his own way. What I say is based on practicality. I am not talking in the air. There is nothing idealistic about it, I am saying a practical thing. I am saying what I saw. (Interruptions) I am giving the reasons why the minorities should be protected. When he was arrested in Bihar the Hindus and the Muslims got united. Evil designs of vested interests to create a rift between them were foiled. Shri Advani also indulged in intimidation. He did not create love.....(Interruptions).....Such a situation would not have arisen had he not indulged in intimidation. (Interruptions) Had Shri V.P. Singh and Mulayam Singh got united, their party would have also faced the same fate what it had in Bihar.....(Interruptions) Truth is very terrible. Only sentiments will not do. You can, at best, win only one election with the help of sentiments. But, look at the truth, now people are changing their cadres. I would also like to tell you as to how various

communities in the society are getting united (*interruptions*) The Minorities, Harijans, Adivasis and backward classes are coming closer and nobody could prevent them from getting united. Did you hear what he said? I do not say that we do not commit mistakes. We also commit mistakes. The list of jobs he has suggested for these people is a matter of distress. Which ever party may come to power it will be very distressing for it. These people cannot get united by this process. That is why, my hon. friends, I am making this submission to you. (*Interruptions*) Please listen. Sir, through you, I would like to say as to what happened 1200 years, 2500 years, 100 years or 60 years ago in this country, The reservation is not a new phenomenon. It is a big issue before us. It seems that our friends have abandoned the idea of reservation. Please do not abandon the question of social justice. The interests of the country lie in social unity, amity, religious goodwill and religious feelings (*interruptions*)

SHRI RAM VILAS PASWAN: Since you have become a minister, you have abandoned it.

SHRI SITARAM KESRI: It makes no difference if I am Minister or a lay man. The real question is not of anybody's status in the House. The real question is the need to look into the present circumstances of the country. The fear psychosis should be removed from the country. You know it well why the Minority Commission Bill has been brought. Today my confidence has strengthened. The minorities are in danger and they were deprived of their rightful dues. Therefore, we have brought this Bill. Whatever may be the reason but I have been seeing this lapse for last 50 years. I saw it with my own eyes. I did not read about it. I have seen the genocide of 1947 with my own eyes. I know we differ ideologically. Two ideologies always clash. It will always be there. Communal riots will continue to take place as long as the Muslims exercise their franchise under

duress. Therefore, we all should think how to maintain an atmosphere of amity.

I don't want to go into the details. I do not want to deliver a special speech. I have already said why such a situation has developed in the country. You also got Muslims votes in 1989 by striking an alliance with Shri V.P. Singh. (*Interruptions*) Your party did not get strength from us. Your party got support due too its association with non-Congress parties. There have been wide differences on political, social, intellectual, economic issues between our parties and it will continue to be there in future also. Our relations have never been harmonious at any point of time. Your party joined hands with non-Congress parties. You can join hands with them but not with us. Perhaps Shri Vishwanath Singh knows it well. He has understood you. I believe that he will not contest the next elections as your ally. (*Interruptions*) Politics is ever changing. Ours is politics of reality. If non-Congressism arises again you cannot join hands with us. There are great differences between us because it is a battle of ideologies. We say proudly that we have brought Minority Commission Bill. We have all along been doing this and will continue to do so in future also. (*Interruptions*)

SHRI BHAGWAN SHANKAR RAWAT (Agra): We want that Bill on Commissions should be brought but taking commissions should be stopped.

SHRI MADAN LAL KHURANA: Which commission will they bring, Bofors' or A.B.B.?

SHRI SITARAM KESRI: Sir, I recollect the speech delivered by Shri Atal Bihari Vajpayee in the Rajya Sabha. I was delighted to listen to his speech. In his speech Atal Ji said in the Rajya Sabha that the rath was not a Ram rath (*interruptions*) I heard his speech intently (*interruptions*) when I came to know (*Interruptions*) Please listen. What I am saying is already there in the record. Don't take

[Sh. Sitaram Kesri]

them lightly. I would like to say clearly that such a situation was created in the country when minorities all over the country were living under fear. Had they not been living in a state of fear, there would have been no difficulty in the construction of the temple. Your starting was wrong. You had an ill-will. You had no love for Ram. Otherwise, there was no reason for you to take out a Rath from Somnath temple and travel throughout the country. You would have constructed the temple direct. We do not know who came 500 years back, who was Babar, whether he was a dacoit, a human being, a God or an angel. It is unfortunate that Indian culture and the Hindu culture is being blamed for avenging. We are avenging upon his children, and his progeny. You know who was born before you....(Interruptions)

SHRI SYED MASUDAL HOSSAIN (Murshidabad): It all started just after the lock had been opened. The Rath yatra was a later incident. You had got the lock opened and thereby incited the people.

SHRI SITARAM KESRI: I would appeal to all to create an atmosphere of harmony. Forge it, if you think that such a large number can be alienated by creating an atmosphere of terror. You are in the wrong if you think it is like that. I want to cite an example. During the first general elections in 1952 the people of Bihar told Dr. Shri Krishan Singh that 99 percent Muslims had cast their vote. Shri Krishan Babu replied that the elections were not fair. When the people asked him why it was so he said that the vote is not of an independent mind and the voter was afraid. That is why I am asking you not to go in for the frightened vote.....(interruptions) It is unfortunate if the voter is frightened.

AN HON. MEMBER: You are creating this fear.

SHRI SITARAM KESRI: You are creating fear. I am saying it again.....(Interruptions) situations have been created wherein the society is disintegrating. There is awareness in the society today. Look at the backward classes and scheduled castes. This wave is spreading. This wave is dividing the society into two parts vertically. Therefore, I would like to submit that there should be social understanding and a compromise with the society. People should understand each other and have tolerance to the sentiments and religion of others. Specially, it becomes the duty of the majority group that they should be generous towards the minorities and they should be ready to help the minorities to the maximum. But it is not like this today....(Interruptions)

AN HON. MEMBER: Will you allow partition of the country....(interruptions)

SHRI SITARAM KESRI: Do you know what partition of the country means. Nobody has been in favour of partition of the country. (interruptions) Listen to what I have to say.....(Interruptions)

SHRI DAU DAYAL JOSHI (Kota): Those who claimed that the country will not be divided, only they sought the partition. (Interruptions) Who created Bhindrawalan you. Ghisingh was also your creation (Interruptions) It is the Congress Party which is blamed for the partition of the country..(interruptions)

SHRI SITARAM KESRI: Had not Congress fought, this Parliament would not have been there, freedom would not have been there and the country would not have become independent. Had not Gandhiji and Nehruji been there freedom struggle would not have been fought. Gandhi, who opposed partition, was killed. (interruptions) Why only he was killed and others were not killed.....(Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): You have made the person who wanted to install the statue of the murderer of Gandhi, a Minister in Maharashtra....(Interruptions)....

[Translation]

SHRI SITARAM KESRI: Sir, I abide by your orders.. I have not disobeyed them....(Interruptions).....

SHRI SITARAM KESRI: Who has been made a Minister? That is secondary issue. History....(interruptions)

MR. SPEAKER: You address the Chair then they will not say anything to you.

SHRI HARIN PATHAK: The man who wanted to install the statue of Nathuram Godse belongs to your party and he is a Minister in Maharashtra. You have made him a Minister.....(interruptions)

SHRI SITARAM KESRI: My submission is that I have not mentioned the name of Godse. I had submitted that Gandhiji was against partition and still he was killed. Then they spoke and I asked them not to press me to open my mouth as there are many others things. But I want to say this much that.....(Interruptions)....

SHRI SITARAM KESRI: Do not press me to open my mouth.....(interruptions)

SHRI HARIN PATHAK: He is a Minister in Maharashtra....(Interruptions)

[English]

SHRI SITARAM KESRI: I do not want to open my mouth. That case is over now.

MR. SPEAKER: My request to you is, do not go by what they are asking you. You go by your own line please. (Interruptions)

SHRI RAM VILAS PASWAN (Roser): You open your mouth (interruptions)

[Translation]

[English]

SHRI SITARAM KESRI: Do not press me to open my mouth. I do not want to open my mouth.

SHRI SITARAM KESRI: Sir, the proposal of the Minorities Commission was mooted by the Bhartiya Janata Party during the Janta Party regime. Not only this, a Constitution Amendment was also brought forward but it was defeated due to the lack of required number of Members supporting it. But unfortunately today, I fail to understand which circumstances compelled them to oppose it. I had hoped that they would support it but instead of supporting it they are opposing it. I have no complaints about it. Every party has its views but my only submission to you is that the awareness is coming in the society particularly among the Muslims of this country who remained here after 1947 partition. Lakhs and corers of Muslims who did not want Pakistan are being treated as second class citizens. This is the reason today that.....(Interruptions)

MR. SPEAKER: We have got other business also. I think, we have discussed it. We have some more business also on the agenda.

I have to make one request to the Minister that he is to address the Chair.

Secondly, please ber in mind the time and the pending Bills before the House.

SHRI RAM NAIK: Sir, you please ask him also to speak on the Minorities Commission.

SHRILAL K. ADVANI: Mr. Speaker, Sir, I knew there were people all over the world who defamed India by saying that minorities were being treated as second class citizens in this country even though the condition in their respective countries was well known to the world but today a Minister of this country is giving this statement *(Interruptions)*

SHRI SITARAM KESRI: Sir, I have not said so.

SHRI LAL K. ADVANI: All the citizens are equal. Nobody is of the first rank and nobody is of the second rank irrespective of the religion to which they may belong.

SHRI SITARAM KESRI: I want that the neglected sections of society should also be treated at par with other people. *(Interruptions)* The treatment which has been given to them in of second class citizens. I have not said that. I have always supported these people. *(Interruptions)*

MR. SPEAKER: Look, you should not do like that.

(Interruptions)

SHRI NITISH KUMAR (Barh): We extend our greetings to him for his historical speech.

MR. SPEAKER: Kesri ji, you have brought a very good Bill. How will this Bill benefit the minorities and what type of facilities and assistance would they get, please come to that. Forget about the things of the past.

SHRI SITARAM KESRI: Sir, they are not ready to support the programmes. *(Interruptions)* They are not ready to listen to the truth, they are not ready to accept the reality. Why has such a situation been created wherein they are not ready to accept the Bill. Mr. Speaker, Sir, I would simply like to say

through you that the Bill moved by me for giving a statutory status to the Minorities Commission should be supported by all. I would also like to add that our society will disintegrate in the absence of a common good will if there is not cohesiveness among the people and if the onslaught on one another's religion continued. It will not be in the interest of our nation. It is hoped that this should not continue. I therefore, warn earnestly time and again that there should not be any ill-will in any section of any society. Unless there is a good will, there is a mutual, understanding, cordial relations and harmony and unless the younger brother gets love from the elder one, how is it possible for a society and a country to remain united. *(Interruptions)*

I would request my those colleagues, who have moved some amendments, to withdraw them. In this connection, I remember a story of a marriage. The parents of the bride gave each and everything including horse, elephants etc. as dowry. When the marriage party on returned journey stayed during the night on the way, the bridegroom's party complained that the parents of the bride did not give a stake. So all these these things are incorporated in this Bill and I think nothing has been left out of this Bill. *(Interruptions)*

I would like to request again my colleagues who have moved certain Amendments that they should withdraw them. I would like to mention that there is a difference between the Commission of Inquiry and the Minorities Commission. Inquiry Commission confines itself only to the inquiry of a certain issue, such as enquiry into a murder case or probe into some irregularities. The Minorities Commission can, however, enquiry into all sorts of cases, summon anyone for inquiry and it has all the rights of a Civil Court.

As regards your plea that the body of the

Minorities Commission should exist for three years, we have no objection about it. So far as the question of 5 to 6 members is concerned, there are already 5 members and one of the two members belongs to Minority community.

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, you are enacting a new law. You have just formed a Women Commission which does not include this provision and as a result of which no woman was taken from the minority community. My straight demand is, therefore, that you should have six members instead of five. There will be six members from the minority communities and one from any other class.

SHRI SITARAM KESRI: I have already stated that one of the two members will be taken from the minority communities; so it comes to six. What objection you have in it?

SHRI RAM VILAS PASWAN: But it is not mentioned in the Bill.

SHRI SITARAM KESRI: I assure this.

SHRI RAM VILAS PASWAN: You should better adopt this Amendment than give assurance. (*Interruptions*)

SHRI SITARAM KESRI: So far as the question of public interest is concerned, it has been mentioned that the interest of minorities should be considered. The Amendment does also include that. The two things have been made clear. (*Interruptions*)

SHRI RAM VILAS PASWAN: Why do not you take the minority interest and the public interest as one. When there is a Minorities Commission, why don't you include the interest of the Minorities.

SHRI SITARAM KESRI: There is no difference between the two.

SHRI RAM VILAS PASWAN: No, there is a difference between these two.

SHRI SITARAM KESRI: You should please accept it without going into dispute. (*Interruptions*) With these words I would like to request the hon. Members that they should pass the Bill unanimously instead of pressing their Amendments.

[*English*]

MR. SPEAKER: I shall now put Amendment No. 2 moved by Prof. Rasa Singh Rawat to the Motion for consideration to the vote of the House.

Amendment No. 2 was put and negatived

MR. SPEAKER: The question is:

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

The motion was adopted

MR. SPEAKER: The House shall now take up clause by clause consideration of the Bill

Clause 2

SHRI SYED SHAHABUDDIN (Kishanganj): Sir, I beg to move:

Page 2, line 3, — *add at the end* —

"in respect of the Union as a whole and in respect of one or more States or Union territories."

SHRI RAJAGOPAL NAIDU (Periyalkulam): Sir, I am not moving my Amendment.