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* Protection of Mosques in New Delhi

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

> "That for the original Resolution the following be substituted :
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> "That this Assembly recommends to the Governor General in Council that in order to protect and keep in proper repairs the mosques situated in New Delhi area, he should be pleased to take the following steps :
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> (a) instruct the Department concerned to allot those bungalows in the compounds of which mosques are situated subject to the stipulation that no obstruction should be offered to their restoration or to the use of such mosques by Muslims for offering prayers therein; and
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> (b) further instruct the Department concerned and the New Delhi Municipal Committee to give all facilities, assistance and necessary legal permits to such Mussalmans as come forward to repair, restore or rebuild any existing mosque in New Delhi area."

*** The Honourable Dr. B. R. Ambedkar** (Labour Member): Sir, this Resolution falls into two parts—part (a) and part (b). I am concerned with part (a) only. Part (b) will be dealt with by the Honourable the Secretary for Education, Health and Lands Department. Part (a) with which I am concerned makes two recommendations. One is that the Government should undertake to allot bungalows with mosques in their compound to Muslim employees of the Government of India. The second recommendation is to instruct the occupants not to obstruct the restoration or the use of such mosques for offering prayers by anyone who cares to come and offer prayers there.

I would like to say that I am sorry that I cannot accept either of the two recommendations. I do so not because I do not appreciate the sentiments which have moved by my Honourable friend to table the Resolution but because of the inherent difficulties which are involved in the acceptance of this Resolution.

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* Legislative Assembly Debates (Central), Vol. III, 30th March 1944, p. 1798.

Taking the first part of the Resolution, my Honourable friend, Sir Yamin Khan, said that the Government had already allotted or reserved a particular House for an Honourable Member who happens to be a Muslim. I believe he referred to this in order to support his plea that the principle had already been accepted. Sir, I would like to state categorically that that is a mistake. No house is reserved for any Honourable Member. It happens to be an accident that the house to which he referred has been occupied by a Muslim Member. But I have not the slightest doubt that should there happen to be a vacancy in that house, which I hope not, it will be open to any Honourable Member next senior to him to claim that house irrespective of the question whether the Honourable Member is a Muslim or a non-Muslim.

Sir Muhammad Yamin Khan : But a purdah wall has also been built.

The Honourable Dr. B. R. Ambedkar : That is another matter. I am dealing with principles.

Therefore, the Government of India has not accepted the principle. I am going to point out to my Honourable friend that so far as the present times are concerned, it is quite impossible for the Government to accept any such rigid principle.

Sir, what does the acceptance of the principle mean ? It means two things. It means that the Government should undertake to serve a notice on non-Muslims who are occupying the sort of bungalows which are the subject-matter of this Resolution and to have them vacated. That would be the consequence if the Government accepted the Resolution.

The second consequence of the acceptance of the Resolution would be this : supposing there was a vacancy in such a bungalow, and that an officer to whom such a bungalow could be allotted happened to be a non-Muslim who was called by Government from outside to stay in Delhi, and whose presence was absolutely necessary ; under the circumstances Government should not allot the accommodation to him. Sir, my humble submission is that that is an impossible condition; and

in view of the present circumstances, when there is such tremendous paucity of accommodation, and when officials who are called here have to live in hutments and in all sorts of improvised accommodation, for Government to adopt a rule of this kind would be—I do not wish to say,—a dog-in-the-manger policy. My Honourable friend can easily realise that this is not a thing which can be accepted by Government in the present circumstances.

Coming to the second part of the Resolution which asks Government to put certain restraints upon the occupants, I am sorry to say that that also is bound to create great difficulties. Sir, it is quite well-known that a landlord is entitled to put certain restrictions on a tenant. But I have no doubt that my Honourable friend, Sir Yamin Khan, will agree that the landlord can put such restraints upon a tenant which are intended primarily for the preservation of the premises. I have not got time to go into this in any detail. But the sort of restrictions which my Honourable friend desires Government should impose upon the tenant are not justifiable on the ground that they will not be for the preservation of the premises.

Now, Sir, I come to the second difficulty. What would be the position of the tenant who is subject to this kind of stipulation. Sir, I have no doubt and I feel quite certain that I am not exaggerating the matter, that if I were to introduce the kind of stipulation which is mentioned in the Resolution that every man, whether he is Muslim or Non-Muslim, should open his compound to anybody who wants to come and say his prayers, will be nothing short of destroying the privacy of the premises and to convert it, if I may say so, into *a musaffir khana.* I have no doubt about it that it would be very difficult to impose such a stipulation on a non-Muslim tenant, and I have not the slightest doubt in my mind that it would be difficult to impose a similar stipulation on a European occupant. But I venture to suggest that even a Muslim occupant would not very readily consent to the kind of stipulation which my Honourable friend wants me to impose. It is quite apparent that my Honourable colleague who is occupying premises of the kind mentioned in the Resolution, with all

his religious proclivities, would not allow a crowd to enter his compound to say prayers.

Sir, I am sorry that for the reasons I have mentioned, and I think my Honourable friend will agree that they are not reasons of a temporary character, I am unable to accept this Resolution.

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