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Monday, May 5, 1986
Vaisaka, 05, 1908 (Saka)

LOK SABHA DEBATES

(English Version)

Fifth Session
(Eighth Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT
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LOK SABHA DEBATES

1

LOK SABHA

Monday, May 5, 1986/Vatsakha 15,
1908 (Saka)

*The Lok Sabha met at
Eleven of the Clock*

[MR. SPEAKER *in the Chair*]

OBITUARY REFERENCE

[*English*]

MR. SPEAKER : Hon. Members, I have to inform the House of the sad demise of our friend Shri B.V. Desai, who was a sitting member of the House, representing Raichur Constituency of Karnataka. He was a Member of Seventh Lok Sabha also during 1980-84.

Earlier, he had been Karnataka Legislative Assembly, 1957-62.

An able Parliamentarian, Shri Desai took keen interest in the proceedings of the House. He served as a member of the Committee on Public Undertakings, 1985-86.

An advocate by profession, Shri Desai was an agriculturist as well and took keen interest in land reforms. Shri Desai headed the Karnataka State Financial Corporation from 1970-72.

Shri Desai passed away on 4th May, 1986, at Bombay at the age of 64 years.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

2

The House may now stand in silence for a short while to express its sorrow.

The Members then stood in silence for a short while

ORAL ANSWERS TO QUESTIONS

[*English*]

National Fisheries Corporation

*907. SHRI CHINTAMANI JENA : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government propose to set up a National Fisheries Corporation in the country;

(b) if so, the progress made so far in this regard; and

(c) when it is likely to be established?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) No, Sir. However, Government is considering the setting up of a National Fisheries Development Board.

(b) and (c). Detailed project report in respect of the proposed National Fisheries Development Board is being prepared by the Indian Institute of Management, Ahmedabad. The report has not yet been received.

SHRI CHINTAMANI JENA : It is very gratifying to know that the government is taking keen interest for the development of fisheries in our country and that too to uplift the economic conditions of the fishermen community as a whole in our country, who are the poorest of the poor in the society.

When was this Institute asked to submit its report, what would be the functioning of this Fishery Development Board and when it is expected to function? As per the Annual Report of this Ministry, 50 FFDA schemes are to be implemented in the Seventh Plan. What is the progress in this regard and what was the fate of the FFDA schemes the extended terms of which expired on 31st March 1986?

SHRI YOGENDRA MAKWANA : In one supplementary, the Hon. Member has clubbed so many questions, not on one subject but on different subjects together. Indian Institute of Management, Ahmedabad, has been requested to submit its report as early as possible and we are expecting it very soon. So far as the functioning of the National Fisheries Development Board is concerned, one is fisheries requisite supply sub-system, then resources survey assessment and monitoring sub-system, then Fisheries operatives and management, cadre training and extension sub-system scheme, then fisheries credit sub-system, Fisheries products development and promotion, fisheries distribution and marketing, fisheries regulatory system. All these will be the functions of the Board. The IIM was asked to submit the report in February, 1986. But it has not submitted the report. It is expected to submit the report in the month of May, 1986.

SHRI CHINTAMANI JENA : My second part of the question has not been replied. The new FFDA scheme of 50 members was to be implemented in the Seventh Plan as per the 85-86 Annual Report. What is the progress in this regard? The FFDA scheme started functioning in 6th Plan and its extended term expired on 31 March, 1986. What is the fate of these schemes now?

SHRI YOGENDRA MAKWANA : The FFDA is not covered under this question. But even then I would like to inform the Hon. Member that we are working on it.

SHRI CHINTAMANI JENA : May I know whether it is fact that though the Government of India is not going to set up a Fishery Development Corporation of its own, the state-owned corporations which are functioning in various States are not being

encouraged by the Government of India in issuing charter licence for the import of vessels and trawlers from abroad? On the other hand, the private companies are given more encouragement. In this connection, I would like to draw the attention of the Hon. Minister...

MR. SPEAKER : Are you putting the question or drawing the attention ?

SHRI CHINTAMANI JENA : All right Sir, I am not going into that. Those private companies which have no fishing background, are given more encouragement by the Government of India. The State owned corporations are not encouraged. May I know whether the OMCAD, a Government of Orissa Corporation, has asked to extend its time of charter licence to import vessels and trawlers? If so, what is the reaction of the Government?

SHRI YOGENDRA MAKWANA : This does not concern the main question. If the Hon. Member is interested about it, he can write a letter to me or put a separate question.

SHRI P. PENCHALLIAH : May I know whether the Minister is aware that foreign fishermen, quite often, enter into our waters, exploit our marine wealth and threaten our fishermen...

MR. SPEAKER : It has nothing to do with the main question. Hon'ble Members please read the question first and then put your supplementaries. Do not go like a wild goose chase.

{Translation}

Low productivity of Paddy in Hill Areas

*908. **SHRI HARISH RAWAT :** Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government are aware that despite higher cost of production and hard labour, the per acre production of paddy in hill areas of the country is comparatively low;

(b) whether Government are also aware that the farmers of the hill areas are not supplied good quality of paddy seeds suiting to the local climate and land; and

(c) if so, the steps proposed to be taken by Government to encourage paddy cultivation and to increase the per acre production of paddy in hill areas during the Seventh Five Year Plan?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) to (c). A Statement is given below.

Statement

(a) : Per hectare production of paddy in some of the hilly districts of the country is lower as compared to the all India average, but it is higher in some other hilly districts. Thus, it may not be possible to hold conclusively that in the hill areas of the country, productivity of paddy is low.

(b) Paddy seeds suiting to various agro-climatic conditions, including those of hill areas; are supplied to the farmers by the Central and State Seed producing Organisations every year. However, the task is difficult due to difficult terrain conditions, lack of communication facilities and inadequate infrastructure like godowns etc.

(c) The steps being taken by the Government to increase per hectare production of paddy in hill areas are given below :

- (i) Evolving suitable high yielding varieties.
- (ii) Multiplication and distribution of such seeds and making other essential inputs like fertilisers, plant protection chemicals and credit available to the farmers.
- (iii) Popularising new technology amongst farmers through Extension system.

SHRI HARISH RAWAT : Mr. Speaker, Sir, the Hon. Minister is aware that depending upon the climate in different districts of the hilly areas as also the crops suited to that climate, there is bound to be some variation in yields due to different reasons. In view of this, it is imperative that the seeds being supplied to the farmers of such areas should suit to the climatic conditions of those areas. As of now, they are being supplied the seeds of those varieties which are grown in plains, as a result of which per acre production, whether it is paddy, wheat or other crops, is not increasing. Therefore, I would like to know from the Hon. Minister whether he would arrange to set up such seed production centres in each district of the hilly regions in the country during the Seventh Plan period from where the local farmers could be supplied with quality seeds so that per acre yield of paddy in such areas could be increased ?

SHRI YOGENDRA MAKWANA : We have developed new varieties of paddy for the hilly areas, especially the hilly areas of Uttar Pradesh, in order to increase per acre production of paddy. So far as the question of seed production is concerned, we have kept a sizeable provision for this purpose in the Seventh Five Year Plan. Special Rice Production Programme in the Eastern States which is being taken up with a total outlay of Rs. 105 crores also includes the component of assistance to the farmers in the rural areas for seed production.

SHRI HARISH RAWAT : The reply given by the Hon. Minister has not clarified the point raised by me. His Department must have made available figures to him and it may be seen that during the last ten years, only two institutions have been engaged in seed production for the benefit of the farmers. The first in Pantnagar Agricultural University and the other is Vivekanand Research Centre Almora. In spite of their all out efforts, per acre increase in the hilly areas has been only 32 kilograms which is very low. He can get it checked from his own statistics. Therefore, I would like to know whether any target would be fixed for Pantnagar Agricultural University and Vivekanand Research Centre for the Seventh Five Year Plan so that they could produce maximum quantity of such varieties of seeds as may suit the

hilly areas so that per acre production of paddy in those areas could be increased?

SHRI YOGENDRA MAKWANA : I have already told that these people especially the Vivekanand Research Centre and the other Centre have developed varieties BL 39. Himalaya (1) and Himalaya (2) of paddy for the hilly areas, but still the infrastructure in the hilly areas is not adequate. There are difficulties of transport which cause impediments in the transportation of seeds, fertilizers and pesticides. Seed production is also not adequate in those areas. However, I find that the production in the hilly areas is not as low as the Hon. Member has stated. From the figures available with me, I can say that as compared to the average all India production, the production in some hilly areas is quite good, especially in Nainital which is on top, and in Dehradun and Uttar Kashi also the production is quite satisfactory (Interruptions)..... At all these places, the per acre production is on the high side. However, it is not that much higher as compared to the overall average of 1424.

[English]

SHRI SANTOSH MOHAN DEV : Mr. Speaker, Sir, in the North-Eastern States like Meghalaya, Nagaland and Mizoram, *Jhum* cultivation is discouraged because of the different strata. May I know what alternative steps are being taken by the Ministry and what schemes are being envisaged in that area ?

SHRI YOGENDRA MAKWANA : Sir, it is entirely a different issue but for the *Jhumies* there is a separate scheme to settle them in the foothills. That is a different scheme altogether... It has nothing to do with this question and it has nothing to do with the rise cultivation. It is only to meet the problem of *Jhumies* and to settle them in the foothills. There is a scheme about it.

MR. SPEAKER : Yes, Mr. Kolandaivelu, let us see what new things you have.

SHRI P. KOLANDAIVELU : Mr. Speaker, Sir, you are a Krishi Pandit and

you know fully well with regard to paddy and other crops. In the statement which has been laid on the Table of this House, the Minister has stated the all-India average with regard to the paddy production. Even in the some of the hilly areas, he says, it is more than the all-India average. I want to know in which of the areas the production is more than the all-India average. Secondly, with regard to the multiplication and distribution of such seeds, even the multiplication rate of our paddy when compared to Philippines is very very low. I would like to know whether because of the new technology adopted in so many research centres, the Government of India have so far found any hybrid variety or any short-time variety.

SHRI YOGENDRA MAKWANA : So far as the main part of his question is concerned it is about the average yield. The average yield of All India is 1424 kg per hectare. The other State which has more than All India average is Gujarat having 1480. Then Haryana has 2447 and then Karnataka has got 2053.

SHRI P. KOLANDAIVELU : Hilly areas.

SHRI YOGENDRA MAKWANA : In Jammu and Kashmir it is 2069. Hill area is there. Then Himachal Pradesh has 1236.

SHRI P. KOLANDAIVELU : It has valley.

SHRI YOGENDRA MAKWANA : Sir, there is no distinction like valley and hilly area. When they give the figure for the State, the State gives the figure for the whole State. They don't make distinction and they don't give it districtwise. I have got the figure for the whole State.

SHRI P. KOLANDAIVELU : Hill area cannot be more than all India average.

SHRI YOGENDRA MAKWANA : I can give you the figure Statewise regarding Jammu and Kashmir, Himachal Pradesh, UP etc. So far as the States are concerned, there are number of varieties which are

developed by the ICAR and other research institutions. I have not got list here; but I will write to you which are the varieties which have been developed recently.

SHRI P. KOLANDAIVELU : Whether any short term variety is there.

SHRI YOGENDRA MAKWANA : Short term variety is there; disease resistant variety is there and high yielding variety is there; all these lists I will supply.

Crop insurance scheme for Andaman and Nicobar Islands

*910. **SHRI MANORANJAN BHAKTA :** Will the Minister of AGRICULTURE be pleased to state :

(a) whether the Andaman and Nicobar Administration has formulated a scheme for crop insurance in that Union Territory;

(b) if so, details thereof; and

(c) if not, reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (c). Yes, Sir. The Union Territory of Andaman & Nicobar Islands has implemented the Comprehensive Crop Insurance Scheme formulated by the Central Government with effect from Kharif, 1985. They have not formulated any separate Crop Insurance Scheme for implementation in the Union Territory.

SHRI MANORANJAN BHAKTA : Sir, Mr. Speaker, Sir, this is a glaring example to show how the bureaucracy is compelling the Minister to give the incorrect position and answer in the Parliament. Because, I have got with me one question here which the Minister of Agriculture has answered as far back as on 10th of March, 1986. This is Q. No. 2120. In that reply they have said that among the Union Territories only Pondicherry has implemented this crop insurance scheme and no other State has implemented this crop insurance scheme. Now the Minister has come out with this reply. That is why I want to

know from him—this is my first supplementary—which reply is correct—whether the first reply is correct or this reply is correct.

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : There is no ambiguity. He has asked whether a separate scheme for Andaman and Nicobar Administration has been formulated or not. My colleague has replied that there is no separate scheme but a general scheme is there. It is implemented all over the country including the Andaman and Nicobar Islands. Where is the difference ?

SHRI MANORANJAN BHAKTA : The question is whether comprehensive crop insurance scheme has been implemented in Andaman and Nicobar Islands or not. In Answer to Question No. 2120 he has agreed that the crop insurance scheme in Andaman and Nicobar Islands has not been implemented. Now what he says is that it has been implemented. I don't know which is correct.

S. BUTA SINGH : This Administration came very late with their proposal and the delay had to be condoned with the interference of the Ministry of Agriculture. When the earlier question was asked they had not come up with their proposal. They sent it late. Now the delay is condoned and their case is being processed.

SHRI MANORANJAN BHAKTA : Sir, then I am asking my second supplementary. What is the total number of beneficiaries in such cases covered under the comprehensive crop insurance scheme for kharif and rabi seasons ?

What is the total area covered and total sum insured covering the area in the Union Territory of Andaman and Nicobar Islands ?

These are my questions.

SHRI YOGENDRA MAKWANA : Sir, my senior colleague was just telling the Hon. Member that the information is not supplied by the Andaman and Nicobar Administration... (*Interruptions*). I have got

the information from all the States except Andaman and Nicobar Administration. They have supplied the information of insurance charge, i.e., what is the premium charge. They have not given the sum insured, they have not given the claims, they have not given the number of farmers who are insured. How am I supposed to answer this? The only thing which is supplied by the Andaman and Nicobar Administration is that Rs. 17,405 are covered as insurance charges, i.e., premium. Other than that no information is supplied by the Andaman and Nicobar Administration.

MR. SPEAKER : Whenever there is information, you pass it on to Mr. Bhakta.

Now, Dr. D. N. Reddy.

SHRI MANORANJAN BHAKTA : Mr. Speaker, Sir, I want to draw your attention to one thing. The same thing is happening in the case of the Union Territories. When I tabled the question for the Ministry of Home Affairs who are supposed to answer, then it was sent to the other Ministries stating that they will answer, and they said that the information was not got by them. So, you tell us how the interest of these Union Territories would be protected.

(Interruptions)

SHRI D. N. REDDY : Sir, will the Hon. Minister be pleased to inform the House in how many States, the crop insurance scheme is implemented and how many beneficiaries are included in the scheme; if not by which year this scheme will be implemented in the whole country?

MR. SPEAKER : He can let it...

(Interruptions)

SHRI YOGENDRA MAKWANA : There are 14 States and 4 Union Territories who have implemented the Scheme during Rabi 1985-86 and in Kharif 1985 the sum insured was about Rs. 541 crores. The insurance charges recovered were about Rs. 9.33 crores, number of claims received was 1,793 and the amount claimed is Rs. 98.46 crores.

(Interruptions)

Contract Labour

*911. SHRI THAMPAN THOMAS : Will the Minister of LABOUR be pleased to state :

(a) whether the operative provision of the Contract Labour (Regulation and Abolition) Amendment Act, 1986 that any one working in an establishment for one year would be entitled to regular employment, has been implemented in the public sector organisations; and

(b) whether Government have advised the major employers of public sector viz. State Trading Corporation, Minerals and Metals Trading Corporation, Ports and Government owned Shipping Companies to regularise the employment of contract labour?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) The Contract Labour (Regulation and Abolition) Act, 1970 does not contain any provision for regularisation of workers.

Only the definition of 'appropriate Government' in the Contract Labour (Regulation and Abolition) Act, 1970 has been amended vide Act No. 14 of 1986 to bring it in conformity with the definition of 'appropriate Government' contained in the Industrial Disputes Act, 1947.

(b) Does not arise.

SHRI THAMPAN THOMAS : Sir, under the Contract Labour (Abolition) Act, in respect of workers who are considered to be permanent in nature and linked with production, no contract employees can be appointed. Also, under the Industrial Disputes Act, the basic principle is that one who completes 240 days of work gets the status of a worker and he is entitled to continue in work. Now, the present position is, a person can supply 100 workers for a public sector undertaking, he can get more

than what those 100 persons together get. This is the nature of exploitation. The Government has a scheme like the Dock Labour Board scheme to get persons on piece rate and a private entrepreneur who supplies workers is eliminated. Will the Government make it a mandatory provision and see that all the public undertakings have such a scheme? The human dignity and dignity of labour will have to be upheld. To uphold the human dignity, will the Government implement it seriously?

SHRI P. A. SANGMA : Sir, the Act is, the Contract Labour (Regulation and Abolition) Act. This Act does not contemplate to abolish contract labour everywhere. It is only in those fields where the work is of a permanent nature that the contract labour will be abolished, and wherever it is not possible, it will be regulated. Therefore, the question of abolishing contract labour everywhere does not arise under the present Act.

SHRI THOMPAN THOMAS : Sir, my second supplementary is, I know the experience is that this Act is observed more in violation than in implementation. Mostly this is going on everywhere, in any sphere. Will the Government appoint a high-power committee including Members of Parliament to inquire into the whole thing and to make suggestions?

SHRI P. A. SANGMA : Sir, there already exists the Central Advisory Committee headed by the Labour Minister himself, at the Central level. Even at the State level, the Advisory Board is there, which is headed by the Labour Minister of the respective State.

SHRI P. R. KUMARAMANGALAM : Mr. Speaker, Sir, the public sector corporations are now adopting in the name of security, contract labour system. Specifically, I can name instance like STC, MMT, BHEL, large profit-making public sector concerns. Is the Ministry of Labour thinking of using its power under the Contract Labour (Regulation and Abolition) Act to intervene? After all, security is a permanent job, not of temporary nature. Will the Ministry intervene and immediately abolish

the contract system and insist that those who are now employed on contractual basis are absorbed?

SHRI P. A. SANGMA : Sir, regarding the first part of it, I can certainly have a look into it regarding the security because, I have no information about that.

As far as the second part of the question is concerned, namely whether they can be absorbed, under the present Act, it cannot be. That is the whole problem. Therefore, in some cases, we do face this problem, because the present Act does not have any provision to absorb them. Last time when the Bill was discussed here, there had been a demand from the House that the Act should be amended. Sir, I have made an assurance in the House that we are contemplating changes in this Act.

DR. DATTA SAMANT : Sir, this House has said about the Contract Labour (Regulation and Abolition) Act a number of times that there is no provision to make the contract labour permanent, in the Act. You forget public sector, even for private sector, there is no provision, in this Act. If the contract labour is terminated, we cannot go to the court for his reinstatement also. There is no provision in this Act as to what percentage of labour should be contract labour. Even a good man can appoint 100 per cent labour as contract. 40 years after independence, we have such sweet names of Contract Labour Regulation and Abolition Act, when there are no provisions at all for their absorption, when there are 5 crores of people unemployed. Everywhere, in public and private sectors, the number of contract, casual, *badli*, trainee and apprentice labour has risen up to 50 per cent of the permanent labour.

Considering this seriousness, whether the Government—I know, I have heard the speeches of both the Ministers that it should be changed. But when? When is the Government seriously thinking that all these Act, mainly the Contract Labour (Regulation and Abolition) Act, in this context, should be changed, giving all protection to labour. In what time, I want the assurance from

the Minister— one week, one year, 5 years or 10 years. There is no assurance given.

SHRI P. A. SANGMA : I have already answered this question.

[Translation]

SHRI MADAN PANDEY : The biggest hindrance being faced in the abolition of contract labour is to determine which work is of perennial nature and which is not. All the committees constituted so far for this purpose have said that the contract labour system should be abolished, but no decision has so far been reached as to where contract labour system should be abolished and where it should continue. I would like to know from the Hon. Minister whether he would constitute a committee of experts to determine as to which of the work is of perennial nature and where the contract labour system should be abolished, for instance canteens. It exists in every factory and it has been generally seen that contract system is being perpetuated there.

MR. SPEAKER : You sit down, it has already been answered.

[English]

It has already been answered.

Gold Mines in Bihar

*912. **SHRIMATI PRABHAWATI GUPTA :** Will the Minister of STEEL AND MINES be pleased to state :

(a) the number of gold mines found in Bihar;

(b) the quality of the gold found; and

(c) the quantity of gold which will be available to the country after purification ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) to (c), At

present there are no working gold mines in Bihar. Production of gold in Bihar comes from recovery of gold as a by-product from electrolytic refining of copper by Hindustan Copper Limited. However GSI and MECL are carrying out exploration for gold in a number of localities in Singhbhum, Ranchi and Monghyr districts. This exploration work is expected to be completed by 1988. The quantity and quality of the gold can be assessed only after completion of this detailed exploration work.

[Translation]

SHRIMATI PRABHAWATI GUPTA : Sir, here is my first supplementary. The Hon. Minister has stated in his reply that at present there are no working gold mines in Bihar and that production of gold in Bihar comes from recovery of gold as a by-product of electrolytic refining of copper by Hindustan Copper Limited. The Hon. Minister has further stated that exploration work for gold is being carried out at a number of places in Singhbhum, Ranchi and Monghyr districts in Bihar. I would like to know from the Hon. Minister whether the Government are aware that gold substance is found in the sands of Sone River which flows in West Champaran and through the hills of Rohtas ? Since the evidence points to the presence of gold there, I would like to know from the Hon. Minister whether the Government would order to undertake exploration work there and if so, the time by which such work would be started and the time by which the exploration would be completed ?

SHRIMATI RAM DULARI SINHA : The point raised by the Hon. Member will be considered soon.

SHRIMATI PRABHAWATI GUPTA : Mr. Speaker, Sir, I would like to know from the Hon. Minister whether the Government are aware that the production of gold is falling in the country as a whole ? Also, how many gold mines are there in our country and what is the quality of gold that is being produced in the country ?

SHRIMATI RAM DULARI SINHA : The question is very lengthy. Whatever gold

we get, we get it from the public undertakings. Our gold mines are under the Central Public Undertakings and we get gold from there. In Bihar, we get gold through the Hindustan Copper Limited. During the year 1984-85, we got 2,026.51 kilograms of gold from them and also 1,091.21 kilograms of gold was received from Bharat Gold Mines.

MR. SPEAKER : She is asking about Bihar. You tell whether gold is found in Bihar or not.

SHRIMATI RAM DULARI SINHA : In the entire country, we get gold from Karnataka alone. From Bihar, we get gold as a by-product. At rest of the places, exploration is going on. Its viability would be known only after the results of the exploration are received.

SHRIMATI PRABHAWATI GUPTA : I would also like to know the amount of money earmarked for raising production of gold during the Seventh Five Year Plan.

SHRIMATI RAM DULARI SINHA : What can I say about the Seventh Five Year Plan? The Five Year Plan for exploration is still going on. It started in 1982 and is going to end in 1988.

[*English*]

SHRI PRIYA RANJAN DAS MUNSI : I would like to know from the Hon. Minister whether it is a fact that in Singhbhum district there is a river called Subarnarekha. From the last several centuries, there are stories—it was found and it was not a mere legend—that in the river Subarnarekha ... (*Interruptions*)... I would like to inform the House that from the last several centuries the people of the villages used to collect gold from the sands of the river Subarnarekha after refining ten times and filtering the water and that only five years ago there was a mela held there. 5 carat and 6 carat gold is still being collected out of the sands of the river Subarnarekha by the villagers with 24 hours a day filtering process. Subarnarekha bed is famous for that. All the great writers composed stories and novels based on the heritage of the villagers. I would like to know from the Hon. Minister whether

this is true and, if so, whether strong efforts can be made to see that 5 carat and 6 carat gold can be acquired from the river base.

[*Translation*]

SHRIMATI RAM DULARI SINHA : Sir, as I told earlier, gold is seen glittering in Sono and river belt of Singhbhum in Santhal Pargana. As stated by the Hon. Member, the villages have been extracting something out of it for years. We would be able to know about its viability only after the results of the exploration work are received.

[*English*]

Unless conclusions are made by GSI.

SHRI P. KOLANDAIVELU : The Hon. Member has asked the question in English. The answer should be in English.

[*Translation*]

MR. SPEAKER : It makes no difference.

SHRI PRIYA RANJAN DAS MUNSI : I can put the question also.

(*Interruptions*)

[*English*]

MR. SPEAKER : Order, order Why are you doing it? I can handle it.

There is no convention that if a member puts the question in English, the answer also should be in English. You can speak in any language.

SHRI P. KOLANDAIVELU : If the member asks the question in English, the answer should be in English.

MR. SPEAKER : It does not matter, Suppose the question is put in Hindi and you do not know Hindi, what will you do? You have to answer in English. This is going on. Please don't waste my time.

(*Interruptions*)

MR. SPEAKER : There is no precedent and no convention. Everybody is free in this House. There is the facility for simultaneous translation. You can avail of it.

SHRI B. K. GADHVI : Throughout the country we have made survey of the presence of precious metals and metals. In the Aravalli hills in Gujarat near Ambaji copper, zinc, lead, silver and gold are available....

MR. SPEAKER : This is only regarding Bihar.

SHRI B. K. GADHVI : It is only about gold.

MR. SPEAKER : That is all right, but not throughout the country. If you have any question about Bihar, you can ask.

SHRI B. K. GADHVI : This is a general question. I want to know whether it is a fact that for want of a super-smelting process plant they are not being exploited and therefore the country suffers the loss.

MR. SPEAKER : No, no. Not allowed. Please look at the question and then ask.

Production Target of Pulses

*913. **SHRIMATI MADHUREE SINGH :** Will the Minister of AGRICULTURE be pleased to state :

(a) whether production targets in respect of pulses for 1986-87 have been fixed;

(b) if so, the details thereof and if not, the reasons therefor; and

(c) the steps taken for ensuring achievement of targets for 1986-87 ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (c). A Statement is given below.

Statement

(a) and (b). Yes, Sir. The production target in respect of pulses for 1986-87 has been fixed at 14.0 million tonnes.

(c). To achieve this target, the following strategy is being adopted:—

(i) Introduction of pulses crops in irrigated farming system such as double and multiple cropping;

(ii) Bringing additional area under:—

(a) short duration varieties of urd, moong, etc. In rice fallows by utilising the residual moisture in rabi season;

(b) in summer season with irrigation after oilseeds, sugarcane, potato and wheat;

(c) in rabi under lentil;

(iii) Inter-cropping of arhar in soya-bean, bajra, cotton, sugarcane and groundnut both under irrigated and unirrigated conditons;

(iv) Multiplication and use of improved pulses seeds; adoption of plant protection measures; use of phosphatic fertilisers and rhizobium culture; and

(v) Improved post-harvest technology; public policies including pricing and marketing of pulses.

[Translation]

SHRIMATI MADHUREE SINGH : Mr. Speaker, Sir, the Hon. Minister has stated in his reply that the production target in respect of pulses for 1986-87 has been fixed at 14.0 million tonnes. I want to congratulate him for the policies that have been formulated, but I would like to know whether directives have been issued to the State Governments that the farmers producing more pulses should be encouraged? (*Interruptions*).

SHRI YOGENDRA MAKWANA : We do not have such information. The Central Government give away Krishi Awards to those who produce more. Your suggestion is very good and the State Governments should give such awards to those who produce more.

SHRIMATI MADHUREE SINGH : How much quantity of pulses is imported at present and by when this import is proposed to be stopped? (*Interruptions*)

SHRI YOGENDRA MAKWANA : The import figures are not available right now. (*Interruptions*).

SHRI GIRDHARI LAL VYAS : I could hear neither the question nor the reply.

[*English*]

MR. SPEAKER : Both are lost in transit.

[*Translation*]

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : Mr. Speaker, Sir, it is our endeavour to increase the production of pulses to such an extent that there is no need for imports. Therefore, our more and more emphasis would be especially on the point that—irrigated areas should be brought under oil seeds and pulses but also the second effort on the part of the Government is to extend maximum help to the growers. If you look at the way we have been extending the support price for pulses, it is evident that the Government is keen to improve the production of pulses... (*Interruptions*).

MR. SPEAKER : Mr. Kolandaivelu, now you get it in English. The question was in Hindi.

SHRI P. KOLANDAIVELU : We do not object.

[*Translation*]

SHRI C. P. THAKUR : Mr. Speaker, Sir, this is an established fact that though we

are making efforts for a long time, yet we have not been able to increase the production of pulses. For this, research is going on and a high yielding variety of a plant has also been developed. Besides, publicity is being given to raising the production of soyabean. A few days ago, there was a news item that though the Government of India wanted to increase the production of oilseeds and pulses, yet foreign Government did not want India to make such strides. This was the news item. Therefore, I would like the Hon. Minister to throw some light in this regard.

SHRI YOGENDRA MAKWANA : So far as the question of research on pluses is concerned, there are 15 main Centers and 14 sub-Centers. I shall tell you about the varieties which they have developed... (*Interruptions*).

[*English*]

In Arhar, BDN-1, (high-yielding variety and resistant to with cropping.) HY-2, HY-3, HY-4—(suitable for inter-Bahar—(resistant to SMV disease. Mukta; Sharda DL-74, DL-84, H-77-208, L-13 etc. Regarding Gram : C-114, Type-3, K-850.

[*Translation*]

MR. SPEAKER : It will make no sense if you continue like this. You send him all these details.

SHRI YOGENDRA MAKWANA : This is a fairly long list. 169 varieties have been developed. For this, we have 15 Main Centers, 14 Sub-Centers and 3 Off Season Nurseries of I.C.A.R... (*Interruptions*).

SHRI C. P. THAKUR : There was a news item that some foreign powers were active to see to it that production of pulses and oilseeds was not increased in India. The Hon. Minister has not replied to it.

MR. SPEAKER : He has already replied to that.

SHRI YOGENDRA MAKWANA : Since we are increasing production ourselves, there is no question of imports,

PROF. NIRMALA KUMARI SHAKTAWAT : Mr. Speaker, Sir, through you, I would like to know from the Hon. Minister that food is the most important requirement of man and if there are no pulses in the food, it is incomplete. As such, it is indeed a serious problem that we are importing pulses... (*Interruptions*).

[*English*]

MR. SPEAKER : There is too much talk in the House. We cannot listen. What is this ? Order please.

[*Translation*]

PROF. NIRMALA KUMARI SHAKTAWAT : May I know the locations of such research projects started by the I.C.A.R to increase the production of pulses, what kind of research work has been carried out there and what are the future prospects of our becoming self-sufficient in this field ?

[*English*]

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : To increase the production and productivity of pulses, Indian Council of Agricultural Research has already intensified, as mentioned by my colleague Shri Yogendra Makwana, the research of various pulses, crops develop high-yielding short duration photo-insensitive pest resistance varieties which improve the nutritional value, suitable for the pure as well as mixed cropping and various farming systems and improve the husbandry. The research is being guided, coordinated through the Directorate of Pulses Research which, during the Sixth Plan had 15 main Centers and 14 sub-centres, as has already been mentioned. Our effort is to not only improve the new varieties but also see that some of the irrigated areas are brought under the cultivation of pulses and oil seeds. We are assured by some of the progressive States like Haryana, Punjab, Karnataka and Maharashtra that they will divert substantial areas from the irrigated areas for pulses and oil seeds so as to make up the deficiency of production in these sectors. We are hopeful.

[*Translation*]

Setting up of Regional Fruit Research Centres in M. P.

*914. **SHRI DILEEP SINGH BHURIA :** Will the Minister of AGRICULTURE be pleased to state :

(a) the number of Regional Fruit Research Centres proposed to be set up during the Seventh Five Year Plan by the Indian Institute of Horticultural Research, Bangalore:

(b) whether a proposal to set up such a centre in Madhya Pradesh has been pending since 1981; and

(c) if so, whether any such centre is likely to be set up in Madhya Pradesh during the Seventh Five Year Plan and if so, the time by which it is likely to be set up ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) One Regional Station of the Institute is proposed to be set up in Nilgiris during the Seventh Five Year Plan period.

(b) and (c). No, Sir, However, a proposal establishing a Regional Station in Madhya Pradesh as a part of the Indian Institute of Horticultural Research, Bangalore was considered for being implemented during the Seventh Five Year Plan outlay of the Indian Council of Agricultural Research, many new activities including the above station had to be dropped for the present.

SHRI DILEEP SINGH BHURIA : Government are going to set up an Institute in Nilgiri during the Seventh Plan. I would like to know from the Hon. Minister that when we are preparing to enter into the 21st Century, will these fruits, etc. be not available for our countrymen ? Are such cuts forced on farmers alone ? Today, the farmers want to adopt new techniques in cultivation to increase production. I would like to know how much budget has been allocated for this purpose and what are the reasons for effecting this cut ?

SHRI YOGENDRA MAKWANA : We had to resort to this cut due to paucity of resources. So far as the investment in the Seventh Plan is concerned.

[English]

Rs. 32.65 crores is the allocation in the Seventh Plan as against Rs. 21.37 crores in the Sixth Plan.

PROF. N. G. RANGA : There has been reduction.

SHRI YOGENDRA MAKWANA : There has been no reduction because in the Sixth Plan the allocation was Rs. 21.37 crores and in the Seventh Plan it is Rs. 32.65 crores. There is a substantial increase.

[Translation]

SHRI DILEEP SINGH BHURIA : It concerns the interests of the farmers. Madhya Pradesh is a predominantly a farmers' State. When the Hon. Minister and the Department of Agriculture have approved it, the budget allocation should not have been cut. It should be re-considered.

SHRI YOGENDRA MAKWANA : I have already stated that some of the schemes which we wanted to take up, are not being taken up due to resources constraint. But there are a number of centres in Madhya Pradesh which are engaged in this work. There is a Centre of Potato Research Institute at Gwalior; then there is a Fruit Institute at Rewa; then we have a Potato Institute at Chhindwara and Vegetable Institute at Jabalpur. In Indore, we have an Institute for Medicine and Aromatic Plants. Similar institute is there in Mandsaur also. Besides, there are *ad hoc* schemes. Then there is a Vegetable Institute in Jawaharlal Nehru University, Jabalpur. Apart from this, three new Centres of co-ordinated project are about to be launched for the tribals in Jagdalpur. The second project is of mushroom and the third of coconut. But their locations are yet to be decided. Thus, there are a number of *ad hoc* schemes besides regional schemes of N.R.E.P. Therefore, it cannot be said that no such schemes has been formulated

for Madhya Pradesh. But since there are financial constraints, we are not able to take up new schemes.

[English]

KUMARI MAMTA BANERJEE : Huge quantities of different types of fruits are available in West Bengal. There are some important fruits which are available only there and Barnipur is a place of fruit-growers. But due to lack of additional resources and lack of initiative on the part of the State Government, these fruit-growers are being exploited like anything and now the fruit gardens are being destroyed. So, I want to know whether the Government have any proposal to set up a Regional Fruit Research Centre in West Bengal to protect the interests of the fruit-growers and also to ensure proper utilisation of these valuable fruits.

SHRI YOGENDRA MAKWANA : I will examine the suggestion made by the Hon. Member.

Desalination of salt water

*915. **SHRI K. V. SHANKARA GOWDA :** Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Government propose to set up a second plant for making salt water fit for drinking;

(b) whether in parts of Kutch, Saurashtra, Rajasthan, Haryana, Andhra Pradesh, Tamil Nadu and Karnataka people still drink brackish water with salinity ranging from 5 per cent to 20 per cent and the water besides being saline, sometimes contains undesirable and harmful chemicals;

(c) if so, the steps proposed to be taken by Government to provide pure drinking water to the people in remote areas;

(d) the schemes proposed to be undertaken during 1986-87; and

(e) the States and areas that will be covered under this scheme and by what time

drinking water will be provided to almost all the people in the country?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH): (a) Under the Scheme of large scale application of water desalination research, 7 de-salination units for field trials/demonstration have been set up in the States of Gujarat, Tamil Nadu, Andhra Pradesh and Rajasthan. The eighth unit is being installed in Rajasthan. Detailed information in this regard is given in the Statement below.

(b) It is a fact that in some areas in the country, the available water is brackish and unfit for human consumption.

(c) to (e). The performance, efficiency and economics of de-salination technologies on the basis of the eight demonstration units will be evaluated by National Environmental Engineering Research Institute, Nagpur. The evaluation is expected to be completed by early, 1987. Further extension and large scale application of de-salination technologies will depend on the results of the evaluation.

Statement

Latest Position of Installation and Operation of Desalination Plants in Different States.

Sl. No.	State	Village in which units have been installed/are being set up	District	Type of technology	Institute which installed the unit	Present position
1	2	3	4	5	6	7
1.	Gujarat	a) Malike	Surendra Nagar	Reverse Osmosis	Bhaba Atomic Research Centre, Bombay	Commissioned in February, 1985. Trial runs are on.
		b) Adalsar	-do-	Electro-Dialysis	Central Salt & Marine Chemicals Research Institute, Bhavnagar.	Commissioned in April, 1985. Trial runs are on.
2.	Tamil Nadu	a) Melakodu-malur	Ramanadhapuram	Reverse Osmosis	-do-	Commissioned in Jan., 85. Trial runs and evaluation going on.
		b) Nothivayal	-do-	Electro-Dialysis	-do-	Commissioned in April, 1985. Trial runs and evaluation going on.

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3.	Andhra Pradesh	a) Kattuva Palli	Nellore	Reverse Osmosis	Bhaba Atomic Research Centre, Bombay.	The plant was commissioned in April, '85. After initial problems the plant is working satisfactorily now. Recommissioned in June, 1985.
		b) Pena Merru	Guntur	Electro-Dialysis	Defence Research Laboratory, Jodhpur.	Commissioned in April, '85. Trial runs on.
4.	Rajasthan	a) Lolawas	Pali	Reserve Osmosis	Central Salt & Marine Chemicals Research Institute, Bhavnagar.	Being installed
		b) Merasiya	Jodhpur	Electro-Dialysis	Defence Research Laboratory, Jodhpur	Commissioned in July, '85 Trial runs are on.

SHRI K. V. SHANKARA GOWDA : In other states also there is saline water. Why only four states have been selected? It is a random selection or is it based on any other consideration?

[*Translation*]

SHRI DALBIR SINGH : Sir, the Hon. Member wants to know as to why the States other than those selected by the Government for setting up of units of desalination of salt water have not been selected for this purpose? First of all, we had convened a meeting of Secretaries in June, 1983 at the behest of the former Prime Minister which unanimously decided to set up a Working Group. Six members were kept on this Working Group, of which Adviser, Central Public Health and Environment Engineering Organisation was made chairman. Rest of the five members included the representative of Central Salt and Marine Chemicals Research Institute, Bhavnagar. This Working Group had submitted its interim report in 1984 on desalination of salt and saline water in various parts of the country. We are going to complete it by 1987. It is proving very costly to us, especially in Andhra Pradesh, Gujarat, Rajasthan and Tamilnadu where desalination units have been set up and our Ministry has allocated Rs. 3 lakhs per unit. In these units, 10 thousand litres of potable water is produced in 8 hours—the quantity which is sufficient for a village with a population of one thousand and with per capita consumption of 10 litres. This water will be used especially for cooking and drinking purposes.

[*English*]

SHRI K. V. SHANKARA GOWDA : Karnataka is one of the States which is having brackish water containing not only salt but also bacteria and other chemical materials which are injurious to health. (*Interruptions*)

[*Translation*]

MR. SPEAKER : Nothing is audible in the House. If you all the Hon. Members

continue to talk among yourself like this, I shall tell the Hon. Member not to put his supplementaries.

[*English*]

SHRI K. V. SHANKARA GOWDA : Doctor's opinions are that about 90 per cent of the diseases are water borne. If that is so, why Karnataka also could not have been selected?

[*Translation*]

SHRI DALBIR SINGH : Sir, the Hon. Member has given some suggestion about Karnataka. For that, we shall call for a report from the State Government and get their needs examined.

SHRI GIRDHARI LAL VYAS : Mr. Speaker, Sir, this problem of saline water is certainly there in Churu district of Rajasthan but apart from that saline and brackish water is found in the whole of Rajasthan. The detailed statement, which the Hon. Minister has laid on the Table of the House, speaks about only two projects under which the Government are going to make arrangement to remove salinity of water. These projects have not benefited Rajasthan at all. The constituency the Hon. Speaker represents as also the western districts around it are also facing this problem of saline water. I would like to know from the Hon. Minister what steps they have taken to remove salinity of water in Rajasthan, because the water in those areas contains such salts that if taken by an animal or by a human being, either he will become fat or will be rendered blind. What arrangements you are going to make in this regard so that the people of Rajasthan could get pure drinking water?

SHRI DALBIR SINGH : The Hon. Member has asked for information specifically about Rajasthan. As I have said earlier, we are calling for reports from the States as to how pure drinking water can be supplied to the maximum number of people by the year 1987. So far as the question of supplying pure drinking water to Rajasthan is concerned, I have referred to Lolawas,

Pali and one other scheme in my reply also. We are going to arrange supply of pure drinking water to the people through those schemes. Secondly, the Government of Rajasthan have not selected the site as yet, due to which our work is held up there. I have already told about the Working Group. We are also pursuing that and as soon as the results are known, we shall see to it that wherever there is saline water, it is made potable.

SHRI V. TULSIRAM : Mr. Speaker, Sir, just now the Hon. Minister has stated in his reply that they are going to set up plants in two villages in Andhra Pradesh also. There is acute scarcity of water there. The State Government are doing boring for supply of water, but at places saline water is found. I congratulate the Hon. Minister that he has ordered to instal machines there for desalination of water. My submission is that the sooner it is done the better it would be, because the people are facing a lot of difficulty for water there. Especially, the farmers are facing a great deal of problem, because they do not get drinking water even for their bullocks, as a result of which they are forced to sell their healthy cows, bullocks and buffaloes for slaughter. Therefore, it would be better if arrangements for water are made as early as possible. It will be so kind of you Ghafoor Saheb if you could arrange for water early; the people of the State would bless you.

MR. SPEAKER : The question of Tulsi is got to be replied in poetry.

THE MINISTER OF URBAN DEVELOPMENT (SHRI ABDUL GHAFOOR) : Mr. Speaker, Sir, from the supplementaries put by the Hon. Members belonging to different States, it appears that they want to know as to why such plants are not being installed in their respective States. But let me tell them categorically that these eight units are functioning in four States only. For this purpose, we have decided to evaluate its cost for one year. For instance, let me tell you that the cost in Delhi and Bombay is 35 paise and 30 paise, respectively, whereas the cost in these units is Rs. 24 to Rs. 28. The cost in the areas where water is available at a distance of 20 miles would be comparatively,

lower than these units, if water is carried by trucks. Therefore, all these difficulties are before us. What a staggering difference. In the first case it is 35 to 40 paise and in the latter case, the cost is 24 to 28 rupees per thousand litres. Therefore, it is not that these units will spread throughout the country. We are still evaluating it. Figures from all over the country would be called for by the 27th February, 1987 as to where those units are needed and we shall see how cheap it costs when this work is undertaken on a large scale. As such, the Hon. Member will have to wait for another year.

[English]

**Explosion in Bhilai Steel Plant
melting shop**

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*916. **SHRI MAHENDRA SINGH :**
SHRI N. TOMBI SINGH :

Will the Minister of STEEL AND MINES be pleased to state :

(a) whether two workers were killed in an explosion in a furnace in the Bhilai Steel Plant melting shop on April 3, 1986;

(b) whether any inquiry into the causes of the accident has been conducted, if so, with what results; and

(c) the compensation paid to the next kin of the deceased workers ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) to (c). A Statement is given below.

Statement

(a) Yes, Sir.

(b) The management of Bhilai Steel Plant has constituted a high level Enquiry Committee to enquire into the accident. Government of Madhya Pradesh has also constituted an Enquiry Committee

(c) The following compensation amounts payable to the successors of the deceased under the Workmen's Compensation Act have been deposited with the Compensation Commissioner :

<i>Name of the deceased worker</i>	<i>Name of Successor</i>	<i>(In Rupees)</i>
1. Shri Jidhan Raut	Smt. Mani Bai (Widow)	59,868.00
2. Shri Hori Lal	Smt. Geeta Bai (Widow)	69,008.00

The following amounts due under the Contributory provident Fund Scheme, Gratuity, SAIL's Employees Welfare Association and Life Cover Scheme have been paid :

<i>Name of deceased worker</i>	<i>Name of Successor</i>	<i>(In Rupees)</i>
1. Shri Jidhan Raut	Smt. Mani Bai (Widow)	59,722.00
2. Shri Hori Lal	Smt. Geeta Bai (Widow)	54,952.00

Both the widows have been provided employment by the plant management with effect from April 14, 1986.

SHRI MAHENDRA SINGH : Sir due to lack of safety measures accidents in factories and plants in the form of explosion or any other form have become a regular feature causing loss of valuable life and property. Further every time an inquiry committee is formed it takes many months and in most of the cases the culprits are never punished which leads to more accidents. So I would like to know from the Hon. Minister when will the report of the inquiry committee come and why two inquiry committees were set up? What was the cause of the accident? Was it due to lack of safety measures or due to human error?

SHRI K. C. PANT : Sir, two inquiry committees were formed because it was felt that a high-powered inquiry committee should go into these problems. There is a high-powered Safety Department also and because of the reasons which my friend has mentioned a special Safety Officer was being appointed to look into these and other aspects of safety in steel plants.

SHRI MAHENDRA SINGH : What was the date of the accident? When was the inquiry committee formed and when do we expect the report of the inquiry committee and also why there is delay?

SHRI K. C. PANT : There is no question of delay. The accident took place in the beginning of April. This is the beginning of May. So there is no delay. When we receive the inquiry committee report we will act on it.

SHRI N. TOMBI SINGH : May I know from the Hon. Minister the amount that has been paid to the victims of the similar accidents over the last five years?

SHRI K. C. PANT : I do not have the figures for the last five years. So far as this accident is concerned the figures are given in the written statement.

WRITTEN ANSWERS TO QUESTIONS

[English]

Provision of drinking water in hilly areas of Uttar Pradesh

*909. **SHRI GANGA RAM :** Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have made any concrete effort to provide at least one source of safe drinking water to all the problem villages in hilly districts of Uttar Pradesh;

(b) if so, the total number of problem villages in the hilly districts of Uttar Pradesh where safe drinking water sources have been provided so far and the number of villages which still remain uncovered; and

(c) the time by which they will be provided at least one source of safe drinking water?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) and (b). As per

information received from the State Government 7758 problem villages out of 11642 problem villages in the hilly districts of Uttar Pradesh have been provided with safe drinking water facilities so far and 3884 problem villages still remain to be covered.

(c) During the Seventh Plan, the aim would be to provide adequate drinking water to the entire rural population including hilly areas.

Export of fish and prawns

*917. SHRI HUSSAIN DALWAI : Will the Minister of AGRICULTURE be pleased to state :

(a) the total quantum of fish exported from the country during the last three years, year-wise;

(b) whether prawns available on the West Coast of the country have a great demand in foreign countries; and

(c) if so, the countries to which prawns are exported from India ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) As per information received from the Marine Products Exports Development Authority, Ministry of Commerce, the total quantum of fish exported from the country is as follows :

Year	Quantity (in tonnes)	Value (Rs. in crores)
1982-83	12,847	18.87
1983-84	22,573	29.10
1984-85	9,091	14.40

(b) Yes, Sir.

(c) Prawns are exported to 20 countries and the most important among those are Japan, USA, UK, France, Belgium and Australia.

Development of drought resistant varieties of rice

*918. SHRI P. KOLANDAIVELU : Will the Minister of AGRICULTURE be pleased to state :

(a) whether any drought resistant varieties of rice have been developed by the Agricultural Research Centres in the country;

(b) if so, the names of varieties so released and whether they are long or short term varieties; and

(c) the per hectare yield of these varieties ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a), (b) and (c). Yes, Sir. A number of drought resistant varieties of rice have been developed under the aegis of various programmes of the Indian Council of Agricultural Research. Information on 25 popular varieties released for drought prone rainfed uplands in various States and their duration (number of days to mature) is as under :

State	Varieties	Duration (Days)
1	2	3
Kerala	Suvarnamodan	100
Bihar	Kanchan	100
	Prahlad	115
	Narasingh	115

1	2	3
	Vishnu	115
	Birsadhan-101	85
	Birsadhan-201	95
Assam	Culture-1	90
	Sattari	70
Maharashtra	Tuljapur-1	105
	Prabhavathi	115
Orissa	Sattari	70
	Rudra	85
	Shankar	85
Tamil Nadu	TKM-9	110
	Paramakudi	100
	Tirupathisaram	100
Uttar Pradesh	Narendra-1	105
	Narendra-2	115
	Govind	105
Madhya Pradesh	Tripti	95
	Abha	100
	Poorva	90
Andhra Pradesh	Prasanna	90
	Akashi	110
	Rasi	115

The yield potential of these early maturing varieties ranges from 2.0 to 3.5 t/ha during normal rainy season; about 2 t/ha under moderate moisture stress and 0.5-0.6 t/ha under abnormal drought situations.

**Publication of "Yojana" and
"Bhagirath"**

***919. DR. G. S. RAJHANS :
SHRI T. BASHEER :**

Will the Minister of INFORMATION
AND BROADCASTING be pleased to state :

(a) whether his Ministry has closed down the publications of language editions of 'Yojana' and 'Bhagirath';

(b) if so, the reasons therefor;

(c) what alternative means Government have in view to reach the people all over the country to inform them on matters on national importance and perspective, which they were hitherto receiving in this respect in their respective regional languages; and

(d) whether Government are considering steps to make these publications viable so as to restart their publication ?

**THE MINISTER OF STATE OF THE
MINISTRY OF INFORMATION AND
BROADCASTING (SHRI V. N. GADGIL) :**

(a) No, Sir. However, in the interest of efficient management, the publication of 'Bhagirath' journal has been transferred to the Central Water Commission which was in any case exercising direct administrative control over the editorial staff of the journal.

(b) to (d). Do not arise.

**Implementation of rural development
schemes**

***920. SHRI MOHANBHAI PATEL :
SHRI AMARSINH RATHAWA**

Will the Minister of AGRICULTURE be pleased to state :

(a) the rural development schemes for uplift of the rural population in the country under the 20-Point programme;

(b) whether Union Government have issued any instructions to the State Governments with regard to implementation of all rural development schemes within the stipulated time;

(c) if so, the details thereof and the progress made so far in the matter;

(d) whether progress of rural development in the country, particularly in Adivasi areas is very slow; if so, the reasons therefor; and

(e) the steps being taken to implement the programme properly particularly in the Adivasi areas ?

**THE MINISTER OF AGRICULTURE
(S. BUTA SINGH) :** (a) to (e). A statement is given below.

Statement

The following rural development programmes implemented by the Department of Rural Development are included under the 20-Point Programme :

- (i) Integrated Rural Development Programme (IRDP)
- (ii) National Rural Employment Programme (NREP)
- (iii) Rural Landless Employment Guarantee Programme (RLEGP)
- (iv) Distribution of Ceiling Surplus Land,
- (v) Rural Drinking Water Supply (RDWS)

2. All the above programmes are continuing ones and no specific time frame has been stipulated. Under Rural Drinking Water Supply, however, the aim is to provide adequate drinking water facilities to entire rural population by the end of the Seventh Plan.

3. The progress is generally satisfactory in the country. Monitoring of the programmes is not done separately for Adivasi areas. Under IRDP, however, it is envisaged that at least 30 per cent of beneficiaries should belong to the SC/ST categories. The tribal beneficiaries are also entitled to 50 per cent subsidy on capital cost with maximum subsidy upto Rs. 5,000/- per beneficiary as against 25%/33-1/3% subsidy on capital cost with maximum subsidy upto Rs. 3,000/- (Rs. 4,000/- for DPAP areas) in the case of beneficiaries other than tribals. Considering the special problems of tribal areas, it has recently been decided that in the Integrated Tribal Development Programme areas, a joint Block Development Officer may be provided for all the recognised blocks. Further, the strength of Gram Sevak and Gram Sevika in such block may be augmented by 50 per cent of the existing strength subject to a limit of 5 Gram Sevaks and 1 Gram Sevika per block.

4. Under NREP/RLEGP 10 per cent of the funds are earmarked for works benefitting exclusively the SC/ST. Under Rural Water Supply Programme also, priority is given to coverage of SC/ST, hamlets/habitations. Under land reforms, the ceiling surplus land allotted to SC/ST forms 46 per cent of the total land allotted and of the total beneficiaries 54.7 per cent are SC/ST beneficiaries.

Problems of mini steel plants

*921. SHRI K. RAMAMURTHY: Will the Minister of STEEL AND MINES be pleased to state:

(a) whether it has been brought to the notice of Government that nearly 160 mini steel plants in the country have been in deep trouble for the last two years, which has been further accentuated with certain proposals contained in this year's Budget;

(b) whether the study conducted recently by Metallurgical and Engineering Consultants (India) Limited, a public sector organisation, has also proved that the mini-steel industry is facing a difficult situation and if so, the details of these problems; and

(c) the steps proposed to be taken to help the mini steel units to tide over their problems?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT): (a) Steel Furnace Association of India has been representing to the Government that duty on the import of input materials such as Carbon Steel Melting Scrap, Sponge Iron, Hot Briquetted Iron should be reduced/abolished as the industry was not able to generate enough resources for modernisation and upgradation of technology. They have recently made a plea to the Government that their operations have become economically unviable because of increased costs of input materials. The rationalisation of Auxiliary Duty with effect from 1.3.1986 has led to an increase in the level of import duties on the input material for the mini steel plants.

(b) The report of the Metallurgical and Engineering Consultants (MECON) indicated that the industry was facing problems such as inadequate availability and high prices of power and melting scrap.

(c) The Government has increased the import of scrap in 1985-86 to enable better capacity utilisation for the industry. The State Governments have also been requested to supply adequate power to the mini steel plants. MECON have been asked to update

their report to enable a view to be taken by Government on any further measures that may be necessary.

Evaluation of ICAR

*922. SHRI D.N. REDDY:
DR. T. KALPANA DEVI:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether working of the Indian Council of Agricultural Research is evaluated after an interval of five years; and

(b) if not, whether such evaluation will be taken up as in the case of other ICAR units?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH): (a) The Indian Council of Agricultural Research has a system of Quinquennial Review Teams for periodically evaluating the ICAR Institutes and Project Directorates and submitting their reports for the consideration of the Governing Body. The working of the All India Coordinated Research Projects is also reviewed annually or biennially in the workshops of research workers. The annual and final reports of the *ad-hoc* research schemes are evaluated by the concerned scientific panels represented by experts in each discipline. The rules and byelaws of the ICAR Society, also provide for a general body which review the progress and performance of the constituent units and gives policy directions and for a Governing Body which implements the policy directions and oversees the administrative, financial and technical matters of the Society.

(b) Does not arise.

[Translation]

Damage to crops due to drought and rain

*923. SHRI TARLOCHAN SINGH
TUR:
SHRI BALWANT SINGH
RAMOOWALIA:

Will the Minister of AGRICULTURE be pleased to state :

(a) whether recently crops in various areas have been damaged either due to excessive rains at some places or due to failure of rains at other places;

(b) if so, the States that have asked for assistance from the Centre in this regard;

(c) the demands made by each State Government; and

(d) the action taken by Union Government thereon ?

THE MINISTER OF AGRICULTURE
(S. BUTA SINGH) : (a) Yes, Sir.

(b) to (d). A Statement is given below.

Statement

Statement showing the details of Central Assistance sought and ceiling of expenditure approved to various State for drought, flood, heavy-rains, cyclone etc.—1985-86.

(Rs. in crores)

Sl. No.	States/UTs.	Drought			Floods/Cyclone etc.		
		Assistance Sought	Cellings approved		Assistance Sought	Ceiling approved	
			For 1985-86	For 1986-87		For 1985-86	For 1986-87
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	953.00	63.09	...	27.02	1.55	5.59
2.	Assam	...	...	...	86.88	22.16	...
3.	Bihar	...	...	...	...	...	...
4.	Haryana	64.57	9.21	...	39.22	7.94	...
5.	Himachal Pradesh	102.21	16.46	...	82.02	12.40	2.28
6.	Gujarat	491.64	41.83	75.65	...	...	...
7.	Jammu & Kashmir	30.50	4.12	...	15.95	8.87	...
8.	Karnataka	595.43	62.46	50.00	...	...	...
9.	Kerala	57.81	0.30	...	743.36	134.79	...
10.	Madhya Pradesh	277.42	51.11	...	...	...	...
11.	Maharashtra	664.37	65.56	21.68	35.34	13.91	...
12.	Manipur	...	...	...	4.44	1.60	...
13.	Nagaland	...	...	...	4.32	0.24	...
14.	Meghalaya	...	...	...	6.51	2.61	0.50
15.	Tripura	...	...	...	7.61	3.73	...
16.	Sikkim	...	...	...	28.03	4.07	...

1	2	3	4	5	6	7	8
17.	Orissa	...	...	...	191.00	32.62	...
18.	Punjab	20.03	8.14	...	474.11	60.88	...
19.	Rajasthan	659.44	62.06	51.59	...	...	...
20.	Tamil Nadu	...	...	...	186.59	66.81	...
21.	Uttar Pradesh	543.53	51.78	...	1732.50	165.32	...
22.	West Bengal	...	...	...	...	...	...
23.	Arunachal Pradesh	...	...	...	8.42	3.79	...
24.	Goa, Daman & Diu	...	...	...	0.015	0.007	...
25.	Mizoram	0.72	0.24	...	4.95	0.27	0.14
26.	Pondicherry	2.67	1.19	...	14.18	5.07	...
Total :		4463.34	437.55	198.92	3692.53	548.63	8.51

[English]

Educated unemployed youths

*924. SHRI SONTOSH MOHAN DEV:
PROF. K.K. TEWARY :

Will the Minister of LABOUR be pleased to state :

(a) whether the data provided by Employment Exchanges about the extent of educated unemployed in the country is realistic;

(b) if so, the reasons for criticism in this regard; and

(c) the improvement being effected by Employment Exchanges in their methods of collecting data about unemployed youth?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : (a) and (b). The job-seekers registered with the Employment Exchanges do not indicate exactly the number of unemployed persons in the country. All persons registered with the Employment Exchanges are not necessarily unemployed.

Registration with Employment Exchanges is only voluntary, and all unemployed persons do not register themselves with the Employment Exchanges.

(c) The main function of the Employment Exchanges is to provide employment assistance and guidance to the job-seekers registered with them. Computerisation of Employment Exchanges has been undertaken with a view to provide a more efficient service.

Legislation to compel Employers to provide houses to their workers

*925. SHRI V. SOBHANADREESWARA RAO : Will the Minister of LABOUR be pleased to state :

(a) whether there is any proposal to bring forward legislation in Parliament making it obligatory on the part of the industrial units to provide housing to their workers and undertake development of slum and jhuggi areas where industrial workers put up their huts; and

(b) if not, the reasons therefore ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : (a) and (b). Labour Ministry has no proposal to bring in any such legislation.

Uniform floor space index for urban areas

*926. SHRI SATYENDRA NARAYAN SINHA : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Government propose to evolve a uniform floor space index for all urban areas instead of leaving this to local bodies;

(b) whether guidelines in fixing this index are proposed to be sent to States in case on uniform index is fixed; and

(c) the other steps proposed to ensure that adequate open spaces are felt by builders engaged in urban construction ?

THE MINISTER OF URBAN DEVELOPMENT (SHRI ABDUL GHAFOOR) : (a) No, Sir.

(b) and (c). A model Town Planning legislation, prepared by the Government of India, has been circulated to all State Governments for guidance. State Governments are taking steps to ensure planned development of urban areas.

Development of Phulwari Sheriff

*927. SHRI C.P. THAKUR : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Phulwari Sheriff is a place of importance for Muslims in Bihar; and

(b) if so, whether Government propose to include this town in the Integrated Development of Small and Medium Towns Scheme in the Seventh Five Year Plan ?

THE MINISTER OF URBAN DEVELOPMENT (SHRI ABDUL GHAFOOR) : (a) Yes, Sir.

(b) Towns for inclusion under IDSMT are sanctioned on recommendations and on receipt of the project report from the State Government. No project report for inclusion of Phulwari Sheriff town under IDSMT has been received from the Government of Bihar.

Employment opportunities for surplus Tea gardens workers of Doars Terai

8715. SHRI PIYUS TIRAKY : Will the Minister of LABOUR be pleased to state :

(a) whether Tribal Sub-Plants over Tea garden labourers whose number exceeds 90 per cent in Doars Terai and Darjeeling and the entire tea belt of Assam;

(b) the details of gainful employment created for the surplus labour force in the tea belt year-wise during the last three years; and

(c) if not, the steps proposed to absorb surplus tribal labour in the tea industry ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Tribal Sub-Plants cover the Tribal majority areas and not the Tea Garden Belt/labourers.

(b) and (c). The number of Tea Garden labourers in Assam and West Bengal as on 31st December for the years 1980, 1981 and 1982 is as follows :

Year	Estimated total No. of labourers on roll.
1980	699172
1981	693690
1982	702973 (Provisional)

Division of imported milk products for baby food butter and ghee

8716. SHRI MANIK REDDY : Will the Minister of AGRICULTURE be pleased to state :

(a) whether under Operation Flood I and II imported gifts such as butter oil and

skimmed milk powder were issued to four metro dairies and feeder dairies;

(b) if so, the details there of, dairy-wise;

(c) the purpose for which these were used and whether this was in accordance with the agreements with World Food Programme and European Economic Community?

(b) whether some of the skimmed milk powder and butter oil was diverted for manufacture of baby foods, butter and ghee by Amul and other dairies and if so, corrective action taken; and

(e) whether such improper use is partly responsible for reluctance of European Economic Community to continue this gift programme ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) ; (a) to (e). The information is being collected and will be laid on the Table of the House.

Profit from food grains received by Amul under W.F.P.

8717. DR. -G. VIJAYA RAMA RAO : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Amul received large quantities of foodgrains under World Food Programme—348 for cattlefeed and if so, the details thereof;

(b) the prices paid by them to World Food Programme and sale price of cattle-feed/Kg. in Gujarat and outside Gujarat;

(c) whether heavy profits were made by Amul in the process, especially by sale at inflated prices outside Gujarat; and

(d) the per kg. price of cattlefeed sold by various State Governments, who had received the World Food Programme gift supplies and the reasons for the difference, if any ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Amul received under WFP-348 project during 1967/1974 30477 MT. of grains for cattle feed manufacture.

(b) and (c). The feedgrains were supplied free of cost. However, they were notionally valued for calculating the generated funds. The sale prices of cattle food were fixed by the recipient states.

Amul has not supplied cattle feed manufactured from WFP feed grains outside Gujarat. The question of heavy profits on sale outside Gujarat does not arise.

(d) The sale prices of compounded cattle feed were fixed by the recipient states taking into account the handling & processing charges of grains and cost of indigenous component of the compounded cattle feed.

Vegetable and Fruit Development Scheme

8718. DR. CHINTA MOHAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether vegetable and fruit development schemes have been started under Operation Flood Project I and II in Delhi and West Bengal;

(b) if so, whether these will be extended to other States also;

(c) if so, details thereof;

(d) whether productivity of vegetables and fruits has improved under Operation Flood I and II sponsored, vegetable and fruits scheme and added to profits to farmers; and

(c) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) There is no scheme on

Vegetable and Fruit Development under Operation Flood Project I and II.

(b) to (e). Do not arise.

Exploitation of Minerals in Orissa

8719. SHRI ANADI CHARAN DAS : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether exploitation of certain minerals in Orissa and proposals for further expansion have been banned and also a ban is imposed on export of some minerals;

(b) if so, the details thereof; and

(c) in view of said restrictions, what steps have been taken or are proposed to be taken to ensure use of these minerals within the State ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) and (b). There is no ban on the production of any mineral or expansion of production in Orissa. As regards the ban on export of minerals, the policy of the Government in this regard is contained in Volume II of Imports and exports Policy; 1985-88. Exports of some minerals like chrome ore, calcined bauxite etc. is not normally allowed.

(c) Restrictions on exports are imposed keeping in view the position of reserves, the present and future needs of the country. These minerals are being utilised for the production of various products.

Appointment of private consultants by SAIL

8720. DR. B.L. SHAILESH : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Steel Authority of India Limited (SAIL) appointed private consultants some time ago to advise on dilution of stocks;

(b) if so, the amount of fee paid to the private consulting firms and the advice tendered by them; and

(c) the approximate value of stocks of various steel items presently held by the SAIL and the steps being taken to bring down its inventories ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) Yes, Sir. SAIL had appointed a marketing consultant in October, 1983 to advise inter-alia on strategies to be adopted to reduce stocks.

(b) The Consultant was paid a fee of Rs. 22,500/- for his assignment on reduction of inventories. The Consultant made suggestions about opening of additional yards, appointment of conversion agents, procedures for disposal of steel in cases where tender bids were not found suitable, appointment of handling agents for disposal of bars and rods and package deals with trade etc.

(c) As on 1.4.1986, SAIL (including IISCO) held stock of about 0.66 million tonnes (provisional) of saleable steel valued approximately at Rs. 345 crores. The measures taken by SAIL to stimulate sales and reduce stocks comprise of intensive customer contact with the assurance of committed deliveries within specified time schedules, selective credit facilities; package deals for promoting sale of Non-moving items and permitting disposal of old and non-moving stocks through special measures.

Alleged harassment of SC/ST Employees of Najibabad AIR Station

8721. SHRI BASUDEB ACHARIA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether his attention has been drawn towards alleged atrocities committed against employees belonging to SC/ST communities working in All India Radio, Najibabad Station; and

(b) if so, the action taken in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) : (a) and (b). Some references from individuals and reports published in a section of the

Press in this regard have come to the notice of the Government. However, the allegations were not substantiated on enquiry.

Development of Bombay Through industrial development activities

8722. PROF. MADHU DANDAVATE: Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether the Urban Development Ministry propose to take initiative in ensuring coordination between Ministries of Urban Development, Railways and Finance to plan the development of hinterland of Bombay through industrial development activities, infrastructure of railway in the Konkan region and rail link between old and new Bombay to relieve pressure on Bombay city; and

(b) if so, whether priority is to be given to the task of reducing congestion in the metropolitan city of Bombay ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) and (b). Overall responsibility to ensure integrated development of Bombay is of the State Government. Centre has, however, been assisting them to achieve that object. A sum of Rs. 50 crores has been provided for the Urban Development of the city in the Seventh Five Year Plan. In addition, a Central grant of Rs. 100 crores is committed for solving Bombay's acute problems of housing and slums in the Seventh Plan period. Projects to improve water supply, transport and infrastructure with international assistance have been taken up.

Expansion of Zinc Smelter Plant, Visakhapatnam

8723. SHRI S. PALAKONDRAUDU: Will the Minister of STEEL AND MINES be pleased to state :

(a) whether there is any proposal pending with Government to expand the existing zinc smelter plant at Visakhapatnam; and

(b) if so, the details of the proposal and the amount sanctioned therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) No, Sir.

(b) Does not arise.

Agricultural credit by Land Development Bank during Seventh Plan

8724. SHRI SOMNATH RATH : Will the Minister of AGRICULTURE be pleased to state :

(a) the targets of Land Development Bank for disbursement of credits for agriculture for the Seventh Five Year Plan; and

(b) the target for the year 1986-87 ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). The target of disbursement of agricultural credit by Land Development Banks in the Seventh Five Year Plan period (1985-90) is Rs. 3885 crore. The target for the year 1986-87 (July '86 to June '87) is Rs. 665 crore.

TV Facilities to Agriculturists

8725. SHRI MULLAPPALLY RAMACHANDRAN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether in view of the increasing number of programmes on agriculture being telecast on T.V., Government have made any efforts to ascertain the percentage of agriculturists who have television facilities; and

(b) if so, the details thereof ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) and (b) : With the completion of VI Plan Schemes, TV service is expected to be available to about 65 per cent of the country's rural population, which consists mainly of agri-

culturists. While no specific study has been conducted to ascertain the percentage of agriculturists with access to Television facilities, the Central Government and a number of State Governments/Union Territory Administrations and other agencies have provided a sizeable number of community viewing TV sets in the rural areas for the benefit of rural viewers, including agriculturists.

Permission to TISCO to increase capacity

8726. SHRI K. PRADHANI : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether there is any proposal under consideration of Government to permit the Tata Iron and Steel Company (TISCO) to increase its capacity substantially;

(b) if so, the end products in respect of which the capacity is proposed to be increased and the quantum of increased; and

(c) whether it will affect the products of the SAIL Units in the open market in any way ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) to (c). The Tata Iron and Steel Company Limited (TISCO) have informed Government that they are considering expansion of a million tonnes per annum to make more flat products. No formal application has, however, been made by them. The demand and capacities of various products already installed in the country will be kept in view when the application of TISCO is considered by Government.

[Translation]

Construction of hotel near Indira Gandhi Stadium by DDA

8727. SHRI SHANTI DHARIWAL : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Delhi Development Authority is constructing a hotel near Indira Gandhi Stadium;

(b) if so, the time and amount of money spent so far on the construction of this hotel;

(c) whether it is a fact that though lakhs of rupees has been spent on the construction of this hotel during the past five year, the construction work has not been completed so far;

(d) whether it is also a fact that Delhi Development Authority is constantly mis-using the public money as referred to above;

(e) whether Government have taken any action against the officers responsible for the construction of this hotel; if so, the details thereof; and

(f) if not, the reasons therefor and the time by which this hotel is likely to start functioning ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) Delhi Development Authority initially constructed a building known as "Players Block" alongside Indira Gandhi Stadium. Later on it was decided to use it as a hotel.

(b) and (c). The construction commenced in 1981-82 and is not yet complete. An amount of Rs. 5.76 crores has been spent so far.

(d) No, Sir.

(e) Does not arise.

(f) Government is considering various options about the utilisation of this building. Efforts are being made to complete the building quickly for utilisation thereafter.

[English]

Earnings through sponsored programme "Yeh Jo Hai Zindagi"

8728. SHRI KRISHNA SINGH : Will the Minister of INFORMATION AND

BROADCASTING be pleased to state the total earnings so far made through sponsorship fees and spot advertisements of the T.V. serial "Yeh Jo Hai Zindagi" ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL): The gross earnings so far made through sponsorship fee and spot advertisements of the TV serial, "Yeh Jo Hai Zindagi; is Rs. 396.18 lakhs.

Fertilizer Plants in Public Sector

8729. SHRI HARIHAR SOREN : Will the Minister of AGRICULTURE be pleased to state :

(a) the number of fertilizer plants set up in the private sector and also in the public sector;

(b) the names of the places where these fertilizers plants have been set up;

(c) the performance of these plants during the last three years; and

(d) the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : (a) There are 40 major fertilizer plants producing Nitrogenous and complex/phosphatic fertilizers. Of these, 24 plants are in the public sector, 12 in the private sector and 4 in the co-operative sector.

(b) to (d). Locations of these plants and details of their production performance during the last three years (1983-84, 1984-85 and 1985-86), are given in the statement below :

Statement

Location and production performance of fertilizer plants during the last three years (1983-84, 1984-85 and 1985-86).

(Production in '000 tonnes)

Location of the plant	1983-84		1984-85		1985-86	
	Production	Capacity Utilisation %	Production	Capacity Utilisation %	Production	Capacity Utilisation %
1	2	3	4	5	6	7

Nitrogenous Fertilizers (Nitrogen)

Public Sector

Sindri Modernisation	121.4	55.4	125.2	57.2	74.1	33.8
Gorakhpur	81.4	62.1	82.4	62.9	78.9	60.2
Ramagundam	80.5	35.3	93.4	41.0	55.3	24.3
Talcher	37.3	16.4	55.1	24.2	52.9	23.2
Nangal-I	59.1	73.9	52.6	65.8	60.8	76.0
Nangal-II	134.1	88.2	137.8	90.7	138.3	91.0

1	2	3	4	5	6	7
Bhatinda	142.8	60.8	143.6	61.1	168.2	71.6
Panipat	157.1	66.8	157.1	66.8	141.9	60.4
Namrup-I	20.4	45.3	21.6	48.0	17.1	38.0
Namrup-II	61.3	40.3	66.7	43.9	58.7	38.6
Durgapur	71.3	46.9	57.5	37.8	46.2	30.4
Barauni	58.7	38.6	37.7	24.8	92.8	61.1
Udyogamandal	31.2	65.6	51.2	65.6	59.3	76.0
Cochin-I	94.3	62.0	107.9	71.0	56.3	37.0
Cochin-II	42.0	105.0	65.6	164.0	64.4	161.0
Trombay	84.4	93.8	84.3	93.7	81.2	90.2
Trombay-IV	55.4	73.9	55.6	74.1	51.8	69.1
Trombay-V	140.1	92.2	125.0	82.2	136.0	89.5
Thal	...	...	48.9	...	376.5	63.0
Madras	92.7	52.7	151.4	86.0	131.0	74.4
Rourkela	22.5	18.7	49.8	41.5	34.5	28.8
Neyveli	57.4	82.0	58.9	84.1	59.1	84.4
By-Products	15.1	62.9	16.1	67.1	16.3	67.9
Total (Public Sector)	1660.5	55.6	1845.4	60.2	2052.0*	61.4

(*Includes trial production of 400 tonnes in Paradeep)

Private Sector

Baroda	220.2	93.3	215.5	91.3	252.7	107.1
Vizag	73.7	87.7	73.3	87.3	81.8	97.4
Kota	141.7	93.2	143.7	94.5	163.1	107.3
Kanpur	247.4	79.8	286.3	92.4	267.8	86.4
Goa	139.5	81.6	148.1	86.6	191.3	96.6
Tuticorin	241.0	84.6	307.3	104.9	308.3	105.2
Mangalore	90.0	57.7	134.0	85.9	110.8	71.0
Ennore	9.1	56.9	9.2	57.5	9.6	60.0

1	2	3	4	5	6	7
Varanasi	3.5	37.0	2.1	21.0	3.9	39.0
Bharuch	211.4	77.4	212.8	77.9	270.7	99.2
Tuticorin	10.2	63.8	13.3	83.1	12.8	80.0
Alkalis						
PNFC Nangal	...	...	...	...	6.8	42.5
By-Products	2.8	70.0	4.1	67.5	4.0	100.0
Total (Private Sector)	1390.5	81.3	1549.7	90.0	1685.5**	95.4

(**Includes trial production of 1900 tonnes from Hindustan Lever, Haldia)

Cooperative Sector						
Kalol/Kandla	260.6	100.2	321.9	123.8	272.8	104.9
Phulpur	173.4	76.0	200.1	87.8	191.0	83.8
Hazira	...	...	...	...	126.7	56.9
Total (Coop. Sector)	434.0	88.9	522.0	107.0	590.5	95.1
Grand Total	3485.0	67.2	3917.1	74.4	4328.0	75.5

Phosphatic Fertilizers (P_2O_5)

Public Sector						
Sindri Rationalisation	9.4	6.3	4.6	Negligible	Not in Production	
Udyogamandal	21.2	57.3	29.0	78.4	31.7	85.7
Cochin-II	49.2	43.2	85.3	74.8	70.4	61.8
Trombay	40.5	90.0	41.1	91.3	39.8	88.4
Trombay-IV	55.4	73.9	55.6	74.1	51.8	69.1
Madras	90.0	80.4	112.4	100.4	93.0	83.0
Khetri	7.6	8.4	8.3	9.2	6.4	7.1
SSP Units *	13.2	37.7	8.8	25.1	10.0	28.6
Total (Public Sector)	286.5	43.5	345.1	67.0	304.0*	59.7

(*Includes trial production of 900 tonnes in Pradeep)

1	2	3	4	5	6	7
Private Sector						
Baroda	52.1	104.2	51.4	102.9	60.4	120.8
Vizag	75.3	72.4	79.4	76.3	86.4	83.1
Goa	34.0	80.9	37.5	89.3	124.0	111.7
Tuticorin	119.6	83.6	160.9	112.5	163.3	114.2
EID Parry Ennore	11.5	115.0	11.5	115.0	12.0	120.0
SSP Units	199.9	90.4	229.9	79.6	320.6	77.6
Total (Private Sector)	492.4	86.4	560.6	90.6	771.7* *	92.3
*(Includes 5000 tonnes of trial production from Hindustan Lever, Haldia)						
Blc/Cooperative Sector						
IFFCO : Kandla	269.1	103.5	348.3	134.0	351.6	135.3
Total (Coop. Sector)	269.1	103.5	348.3	134.0	351.9	135.3
Grand Total	1048.0	70.4	126.4	90.1	1427.6	88.9

Demand for Mica

8730. SHRI C. SAMBU : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether demand for mica has come down resulting in a downward trend in market prices;

(b) the number of mica mines in Andhra Pradesh and workers employed in them;

(c) whether the Vice-President of the South India Mica Miners Association suggested some measures for the revival of the industry in Andhra Pradesh to the Chief Mining Geologist of the Indian Bureau of Mines in 1985; and

(d) if so, the details of the suggestions made and the action taken by Government thereon ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) to (d). The information is being collected and shall be laid on the Table of the House.

Utilisation of Fertilizers

8731. PROF. NARAIN CHAND PARASHAR : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government encouraged the utilisation of fertilizers by the farmers during the Sixth Five Year Plan;

(b) if so, the consumption of fertilizers in the country, State-wise during the Sixth Five Year Plan and the subsidy given unitwise; and

(c) whether any further incentive is proposed to be given in this regard during the Seventh Five Year Plan ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir. The Government has encouraged the utilisation of fertilisers by the farmers during the Sixth Five Year Plan. Fertiliser consumption has gone up from a level of 52.56 lakh tonnes in 1979-80 to 82.11 lakh tonnes in 1984-85 the terminal year of the Sixth Five Year Plan.

(b) The Statewise Fertiliser Consumption during the Sixth Five Year Plan and subsidy paid to various indigenous units during the last five years are given in statements I and II laid on the table of the House.

[Placed in Library. See No. LT-2701/86]

(c) The efforts of the Government will continue to promote the use of fertilisers during the Seventh Five Year Plan also.

Application of Bio-technology in evolving HYV of seeds of crops

8732. SHRIMATI N. P. JHANSI LAKSHMI : Will the Minister of AGRICULTURE be pleased to state the extent of success achieved in the application of 'Bio-Technology' in the field of evolving High Yielding Varieties (HYV) of seeds of major field crops ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : Bio-technology being a new field and still in its infancy in our country, it is too early to expect a break-through of great practical significance. However, techniques for propagation/multiplication through tissue culture and re-generation through anther/callus have been standardized for application of bio-technology to improve field crops of economic importance.

Financial assistance to Orissa Maritime and Chilika Area Development Corporation Ltd. for brackish water prawn culture

8733. SHRIMATI JAYANTI PATNAIK : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government propose to provide financial assistance to Orissa Maritime and Chilika Area Development Corporation Ltd. to implement brackish water prawn culture scheme;

(b) if so, since when and the details of Central assistance given to the Corporation so far;

(c) whether there is a proposal to increase the allocation of the Corporation in 1986-87 to implement brackish water prawn culture scheme; and

(d) if so, the details of the allocation proposed to be made in 1986-87 ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The Central grant in aid as per the pattern of assistance applicable to the Centrally Sponsored Scheme for the implementation of Brackish Water Prawn Culture Project by Orissa Maritime and Chilika Area Development Corporation Ltd. is being made available to the Government of Orissa.

(b) The projects sanctioned in March 1985. An amount of Rs. 24.25 lakhs was released to the Government of Orissa in March, 1985.

(c) and (d). The amount release already has not yet been utilised by the Government of Orissa. Further release of Central grant in aid will be considered only after utilisation of the grant already released and after a matching contribution by the Government of Orissa.

[Translation]

Educated unemployed in Delhi

8734. SHRI JAI PRAKASH AGARWAL : Will the Minister of LABOUR be pleased to state ;

(a) the number of graduates and matriculate unemployed youths in Delhi;

(b) the number of persons belonging to Scheduled Castes and Scheduled Tribes among the educated unemployed youths in Delhi; and

(c) the steps being taken to impart training to these educated unemployed youths in self-employment schemes ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b). The available information relates to the number of job seekers on the Live Register of Employment Exchanges all of whom are not necessarily unemployed. The number of graduates and matriculates on the Live Register of Employment Exchanges in Delhi and the number of Scheduled Caste and Scheduled Tribes persons among the total educated job seekers (Matriculates and above) as on 31-12-85 was as follows :

Matriculates	:	198808
Graduates	:	75309
Scheduled Castes	:	39396
Scheduled Tribes	:	2395

(c) A Society for Self-Employment in the Union Territory of Delhi has been set up by Delhi Administration to provide training to the unemployed youths.

[English]

Release of funds to West Bengal under Rural Employment Programme

8735. SHRI SANAT KUMAR MANDAL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the Union Government have released Rs. 5.50 crores to West Bengal under the rural employment programme during 1985-86 but with-held the remaining

Rs. 3 crores for alleged non-return of utilisation certificates;

(b) whether the State had already sent an upto-date report on the utilisation of funds under the rural employment programme; and

(c) if so, whether Rs. 3 crore held back have since been released to West Bengal, if so, when and if not the reasons therefor ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) to (c). Government of India has released an amount of Rs. 34.90 crores to West Bengal Government during year 1985-86 under Rural Landless Employment Guarantee Programme (RLEGP). The allocation under RLEGP to West Bengal for 1985-86 was Rs. 38.70 crores. Deductions to the extent of Rs. 397 lakhs were made. Out of this, an amount of Rs. 337 lakhs was deducted on account of excess carry over under National Rural Employment Programme (NREP) and Rs. 60 lakhs on account of non-adjustment of foodgrains subsidy released earlier. The deduction on account of excess carry over under NREP were made in accordance with para 20.3 of the RLEGP guidelines which reads as follows :

"After the close of the financial year the expenditure by the State Government under NREP will be scrutinised. To the extent the expenditure under NREP falls short of the amount released under NREP, reduction in the allocation for Rural Landless Employment Guarantee Programme will be made and the excess funds released will be adjusted in the next instalment due to the State Government under Rural Landless Employment Guarantee Programme."

As would be seen from the paragraph quoted above, the allocation under RLEGP itself stands reduced to the tune of excess carry over under NREP. Therefore, the question of restoration of Rs. 337 lakhs deducted on this account does not arise. Against Rs. 60 lakhs deducted on account of non-adjustment of foodgrains subsidy,

the State Government submitted claims for an amount of Rs. 16 lakhs only. This amount was released reducing the deduction on this account to Rs. 40 lakhs.

Hike in berthing charges for fishing trawlers

8736. SHRI R. S. MANE : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government are aware of steep increase in berthing charges for fishing trawlers at various ports; and

(b) whether steps have been taken to reduce the berthing charges and if not, the reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) As per the information received from Madras, Visakhapatnam, Bombay, Paradip, and Calcutta Port Trusts, there has been no steep increase in berthing charges at these ports.

(b) Does not arise.

Allotment of Government accommodation under ladies pool

8737. SHRI T. BALA GOUD : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) the criteria for allotment of Government accommodation under ladies pool;

(b) whether there is any proposal to increase the quota for ladies consequent upon the increase in the employment of ladies in Government service;

(c) whether ladies pool allotment in Type-IV is done one step below their entitlement;

(d) if so, the reasons therefor; and

(e) the steps proposed to be taken by Government in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) A lady officers pool, separately for married lady officers and for single lady officers, is being maintained for allotment of general pool accommodation to lady officers. The officers are entitled for allotment of accommodation in the lady officers pool in the type next below the type to which they are entitled. The number and type of residences to be placed in this pool is determined by the Government from time to time. In addition, lady officers are also entitled for securing allotment from general pool.

(b) No.

(c) Yes.

(d) and (e). The officers secure allotment from the lady officers pool much earlier than they can secure from the general pool. This amounts to out-of-turn allotment and therefore allotment is made in the type next below the entitled type. Such lady officers can secure their entitled type of accommodation according to their date of priority from the general pool.

Shifting of subzimandis from Shahadra

8738. SHRI KESHAORAO PARDHI : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether it has been decided by D. D. A./Agricultural Produce Committee to shift the subzimandis from Shahadra and Jheel Khuranja in Trans Yamuna area of Delhi to some suitable place to ease congestion at these two places;

(b) if so, the details thereof; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) to (c). There is a proposal to shift the existing fruit and vegetable markets from Jheel Khuranja and Shahadra to a suitable place in Trans Yamuna area. So far no decision has been taken on probable alternative sites viz. Loni Road Complex & Gazipur.

Demand of farmers of Tamil Nadu for higher price for paddy

8739. SHRI S. SINGARAVADIVEL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government are aware of the demand of the farmers of Tamil Nadu for higher price for paddy;

(b) whether Government of Tamil Nadu has asked for clearance of Union Government for payment of cash incentive to paddy growers; and

(c) if so, the direction of Union Government thereon ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Agriculturists' Associations of a few districts of Tamil Nadu have made representations for higher procurement price of paddy.

(b) and (c). Information is being collected.

Allotment of alternative site to Sagar Cooperative Group Housing Society

8740. SHRI V. SREENIVASA PRASAD : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether the Sagar Cooperative Group Housing Society Limited, New Delhi has represented to Government for allotment of alternative site under group housing from Geeta Colony to Patpar Ganj Complex due to certain objection raised by the local inhabitants; and

(b) if so, the details thereof and the action proposed is this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) Yes, Sir.

(b) The Society vide its letter dated 15.4.1986 represented to DDA for allot-

ment of alternative site in Patparganj complex on the following grounds :

(i) portion of the land allotted is claimed by the local people to be earmarked for baratghar.

(ii) clusters of jhuggis on the land have not been removed so far.

(iii) delay in approval of plan due to the objections raised by the Delhi Urban Art Commission.

The request of the Society cannot be acceded to, as no land for allotment to group housing societies is available in Patparganj complex. However, Delhi Development Authority has located an alternative site in Gharoli area adjoining NOIDA which can be considered for allotment, if it is acceptable to the Society.

Building construction activity

8741. SHRI K. RAMACHANDRA REDDY : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether the building construction activity has been languishing during the past one year;

(b) whether Government are reviewing the causes of sluggish building construction activity in the country during the last one year; and

(c) if so, the remedial steps proposed to be taken by Government ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) No, Sir.

(b) Does not arise.

(c) Housing is a State subject and social housing schemes are implemented by the State Governments./U. T. Admns. as per their needs and plan priorities. At the Central level several steps have been taken to boost housing activity some of which are as follows :

- (i) Provision of shelter facilities to the entire shelterless population by 2000 A. D. as per IYSH objective has been accepted by the Government.
- (ii) The level of investment in the Public Sector during the 7th Plan has been raised to Rs. 2,458 crores against Rs. 1,491 crores in the 6th Plan.
- (iii) Under the 20-Point programme which is being implemented as an essential part of State Plans, schemes for allotment of developed house sites free of charge and construction assistance have been included. Moreover, the States are being assisted under the financing programmes of Housing and Urban Development Corporations for the schemes for housing of economically weaker sections and low income group families.
- (iv) To encourage cooperative group housing efforts in large cities, Apartment Ownership Act has been enacted in 10 States.
- (v) Several fiscal incentives have been given to encourage investment in housing.

Consultancy Service by N. D. R. I.
Karnal

8742. SHRI P. R. KUMARAMAN-GALAM : Will the Minister of AGRICULTURE be pleased to state :

(a) whether National Dairy Research Institute, Karnal has set up an industrial consultancy service;

(b) if so, the details of parties served, income earned and expenditure incurred so far;

(c) whether NDRI has any practical findings to its credit during Sixth Plan period, if so, the details thereof;

(d) whether industrial consultancy service was offered earlier also under Indian Coun-

cil of Agricultural Research and Government plans;

(e) whether National Dairy Development Board is also serving as a major dairy industrial Consultant and building dairies on contract basis; and

(f) if so, the achievements made so far ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (f). The information is being collected from various sources and will be placed on the Table of the Sabha.

Technology Transfer Offer from West German steel firm

8743. SHRI BALASAHEB VIKHE PATIL : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Government's attention has been drawn to a news item appearing in the Financial Express dated 10th March, 1986 that a leading steel firm in West Germany is willing to consider technology transfer to India with a view to improve the standard of steel production;

(b) whether Government have found the proposal attractive and if so, the particulars of the proposals made by the West German firm; and

(c) the details of the proposals acceptable to India and the decision taken in this regard ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) to (c). A team from Thyssen Aktiengesellschaft of West Germany visited India in March, 1986. They visited the steel plants at Bhilai, Rourkela and Bokaro and also TISCO's plant at Jamshedpur. They also called on the Steel Authority of India Limited. During discussions with SAIL, the team expressed a desire to render assistance in areas like production of hot metal, external treatment of hot metal, primary steel-making operations, ladle metallurgy and injection metallurgy, etc. Discussions with SAIL were only of an exploratory nature and related to

facilities the Steel Authority of India Limited plants should have in the long run for production of cleaner steels. Earlier in January, 1986, a Steel Authority of India Limited team had visited the Thyssen plant in West Germany to study the production of ladle treated speciality steels grades through the continuous casting route. Discussions between SAIL and Thyssen Aktiengesellschaft are still at an exploratory stage and SAIL has not taken any view to collaborate with them.

Bio-Agents released for Controlling diseases of Fruits and Vegetables

8744. DR. K. G. ADIYODI : Will the Minister of AGRICULTURE be pleased to state :

(a) the details of bio agents released for biologically controlling diseases of various fruits and vegetables in the country;

(b) the achievement made so far in this direction; and

(c) the further proposals envisaged during Seventh Plan period for covering more areas ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) So far, no bio-control agents have been released in the country to control the diseases of fruits and vegetables. Work on these aspects is still in experimental stages.

(b) Even though we have not formally released any bio-control agents for the control of fruit and vegetable diseases, there are several biological agents which play a significant role in suppressing the destructive pathogens in the nature. Some of them which have been experimentally tried are :

Trichoderma harzianum, *Trichothemcium roseum*, *Bacillus subtilis*, *Catenaria sp.*, *Dactylella sp.*, *Pacelomyces franosus*, *Streptomyces etc.* The methodologies for their identification, multiplication and testing have been demonstrated in a few cases under controlled conditions.

(c) During the VIIth Plan, work on control of diseases through bio-control agents is being strengthened by proposing two new laboratories under All India Coordinated Research Project on Biological Control of Pests and Weeds.

Quality of programmes on T. V.

8745. SHRI CHITTA MAHATA :
SHRI YASHWANTRAO
GADAKH PATIL :
SHRI AMAR ROYPRADHAN :

Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether a three-day national colloquium organised by the NAMEDIA Foundation on the role of television opened on the 22 March, 1986 with a sharp attack on the low quality of programmes on Indian T. V.; and

(b) if so, the details thereof and the reaction of Government thereto ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) and (b). A three day National Colloquium on 'Television Today and Tomorrow' was held at Delhi from March 22, 1986 under the aegis of NAMEDIA Foundation. A cross-section of people, interested and involved in media activities (including some journalists) participated in the deliberations and a free and frank discussion was held on various aspects of Doordarshan's working, programmes, activities, constraints and impediments, etc. No specific suggestions of the National Colloquium have so far been received by the Government.

Visit of P. M. to Drought Affected States

8746. SHRI AMAR ROYPRADHAN :
SHRI SRIKANTA DATTA
NARASIMHARAJA WADIYAR :
SHRI AMARSINH RATHAWA :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether the Prime Minister has visited some of the drought affected areas in the country during the current year; and

(b) if so, the details of the places/States visited; and

(c) the immediate relief assistance provided to the drought affected States/areas visited by him ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). Yes, Sir. The Prime Minister visited some of the drought affected areas in the States of Andhra Pradesh, Gujarat, Karnataka and Maharashtra during the year 1986.

(c) The ceilings of expenditure approved so far, for these States for drought relief for the years 1985-86 and 1986-87 are as under:—

States	Rs. in Crores	
	Ceiling Approved for 1985-86	1986-87
1. Andhra Pradesh	63.09	—
2. Gujarat	41.83	75.55
3. Maharashtra	65.56	21.68
4. Karnataka	62.46	50.00

Coverage of Development News by Newspapers

8747. SHRI SHANTARAM NAIK : Will the Minister of INFORMATION and BROADCASTING be pleased to state:—

(a) whether coverage of development programmes news at present by the newspapers is as low as 6 per cent; and

(b) the efforts made by Government to persuade the press for carrying more development news ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) The Second Press Commission had found that the space devoted to development

stories ranged from 8.7 to 27.3 per cent in daily newspapers in various languages. Recently, a study reportedly conducted by the Editors Guild of India also found that the newspapers are generally giving comparatively less than due coverage to economic and development items.

(b) In pursuance to its deep commitment to the freedom of the Press, the Government does not interfere in the internal functioning of the Press. However, the P. I. B. through a network of regional and branch offices puts out information on the policies, programmes and activities of the Government of India. This helps to increase the coverage of development news by the Press.

Credit flow for Development of Agricultural land

8748. SHRI DHARAM PAL SINGH MALIK : Will the Minister of AGRICULTURE be pleased to state :

(a) the details of credit flow for development of agricultural land in the country;

(b) how far it has been found successful; and

(c) whether Government propose to make any change in this regard and if not, the reasons thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b) : Agricultural credit is available to the farmers from institutional credit agencies like the State Cooperative Land Development Banks, Commercial Banks and Regional Rural Banks for land development, covering activities like land levelling, land shaping, contour bunding and terracing. Refinance is provided by the National Bank for Agriculture and Rural Development (NABARD) for this purpose. The quantum of refinance provided by NABARD has increased from Rs.21 crore in 1982-83 to Rs. 29 crore in 1983-84 and to Rs 43 crore in 1984-85. This is indicative of the success of the programme. It is the policy of the Government to accele-

rate the pace of land development for increasing the cropped area in the country.

(c) The Government does not have any proposal at present to effect any change in the current policies on credit support for land development in view of the position stated in the answer against parts (a) and (b) above.

Loss of Imported Phosphoric Acid for use in FACT

8749. SHRI SURESH KURUP : Will the Minister of AGRICULTURE be pleased to state :

(a) whether a large quantity of imported Phosphoric Acid for use in FACT, Allwaye, was lost due to the negligence of the authorities concerned; and

(b) if so, the action Government propose to take in this regard ?

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : (a) No loss of Imported Phosphoric Acid from the shore-storage at Willingdon Island has been reported by the FACT. However, consequent upon the press news which appeared in March, 1986 in the local daily, 'MALAYALA MANORAMA' regarding alleged shortage of Phosphoric Acid, the relevant records have since been looked into by a Government agency. FACT has also been appointed a committee of senior officers to look into it.

(b) At this stage, the question of taking action against any officer of the FACT does not arise.

[Translation]

Modernisation of Fertilizer Factories

8750. SHRI KALI PRASAD PANDEY: Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government has issued any directions to various fertilizer factories to increase production and reduce dependence

on imports and for modernisation of fertilizer factories;

(b) if so, the names of fertilizer factories in which modernisation work is expected to be started and completed during the year 1986-87 alongwith the estimated cost thereof;

(c) the names of the fertilizer factories running in loss and the action taken to make good this loss; and

(d) whether Government have also taken any action to promote discipline, increase efficiency and provide relief to the employees working in these factories and if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : (a) There is a constant endeavour to increase production by regular monitoring of performance and the units performing at low levels are being encouraged to undertake revamping/rehabilitation/modernisation.

(b) In the public sector plants modernisation/rehabilitation work are already in progress in Trombay-I, Nangal-I, Talcher, Ramagundam, Gorakhpur and FACT units. Proposals have been received for revamping some of the facilities in the units at Barauni, Durgapur, and Namrup. A Budget provision of Rs. 31.60 crores has been made for 1986-87 for the above.

(c) Among the public sector fertilizer producing units Fertilizer Corporation of India and Hindustan Fertilizer Corporation are incurring losses. Irregular power supply being one of the most important causes of poor capacity utilisation, captive power plants have been sanctioned for most of the units. Modernisation/revamping proposals have also been taken up.

(d) Maintenance of discipline, increasing of productivity and redressal of grievances of the employees are normal management functions of the fertilizer factories. As and when necessary, Government provide guidance in these matters.

[English]

Sale of fertilizers through co-operative

8751. SHRI SUBHASH YADAV : Will the Minister of AGRICULTURE be pleased to state :

(a) the estimated quantity and value of fertilisers being sold through co-operatives outlets and the percentage of co-operative cells vis-a-vis private channel cells during the last three years, year-wise; and

(b) whether Government propose to sell fertilisers through co-operatives only for the benefit of farmers and if not, the reasons thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) A statement showing the estimated quantity and value of fertilisers

sold through co-operative outlets and the share of co-operatives in the total consumption of fertilisers in the country during the last three years, year-wise, is given below.

(b) In order to ensure adequate and timely availability of fertilisers to farmers for increased agricultural production, fertilisers are distributed through various agencies including cooperatives, State agro-industries corporations, manufacturers' own dealer's net-work etc. In order, however, to ensure adequate availability of fertilisers in the State throughout the season, the fertiliser manufacturers and pool handling agencies have been directed to first offer 50 per cent of their entire allocated quantity at the beginning of the season itself to the cooperative institutions of the concerned States, where the present level of handling by cooperatives is less than 50 per cent. In case there is no response from the cooperative within 10 days of the offer made, the manufacturers would be free to sell this quota through their own dealer's net-work.

Statement

(Quantity in thousand tonnes of NPK)

Year	Total consumption of fertilisers in the country (quantity)	Fertilisers handled by cooperatives quantity/value (Rs. crores)	Percentage of coop. share to total consumption
1	2	3	5
1982-83	6417.90	3016.23	47.00
1983-84	7710.00	3345.40	43.00
1984-85	8210.95	3600.00	43.80

Note : The data are based on the figures collected by the National Co-operative Development Corporation from various State Governments.

Designing and engineering of public sector fertilisers plant by Italian firm

8752. PROF. RAMKRISHNA MORE : Will the Minister of AGRICULTURE be pleased to state :

(a) whether designing and engineering of the public sector fertiliser plants in the country has been entrusted completely to an Italian firm;

(b) if so, the reasons therefor; and

(c) whether the decision is likely to affect the Indian companies ?

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : (a) to (c) The Italian firm M/s. Snamprogetti has provided basic engineering package for urea plants for two public sector gas-based fertiliser projects at Thal in Maharashtra and Guna in M. P. The detailed engineering supervision services for constructions, procurement services, etc. for these projects were/are mostly provided by M/s. Projects & Development India Ltd. (PDIL), a Public Sector, Engineering and Consultancy Organisation.

Seminar on women workers in un-organised sector

8753. SHRIMATI USHA CHOUDHARI: Will the Minister of LABOUR be pleased to state :

(a) whether a seminar on women workers in unorganised sector was held recently in New Delhi;

(b) if so, the details of recommendations submitted on facilities to be provided by Government to check frustration among women; and

(c) the steps proposed to be taken by Government in this matter ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) A National Workshop on "Minority Women Workers in the Unorganised Sector" was organised by the Minorities Commission of India at New Delhi on the 20th-21st March, 1986.

(b) The recommendations of the Workshop are given in the statement below.

(c) The recommendations are being examined.

Statement

The Workshop made the following recommendations :—

Organisation

- (i) A participative approach should be adopted to organise these working women through the forum of Mahila Mandals, Mahila Samagams and such other rural-oriented organisations.
- (ii) The cooperatives would seem to be a more appropriate form of organisation for these women workers because it will enable them to have access to assistance and concessions, otherwise difficult, such as training, supply of in-puts and raw materials at concessional rates, managerial subsidy, cheap credit and marketing outlets, etc.
- (iii) The voluntary social workers and organisations would seem to be better qualified to organise these women and improve their economic condition through various schemes, than the cutting-edge level functionaries of the Government.

Training

- (iv) Government should arrange proper training to create an organised cadre of extension workers, both official as well as those sponsored by voluntary social organisations. Moderately educated women born and brought up in villages should be enlisted/recruited for such training.
- (v) The trainers appointed to the institutes for imparting vocational training to these women workers should be carefully chosen from persons with rural orientation and empathy for the poor. They should be well-trained and deputed for frequent refresher courses so that they can keep in touch with current trends of product design and technology.
- (vi) The objectives of training in these vocational institutes for women should be to impart rudimentary skills to give standard outputs; to re-train them to improve and diversify their skills to cope with

the requirements of the changed technology or product design; and to train them in the use of tools and appliances, which could reduce the need of muscle power or increase the speed of production; thereby adding to their incomes.

- (vii) For the uneducated women workers in the unorganised sector, mobile training camps of 4 to 6 weeks' duration should be held at centrally located villages.
- (viii) Some seats should be reserved for women trainees in ITIs and Polytechnics, particularly those located at block headquarters or very big villages.
- (ix) In urban areas, some seats should be reserved for women trainees in ITIs and Polytechnics in modern, remunerative trades like assembly of watches, TV sets and components of electrical/electronic gadgets, etc.
- (x) A map should be prepared depicting various occupations in which women workers are at present engaged in order to select trades for training at Women ITIs/Mobile Vocational Training Camps, etc. These trades could be classified in two broad categories :
 - (a) where employment opportunities are expanding and the trainees should be better equipped to meet the challenge of new technology; and,
 - (b) where employment opportunities are shrinking and social intervention is required to re-train and diversify their skills.
- (xi) Women should be trained to complete the finished product for the market instead of specialising in narrow segments only. For instance, chikan workers should be trained also in cutting, stitching, and printing of 'kurtas', in addition to chikan work.

- (xii) Women working in sectors which provide only seasonal employment should be trained for allied jobs which could take care of the lean season.

Market Survey

- (xiii) A careful market survey should be organised and existing market survey reports studied carefully, to identify what products are selling, what designs are popular, what quality is acceptable, and what is the volume of the demand. Trades and trainees should be so selected as to match their existing skills/aptitudes with the skills required by the market. The voluntary agencies should approach bulk buyers to ascertain their requirements, volume, quality, specifications and price, before they farm out work to women workers.

Marketing Support

- (xiv) Government should issue orders that every government purchasing organisation should compulsorily circulate tenders to voluntary organisations of women, along with other suppliers. The officer in-charge of District Industries' Centre and one woman representative of voluntary organisations of women should be made a member of the district-level Purchase Committees. The officer in-charge of District Industries' Centre should assist the voluntary organisations of women in getting registered with the government purchasing organisations. The State Governments should offer a price preference to the products of Production Centres of working women for which tenders are offered by voluntary organisations of women.
- (xv) Government must provide a work shed, free of rent, where women working in the unorganised sector could assemble and work. This work shed should be located near their homes and in the villages, it could be a room attached to the 'Balwadi', Mother and Child Care

Centre, or, Panchayat Hall. Funds from NREP could be utilised for erecting this work shed, while tools and equipment for the Production Centre could be supplied under the IRDP/TRYSEM and normal programmes of Industries' Departments in the State.

- (xvi) Free of rent space may be provided by the Government on which Production Centres of working women could organise sale of their products, particularly at the exhibitions organised by the Handloom and Handicraft Boards and other Government or semi-Government organisations.
- (xvii) The State Governments' Emporia, the Cooperative Department Show Rooms, Super Bazar, etc. should provide, free of cost, space for display of the products manufactured by women working in the unorganised sector.
- (xviii) TRYSEM should be extended to cities to cover the urban poor and 33 per cent of its beneficiaries should be women. The other State Governments in the country should examine the possibility of extending the Employment Guarantee Scheme of the Maharashtra Government and reserve 33 per cent of jobs in such schemes for women only.
- (xix) Family planning by women workers could improve their employability by overcoming the reluctance of employers to bear costs of frequent maternity benefits.

Credit

- (xx) The scheme for establishment of Women Development Corporations, sponsored by Ministries for Women's Welfare and Rural Development, should be extended to all States/Union Territories in the country during the Seventh 5 Year Plan. The Corporation will then provide margin money and process loan applications on behalf

of these working women, with the nationalised Banks. The Punjab National Bank has worked out certain schemes specially suited for working women where procedures have been simplified and terms of loan made more attractive. A certain percentage of loanees at the Credit Camps, organised by nationalised Banks, should be poor working women in the unorganised sector.

Coordination

- (xxi) The present arrangements under which multiple Governmental agencies/Ministries operated identical schemes with different terms of aid should be done away with. Instead, a single window-aid agency should be set up under one Ministry of the Central Government, which could operate on funds provided by a number of other Ministries. There was particular need for coordination between Ministries of Rural Development, Labour, Social/Women's Welfare, Education and Health. A women representative of voluntary organisations of women should be associated with all Governments Committees or agencies disbursing aid to women under various schemes of women welfare.
- (xxii) A compendium or a booklet should be brought out and widely publicised, which should enlist all schemes concerned with economic welfare of women. It should include schemes related to trade/vocations where sizeable population of minority women are engaged for earning their living.

- (xxiii) An apex organisation of federative character consisting of voluntary organisations of women should be constituted to avoid multiplication of voluntary agencies operating in metropolitan cities and huge urban agglomerations, with very few organisations willing to go and work in small towns and rural areas where majority of the poor live.

Legislation

xxiv Vocations in which women working in the unorganised sector are generally engaged should be added, where necessary, to the schedules attached to Minimum Wages Act promulgated by various State Government. Women Labour Inspectors should be appointed to ascertain conditions of work and to prosecute violations of industrial legislation.

xv. Government have recently announced a scheme for employment of the urban poor. 33 per cent of these jobs should be reserved for women.

Unemployment wages and agricultural workers pension paid by Kerala Government

8754. SHRI VAKKOM PURUSHOTHAMAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the unemployment wages and the agricultural workers pension paid by the State of Kerala are proposed to be accepted as plan schemes; and

(b) if not, the reasons therefor ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) and (b). Information is being collected and will be laid on the Table of the Sabha.

Free distribution of wheat under Employment Guarantee Scheme of Maharashtra

8755. SHRI PRAKASH V. PATIL :
SHRI R. S. MANE :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government of Maharashtra is experiencing some difficulty in implementing the Central scheme for distribution of

free wheat to labourers under Employment Guarantee Scheme because of its own statutory obligations;

(b) whether State Government has forwarded to the Union Government a scheme whereby both the Union and State Government Schemes can be run without hindrance;

(c) if so, when and the details thereof, and

(d) Union Government's reaction thereon ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) to (d). Government of Maharashtra have written to the Central Government stating that it is difficult to distribute wheat to the workers employed on Rural Landless Employment Guarantee Programme/National Rural Employment Programme works because the Employment Guarantee Schemes (EGS) of the State, which has much bigger employment generation target than NREP/RLEGP, does not have the restriction of payment of part wages in foodgrains. It has been stated that no discrimination can be made between the workers of NREP/RLEGP works and State E.G.S. works. The State Government has suggested that free wheat should be provided for the workers for E.G.S. also. The State has been informed that free wheat as additive resource can be provided only for NREP/RLEGP by the Central Government. E.G.S. is a State Scheme, and, hence wheat given as additive resource under NREP/RLEGP cannot be utilised under E.G.S. Government of Maharashtra have finally not accepted the additive free wheat available for NREP/RLEGP. In 1985-86, a quantity of 39,950 MTs was offered under NREP and RLEGP each and in 1986-87 a quantity of 1,55,820 MTs was offered to the State Government for both these programmes.

Supply of foodgrains to State for Rural Employment Programme

8756. SHRI YASHWANTRAO GADAKH PATIL :
SHRI R. S. MANE :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have decided on the quantum of foodgrain to be issued to the States for the rural employment programmes during 1986-87;

(b) if so, the details thereof and the expenditure estimated to be incurred on the scheme; and

(c) the utilisation of supplies made during the year 1985-86 under the scheme ?

THE MINISTER OF AGRICULTURE
(S. BUTA SINGH) : (a) and (b). Allocations

of foodgrains to different States/UTs have been made for the present for the first half of the year 1986-87. A statement indicating the details of the foodgrains and cash funds released under rural employment programme i.e. NREP & RLEGP for the first two quarters of the year 1986-87 is given below.

(c) As per the reports received so far, a quantity of 4.62 lakh tonnes of foodgrains has been utilised under rural employment programmes i.e. NREP & RLEGP during 1985-86. It is expected that the utilisation may go up when full reports are received.

Statement

Details of Cash Funds and Foodgrains released under NREP and RLEGP for the first 2 quarters of 1986-87.

Sl. No.	State/UT	Cash funds (Rs. in lakhs)		Foodgrains (In MTs.)	
		NREP	RLEGP	NREP	RLEGP
1	2	3	4	5	6
1.	Andhra Pradesh	1318.20	1964.90	47780	47780
2.	Assam	276.60	148.60	10040	10040
3.	Bihar	1940.40	1044.50	70330	70330
4.	Gujarat	454.20	1061.10	16460	16460
5.	Haryana	128.40	299.60	4660	4660
6.	Himachal Pradesh	82.80	200.80	3000	3000
7.	J & K	102.00	56.00	3700	3700
8.	Karnataka	636.00	1489.30	23040	23040
9.	Kerala	519.60	279.20	18840	18840
10.	Madhya Pradesh	1144.20	616.30	41480	41480
11.	Maharashtra	882.85	591.60	11450	11450
12.	Manipur	15.00	8.50	540	540
13.	Meghalaya	21.00	10.90	760	760
14.	Nagaland	16.80	39.60	610	610
15.	Orissa	607.80	327.60	22020	22020
16.	Punjab	136.80	319.10	4960	4960
17.	Rajasthan	356.80	290.80	219400*	19400
18.	Sikkim	10.80	26.60	400	400

1	2	3	4	5	6
19.	Tamil Nadu	1086.60	1535.50	39400	39400
20.	Tripura	45.60	25.20	1640	1640
21.	Uttar Pradesh	2293.55	4705.90	88170	88170
22.	West Bengal	346.40	559.80	37670	37670
23.	A & N Islands	21.60	6.30	780	780
24.	Arunachal Pradesh	21.60	6.30	780	780
25.	Chandigarh	6.00	1.50	220	220
26.	D & N Haveli	10.80	3.20	400	400
27.	Delhi	3.20	4.60	350	350
28.	G.D. & Diu	25.20	41.60	900	900
29.	Lakshadweep	6.00	1.50	220	220
30.	Mizoram	21.60	27.30	780	780
31.	Pondicherry	21.60	6.30	780	780
All India :		12560.00	15700.00	671560	471560

*A quantity of 2 lakh MTs. of additive wheat has been released to Rajasthan State.

[Translation]

(d) if so, details thereof ?

**Assistance to Rajasthan under Rural
Water Supply Scheme**

8757. SHRI VIRDHI CHANDER
JAIN : Will the Minister of AGRICULTURE
be pleased to state :

(a) the norms adopted to provide assistance to States under the Accelerated Rural Water Supply Scheme;

(b) whether the supply of drinking water to villages in desert areas is 5 to 15 times costlier as compared to plains;

(c) if so, whether Union Government propose to give special consideration to the cost factor in the norms and grant more funds to Rajasthan, where more than 50 per cent of the area is desert and a number of hamlets are spread over a large area, with a view to solving drinking water problem in the State; and

**THE MINISTER OF AGRICULTURE
(S. BUTA SINGH) :** (a) The norms adopted to provide assistance to States under Accelerated Rural Water Supply Programme (ARWSP) keeping in view the overall objectives of the Seventh Five Year Plan give 50 per cent weightage to the rural population in a State/UT, 20 per cent weightage to the areas of the States/UTs., 20 per cent weightage to the incidence of poverty in the State/UT and 10 per cent weightage to the spill over problem villages of the Sixth Plan. The allocations under ARWSP determined on the basis of these norms are subject to matching provision by the State Government under the Minimum Needs Programme (MNP) for rural water supply.

(b) to (d). In deserts, hills and other areas where ground water availability is low or water is not potable on account of salinity, brackishness, fluorides and other reasons and where regional piped water

schemes based on distant sources have to be resorted to for providing drinking water the cost of schemes is higher. It is not possible to take into account cost factor of the schemes, in determining State allocations. Technology Mission has been launched to tackle special problems of water supply in different areas so that problems of such areas receive special attention. Effort is also being made to develop low cost solutions to these problems consistent with local usages and conditions.

[English]

Film on Indira Gandhi

8758. SHRIMATI KISHORI SINHA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Soviet Union has proposed to produce a Joint film on Indira Gandhi as reported in the Indian Express of April 9, 1986:

(b) whether Government are examining the proposal;

(c) whether National Film Development Corporation has examined any proposal for a completely Indian film on Indira Gandhi; and

(d) if so, the details thereof ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) and (b). A proposal has, no doubt, been made by the Soviet Union to produce a film on Shrimati Indira Gandhi, but the proposal is not for producing a joint Indo-Soviet film, but is a request to the nodal Ministry, viz. the Ministry of External Affairs for providing some facilities for the purpose, e.g. for shooting in India, supply of material, etc.

(c) No, Sir.

(d) Does not arise.

Production and import of pesticides

8759. SHRI S. JAIPAL REDDY : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the production of pesticides as also the imports of pesticides is on the increase;

(b) whether it is commensurate with increased production/productivity of crops where these are used;

(c) if so, the details thereof, crop-wise and pesticide-wise, during the last three years (Economic Times, 26 March, 1986); and

(d) whether the Registration Committee has reliable and independent methods of checking the claims and safety and efficacy of the pesticides before their acceptance and if so, the details thereof ?

THE MINISTER IN STATE OF THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir. There has been a marginal increase in indigenous production and imports of pesticides.

(b) and (c). The pesticides are essential inputs for agricultural production; and the imports to supplement indigenous manufacture of pesticides contribute towards said purpose. According to an estimate made by the National Council of Applied Economic Research (NCAER), considerable losses are caused by the pests and diseases in crops like cotton (40 per cent), paddy, jowar, sugarcane, potato (2 to 12 per cent), and an average 10 to 30 per cent general losses due to pests and diseases can be avoided with the use of pesticides depending upon the crop, pest, season and location.

Crop production/productivity does not follow linear correlation with pesticide usage.

(d) Yes, Sir. The Registration Committee has an independent Secretariat of highly qualified technical experts who scrutinise the claims on safety and efficacy parameters. Secondly, only published and authenticated data generated by Agricultural Universities, Indian Council of Agriculture Research Institute, Indian Council of Medical Research, Council of Scientific and Industrial Research, and reputed Research and Development

Centres are accepted. Thirdly, the concerned Research Organisations are also associated in the decision making process of the Committee, as and when necessary.

TV Centre at Diphu

8760. SHRI BIREN SINGH ENGTI : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there is any proposal for setting up of a T.V. Centre at Diphu; and

(b) If so, the steps taken to complete the work and commission it during the current year ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL):

(a) and (b). Yes, Sir. Establishment of a low power (100W) TV transmitter at Diphu is a scheme included in the approved North-East TV Expansion Plan. A suitable site for setting up the transmitter has been taken over by Doordarshan. The transmitter is expected to be commissioned during 1987 after one of the existing low power TV transmitters in the North-East region is released as a result of its replacement by a high power TV transmitter being set up under the said Plan.

Smuggling of tin ore from Bastar

8761. SHRI ARVIND NETAM : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Government's attention has been drawn to the large scale smuggling of tin ore in Bastar district, Madhya Pradesh;

(b) the estimated quantity of tin ore smuggled during the last three years;

(c) the steps proposed to check the smuggling; and

(d) whether there is any proposal to set up a plant to exploit the tin ore in Bastar, Madhya Pradesh ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) Yes Sir.

(b) The estimated quantity of tin ore involved in smuggling during last three years is given below :

Year	Tin ore in kgs.	Tin metal in kgs.
1983	1207.250	3333.300
1984	277.500	3960.650
1985	1818.200	2994.360

(c) Steps taken by the State Government to check the smuggling of tin ore from the area are —

- (i) detection of cases by officials and flying squad of police, forest and mining Departments;
- (ii) purchase of tin ore from local tribals by M.P. State Mining Corporation Ltd.; and
- (iii) detailed checking of the area and houses of some smugglers etc.

(d) The Madhya Pradesh State Mining Corporation in collaboration with Bhabha Atomic Research Centre, Bombay have installed Tin Smelting Demonstration Plant in the Industrial Estate, Raipur during 1985.

[Translation]

Telecast of programmes in Hindi

8762. SHRI RAM PUJAN PATEL : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether 80 per cent programmes on television are still telecast in English although an assurance had been given by the Doordarshan authorities to increase the telecast of programmes in Hindi; and

(b) if so, the steps proposed to be taken by Government to ensure that more programmes are telecast in Hindi and without any errors of pronunciation ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) No, Sir.

(b) Does not arise.

Irregularities in construction of L.I.G. flats in Vikaspuri

8764. SHRI MEWA SINGH GILL :
SHRI BALWANT SINGH
RAMOOWALIA :

Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether it is a fact that Government have received complaints to the effect that irregularities have been committed again in the construction of L.I.G. flats in Vikaspuri by Delhi Development Authority;

(b) if so, the facts in this regard;

(c) the number of other such complaints received by Government during the last three years; and

(d) the details of steps taken by Government in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) No such complaint has been received.

(b) to (d). The question do not arise.

[English]

Recognition of Trade Unions

8765. PROF. K. V. THOMAS : Will the Minister of LABOUR be pleased to state ;

(a) whether the criteria for recognised Trade Unions is uniform throughout the country;

(b) if not, the steps proposed to be taken to have a uniform code for recognising Trade Unions; and

(c) whether recognised trade unions only are proposed to be called by the concerned managements for labour negotiations and discussions ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) The 16th Session of Indian Labour Conference held in May, 1958 evolved a Code of Discipline in industry which includes the criteria for recognition of unions the text of which is given in the statement below. The criteria is uniform in respect of industrial establishments both in public and private sectors which have accepted the Code of Discipline. However, pattern of recognition contemplated in the Code of Discipline has been modified in certain instances as a result of bilateral agreements between the management and the unions in those establishments. In respect of undertakings which are outside the purview of Code of Discipline, the recognition of unions is done in accordance with the rules specifically framed for the purpose.

In Gujarat, Maharashtra, Madhya Pradesh and Rajasthan specific statutory provisions exist regarding recognition of unions and these over-ride the criteria under the Code.

(b) Does not arise.

(c) The Code of Discipline mentioned in (a) above lays down rights of recognized trade unions in the matter of entering into collective agreements with employers. However, some managements have constituted Joint Bipartite Negotiation Committees for the purpose of conducting various negotiations on which all the registered unions operating in those establishments are represented.

Statement

Criteria for recognition of Unions

1. Where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration. Where there is only one union, this condition would not apply.

2. The membership of the union should cover at least 15 per cent of the workers in the establishment concerned, Membership would be counted only of those who had paid their subscription for at least three months during the period of six months immediately preceding the reckoning.

3. A union may claim to be recognised as a representative union for an industry in a local area if it has a membership of at least 25 per cent of the workers of that industry in that area.

4. When a union has been recognised, there should be no change in its position for a period of two years.

5. Where there are several unions in an industry or establishment, the one with the largest membership should be recognised.

6. A representative union for an industry in an area should have the right to represent the workers in all the establishments in the industry but if a union of workers in a particular establishment has a membership of 50 per cent or more of the workers of that establishment it should have the right to deal with matters of purely local interest such as, for instance, the handling of grievances pertaining to its own members. All other workers who are not members of that union might either operate through the representative union for the industry or seek redress directly.

7. In the case of trade union federations which are not affiliated to any or the four central organisations of labour the question of recognition would have to be dealt with separately.

8. Only unions which observed the Code of Discipline would be entitled to recognition.

Additional capacities in electric arc furnace industry

8766. SHRI CHIRANJI LAL SHARMA : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Government have considered the requirement of Steel Furnace Association of India to allow setting up of additional capacities in the electric arc furnace industry; and

(b) if so, the decision taken thereon ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) No, Sir. The Steel Furnace Association of India have not made any request to allow setting of additional capacities in electric arc furnace industry.

(b) Does not arise.

Implementation of I.R.D.P. in West Bengal

8767. SHRI PRIYA RANJAN DAS MUNSI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether any committee was appointed by Government to enquire into the implementation of Integrated Rural Development Programme in West Bengal;

(b) if so, the details of the report of the committee; and

(c) the steps taken by Government to remedy the defects and faults mentioned in the report ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) to (c). No committee was appointed by the Government of India to enquire into the implementation of Integrated Rural Development Programme (IRDP) in West Bengal. However, officers of the Department visit different States, including West Bengal, from time to time to study the implementation of rural development programmes, including IRDP. Any deficiencies observed in the implementation of these programmes during such visits are brought to the notice of the concerned States for taking remedial action.

Income and expenditure in respect of sponsored programmes

8768. SHRI MOOL CHAND DAGA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) the details of income and expenditure in respect of sponsored programmes for the year 1984-85 and April to December, 1985 separately for each serial;

(b) the amount paid as commission for each serial during the above period;

(c) whether the opinion of the Press and the public are taken into account to continue or to close down the serials;

(d) if so, in which serial this criterion was applied; and

(e) if not, the reasons therefor ?

THE MINISTER OF STATE OF THE
MINISTRY OF INFORMATION AND

BROADCASTING (SHRI V. N. GADGIL) :
(a) and (b). The income from and the amount of commission paid for each sponsored serial during 1984-85 and April to December, 1985 is given in the Statement below.

As regards the expenditure for sponsored programmes, the production cost of the serials is borne by the sponsors themselves.

(c) and (d). The press reviews and public reactions on programmes are taken note of by Doordarshan. However, to continue a serial or to close it down is a professional decision taken by Doordarshan after considering all relevant factors,

(e) Does not arise.

Statement

Gross Income from the Sponsored Programmes on Various Serials during 1984-85

Sl. No.	Name of Serial	Total Amount (Rs. in thousands)	Commission (Rs. in thousands)
1.	Show Theme	9603	1440.4
2.	Ghazal Khazana	39	11.8
3.	Spot Light	980	147.0
4.	Different Strokes	3366	504.9
5.	Hum Log	8594	1289.1
6.	Count Down	70	10.5
7.	Navrang	33	4.9
8.	Zara Sambalke	33	4.9
9.	Yeh Zo Hai Zindgi	6987	1048.0
10.	Mashhoor Mahal	2657	398.5
11.	Runa Laila	168	25.2
12.	Idhar Udder	529	79.3
13.	Spider Man	110	16.5
14.	Ados Pades	159	23.8
15.	Khandan	443	66.4
16.	Naval Jyoti	100	15.0
17.	Aparadhi Kaun	140	21.0
18.	Nazia Zohar	105	15.7
19.	U.F.O	450	67.5
20.	Yes Minister	352	52.8
21.	Lucy	3396	509.4
22.	Star Trek	384	57.6
23.	Odd Couple	4250	637.5
24.	Computer	660	99.0

Gross Income from the Sponsored Programmes of Various Serials during April, 1985 to December, 1985 (Separately for each Serial.)

Sl. No.	Name of Serial	Amount (income) (Rs. in thousands)	Commission (Rs. in thousands)
1	2	3	4
1.	Yeh Jo Hai Zindagi	26246	3936.9
2.	Hum Log	27632	4144.8
3.	Khandan	22827	3424.0
4.	Project U.F.O.	1783	267.5
5.	Show Theme	6205	930.7
6.	Mashoor Mahal	1172	175.8
7.	Idhar Uddar	1778	266.7
8.	Spiderman	2143	321.4
9.	Sorry	700	105.0
10.	Ados Pados	1217	182.5
11.	Quis Time	3969	595.4
12.	Naval Jyoti	180	27.0
13.	Aparadhi Kaun	521	78.2
14.	Paying Guest	3326	498.9
15.	Nasia Zohar	35	5.2
16.	Mr. & Mrs.	4959	743.8
17.	Rajni	15111	2266.6
18.	Baristor Vinod	526	78.9
19.	Are You Being Served	936	140.4
20.	Survival	967	145.0
21.	Safarnama	105	15.7
22.	Hot Track	955	143.2
23.	Titliyan	175	26.2
24.	Live Ad	717	107.5
25.	Target	510	76.5
26.	Natkhad Narad	2223	333.4
27.	Basanti	509	76.3
28.	Darpan	11517	1727.5
29.	Shoe String	580	87.0
30.	Star Treck	3930	589.5

1	2	3	4
31.	Baba Ji Ka Biscope	1518	227.7
32.	Terry & June	955	143.2
33.	Yes Minister	100	15.0
34.	Bibi Natiyanwali	830	124.5
35.	Bante Bigarte	967	145.0
36.	India 2001	150	22.5
37.	Namifest	430	64.5
38.	Dekho Magar Pyar Se	6377	956.5
39.	Wah Janab	2507	376.0
40.	Ek Kahani	3064	459.6
41.	Karam Chand	1732	259.8
42.	Newsline	720	108.0
43.	13 Panne	4445	663.7
44.	Nukkad	1560	234.0
45.	India Alive	400	60.0
46.	Aa Bel Mujhe Maar	550	82.5
47.	Vikram Betal	620	93.0
48.	Trishna	3425	513.7
49.	Apne Aap	270	40.5
50.	Walt Disney	125	18.7
51.	Fragle Rock	300	45.0
52.	Jewel & Crown	2620	393.0
53.	Cosmos	1250	187.5
54.	Krishna Avtar	500	75.0
55.	Kahan Gaye Woh Log	70	10.5
56.	Smile for Me	70	10.5
57.	Panch Tantra	120	18.0
58.	Jane Alam	380	57.0

Films on Tribal Life

8769. SHRI ANANTA PRASAD SETHI : Will the Minister of INFORMA-

TION AND BROADCASTING be pleased to state :

(a) the details of the feature films so far

produced on tribal life and culture by the Films Division ; and

(b) whether Government propose to prepare such feature films on the tribal life of Orissa ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL): (a) and (b). Films Division has produced twelve 16mm featurettes on tribal life and culture, as detailed below :—

Title	Language
(i) Bhorer Ale	Bengali
(ii) Paukhum Ama	Manipuri
(iii) Ka-Lawai-Haki-Kti Jong Ngi	Khasi
(iv) Jeebaku Debi Nahin	Oriya
(v) Jagran	Oriya
(vi) Mohamuktee	Santhali
(vii) Yapi	Adi Language
(viii) Sonarmurar Kiran Kishore	Bengali
(ix) Majuli the River Island	Assamese
(x) Adivi Poovalu	Telugu
(xi) Sugandhagiri	Kannada
(xii) Suggi Kunaita	Kannada

Films Division has already produced featurettes on the tribal life of Orissa (vide items (iv) & (v) above).

Telecast of National Programme

8770. KUMARI PUSHPA DEVI : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether all Doordarshan Centres in the country have been telecasting a daily national programme;

(b) if so, since when;

(c) whether Government have issued new guidelines for telecasting national programme; and

(d) if so, the details thereof ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL): (a) Yes, Sir. All Doordarshan Kendras and relay transmitters in the country relay National Programme put out by Doordarshan Kendra, Delhi. However, Doordarshan Kendra, Madras joins National Programme after the telecast of National News Bulletins in Hindi.

(b) National Programme of Doordarshan is being telecast since 15.8.1982.

(c) No, Sir.

(d) Does not arise.

[Translation]

Implementation of Palekar Award in Delhi

8771. SHRI KUNWAR RAM : Will the Minister of LABOUR be pleased to state :

(a) whether Government have taken any action against the management of newspapers in Delhi responsible for delay in implementing the Palekar Award;

(b) if so, the details thereof;

(c) the number of managements out of them, which have neither given bonus for many years nor deposited the amount of provident fund deducted from the salary of the employees; and

(d) the number and names of managements out of them, against which legal action is being taken ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): (a) to (d). A statement is given below.

Statement

Delhi Administration which is the appropriate authority in the matter has informed that whenever complaints of Non-implementation of Palekar Award were received by them, they were able to persuade the managements in all cases except one or two to implement the Award. The details of the action taken are as under :—

- (i) Rs. 17,373.00 were recovered from the management of M/s Times of India, New Delhi, regarding Non-implementation of Palekar Award in case of Shri M. C. Bhardwaj. The matter is pending in the Delhi High Court as the management has filed an appeal against the recovery certificate.
- (ii) Recovery certificate of about Rs. 2 lakhs was issued against the management of M/s Delhi Press, New Delhi, who have gone to High Court against the order of recovery under Palekar Award.
- (iii) Shri M. L. Verma of Samachar Bharati and Shri M. C. Sharma of Hindustan Samachar have filed cases regarding non-implementation of Palekar Award and the same are under process of recovery.

2. One complaint against the management of M/s Associated Journals Ltd. New Delhi was received regarding non-payment of bonus for the year 1983-84. Prosecution against the management has been filed in the Court which is pending for disposal.

3. Revenue recovery certificates have been issued under section 8 of EPF Act and prosecution cases have been launched under Section 14 of the EPF Act. and Section 406 and 409 of IPC against the management of M/s Associated Journals Ltd. for non-deposit of provident fund dues of the employees.

[English]

Improving living conditions of Fishermen in Tamil Nadu

8772. SHRI N. DENNIS : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government are aware of pitiable living conditions of coastal fishermen in Tamil Nadu;

(b) the steps taken to improve their housing conditions, to provide medicare and meet educational requirements of their children; and

(c) the steps taken to improve their economic conditions ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) to (c). Yes, Sir. Considering the pitiable living conditions of the coastal fishermen, particularly, in and around the district of Rameshwaram of Tamil Nadu, the displaced fishermen community is being provided opportunities to enter into diversified fishing and in this regard they are being permitted to acquire Deep Sea Fishing Vessels with soft loan. In addition under a Centrally sponsored Scheme on National Welfare Fund for Fishermen Society, there is provision to support programmes on housing, medicare and educational requirements of children. However, the State Government have not yet submitted any such schemes.

Voluntary agencies in rural areas

8773. SHRIMATI SHEILA DIKSHIT : Will the Minister of AGRICULTURE be pleased to state :

(a) whether any rural voluntary agencies are being given assistance by Union Government in Uttar Pradesh;

(b) if so, their number as on 31 March, 1985;

(c) the areas where they are operating; and

(d) the nature of their activities ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) to (d). The assistance given by the Ministry of Agriculture to voluntary organisations in Uttar Pradesh as on 31.3.1985 under various schemes is given in the statement below.

The Rural Development projects taken up by the Voluntary organisations are also assisted by People's Action for Development (India)/Council for Advancement of Rural Technology which are registered societies under Department of Rural Development.

Statement

Details of voluntary agencies in rural areas of Uttar Pradesh assisted by Ministry of Agriculture as on 31.3.85.

Sl. No.	Name of Agency	Areas covered	Activities covered
(1)	(2)	(3)	(4)
1.	Saghan Kshetra Vikas Samithi Sevapuri, Varanasi District.	Three blocks of Varanasi District.	The activities of the organisation were to impart training in rural based cottage industries, development activities, assisting people to improve their employment prospects; to organise Khadi and Village Industries Programme.
2.	Shree Siddha Bhavani Ashram, Village Mehwa Bilaspur (P.O.), Pilibhit District.	Pilibhit District.	The institution is engaged in helping social and economic development of rural youth by imparting to them professional training in various trades and making them self-dependent in securing their livelihood with particular attention to physically handicapped.
3.	Bureau of Child Welfare & Research, Lucknow.	Different parts of U. P. and other States.	Running of Children village and Community centre, organisation of welfare centres for youth and children, etc. A pilot project was sanctioned in February, 1983. The remaining assistance for that project was given in June, 1985.

Public Cooperation

1

2

3

4

Lab to Land Project

4. Kamla Nehru Memorial Trust, Sultanpur (U. P.)
5. Krishnamurthy Foundation India, Rajghat, Varanasi, Lucknow (U. P.)
6. Literacy House Alam-bagh, Lucknow (U. P.)
7. Deen Dayal Sodh Sans-than, Jaya Prabha Gram, Gonda, (Uttar Pradesh).

Agencies at 4 to 7 were assisted under Lab to Land Programme under which small and marginal farmers and landless agricultural labourers are helped through crop demonstrations, livestock improvement and other production oriented and income generating activities.

The agency at No. 4 viz. Kamla Nehru Memorial Trust, Sultanpur is also assisted for running a Krishi Vigyan Kendra.

Mica mines in Andhra Pradesh

8774. SHRI BHATTAM SRIRAMA MURTY : Will the Minister of STEEL AND MINES be pleased to state :

(a) the area under mica mines and total production of mica in Andhra Pradesh;

(b) the number of persons working in mica mines in Andhra Pradesh; and

(c) whether there is any plan to expand the mica mining operations in Andhra Pradesh, if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) to (c). The information is being collected and shall be laid on the Table of the House.

Import of newsprint

8775. SHRI ATISH CHANDRA SINHA : Will the Minister of INFORMA-

TION AND BROADCASTING be pleased to state :

(a) the total newsprint requirement for 1986-87;

(b) how much of the total requirement would be met from indigenous production and what would be the value and quantity of import;

(c) the policy of Government in distributing newsprint quota to small, medium and big newspapers; and

(d) whether Government propose to put some restriction on the import of newsprint, thereby saving precious foreign exchange ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) and (b). The requirement will be worked out within the framework of the Newsprint Allocation Policy for the year 1986-87. The Policy is being formulated and is expected to be announced shortly.

(c) The newsprint is allocated to all categories of newspapers strictly in accordance with the Newsprint Allocation Policy. A few concessions have, however, been allowed to 'small' and 'medium' newspapers in the matter of allocation of newsprint.

(d) The quantum of import of newsprint is estimated on the basis of gap between the indigenous production and likely consumption during the year. The actual imports are, however, subject to availability of foreign exchange.

Assistance from EEC for Operation Flood

8776. SHRI C. MADHAV REDDI: Will the Minister of AGRICULTURE be pleased to state:

(a) whether there is a proposal to seek further assistance and support from the European Economic Community for Operation Flood project which ended in April 1985;

(b) the assistance in cash and kind so far received from European Economic Community; and

(c) the achievements of Operation Flood project so far and whether the targets set out were achieved and if not, reasons thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) There is a proposal to seek assistance from European Economic Community for continuation of Operation Flood project during the Seventh Five Year Plan.

(b) The Indian Dairy Corporation has received 2,16,583.827 MT of skim milk powder, 62,401.540 MT of butter oil, 16,577.050 MT of butter and 497.120 MT of refined rapeseed oil upto March, 1985.

(c) Table below indicates targets and achievements of selected components under Operation Flood II during the Sixth Five Year Plan period i. e. 1980-81 to 1984-85.

Statement

Particulars	1984-85 (Cumulative)	
	Targets	Achievements
1. Rural dairy processing capacity (LLPD)	76.00	87.75
2. Urban Milk Marketing (LLPD)	43.00	50.11
3. No. of Dairy Cooperative Societies.	29000	34523
4. No. of farmer members (lakhs)	34.80	36.31
5. Average milk procurement (LLPD)	55.30	57.84

LLPD—Lakh litres per day.

Vacation of Government accommodation by retired persons

8777. SHRI KAMLA PRASAD SINGH: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) the number of retired Government servants who are holding back the Govern-

ment accommodation and not yet vacated the same;

(b) the reasons thereof; and

(c) the steps Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT

SHRI DALBIR SINGH) : (a) and (b). 1281 retired government servants are holding back general pool residential accommodation after the concessional period of one pre-text or the other.

(c) Action under Public Premises (Eviction of Unauthorised Occupants) Act 1971 is being taken.

Performance of States under mixed farming schemes

8778. SHRI RADHAKANTA DIGAL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have undertaken any study of centrally sponsored schemes involving mixed farming comprising of crops; livestock, poultry and fisheries;

(b) if so, the States covered under such study; and

(c) the performances of different State Government as revealed from the study reports ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) No, Sir.

(b) Does not arise.

(c) Does not arise.

Production of Aluminium

8779. SHRI SRIKANTA DATTA NARASIMHARAJA WADIYAR : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Government have taken steps to increase the production of aluminium, particularly saleable aluminium;

(b) if so, the steps taken by Bharat Aluminium Company (BALCO) and National Aluminium Company (NALCO) in this regard;

(c) the total quantum of saleable aluminium and hot metal produced by Bharat Aluminium Company in 1985-86; and

(d) the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) Yes, Sir.

(b) Bharat Aluminium Company Limited (BALCO) with an installed capacity for producing annually one lakh tonnes of hot metal and one lakh tonnes of saleable aluminium products has improved its production with the availability of power enabling the Company to increase production of hot metal by 12.5 per cent during 1985-86 over the production during 1984-85 and to increase the production of saleable aluminium products by 10.4 per cent during 1985-86 over the production during previous year. BALCO is poised to achieve full capacity production of hot metal during 1986-87. The production of saleable aluminium products during 1986-87 is estimated at 97.5 per cent of annual installed capacity.

National Aluminium Company Limited (NALCO) with its annual installed production capacity of 2.18 lakh tonnes of aluminium metal is in the construction stage and is scheduled to come into operation in two phases. The production in 1st Stage, which will be completed by December, 1986 will be 1,09,000 tonnes per annum and it will reach full capacity utilization by September, 1987 when the second stage is completed.

(c) and (d). During 1985-86, BALCO produced 97,901 tonnes of hot metal and 96,514 tonnes of saleable aluminium products as per details given below :

Items	A Quantity (Provisional)
1. Properzi Rods	34,142 tonnes
2. Extrusions	4,037 tonnes
3. Rolled Products	21,016 tonnes
4. Ingots, Billets, Slabs etc.	37,319 tonnes
	96,514 tonnes

House construction programme of DDA

8780. SHRI P.M. SYEED :
 PROF. NIRMALA KUMARI
 SHAKTAWAT :

Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Delhi Development Authority has drawn up a crash programme for construction of houses;

(b) if so, the details thereof;

(c) the total expenditure involved; and

(d) the number of houses proposed to be constructed during the year 1986-87 and the cost thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) Yes, Sir.

(b) DDA has drawn up a crash programme for construction of houses. During 1986-87, the details of houses proposed to be constructed are as under :

S.F.S.	...	15779
M.I.G.	...	13240
L.I.G.	...	11484
Janta/EWS	...	15265

(c) The total expenditure involved would be Rs. 429.12 crores

(d) Same as at (b) and (c) above.

Primacy for Electronic Media

8781. SHRI HAFIZ MOHD. SIDDIQ :
 Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether his attention has been drawn to the news item "Primacy for Electronic media" appearing in the Hindustan Times of 20th April, 1986 stating that Radio and Television will get priority over the print media;

(b) whether his Ministry is being restructured shortly;

(c) if so, the details thereof; and

(d) whether the interests of the small and medium news papers will be safeguarded ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) Yes, Sir.

(b) Ministry of Information and Broadcasting, like other Ministries, is conducting a review of the activities performed by its Media Units to effect changes where necessary for making the administrative system more efficient, responsive and cost effective.

(c) This review is in progress. Decisions have so far been taken with regard to the following items :

1. Administration of the following three Acts has been transferred to Ministry of Labour with effect from 1.4.1986 :—

(a) The Cine-Workers Welfare Cess Act, 1981.

(b) The Cine-Workers and Cinema Theatres Workers (Regulation of Employment) Act, 1981.

(c) The Cine-workers Welfare Fund Act, 1981.

2. *Akashvani Journals*—Out of 8 *Akashvani Journals*, the following 4 continue to be published :—

(i) *Akashvani* (English)

(ii) *Akashvani* (Hindi)

(iii) *Awaz* (Urdu) and

(iv) *Vanoli* (Tamil)

The remaining 4 Journals, namely *Akashi* (Assamese), *Betar Jagat* (Bengali), *Nabhovani* (Gujarati) and *Vani* (Telugu) were closed down as these journals have been incurring losses over the years and were not likely to become self-supporting.

3. Merger of Directorate of Field Publicity and Song and Drama Division :

A decision has been taken in principle to merge Directorate of Field Publicity and Song and Drama Division and re-structure the new organisation. Details to give effect to this decision are being worked out. Proposals relating to Press Information Bureau, Directorate of Advertising and Visual Publicity, Publication Division, Photo Division and Films Division are being processed.

(d) The requirement of small and medium newspapers will be duly taken into consideration while taking final decisions in the matter.

Merger of Song and Drama Division with the Directorate of Field Publicity

8782. DR. PHULRENU GUHA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether the Song and Drama Division is proposed to be merged with the Directorate of Field Publicity;

(b) if so, the reasons thereof; and

(c) whether workers of Song and Drama Division will also be transferred to the Department of Field Publicity ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) :

(a) to (c). The Directorate of Field Publicity and Song and Drama Division are proposed to be merged because it is considered necessary that they should now undertake concentrated publicity in a few selected areas, and for this changed pattern of activity, it would be desirable to merge the two organisations. The merger is aimed at improving their effectiveness and at the same time curtailing expenditure. The new set up will have staff from both the organisations, subject to its requirements.

Reception of TV Programmes at Amalapuram

8783. SHRI A. J. V. B. MEHESWARA RAO : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there is any proposal to increase the capacity of the TV Relay Stations at Rajahmundry and Kakinada;

(b) whether Government are aware that there are no arrangements for relay of TV Programmes at Amalapuram in Andhra Pradesh; and

(c) whether Government propose to take steps to ensure that there is a clear reception of TV programmes at Amalapuram ?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) No, Sir.

(b) and (c). Yes, Sir. Extension of TV service to Amalapuram would depend on the availability of resources during future Plans for TV expansion.

Allotment of flats under Self Financing Schemes in Vasant Vihar

8784. SYED SAHABUDDIN : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether applicants who have registered under the 1st and 2nd Self Financing Schemes for Vasant Vihar (JNU), New Delhi have not yet been allotted flats;

(b) whether 160 flats are ready in this location for allotment;

(c) if so, the reason for delay in the allotment and the issue of allotment letters; and

(d) whether any responsibility is fixed by the DDA in cases where constructed flats remain unallotted for long periods ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) The registrants are allotted flats on the receipt of applications indicating preferences for the localities.

Allotments could not be made because of stay orders of the Court.

(b) 160 flats are under construction and are expected to be ready for allotment by July, 1986.

(c) and (d). Do not arise.

Development of tissue culture technique in coconut by CPCRI

8785. SHRI V. S. VIJAYARAGHAVAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the Central Plantation Crop Research Institute (CPCRI) at Kasargode in Kerala has successfully tried tissue culture techniques in coconut;

(b) if so, the extent to which this will boost the per hectare yield of coconut;

(c) whether tissue culture is going to be tried on an extensive scale in Kerala; and

(d) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir. A few plantlets from tender seedling leaf explants have been obtained in tissue culture.

(b) Plantlets evolved from vegetative parts of a high yielding palm are theoretically expected to show the same yield potential as the mother plants, though the actual realisation would need to be studied.

(c) and (d). The technology can be extended only when the technique is refined and pilot scale studies become successful. This may take a few more years to overcome certain technical snags in the elaboration of the plantlet.

Criteria adopted for selection and telecast of films

8786. SHRIMATI D. K. BHANDARI : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether according to the prescribed procedure for telecasting of feature films by Doordarshan Kendra, Delhi the producers/TV right-holders of feature films have to offer their films for selected and telecast; and

(b) the languages in which feature films have been telecast so far ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) :

(a) Yes, Sir.

(b) During the last one year (May, 1985 to April, 1986), feature films in the following Indian languages have been telecast on Doordarshan in the national network :

- | | |
|--------------|---------------------|
| 1. Hindi | 9. Gujarati |
| 2. Manipuri | 10. Tamil |
| 3. Bengali | 11. Marathi |
| 4. Oriya | 12. Kannada |
| 5. Kashmiri | 13. Punjabi |
| 6. Sindhi | 14. Assamese |
| 7. Telugu | 15. Bhojpuri |
| 8. Malayalam | 16. Khasi (dialect) |

Import of Skimmed Milk Powder

8787. SHRI D. N. REDDY : Will the Minister of AGRICULTURE be pleased to state :

(a) whether it is a fact that India imported about 20,000 MT of skimmed milk powder as commercial imports at dumping throw away prices and if so, the total expenditure in foreign exchange on these imports including shipping charges; and

(b) whether such imports were justified in view of foreign exchange problems faced

by the country and acclaimed success of Operation Flood ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). As per the information supplied by the Office of the Chief Controller of Imports and Exports, import statistics have been compiled for the period upto 1982-83 only and the information for the subsequent period is not available. The figures relating to Import of Skimmed Milk Powder on commercial basis are not maintained separately.

Control on rise in prices of agricultural produce

8788. SHRI MULLAPPALLY RAMACHANDRAN : Will the Minister of AGRICULTURE be pleased to state :

(a) the steps taken to control prices of agricultural produce in the country to the extent that it does not put the peasants to loss or they are too high to affect the cost of industrial production; and

(b) the details of steps taken to ensure that a major portion of agricultural produce is utilised to domestic industries rather than being exported to produce high priced finished goods ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The objectives of agricultural price policy include, inter-alia, ensuring remunerative prices to the cultivators for their produce, safeguarding the interest of the consumers and to minimise fluctuations in price. A close and constant watch is kept on the behaviour of prices and corrective steps, such as, arranging imports, augmenting public distribution, encouraging the production of crops in short supply, etc. are taken from time to time.

(b) Exports of agricultural commodities are allowed after assessing domestic requirements, as also after taking into consideration all the relevant factors. Efforts are being made to encourage exports of agricultural items in value added forms so that a large portion of agricultural produce is

utilised in domestic industry. Encouragement to value added exports is also one of the primary aims of newly established Agricultural and Processed Food Products Export Development Authority.

Third phase of National Seeds Projects

8789. SHRI K. PRADHANI :
DR. B. L. SHAILESH :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether Union Government plan to undertake the third phase of National Seeds Projects (NSP) to expand and strengthen facilities for production and processing of seeds;

(b) if so, the broad features of the plan and the anticipated capital outlay of the project planned; and

(c) the source of finance and the schedule for implementation of this scheme ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (c). The matter is still under consideration of the Government.

Indo-Italian project on fisheries

8790. SHRI K. PRADHANI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Italy is likely to provide technical assistance on a grant basis to India in the field of fisheries;

(b) if so, the quantum of assistance envisaged; and

(c) whether any fisheries project in Orissa will be assisted from the grant to be made available by Italy ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) It is envisaged that an amount of US \$ 8 million will be financed by Italian authorities under the technical assistance grant.

(c) A tuna purse-seiner is proposed to be acquired under the project for Fishery Survey of India, Bombay. The vessel will be utilised for the survey of tuna resources and training of personnel in tuna fishing, handling and preservation. However, no fisheries projects in Orissa are to be assisted out of the proposed Italian grant.

Popularisation of pulses production

8791. DR. B. L. SHAILESH : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the pulses production has become less popular among the farmers in the irrigated areas of Northern India; and

(b) if so, the reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) In irrigated areas of Northern India especially in the Punjab, Haryana and U. P., the high yielding varieties of cereal crops like wheat and paddy have replaced gram and other Rabi pulses. The farmers in these States have a choice to grow the crops with higher economic returns in comparison to pulses.

[Translation]

Leasing out closed small mines

8793. SHRI SHANTI DHARIWAL : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Government propose to lease out those small mines in the country which are lying closed;

(b) if so, the details of action taken by Government in this regard so far; and

(c) if not, the reasons thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) Yes, Sir.

(b) and (c). The Central Government have constituted a Committee in July, 1985 to look into *inter-alia*, the question of quicker exploitation of small mineral deposits.

[English]

Development of CPCRI farm

8794. SHRI T. BASHEER : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government propose to develop the Central Plantation Crop Research Institute CPCRI farm, Palode in Kerala; and

(b) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) During the 7th Plan period the CPCRI farm at Palode is being strengthened for research activities on Oil Palm for which additional land area, laboratory buildings, equipment and residential facilities will be provided.

Central Institute for Brackish Water Fisheries in Kerala

8795. SHRI T. BASHEER : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have any proposal to set up a Central Research Institute for Brackish Water Fisheries in the country;

(b) whether at the ninth Regional meeting of the Indian Council of Agricultural Research held in Trivandrum during August, 1985 a formal request was made to select

Cochin as the headquarters for the proposed Institute; and

(c) if so, the steps Government have taken in this regard?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) No, Sir.

(c) A Committee has been constituted by Indian Council of Agricultural Research to survey sites in several maritime States and suggest location for the establishment of the Brackishwater Aquaculture Research Institute. On receipt of the report of the Committee, the Council will finally decide about the location of the Institute.

Sponge iron plants

8796. SHRI HARIHAR SOREN : Will the Minister of STEEL AND MINES be pleased to state :

(a) how many sponge iron plants are under the management of Steel Authority of India Limited;

(b) whether Government have taken steps for the expansion of some of these sponge iron plants; and

(c) if so, the details thereof?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) SAIL does not have any Commercial Sponge Iron Plant under its management. It, however, has a pilot plant with a capacity of 12 tonnes a day installed at Ranchi which is used for testing of various combinations of iron ore, lime stone and coal.

(b) No, Sir.

(c) Does not arise.

Development of inland fisheries

8797. SHRI AMARSINH RATHAWA : Will the Minister of AGRICULTURE be pleased to state ;

(a) the Government's policy in regard to development of inland fisheries in the country;

(b) the steps taken in this respect so far in each State, particularly in Gujarat; and

(c) the details of funds allotted to each State for the programme?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Introduction of Scientific fish farming in tanks and ponds, culture-cum-capture fisheries in reservoirs and conservation of capture fisheries in open waters.

(b) So far, 184 Fish Farmers Development Agencies have been established including 8 in Gujarat.

(c) The Planning Commission has allotted an outlay of Rs. 1500 lakhs for the scheme during Seventh Five Year Plan and funds will be provided to States based on their demand and performance.

Equal pay for equal work

8798. SHRI MOHM. MAHFOOZ ALI KHAN : Will the Minister of LABOUR be pleased to state :

(a) whether the Supreme Court had declared 'equal pay for equal work' as a fundamental right some three years back; and

(b) if so, the steps taken by Government to implement the Supreme Court's decision?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b). Equal remuneration to men and women workers for the same work or work of a similar nature is covered by the provisions of the Equal Remuneration Act, 1976. The Act provides that no employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or kind, at rates less favourable than those at which remuneration is paid by him to workers of the opposite sex in such

establishment or employment for the same work or work of a similar nature. As far as the Supreme Court order referred to in the question is concerned, (presumably the Hon'ble Member has in view the Court's Judgement in Writ Petition No. 4676 of 1978) the Delhi Administration has informed that it has been implemented by revising the pay-scales of Drivers of Delhi Police w. e. f. 1-1-1973.

Telecast of Janavani programme from Andhra Pradesh doordarshan centres

8799. SHRI S. PALAKONDRAYUDU: Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there is any proposal to telecast 'JANAVANI' Programme in Telugu from Andhra Pradesh;

(b) if so, the details thereof; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL):

(a) No, Sir.

(b) Does not arise.

(c) The present plan is to interview the Central Ministers in the Janavani programme which is being telecast over the national network of Doordarshan. This programme will culminate in the programme featuring the Prime Minister of India.

After the present scheme is implemented the reactions/responses of the viewers will be studied and assessment made about the need for introducing this programme on Doordarshan Kendras in various States.

Use of signals from Satellite INSAT-IB AIR Stations

8800. PROF. NARAIN CHAND PARASHAR : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether 93 stations of All India Radio are involved in receiving signals from Satellite INSAT-IB; and

(b) if so, the exact nature of assistance received in this field from the Satellite and whether it is also proposed to bring in the new 105 radio stations proposed to be set up in the Seventh Five Year Plan under Satellite communication ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) Yes, Sir.

(b) INSAT IB provides an elaborate networking system conforming to a set of quality and reliability objectives for distribution of programmes, news services centrally originated at New Delhi or at metropolitan capitals for re-broadcast by various All India Radio stations in the country.

An operational satellite system offers a cost effective alternative to the conventional radio programme distribution facility, available through terrestrial microwave/co-axial links. As this has brought about a remarkable improvement in the quality of re-broadcast programmes, all new radio stations to be set up in the Seventh Five Year Plan period will be brought in the INSAT derived radio networking scheme.

Availability of INSAT-IC

8801. PROF. NARAIN CHAND PARASHAR : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether on the availability of INSAT-IC, additional regional T.V. feeds for Karnataka, Orissa and the North-Eastern region are also planned using two additional CxC transponders during the Seventh Plan period;

(b) if so, whether there is any provision for covering the North-Western Hill States of Jammu and Kashmir, Himachal Pradesh and hill areas of Uttar Pradesh by similar arrangements during the Seventh Plan period; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) Commencement of regional TV service in Karnataka and Orissa depends on the availability of a CxC transponder in INSAT-IC and satellite uplinks at Bangalore and Bhubaneswar. Establishment of these uplinks has been provided for in the VII Plan of Doordarshan. Regional TV service in the North-Eastern region is dependent on commissioning of the common programme production and feeding centre at Guwahati. Work on this scheme is in progress. Order has also been placed for an uplink at Guwahati. Use of one CxC transponder of INSAT-IB has been approved for the regional service in the North-Eastern region.

(b) and (c). Under the approved Plan for introduction of regional (primary) TV service in various States, use of satellite linkage is envisaged for the State of Jammu and Kashmir. Establishment of an uplink at Srinagar for this purpose has been provided for in the VII Plan. The service can, however, be commenced only on operationalisation of INSAT-II group of satellites, by early 1990s. In the State of Uttar Pradesh, regional service will be based on microwave linkages. Provision of additional microwave links for this purpose has been included in the VII Plan. For introduction of regional (primary) service in Himachal Pradesh, establishment of a programme production centre and a 1 KW TV transmitter at Shimla has been included in the VII Plan. The scheme is expected to be completed by the end of the Plan period. Extension of primary service to the remaining areas of Himachal Pradesh and hill areas of Uttar Pradesh will depend on the availability of additional satellite linkage capability in the 1990's.

**Implementation of IRDP and NREP
in Andhra Pradesh**

8802. SHRI S. PALAKONDRAYUDU :
Will the Minister of AGRICULTURE be pleased to state :

(a) the details of house sites, houses distributed under IRDP and NREP; State-

wise, year-wise since 1981-82; 1982-83; 1983-84, and 1985-86;

(b) the details of house sites, houses distributed in Andhra Pradesh for weaker sections under IRDP and NREP since 1983-84; 1984-85 and 1985-86;

(c) The utilisation of foodgrains by different States State-wise and year-wise under NREP since 1983;

(d) utilisation of foodgrains by Government of Andhra Pradesh under NREP and IRDP during 1981-82; 1982-83; 1983-84; 1984-85 and 1985-86; and

(e) the percentage increase in foodgrains allotted under NREP to Andhra Pradesh for the 1985-86 ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) and (b). No house-sites are distributed under IRDP or NREP. Construction of houses for SCs. and STs. and free bonded labourers is, however, permissible item of work to be taken up under NREP. Information in regard to construction of houses under NREP is being collected separately from the year 1984-85. Statement-I indicating State-wise break up of houses constructed during the year 1984-85 and 1985-86 including those constructed in Andhra Pradesh under NREP is given below.

(c) Statement—II indicating the foodgrains utilised under NREP in different States/UTs during the years 1983-84 to 1985-86 is given below :

(d) No foodgrains are utilised under IRDP. In so far as NREP is concerned, the position of foodgrains utilised in Andhra Pradesh during the years 1981-82 to 1985-86 is as under :

1981-82	53137.48 (MTs.)
1982-83	22355.22 (MTs.)
1983-84	11867.06 (MTs.)
1984-85	8009.45 (MTs.)
1985-86	498.64 (MTs.)
	(upto Feb. 86)

(e) The percentage increase of foodgrains allocated to Andhra Pradesh during the year 1985-86 as compared to the year 1984-85 comes to 195.68.

Statement I

Statement indicating houses constructed under NREP during 1984-85 and 1985-86.

Sl. No.	State/UT.	Number of House constructed during		Period to which information in Col. 3 relates
		1984-85	1985-86	
1	2	3	4	5
1.	Andhra Pradesh	4856	5069	Sept. 85
2.	Assam	154	85	Sept. 85
3.	Bihar	20854	5859	Dec. 85
4.	Gujarat	11748	672	Dec. 85
5.	Haryana	NR	NR	Dec. 85
6.	Himachal Pradesh	NIL	NIL	Dec. 85
7.	J & K	NIL	800	Sept. 85
8.	Karnataka	2252	943	Sept. 85
9.	Kerala	NR	NR	Sept. 85
10.	Madhya Pradesh	25	NIL	Dec. 85
11.	Maharashtra	NR	366	Dec. 85
12.	Manipur	NIL	NIL	Dec. 85
13.	Meghalaya	NR	NIL	Sept. 85
14.	Nagaland	NR	NIL	Sept. 85
15.	Orissa	1574	288	Dec. 85
16.	Punjab	NR	NR	Dec. 85
17.	Rajasthan	1044	464	Dec. 85
18.	Sikkim	NIL	NIL	Dec. 85
19.	Tamil Nadu	6345	2864	Dec. 85
20.	Tripura	293	20	Dec. 85
21.	Uttar Pradesh	301	560	Dec. 85
22.	West Bengal	1891	1306	Sept. 85
23.	A & N Islands	NR	NR	Dec. 85
24.	Arunachal Pradesh	NR	NR	Dec. 85
25.	Chandigarh	NIL	NR	Dec. 85
26.	D & N Haveli	NIL	5345	Dec. 85
27.	Deeni	NR	NR	Dec. 85
28.	G.D. & Diu	12	1	Dec. 85
29.	Lakshadweep	NIL	NR	Dec. 85
30.	Mizoram	13	NIL	Dec. 85
31.	Pondicherry	NIL	NIL	Dec. 85
ALL INDIA		51362	24642	

NR—Not Reported.

Statement II

State-wise utilisation of foodgrains during 1983-84 to 1985-86.

(In MTs.)

Sl. No.	State/UT.	Quantity of foodgrains utilised during			Period to which the information Col. 5 relates
		1983-84	1984-85	1985-86	
1		2	3	4	5
1.	Andhra Pradesh	11867.06	8009.45	500	Feb. 86
2.	Assam	173.07	2258.66	740	March, 86
3.	Bihar	13882.10	28287.30	43110	-do-
4.	Gujarat	10609.00	8501.00	7970	-do-
5.	Haryana	1469.52	1980.70	1560	Feb. 86
6.	Himachal Pradesh	968.80	1149.59	940	March, 86
7.	Jammu & Kashmir	1365.90	1181.35	530	January, 86
8.	Karnataka	10384.32	7201.26	8910	March, 86
9.	Kerala	6992.56	3327.80	11420	-do-
10.	Madhya Pradesh	16600.00	11152.37	12610	Feb. 86
11.	Maharashtra	15.03	5.30	...	-do-
12.	Manipur	50.20	113.99	180	March, 86
13.	Meghalaya	55.76	121.64	40	-do-
14.	Nagaland	250.00	430.00	120	-do-
15.	Orissa	15682.43	14044.37	9160	Feb. 86
16.	Punjab	910.41	8.00	6950	March, 86
17.	Rajasthan	4681.70	1670.70	123990	Feb. 86
18.	Sikkim	200.17	141.35	190	March, 86
19.	Tamil Nadu	22999.00	29252.00	28040	Feb. 86
20.	Tripura	1717.63	415.40	450	-do-
21.	Uttar Pradesh	3181.41	24761.98	63360	-do-
22.	West Bengal	22089.00	21160.00	11010	-do-
23.	A & N Islands	200.34	192.43	170	-do-
24.	Arunachal Pradesh	...	6.50	10	March, 86
25.	Chandigarh	...	5.00	10	-do-
26.	D & N Haveli	19.33	195.08	220	-do-
27.	Delhi	12.50	9.80	20	-do-
28.	G.D. & Diu	...	...	...	Feb. 86
29.	Lakshadweep	73.00	142.00	170	March, 86
30.	Mizoram	34.00	...	...	March, 86
31.	Pondicherry	280.90	309.79	150	Feb. 86
ALL INDIA		146764.43	170535.17	332530	

**Expert Committee to identify
hazardous industries**

8803. SHRIMATI MADHUREE SINGH : Will the Minister of LABOUR be pleased to state :

(a) whether it is a fact that Central Government asked the State Governments to form experts Committees to identify hazardous industries to improve industrial safety in the States;

(b) if so, the names of States which have submitted information in this regard; and

(c) the nature of information sent by the States and the action taken by Government thereon ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : (a) Yes. The State Governments were advised on 28th December, 1984 to set up Task Forces/Expert Committees for updating information on occupational health hazards and implementation of safety provisions in chemical and other industries using hazardous operations and processes, including highly toxic substances. These Task Forces, etc. have to cover all hazardous industries as far as possible and submit their reports to the respective State Governments.

(b) and (c). All States/Union Territories with concentration of chemical industry have set up Task Forces/Expert Committees to identify hazardous units. As per information received from State Governments., etc, most of the Task Forces have submitted either their preliminary, interim or final reports to the Governments concerned indicating the present state of the safety standards in the identified hazardous units. The Governments concerned have taken note of the observations and are taking appropriate further action.

Production and export of rice

8804. SHRI MOHANBHAI PATEL : Will the Minister of AGRICULTURE be pleased to state :

(a) the quantity of rice produced in the country during the last three years, year-wise and quality-wise;

(b) the quality of rice which is being exported; and

(c) the steps being taken to increase production and export of quality rice ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The estimates of rice production for the years 1982-83, 1983-84 and 1984-85 are 47.1, 60.1 and 58.6 million tonnes respectively. The data on rice production, variety-wise, are not collected in the existing system of agricultural statistics.

(b) Export of basmati rice is allowed freely subject to certain conditions. Export of non-basmati rice, however, has come to be permitted (for export w.e.f. 18th February, 1986 within a limited) ceiling and subject to other conditions during the year 1985-86. Since export of non-basmati rice has come to be allowed only recently, it is quite early to assess the specific qualities, grades, etc. of rice from India that are currently in demand in the foreign markets. However, India produces basmati and other varieties of rice.

(c) The steps being taken to increase production of rice (including quality rice) in the country, inter-alia, include the launching of special rice production programme, increased use of fertilisers, increase in the coverage of area under high yielding varieties of rice, plant protection measures, diversification of varieties, etc.

Stoppage of cross breeding of cattle

8805. DR. T. KALPANA DEVI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether a national seminar on Indian breeds of cattle was held at Indore which suggested stoppage of further cross-breeding and if so, the details thereof; and

(b) how the programmes and activities of the National Dairy Development Board compare with the suggestions made at the said seminar ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The Ministry of Agriculture is not aware of such a seminar having been held at Indore.

(b) Does not arise.

Import of cows from West Germany

8806. SHRI D.N. REDDY : Will the Minister of AGRICULTURE be pleased to state;

(a) whether NDDDB-IDC-GCMMF has been informing the public of import of 20,000 gift cows from West Germany through Irene Princess of Greece;

(b) whether any offer was received;

(c) whether West German Government have raised any objection in this matter; and

(d) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). An offer for donation of cows was received from Her Highness Princess Irene of Greece. The cows were to be procured from EEC countries. It was decided to accept the donation of about 20,000 cows. It was also decided that the entire operation for import and distribution of gifted cows would be handled by the National Dairy Development Board (NDDDB). Based on this the NDDDB informed all the State Milk Federation of the possible import and asked them to register demand from selected progressive farmer members in their milksheds. GCMMF also informed its affiliated Unions for registering demand.

(c) and (d). A pilot project for gift import of 1,000 cows from Federal Republic of Germany (FRG) was prepared and was given to Government of FRG. The Govern-

ment of FRG raised the question regarding economic and development aspects of the project proposal.

Vaccine output for F & M disease

8807. SHRI D.N. REDDY : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Rs. 30 crore project for foot and mouth disease vaccine was set up by National Dairy Development Board-Indian Dairy Corporation in Hyderabad; if so, the output of vaccine and other products as against the targets;

(b) whether NDDDB-IDC have taken up Nilgiri area as a foot and mouth disease free zone; if so, whether the foot and mouth disease outbreaks still continue to be there:

(c) if so, the reasons thereof;

(d) whether a fact-finding committee would be set up to look into working of IDC-NDDDB's FMD project; and

(e) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) A Foot and Mouth Disease Vaccine Plant has been set up at Hyderabad by the Indian Dairy Corporation (IDC). The Project was sanctioned at an estimated cost of Rs. 1810.61 lakh. Only Foot and Mouth Disease vaccine is manufactured by this plant at Hyderabad. The marketing of vaccine started in Nov. '83. The annual turn over is as follows :—

Year	Amount (Rs. in lakh)
1983-84	32.8
1984-85	198.6
1985-86	217.0

(b) and (c). The IDC has taken up a Pilot Scheme to study the Control of the Foot and Mouth Disease in the Nilgiris

District of Tamil Nadu. In a country like India where Foot and Mouth Disease is endemic, it is extremely difficult to eradicate the disease. The efforts are to reduce outbreaks of the Disease and control it to the extent possible. With the introduction of this Scheme in Nilgiris the outbreaks of Foot and Mouth Disease have been considerable reduced as is evident from the following table :—

Year	No. of outbreaks
1980	36
1981	68
1982	3
1983	3
1984	4
1985	5

(d) and (e). In view of the evaluation done by the Jha Committee on Operation Flood II Project, there is no proposal under consideration of the Government to set up a fact-finding committee to look into the Working of IDC-NDDB's FMD Project at this stage.

Production vis-a-vis offtake of Foot and Mouth Vaccine

8808. DR. G. VIJAYA RAMA RAO : Will the Minister of AGRICULTURE be pleased to state :

(a) whether a five member Indian council of Agricultural Research Task Force which included the representatives of Indian Dairy Corporation and National Dairy Development Board had estimated the Foot and Mouth vaccine requirements at 40 million doses by third year of the project and if so, the actual production and offtake;

(b) whether the Task Force had estimated the requirement of F&MD vaccine at 85 million doses by 1985 and if so, the progress made in production and the offtake thereof; and

(c) whether production and offtake of F&MD vaccine is as per Task Force estimates and if not, the reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (c). The information is being collected and will be placed on the Table of the House.

Utilisation of Imported milk products

8809. DR. CHINTA MOHAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether a large quantity of milk products were imported under Operation Flood I and II;

(b) if so, the details thereof;

(c) whether as per agreement with World Food Programme and European Economic Community gift supplies were to be converted with 3 per cent and 1.5 per cent fat milk for vulnerable groups and if so, the reasons for deviations made in the programme;

(d) whether the changes made over the original programme had been approved by the competent authority and if not, the reasons thereof; and

(e) whether the recipients belonging to various States are bound by the agreement under such Central schemes ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) and (b). Under Operation Flood I the Indian Dairy Corporation (IDC) received gift supplies of 1,27,517 M.T. of skimmed milk powder and 39,696 M.T. of Butter Oil from the World Food Programme (WFP). Under Operation Flood-II, IDC received gift supplies of 2,21,958.552 M.T. of skimmed milk powder, 65,214.560 M.T. of Butter Oil, 20,069.050 M.T. of butter and 1,497.120 M.T. of edible oil from the European Economic Community (EEC) from inception (78-79) upto 1985-86 (upto December 1985). Gift supplies of 19,834. M.T. of skimmed milk powder was also received during 1984-85 from the Cooperative League of U.S.A. as a one time gift for building buffer stock.

(c) and (d). The plan of operations signed between the Government of India and the World Food Programme under Operation Flood I provided for production of 3 per cent fat milk in the four metropolises of Bombay, Delhi, Calcutta and Madras, out of the WFP gift commodities and this was done during the programme. The plan of operations also provided for distribution of 1.5 per cent fat milk as a matching commitment against the assistance provided by UNICEF for this Project. The dairies did produce 1.5 per cent double toned milk and this was distributed to the vulnerable groups. There was no deviation in the Programme.

There is no such agreement with BEC under Operation Flood-II.

(e) Question does not arise.

Sale of F & M Disease Vaccine

8810. DR. G. VIJAYA RAMA RAO : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Indian Immunologicals, Hyderabad has an investment of about Rs. 20 crores;

(b) the various products manufactured by it and the annual turn over on these products;

(c) whether it is a fact that due to non-acceptability of their Foot and Mouth Disease Vaccine, the sales have not picked up except in captive markets;

(d) whether it is also a fact that the company has not been following liberal and modern management policies and practice; and

(e) whether accounts of this unit under the Indian Dairy Corporation are being audited if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) A Foot and Mouth Disease Vaccine Plant has been set up at Hyderabad by the Indian Dairy Corporation

(IDC). The project was sanctioned at an estimated cost of Rs. 1810.61 lakh.

(b) Only Foot and Mouth Disease Vaccine is manufactured by the Indian immunological. The marketing of vaccine started in November '83. The Annual turnover is as follows :

Year	Amount (Rs. in lakh)
1983-84	32.8
1984-85	198.6
1915-86 (Provisional)	217.0

(c) The off-take of Foot and Mouth Disease Vaccine has made a slow pick up due to its price and inadequate awareness amongst cattle owners for Foot and Mouth Disease vaccination, particularly in indigenous stock. The IDC has taken up measures for educating the farmers through promotional literature, audio-visuals and films, etc., and is trying to make farmers understand the benefits of biennial vaccination.

(d) No, Sir.

(e) The Foot and Mouth Disease Plant at Hyderabad is a unit of the IDC and its accounts are incorporated in the account of the IDC which is audited by the Comptroller and Auditor General of India.

Functioning of Apprenticeship Scheme

8811. SHRI BALASAHEB VIKHE PATIL : Will the Minister of LABOUR be pleased to state :

(a) whether under the law a student after getting technical education can get apprenticeship facilities in an organised industry which will improve his professional skill;

(b) whether this scheme has not been functioning well and it is left entirely to the industrial units to recruit such students;

(c) whether Government propose to make it obligatory for industries to take it apprentices; and

(d) if not, the reasons therefor ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Yes, Sir. The Apprentices Act, 1961, envisages provision of Apprenticeship Training to young school leavers, students of the recognised Industrial Training Institutes affiliated to the National Council for Vocational Training and recognised institutions offering diploma and degree courses in Engineering/Technology.

(b) No, Sir. The scheme has been functioning fairly satisfactorily. However, a working group has been appointed to review the implementation of the Apprentices Act, 1961.

It is obligatory on the part of the industries to recruit prescribed number of apprentices under the Apprentices Act, 1961 and rules made thereunder.

(c) and (d). Do not arise, in view of the answer given above.

[Translation]

Functioning of Guna Fertilizers Plant, Madhya Pradesh

8812. **SHRI SHANTI DHARIWAL :** Will the Minister of AGRICULTURE be pleased to state :

(a) whether it is a fact that Guna Fertilizers plant in Madhya Pradesh is not in a position to start production within the scheduled time;

(b) if so, the difficulties being faced by the plant in starting its operation within the scheduled time;

(c) whether it is also a fact that a contract for carrying the imported Ammonia Converter for the aforesaid plant from Kandla to Guna at the cost of Rs. 7.5 crores was given by the management of the National Fertilizers Limited to such a party which had no working experience in this line;

(d) if so, whether any action has been taken by Government in this regard; and

(e) if so, the details thereof and if not the reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : (a) No, Sir. The implementation of the project as on date is as per schedule.

(b) Does not arise.

(c) The party has necessary expertise and back-up having adequate experience of carrying out such work which from the basis of their prequalification. The party gave the lowest bid.

(d) and (e). Does not arise.

[English]

Allocation of Foodgrains to Manipur

8813. **SHRI N. TOMBI SINGH :** Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have taken a decision to give 2 million tonnes of foodgrains free of cost to States to generate additional employment;

(b) if so, what would be the share of Manipur out of it;

(c) when this will be implemented; and

(d) whether this will be tied to a firm programme of rural reconstruction and creation of permanent assets and if so, the details of the schemes envisaged for Manipur ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) and (b). A decision has been taken to utilise 2 million tonnes of additive foodgrains under National Rural Employment Programme and Rural Landless Employment Guarantee Programme during 1986-87. Allocations have, however, been made for the first half of the year and the share of Manipur for the period comes to 1080 MTs.

(c) The releases of foodgrains allocated to different States/UTs under NREP/RLEGP

for the first half of the year 1986-87 have already been made.

(d) While under NREP, plan of works to be taken up under the programme is finalised at the District Rural Development

Agency level, under Rural Landless Employment Guarantee Programme the projects are approved by the Committee set up at the Central level. A statement indicating the projects approved under RLEGP in Manipur during 1985-86 is given below.

Statement

Statement indicating the Project approved under Rural Landless Employment Guarantee Programme during 1986-87

Manipur

Sl. No.	Name of Project	Approved cost (Rs. lakhs)	Physical target planned
1	2	3	4
1.	Soil and Water conservation, minor irrigation, land reclamation, construction of school buildings/community halls and social forestry etc. in 5 districts	30.223	220 K. M. 452 Acres. 120 Hectares, and 96 Nos.
2.	Social forestry, minor irrigation, soil and water conservation, land development and community hall in 7 districts of Manipur	19.91	Social Forestry 75 acres M/I, Soil and 100 Hects. water 65 Acres conservation 45 Heets. and land 9.00 K.Ms development & 39 Nos. construction of Community 2 Nos. hall/school 5 Nos. Building
3.	Costruction of SC/ST houses in Manipur (Indira Awas Yojana)	17.04	160 units

Separate Courts to settle industrial disputes

8814. SHRI CHINTAMANI JENA :
SHRI MOHANBHAI PATEL :

Will the Minister of LABOUR be pleased to state :

(a) whether the present labour laws have become outdated and the labour policy needs a review;

(b) if so, the steps Government are considering to take in this respect;

(c) the details of industrial disputes pending and the names of the agencies which are engaged in solving the industrial disputes at present; and

(d) whether there is any proposal to set up separate courts to settle the industrial disputes, if so, what steps have been taken in this respect and by when such courts are likely to be set up ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b). Labour Laws have been enacted from time to time according to the felt needs. With growth in industrial and allied activities in the country, it is necessary that these laws are updated from time to time in order to safeguard the interest of the workers particularly their safety, health and welfare and remuneration due to them. This is achieved through a process of continuous consultation with the workers, organisations, employers' organisations, State Governments and in the tripartite meetings/committees conferences. During the year 1985-86, four Central Acts were amended, namely the Payment of Bonus Act 1965, the Employment of Children Act, 1938, the Bonded Labour System (Abolition) Act, 1976 and Contract Labour (Regulation and Abolition) Act, 1970.

The basic principles to be followed in our Labour Policy are already laid down in the Directive Principles of State Policy. These principles have inspired our labour legislations from time to time. The Labour policy and its implementation is also reflected in the plan document and Annual Report of the Ministry.

(c) As on 28-2-86, 1336 cases and 2849 applications were pending before the ten Central Government Industrial Tribunal-cum-Labour Courts set up under the Industrial Disputes Act, 1947 to deal with the cases falling under the Central sphere.

(d) It has been decided and necessary sanction issued to set up another Central Government Industrial Tribunal-cum-Labour

Court at Bangalore which will start functioning as soon as the Presiding Officer assumes charge of the post.

[Translation]

Amount to be spent under DPAP

8815. SHRI HARISH RAWAT : Will the Minister of AGRICULTURE be pleased to state :

(a) the amount proposed to be spent in Seventh Five Year Plan under the Drought Prone Area Programme; and

(b) whether some new development blocks will also be brought under this programme during the Seventh Plan period ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) The Drought Prone Areas Programme is a centrally sponsored scheme with the expenditure shared equally by the Centre and the concerned States. The total outlay provided under the Seventh Five Year Plan, including the State share, is Rs. 472 crores,

(b) The programme covered 511 selected blocks of 70 districts of 13 States during the Sixth Plan from 1982-83 to 1984-85. The coverage has been increased for the Seventh Plan and from 1985-86, the programme is in operation in 615 selected blocks of 90 districts of 13 States. There is no proposal to include more blocks under the programme during the Seventh Plan.

[English]

Production target of foodgrains, oilseeds, sugarcane, cotton, pulses and jute during 1986-87

8816. SHRIMATI MADHUREE SINGH:
SHRI YASHWANTRAO
GADAKH PATIL :
SHRI C. SAMBU :
SHRI BEZAWADA PAPI
REDDY :

Will the Minister of AGRICULTURE be pleased to state :

(a) the target fixed for production of foodgrains, oilseeds, pulses, sugarcane, cotton and jute separately, during 1986-87; and

(b) what are the plans for supply of seeds, fertilisers, and other inputs and for irrigation facilities for increasing yields during this period?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The targets of various crops as fixed by the Planning Commission for 1986-87 are indicated below :

Crop	Unit	Target for 1986-87
Total Foodgrains (including Pulses)	Million Tonnes	160.00
Oilseeds	"	14.80
Pulses	"	14.00
Sugarcane	"	185.00-190.00
Cotton	Million bales of 170 Kg. each	8.80
Jute & Mesta	Million bales of 180 Kg. each	8.50

(b) To increase yields in 1986-87, the following targets for important inputs have been fixed :

Inputs	Unit	Target for 1986-87
Consumption of Chemical Fertiliser	Million tonnes	10.30
Pesticides (Tech. Grade Material)	,000 tonnes	70.00
Cooperative Credit	Rs. in crores	3950.00

It is also planned to distribute 65.69 lakh quintals of certified/quality seeds. To create additional irrigation potential, the outlay during 1986-87 will be about Rs. 2681 crores.

World-Bank aid for Agro-industrial project in co-operative sector

8817. SHRIMATI MADHUREE SINGH : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the World Bank had agreed to provide financial assistance for agro-industrial projects in co-operative sector in India; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes Sir.

(b) The International Development Association (IDA) of the World Bank approved a credit of US \$ 220 million (about Rs. 238 crores) for the implementation of NCDC-III Agro-Industrial Project. The project, will be implemented over a period of 5 years from 1984-85. The project being implemented by cooperatives in 9 States, consists of 4 components : (i) construction of 7779 rural godowns with a capacity of 13.752 lakh tonnes; (ii) integrated soyabean production and processing programme involving setting-up of 3 soy-seed processing plants and 4 solvent extraction plants with a capacity to handle 2.40 lakh tonnes of soyabean annually; (iii) establishment of 5 cotton spinning mills of 25,000 spindles each, setting-up of 11 ginning and pressing units, and 4 solvent extraction plants for cotton seed processing; and (iv) institution building for providing specialised programme of training for the personnel of cooperatives implementing the above projects. The total cost of the Project is estimated at Rs. 505 crores.

[Translation]

Allotment of Government accommodation to employees of State Governments

8818. SHRI DILEEP SINGH BHURIA: Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) the number of employees/officers working in the offices of various State

Governments located in Delhi who have been allotted Government accommodation by the Central Government; and

(b) State-wise details in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) 131 employees/officers of various State Governments working in Delhi have been allotted residential accommodation from general pool.

(b) A statement is given below.

Statement

Statement showing the number of residential accommodation State-wise allotted to State Government employees/officers posted in Delhi/New Delhi.

Sl. No.	Name of the State Government.	Total number of residential accommodation (including Hostel)
1	2	3
1.	Andhra Pradesh	9
2.	Assam	7
3.	Bihar	18
4.	Gujarat	2
5.	Haryana	1
6.	J & K	4
7.	Karnataka	4
8.	Kerala	3
9.	Madhya Pradesh	7
10.	Maharashtra	5
11.	Meghalaya	4
12.	Mizoram	1
13.	Orissa	12
14.	Punjab	7
15.	Rajasthan	10

1	2	3
16.	Sikkim	8
17.	Tripura	7
18.	Uttar Pradesh	8
19.	West Bengal	12
20.	Nagaland	2
Total		131

[English]

Loan from Japan for Indian Iron and Steel Company

8819. SHRI K. V. SHANKARA GOWDA :
SHRI JAI PRAKASH AGARWAL :

Will the Minister of STEEL AND MINES be pleased to state :

(a) the outcome of Steel Authority of India's negotiations with Japan for a loan for the renovation of Indian Iron and Steel Company Plant;

(b) whether the SAIL has requested the Japanese Iron and Steel Federation to come forward in a big way to assist India;

(c) if so, to what extent Japan has agreed to provide loans to India;

(d) whether any agreement in this regard has been reached; and

(e) if so, the details thereof ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) to (e). Chairman, SAIL and Managing Director, Indian Iron and Steel Company, during their visit to Japan from 10th November to 16th November, 1985 held discussions with Japan Iron and Steel Federation (JISF), wherein the Japanese Steel makers agreed to the idea of co-operating in modernising the Burnpur Plant of Indian Iron and Steel Company.

A preparatory survey team from Japan International Cooperation Agency (JICA) visited India from February 26, 1986 to March 7, 1986. It was agreed that JICA would prepare a feasibility report on the modernisation of Indian Iron and Steel Company. This report is expected to be submitted by JICA in April, 1987. The manner and extent of external funding will be considered after the report of JICA is received.

Imparting liquidity to housing mortgage documents

8820. SHRI K. V. SHANKARA GOWDA : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether it has been suggested to Government that imparting liquidity to housing mortgage documents could go a long way in stepping up housing activities in the country;

(b) whether Government have accepted the suggestion and if so, what follow up action including suitable legislation are contemplated; and

(c) if not, when a decision on the suggestion will be taken by Government ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) to (c). Recommendations have been made for introduction of scheme of mortgage insurance in the country. The details of the scheme are yet to be finalised.

Visit of Chinese Steel technologists

8821. SHRI K. V. SHANKARA GOWDA : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether a five member team of Chinese Steel technologists visited India during April, 1986;

(b) if so, the purpose of their visit;

(c) the plants which the Chinese team visited;

(d) whether any agreement has been reached between India and China after the visit of the team; and

(e) if so, the details of the agreement reached and the extent to which the visit was beneficial ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) Yes, Sir.

(b) A team of Dasturco (M/s. M. N. Dastur and Company (Private) Limited) led by Dr. M. N. Dastur visited a few steel plants and a ferro alloy plant in the People's Republic of China in November 1985, at the invitation of the Ministry of Metallurgical Industries of China. The visit of the Chinese team, representing the Central Engineering and Research Incorporation for Iron and Steel, Beijing, was to reciprocate the visit of the Indian team.

(c) The Chinese team visited the following plants :

- 1) Tata Iron and Steel Company, Jamshedpur.
- 2) Usha Alloys, Jamshedpur.
- 3) Alloy Steels Plant, Durgapur.
- 4) Sponge Iron India Limited, Kothagudem.
- 5) Salem Steel Plant, Salem.
- 6) Bokaro Steel Plant, Bokaro.
- 7) Bihar Alloys, Patratu.
- 8) Orissa Sponge Iron Limited, Palasponga.

(d) and (e). No, Sir. A Memorandum of Understanding was, however, exchanged between the Central Engineering and Research Incorporation of Iron and Steel Industry, Beijing, (CERIS) and M. M. Dastur and Company (Private) Limited, Calcutta, (Dastur Co.) to the following effect.

- “1) The proposed joint work of CERIS and Dasturco will be on a project to project basis.
- 2) For their project work in India, wherever possible/relevant, Dasturco will consider the technologies from CERIS.

- 3) For the projects in China, CERIS will consider wherever possible/relevant utilisation of the expertise of Dasturco, particularly in view of Dasturco's knowledge of worldwide technology.
- 4) The cooperation between CERIS and Dasturco may eventually lead to their participation in selected projects in third countries.
- 5) Both parties agree in principle and express their intention for such cooperation.
- 6) With a view to further strengthen the objective to get better acquainted with each other, it is expected that some more visits of the respective teams to China and to India may be required."

Exploration of minerals .

8822. SHRI HUSSAIN DALWAI: Will the Minister of STEEL AND MINES be pleased to state :

- (a) the minerals that are at present exploited in India;
- (b) the annual production of these minerals State-wise;
- (c) whether it is a fact that India has not been able to exploit iron ore manganese ore in all the States; and
- (d) if so, the reasons thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) to (d). Information is being collected and will be laid on the Table of the House.

Achievement of Agricultural Universities

8823. SHRI HUSSAIN DALWAI: Will the Minister of AGRICULTURE be pleased to state :

- (a) the number of Agricultural Universities in the country;
- (b) the major achievement of these Agricultural Universities;
- (c) how far the research done by these Agricultural Universities has helped in changing the cropping pattern;
- (d) whether better and result oriented crop varieties have come in the market as a result of successful research done by these Agricultural Universities; and
- (e) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) There are 22 States Agricultural Universities in the country in 16 major States. In addition; there is an Agricultural Wing under Mohan Lal Sukhadia University, Udaipur. Recently, a new University of Horticulture and Forestry also has been established in Himachal Pradesh.

(b) The State Agricultural Universities are designed to perform the three principal functions of teaching, research and extension education in an integrated manner. These universities produce the scientific/technical manpower, undertake production oriented research and collaborate with the agricultural development departments of the concerned State for the transfer of improved production technology to the farmers. The achievements of the State Agricultural Universities were reviewed in 1978 by a Review Committee on Agricultural Universities. The Committee has opined that Agricultural Universities in India are epoch making, innovative and truly development-oriented institutions. They have made significant contributions to the agricultural development and well being of rural India.

(c) to (e). Research done by the State Agricultural Universities has led to the development of a large number of superior performance varieties of various crops of economic interest in the concerned States. To cite a few examples (i) development of dwarf and

short-duration wheat varieties has resulted in several fold increase in wheat production in the country (ii) development of early maturing moong bean varieties for summer cultivation and short duration arhar varieties for arhar-wheat rotation (iii) development of short duration varieties of cotton for cotton-wheat rotation in Punjab, Haryana and Rajasthan (iv) development of varieties suitable for Rabi cultivation of maize (v) development of improved varieties of Soybean in Kharif fallows of Madhya Pradesh etc. have contributed to increased intensity of cropping and agricultural production in the country.

Alleged fraud in DDA

8824. SHRI P. KOLANADAIVELU : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether there is a fraud of rupees 50 crores by officers of the Delhi Development Authority as alleged in the 'Indian Express' dated 16 March, 1986;

(b) if so, the action taken so far in this regard; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) to (c). Information is being collected and will be laid on the Table of the Sabha.

Examination of reports of ICAR Institute by Auditors

8825. SHRI D. N. REDDY :
DR. B. L. SHAIKESH :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether auditors have examined each of the reports of over 100 ICAR Institutes, Coordinated Projects, Extension Programmes etc. and if so, the details thereof and the correctiver steps/action taken by the Governing Body of Indian Council of Agricultural Research and its President, and Management Committee of each Institute; and

(b) whether the reports of individuals and reports of each of the Institutes are put up before the Institutes Management Committee, Governing Body of ICAR; and if not, the reasons thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir. The accounts of the Indian Council of Agricultural Research Headquarters and its Research Institutes are audited by the Director of Audit, (Commerce, Works and Miscellaneous) and the Officers of the Accountants-General as authorised by the Statutory auditors of the Council viz. the Comptroller & Auditor General of India. However, the accounts of grants given by the ICAR under various projects located at various Agricultural Universities, State Governments and other Institutions are audited by the auditors of these bodies and the utilization of grants given by the Council is watched by the obtaining audited utilisation certificates from the grantee bodies Institutions.

Based on the Inspection Reports on the accounts of Research Institutes, the Director of Audit, CW&M prepares the audit report on the consolidated accounts of the Council, (ICAR Hqrs and Research Institutes). The audit report together with comments of the Council on each audit para is placed before the Standing Finance Committee/Governing Body and Annual General Body in the meetings held in March early year.

As per Rules and Byelaws of the ICAR, the GB is competent to deal with the audit objections in the manner it deems proper. The consolidated accounts of the ICAR for the year 1984-85 together with audited report thereon has already been examined by the SFC/GB and Annual General Body. These accounts and audit report have also been adopted by the Annual General Body in their meeting held in March, 1986 under the Chairmanship of Minister for Agriculture. The functions of the Management Committee as prescribed under Rules & Byelaws do not envisage examination of the audited accounts by these committees.

(b) Yes, Sir. The annual accounts are put up before the GB in the manner indica-

ted against para (a) above. The accounts are not required to be put up before the Management Committee under Rules and Byelaws of the ICAR.

[Translation]

Notification by Delhi Administration

8826. SHRI TARLOCHAN SINGH
TUR :
SHRI BALWANT SINGH
RAMOOWALIA :

Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether it is a fact that a notification NO. 9(26/85) has been issued by the Delhi Administration on the 28 March, 1986;

(b) if so, the details thereof;

(c) the date on which action was first taken to acquire this land; and

(d) the reasons for acquiring this land at that time ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) Yes Sir.

(b) 422 bighas of land in village Chatterpur covered by the notification dated 7.6.85 issued under section 6 of the Land Acquisition Act were deleted from the original notification.

(c) Action to acquire the land in village Chatterpur and other villages of South Delhi

was initiated by issue of notification under section 4 of the Land Acquisition Act, 1894 on 25.11.80.

(d) These lands were notified for acquisition for the "planned development of Delhi"

[English]

Working of Units of National Fertilizers Limited

8827. SHRI V. SOBHANADREESWARA RAO : Will the Minister of AGRICULTURE be pleased to state :

(a) the installed capacity and actual production of fertilizers during the last three years in the various units of National Fertilizers Limited;

(b) the estimated loss/profits made/incurred by each unit separately during the year 1985-86; and

(c) the steps being taken to improve the productivity of the various units of the National Fertilizers Limited ?

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : (a) The Unit-wise installed capacity and actual production during the last three years of National Fertilizers Limited are as follows :

(b) The National Fertilizers has earned a net profit (pre-tax) of about Rs. 42 crores during the year 1985-86. The Unit-wise position is given below :

Unit	Installed capacity	Actual production		
		1985-86	1984-85	1983-84
Nangal (I+II)*	2,31,340	1,99,031	1,90,416	1,93,148
Panipat	2,35,290	1,41,884	1,57,136	1,57,125
Bhatinda	2,35,290	1,68,232	1,43,588	1,42,781

*Includes CAN and Urea.

<i>Unit</i>	<i>Profit Rs. in crores)</i>
Nangal (I+II)	21.5
Panipat	7.5
Bhatinda	13.0

(c) The National Fertilizers Limited is taking the following steps to improve the productivity of its units :

- (1) Installation of Captive Power Plants at Bhatinda and Panipat Units.
- (2) Modernisation of the old ammonia plant at Nangal.
- (3) Installation of additional ammonia storage capacities at Bhatinda and Panipat Units.
- (4) Installation of additional cooling water facilities at their Bhatinda and Panipat Units.

Media support to educate farmers

8828. DR. T. KALPANA DEVI : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there are about 82,000 agricultural extension workers in the country;

(b) whether these workers have very little media support to educate the farmers; and

(c) if so, the steps taken/proposed to be taken by the All India Radio and Doordarshan to educate the farmers in their spoken languages ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) :

(a) Yes, Sir.

(b) No, Sir. The assumption is not correct.

(c) In view of the reply to part (b), this part does not really arise. However, it may be clarified that all AIR stations broadcast programmes for farmers and rural listeners providing a specialised farm broadcasting service from All India Radio Stations. These broadcasts are made only in the locally spoken dialects. In all, 1967 hrs. of programmes are broadcast per month. Programmes to be broadcast are planned in consultation with the State Government officials and representatives of farmers.

So far as Doordarshan is concerned, all Doordarshan Kendras telecast a variety of programmes relating to farming operations and related agricultural subjects which are field based and, as in the case of AIR in the specific language of the region. Six INSAT Kendras in the States of Andhra Pradesh, Bihar, Gujarat, Maharashtra, Orissa and Uttar Pradesh telecast specially produced area specific programmes which include hard-core agricultural extension education. So far 1800 Direct Reception Sets and 1985 Very High Frequency sets have been installed in the villages of these States for the benefit of community viewing.

Production of Bajra

8829. DR. T. KALPANA DEVI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether production of Bajra as per Economic Survey of 1985-86 was 622 Kg/hect. in 1970-71, 373 Kg/hect. in 1979-80 and 579 Kg/hect. in 1984-85;

(b) if so, whether this performance has been analysed by Economic and Statistical Directorate with its computers or by Central Statistical Organisation or the Planning Commission or by the nodal Ministry or Department of Agricultural Research and Education and if so, the results/findings thereof;

(c) whether analysis has also been made of new varieties released during the last 10 years and if so, the details of varieties released, claimed yields and actual performance; and

(d) whether better Bajra seeds will be imported from other friendly countries as has been done for wheat, maize, rice etc ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) The decline in productivity of bajra during 1979-80 and 1984-85 as compared to 1970-71 is primarily attributed to aberrant weather conditions prevailing in some of the major producing states like Rajasthan, Gujarat, Haryana and Madhya Pradesh etc.

(c) During the last 10 years, a number of hybrids/varieties of bajra have been released. These are as under :

Hybrids/Varieties	Year of release	Yield Range (Kg/ha.)
(1)	(2)	(3)
<i>Hybrids</i>		
BJ 104	1977	1269-3500
BK 560	1977	1187-3921
CM 46	1981	1146-3424
MBH 110	1981	1216-3263
PHB 47	1983	1354-3798
GHB 32	1983	840-3398
X 5	1984	1040-2802
MBH 118	1984	1948-2948
HHB 45	1984	1002-3144
<i>Varieties</i>		
PSB 8	1980	928-2501
WCC 75	1981	1012-2459
RCB 2	1984	1190-2612
HC 4	1984	1020-2673
ICMS 7703	1984	985-2947
PSB 15	1985	1329-2675

It is not possible to ascertain the actual level of yields of these varieties, as the General Crop Estimation Surveys do not provide for pre-stratification of area under different varieties separately. However, it may be stated that the productivity of bajra has grown at the rate of 1.55 per cent per annum during the post-Green Revolution period 1967-68 to 1984-85.

(d) There is no proposal to import bajra seeds from any country for the present.

Import of pulses

8830. DR. T. KALPANA DEVI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether pulses are being imported both commercially and as gifts; and

(b) if so, the details of sources of imports, for the last three years, yearwise and the value thereof on landing ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). The latest data from the concerned source, on import of pulses both on commercial and gift basis are not available.

However, total import of pulses during the year 1982-83 was of the order of 1.02 lakh tonnes valued at Rs. 36.68 crores.

Subsequent data of imports, according to NAFED, which is registering contracts for imports are as under :

Year	(Quantity : Lakh tonnes) (Value : Rs. crores)	
	Actual imports Quantity	Value
1983-84	4.12	25.00
1984-85	3.14	35.00

Sources of import of pulses include Thailand, Burma, Nepal, Turkey, U. S. A., etc.

**Cases of cheating against manpower
exporting of agents**

8831. SHRI BALASAHEB VIKHE PATIL : Will the Minister of LABOUR be pleased to state :

(a) the State-wise number of complaints about cheating against manpower exporting agents reported to the police during the last three years;

(b) the details of the complaints and when they were reported; and

(c) the details of action taken by police to get the money returned to the victims ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Information is furnished vide Annexure 'A'.

(b) The complaints generally relate to cheating and extortion of money and have been referred to police authorities from time to time.

(c) Sixty eight of the complaints referred to the police have since been resolved while remaining cases are under investigation.

Statement

Name of State/Union Territory	Number of complaints referred to Police
Delhi	153
Maharashtra	36
Punjab	28
Rajasthan	9
Orissa	1
Kerala	10
Tamil Nadu	14
Andhra Pradesh	3
Haryana	3

Himachal Pradesh	1
Goa	1
Bihar	1
Uttar Pradesh	5
Karnataka	3
West Bengal	1
Total	269

Film on Jawaharlal Nehru

8832. SHRI BALASAHEB VIKHE PATIL : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Government have taken a decision to engage Mr. Griffith, a noted British film maker to produce a T. V. film on Jawaharlal Nehru;

(b) whether any agreement has been signed in this regard;

(c) if so, the details thereof;

(d) whether the script of the film will be vetted by the Government of India to ensure that misrepresentations do not go into the film; and

(e) when the work on the project will commence ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) :

(a) Yes, Sir.

(b) A formal agreement is yet to be signed.

(c) Does not arise.

(d) Yes, Sir.

(e) Research on the project has commenced. However, date of commencement of shooting is yet to be decided.

Fall in price of coconut

8833. SHRI VAKKOM PURUSHOTHAMAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Union Government have conducted any enquiry about the reasons for the fall in the price of coconuts;

(b) if so, the details thereof; and

(c) if not, whether Government propose to take immediate steps to conduct such an enquiry ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). The reasons for the fall in price of coconuts have been analyzed. The main reasons are as follows :

(i). Increase in production of coconut during 1984-85 compared to 1983-84.

(ii) Distribution of palm oil through public distribution system in Kerala.

(iii) Use of other oils in soap and allied industries due to high price of coconut oil during 1983-84.

(c) Does not arise.

Fixation of procurement price for coconut by Commission for Agricultural Costs and Prices

8834. SHRI VAKKOM PURUSHOTHAMAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have agreed to refer the question of fixation of higher procurement price for coconut to the Commission for Agricultural Costs and Prices; and

(b) if so, the progress thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND

COOPERATION (SHRI YOGENDRA MAKWANA) : (a) As in the case of other important agricultural crops, Government would like to have the expert advice of the Commission for Agricultural Costs and Prices (CACP) for fixing appropriate procurement price for coconut/copra.

(b) Necessary steps are being taken by Government for extending the comprehensive scheme for cost of cultivation of principal crops to cover coconut cultivation also, in order to generate the estimate of cost of production of coconut which could be taken into consideration by the CACP for formulating their price recommendations in this regard.

Brackish Water Farmers Development Agencies in Kerala

8835. SHRI VAKKOM PURUSHOTHAMAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether State Government of Kerala have sent any proposal to Union Government to establish Brackish Water Farmers Development Agencies in Kerala;

(b) if so, the districts proposed to be covered by such Agencies in Kerala; and

(c) the details of working of such Agencies in the State ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) and (c). The Scheme on Brackish Water Fish Farm Development is not yet approved by the Government for implementation in the VIIIth Plan.

New Fish Farmers Development Agencies in Kerala

8836. SHRI VAKKOM PURUSHOTHAMAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether State Government of Kerala have sent proposals to Union Government

to establish more Fish Farmers Development Agencies in the State;

(b) if so, the likely locations thereof; and

(c) the steps taken on the proposals ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) Cannanore.

(c) Proposal has been approved.

Mortgage sale of houses to middle class people

8837. SHRIMATI KISHORI SINHA : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Government intend to promote mortgage-sale of houses to enable middle class people to own a house right from the day of their starting to work as in United States and other developed countries;

(b) if so, the details thereof; and

(c) if not, what proposals are being considered to enable middle class families to own their houses from the beginning of working career ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) to (c). Recommendations have been made for the introduction of a scheme for mortgage insurance of houses in the country. The details of the scheme are yet to be finalised.

Quality programmes on T.V.

8838. DR. B. L. SHAIKESH : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) the percentage of TV time and more critically the bulk of prime time, which the sponsored programmes on the TV network at present take up;

(b) the impact of too much commercialisation of the Doordarshan from the point of view of large public utility of this mass media; and

(c) whether Government propose to evolve a programming philosophy to make the Doordarshan media more educative and to produce 'quality programmes' instead of laying too much emphasis on commercialisation ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) :

(a) The prime time varies from Kendra to Kendra. However, on an average, it could be identified between 7 P.M. to 10.00 P.M. The ratio of sponsored programmes to total TV time approximately works out to 11 per cent.

(b) Doordarshan have not undertaken any study to assess the impact of commercialisation of T.V.

(c) It is not correct to say that Doordarshan is indulging in over commercialisation. Although as per rules total time spent by Doordarshan on commercial advertisements should not be more than 10 per cent of total transmission time, Doordarshan is using less than 5 per cent of transmission time for commercial advertisements. Planning for improvement in the quality of programmes is, however a continuous process.

Credit by Co-operative Land Development Bank

8839. SHRI YASHWANTRAO GADAKH PATIL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Co-operative Land Development Banks have fulfilled the targets for credit distribution during 1985-86:

(b) if not, the details thereof and the reasons for the shortfall;

(c) whether it is proposed to enlarge the operational field of these banks to cover non-agricultural and other allied activities; and

(d) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) and (b). During the financial year 1985-86 the debenture programme approved for the State Co-operative Land Development Banks for achieving the lending targets for term investments in agriculture was Rs. 565.60 crore. Against this, the debentures floated were of the order of Rs. 461.00 crore. The reasons for the shortfall could be attributed mainly to decrease in the eligibility of the banks to draw refinance from the National Bank for Agriculture and Rural Development due to mounting overdues. The lending target for Land Development Banks during the Co-operative Year 1985-86 (July '85 to June '86) is Rs. 577 crore. Since the Co-operative Year is not over, the extent of achievement of the target cannot be judged at this stage.

(c) and (d). The State Governments have been advised to improve the recoveries of the banks to enable them to lend larger amount of loans and also to amend the State Co-operative Societies Acts so that they could broad-base their operations by providing loans for other diversified purposes and also for non-land based activities.

Revitalisation of primary agricultural credit societies

8840. SHRI SUBHASH YADAV: Will the Minister of AGRICULTURE be pleased to state :

(a) the number of primary agricultural credit societies functioning at present, State-wise;

(b) how many of them are running in loss;

(c) the programmes drawn up by Government, Reserve Bank of India and NABARD for their revitalisation;

(d) whether the provision will be

adequate to enable them to play their role meaningfully; and

(e) whether any funds have been earmarked by NABARD out of its profits to strengthen the primary agricultural credit structure and if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) and (b). A statement indicating State-wise information about the number of Primary Agricultural Credit Societies (PACSS) and those running in losses, as available, is given below.

(c) and (d). The programme of re-organisation of the Societies has been more or less completed in all the States except in Gujarat, Jammu & Kashmir and Maharashtra. The number of Societies, which stood at 2.10 lakh at the end of 1963-64, came down to 92,496, as a result of their re-organisation effected by the State Governments. However, as suggested by the Committee to review arrangements for Institutional Credit for Agriculture and Rural Development (CRAFICARD), guidelines have been issued to the Registrars of Cooperative Societies for implementing the programme for transforming the reorganised societies into multi-purpose service institutions. It is expected that after the guidelines are implemented, these societies would emerge as effective multipurpose units and would be able to play their role meaningfully.

(e) No specific funds have been earmarked by NABARD out of its profit to strengthen the Primary Agricultural Credit Societies (PACSS). However, National Bank for Agriculture and Rural Development (NABARD) provides long-term loans to the State Governments for enabling them to contribute to the share capital of the Societies which are already re-organised and are having an identified viable or potentially viable programme. Assistance is also available from Research and Development Fund of National Bank for Agriculture and Rural Development (NABARD) for strengthening the Technical Cells of the Cooperative Banks.

Statement

Sl. No.	State/Union Territory	Number of Primary Agricultural Credit Societies (PACs) as on 30.6.1984	Number of Primary Agricultural Credit Societies running under loss (1982-83)
1	2	3	4
1.	Andhra Pradesh	6873	2668
2.	Assam	2232	NA
3.	Bihar	6757	3140
4.	Gujarat	6679	2414
5.	Haryana	2350	932
6.	Himachal Pradesh	2109	193
7.	Jammu & Kashmir	1473	243
8.	Karnataka	4741	2013
9.	Kerala	1566	672
10.	Madhya Pradesh	5572	1419
11.	Maharashtra	18353	8750
12.	Manipur	685	108
13.	Meghalaya	180	122
14.	Nagaland	229	37
15.	Orissa	2795	919
16.	Punjab	3060	742
17.	Rajasthan	5078	1278
18.	Tamil Nadu	4645	3988
19.	Tripura	373	177
20.	Uttar Pradesh	8602	1750
21.	West Bengal	7677	2443
22.	Andaman & Nicobar Islands	45	34
23.	Arunachal Pradesh	17	2
24.	Chandigarh	33	8
25.	Dadra & Nagar Haveli	11	5
26.	Delhi	194	14
27.	Goa, Daman & Diu	105	8
28.	Lakshadweep	7	...
29.	Mizoram	...	...
30.	Pondicherry	55	42
Total		92496	34121

**Recommendations of Rural Credit
Survey Committee**

8841. SHRI SUBHASH YADAV :
Will the Minister of AGRICULTURE be
pleased to state :

(a) what are the details of amount at
the credit of Agriculture Guarantee and
Relief Fund created at Centre and State
Governments' level as per the recommen-
dations of the Rural Credit Survey
Committee;

(b) whether the fund has not been fully
provided so far;

(c) if so, the reasons thereof; and

(d) the steps Government propose to
take to make funds available to meet the
demand ?

THE MINISTER OF STATE IN THE
DEPARTMENT OF AGRICULTURE AND
COOPERATION (SHRI YOGENDRA
MAKWANA) : (a) The Central Govern-
ment has not created any Agricultural
Guarantee and Relief Fund at the national
level. The required details of such Funds,
created at the States level, are as under :

Sl. No.	State	Balance available in the Fund	
		As on	Amount (Rs. in lakh)
1.	Assam	31.3.82	6.00
2.	Kerala	31.3.81	12.78
3.	Karnataka	31.3.81	11.75
4.	Tamil Nadu	31.3.82	135.73
5.	Bihar	31.3.76	6.75
6.	U.P.	31.3.81	20.45
7.	West Bengal	31.3.81	43.20
8.	Gujarat	31.3.81	78.03
9.	Maharashtra	31.3.81	140.47
10.	Andhra Pradesh	31.3.82	24.38
11.	Rajasthan	31.3.81	5.90
12.	Madhya Pradesh	31.3.81	22.15

(b) to (d). The National Bank for
Agriculture and Rural Development has
constituted a Committee, to examine the
question of strengthening the Agricultural
Guarantee and Relief Fund of the State
Governments.

[Translation]

**Inclusion of opium crop under Crop
Insurance Scheme**

8842. Will the Minister of AGRI-
CULTURE be pleased to state :

(a) whether there is a proposal to
include opium crop under Crop Insurance
Scheme;

(b) if so, the details thereof; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE
DEPARTMENT OF AGRICULTURE AND
COOPERATION (SHRI YOGENDRA
MAKWANA) : (a) No, Sir.

(b) Does not arise.

(c) A Comprehensive Crop Insurance Scheme was introduced in the country from Kharif 1985 season and the scheme was applicable to key cereals namely, paddy, wheat and millets and dryland crops, namely, pulses and oilseeds. Since only key crops were considered for inclusion in the scheme initially, the question of including opium crop in the scheme was not considered.

Cheating of job seekers going abroad

8843. PPOF. NIRMALA KUMARI SHAKTAWAT : Will the Minister of LABOUR be pleased to state :

(a) whether several agencies are engaged in cheating duping and exploiting the workers going abroad in search of work and if so, the steps taken so far by Government to check them ; and

(b) whether Government propose to issue the advertisements for jobs in foreign countries through Employment Exchange so that the workers are not exploited ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Some registered and unregistered recruiting agencies have come to our adverse notice. Complaints of cheating of workers going abroad for employment are referred to the respective police authorities for appropriate action. So far as registered recruiting agents are concerned, action is also taken by suspending/cancelling their certificates of registration besides forfeiture of Bank Guarantees.

(b) No, Sir.

[English]

Financial Assistance by foreign countries for development of Hyderabad

8844. SHRI T. BALA GOUD : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether there are plans for the development and expansion of Hyderabad city which is a fast growing city of India ;

(b) whether any foreign country/agency has offered financial assistance for the development plans of the city ; and

(c) if so, the plans for utilisation of this assistance and the agency which will execute the development work ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH : (a) to (c). The Government of Andhra Pradesh have taken up a number of schemes for development of Hyderabad city. It is proposed to cover the city under a World Bank Assistance programme. The State Government are preparing a project. Centre will take further action on receipt of the project report.

Popularisation of mushroom cultivation

8845. SHRI P. R. KUMARAMANGALAM : Will the Minister of AGRICULTURE be pleased to state :

(a) whether commercial mushroom growing has been fully standardised and is proving very popular with the vegetarian population in the country ; and

(b) if so, whether growing and popularisation of mushroom will be taken up on a Pilot Plant scale in Southern and other States in the country in order to provide alternate work for the small and marginal farmers ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) Some State Governments have taken up the programmes for training and extension in mushroom cultivation to small and marginal farmers. Government of India have also finalised a programme on mushroom cultivation with Dutch assistance in States of Jammu & Kashmir, Himachal Pradesh, Uttar Pradesh and Karnataka for implementation from the year 1986-87.

[Translation]

Wages of mine workers

8846. SHRI BALWANT SINGH
RAMOOWALIA :
SHRI TEJA SINGH DARDI :
SHRIMATI MADHUREE
SINGH :

Will the Minister of LABOUR be pleased to state :

(a) whether it is a fact that the wages of workers of mines in different parts of the country are comparatively very low ;

(b) whether Government propose to increase the wages of the mine workers ; and

(c) if so, the details thereof ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) to (c). The Central Government has fixed and revised the minimum wages in respect of the employment in different mines and certain other employments including agriculture, construction and maintenance of roads or in building operations, stone-breaking and stone-crushing, maintenance of buildings and construction and maintenance of runways. The last revision was made in February, 1985. A proposal to further revise the minimum wages is under consideration of Government. The minimum wages in mining employments are more than the minimum wages fixed by the Central Government in other employments.

[English]

T.V. Centre at Chandigarh

8847. SHRI CHIRANJI LAL SHARMA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there is a proposal to set up a Television centre at Chandigarh; and

(b) if so, the time by which it will be set up ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) : (a) and (b). Yes, Sir. Establishment of a low power (100W) TV transmitter with programme generation facilities at Chandigarh is an approved scheme under the VII Plan of Doordarshan. Its implementation would, however, depend on actual yearwise allocation of resources.

Telecast of Festivals

8848. SARI N. TOMBI SINGH : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether it is a fact that Doordarshan telecasts important festivals of different States;

(b) whether the Holi which is one of the most important festivals of Manipur was telecast; if, so, the date and the duration of telecast and the regions where they were shown;

(c) if not, the reasons for the apathy; and

(d) whether his Ministry will ensure, in consultation with the State Government that Holi and other important festivals are covered by Doordarshan ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) : (a) Yes, Sir. All Doordarshan Kendras endeavour to cover the important festivals of their respective States depending on the availability of technical and other facilities.

(b) and (c). Manipur does not have a programme production centre at present. Calcutta and Guwahati Kendras, which are the only two programme production centres in the region, could not provide coverage to Holi in Manipur due to their pre-occupations. However, all the relay transmitters relayed programme on Holi telecast from Doordarshan Kendra, Delhi.

(d) It has been the constant endeavour of Doordarshan to cover important festivals

of various States, if necessary in consultation with the concerned State Governments.

Rural Insurance Corporation for crop insurance scheme

8850. SHRI SHANTARAM NAIK : Will the Minister of AGRICULTURE be pleased to state whether Government of India propose to establish a Rural Insurance Corporation for implementing schemes of crop insurance ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : There is no proposal with the Government of India for establishing a Rural Insurance Corporation for implementing the scheme of Crop Insurance.

Guidelines for selection of newsreaders

8851. SHRI SHANTARAM NAIK : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether the Doordarshan has prepared any rules or guidelines for selection of newsreaders; and

(b) if so, the salient features of those rules or guidelines ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) : (a) and (b). The recruitment of Newsreaders and Announcers on regular basis have been stopped by Doordarshan since 11th December, 1980. Persons required to perform these jobs are now being engaged for specific assignment on a fee basis.

The salient features of rules for the category of Newsreaders are, however, as under :-

- i) Degree from a recognised University.
- ii) Should have passed Matriculation or equivalent examination with language relevant to the post.

iii) Personality and voice suited to the medium with correct pronunciation, accent and modulation.

iv) Acquaintance with current Indian and International Affairs.

v) Age between 21-30 years on the date of first engagement.

Central Assistance for Development of Bombay City

8852. PROF. MADHU DANDAVATE : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether it is a fact that on the occasion of the Congress Centenary Celebrations in Bombay the Prime Minister had announced that Central assistance of Rs. 100 crores will be made available for the urban development of Bombay city;

(b) if so, whether now the Central assistance is sought to be converted into a loan; and

(c) if so, whether Government will adhere to the original assurance of the Prime Minister to give Central assistance of Rs. 100 crores for the urban development of Bombay ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) Yes, Sir.

(b) and (c). The assistance will be in the form of grants and not a loan.

Documentary films on life of Dr. B.R. Ambedkar

8853. SHRI ANADI CHARAN DAS : Will the Minister of INFORMATION AND BROADCASTING be pleased to refer to the reply given to Unstarred Question No. 4749 on 29 April, 1985 regarding documentary films on the life of Dr. B.R. Ambedkar and state :

(a) the progress made so far in the making of two television programmes and a

documentary film on the life and contributions of Dr. B.R. Ambedkar;

(b) whether in pursuance of the Government policy for encouraging films on eminent personalities the National Films Development Corporation has been asked to find the right collaborators for the proposed film on Dr. Ambedkar; and

(c) if not, who have been assigned the job?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) One TV documentary on the life and contributions of Dr. B.R. Ambedkar was completed by Doordarshan in its national telecast recently. Another TV documentary under production in Doordarshan Kendra Delhi is in the final stages of completion. As regards the films Division documentary on Dr. B.R. Ambedkar, this film is being assigned to an outside producer.

(b) and (c). No, Sir. The National Film Development Corporation has not been asked by the Govt. to find a collaborator for having a film on Dr. Ambedkar. However, the Films Division has been asked to produce a documentary film on Dr. Ambedkar and they are already working on this project.

Capital needs of NAFED

8854. SHRI DHARAM PAL SINGH MALIK : Will the Minister of AGRICULTURE be pleased to state :

(a) the agencies which meet the need of working capital and block capital of NAFED;

(b) whether the Cooperative Institutions are not borrowing funds from Cooperative Credit Institutions to meet their credit needs; and

(c) if so, the reasons thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA

MAKWANA) : (a) The total loan funds of NAFED as on 30.6.1985 were Rs. 35.7 crores; of this, loans from nationalised banks were Rs. 31.13 crores, term loans from NCDC and Government of India Rs. 4.54 crores and from the cooperative bank Rs. 3.50 lakhs.

(b) and (c). Cooperative Institutions are borrowing from Cooperative Credit Institutions.

Production, availability and price of pulses

**8855. SHRI MOOL CHAND DAGA :
SHRI CHINTAMANI JENA :**

Will the Minister of AGRICULTURE be pleased to state :

(a) whether production of pulses has stagnated between 11 and 13 million tonnes for over decades;

(b) whether the availability of pulses has dropped from 74 grams per head per day in 1959 to mere 40 grams at present;

(c) whether the prices of pulses has been sharply rising;

(d) whether pulses are being imported and only selected pulses are available in world markets;

(e) the reasons for neglecting the production and research in the field of pulses;

(f) the steps being taken so far in this direction; and

(g) the steps Government contemplate to increase the production of pulses?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) During the years 1959-60 and 1984-85, the production of pulses ranged between 8.35 and 13.04 million tonnes.

(b) The per capita net availability of pulses was 74.9 grams per day in 1959 and 38.9 grams per day (provisional) in 1985.

(c) The All India Index Numbers of Wholesale Prices of pulses (group) recorded a rise of 2 per cent from 427.0 as on 6.4.1985, to 435.7 as on 5.4.1986.

(d) The import of pulses is allowed under Open General Licence. The green *moong* and *urad* are mainly imported from Thailand, Burma, China and Vietnam whereas peas and beans are being imported from USA, Australia, Newzealand and Canada. Lentils and chick peas from Turkey and Syria and Tur (*arhar*) from Burma, Nepal and Australia.

(e) to (g) The Indian Council of Agricultural Research is intensifying its research efforts on various pulses crops to develop high yielding, short-duration, pest-resistant varieties suitable for pure as well as mixed cropping in various farming systems.

The following strategy has been evolved for increasing pulses production :

- (i) Introduction of pulses crops in irrigated farming system such as double and multiple cropping.
- (ii) Bringing additional area under :
 - (a) short duration varieties of urad, moong, etc. in rice follows by utilising the residual moisture in rabi season;
 - (b) in summer season with irrigation after oilseeds, sugarcane, potato and wheat; and
 - (c) in rabi under lentil.
- (iii) Inter-cropping of arhar in soyabean, bajra, cotton, sugarcane and groundnut both under irrigated and unirrigated conditions;
- (iv) Multiplication and use of improved pulses seeds; adoption of plant protection measures; use of phosphatic fertilizers and rhizobium culture; and

(v) Improved post-harvest technology public policies including pricing and marketing of pulses.

Enhancement in price of MIG flats

8856. SHRI MOOL CHAND DAGA
Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) the price charged for a MIG flat in Trilokpuri, Dilshad Garden, Vikaspuri and Shalimar Bagh from the allottees given possession in 1981-82, 1982-1983, 1983-84 and 1984-85, separately in each case;

(b) the reasons for enhancement in price;

(c) the average yearly increase in the price of cost of construction and sale of DDA flats during the last five years; and

(d) when did DDA transfer these colonies to Delhi Municipal Corporation ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALAIR SINGH) : (a) to (d). Information is being collected and will be laid on the Table of the Sabha.

Insurance cover for orchards

8857. SHRIMATI USHA CHOUDHARI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government propose to extend crop insurance to orchards in Maharashtra; and

(b) if so, the steps proposed to be taken in this direction ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). The inclusion of fruit crops in the Comprehensive Crop Insurance Scheme has already been announced by Finance Minister while presenting the Budget for the year 1986-87. A High Level Committee of officers has been entrusted with

task of working out the modalities in this regard.

Closures and lockouts in factories

8858. SHRI ANANTA PRASAD SETHI : Will the Minister of LABOUR be pleased to state :

(a) the number of factory closures and lockouts from January 1983 to December, 1985, State-wise and year-wise;

(b) whether there have been some cases of illegal closures and lockouts or factories by the employees during the period; and

(c) the total number of workers affected

due to closure and lockouts during the period, State-wise; and year-wise ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Information on lockouts and closures is given in Statement I given below.

(b) Under the Industrial Disputes Act, 1947, the illegality or otherwise of a lock-out or a closures is to be decided by the Labour Courts/Industrial Tribunals. Information on lockouts/closures declared illegal is not maintained.

(c) Information on the number of workers affected due to lockouts and closures is given in Statement II below.

Statement-I

No. of Lockouts and Closures during 1983-85.

Name of the States/Union Territories.	No. of Lockouts during 1983	No. of Lockouts during 1984(P)	No. of Lockouts during 1985(P)	No. of Closures* during 1983(P)	No. of Closures* during 1984(P)	No. of Closures* during 1985(P)
1	2	3	4	5	6	7
Andhra Pradesh	163	58	41	3	3	1
Assam	1	1	...	...	...	...
Bihar	16	16	15	6	8	3
Gujarat	19	22	20	41	35	17
Haryana	14	10	1	12	9	5
Himachal Pradesh	...	...	...	2	1	...
Jammu & Kashmir	...	2	1	...	...	...
Karnataka	7	7	7	...	1	1
Kerala	13	12	20	2	18	29
Madhya Pradesh	4	2	2	12	2	5
Maharashtra	35	54	44	38	37	29
Manipur	...	...	...	...	...	...
Meghalaya	...	...	...	...	...	...
Nagaland	...	...	...	...	...	...
Orissa	9	10	6	8	11	3

1	2	3	4	5	6	7
Punjab	6	1	3	6	4	1
Rajasthan	21	28	17	12	16	26
Sikkim	...	...	...	...	...	...
Tamil Nadu	30	23	36	25	24	16
Tripura	1	...	...	27	1	1
Uttar Pradesh	11	12	7	8	17	3
West Bengal	136	131	144	12	...	...
Andaman & Nicobar	1	...	...	...	...	...
Arunachal Pradesh	...	...	...	...	...	...
Chandigarh	...	...	...	...	...	...
Dadra & Nagar Haveli	...	...	...	...	...	...
Delhi	4	11	...	10	1	...
Goa, Daman & Diu	4	5	2	1	...	...
Lakshdweep	...	...	...	...	...	...
Mizoram	...	...	...	...	...	...
Pondicherry	...	...	...	1	...	...
Total	495	405	366	226	188	140

(P)=Provisional (—)=Nil (...) =Not Available.

(*)=Excluding off Season Closures.

Statement-II

Statement Showing Number of workers affected due to lockouts and closures during 1983-85.

States/Union Territories	No. of workers affected due to lockouts during			No. of workers affected due to closures during		
	1983	1984(P)	1985(P)	1983(P)	1984(P)	1985(P)
1	2	3	4	5	6	7
Andhra Pradesh	80,179	46,190	22,838	258	168	40
Assam	699	1,489	...	...	...	...
Bihar	18,610	12,938	4,159	951	11,525	103
Gujarat	9,955	6,889	5,188	9,942	31,230	2,007

1	2	3	4	6	7	8
Haryana	7,962	6,413	1,200	516	3,745	140
Himachal Pradesh	...	...	...	319	74	...
Jammu & Kashmir	...	230	85	...	...	...
Karnataka	1,930	5,760	6,624	...	52	71
Kerala	5,949	1,774	6,046	54	13,834	16,155
Madhya Pradesh	2,425	2,050	2,060	15,880	776	828
Maharashtra	24,469	21,113	18,753	994	1,344	1,983
Manipur	...	...	...	...	...	...
Meghalaya	...	...	...	...	...	...
Nagaland	...	...	...	...	...	...
Orissa	6,735	5,355	1,133	5,399	6,060	804
Punjab	1,033	380	868	321	145	33
Rajasthan	3,781	4,203	5,247	1,980	1,170	574
Sikkim	—	...	...	...	...	...
Tamil Nadu	9,901	11,848	10,495	1,662	1,258	956
Tripura	10	...	...	2,785	65	40
Uttar Pradesh	6,643	1,162	2,186	377	482	311
West Bengal	108,144	84,920	112,042	946	...	...
Andman & Nicobar	991	...	...	...	...	...
Arunachal Pradesh	...	...	...	...	...	...
Chandigarh	...	...	...	...	...	...
Dadra & Nagar Haveli	...	...	...	...	...	...
Delhi	4,292	9,407	...	718	9	...
Goa Daman & Diu	255	570	399	113	...	...
Lakshdweep	...	...	...	...	...	...
Mizoram	...	...	...	...	...	...
Pondicherry	...	...	...	28	...	...
Total	293,963	222,699	199,253	43,234	71,927	24,045

(P)=Provisional (—)—Nil (...)—Not Available.

Decentralisation in the management of agriculture, dairy and poultry farms

8859. DR. G. VIJAYA RAMA RAO : Will the Minister of AGRICULTURE be pleased to state :

(a) whether there is need for decentralisation in the management of agricultural farms and dairy farms and R & D units of Indian Council of Agricultural Research;

(b) if so, the details thereof; and

(c) whether a number of Central agricultural farms and dairy farms need toning up of management to cut short losses and if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (c). The information is being collected and will be placed on the Table of the Sabha.

Import of seeds of pulses

8860. DR. G. VIJAYA RAMA RAO : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have plans to import seeds of new varieties of pulses having better performance as in the case of wheat, rice and maize etc; and

(b) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) No, Sir.

(b) Does not arise.

AIR stations in Malabar area of Kerala

8861. SHRI MULLAPPALLY RAMACHANDRAN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) the number of All India Radio stations in the Malabar area of Kerala consisting of six districts Kasaragod, Cannanore, Wynad, Calicut, Malappuram and Palghat, where almost half the population of Kerala resides; and

(b) whether the existing station/stations are sufficient to cover the entire Malabar area; and

(c) if not, the steps Government have taken in this regard ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) :

(a) The AIR station at Calicut is in the Malabar area of Kerala. This Station has a 10 KW MW Transmitter.

(b) and (c). The All India Radio at Calicut provides coverage to the entire district of Calicut and major part of Malappuram and some parts of Cannanore and Wynad. Besides, the All India Radio Transmitters located at Trichur (20 KW MW) in Kerala also provide coverage to the Malabar area.

In order to provide coverage to the remaining uncovered parts of Malabar area, All India Radio in its 7th Plan has included a scheme to set up a new radio station with a 2 x 3 KW FM transmitter at Cannanore. The existing 20 KW MW transmitter at Trichur is being upgraded to 100 KW MW. A 50 kw sw transmitter is also being set up at Trivandrum which would provide support service to the entire State.

Major Mines under private ownership

8862. SHRI MULLAPPALLY RAMACHANDRAN : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether there are any major mines still under private ownership in India ;

(b) if so, the locations thereof and the names of the owners; and

(c) whether Government intend to nationalise any more mines, if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) to (c). Mining activity in respect of all minerals other than coal is open to both the private sector and the public sector. These mines are located all over the country and the mining lease are held by numerous persons.

At present Government has no proposal to nationalise any mines.

Financial Assistance to Central State farm, Aralam

8863. SHRI MULLAPPALLY RAMACHANDRAN : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Central Government have any plans for intensive cultivation of Central State Farm, Aralam in Cannanore district of Kerala;

(b) if so, the details thereof; and

(c) whether any financial assistance is sought from abroad for the development of the farm ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). Aralam being a Plantation Farm, there is no scope for intensive cultivation by annual crops in this Farm.

(c) No, Sir.

Educational TV Programmes

8864. PROF. NARAIN CHAND PARASHAR : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether two high-power S-Band transponder channels on board INSAT-IB are utilised by Doordarshan for national TV network for sustaining the operation of low power TV transmitters for transmitting U.G.C. sponsored higher education TV programmes for School Educational Television (ETV) programme-feed selected States, and

for area-specific direct T.V. broadcast to augment community TV receivers in selected rural areas;

(b) if so, the names of the rural areas State-wise which are covered by Educational Television Programme, and whether it is also proposed to involve additional Low Power Television Transmitters for transmitting these programmes in the Seventh Five Year Plan;

(c) whether it would be ensured that all Hill States/regions recognised by the Planning Commission would be covered by the Educational Television in this period; and

(d) if not, the reasons therefor ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL):

(a) Yes, Sir.

(b) Under the scheme of TV utilisation of INSAT, Educational TV Programmes for Primary school children were to be telecast in selected three-district clusters of the six approved States, namely, Andhra Pradesh, Orissa, Maharashtra, Gujarat, Bihar and Uttar Pradesh. At present, Educational TV Programmes in Telugu, Oriya, Marathi, Gujarati and Hindi are put out via INSAT-IB in a time sharing mode, and the programmes in the respective languages are relayed by all transmitters in the aforesaid six INSAT States as well as four other States, namely, Madhya Pradesh, Rajasthan, Haryana and Himachal Pradesh. The Programmes are also received by 2000 Direct Reception TV sets installed in selected villages in the 6 INSAT States mentioned above. The transmitters as well as the direct reception sets cover large parts of rural areas in the aforesaid States. While it is not possible to exactly specify the names of the rural areas where Educational TV programmes are thus available, State-wise locations of transmitters relaying Educational TV programmes in the aforesaid States is given in the Statement below. As and when new transmitters are set up in these States during the VII Plan period, they will also relay Educational TV programmes.

(c) and (d). The responsibility for production of Educational TV programmes lies

with agencies under the Ministry of Human Resource Development. Under that Ministry's Educational Technology programme including INSAT-TV utilisation, State Institutes of Educational Technology are being set up, for production of Educational TV Programmes, in the six INSAT States of Andhra Pradesh, Orissa, Maharashtra, Gujarat, Bihar, and Uttar Pradesh. Pending commissioning of

these facilities, the responsibility for Educational TV Programmes is being shared equally by the Central Institute of Educational Technology and Doordarshan. While provision has been made in the VII Plan, the shape of the Educational Technology Programme for the VII Plan is yet to be finalised by that Ministry.

Statement

Name of State	10 KW	1 KW	Location of TV Transmitters 100 W
1	2	3	4
1. Andhra Pradesh	Hyderabad	Vijayawada	Visakhapatnam Tirupati Anantpur Nellore Cuddapah Nizamabad Karimnagar Warangal Rajahmundry Kurnool Kakinada Adoni Mehboobnagar
2. Orissa	Cuttack	Sambalpur	Behrampur Koraput Rourkela
3. Maharashtra	Bombay Nagpur	Pune (0.6 KW)	Aurangabad Latur Parbhani Akola Amravati Bhusawal

1	2	3	4
			Chandrapur
			Dhule
			Gondiya
			Jalna
			Jalgaon
			Kolhapur
			Malegaon
			Nasik
			Nanded
			Sholapur
			Sangli
			Ahmednagar
4. Gujarat	Ahmedabad		Vadodra
	Rajkot		Surat
	Dwarka		Bhavnagar
			Patan
			Bharuch
			Navasari
5. Bihar	Patna	Muzaffarpur	Purnea
	Ranchi		Dhanbad
			Jamshedpur
			Gaya
			Bhagalpur
			Munger
			Darbhanga
6. Uttar Pradesh	Agra		Sambhal
	Allahabad		Bareilly
	Kanpur		Moradabad
	Lucknow		Rampur
	Mussoorie		Etawah
	Varanasi		Faizabad

1	2	3	4
	Gorakhpur		Farukhabad Jhansi Bahraich Nainital Pithoragarh Pauri Raebareilly Deoria Aligarh Shahjahanpur Sultanpur
7. Haryana			Hissar Bhiwani
8. Himachal Pradesh	Kasauli		Silmla Kulu
9. Madhya Pradesh	Bhopal Indore	Raipur	Jabalpur Sagar Rewa Ratlam Murwara Burhanpur Korba Singrauli Bilaspur Gwalior Khandwa
10. Rajasthan	Jaipur		Kota Jaisalmer Barmer Bikaner Bhilwara Ajmer Alwar Khetri Jodhpur Ganganagar Udaipur Suratgarh

Implementation of Scheme by Development Authorities in Kerala

8865. PROF. K.V. THOMAS : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) the scheme implemented by the development authorities at Cochin, Trivandrum and Calicut in Kerala through Central assistance during the last three years; and

(b) the amount of financial assistance given to Greater Cochin Development Authority, Trivandrum Development Authority and Calicut Development Authority during the above period ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) and (b). No specific scheme is being implemented with Central assistance by the Development Authorities of Cochin, Trivandrum and Calicut in Kerala.

Amendment to Contract Labour (Regulation and Abolition) Act

8866. SHRI BASUDEB ACHARIA : Will the Minister of LABOUR be pleased to state :

(a) whether it is a fact that the Government has set up a sub-committee to draft amendments to the present Contract Labour (Regulation and Abolition) Act;

(b) if so, how far the work has progressed; and

(c) the time by which the report of the Committee is likely to be submitted to Government ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) (a) to (c). The Ministry of Labour had formed a Working Group to look into various proposals for amendments to the Contract Labour (Regulation and Abolition) Act, 1970. The Group submitted its report in July, 1982 suggesting certain

amendments to the Act. These recommendations were placed before the Labour Minister's Conference held in September, 1982. The batch of amendments is still to be finalised.

Imported Coking Coal lying at Paradip Port

8867. SHRI MANIK REDDY : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether 30,000 MT imported coking coal is lying unclaimed at Paradip Port and is causing hold up at the Port;

(o) if so, how much demurrage is due and how much has been recovered so far on this import; and

(c) whether a high powered fact finding Committee would be set up to find out the causes, the losses incurred and the corrective measures to be taken ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) The Steel Authority of India Limited (SAIL) imports coking coal through ports including Paradip Port. It plans for an import of about 30,000 tonnes per month through this port and at any period of time, the normal stocks at the port vary between 20-30,000 tonnes. As on April 28, 1986, a relatively high stock of about 51,000 tonnes had accumulated due to inadequate availability of wagons at the port and dislocation of port equipment for some time.

(b) The imported coking coal is stored in SAIL's stockyard taken on lease from the Port, as such no demurrage has been paid to the Port authorities on account of this storage.

(c) No, Sir. Steps are being taken in coordination with Railways and the Port authorities to expedite movement of this coking coal to the steel plants.

New Technology for fodder production

8868. SHRI K. V. SHANKARA GOWDA : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have introduced a new technology for producing fodder for the country's needs;

(b) if so, whether country is facing acute shortage of fodder; and

(c) if so, to what extent the new technology will help in producing additional fodder to meet the country's needs ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) No, Sir.

(b) Latest statistics pertaining to the availability of green fodder in the country are not available as the production figures in respect of fodder crops are not reported by the States. However, according to the Committee on Live stock Feeds and Fodder (1974) of Ministry of Agriculture and Irrigation the availability of green fodder in 1973 was of the order of 214.5 million tonnes as against the requirement of 343.57 million tonnes.

(c) The technology developed in foreign countries is required to be evaluated for its economic viability and feasibility before importing for adoption.

Wage Boards for organised industry

8869. SHRI T. BALA GOUD : Will the Minister of LABOUR be pleased to state :

(a) whether a number of wage boards have been set up by Government to recommend new wage policy for organised industry;

(b) if so, the names of such wage boards presently functioning;

(c) whether these wage boards are not submitting their reports in time; and

(d) if so, whether Government propose to set up a permanent machinery for determining wage structure of public and private employees and Journalists ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b). On 17.7.85, Government have set up Wage Boards for fixing and revising rates of wages in respect of (i) Working Journalist (ii) Non-Journalist Newspaper Employees and (iii) Sugar Industry workers.

(c) Wage Boards are expected to submit their reports within a year of their Constitution.

(d) No, Sir.

Construction of school buildings under NREP

8870. SHRI SRIKANTA DATTA NARASIMHARAJA WADIYAR :

Will the Minister of AGRICULTURE be pleased to state :

(a) whether school buildings have been constructed in some State under the National Rural Employment Programme;

(b) if so, the number of school buildings constructed in Karnataka and other States in 1984-85 and 1985-86 under the National Rural Employment Programme; and

(c) the details thereof ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) Yes, Sir. Construction of school buildings is one of the items of works to be taken up under NREP.

(b) and (c). A statement indicating the school buildings constructed in Karnataka and other States/UTs during 1984-85 and 1985-86 is given below.

Statement

Statement showing School Buildings constructed/repaired under
NREP during the years 1984-85 and 1985-86

Sl. No.	States/UTs.	1984-85	1985-86	Period to which information in Col. 4 relates to
1.	Andhra Pradesh	2862	727	Sept. 85
2.	Assam	494	131	Sept. 85
3.	Bihar	3981	1688	Dec. 85
4.	Gujarat	373*	12	Dec. 85
5.	Haryana	732	378	Dec. 85
6.	Himachal Pradesh	278	154	Dec. 85
7.	Jammu & Kashmir	NR	1476	Sept. 85
8.	Karnataka	1717	15607@	Sept. 85
9.	Kerala	105	35	Sept. 85
10.	Madhya Pradesh	613	338	Dec. 85
11.	Maharashtra	877	888	Dec. 85
12.	Manipur	64	5	Sept. 85
13.	Meghalaya	19	9	Sept. 85
14.	Nagaland	11	7	Sept. 85
15.	Orissa	8258	1648	Dec. 85
16.	Punjab	...	NR	Dec. 85
17.	Rajasthan	1659	1000	Dec. 85
18.	Sikkim	13	15	Dec. 85
19.	Tamil Nadu	288	47	Dec. 85
20.	Tripura	910	75	Dec. 85
21.	Uttar Pradesh	109	42	Dec. 85
22.	West Bengal	4104	916	Sept. 85
23.	A & N Islands	2*	NR	Dec. 85
24.	Arunachal Pradesh	...	NR	Dec. 85
25.	Chandigarh	...	Nil	Dec. 85
26.	D&N Haveli	6	Nil	Dec. 85
27.	Delhi	...	Nil	Dec. 85
28.	G. D. & Diu	4	2	Dec. 85
29.	Lakshadweep	20	NR	Dec. 85
30.	Mizoram	28	NR	Dec. 85
31.	Pondicherry	...	7	Dec. 85
ALL INDIA :		27527	25207	

@ Includes School, Balwadi, Panchayat Ghars, Community Centres etc.

* Class room.

Minimum wages of workers in Rock Mining

8871. SHRI SRIKANTA DATTA
NARASIMHARAJA WADIYAR :

Will the Minister of LABOUR be pleased to state :

(a) the approximate number of workers engaged in rock mining in the country;

(b) whether there is discrimination in payment of wages to these workers;

(c) whether there is a need to fix minimum wages for these workers; and

(d) if so, the steps proposed to be taken in this regard ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) According to available information average daily employment in the Rock Phosphate Mines during 1984 was 2850 persons.

(b) to (d). The employment in Rock Phosphate Mines is one of the scheduled employments under the Minimum wages Act, 1948. The Central Government has on 6.3.86 fixed the minimum wages in respect of various categories of workers in this employment. There is no discrimination in payment of wages to these workers vis-a-vis the workers engaged in other scheduled mining employments.

Production of crops

8872. KUMARI PUSHPA DEVI : Will the Minister of AGRICULTURE be pleased to state :

(a) the crop-wise target of production set in different States during the year 1985-86:

(b) the crop-wise achievement made in the production during the above year in Madhya Pradesh and other States;

(c) whether Government propose to bring larger areas under high yielding

varieties of rice, wheat, jowar, bajra and maize in the Seventh Plan; and

(d) if so, the details of the production targets these crops set for 1986-87 in Madhya Pradesh ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The crop-wise targets of production set for different States during 1985-86 are only operational in nature. They do not add up to the national targets fixed by the Planning Commission.

(b) The Agricultural Year 1985-86 comes to a close in June, 1986. As such, complete details of production of all crops, particularly rabi crops, have not yet become available from the States. In fact, final estimates of rabi crops have not even fallen due.

(c) Yes, Sir.

(d) The operational targets for 1986-87 recommended by the Working Group on Agriculture and Cooperation in respect of Madhya Pradesh are as follows :

<i>Crop</i>	<i>Target 1986-87 (Lakh Tonnes)</i>
Rice	51.0
Wheat	50.0
Coarse grains*	36.9

*Separate targets for Jowar, Bajra and Maize not indicated by the Working Group.

Expansion programme for supply of improved seeds

8873. KUMARI PUSHPA DEVI : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government have expanded the programme for supply of improved seeds to cultivators during the Seventh Plan;

(b) if so, whether this programme has been expanded in Madhya Pradesh also, during the first year of the Seventh Plan; and

(c) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA): (a) and (b). Yes, Sir.

(c) The details are as under :

Year	Seed Distribution in lakh qtls.
1984-85 (end of 6th Plan)	1 83
1985-86 (1st year of 7th Plan)	2.25

Introduction of Janavani Programme an State TV centres

8874. SHRI AMAR ROYPRADHAN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Union Government are considering to introduce TV programme "Janvani" on State TV centres so that Government functionaries in the States also get the benefit of direct participation with the audience on vital issues concerning the affairs of their States; and

(b) if so, the details thereof and if not, the reasons therefor ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL):

(a) and (b). The present plan is to interview the Central Ministers in the Janavani programme which is being telecast over the national network of Doordarshan. This programme will culminate in the programme featuring the Prime Minister of India.

After the present scheme is implemented the reactions/responses of the viewers will be studied and assessment made about the need for introducing this programme on Doordarshan Kendras in various States.

Interim relief to Working Journalists

8875. SHRI CHITTA MAHATA : Will the Minister of LABOUR be pleased to state :

(a) whether the Indian Federation of Working Journalists has rejected the 7.5 per cent interim relief recommended by the Bachawat Wage Board; and

(b) if so, the reaction of Government in the matter ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) and (b). The Wage Boards for Working Journalists and Non-Journalist Newspaper Employees have submitted their recommendations to the Government on 30th April, 1986. The representative of Indian Federation of Working Journalists has disagreed with the majority recommendation of the Wage Board for grant of interim relief at the rate of 7.5 per cent of basic wages subject to a minimum of Rs. 45/- per month. Government is considering the recommendations under Section 13A of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. A decision in this regard will be taken soon.

Winding up of DAVP

8876. DR. PHULRENU GUHA : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether there is a proposal to wind up the Directorate of Advertising and Visual Publicity;

(b) if so, the Department which will function for the said Directorate; and

(c) the plan for absorption of worker of this Directorate ?

**THE MINISTER OF STATE OF THE
MINISTRY OF INFORMATION AND
BROADCASTING (SHRI V. N. GADGIL):**

(a) No, Sir.

(b) and (c). Does not arise.

**Persons invited to participate in
discussions by A. I. R. and
Doordarshan**

8877. SYED SHAHABUDDIN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) the names of persons with their professions who were invited to give talks or participate in discussions held by the AIR and the Doordarshan, separately, during 1985-86;

(b) whether the AIR and Doordarshan maintain an approved list for the purpose;

(c) whether the list is reviewed and revised from time to time; and

(d) if so, the date on which it was last reviewed and the level at which it was done?

**THE MINISTER OF STATE OF THE
MINISTRY OF INFORMATION AND
BROADCASTING (SHRI V. N. GADGIL) :**

(a) The number of persons who participated in talks/discussions in 1985-86 from different Stations/Kendres of AIR/Doordarshan runs into thousands, and the relevant details viz. names, their expertise etc are not kept in a compiled form in a central place.

(b) to (d). AIR/Doordarshan do not maintain any approved list of talkers. The talkers are booked according to their expertise and the programme requirements. The Stations and Kendras constantly endeavour to associate more and new experts with their programmes in a continuous process.

**Books published by the Publications
Division**

8878. SYED SHAHABUDDIN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) the titles of books published by the Publications Division during 1985-86 with the names of authors, the languages in which these were published and the size of each edition;

(b) the number of paid annual subscriptions for each periodical published by the Publications Division as on 1 January 1986;

(c) the print order in each case; and

(d) the steps taken to popularise these periodicals among the people ?

**THE MINISTER OF STATE OF THE
MINISTRY OF INFORMATION AND
BROADCASTING (SHRI V. N. GADGIL) :**

(a) A statement is given below.

(b) and (c). The requisite information is being collected and will be placed on the Table of the House in due course.

(d) Steps taken to promote sale of journals include :

(i) Insertion of advertisements in national and regional newspapers as well as through Radio and Doordarshan;

(ii) contacting potential buyers by the staff of the Publications Division;

(iii) organising exhibitions of books and journals on important occasions; and

(iv) sending trade circulars to agents, educational institutions, libraries, State Governments agencies etc.

Statement

List of Publications Produced by the Publications Division during the Year 1985-86

Sl. No.	Name of the Title	Name of the Author	Print Order	Size of the publication
1	2	3	4	5
<i>English</i>				
1.	Folk Tales of Rajasthan	Dina Nath Dube	3000	B-5
2.	India—A Reference Annual 1984	R & R Division	14000	Royal 8vo
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91.	Jallian Wala Bagh	Publications Division	2000	B-5
92.	Subramaniam Bharati (BMI)	Dr. Ravind Kumar Seth	2000	A-5
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96.	Vishwa Ki Shreshtha Lof Kathain	Sh. Himanshu Joshi	2000	B-5
97.	Jatak Kathain Pt. I	Collection	2000	B-5
98.	Sandhbavana	Collection	2000	A-5
99.	Sari Sarip Ki Kahani	Dr. Dhivatosh Dass	2000	B-5
100.	Fair and Festival of Punjabi	Sh. Gurdial Singh	2000	B-5
<i>Tamil</i>				
101.	Jatak Kathain	Collection	2000	B-5
102.	Life & Works of Prem Chand	Sh. Manohar Bandopadhyay	2000	A-5

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Preparation of Daily Digest by PIB

8879. SYED SHAHABUDDIN : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) the names of newspapers with particulars of the editions which are taken into consideration by the Press Information Bureau in preparing the daily Digest for the Government;

(b) whether the list is reviewed from time to time and if so, at what level; and

(c) the date of its last revision ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V.N. GADGIL) :

(a) A statement giving names of newspapers and periodicals being scanned at P. I. B. headquarters New Delhi for preparing a Daily Digest is given below. Apart from this, the regional and branch offices of the Bureau also send extracts of significant reports appearing in the regional Press from time to time.

(b) and (c). No general review is undertaken. However, when new newspapers of standing start appearing they are added to the list of newspapers scanned from time to time.

Statement

Sl. No.	Name and Place of Publication	Periodicity	Language
(1)	(2)	(3)	(4)
1.	Hindustan Times, New Delhi	Daily	English
2.	Indian Express, New Delhi	Daily	English
3.	Times of India, New Delhi	Daily	English
4.	Statesman, New Delhi	Daily	English
5.	National Herald, New Delhi	Daily	English
6.	Economic Times, New Delhi	Daily	English
7.	Financial Express, New Delhi	Daily	English
8.	Patriot, New Delhi	Daily	English
9.	The Tribune, Chandigarh	Daily	English
10.	Assam Tribune, Gauhati	Daily	English
11.	Amrita Bazar Patrika, Calcutta	Daily	English
12.	Deccan Herald, Bangalore	Daily	English
13.	Deccan Chronicle, Hyderabad	Daily	English
14.	Daily, Bombay	Daily	English
15.	Free Press Journal, Bombay	Daily	English
16.	The Hindu, Madras	Daily	English
17.	Indian Nation, Patna	Daily	English
18.	Nagpur Times, Nagpur	Daily	English
19.	Pioneer, Lucknow	Daily	English

1	2	3	4
20.	Searchlight, Patna	Daily	English
21.	The Telegraph, Calcutta	Daily	English
22.	Newstime, Hyderabad	Daily	English
23.	Times, London	Daily	English
24.	Mainstream, New Delhi	Weekly	English
25.	Organiser, New Delhi	Weekly	English
26.	Radiance, New Delhi	Weekly	English
27.	Sunday, Calcutta	Weekly	English
28.	Sunday Observer, Bombay	Weekly	English
29.	Commerce, Bombay	Weekly	English
30.	The Week, Cochin	Weekly	English
31.	Illustrated Weekly of India, Bombay	Weekly	English
32.	Far Eastern Economic Review, Hong Kong	Weekly	English
33.	New Statesman, London	Weekly	English
34.	Guardian, London	Weekly	English
35.	Newsweek, New York	Weekly	English
36.	The Time, New York	Weekly	English
37.	The Economist, London	Weekly	English
38.	India Today, New Delhi	Fortnightly	English
39.	Onlooker, Bombay	Fortnightly	English
40.	Probe, Allahabad	Monthly	English
41.	Surya India, New Delhi	Monthly	English
42.	South, Hong Kong,	Monthly	English
43.	Hindusthan, New Delhi	Daily	Hindi
44.	Nav Bharat, Times, New Delhi	Daily	Hindi
45.	Dainik Tribune, Chandigarh.	Daily	Hindi
46.	Punjab Kesri, Delhi	Daily	Hindi
47.	Jan Satta, New Delhi	Daily	Hindi
48.	Sandhya Times, New Delhi	Daily	Hindi
49.	Punjab Kesri, Jalandhar	Daily	Hindi
50.	Swatantra Bharat, Lucknow	Daily	Hindi
51.	Sanmarg, Calcutta	Daily	Hindi
52.	Aaz, Varanasi	Daily	Hindi

(1)	(2)	(3)	(4)
53.	Sainik, Agra.	Daily	Hindi
54.	Amar Ujala, Agra	Daily	Hindi
55.	Yug Dharm, Nagpur	Daily	Hindi
56.	Des Bandhu, Raipur	Daily	Hindi
57.	Pradeep, Patna	Daily	Hindi
58.	Rajasthan Patrika, Jaipur	Daily	Hindi
59.	Jagran, Kanpur	Daily	Hindi
60.	Nai Dunia, Indore	Daily	Hindi
61.	Hindi Milap, Jallundur	Daily	Hindi
62.	Aryavarta, Patna	Daily	Hindi
63.	Vishwamitra, Calcutta	Daily	Hindi
64.	Rashtradut, Jaipur	Daily	Hindi
65.	Navjyoti, Ajmer	Daily	Hindi
66.	Navbharat Times, Bombay	Daily	Hindi
67.	Navbharat, Jabalpur	Daily	Hindi
68.	Navprabhat, Gwalior.	Daily	Hindi
69.	Hindi Milap, Hyderabad.	Daily	Hindi
70.	Jagran, Bhopal	Daily	Hindi
71.	Dinmaan, New Delhi	Weekly	Hindi
72.	Blitz, Bombay	Weekly	Hindi
73.	Dharamyug, Bombay	Weekly	Hindi
74.	Saptahik Hindustan, New Delhi	Weekly	Hindi
75.	Panchjanya, New Delhi	Weekly	Hindi
76.	Ravivar, Calcutta.	Weekly	Hindi
77.	Bhoo Bharti, New Delhi	Fortnightly	Hindi
78.	Avkash, Varanasi	Fortnightly	Hindi
79.	Maya, Allahabad	Monthly	Hindi
80.	Vama, New Delhi	Monthly	Hindi
81.	Qaumi Awaz, New Delhi	Daily	Urdu
82.	Pratap, New Delhi	Daily	Urdu
83.	Milap, New Delhi	Daily	Urdu
84.	Tej, New Delhi.	Daily	Urdu
85.	Dawat, Delhi.	Biweekly'	Urdu

Allotment of plots for places of worship

8880. SYED SHAHABUDDIN : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) particulars of applications pending with the Delhi Development Authority as on 31st March, 1986 regarding allotment of plots for construction of places of worship;

(b) the number of such applications granted during 1985-86; and

(c) the number of applications refused during 1985-86 ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) The particulars of applications pending with DDA as on 31.3.86 regarding allotment of plots for construction of places of worships are as follows :-

No. of applications relating to Temples-12

No. of applications relating to Gurudwaras-5

No. of applications relating to Churches-3

No. of applications relating to Mosques-7

(b) The number of such applications granted during 1985-86 are as follows :-

No. of applications relating to temples-12

No. of applications relating to Gurudwara-Nil

No. of applications relating to Church-Nil

No. of applications relating to Mosque-Nil

(c) Nil.

Coconut production in India and other countries

8881. SHRI V.S. VIJAYARAGHAVAN : Will the Minister of AGRICULTURE be pleased to state :

(a) the productivity of coconut in India;

(b) how does it compare with the productivity in other coconut producing countries; and

(c) the measures being taken to increase productivity ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The productivity of coconut in India is estimated at 5774 nuts per hectare during 1984-85.

(b) The F.A.O. Production Year Book does not give productivity for coconut producing countries in the world, presumably due to varying practices followed in different countries for assessment of area under the crop.

(c) The Government of India have approved several projects for implementation by the Coconut Development Board for increasing production and productivity of coconuts in the country. These inter-alia, include provision of financial assistance to coconut growers for the removal of rootwilt affected palms, establishment of hybrid seed farms, production of quality coconut seedlings, establishment of Coconut Technology Development Centre etc.

Rehabilitation of agricultural labourers in Andhra Pradesh

8882. SHRI MANIK REDDY : Will the Minister of AGRICULTURE be pleased to state :

(a) the details of the State Revenue Ministers Conference held on 16 January, 1986 at New Delhi;

(b) whether the conference suggested and decided that drinking water problems in drought prone areas; financial assistance to people below poverty line; primary health; and schemes for small and medium farmers and agriculture labour be looked after by Union Government;

(c) whether Government received a memorandum submitted by the State Government of Andhra Pradesh for a special

assistance of Rs. 721 crores towards the schemes to be implemented to rehabilitate agricultural labour in Andhra Pradesh; and

(d) if so, the amount sanctioned ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) to (b). In the Conference of the State Revenue Ministers held in New Delhi on the 16th January, 1986, different facets of disaster management were discussed. Some of the important conclusions of the Conference are indicated below :

- (ii) Foodgrains would be distributed amongst the workers of the relief works at subsidised rates.
- (ii) The States will be intimated the norms of various items of Central Assistance for different disasters so that their Memoranda could be more realistic.
- (iii) Two working groups—one for preparing a model Memorandum for drought/flood and another for communication system during disaster would be set up.
- (iv) The States would strengthen their setup for disaster management.
- (v) States would make adequate provision in their budget for the schemes meant for drought and flood proofing.
- (vi) Close coordination between Centre and the States would be maintained.
- (vii) Close monitoring for proper and timely utilisation of Central Assistance would be done by both the State Governments and the Central Government.

(c) No, Sir.

(d) Does not arise.

Drought assistance to Andhra Pradesh

8883. SHRI C. SAMBU : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Union Government have received a memorandum from Andhra Pradesh Government seeking Rs. 326 crores for undertaking drought relief works from April to June, 1986;

(b) if so, the action taken by Government and the reasons for delay in giving drought assistance to Andhra Pradesh;

(c) whether there is any proposal to include Andhra Pradesh under "Special Drought Assistance Programme"; and

(d) if so, the details of the proposal ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) A Central Team is visiting the drought affected areas of Andhra Pradesh from 3rd May to 7th May, 1986. The quantum of central assistance to be provided to the State will be decided on the basis of the report of Central Team and recommendations of High Level Committee on Relief thereon.

(c) No, Sir.

(d) Does not arise.

Steel stockyards

8884. SHRIMATI JAYATI PATNAIK : Will the Minister of STEEL AND MINES be pleased to state :

(a) the number of steel stockyards set up by Steel Authority of India Limited;

(b) the locations thereof;

(c) whether there is any proposal to increase the number of steel stockyards;

(d) if so, the places identified therefor; and

(e) the time by which these are going to be opened ?

THE MINISTER OF STEEL AND MINES (SHRI K. C. PANT) : (a) and (b).

A statement indicating the number and locations of homesale steel stockyards/consignment agencies of the Central Marketing Organisation of Steel Authority of India Limited is given below.

(c) and (d). SAIL have decided, in principle, to open additional/new stockyards or consignment agencies at Lucknow, Kolhapur and Bharatpur.

(e) No exact time or date about the commissioning of these stockyards/consignment agencies can, however, be given as this involves a number of factors like availability of suitable land, creation of infrastructural facilities and availability of funds.

SAIL are at present mainly concentrating on development, improvement/modernisation of their existing stockyard facilities to take care of the need for provision of adequate handling facilities, Railway sidings amenities to workers and storage capacities in view of future growth in demand.

Statement

Number and locations of homesales steel stockyards/consignment agencies of Central Marketing Organisation of Steel Authority of India Limited

Location	No. of		Total
	Departmental stock-yards	Consignment Agents	
1	2	3	4
Calcutta	2	1	3
Howrah	1	...	1
Durgapur	1	...	1
Bhubneshwar	1	...	1
Rourkela	1	...	1
Patna	1	...	1
Bokaro	1	...	1
Kanpur	2	...	2
Allahabad	1	...	1

1	2	3	4
Gauhati	1	...	1
N. Bongaigaon	1	...	1
Dimapur	1	...	1
Dharamnagar	1	...	1
Delhi	1	...	1
Ghaziabad	1	...	1
Faridabad	1	...	1
Agra	...	1	1
Gwalior	1	...	1
Jalandhar	1	...	1
Ludhiana	...	1	1
M. Gobindgarh	..	1	1
Chandigarh	1	...	1
Parwanoo	1	...	1
Jammu	1	...	1
Srinagar	1	...	1
Bombay	2	...	2
Thape	1	...	1
Pune	1	...	1
Nagpur	1	...	1
Bhilai	1	...	1
Indore	1	...	1
Jabalpur	...	1	1
Ahmedabad	1	...	1
Baroda	1	...	1
Jaipur	1	...	1
Kota	1	...	1
Madras	1	...	1
Coimbatore	1	...	1
Trichy	1	...	1
Cochin	1	...	1
Secundrabad	1	...	1
Vizag	1	...	1
Vijayawada	1	...	1
Bangalore	1	...	1
Belgaum	...	1	1
Total	43	6	49

Expenditure on coconut development

8885. SHRI S. SINGARAVADIVEL : Will the Minister of AGRICULTURE be pleased to state the amount spent by Coconut Development Board for the coconut development in the states during the last three years, year-wise and State-wise ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : The amount spent by the Coconut Development Board during the last three years for the coconut development in the States/UTs. is given below :—

(Rs. in lakhs)

Name of State	1983-84	1984-85	1985-86
Kerala	51.083	83.438	55.390
Karnataka	5.636	21.655	17.199
Andhra Pradesh	1.134	5.242	2.414
Tamil Nadu	10.513	12.655	6.032
Orissa	21.172	13.718	20.975
Tripura	1.147	6.001	2.529
Bihar	0.250	1.400	0.0522
Gujarat	0.553	0.507	0.729
West Bengal	0.250	0.151	0.534
Maharashtra	...	1.000	3.463
Madhya Pradesh	...	1.603	0.657
Assam	...	...	0.165
Goa	0.648	5.154	2.834
Pondicherry	0.104	...	...
Andaman & Nicobar Islands.	...	1.420	1.448

Funds allotted by Coconut Development Board to Tamil Nadu

8886. SHRI S. SINGARAVADIVEL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the funds allotted to Tamil Nadu by the Coconut Development Board, Cochin are very low as compared to Kerala, if so, the percentage details thereof and reasons therefor; and

(b) the steps Government propose to take for equitable distribution of funds among the coconut growing States ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The funds allotted upto 1985-86 to Tamil Nadu (Rs. 75.197 lakh) by the Coconut Development Board constitute 43.59 per cent of the funds allotted (Rs. 172.515 lakhs) to Kerala during the same period. This is on the higher side in relation to the area under coconut in Tamil Nadu and Kerala which is about 1.53 lakh hectares and 6.89 lakh hectares respectively.

(b) The funds are allotted to different States taking into account the area under

coconut as well as potentialities for development which vary from one State to another. All care is taken to meet the needs of the States on the basis of these consideration within the available funds.

**Proposal to set up Central Brackish
Water Fish Culture Research
Institute in Tamil Nadu**

8887. SHRI S. SINGARAVADIVEL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether there is a proposal to establish a Central Brackish Water Fish Culture Research Institute in the country;

(b) whether in view of the fact that Tamil Nadu is having low-lying coastal and estuarine brackish water areas suitable for brackish water fish and prawns culture, Government propose to establish the said institute in the State; and

(c) if not, the reasons thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) A Committee of Experts has been constituted by Indian Council of Agricultural Research to survey areas in several maritime States and suggest location for the Establishment of the Institute. On receipt of the Report of the Committee, the Council will finally decide about the location of the Institute

(c) In view of (b) above, the question does not arise.

**Development of Coconut production in
Tamil Nadu**

8888. SHRI S. SINGARAVADIVEL : Will the Minister of AGRICULTURE be pleased to state :

(a) whether it is a fact that Tamil Nadu is the second largest coconut growing State in the country;

(b) whether various schemes and incentives offered by Union Government through the Coconut Development Board do not reach the coconut growers in Tamil Nadu;

(c) if so, whether there is a demand for a Regional Office of the Coconut Development Board for Tamil Nadu to carry the benefits effectively to the coconut growers; and

(d) the steps Government propose to take in the interest of the coconut growers ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir.

(b) No Sir. The schemes and incentive offered by the Union Government through the Coconut Development Board reach the coconut growers in Tamil Nadu.

(c) Yes.

(d) The headquarters office of the Coconut Development Board at Cochin looks after the coconut development in Tamil Nadu also and every step is being taken by the Board to ensure that the benefits of various schemes are derived by the coconut growers in that State.

**Setting up of Corporation to
channelise advertisements**

8889. SHRI T. BALA GOUD : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether Government are spending about Rs. 450 crores annually for advertisements in newspapers in different languages about tender notices, other notices, family planning campaign, consumer goods, civil supplies etc.;

(b) whether Government propose to set up a corporation to channelise advertisements and to undertake business on the pattern of private advertising agencies;

(c) if so, the time by which a decision will be taken; and

(d) if not, the reasons therefor ?

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) As per the existing practice, the Directorate of Advertising and Visual Publicity release advertisements only on behalf of the various Ministries/Departments of the Central Government (except Railways). The expenditure incurred varies from year to year. During 1984-85, it was Rs. 4,35,42,976.

(b) to (d). The Second Press Commission has made certain recommendations in this regard. However, the Government is yet to take a final decision in the matter.

Allotment of land to Scheduled Castes in Karolbagh, New Delhi

8890. SHRI BASUDEB ACHARIA : Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether Government have received representations from eight Scheduled Caste families of Regharpura, Karolbagh, New Delhi and also from some Members of Parliament for correction in the order of allotment of land issued to them vide Ministry of Works and Housing Memo. No. J-13037/R/18/80-DD-1B dated 22 August, 1985; and

(b) if so, the steps taken to rectify the error in the allotment order so that these eight Scheduled Caste families could get 50 SQ Yds of land at 1979 rates which they were in occupation at the time of their eviction ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) Yes, Sir.

(b) It has been decided to accommodate these eight persons by allotting them plots of 25 per sq. yds per individual on payment of charges at the rate of 358/- per sq. metre as premium plus 2.5 per cent thereof as annual ground rent, since the extent of area they were occupying before eviction is not known.

New set up for capital

8891. SHRI BALWANT SINGH RAMOOWALIA SHRI TEJA SINGH DARDI :

Will the Minister of URBAN DEVELOPMENT be pleased to state :

(a) whether it is a fact that Delhi Administration has given some suggestions for a new set up for the capital;

(b) if so, the details thereof; and

(c) Government's reaction thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : (a) and (b). Yes, Sir. The following Resolution passed by the Metropolitan Council of Delhi on 18.5.84, was forwarded to the Central Government by the Delhi Administration on 14.9.84 :

"Owing to the existance of multiplicity of authorities the people of Delhi are facing lot of difficulties. This house, therefore, recommends to the Central Government that Delhi be given the Legislative Assembly in order to ensure quicker solution of their multifarious problems,"

(c) No change in the present set up of the Delhi Administration is contemplated for the present.

[English]

Provident fund of contract labour in Bokaro Steel Plant

8892. SHRI VIJOY KUMAR YADAV : Will the Minister of LABOUR be pleased to state :

(a) whether the Bokaro Steel Plant has its own Board of Trustees for provident fund;

(b) whether the provident fund of the contract labour working under the contrac-

tors, under the management is deposited with the miscellaneous account of the Bokaro Steel Plant and not with its trustees by the Bokaro Steel Plant;

(c) if so, the reasons therefor; and

(d) the action being taken by Government to ensure the security of the provident fund of contract labour and the timely payment thereof ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Yes, Sir.

(b) to (d). The information is being collected and will be laid on the Table of Lok Sabha in due course.

Foodgrain to Orissa for Rural Employment Programmes

8893. SHRI K. PRADHANI : Will the Minister of AGRICULTURE be pleased to state :

(a) the quantity of wheat to be allotted to support the rural employment programmes of the Government of Orissa during 1986-87 under the Central assistance plan;

(b) the number of mandays of additional employment such Central assistance will generate under the National Rural Employment Programme and the Rural Landless Employment Guarantee Programme;

(c) whether some special quota will be made available to the tribal areas if so, details thereof; and

(d) if not, the reasons therefor ?

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : (a) and (b). Allocation of foodgrains under National Rural Employment Programme and Rural Landless Employment Guarantee Programme for the present have been made to different States/UTs. for the 1st half year of the year 1986-87. The share of Orissa comes to 22020 MTs. of Wheat (11010 MTs. under NREP and 11010 MTs. under RLEGP). In

addition an equal quantity of rice i.e. 22020 MTs. has been allocated to Orissa under these Programmes. The additional employment likely to be generated against these foodgrain would be 44.88 lakhs mandays.

(c) and (d). No special quota of foodgrains is earmarked for tribal areas under NREP/RLEGP. While under NREP allocation of resources to the districts from the State is made on the basis of a fixed formula under which 50 per cent weightage is given to number of agricultural labourers, marginal workers and marginal farmers and 50 per cent weightage is given to the incidence of poverty. Under RLEGP projects are taken up in areas which are backward and have predominant population of unemployed labourers, areas which are identified as low wage pockets and the areas which have concealed bonded labours.

Closure of Hindi news agencies

8894. SHRI KRISHNA SINGH : Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether based on the report of the Committee headed by Mr. R. N. Goenka, Government have taken a final decision to wind up the two Hindi news agencies; and

(b) if so, the alternative arrangements made to feed the Hindi, Urdu and other language papers with news ?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL) : (a) and (b). The Government did not take any decision to wind up the two Hindi news agencies. In fact, it is in no position to do so as in pursuance of its deep commitment to the freedom of the press, it would not like to interfere with the internal functioning of the newspapers and news agencies. However, in view of the fact that these two agencies. However, in view of the fact that these two agencies had become almost defunct and had reached a point of no return, the Government sought the help and cooperation of the leading editors and owners of language newspapers for ensuring satisfactory service to the language news-

papers. As a result of these deliberations, a committee under the Chairmanship of Shri R. N. Goenka came to be appointed by them which after examining the matter in detail, came to the conclusion that it should be possible for the existing English news agencies, namely United News of India and Press Trust of India to provide requisite service in the Indian languages by strengthening their existing infrastructure suitably. The Government agrees with this view.

[Translation]

Registration of organisations under Trade Unions Act

8895. SHRI MOOL CHAND DAGA : Will the Minister of LABOUR be pleased to state :

(a) the existing number of organisations registered under the Trade Union Act and the number of organisations which came into being during the last three years and also those which have been disbanded under the law during the period together with reasons together;

(b) whether Government propose to amend the present Trade Union Act with a view to putting check on emergence of undesirable unions; and

(c) if so, by what time ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : (a) Information is being collected.

(b) and (c). Some Amendments to the Trade Unions Act, 1926, are under consideration.

[English]

FAO's help to India to promote exports of agricultural goods

8896. SHRIMATI KISHORI SINHA : Will the Minister of AGRICULTURE be pleased to state :

(a) whether the Food and Agriculture Organisation has agreed to help India to

improve exports of agricultural products; and

(b) if so, the details thereof ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) and (b). Currently, there are no such specific and district agricultural product export projects of Food and Agriculture Organization. However, there are projects like Mushroom cultivation, Training in Quality Control and Pre-shipment Inspection which may have indirect impact on expanding agricultural exports.

Contribution to National Cooperative Development Marketing Fund

8897. SHRI SUBHASH YADAV : Will the Minister of AGRICULTURE be pleased to state :

(a) whether Government propose to ask the Reserve Bank of India for contributing out of its annual profits for 1985-86 to National Cooperative Development and Marketing Fund to be maintained by National Cooperative Development Corporation (NCDC) on the lines of RBI's contribution to National Rural Credit (Long Term Operations Fund) and National Rural Credit (Stabilisation Fund) maintained by the National Bank for Agriculture and Rural Development and National Industrial Credit (Long Term Operation Fund) maintained by the Industries Development Bank of India with a view to give momentum to cooperative marketing sector through the agency of NCDC;

(b) if not, whether Government are considering any other measures to step up the operations of NCDC which are at a lower level as compared to NABARD and IDBI; and

(c) if so, the steps Government propose to take in regard thereto ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) The NCDC's resources

are derived from Government, its own corpus of funds and market borrowings. The concept of funding of NCDC does not envisage assistance from RBI's profits.

(b) and (c). There has been a substantial step up in the activities of NCDC in recent years. The total financial assistance disbursed by NCDC for various cooperative programmes in the country increased from Rs. 11.42 crores in 1970-71 to Rs. 65.19 crores in 1980-81 and Rs. 129.00 crores in 1984-85. In the Seventh Plan, NCDC's outlay on various programmes is expected to be of the order of Rs. 860 crores.

Availability of limestone to cement industry

8898. SHRI T. BALA GOUD : Will the Minister of STEEL AND MINES be pleased to state :

(a) whether it is a fact that the present estimated reserve of limestone is capable of meeting the requirements of cement industry for another ten years;

(b) the measures being contemplated to make available limestone in the required quantity in view of the increased licensed capacity of the industry;

(c) what is the present level of exploration studies being carried out by Geological Survey of India in locating limestone deposits; and

(d) whether there is any possibility of locating limestone in the unexplored areas of Himachal Pradesh, Arunachal Pradesh, Sikkim and Andaman and Nicobar Islands ?

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : (a) to (d). Information is being collected and will be laid on the Table of the House.

Soyabean production

8899. SHRI AMARSINH RHTHAWA: Will the Minister of AGRICULTURE be pleased to state :

(a) whether any Soyabean Research Institute has been established in the country;

(b) if so, the details thereof and the details of work handled by the institute and the achievement made;

(c) the steps taken by Government to increase the production of soyabean in the country, particularly in the adivasi area of Baroda District (Gujarat) where the land is very useful for the cultivation of soyabean; and

(d) what other steps are being taken by Government to attract the farmers towards the cultivation of Soyabean and other oil-seeds in the country to solve the problem which country is facing in regard to the edible oil ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA (MAKWANA) : (a) and (b). No, Sir. However, it is proposed to establish a National Research Centre for Soyabean at Indore, Madhya Pradesh during the 7th Five Year Plan. The Government of Madhya Pradesh has offered a farm near Indore. The Indian Council of Agricultural Research Expert Team has inspected and found the farm suitable for establishing the above centre.

This centre will generate basic knowledge and experimental material for varietal development, and share it with the All India Coordinated Research Project Centres on Soyabean.

(c) and (d). A centrally sponsored National Oilseed Development Project is in operation in 17 oilseeds growing states since 1984-85 to increase production of oilseeds in the country. Under this project, Soyabean Development Programme is being implemented in Baroda district of Gujarat. Besides, a centre of the All India Coordinated Research Project on Soyabean is operating at Junagarh under the Gujarat Agricultural University.

Migrant Labour in Assam

8900. SHRI BHADRESHWAR TANTI: Will the Minister of LABOUR be pleased to state :

(a) the total number of workers of tea and ex-tea gardens in Assam who migrated from different parts of the country;

(b) the percentage and the number of educated persons such as Doctorates, Master's degree holders, doctors, Engineers, Professors, Veterinary Doctors, Layers, Graduates, Matriculates and other field of technicians or diploma holders among them; and

(c) the total number of State Government and Central Government employees amongst them ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : (a) to (c). Information about the total number of migrant workers in tea gardens in Assam is not maintained by the Labour Ministry.

Technology for growing green fodder through machine

8901. SHRI HUSSAIN DALWAI ; Will the Minister of AGRICULTURE be pleased to state :

(a) whether a new technology of growing green fodder through machine has been developed in foreign countries;

(b) whether Government propose to permit import of this new technology in order to meet the shortage of green fodder in the country;

(c) whether Government have received requests from some quarters for extending this facility to cater to the needs of drought areas; and

(d) if so, the steps taken by Government to meet such requests ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND

COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir. So far as the Indian Council of Agricultural Research is aware, two companies, namely, M/S Fometa Feed Plant, U.S.A. and Chemical Process Equipment Ltd., Bombay, have developed machines which under controlled temperature, humidity and light conditions, are used for raising fodder crops of oats, barley and millets in trays arranged in layers. Essential pro-requisites for growing fodder with the help of these machines are the regulated supply of power, water and light.

(b) No, Sir. [Since the economic viability and feasibility of the machines have not been tested under Indian conditions, the question of import of such machines at this stage does not arise. This sophisticated technology requires perfection before adopting it under Indian conditions.

(c) The requests for import of the machine will be considered by the Government once the technology is perfected and is found economically viable and feasible.

(b) Question does not arise.

Workers' participation in management

8902. SHRI K. V. SHANKARA GOWDA : Will the Minister of LABOUR be pleased to state :

(a) whether leading industrialists have opposed workers participation in management at the company's board level;

(b) if so, the reasons put forward by them;

(c) whether it is a fact that two conditions have been proposed before introducing workers participation by these industrialists;

(d) if so, the details thereof; and

(e) Government's reaction to the proposal put forward by the Industrialists ?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : (a) to (e). Presumably, the question is based on the news item appearing

in the Hindustan Times dated the 29th March, 1986. The report points out that responding to a UNI questionnaire on "Key industrial relations issues of the day and productivity" the leading industrialists have opposed workers participation in management at the company's board level.

The two conditions proposed by the industrialists before introducing workers participation were :

- (i) Labour should be educated to assume responsibilities; and
- (ii) the labour force be under the influence of an enlightened leadership which understood, there were areas where the interest of both the employers and workers were identical.

The issue of Workers' Participation in Management was discussed by the Group of State Labour Ministers constituted by the State Labour Ministers Conference held in May, 1985 and on the basis of its recommendations, framework of a legislative Scheme was placed before the Indian Labour Conference held on 25-26th November, 1985. The Conference agreed in principle to the implementation of the Scheme on Workers' Participation in Management in public private and co-operative sectors. The question whether the Scheme should be voluntary or implemented by legislation and also its modalities for implementation have been left for consideration by the Standing Labour Committee. The Government have constituted the Standing Labour Committee to consider this question alongwith other matters.

Financial assistance to farmers

8902-A. SHRI MURLIDHAR MANE : Will the Minister of AGRICULTURE be pleased to state :

(a) whether it is a fact that financial assistance given to the farmers has been given by Union Government;

(b) if so, the details of such assistance given to the farmers in Maharashtra after the announcement of the scheme; and

(c) the steps taken to ensure that the assistance reaches the farmers ?

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : (a) Yes, Sir. Financial Assistance is provided to the farmers through various Central and Centrally Sponsored Schemes, including the Centrally Sponsored Scheme of "Assistance to Small and Marginal Farmers for Increasing Agricultural Production" introduced in 1983-84.

(b) The Seventh Plan outlay for the Centrally Sponsored Scheme of Assistance to Small and Marginal Farmers for Increasing Agricultural Production is Rs. 500 crore to meet the 50 per cent share borne by the Central Government. The balance 50 per cent is required to be borne by the concerned State Governments. The assistance (Central share) released in favour of Maharashtra since the introduction of the above scheme, is as under :

Year	Amount released (Rs. in lakh)
1983-84	739.20
1984-85	740.00
1985-86	740.00
Total	2219.20

(c) It is the primary responsibility of the State Governments concerned to ensure that the assistance provided under the scheme reached the farmers. However, the Central Government also ensures availability of the assistance to the farmers through monitoring and review of the progress reports about the implementation of the Schemes, as received from the States.

12.00 hrs.

[English]

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, Sir, I have given an adjournment Motion. The Adjournment Motion must get the priority, Sir.

MR. SPEAKER : I did not allow it, Sir.

PROF. MADHU DANDAVATE : I have given an Adjournment Motion along with the latest issue of India Today which has given details about the training of the Punjab terrorists in Pakistan camps.

[Translation]

MR. SPEAKER : I shall get it done and a discussion may also take place. I am already seized of it.

(Interruptions)

MR. SPEAKER : You have not Understood me When fifty of you speak simultaneously) I am all alone to listen. I am prepared to get it done without your asking for it.

[English]

I have already told you.

(Interruptions)

PROF. MADHU DANDAVATE : Why don't you respond to it quietly, Sir? (Interruptions) Sir, we have to spoil our throats and we have to spoil our ears.

(Interruptions)

That is what I am feeling. I have given you the copies of the 'India Today'. (Interruptions)

MR. SPEAKER : I have seen that. It is available in the market.

PROF. MADHU DANDAVATE : There, you will find the interviews about the Pakistani terrorists. What is your reaction?

(Interruptions)

[Translation]

MR. SPEAKER : I have already taken it up. I have not refused it.

[English]

I will take it up with the Government and I will get it discussed. There is no problem.

PROF. MADHU DANDAVATE : Are you referring it to the Government?

MR. SPEAKER : Yes, Sir. That is what I have already done, Sir.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda): The personnel of the Cotton Corporation have not approached the farmers in Warangal and Hyderabad etc to purchase Cotton for the last one month.

MR. SPEAKER : Please give it in writing.

SHRI C. JANGA REDDY : I have sent three notices in this respect... (Interruptions)

[English]

MR. SPEAKER : Please sit down.

[Translation]

I shall go through it. That side is also our side... (Interruptions) You also belong to our side. Why are you behaving like this.

[English]

SHRI P. KOLANDAIVELU (Gobichettipalayam): Sir, I have given notice of a Calling Attention. Sir, the Indian team headed by Chidambaram has returned from Sri Lanka. We want the Minister to make a statement on this.

MR. SPEAKER : I will find out. Mr, Kolandaivelu, don't do it now.

SHRI SOMNATH CHATTERJEE : (Bolpur) : Sir, the Central Government issued a directive to the State Government to stop the entire production of jute...

MR. SPEAKER : Somnathji, I have got your thing with me. The only problem is : let us find out whether the Government has any such policy and if it has, then what are the reasons. Then we shall have a discussion on it.

SHRI SOMNATH CHATTERJEE : Sir, it will have a very serious repercussion. What will happen to the jute cultivators ?

(Interruptions)

MR. SPEAKER : Let us find out. Then, we shall have a discussion on it. I know that.

(Interruptions)

SHRI BASUDEB ACHARIA (Bankura) : Sir, the order of the Central Government will affect not only lakhs of cultivators but also lakhs of jute workers *(Interruptions)*

MR. SPEAKER : I know it. This is not to be treated so lightly. Please take your seat. I will have to explain it to you. I also know the implications when they change from one crop to another. I know it. There are certain things which have to be seen.

SHRI BASUDEB ACHARIA : Sir, lakhs of jute workers are affected.

SHRI SOMNATH CHATTERJEE : Synthetic lobby is working.

MR. SPEAKER : We shall have to find out. We shall have a full discussion after getting the facts whether it is correct or not. I have taken note of your thing and I will first find out and then we shall have to see how to discuss on it.

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY : (Katwa) : They have said...*(Interruptions)*

MR. SPEAKER : I will see to it. I am seized of the situation.

(Interruptions)

MR. SPEAKER : Why should you worry when I have said that I am looking into it ? What is the fun of doing it now? I know what it is.

(Interruptions)

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, Muslim women are demonstrating outside. I have given a Calling Attention Notice.

(Interruptions)

MR. SPEAKER : Please sit down. Not like this.

(Interruptions)

MR. SPEAKER : Nothing will go on record.

*(Interruptions)***

PROF. K. K. TEWARY : (Buxar) Sir, there is a very serious development to which I would like to draw the attention of the entire House.

(Interruptions)

MR. SPEAKER : I have allowed the Hon. Member to speak. Then I am going to do it. Why don't you listen to me ?

(Interruptions)

PROF. K. K. TEWARY : Sir, the President of Pakistan, Mr. Zia-ul-Haq has said in a statement that India is supporting the movement launched by Miss Benazir in her country.

MR. SPEAKER : I have seen it. It is all right. Well, you can give it in writing. I know that. I will take it up.

PROF. K. K. TEWARY : This is important, Sir. A Head of a State is making a statement like this...*(Interruptions)*

MR. SPEAKER : You don't have to repeat it.

PROF. K. K. TEWARY : Has the Government taken note of it? The Government should make a statement on this. It is a very serious matter.

(Interruptions)

SHRI SOMNATH RATH : Sir, the heavy water plant at Talcher is leaking.

MR. SPEAKER : Yes, give it in writing.

**Not recorded.

SHRI SOMNATH RATH : I have given it in writing through a Calling Attention Notice.

[Translation]

SHRI V. TULSIRAM (Nagarkurnool) : Mr. Speaker, Sir, the President of Pakistan Gen. Zid-ul- Haq has stated yesterday that Miss Benazir Bhutto has been receiving financial aid from India (*Interruptions*)... Pakistan is constructing air-strips and defence channels on the border of Kashmir. It can be dangerous for India...

[English]

MR. SPEAKER : I will see to it. I can't do it like this.

(*Interruptions*)

SHRIMATI GEETA MUKHERJEE : Hundreds of women including Muslim women are demonstrating at the gate of Parliament House for the withdrawal of the black Bill, the Muslim Women Bill.

MR. SPEAKER : It is for the House.

(*Interruptions*)

MR. SPEAKER : Please sit down. Look here. Hon. Members, I cannot do a thing which is not in my power. It is for you to decide, for this august House to say 'Yes' or 'No'.

AN HON. MEMBER : How ?

MR. SPEAKER : I do not know. It is for you. I cannot say how.

(*Interruptions*)

MR. SPEAKER : Why don't you stop your Members from doing certain things unnecessarily ?

(*Interruptions*)

MR. SPEAKER : You can give it to me in writing and will look into it. There is nothing which I can do. I cannot do anything like this. Can I do something about it ? It is not in my power. You can give me in writing and I will find out. That is what I can do... Mr Minister, your Members are misbehaving

...They are unnecessarily creating rumpus without any rhyme or reason.

Now, Papers to be Laid.

12.06 hrs.

PAPERS LAID ON THE TABLE

[English]

Annual Report and Audited Accounts of Council for Advancement of Rural Technology, New Delhi for 1984-85

THE MINISTER OF AGRICULTURE (S. BUTA SINGH) : I beg to lay on the Table—

- (1) A copy of the Annual Report (Hindi and English versions) of the Council for Advancement of Rural Technology, New Delhi, for the year 1984-85 along with Audited Accounts.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-2610/86]

Annual Report and Annual Accounts of and Review on Central Council for Research in Ayurveda and Sidha, New Delhi for 1984-85 and Notification under Prevention of Food Adulteration Act.

THE DEPUTY MINISTER IN THE DEPARTMENT OF FAMILY WELFARE (SHRI S. KRISHNA KUMAR) : On behalf of Shrimati Mohsina Kidwai I beg to lay on the Table—

- (1) (i) A copy of the Annual (Hindi and English versions) of the Central Council for Research in Ayurveda and Siddha, New Delhi, for the year 1984-85.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the

Central Council for Research in Ayurveda and Siddha, New Delhi, for the year 1984-85 together with Audit Report thereon.

(iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Central Council for Research in Ayurveda and Siddha, New Delhi, for the year 1984-85.

- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-2611/86]

- (3) A copy of the Prevention of Food Adulteration (Fourth Amendment) Rules, 1985 (Hindi and English versions) published in Notification No. G. S. R. 543(E) in Gazette of India dated the 2nd July, 1985 under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954.

(Placed in Library See No. LT-2612/86]

Notifications under Employees State Insurance Act and Mines Act.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : I beg to lay on the Table—

- (1) A copy of the Employees' State Insurance Corporation (Dental surgeon) Recruitment Regulations, 1985 (Hindi and English versions) published in Notification No. A-1011)-3/81-Estt in Gazette of India dated the 8th February, 1986 under sub-section (4) of section 97 of the Employees' State Insurance Act, 1984.

[Placed in Library. See No. LT-2613/86]

- (2) A copy of the Mines (Amendment) Rules, 1986 (Hindi and English versions) published in Notification No. G.S.R. 316 in Gazette of India dated the 26th April, 1986 under section 61 A of the Mines Act, 1952.

Placed in Library. See No. LT-2614/86]

Annual Report, Annual Accounts of and Review on the working of Film and Television Institute of India, Pune for 1984-85 and statement of reasons for delay

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER (SHRI ARIF MOHAMMAD KHAN) : On behalf of Shri V.N. Gadgil, I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Film and Television Institute of India, Pune, for the year 1984-85.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Film and Television Institute of India, Pune, for the year 1984-85 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Film and Television Institute of India, Pune, for the year 1984-85.

- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library See No. LT-2615/86]

Notification under Delhi Agricultural Produce Marketing (Regulation) Act and Annual Report of and Review on India Farmers Fertilizer Cooperative Ltd. New Delhi for 1984-85 etc.

THE MINISTER OF STATE IN THE DEPARTMENT OF FERTILIZERS (SHRI K. NATWAR SINGH) : I beg to lay on the Table—

- (1) A copy of the Delhi Agriculture Produce Markets (Maintenance, Management, Regulating of Vehicular Traffic and Conditions of Use) Rules, 1985 (Hindi and English versions) published in Notification No. F. 6/1/84-DAM/5714-5734 in Delhi Gazette dated the 4th

December, 1985 under sub-section (6) of section 63 of the Delhi, Agricultural Produce Marketing (Regulation) Act, 1976.

[Placed in Library See No. LT-2616/86]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Farmers Fertiliser Cooperative Limited, New Delhi for the year 1984-85 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the India Farmers Fertiliser Cooperative Limited, New Delhi, for the year 1984-85.

- (3) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (2) above.

[Placed in Library. See No. LT-2617/86]

Notifications under Mines and Minerals (Regulation and Development) Act.

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES (SHRIMATI RAM DULARI SINHA) : I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (1) of the section 28 of the Mines and Minerals (Regulation and Development) Act, 1957 :

- (1) The Mineral Concession (Amendment) Rules, 1986 published in Notification No. G.S.R. 146 in Gazette of India dated the 22nd February, 1986.
- (2) G.S.R. 41 published in Gazette of India dated the 18th January, 1986 making certain amendment to order published in Notification No. G.S.R. 1966 in Gazette of India dated the 12th December.
- (3) G.S.R. 83 published in Gazette of India dated the 1st February, 1986

authorising the authorities mentioned in the notification to prefer complaints in writing in respect of any offence punishable under the Mines and Minerals (Regulation and Development) Act, 1957 or any rules made thereunder.

- (4) S.O. 218 published in Gazette of India dated the 25th January, 1986 authorising the Geological Survey of India to carry out such detailed investigations for the purpose of obtaining such information as may be necessary in the areas specified in the Table annexed to the notification.

[Placed in Library. See No. LT-2618/86]

Annual Report of and Review on National Heavy Engineering Cooperative Ltd., Pune for 1984-85, All India Federation of Cooperative Spinning Mills Ltd. Bombay for 1984-85 Statement for not Laying Annual Report etc., of Animal Welfare Board of India, Madras for 1984-85 etc. etc.

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Heavy Engineering Cooperative Limited, Pune, for the year 1984-85 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Heavy Engineering Cooperative Limited, Pune, for the year 1984-85.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-2619/86]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the All India Federation of Cooperative Spinning Mills Limited, Bombay, for the year 1984-85 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the All India Federation of Cooperative Spinning Mills Limited, Bombay, for the year 1984-85.

- (4) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library. See No. LT-2620/86]

- (5) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of the Animal Welfare Board of India, Madras, for the year 1984-85 within the stipulated period of nine months after the close of the Accounts year.

[Placed in Library. See No. LT-2621/86]

- (6) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956 :

- (i) Review by the Government on the working of the Indian Dairy Corporation, Baroda, for the year 1984-85.

- (ii) Annual Reports of the India Dairy Corporation, Baroda, for the year 1984-85 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

- (7) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (6) above.

[Placed in Library. See No. LT-2622/86]

- (8) A copy each of the following papers (Hindi and English versions) under section 619A of the Companies Act, 1956 :

- (i) Review by the Government on the working of the Karnataka Cashew Development Corporation Limited, Mangalore, for the year 1982-83.

- (ii) Annual Report of the Karnataka Cashew Development Corporation Limited, Mangalore, for the year 1982-83 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

- (9) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (8) above.

[Placed in Library. See No. LT-2623/86]

- (10) (i) A copy of the Annual Report (Hindi and English versions) of the National Council for Cooperative Training, New Delhi, for the year 1984-85.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Council for Cooperative Training, New Delhi, for the year 1984-85.

- (11) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned (10) above.

[Placed in Library. See No. LT-2624/86]

Annual Report and review on All India Institute of Speech and hearing, Mysore for 1984-85 and a Statement for delay in laying the papers

THE DEPUTY MINISTER IN THE DEPARTMENT OF FAMILY WELFARE (SHRI S. KRISHNA KUMAR) : I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the All India Institute of Speech and Hearing, Mysore, for the year 1984-85 along with Audited Accounts. 12.08-1/2 hrs.

SWADESHI COTTON MILLS
COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the All India Institute of Speech and Hearing, Mysore, for the year 1984-85.

[English]

- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-2625/86]

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI KHURSHID ALAM KHAN) : I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of certain textile undertakings of the Swadeshi Cotton Mills Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of different varieties of cloth and yarn and thereby to give effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution and for matters connected therewith or incidental thereto.

12.08 hrs.

APPRENTICES (AMENDMENT)
BILL

[English]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : I beg to move for leave to introduce a Bill further to amend the Apprentices Act, 1961.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Apprentices Act, 1961.”

The motion was adopted

SHRI P. A. SANGMA : I introduce the bill.

MR. SPEAKER : The question is :

“That leave be granted to introduce a Bill to provide for the acquisition and transfer of certain textile undertakings of the Swadeshi Cotton Mills Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of different varieties of cloth and yarn and thereby to give effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution and for matters connected therewith or incidental thereto.”

The motion was adopted

SHRI KHURSHID ALAM KHAN : I introduce the Bill.

12.10 hrs.

[English]

STATEMENT REGARDING SWA-
DESHI COTTON MILLS CO. LTD.
(ACQUISITION AND TRANSFER
OF UNDERTAKINGS)
ORDINANCE

[English]

THE MINISTER OF STATE OF THE
MINISTRY OF TEXTILES (SHRI KHUR-
SHID ALAM KHAN) : I beg to lay on the
Table an explanatory statement (Hindi and
English versions) giving reasons for imme-
diate legislation by the Swadeshi Cotton Mills
Company Limited (Acquisition and Transfer
of Undertakings) Ordinance, 1986.

12.10-1/2 hrs.

MATTERS UNDER RULE 377

[Translation]

- (i) Need for directing the U.P. Govern-
ment to grant fire arms licences to
all those persons who require them
for genuine reasons.

SHRI RAJ KUMAR RAI (Ghosi) : Mr.
Speaker Sir, the issuing of fire arms licences
has been banned in Uttar Pradesh, though
the Home Ministry has issued instructions
to the State Government to issue these
licences as per their discretion. As a result of
this there is a feeling of insecurity among law
abiding citizens whose life and property is in
danger, but do not have fire arms licences.
On the other hand, the anti-social elements
have unlicensed arms in a large number and
they are fearlessly using them.

I am of the opinion that the issue of fire
arms licences should be reduced and discre-
tion be used in issuing them, but those who
have a clean record should not be deprived
of fire arms. I urge the Home Ministry to
issue necessary instructions in this regard to
the Uttar Pradesh Government.

- (ii) Demand for augmenting the
capacity of transmitting
stations in North Kerala

SHRI MULLAPPALLY RAMA-
CHANDRAN (Cannanore) : It would appear
that the Information and Broadcasting Mini-
stry has once again forgotten the Malabar
region when deciding to expand the capacity
of transmitters of All India Radio Stations
in Kerala under the Seventh Five Year Plan.
As of now, there are four Radio Stations in
Kerala having a capacity of 10 K.W. at
Trivandrum, 100 K.W. at Alleppey, 20K.W.
at Trichur and 10 K.W. at Calicut.

The Calicut Radion Station with a 10
K.W. transmitter is the only station in the
whole of Malabar area that consists of six
districts with nearly half the population of
entire Kerala.

It is understood that under the Seventh
Plan, the 20 K.W. transmitter at Trichur is
to be replaced by a 100 K.W. transmitter.
Considering the proximity between Trichur
and Alleppey, the latter already having a
powerful transmitter, it would only be fair
to concentrate expansion programmes in
North Kerala. In order to ensure the best
coverage, a 100 K.W. transmitter is essential
in the Malabar region. It is therefore reques-
ted that the attention of the Government
may be given to the expansion of the existing
10K.W. transmitter at Calicut or to the sett-
ing up of a more powerful transmitter at the
proposed Radio Station at Cannanore.

[Translation]

- (iii) Need for adopting anti-pollution
measures before allowing setting
up of agro-based industries in
the rural areas.

DR. PRABHAT KUMAR MISHRA
(Janjgir) : Mr. Speaker Sir, 70 per cent of
our country's population is dependant on
agriculture and because of Government's
liberal industrial policy, the medium farmers
are facing a lot of hardships.

Because of the establishment of industrial
units, the agriculture labourers are taking up

jobs in the factories and as a result, the labourers are not available for agriculture.

The people who work in the factories or in the public sector industries are getting a handsome salary which includes allowances like over time, etc. The agricultural labourers are not available to the farmers even though the Government ensures them wages and as a result, the production targets are not met, the farmer's income declines and his standard of living goes down.

I, therefore, request the Government to set up agro-based industries so that agricultural labourers are not taken away from agriculture and the economic condition of the medium farmer is strengthened. The pollution created by industries is not only harmful to life, but also reduces the fertility of the soil. For example, a cement factory has been set up in Aktara in Bilaspur district of Madhya Pradesh. As a result of this the agricultural work is suffering and besides this, because of pollution the fertility of the soil is also diminishing. Pollution is the main reason for that.

Similarly, the Madhya Bharat Paper Mill in Champa and Brooke Bond Paper Mill in Bilaspur are polluting Hasdo and Arpa rivers, respectively.

Therefore, I would like to request the Government, through you, that prior to setting up these industries both these things should be borne in mind.

- (iv) Demand for introducing rapid transport system' between Kanpur and its nearby towns in U.P.

SHRI JAGDISH AWASTHI (Bilhaur): MR. Speaker Sir, Kanpur is a big industrial city in northern India. The number of industrial and other workers living there is the largest in comparison with the other north Indian cities. Lakhs of people are migrating to Kanpur in search of jobs not only from neighbouring rural areas, but also from entire eastern and central Uttar Pradesh, Bihar, Bundelkhand, Madhya Pradesh, etc., there by increasing the population of the city

manifold. It is sad that no attention is being paid to the means of transport in the area. There are no arrangements of public transport in the areas around Kanpur and as a result the people have to face great hardships.

The National Transport Policy Committee which was constituted by the Planning Commission in May 1980 had recommended that where there was heavy rush of traffic between two cities even if the distance between them was less than 300 kms, the Railways should provide special corridors of traffic and fast moving trains should be introduced. A special mention of Kanpur Lucknow section was made in paragraph 9 and 8 of the report. At present, the railway facility for the passengers commuting between Kanpur and the neighbouring cities is almost nil. Road transport is not feasible because of high petrol consumption and high rate of pollution.

I hope the Railway Department will soon introduce rapid transport system between Kanpur city and its nearby towns. Meanwhile one or two shuttle trains should be introduced to these towns. These trains will provide comfort to the passengers on the one hand and on the other hand it will also increase the railway revenue.

[English]

- (v) Need to look into the technical competence of the West German firm, MAN before being awarded contract by Lignite Corporation Ltd. for supply of sophisticated equipments.

SHRI H.N. NANJE GOWDA (Hassan): The Neyveli Lignite Corporation Ltd., Tamil Nadu, an Undertaking under the Ministry of Energy has been responsible for building up strong power generation base for southern region of the country, and for its second mine expansion projects, arrangements were made to get the assistance of the West German financing agency called KFW.

Under this arrangement, the NLC called for specific tenders. Prior to this, the Corporation has purchased two major equip-

ments from a firm, namely M/s. M.A.N. of West Germany, and which were delivered much after the scheduled dates of delivery, to NLC. The cost in foreign exchange is about Rs. 21 crores. But this equipment ultimately failed and fell down, killing a large number of people; and NLC could not get any kind of compensation whatsoever.

It is now learnt that the management of NLC is making all efforts to award another contract for supply of more sophisticated equipments costing about Rs. 125 crores to this firm again (M.A.N. of West Germany) despite the fact that the Technical consultant for the project did not even approve the firm's participation in the same tender. Serious lapses are not only there, but the firm is technically incompetent to manufacture or build up such equipments for the Second Mine Expansion Project.

In the larger interest of the country and of the State exchequer, I wish to caution Government against the efforts of the NLC to award another contract to this M.A.N. of West Germany.

(vi) Need for repairing and developing Buckingham Canal

SHRI P. PENCHALLIAH (Nellore) : Buckingham Canal is one of the oldest canals in the country. It is 418 Kms. long and flows through Tamil Nadu and Andhra Pradesh. This Canal, which had been completed in the year 1897 had been the main source of transportation for the people of this region, and various commodities.

The 1966 cyclone destroyed the entire economy of this region, and also destroyed this Canal. There were many breaches. The entire Canal was damaged. Layers of sand deposited in the Canal reduced the depth, affecting the movement of boats. Now, the whole of transport through this Canal is on the verge of collapse. Now boats are able to move for a few Kms. here and there. As a result of it, the pressure on road transport system increases considerably. A team of experts from Federal Republic of West Germany has visited India, and inspected the Buckingham Canal in the year 1985. Has

the report of the experts on their inspection been received? What is the reaction of the Government of the Federal Republic of West Germany?

If this Canal is repaired and developed, it will serve the needs of the people in this region, in many ways. It will boost local trade and give a fillip to transportation,

Hence I request the Central Government to repair and develop this Canal as early as possible.

(vii) Need to adopt effective measures to check pollution caused by tobacco dust in Etah, Mainpuri and Farukhabad districts of U.P.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah) : In Uttar Pradesh the Districts of Etah, Farukhabad and Mainpuri are known for best quality of tobacco production which is also the main cash crop in these districts. Tobacco business is mainly in the hands of private traders who engage labourers for crushing and processing tobacco leaves which is mostly done in the open. Tobacco leaves are beaten with small wooden planks while its roots are grinded with centigators. As no scientific method is applied in the whole process, huge quantity of tobacco dust produced is inhaled by the workers and the whole environment gets heavily polluted causing serious health hazards. Chest ailments, cough and T.B. are common among the workers. The working sheds and godowns are mostly located in the thickly populated areas in the towns and cities causing health problems. Environmental pollution with tobacco dust in major parts of these districts has assumed alarming proportion and there is urgent need to consider the problem with all seriousness.

Therefore, through you Sir and this Gugust House I would request the Minister for Environment and Forests to kindly take up the question with the State Government of Uttar Pradesh emphasising the urgent need for taking suitable effective measures to protect the workers from tobacco dust and to check environmental pollution besides shifting the working sheds and godowns outside the town and Nagar Palika areas.

[*Translation*]

(viii) Need for adopting remedial measures to control pollution caused by industrial establishments in Mirzapur district of U.P.

SHRI RAM PYARE PANIKA (Roberts-ganj) : Mr. Speaker, Sir, the increasing pollution in the industrial areas of district Mirzapur in Uttar Pradesh has made life extremely difficult and it is a matter of grave concern to us. Government and the private institutions are causing a serious problem of pollution in the area. From the Dala cement factory, which is a State Government enterprise, 30 per cent of the total production in the form of cement dust spreads over hundreds of kilometres all around and pollutes the environment. As a result of this, the life not only the Adivasis and Harijans living in Dala but also of those living in the nearby areas has become extremely difficult. Whereas on the one hand it has badly affected agriculture and forest wealth, on the other hand it is detrimental to public health. Similarly, since no modern equipments have been installed in coal mines and thermal power stations, it is badly affecting agriculture and public health in the area and as a result there is great resentment in the entire southern part of the district. If the Government do not immediately make adequate arrangements to check pollution caused by various projects located in the southern part of Mirzapur district, it will pose serious hazards.

Therefore, through this matter of urgent public importance; I demand that the Government should immediately send a team of experts to various industrial units in Mirzapur to look into the problem of pollution and take effective steps in this regard and thereby protect the property and health of the people.

[*English*]

12.23 hrs.

MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) BILL

[*English*]

MR. SPEAKER : Now the House will take up for consideration the Muslim Women (Protection of Rights on Divorce) Bill.

(*Interruptions*)

PROF. MADHU DANDAVATE (Rajapur) : I rise on a point of order

SHRI SOMNATH CHATTERJEE (Bolpur) : I rise on a point of order.

(*Interruptions*)

MR. SPEAKER : How can I listen to all the points of order at the same time ? I can only listen to one point of order at a time.

(*Interruptions*)

PROF. MADHU DANDAVATE : Will you call the House to order so that I can...

(*Interruptions*)

MR. SPEAKER : You better first call yourself to order. Why don't you sit down ?

(*Interruptions*)

PROF. MADHU DANDAVATE : Before the Hon. Minister of Law and Justice moves the Bill—Muslim Women (Protection of Rights on Divorce) Bill—for consideration, I rise on a point of order.

MR. SPEAKER : I have allowed that.

PROF. MADHU DANDAVATE : I would request you to allow me to complete the formulation of my point of order so that it will be easier for you to give the ruling.

(*Interruptions*)

[Prof. Madhu Dandavate]

This particular Bill, the consideration of the Bill, attracts Article 14, Article 15, Article 16(2) and also, Sir, 13(2), of the Constitution. Article 14 says—it is regarding equality before law :

“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

Sir, Article 15 says :

“The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

Article 16 says :

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent place of birth, residence or any of them, be.....” etc.,

That is only Article 16.

But Sir, most important is, Article 13(2)—and I would like to draw your attention to this, Article 13(2) which categorically says :

“The State shall not, make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention be void.”

So, it is very clear that the Bill that is sought to be moved for being taken into consideration violates. Articles 14, 15, 16 and 13(2).

MR. SPEAKER : Do you mean to say that it is *ultra vires* ?

SHRI SOMNATH CHATTERJEE : Sir, If it is passed, it becomes, *ultra vires* of the Constitution.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, You have summed up, in one sentence, very nicely. It is *ultra vires* of the Constitution.

MR. SPEAKER : You want my ruling on this ?

AN HON. MEMBER : You have already given your ruling.’

PROF. MADHU DANDAVATE : Let me complete.

DR. KRUPASINDHU BHOI (Sambalpur): Sir, I want to...(Interruptions)

PROF. MADHU DANDAVATE : Why is he standing ?

MR. SPAEKER : Please sit down. Please do not interrupt. He is on a point of order. He is within his rights and it is a very pertinent point, what he is discussing.

(Interruptions)

PROF. MADHU DANDAVATE : -And, therefore, it is clear that this Bill violates all these important articles of the Constitution and that too in Part III of the Constitution, and they are adumbrated in the ‘Fundamental Rights’ of the Constitution particularly Article 13(2) which clearly says that no law can be enacted which either abridges or takes away the Fundamental Rights, I feel that, this Bill violates all the important articles; it is *ultra vires* of the Constitution and, therefore, I challenge the legislative competence as well as the Constitutional competence of this particular Bill and, therefore, you in your wisdom, I request you, Sir, to summarily give a ruling that it is *ultra vires* of the Constitution and it is better that the Minister of Justice withdraws from the House and addresses himself to some other items. He cannot take up this Bill at all. (Interruptions)

DR. KRUPASINDHU BHOI : Sir, the present Bill...(Interruptions)

MR. SPEAKER : It is all right, Why do you not let me say something ? (Interruptions)

MR. SPEAKER : Are you going to decide it for me doctor ? (*Interruptions*)

MR. SPEAKER : Are you going to decide it for me, Sir ? Are you going to decide it for me ? Or, should I give my ruling ?

DR. KRUPASINDHU BHOI : I am only telling, that you must give justice to us also.

(*Interruptions*)

MR. SPEAKER : Have you got any point of order on what he is saying or about what he has said ?

DR. KRUPASINDHU BHOI : There is a submission.

MR. SPEAKER : There is no question of submissions now. It is a point of order on which I have to give a ruling.

PROF. MADHU DANDAVATE : Sir, all that I request is, that you do not discriminate between women and women; not only that : do not discriminate between women and women, whether they are Hindu women, or Muslim women, or women belonging to any religion, or community.

(*Interruptions*)

SHRI G. M. BANATWALLA (Ponnani) : Sir, Before you give any ruling, you should allow us to help you, (*Interruptions*) in giving a ruling by pointing out some..... (*Interruptions*)

MR. SPEAKER : If I have any need of help, I will surely call for it. Every Hon. Member in this House is there to help me. That much I am assured. No problem on that. We might disagree or we might agree to disagree, but that is something else. But I am perfectly assured about your help.

SHRI G. M. BANATWALLA : You please listen to our submissions before you give your ruling.

MR. SPEAKER : I do not think it is a question of any submission. If you have any point of order, I will listen to you also. (*Interruptions*)

SHRI G. M. BANATWALLA : No point of order but only about the constitutionality. It is a matter for the House to consider, not a matter for the Speaker to decide upon. That is the established practice of law. (*Interruptions*)

MR. SPEAKER : I have to rule on this ...(*Interruptions*) Have you got any point of order ?

(*Interruptions*)

MR. SPEAKER : There is no question of submission. He is on a point of order and I have to rule on that. If you do not understand the rules, why do you butt in ? (*Interruptions*)

MR. SPEAKER : I have already studied this problem from all angles because I knew that I have to face it. It is always better to be better prepared and prevention is always better than cure. So, I know what I have to do. The problem is that I have to rule and act according to the specifications you have provided in the rules and the duties of the Speaker. The Chair does not decide the question whether a Bill is *ultra vires* nor is it the duty of the House to pronounce a verdict whether a Bill is *ultra vires* or not. The question lies with the court. If you go against what the Constitution says, it will have to be decided by the court. (*Interruptions*)

SHRI SOMNATH CHATTERJEE : He has become a Minister who is trying to introduce a lawless law and perpetrating injustice on the people of India... (*Interruptions*) what he is trying to do is a rape of the Constitution. (*Interruptions*)

MR. SPEAKER : What is your point of order ? Come straightway to it.

SHRI SOMNATH CHATTERJEE : The point of order is, let us take one by one the points mentioned in the statement of objects and reasons.

MR. SPEAKER : You want to argue it. You cannot do it now. What is your point of order ?

SHRI SOMNATH CHATTERJEE :
The Bill is sought to be moved on the basis
of the Statement of Objects and Reasons.
(*Interruptions*)

MR. SPEAKER : Over ruled.

PROF. MADHU DANDAVATE : He
has not formulated his point of order.
(*Interruptions*)

MR. SPEAKER : I do not think, he
needs your help now. He is quite a good
pleader himself.

SHRI SOMNATH CHATTERJEE : I
know that I am addressing a very unhappy
Speaker today. I know that you are very
unhappy. (*Interruptions*)

MR. SPEAKER : I have to do it accord-
ing to what the law says. I am a contented
man; do not worry.

SHRI SOMNATH CHATTERJEE :
Apart from the question of *ultra vires*, it has
been said by the highest court of the country
that the Directive Principles of State Policy
which have nothing to do with *ultra vires*,
should govern all institutions and all laws.
What is the Directive Principle of State
Policy? This has nothing to do with the
Constitution.

MR. SPEAKER : That I am not going
to decide. That has to be decided by the
court.

SHRI SOMNATH CHATTERJEE : No,
when the House can take up a legislation,
which is contrary to the Directive Principles
of a State Policy...(*Interruption*). Kindly see
Article 38. Have you a copy of the Consti-
tution with you, Sir?

MR. SPEAKER : Yes, I have got with
me.

SHRI SOMNATH CHATTERJEE :
Kindly see article 38. It says :

“The State shall strive to promote the
welfare of the people by securing and
protecting as effectively as it may a

social order in which justice, social,
economic and political, shall inform
all the institutions of the national
life.”

PROF. SAIFUDDIN SOZ (Baramulla) :
I have basic objection to this, Sir.....
(*Interruptions*)

SHRI SOMNATH CHATTERJEE :
Political and economic justice is being denied
...(*Interruptions*). Then, kindly see article
39(a). ...(*Interruptions*)

MR. SPEAKER : Overruled, Sir. It does
not fall in this.

SHRI SOMNATH CHATTERJEE : If
you kindly see article 39(a), no discrimina-
tion can be made. The State is obliged to
provide necessary...(*Interruptions*)

MR. SPEAKER : No. Overruled...

(*Interruptions*)

SHRI SOMNATH CHATTERJEE : This
is a very serious matter, an open violation of
the Directive Principles.

MR. SPEAKER : Overruled. Yes, Mr.
Saifuddin.

SHRI SAIFUDDIN CHOWDHARY
(Katwa): Sir, you have referred to the
court law. I have written to you that one
Special Leave application has been admitted
by the Supreme Court and they are consider-
ing the same issue of alimony by a husband
to the divorce... (*Interruptions*)

MR. SPEAKER : Look here, Mr. Soz.

AN HON. MEMBER : Not Soz, Mr.
Chowdhary, Sir.

SHRI SAIFUDDIN CHOWDHARY :
You just listen, Sir.

MR. SPEAKER : I am listening. I am
attention, Sir.

SHRI SAIFUDDIN CHOWDHARY :
When you have referred to the court of law,
it is subjudice if we are going to pass this
Bill. This will jeopardise... (*Interruptions*)

SHRI SOMNATH CHATTERJEE :
There are precedents.

SHRI SAIFUDDIN CHOWDHARY :
There are precedents. I have written to you that in 1929... *(Interruptions)*

MR. SPEAKER : I have taken full cognizance of what you have written, Sir.

SHRI SAIFUDDIN CHOWDHARY :
In 1929, Vithalbai Patel, in Central Assembly, observed that Public Safety Bill cannot be considered as the Meerut Conspiracy case was pending with the court of law, and it will demolish the fundamental basis if it is passed. *(Interruptions)*.

PROF. MADHU DANDAVATE : That was Vithalbai Patel, Sir.

SHRI SAIFUDDIN CHOWDHARY :
During the British time that decorum, that convention was maintained and honoured and I believe, when you have to harmonise between different organs of the State and we have to live in cooperation with respect to each other, it is proper for us that we stop considering this Bill here immediately. You can give your ruling, Sir.

MR. SPEAKER : Right. The ruling is...

(Interruptions)

PROF. MADHU DANDAVATE : Look at the portrait of Vithalbai Patel before... *(Interruptions)*

MR. SPEAKER : Mr. Chowdhary, I am very very fond of you and being a Chaudhary myself, we are very very close friends.

SHRI SAIFUDDIN CHOWDHARY :
Two Chowdharies cannot save this country. It is the majority... *(Interruptions)*

MR. SPEAKER : The question is of *subjudice* and that does not stand in the way of law making. The law making power of the House is unfettered and whatever be the merits of the case, Parliament can make any law even if the subject matter of the Bill is *subjudice*...

(Interruptions)

SHRI SOMNATH CHATTERJEE :
Civilised law. This is not a civilised law.

MR. SPEAKER : It does not bar the Parliament from proceeding with the Bill.

SHRI C. MADHAV REDDI : Sir, the Bill violates Article 17(3) of the Constitution. We do not have the Financial Memorandum attached to the Bill... *(Interruptions)*

MR. SPEAKER : Financial Memorandum is not required here, Sir, Overruled...

(Interruptions)

MR. SPEAKER : It does not need Financial Memorandum, Sir. overruled.

DR. DATTA SAMANT : (Bombay South Central) Sir, Wakf Boards are constituted and formed and there is no provision in the Wakf Board Act to canalise the funds for any other purpose... *(Interruptions)*.

MR. SPEAKER : That does not come here. Overruled.

DR. DATTA SAMANT : Secondly, in the Muslim Personal Law, the children are looked after till they become independent... *(Interruptions)*

MR. SPEAKER : Overruled...

(Interruptions)

DR. DATTA SAMANT : As far as article 51(a) of the Constitution is concerned, it provides that no legislation derogatory to women may be passed *(Interruptions)*

MR. SPEAKER : Overruled.

SHRI DINESH GOSWAMI (Guwahati) :
Sir, I have two points to make. You have held that on the question of *ultra vires*, the courts are the final adjudicator and we do not come in. But on the question of Directive Principles, the court cannot come in.

MR. SPEAKER : I cannot give you second ruling. I have given it Overruled.

(Interruptions)

MR. SPEAKER : Overruled. No.

(Interruptions)

SHRI DINESH GOSWAMI : Then my second point is this. Tomorrow the Government is bringing in the New Education Policy for discussion in the House. Let me read one paragraph.

(Interruptions)

MR. SPEAKER : It does not matter. I am not satisfied. Not allowed.

(Interruptions)

SHRI DINESH GOSWAMI : It says :
"Education will be used as an agent of basic change in the status of women..."

MR. SPEAKER : Have you got any point of order? No. Over-ruled. I don't contemplate anything.

(Interruptions)

SHRI DINESH GOSWAMI : It says :

"The National Education System will play a positive, interventionist role in the empowerment of women."

MR. SPEAKER : relevant.

SHRI DINESH GOSWAMI : May I know, Sir, what is the policy of the Government? This Bill seeks to adopt a different policy.

MR. SPEAKER : Overruled.

[Translation]

SHRI V. TULSIRAM (Nagarkurnool) : Mr. Speaker, Sir, I want to say that we are discussing men and women.

MR. SPEAKER : Today we are talking of women only.

SHRI V. TULSIRAM : There is another category between men and women. They are also voters. What is being done for them?

MR. SPEAKER : Who are they?

(Interruptions)

[English]

MR. SPEAKER : Order, order.

Now, 8 hours have been allotted for all the three stages.

SHRI SOMNATH CHATTERJEE : Sir, I have given notice of my motion. I want to move that motion, Sir.

(Interruptions)

MR. SPEAKER : Not allowed. It is not allowed. It is time-barred.

(Interruptions)

MR. SPEAKER : Overruled.

(Interruptions)

SHRI SOMNATH CHATTERJEE : Let the House decide.

MR. SPEAKER : Time-barred. No.

SHRI SAIFUDDIN CHOUDHARY : He has given notice.

MR. SPEAKER : One clear day's notice is required. Mr. Chatterjee, one day's notice is necessary. No question now.

(Interruptions)

[Translation]

MR. SPEAKER : What do you want? You are just like my elder sister. I have to listen to you. Please speak.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, this Bill contravenes a number of Articles of the Constitution.

MR. SPEAKER : That I have already decided.

SHRIMATI GEETA MUKHERJEE : It is discriminatory in nature.

(Interruptions)

SHRIMATI GEETA MUKHERJEE : It will be struck down by the courts. It is not in order for Parliament to pass the Bill.

(*Interruptions*)

MR. SPEAKER : Order please.

8 hours have been allotted for the three stages of the Bill. If the House agrees, we may have 5 hours for General Discussion; 2 Hours for Clause-by-clause consideration and one hour for the Third Reading.

Now, Mr. Sen.

(*Interruptions*)

AN HON MEMBER : You are trying to penalise secularism.

(*Interruptions*)

MR. SPEAKER : Order in the House. Now Mr. Sen.

(*Interruptions*)

MR. SPEAKER : Please sit down. Only Mr. Sen.

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : Mr. Speaker, Sir, I beg to move :

“That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be taken into consideration.”

Sir, this Bill has a history.

(*Interruptions*)

SHRI BASUDEB ACHARIA : The Bill has a sad history.

DR. DATTA SAMANT : Sir, is it fair in a state of secularism and unity ?

(*Interruptions*)

SHRI A. K. SEN : Are these also points of order ? If they are, we shall answer them.

(*Interruptions*). There is neither any point of order nor any merit in the interruption. This is our submission. Mr. Speaker, Sir. (*Interruptions*). This unwillingness to hear the reason behind the Bill shows a completely closed mind and we are not here... (*Interruptions*). If it is open, then there should be no interruption, Sir.

(*Interruptions*)

MR. SPEAKER : Order, order in the House. Let us listen. Have both ways.

(*Interruptions*)

MR. SPEAKER : You just point out that also.

SHRI A. K. SEN : Originally in 1898, Sir, Fitzjames introduced a Bill, which was enacted into the Criminal Procedure Code of 1898. It contained a provision, Section 488, which was described by Sir Fitzjames as a provision against vagrants and the whole purpose was, if a wife was unable to maintain herself or if a man's children are not looked after, then a summary procedure was obtainable in the criminal court by which the husband was made to pay what was considered to be a maintenance not exceeding Rs. 500 for his wife and children. At that time, the obligation was confined only to wives and not to ex-wives.

I hope the running commentary will stop and some desire to learn what the reason is for the Bill...

(*Interruptions*).

PROF. SAIFUDDIN SOZ : Mr. Speaker, Sir, I have a submission. It is a very serious matter and we want to listen to the Law Minister with rapt attention. We don't want any interruption.

(*Interruptions*)

MR. SPEAKER : Now, order. Order please.

(*Interruptions*)

MR. SPEAKER : Now, I will like the Hon. Minister to be a Minister of Law and not the professor to be.

PROF. SAIFUDDIN SOZ : Sir, it is a very serious matter and we want to listen to the Law Minister with rapt attention. At least I don't want any interruption.

(Interruptions)

SHRI A. K. SEN : Now, Sir, that Section was confined only to wives and not to wives who have ceased to be wives. In 1973 when the Criminal Procedure Code was passed, it was passed in two sections—Sections 125 and 127 including sub-section (3) of Section 127. Section 125 for the first time introduced an explanation which said, a wife will include an ex-wife, a wife who has been divorced, so that for the first time the obligation to maintain a divorced wife was cast by the Criminal Procedure Code on the husband divorcing the wife. The law about alimony is contained in the respective law—for the Christians, the Indian Divorce Act, for the Hindus, the Hindu Marriage Act and for the Muslims, their own personal law. So far as Hindus are concerned, there was no divorce before the Hindu Marriage Act and therefore once a man married a wife, she remained a wife for ever and the obligation to maintain the wife continued.

AN HON. MEMBER : It is a new discovery.

SHRI A. K. SEN : It is a great discovery that the wife becomes a wife after marriage. I am very obliged for that discovery.

MR. SPEAKER : She remains wife of the same person.

SHRI K. V. SHANKARAGOWDA (Mandya) : It no longer holds good. That has gone long back. I am sorry, he is teaching us a new thing, here ! (Interruptions).

SHRI A. K. SEN : We have not heard of wives without marriage. If the Hon. Member knows of them, I would be very delighted to get the address.

MR. SPEAKER : I will take you along with...

SHRIMATI GEETA MUKHERJEE : He says, it will be dangerous.

PROF. MADHU DANDAVATE : That is extra curricular activity.

SHRI A. K. SEN : I was told once, for the knowledge of Mrs. Mukherjee, for man, there is no age. (Interruptions).

MR. SPEAKER : Geetaji, it is completely male-chauvinism.

SHRIMATI GEETA MUKHERJEE : In this Bill also, this is what we are saying.

DR. DATTA SAMANT : Therefore, this problem is coming.

SHRI A. K. SEN : There is no *iddat* for the man.

Now, Sir, this Explanation was inserted along with a very salutary safeguard which was in section 121 sub-section 3. When the matter was debated in Parliament, the Minister of State for Home Affairs said, on objection being raised on behalf of the Muslims, that under the Muslim personal law, the obligation to maintain an ex-wife lasts only up to the *iddat* period and that beyond that the obligation reverts to the original family. And if the husband discharges his obligations under the personal law, namely, pays the *mehar* contracted to be paid at the time of marriage, makes over all the property belonging to the wife and also pays the maintenance during the *iddat*, he should not be saddled with any obligation to maintain beyond the *iddat*, and the answer given was—and that is a matter of debate, and Mr. Banatwalla has quoted *in extenso* originally when he moved his Bill... (Interruptions).

SHRI P. KOLANDAIVELU (Gobichetti Palayam) : Mr. Banatwalla is the authority !

SHRI SATYAGOPAL MISRA (Tamluk) : It is again surrendering to communalism.

SHRI A. K. SEN : What I said was that it was quoted by Mr. Banatwalla. It was not his own speech. He only quoted something which came from the Government.

SHRI NARAYAN CHAUBEY (Midnapur) : You take lessons from him...

SHRI A. K. SEN : Now, Sir, after this, when the Hon. Members speak, they may expect the same treatment from this side. If there is going to be interruption, at every stage, it is a game which both sides can play...*(Interruptions)*.

SHRI NARAYAN CHAUBEY : Sir, the Minister is threatening us.

SHRI A. K. SEN : It is a game which is played...*(Interruptions)*.

MR. SPEAKER ; Please Order. What is this ?

(Interruptions)

[*Translation*]

MR. SPEAKER : It is not a good thing. You should restrain your Members.

[*English*]

This is not the way.

(Interruptions)

[*Translation*]

MR. SPEAKER : Mamataji, please be seated. Look, it is not a good thing. You express your own views and they will express their own views.

(Interruptions)

[*English*]

MR. SPEAKER : Both should have their say.

(Interruptions)

[*Translation*]

SHRI SAIFUDDIN CHOWDHARY : Sir, this will go on till *Iddat*. *(Interruptions)*, It is three months' period.

MR. SPEAKER : Please hurry up *(Interruptions)*. You should not interrupt in between.

[*English*]

SHRI A. K. SEN : I do not mind about Hon. Members who have come recently but

those who have been here for years have to know that a reply is a reply and there is a time and place for it. There cannot be a reply every second when there is debate going on.

MR. SPEAKER : Please carry on. Let us be serious about the business.

SHRI A. K. SEN : The stand of the Government was that no Muslim person should be offended because under section 127 (3) the moment a person discharges his obligation under the personal law, the order under section 125 will cease to be operative. That is so. Therefore, there is an inbuilt provision in this very Criminal Procedure Code whereby the personal law of the husband concerned was made the determinant factor for the continuance of the order under section 125, so that if a Hindu paid whatever was ordered as alimony at the time of his divorce under the Hindu Marriage Act, he would not be saddled with any further order under section 125. Similarly with a Christian and similarly with a Muslim. Now that was thought to be a complete answer to apprehension that section 125 was going to affect that the very vital part of Muslim personal law prescribing the obligation of a former husband to maintain his former wife. But the matter came...

SHRI P. KOLANDAIVELU : Nowhere it has been stated whether it is, Hindu or Muslim law.

SHRI A. K. SEN : I thought the Hon. Member has a right to reply and he has read the rules, I suppose, and under the rules, he cannot stand up every second, like a jackpot. *(Interruptions)*. The question came to a head when the matter came before the Supreme Court which is now everybody's knowledge called the Shah Bano's case in which a lady had sued her husband and after her divorce, she claimed maintenance under Section 125 and the court...

SHRI SAIFUDDIN CHOWDHARY : No. Not after the divorce. No distortion should be allowed.

SHRI INDRAJIT GUPTA (Basirhat) : You should speak the facts. She had not been divorced. She had been driven out of the house. Then she went to the court,

SHRI A. K. SEN : If the Hon. Member had not intervened, I would have given him the facts.

SHRI BASUDEB ACHARIA : It is not a fact.

SHRI INDRAJIT GUPTA : Why is he giving wrong facts? He is misleading the House.

SHRI A. K. SEN : If the...

(Interruptions).

SHRI P. KOLANDAIVELU : Sir, he is saying something in Tamil which is unparliamentary.

MR. SPEAKER : What is unparliamentary is expunged.

(Interruptions).

SHRI P. KOLANDAIVELU : Why are you allowing it?

MR. SPEAKER : I did not allow it. What I say is...

SHRI P. KOLANDAIVELU : He speaks in Tamil. He says something unparliamentary. How can it be allowed?

MR. SPEAKER : Mr. Kolandaivelu, please take your seat. Whatever is unparliamentary should not be uttered and whatever is unparliamentary, is expunged. I do not know what has been said. But if it is unparliamentary, I will get it translated and find out. Now one thing more... Please sit down.

13.00 hrs.

SHRI BASUDEV ACHARIA : He should apologise.

MR. SPEAKER : I will not allow anybody to abuse anybody else. Abusing itself is abusing one who abuses. One must have the dignity and sincerity of purpose to say certain things. We have to be very responsible.

Now what I am seeing on this subject here is that it might be controversial. Some

people may not like it and some people may like it. That is their viewpoint because this is a democracy. It is a question of whose will prevail and the will of the majority will prevail, and the will of those who get the backing will prevail. Please don't worry. You say whatever you have to say. You can say that on the floor of the House. I will give you ample opportunity to do it. But don't interrupt. Let us have the debate.

(Interruptions)

SHRI NARAYAN CHAUBEY : Now it is lunch hour, Sir.

MR. SPEAKER : Order, please. Please don't shout. Otherwise I will have to take recourse to certain things which I do not like. I have never used it and I do not want to use it. But don't take my leniency too far. There is a limit to everything. I will like you all to take part—very coherently, very positively and very constructively. Whatever you want to say you can say.

Now, Mr. Minister, I will like you to come straightforward and put the facts.

SHRI A. K. SEN : I will always come straightforward and no amount of pulling will deviate me.

PROF. MADHU DANDAVATE : You said the majority will decide and not necessarily the reason.

SHRI A. K. SEN : What I said was correct. When the Supreme Court decided; she was already divorced. The point before the Supreme Court was not whether a wife divorced has to be maintained by the husband or not... *(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY : Who took the case to the Supreme Court?...

(Interruptions)

He is again misleading the House. He is again committing a mistake. He does not know.

SHRI A. K. SEN : He does not know.

PROF. K. K. TEWARY (Buxar) : The behaviour of the Hon. Member over there is very deplorable.

[*Translation*]

MR. SPEAKER : Let me say.

PROF. K. K. TEWARI : I always obey you.

[*English*]

MR. SPEAKER : Now, Mr. Chowdhary, you please remain within bounds and let us be reasonable.

SHRI SAIFUDDIN CHOWDHARY : Untrue things are being told on the floor of the House.

MR. SPEAKER : What I have to say is...

SHRI SAIFUDDIN CHOWDHARY : Does this Parliament not have any dignity ?

MR. SPEAKER : Mr. Chowdhary, please don't lose your temper. I will like to say one thing more. If you have got anything with which you don't agree or you say that it is not a fact, I will give you time to say those things. But please don't interrupt. Otherwise I will have to name you....

(*Interruptions*)

MR. SPEAKER : The Hon. Members should not talk to one another. They should address the Chair.

SHRI A. K. SEN : As I said, the matter came to the head in the Supreme Court where the question was whether a wife who has been divorced by a Muslim husband was still to be maintained by him beyond the *Iddat* period. That was the whole question before the Supreme Court. I was not dilating as to when the matter was first brought. I am trying to condense the matter and not dilate on the matter by going to the District court and all that. The Hon. Member knows that I know how to place my case. Let him do it in his own way....

MR. SPEAKER : Please go on with the case. But you are again going astray.

SHRI A. K. SEN : The Supreme Court decided as follows :

They said that is true that under the Muslim Law, the husband's obligation is to maintain his divorced wife during the *Iddat*. But where the wife was indigent at the time of divorce, then the Muslim Law did not conflict with section 125 of the Criminal Procedure Code. They quoted the Kuran and the Acts in vogue and came to the conclusion that section 127(3), which laid down that if a man discharges his obligations under the customary law or the personal law, he should be relieved of the obligation, and section 125 did not exonerate a Muslim husband who divorced his wife from paying maintenance beyond *Iddat* period, if the wife was indigent. This is very important. They accepted the position that obligation of the Muslim husband was upto *Iddat* period. But they said, if the wife was indigent that obligation went further than the *Iddat* period. They did not stop at that. They said something more which, I think, created great apprehension in the Mind of Muslims who are the biggest minorities in this country, numbering 14 crores of people. That observation was relating to Article 44 of the Constitution. If I may read Article 44 of the Constitution which is under the Directive Principle...

PROF. MADHU DANAVATE : That is a Red Book.

SHRI A. K. SEN : I think, the Hon. Members will be very happy.

SHRIMATI GEETA MUKHERJEE : It is a pity that you will be unhappy.

SHRI A. K. SEN : Article 44 of the Constitution says :

“The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”;

[Shri A. K. Sen]

And after deciding 125 did not conflict with the Kuran or the Shariat Law, they went further and said that they noted with regret that the Government has failed in his duty to bring about a uniform code for all the community reasoning thereby as if the uniform code which has to be framed under Article 44 was to be enforced against all communities forgetting the history of Article 44 of the Constitution and you will remember how the matter was raised here, debated here and we gave our expression about the Article 44 and if I may repeat once more about the history of Article 44 and what was said at that time, it may be of some relevance. When Article 44 of the Constitution was introduced, it was Article 35 in the draft Constitution and a great deal of apprehension was expressed particularly by the Muslims to the effect that if the State is to enforce a common code, then it will completely nullify the personal law of the various communities. If the intention was that everybody would be governed by one uniform code, then there will be objection from the minority community. Dr. Ambedkar made an observation which is quoted with very great authority everywhere and that was what was lost sight of by the Supreme Court. Dr. Ambedkar said that the apprehension of the Muslims and the amendments which were introduced in the Constituent Assembly were based on a feeling as if this principal is going to bring about a code which will be enforceable on all communities. He said that is not so. He said common enforceability is a different thing and that can only be done with the consensus of the communities concerned and the personal laws are to be held to govern the communities concerned unless they decide that they should part with it. He said that the only sphere of Marriage and Succession. For the rest of the matters, there was uniform code for contract, for transfer of property, for all other laws like the Civil Procedure and Criminal Procedure and so on. Therefore, if I may read that particularly because that is not lost sight of, when all these questions about secularism and other great principles of the Constitution being buried are raised. This is what Dr. Ambedkar said :

“My friend Mr. Hussain Imam in raising to support the amendments...”

The amendmeats sought to amend Article 35 in the draft Constitution in order to subject them to the personal laws.

“...asked whether it was possible and desirable to have a uniform code of laws for country so vast as this. Now I must confess that I was very much surprised at that statement, for the simple reason that we have in this country a uniform code of laws covering almost every aspect of human relationship”.

Then he goes to property and so on.

“The only province the Civil Law has not been able to invade so far is Marriage and Succession”.

With regard to Hindu Marriage it did invade later on. We are now governed by the Hindu Succession and Hindu Marriage Act with regard to our own succession and marriage. Then he said at the end of his speech as follows, which was quoted as a great charter for the minority. He said :

“My second observation is to give them an assurance. I quite realise their feelings in this matter; but I think they have read rather too much into Article 35 which merely proposes that the State shall endeavour to secure Civil Code for the citizens of this country. It does not say that after the Code is framed, the State shall enforce it upon all citizens merely because they are citizens. It is perfectly possible that the future Parliament may make a provision by way of making a beginning that the Code shall apply to those only who make a declaration that they are prepared to be bound by it, so that in the initial stage the application of the Code may be purely voluntary”

Therefore he said that like the Special Marriage Act, like various other laws, a uniform code will be open for anyone who opts for it. For instance, a Muslim or a Hindu or a Christian can go and declare today before the Registrar that he wants to be governed by the provisions of the Special Marriage Act. It does not mean that you are compell-

ing a Hindu to marry under the Special Marriage Act. The Vedic marriage still remains, governed by our own personal law as codified by the Hindu Marriage Act. The same thing with the Muslims.

Therefore, when we talked about Article 44 and the Supreme Court observed that the Government had failed in its duty to provide a uniform code, it forgot for a moment that everyone was still governed by his own personal law excepting that a uniform code may be there for them to follow, like the Special Marriage Act. This has created a great apprehension in the minds of the Muslims, which got expression even on the floor of this House when various features of Article 44 were debated.

We gave our own explanation which I thought satisfied the minorities at that time. When this was the position the Government could not be possibly blind to this apprehension on behalf of the largest minority community in India that if section 125 was given this meaning, then the husband becomes liable beyond the *iddat* period for maintenance of the wife and her relations are completely relieved of that liability, something which is, according to them completely repugnant to Muslim Personal Law in the Shariat.

So far a Muslims are concerned, are we to be governed by what they think should be their personal law, or are we to be governed by the feelings of those who think secularism demands that everybody must be tarred with the same brush? I can appreciate the high spirit and rather liberal approach that many of the Hon. Members on the other side belonging to the minority community of Muslims have. But the Government cannot ignore the voice of the vast majority of the Muslims.

We have spent eight months of wide study and research into the matter for the purpose of appreciating what according to Muslim law is the obligation of the husband of a divorced woman where both the husband and the wife had married according to Muslim law and they are governed by its tenets. The result of our study reveals that

excepting in a few Muslim countries like Egypt, Tunisia and others in the vast majority of the Muslim countries the law is what we have stated to be in the Bill which is under consideration.

SHRI V. KISHORE CHANDRA S. DEO
 Parvathipuram) : What about Pakistan ?

SHRI A. K. SEN : Regarding Pakistan read Section 488 of 1898 Act. It says that liability is upto the *iddat* period.

AN. HON. MEMBER : What about Libya ?

SHRI A. K. SEN : Now, Sir, including Iran and Afghanistan the law is that the husband is liable to maintain the wife whom he divorces after the *iddat* period excepting that the *iddat* period becomes elastic as the woman concerned bears a child at the time of divorce or if she has already children who are still minor at the time of divorce born of the husband who divorces her. We have given the definition of *iddat* which is according to Muslim law. I have taken the trouble of studying every text of the Muslim law to see that that definition accords with Muslim understanding of the matter.

Now what is the fundamental principle of Muslim law in this matter? We must look at it from the point of view of Muslims, and not from the point of view which according to us ought to be there, because you must sit on the Muslim chair and view the matter from the Muslim chair and then try to find out what is the law which governs the Muslims and which according to them is not merely a law of man's making but a law ordained by God. This is the belief of the Muslims. (*Interruptions*)

There is no question of laughing about it. To the Muslims it is an article of faith. That what is ordained in Quran is the law of God.

SHRI DINESH GOSWAMI : Why have you taken the place of God today by making this law? Leave it to God. I think you are hurting the susceptibilities of the Muslims by taking the place of God. Leave it to God.

SHRI A. K. SEN : Let the Muslims give vent to their own susceptibilities instead of Mr. Goswami doing it.

AN HON. MEMBER : It is a dangerous concept. *(Interruptions)*

MR. SPEAKER : Don't argue with them. Let us finish it now. Let us summarise it.

SHRI A. K. SEN : It was our duty to ascertain the views of the Muslims on their personal law and in that matter their voice would be more dominant than the voice of those who tend to speak for them until they get their proxy.

Now the law of Muslims relating to marriage and divorce is this. This is our understanding and I think those who are here belonging to Muslim community will agree with us. It is this : Marriage is a matter of contract. It is not a sacrament at all. A woman is not married to a man till eternity as it was with us, the Hindus, and as it was with the Catholics in the olden days that once married to a man she remained a wife to the man and once married to a woman the husband remained a husband to the woman for eternity. Divorce was unknown. To the Muslims divorce was very much known; not merely known but no stigma attached to the divorced woman. On the contrary the husband divorcing the wife was under a moral obligation to see that she is married well after his divorce, a concept which possibly was revolutionary at that time and might have been considered to be very revolting by those who are not Muslims. *(Interruptions)*

Either you listen or you don't.

DR. DATTA SAMANT : Such things are very difficult to understand.

SHRI A. K. SEN : I can give you only my voice. I cannot give you my understanding.

(Interruptions)

AN HON. MEMBER : This is beyond our imagination.

SHRI A. K. SEN : Keep your imagination to yourself.

(Interruptions)

SHRI A. K. SEN : Now further Sir, according to the Muslim Law, the wife is an equal participant as the husband. And what is more, on divorce she reverts back to the family to which she belongs. There are only two categories of women in Islam, those who are married and those who are unmarried. If a married woman enters a new family, she becomes the wife of the husband.

PROF. MADHU DANDAVATE : Which is the third category ?

SHRI A. K. SEN : There are only two categories of women in the Muslim community.

PROF. MADHU DANDAVATE : I am asking about the third category.

SHRI A. K. SEN : Your category is the third category, Prof. Dandavate.

PROF. MADHU DANDAVATE : Sir, let him not utilise this debate to create disturbance in my family.

SHRI A. K. SEN : Therefore, the moment a wife gets divorced by her husband, she becomes unmarried in the eye of Islam and she cannot possibly even touch her former husband. I am told by very honourable women belonging to Islam. They say that it will be a sin to touch the ex-husband, or even to touch the dirty copper thrown by him. This is the exact language which has been used.

(Interruptions)

Are you going to listen or are you going to talk ? If you are going to talk, you talk.

(Interruptions)

There is no desire to listen. There is a desire only to talk.

Now, this is Islam. If the Hon. Member wants to study it, let him come to my place, I will give him all the texts and he will find it there.

(Interruptions)

MR. SPEAKER : You summarise it and finish it.

SHRI A. K. SEN : Now if that is so, when she reverts as an unmarried woman, she reverts to her family and all the obligation to maintain her was on the father or the father's relations, so that an unmarried daughter, whether she reaches puberty or not, remains a burden on the father until marriage, and she also remains a burden on the father even after the divorce. This is Muslim Law and according to the Muslim Law this guaranteed continuous fair treatment is given to the Muslim women.

What is further more ? Further, the understanding was that if there was no father alive, or if he was indigent himself, then the liability to maintain devolved on the community. This, I think, was also very revolutionary. I do not want to say, but we know in many communities how widows are treated. They were not treated as a burden on the community. But they were left to fend for themselves.

(Interruptions)

[*Translation*]

MR. SPEAKER : Mind your own business. Why are you interrupting ? Order, order don't talk. *(Interruptions)*.

[*English*]

SHRI A. K. SEN : If this is the understanding of the Muslims of their own personal law, then the Government is duty-bound to pay attention to this understanding and not to impose something upon them, which according to them conflicts with their understanding of the Koranic injunctions on the father or the community or the husband.

Therefore, the Bill has taken three positions. First of all, it says that if a woman is divorced by her husband and both of them are married according to the Muslim Law, then until the *iddat* period, she will be maintained by the husband. After the *iddat* period, she will be under the charge of the

father, the brother or the mother. If the brother or the father or the mother are themselves indigent, then the community will look after her, and the community is represented by what we say, the services of the Wakf Boards, which look after all charity.

AN HON. MEMBER : The Boards themselves are insolvent.

(Interruptions)

DR. DATTA SAMANT : This too much to hear Sir. Is there no respect to women ?

(Interruptions)

SHRI A. K. SEN . I can lend a little cotton wool to plug your ears. I do not want you to hear it.

SHRI DATTA SAMANT : Instead of hearing such things, that will be better, Sir.

SHRI A. K. SEN : I will give, I will give you. I promise that I will give it to you after this Bill...*(Interruptions)*.

MR. SPEAKER : Order, order.

Mr. Minister, should you take so long a time of the House to finish ?

SHRI A. K. SEN : This is the position. When we hear all the representatives of the Muslim community on the floor of the House, the Hon. Member who thinks that he cannot hear the Muslim voice speaking on the floor of the House—which we have.....*(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY : On a point of order, Sir. He cannot...*(Interruptions)*.

[*Translation*]

MR. SPEAKER : You can say that it is your voice.

[*English*]

SHRI SAIFUDDIN CHOWDHARY : On a point of order, The Law Minister talks about Muslims' representatives. How can he says this ? Nobody is a Hindu representative or a Muslim representative in this House...*(Interruptions)*. He is communalizing the whole country *(Interruptions)*

SHRI BASUDEB ACHARIA : How can he say this, Sir? (*Interruptions*).

SHRI SAIFUDDIN CHOWDHARY : You give me a ruling, Sir. (*Interruptions*)

SHRI DATTA SAMANT : How can he say like this? (*Interruptions*)

MR. SPEAKER : Order...Mr. Samant, I will have to name you. You always do this. Sit down now...(*Interruptions*) Take your seats. Please sit down. Mr. Amar Roypradhan.

Mr. Minister, nobody represents anybody. Everybody represents his own voice. That is it...(*Interruptions*) Please sit down.

SHRI DATTA SAMANT : There should be some moral responsibility.

MR. SPEAKER : Don't talk about moral responsibility, Mr. Samant. If you again interrupt, I will name you. I have had enough of it. I have had enough of it. Now mind your business.

Mr. Minister, keep yourself to the point and finish it off...(*Interruptions*) Order, now. Sit down. Take your seats. Enough of it. It is all right; please sit down. Now Mr. Minister..

PROF. K. K. TEWARY : This is a reflection on the Hon. Minister...(*Interruptions*)

MR. SPEAKER : Order please. What I have said, I have said. Take your seat. It is all right.

PROF. K. K. TEWARY : With due respect...(*Interruptions*)

MR. SPEAKER : Mr. Tewary, you are not the custodian. I also respect him. I also do honour and have the same respect for the Minister. I am doing that, so that everything goes well. I am saying this in all humility—I refer to what I said. Now take your seat.

PROF. K. K. TEWARY : With due respect to the Chair, I would say that the

Minister is arguing his case; he has to go by the subject-matter. He has to speak himself on the subject. The Chair cannot frame the arguments in the speech for him.

MR. SPEAKER : Mr. Minister, don't pay heed to anything. Hon. Members, don't interrupt him any more.. (*Interruptions*)

Yes, Mr. Minister: you carry on.

SHRI C. K. JAFFAR SHARIEF (Bangalore North) : May I have an opportunity? (*Interruptions*)**

MR. SPEAKER : I do not want any interruptions. I have not allowed you, The Minister will speak now.

(*Interruptions*)**

MR. SPEAKER : It is all right. I do not allow (*Interruptions*)** Mr. Sharief, you have to say our own things, when you are given time. You will be given time.

SHRI A. K. SEN : The point was, if there was any irrelevance in my thoughts...

MR. SPEAKER : He is also an Hon. Member of this House.

SHRI A. K. SEN : If I ever deviate from the point. I will be very obliged if you correct me. I shall never object. But I thought it was relevant for me to point out that no government worth its salt can remain deaf to the demands of the minority community.

(*Interruptions*)

MR. SPEAKER : Please take your seats or otherwise I will name you.

SHRI SAIFUDDIN CHOWDHARY : What happend in Barabanki ?

(*Interruptions*)

SHRI A. K. SEN : Whatever may be the opposition, this Government never deviates from its path of protecting the legitlmate interest...(*Interruptions*)

MR. SPEAKER : Please don't do it. Mr. Chaubey.

(Interruptions)

SHRI NARAYAN CHAUBEY : What happend in Moradabad ?

(Interruptions)

MR. SPEAKER : Mr. Chaubey, I would ask you to withdraw from the House if you do like this again. Will you keep your mouth shut now ? It is too much. You are transgressing all the limits.

(Interruptions)

MR. SPEAKER : Please sit down.

PROF. K. K. TEWARY : This is very unfortunate.

MR. SPEAKER : This is very very unfortunate.

(Interruptions)

PROF. K. K. TEWARY : This is a very serious matter.

SHRI A. K. SEN : I shall emphasise again, on the strength that we now command, so long as this Government continues, so long as the Congress(I) Government is in power, the interest of the minorities will be safe in their hands.

(Interruptions)

SHRI INDRAJIT GUPTA : It is very good demagogy.

(Interruptions)

SHRI A. K. SEN : If we had spent all this time on ascertaining what the personal law of the Muslims was on this point, it had been a fruitful adventure. We think and think it correctly that what we have put in the Bill reflects the proper personal law of the Muslims. If that be so, then there is no question that so far as Muslims are concerned Section 125 will apply only for obliging the husband to maintain his divorced wife upto *iddat* and after the *iddat*

the father and the other relations enjoined by the *Koran* are to maintain that daughter reverting to their family... (Interruptions)

SHRI SAIFUDDIN CHOWDHARY : I doubt very much.

SHRI A. K. SEN : Now this being the structure of the law, I command to the House that this should be accepted as a proper and most fair measure.

(Interruptions)

MR. SPEAKER : Motion moved :

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be taken into considerations."

Members have given notices of amendments. Those members who want to move their amendments may do so.

SHRI V. S. KRISHNA IYER (Bangalore South) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th May, 1986". (8)

SHRI SAIFUDDIN CHOWDHARY : I beg to move :

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the House consisting of 17 members, 11 from this House namely :

- (1) Shri Somnath Chatterjee
- (2) Shri V. Kishore Chandra S Doa
- (3) Smt. Bibha Ghosh Goswami
- (4) Shri Syed Masudal Hossain

- (5) Shri Abdul Rashid Kabuli
- (6) Shri Hannan Mollah
- (7) Smt. Geeta Mukherjee
- (8) Shri S. Jaipal Reddy
- (9) Shri Asoke Kumar Sen
- (10) Shri Zainal Abedin
- (11) Shri Saifuddin Chowdhary

and 6 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and Communicate to this House the names of 6 members to be appointed by Rajya Sabha to the Joint Committee." (9)

SHRI BASUDEB ACHARIA : I beg to move—

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely :

- (1) Shri Somnath Chatterjee
- (2) Shri Saifuddin Chowdhary
- (3) Prof. Madhu Dandavate

- (4) Shri V. Kishore Chandra S. Deo

- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Abdul Rashid Kabuli
- (7) Shri Hannan Mollah
- (8) Smt. Geeta Mukherjee
- (9) Shri S. Jaipal Reddy
- (10) Shri Zainal Abedin

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (36)

SHRI HANNAN MOLLAH (Uluberia) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 12th November, 1986." (45)

SHRI ZAINAL ABEDIN (Jangipur) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1986." (47)

SHRI MANIK SANYAL (Jalpaiguri) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 11th August, 1986." (48)

SHRI BASUDEB ACHARIA : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 25th November, 1986." (49)

SHRI H. A. DORA (Srikakulam) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th June, 1986." (50)

SHRI INDRAJIT GUPTA : I beg to move :

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 16 members, 11 from this House, namely :

- (1) Shri Somnath Chatterjee
- (2) Shri Saifuddin Chowdhary
- (3) Prof. Madhu Dandavate
- (4) Shri V. Kishore Chandra S. Deo
- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Abdul Rashid Kabuli
- (7) Shri Hannan Mollah
- (8) Smt. Geeta Mukherjee
- (9) Shri S. Jaipal Reddy
- (10) Shri Asoke Kumar Sen
- (11) Shri Zainal Abedin

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum

shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (54)

SHRI NARAYAN CHAUBEY : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th July, 1986." (57)

SHRI D.B. PATIL (Kolaba) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 14th August, 1986." (58)

SHRI AMAR ROYPRADHAN (Cooch Bihar) : I beg to move :

"That the Bill to protect the rights of Muslim Women who have been divorced by, or have obtained divorce from their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 16 members, namely :

- (1) Shri Narayan Choubey
- (2) Shri Saifuddin Chowdhary
- (3) Shri Mool Chand Daga
- (4) Prof. Madhu Dandavate

- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Dinesh Goswami
- (7) Shri Indrajit Gupta
- (8) Shri Arif Mohammed Khan
- (9) Shri Sanat Kumar Mandal
- (10) Shri Shripati Mishra
- (11) Shri Hannan Mollah
- (12) Smt. Geeta Mukherjee
- (13) Shri Chintamani Panigrahi
- (14) Shri C. Madhav Reddy
- (15) Shri Amar Roypradhan and
- (16) Shri Asoke Kumar Sen

with instructions to report by the 14th August, 1986."(96)

SHRI VIJOY KUMAR YADAV : I beg to move :

"That the Bill to protect the rights of Muslim Women who have been divorced by or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 16 members, 11 from this House, namely :

- (1) Shri Somnath Chatterjee
- (2) Shri Saifuddin Chowdhary
- (3) Prof. Madhu Dandavate
- (4) Shri V. Kishore Chandra S. Deo
- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Abdul Rashid Kabuli
- (7) Shri Hannan Mollah
- (8) Smt. Geeta Makberjee
- (9) Shri S. Jaipal Reddy
- (10) Shri Asoke Kumar Sen
- (11) Shri Zainal Abedin

and 5 from Rajya Sabha :

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the committee shall make a report to this House by the 28th July, 1986;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (132)

SHRI SAIFUDDIN CHOWDHARY : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 4th August, 1986 and that this be done through a referendum among the Muslim Women."(196)

SHRI C. MADHAV REDDI (Adilabad) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 5th July, 1986."(209)

SHRI C. MADHAV REDDI : I beg to move :

"That the Bill to protect the rights of Muslim Women who have been divorced by or have obtained divorce from, their husbands and to provide for matter connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely :

- (1) Shrimati Akbar Jahan Abdullah
- (2) Shri Basudeb Acharia
- (3) Shri Sri Rama Murty Bhattam
- (4) Shri Somnath Chatterjee
- (5) Smt. Usha Choudhary
- (6) Shri Saifuddin Chowdhary
- (7) Shri Mool Chand Daga
- (8) Prof. Madhu Dandavate
- (9) Shri Indrajit Gupta
- (10) Shri Abdul Rashid Kabuli
- (11) Dr. (Mrs.) T. Kalpana Devi
- (12) Shri P. Kolandaivelu
- (13) Shri Hannan Mollah
- (14) Shri D.N. Reddy
- (15) Shri K. Ramachandra Reddy
- (16) Shri Asoke Kumar Sen
- (17) Shri V. Tulsiram
- (18) Shri K.P. Unnikrishnan
- (19) Shri Girdhari Lal Vyas
- (20) Shri C. Madhav Reddy

and 10 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the committee shall make a report to this House by the last day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha to join the said Joint Committee and communicate to this House the names of 10

members to be appointed by Rajya Sabha to the Joint Committee." (210)

MR. SPEAKER : Now, Shri Janardhana Poojary will make a statement.

AN HON. MEMBER : What is he doing ?

MR. SPEAKER : Some statement, he is making.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram) : What about our amendments ?

MR. SPEAKER : They are all on clauses. The will come later on. They are on clauses.

13.39 hrs.

STATEMENT RE INCENTIVES
FOR EXPORT PROMOTION

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Mr. Speaker, Sir, in my reply to the debate on the Finance Bill, ... (*Interruptions*)

MR. SPEAKER : After the statement, we will have lunch break.

(*Interruptions*)

MR. SPEAKER : Why, you don't like ?

(*Interruptions*)

AN HON. MEMBER : It is not audible.

MR. SPEAKER : We will take it as read.

(*Interruptions*)

MR. SPEAKER : Order, order. Let us hear the statement... (*Interruptions*)

MR. SPEAKER : We shall take it as read. You can lay it on the Table of the House.

**Text of Statement re-incentives for
export promotion**

In my reply to the debate on the Finance Bill on 28th April, 1986, I had promised to announce a package on the Direct Tax side for encouragement of exports. I am happy to announce the following amendments which will be brought on the statute through an Amendment Bill in due course :

- (i) In the interest of development of exports, I have decided to amend Section 80 HHC to provide larger exemption from income-tax to various types of exporters. It is proposed to allow deductions to the extent of 4 per cent of the net foreign exchange realisation plus 50 per cent of the remaining net profit. The net foreign exchange realisation will be as defined in the Import Export Policy.
- (ii) In order to encourage the activity of execution of projects outside India which is one of the sources of earning foreign exchange, Section 80HHC will be amended by a separate Amendment Bill so as to secure that the deduction will be admissible of an amount equal to 50 per cent of profits, as against the existing rate of deduction of 25 per cent of profits, from such activity.
- (iii) Any profits and gains in respect of newly established industrial undertakings in Free Trade Zones is not taxable for five initial years beginning from the year in which such undertaking begins to manufacture or produce articles or things. In order to enable such assessee to avail of this tax benefit in a longer time frame, it is proposed to amend this provision to secure that within 8 years of the year in which the industrial undertaking begins to manufacture or produce articles or things, as assessee will be entitled to avail of this benefit for any five consecutive assessment years at his option.

13.40 hrs.

*The Lok Sabha adjourned for Lunch
till forty minutes past Fourteen of
the clock*

*The Lok Sabha re-assembled after
Lunch at Forty-two minutes past
Fourteen of the Clock*

[MR. DEPUTY SPEAKER *in the Chair*]

**MUSLIM WOMEN (PROTECTION
OF RIGHTS ON DIVORCE) BILL
—Contd.**

[*English*]

SHRI H. A. DORA (Srikakulam) : I would like to make it clear at the very outset that Telugu Desam Party has got every respect for Muslim Law, its traditions, customs and also usage. It is the declared policy of Telugu Desam Party that it shall not interfere with the Muslim Personal Law. I would like to mention at this juncture that this party believes in Islam, which is universal and progressive in its character for all times to come.

I would like to submit that Telugu Desam Party has no other option but to oppose the Bill, as the Bill itself encroaches on the rights of the Muslim women and on the Muslim Personal Law. At the outset, I may be permitted to submit that it is not a Bill but a bull let loose to trample over the rights of the Muslim Women and children.

I may be permitted to submit clause by clause on this particular Bill. The Bill starts with a charming expression that 'It is a Bill to protect the rights of the Muslim Women, Very attractive expression'. The expression is 'protection of Muslim Women' (*Inter-ruptions*).

PROF. MADHU DANDAVATE : Printing mistake. That is 'prevention'.

SHRI H.A. DORA : Protection of rights of Muslim Women'. My learned friend just now has asserted that he cannot be deaf to the demands of the minority community in

this country. My friend has taken into consideration those persons who are in favour of the Bill. He is really deaf to those Muslim scholars who have demonstrated in open streets of this country, including this capital city of India. He is also really deaf to those Muslim scholars who have opposed the Bill tooth and nail. Therefore, my submission is that the demand to which he has conceded is the demand of only those to whom he surrendered. That is what I would like to point out at this particular juncture. That apart, I may be permitted to submit that protection of rights presupposes the existence of some rights which are in need of protection. What are those rights which need protection and those rights are not indicated in the Bill itself. It is not stated so in the Bill that these are the rights that required protection in this particular Bill. And that apart, I may be permitted to submit who actually violated these rights. I am at a loss to understand even at this stage as to who are the persons who violated, who invaded, who transgressed, who intruded upon the rights of the Muslim women who need protection in this particular Bill. That is not indicated. No whisper is made as to the rights which are in danger and need protection. There is no indication in the Statement of Objects and Reasons.

I may be permitted to submit that the decision of the Supreme Court in Shah Bano's case led to some controversy as to the obligation of the Muslim husband to pay maintenance to the divorced wife. Presumably, the decision of the Supreme Court in Shah Bano's case has violated the rights of the Muslim Women. Is it so? I may be permitted to submit at this particular juncture the facts of that particular case. Mr. Mohammad Ahmed Khan Akbar—it is not Arif Mohammed Khan who recently resigned on this controversial Bill—married Shah Bano in or about the year 1932. Their marriage was solemnised in accordance with the Islamic rights and ceremonies. The marriage thereafter consummated. It is but natural that three sons and two daughters were born to them during their marital wedlock. They led marital life for about 43 years. Then differences and disputes arose which led to the

driving away of Shah Bano from the marital home of this Mohammad Khan. In the year 1978—subject to correction—in the month of April, Shah Bano preferred an application under section 125 Cr. P.C. before a First Class Magistrate, Indore, asking him to award maintenance at the rate of Rs. 500 per month. But you are aware, Sir, that a Muslim husband in this country enjoys the privilege of being able to discard his wife at any point of time, whenever he chooses to do so, for reasons good or bad, indeed for no reason at all. And it has happened in this particular case. He gave divorce in the month of November 1978 to Shah Bano by pronouncing '*Talaq*'. But the honourable Magistrate of First Class was pleased to award a princely sum of maintenance of Rs. 25'. Aggrieved by this Shahbano went in revision to High Court of Judicature of Madhya Pradesh which was pleased to enhance her maintenance from Rs. 25 to Rs 179-20. Aggrieved by this, this Mohd. Khan went in appeal to Supreme Court. And Supreme Court laid down 4 important propositions. Firstly, it declared that Section 125 Cr P C is truly secular in character. It asserted that the provisions contained in Section 125 Cr P C did not come in conflict with that of the Muslim Personal Law.

It also laid down that the liability imposed by Section 125 Cr P C to maintain close relatives who are indigent, who are unable to maintain themselves, is founded upon an individual obligation to the society to prevent vagrancy and destitution. I think, the third proposition that is laid down by the Supreme Court is the moral edict of law. Is it the moral edict of law that has come in conflict with Muslim Personal Law, or is it the moral edict of law enunciated by the Supreme Court that has violated the rights of Muslim Women in this country? My learned friend has asserted that the Supreme Court recognised the right of the Muslim Women who is indigent to provide maintenance even beyond the period of *Iddat*. This Bill apparently seeks to protect the rights of Muslim Women but it really restricts and takes away the right of the Muslim Women and deprives the Muslim Women maintenance beyond the period of *Iddat*. This is the position. Instead of protecting the rights of the

[Shri H. A. Dora]

Muslim women the Bill takes away their rights. Therefore my submission is this. This is a Bill which really restricts the right of the Muslim Women. The phraseology that is introduced in this particular Bill is 'Protection of rights'. That is really very charming'. It appears to be seductively beautiful to look at, but appearances are often deceptive. All that glitters is not gold! But here is an expression which is quite deceptive in itself and it has stealthily taken away the rights of the Muslim Women which have been recognised in the Shahbano case.

Another aspect is this. The Bill really takes away the rights of the women and restricts the liability of her husband to provide her maintenance only till the period of *Iddat*. Does it really absolve or exonerate the husband from providing maintenance to his divorced wife even beyond the period of *Iddat*? It is not so. I may be permitted to bring to your notice Clause 3, sub-clause (1) (a). It says that notwithstanding anything contained in any other law for the time being in force, a divorced women shall be entitled to 'a reasonable and fair provision and maintenance to be made and paid to her *within* the *Iddat* period by her former husband'. Now, here I am stressing the word 'within'. There are three conjunctions in this particular clause.

The first conjunction is in between 'reasonable and fair provision'. 'Reasonable' and 'fair' appear to be two adjectives which qualify the noun 'provision' here. And maintenance to be made for what period—it is not stated. It is conspicuously absent, glaringly absent. It is not stated that this is for the period of *Iddat*. That is the main objective that is likely to be achieved by this particular Bill. That is not stated so, it is for the *Iddat* period, and to be paid when? Within the *Iddat* period. 'Within the *Iddat* period' is an adverbial clause of condition which governs the verb 'paid' here. Therefore, my submission is that this particular clause does not absolve, does not exonerate the husband from paying maintenance even after the period of *Iddat*. That is my submission. That apart, I may

be permitted to submit at this juncture that my learned friend, Mr. Banatwalla introduced his Bill on 15th March 1985—subject to correction—in this House presumably with a view to undo the decision in the Supreme Court Judgment in Shah Bano's case. The Bill in effect was that Sections 125 and 127 Cr. P.C. must be amended to ensure that a divorced Muslim Woman has no right whatsoever to claim even the most niggard by maintenance to be given to her beyond the period of *Iddat* which may be a period of three months. This Bill was addressed, as you are all aware, to the Ministry of Home Affairs. The Ministry of Home Affairs in its Search for background material referred this matter to the Law Ministry, The Legal Adviser to the Law Ministry, subject to correction, Sir, on 25th May 1985, submitted a note to the concerned Ministry. Is it incorrect to say that he asserted in unequivocal terms in this particular Bill that Section 125 is a provision contained in Criminal Procedure Code whereas the Muslim Personal Law is of a civil nature. Is it not a fact that he has ascertained therein that any move made to Section 125 and Section 127, Cr. P.C. either in present or in the future must be opposed in toto. The Law Secretary was more emphatic in his assertion that any move even to circulate this particular Bill to the Joint Select Committee or eliciting public opinion must be opposed in toto. Will the Government deny this? I may be permitted to submit that this note was fully endorsed by the Hon. Minister of State for Law, Mr. Bharadwaj, on 1st June 1985. Is it incorrect to state that the Law Minister, Mr. Sen has also endorsed the same on 2nd June 1985? They are now absolutely deviating from it. They appeared to be very secular at that point of time. Now the Hon. Minister for Law categorically asserted that he is not deaf to the demands of the minority community in this country. He is quite alive to it, he is also equally alive to what he has endorsed, according to me, and therefore, my submission is: Why there is such a deviation? Why there is duplicity that has been played, if it is really correct, on this particular aspect? Let him stick to his own conviction so far as this particular aspect is concerned.

(Interruptions)

15.00 hrs.

The other aspect which I would like to submit to this. I would like to submit and bring to your kind notice the inherent weaknesses in the Bill itself. There are a number of inherent weaknesses.....(*Interruptions.*)

MR. DEPUTY SPEAKER : I am giving a chance to you.

SHRI H.A. DORA : Sir, clause 3 sub-clause (1) (b) says :

“(b) where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made.....”

Sir, you are aware and the Law Minister is also aware that marriage is a condition precedent for any divorce. Any children born to her prior to her marriage are also her children born before her divorce. What is here is “the children born to her before or after her divorce”. An important factor which is glaring at us is, “children born to her during her marital wedlock with her former husband” is not there. Therefore, does it refer to the children born to her on account of here extra marital romance or children born to her on account of somebody else, it is not clearly stated. Therefore, this is one of the inherent weaknesses in the Bill itself. I may be permitted to submit at this juncture, an important factor. Section 125 Cr. P.C. provides maintenance not only to the wife who is unable to maintain herself, but it provides maintenance to legitimate and illegitimate child who is unable to maintain itself. It provides maintenance to the illegitimate as well as legitimate child who attained majority but by reason of its abnormality of mind is unable to maintain itself. It also provides maintenance to Muslim father as well as Muslim mother. Nothing is whispered about these persons. It was tried to be painted as a comprehensive Bill which is intend to protect the rights of Muslim women only. I may be permitted to submit as to why conspicuously the other members of the same community have been left out and nothing is said about them. Are you going to

introduce another Bill in respect of Muslim men, Muslim oldmen, Muslim children, Muslim illegitimate children? What is this? Is it a comprehensive piece of legislation.

My friend has only referred to Tunisian law. He has only referred to Moroccan law. But he has forgotten that even in Indonesia which is very near to us, they have introduced comprehensive reforms in marriage laws as well as in maintenance laws. Even Pakistan has done so. Even Khoja, Somalias, East Africans have also introduced comprehensive reforms in their marital laws. But this is an isolated piece of legislation with no prospect of any comprehensiveness in itself.

I may be permitted to submit that the poor magistrate has to discharge several duties. He has the duty to ascertain whether there is a valid marriage according to Muslim law between these two spouses. He has the duty to ascertain to dispose of the application within one month from the date of filing of the application. He is charged with the duty of ascertaining as to whether the divorced woman possesses any property that is to be devolved on her death in accordance with the Muslim law. He is charged with the duty to ascertain whether there are any relatives who are surviving by the date of disposal of the application. He is charged with several duties under clause 4 of this particular Bill. Is he going to dispose of the application within a period of one month from the date of filing of the application? It cannot be so because the Bill itself glaringly says, “provided that if the Magistrate finds it impracticable to dispose of the application”. Why is this word impracticable introduced? They are alive to it that this application is not going to be disposed of within one month. They are quite alive to this impracticability and, that apart, I may be permitted to submit at the last stage, the important aspect of it.

Why is this Bill being rushed through? It is only for the reason that the Prime Minister's prestige is at stake. The Prime Minister gains in prestige only by acknowledging his error, by rectifying it. But here a sad thing is done. He has not acknowledged his error and a mistake has already been committed. But the worst thing to do is to persist in such

[Shri H. A. Dora]

a mistake. That is the worst thing that has happened in this particular Bill and, that apart, I may be permitted to submit that within seconds of the passing of this Bill, the extremists in Punjab may drive a wedge between the Akali Government and the Centre, goading the former to prevail on the Centre to have the right of Sikhs recognised, to have a separate law of their own.

SHRI EDUARDO FALEIRO (Mormugao) : Mr. Deputy Speaker, this is a routine piece of legislation that should have been passed in a routine manner and the Opposition.....(*Interruptions*).

MR. DEPUTY SPEAKER : Order, order.

SHRI K. S. RAO (Machilipatnam) : Why are they disturbing him ? (*Interruptions*)

MR. DEPUTY SPEAKER : I request the Hon. Members to be silent when other Hon. Members speak. (*Interruptions*).

SHRI EDUARDO FALEIRO : I was submitting to you and through you to the House that this is a routine piece of legislation that should have been passed in a routine manner and the Opposition has made much about the matter which is a routine matter. This Bill, however, will provide an opportunity to the Opposition to assert its credibility. We want in this country an Opposition which does oppose, which points out to the Government when it goes wrong. But it is also in the interests of the Opposition itself and in the interests of parliamentary democracy and democracy as a whole when the Government does something which is right, the Opposition should come forth in their own interest and in the interest of democracy to support and to say that what the Government has done is the right thing to do.

It does appear that lot of objections which have been raised here and outside this Parliament. I may so respectfully but strongly, either on ignorance or on prejudice and more often than not, on both. I have a lot of

confidence in some of the gentlemen who might be on the Opposition benches, people with great integrity of character and integrity of thought and I do hope that by the time this debate is over, they will realise they have been in the wrong court. They will understand that they have been opposing without any cause and I do hope, I hope not against hope, that by the time of the voting, this Bill will be unanimously passed and supported by all sections of the House.

I congratulate the Government and I salute the Prime Minister.....(*Interruptions*). I do not mind interruptions. I welcome interruptions.

MR. DEPUTY SPEAKER : No, no. He is not yielding. I am not allowing it. He is speaking. Why are you interfering ?

(*Interruptions*)

SHRI K. P. UNNIKRIISHNAN (Badagara) : He is yielding. The Hon. Member is raising an objection.

MR. DEPUTY SPEAKER : How can he raise objection ? He never informed me. He never told me. He is not yielding.

SHRI DINESH GOSWAMI : I am on a point of order.

MR. DEPUTY SPEAKER : No, no. He is not yielding. There is no point of order. You take your seat.

SHRI K. P. UNNIKRIISHNAN : He is on a point of order.

MR. DEPUTY SPEAKER : You do not threaten me like this. I know. You don't interfere.

He is not yielding.....

(*Interruptions*).

SHRI DINESH GOSWAMI : I am on a point of order.....

(*Interruptions*)

MR. DEPUTY SPEAKER : There is no point of order. Please take your seat. I know. Mr. Unnikrishnan, don't threaten me.

SHRI K. P. UNNIKRISHNAN : You cannot say that there is no point of order without hearing him.

MR DEPUTY SPEAKER : I know how to deal with the point of order. You cannot interfere. You please take your seat.

(*Interruptions*)

MR. DEPUTY SPEAKER : He said that he was yielding, but he is not yielding.

SHRI DINESH GOSWAMI : He yielded.

MR. DEPUTY SPEAKER : I have to find out whether he is yielding or not.....

(*Interruptions*)

SHRI EDUARDO FALEIRO : I have no objection to any interruption.

SHRI DINESH GOSWAMI : Mr. Faleiro made a very honest offer to the Members of the Opposition that after hearing their speeches, the Opposition will change their views. Let them give the same freedom to their members..... (*Interruptions*) We have got our own mind. Give them a free voting.....

(*Interruptions*)

Let him also press the Prime Minister to give free voting.. ...

(*Interruptions*)

MR. DEPUTY SPEAKER : There is no point of order.

SHRI K. S. RAO : If you allow them, you should also allow us.

SHRI EDUARDO FALEIRO : Let me assure Mr. Goswami that I share with him many of what is known as progressive ideals. I do not belong to any community-either this community or that community.....

(*Interruptions*)

MR. DEPUTY SPEAKER : No interference please.

SHRI DINESH GOSWAMI : He has no right to call us a sectarian party.

PROF K. K. TEWARY : We have nothing in common with you. The Hon. Member cannot be allowed to talk all these things.....

SHRI DINESH GOSWAMI : We have come here on our own right.

PROF K. K. TEWARY : You represent a sectarian cause. We will never share any objective with you.

SHRI DINESH GOSWAMI : Mr. Faleiro made an offer and I responded to that offer...

(*Interruptions*)

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : *rose.*

MR. DEPUTY SPEAKER : Listen to the Minister. Please take your seat...

(*Interruptions*)

PROF. K. K. TEWARY : Our Government does not take any lesson from you. You cannot browbeat us. Who are you to browbeat us ? There is a limit.

MR. DEPUTY SPEAKER : I humbly request the Members. When a Member is speaking, let him speak. If you have any point of order, you quote the rule. But don't make any submission using the point of order. It is not fair. Don't speak like that.

SHRI EDUARDO FALEIRO : Anybody who supports progressive ideals must support this piece of legislation. We must all congratulate the Government.. (*Interruptions*) salute the Prime Minister for all the courage; for all his convictions and for the bold statement they have displayed in bringing this Bill before the Hon. House.

[Shri Eduardo Faleiro]

Mr. Deputy Speaker, the nation, the Parliament and the Congress Party are committed to the concept of secularism and secularism not only in this country but anywhere in the world, is a truly secular state in a multi-religious society, it is the paramount duty to equally respect all religions and give equal respect and protection to all laws, including personal laws, which are based on the religious tenets...*(Interruptions)*

Mr. Deputy Speaker, I am reminded of my speech, while participating on the demands for grants of the Ministry of Information and Broadcasting. Then I was saying that our media must keep religion altogether aside. At that time, all senior leaders, veteran leaders both to my left and to my right, had brought to the notice of this House that this country is basically religious. India would not be without intensely religious and being intensely religious there are several religious and therefore secularity of the state...*(Interruptions)*

MR. DEPUTY SPEAKER: I do not want any comments from any side.

SHRI EDUARDO FALEIRO: Therefore, all laws particularly personal laws of all religions should be equally respected by the State. It is not merely an injunction which is relevant for the times anywhere in the world. Genuinely, a secular state lives in a multi-religious society because it is injunction which every secular state anywhere in the world ruling over the multi-religious society must obey and fulfil. Apart from that there is specific injunction, which is enshrined in the Constitution of India which enjoins upon the State to give equal respect to all the religions and to the laws and to the tenets and the practices which are derived from the different religions. Mention has been made in this House of Article 44 of the Constitution, which enjoins upon the State to bring in a uniform civil code. But Article 44 of the Constitution cannot be read in isolation. Article 44 of the Constitution must be read together with Article 25 which provides that all religions must be respected by the State and all practices and laws that flow from

this must be respected and not being freezed upon by the State.

What is a personal law? A personal law—whether it is the Muslim Personal law or the Hindu personal law or the Christian personal law or the Parsi personal law—all the personal laws apply only to the people who profess that religion. And all laws which are derived from the religious tenets interfere with the personal law which concern only people who practice religion. You are interfering with the religious tenets of that particular class of people who have chosen to profess.

Mr. Dora waxed eloquent in one way. His speech was very eloquent, but on the wrong premise because it projects a widely assumed misconception that the Muslim women are in danger; the Muslim women will not be projected like that. I would like to ask one question from Mr. Dora i.e. why you take upon yourself this question of safeguarding the interests of Muslim women. Do you mean that the parents, the father of the Muslim women, husbands of the Muslim women, the sons of the muslim women, the brothers of the muslim women, they do not care about Muslim women? Do you think they require Mr. Dora and Eduardo Faleiro to look after them? It is a wrong conception which puts down the entire community. Let him throw light on all communities and not wax eloquent on the Muslim women. Let them go to the villages and towns in this country, where muslim community live and convince them that they have the protection of Mr. Dora, Mr. Eduardo Faleiro in Parliament. Muslim women are protected and they are very well protected. I will again go to all those a moment later, let me come back for a second on the constitutional injunction imposed in this country upon the State to safeguard the laws which derived the authority from the tenets of the Holy Quran. We have Article 25 of the Constitution and we have the speech of Dr. Ambedkar, one of the towering fathers of the Indian Constitution, putting it in so many words that the rights, obligation, conduct and practices derived from the tenets of Islam, the practices enjoined upon Quarn will be protected by this, will not be infringed upon by the Government of the day which-

ever Government may come. He has said it in so many words. The relevant portion of it is that he has said that it is for the Muslim community themselves to bring in whatever changes they think appropriate. He relied and rightly on the wisdom of the Muslim Community. Muslim Community does not require our borrowed wisdom. The Muslim Civilization is a Civilization when the western countries were living in the darkness of the middle-ages, they enlightened and brought the civilization to the countries of the west, they brought civilization to different corners of the world.

What has actually this Bill done that needs so many arguments and so much support? The Bill has merely restated the law. It has not created any new law. It has not even put in writing something that did not exist. It has merely restated the existing law as was framed in 1973 and was contained in Section 127 III(b), adding additional facilities to divorced women. Additional facilities like those mentioned by Mr. Dora.

While a divorced women, under Section 127 III(b) of the 1973 Code would have to go to a Civil Court to get her Mehr back—in Civil Courts it would take years and years as you know—now she can go to the Special Divisional Magistrate and get it. The amount of Mehr should be paid in one month. A time limit has been put and the litigation has been curtailed in the interest of the divorced Muslim women.

I have been asked, one question is posed, and rightly I suppose, as to why the restatement of the law was necessary? The restatement of the law was necessary and became indispensable after the judgement of the Supreme Court, which mis-interpreted the law of 1973, which mis-interpreted the version of the Quran, which mis-interpreted the Shariat and in the process made some arbitrary dictums which are uncalled for and created major problems, which fortunately have been nibbed in the bud.

Now whatever the Government has done is to assert its secular character. What the Government has done is to assert the rights

of the minorities, what they think their rights, I don't think it is a great advantage, I will come to that in a moment. Their sensitivity will not be changed and as and when any reform is necessary it will be minorities themselves, as far as those reforms are concerned that will come forward and move for them. The Government will not. That is, as I have said, the cardinal approach of a secular State in a multi-religious society anywhere. And, therefore, Sir, this price of legislation goes to the credit of this Government.

Mr. Deputy Speaker Sir, may I make some personal observation in this context? This piece of legislation, as I said, is a routine piece of legislation and it should be treated as such. We may as well avail of this opportunity to project some larger questions.

The question of Punjab has been mentioned here and it is being mentioned in this House everyday. The country undoubtedly faces a threat to its unity. We have too many religions. We have too many languages. We have, in fact, too many divisive forces. That impinges the interest of everybody, every Member of this House and every citizen of this country. So, we should see that we come closer and closer, together whether it is language, cultural pattern or the systems of law. The Government has done its duty and has done its duty magnificently by asserting its secular character, by asserting that it does and will not—as it rightly should—infringe upon the susceptibilities and the rights of the minorities. But this can never be one sided. If the State has a right towards the minorities and the State does have the duties towards the minorities, the minorities and every citizen of this country has also duty towards this nation and towards his community.

Sir, I want to mention something on which I feel very strongly and I should share with this House. Let all the religious leaders of different communities—in fact the leaders of different communities must voluntarily—must be emphasised upon to bring about a consensus and evolve a common system of law which will satisfy everybody and which will strengthen unity of this country because

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we are Indians beyond and above being either Hindus, Christians or Parsis. A system of law which unifies everybody and which brought about consensus and freewill of everybody will definitely contribute to this process. Now there is no point in coming here and asking the Government to bring this Bill because it is against the true to nature genuine secularism. The point is everyone of us—people of different communities—who claim to represent the interests of different communities we should go back to our people and educate them on the danger that we face. We should educate them on the need for coming together. It is only by educating our people, by bringing them on one platform and by consensus—this consensus has to be emphasised again and again—evolve a system of law which satisfies everybody and which asserts the unity of this country.

Sir, it is not merely in the interest of the nation as a whole. This would be in the interest of the very religious communities that we say we represent and we seek to protect. I have respect for all the holy books but I would for one say that the Bible that was given to the Christians 2000 years ago at a time when society was not even in feudal but pre-feudal time it cannot be interpreted—while it must be respected—to the letter. If heavens remain immutable and eternal for all time to come, earth and human society will definitely change and change in society will bring change in laws because law are nothing but systems to regulate social conduct and society.

It is all indeed a question of interpretation and it has been mentioned here how so many Muslim countries are abiding by law but most of them differ on the interpretation of Quran. Today we have no more as there was some centuries ago—a universal authority that may decide for the entire Islamic world as to what is the interpretation of Quran. No such authority exists or existed for hundred years. On the country there are different schools of Islamic law and it is left to the jurists and the religious leaders in each and every country to decide and interpret the Islamic law that will be applicable

to that country. Government has done the right thing in putting together in this law the formulation which is by the Islamic religious leaders and by the jurists who know the Islamic law. In fact, this Bill is but a statement of the law as contained in the Islamic law, that is, Mullah's authoritative statement of law that has been incorporated in this Bill. (*Interruptions*).

Government has done its duty. We must do our duty by the community whose interest we say we represent.

Sir, as I have submitted, we are trying to bring this country into an era of science and technology. We are going to do this in our country and we will, even if they don't, we will. But if they are going to do that, it is necessary that laws should be by consensus of the people of this country have a scientific base. If there is a Muslim leader of the world renown, who is respected in this country, the towering figure, that has done more possibly than anybody else in this century to project a positive and powerful image of Islamic, civilization in a modern context, that is Kamal Ataturk, who has been respected in this country by all sections of population, the Muslims particularly. Kamal Ataturk was the reformist to Islam. He reformed the society in Turkey and one of the things that Kamal Ataturk did as early as in 1926, that is, sixty years ago, was to abolish the 'Shariat' and to bring into Turkey the Civil Code of Switzerland lock, stock and barrel. So, you have in Turkey which has an intensely Islamic society, the Swiss Civil Code in practice for all the rights and liabilities and Personal Law.

Sir, it is a moment of pride for us that the Summit of the most developed and industrialised countries of the world is not taking place in Europe, which was a cradle of the Industrial Revolution, is not taking place in North America, but is taking place in an Asian country and it is a matter of pride and what has been done in that Asian country is to maintain a strong culture of Asia, is to maintain a strong loyalty to the culture of that country, but also to bring about the institutions of the industrialised countries, because it is only with the institutions of the industrialised countries, it is only with

that industrialised framework that they thought they could and actually they brought out industrial revolution. India today, coming from behind, is at the top and in the forefront of the industrial development, while maintaining our culture, our religion and our belief let us bring institutions, particularly legal institutions in the context of today's debate, which will permit us to face the challenges of development and progress. The main problems are indeed not problems of religion for the large sections of the poor people of our country. The main problem is the problem of economic backwardness. The main problem is of illiteracy and we have got to meet this problem and on this we cannot rely on the State alone. There should be friends from that side also and let all of us mobilise our people so that they voluntarily come forward for greater unity of the country, for greater development and progress of those very sections of the people whom we say we support and whom we say their interests are represented by us.

MR. DEPUTY SPEAKER : I may inform the House that there are many Members who have given their names to speak on this Bill. Therefore, I would request the Hon. Members to be brief in their submissions.

PROF. K. K. TEWARY (Buxar) : Mr. Deputy Speaker, Sir, the Bill that we are considering today is of utmost significance for this House and the people of India. Somehow the real dimension of the problem is getting lost. I was very carefully listening to the speeches of the Telugu Desam Member who initiated the debate as also my old friend, Mr. Faleiro. One is surprised at the situation created by people, who, in fact, have nothing to do either with the Muslim women's rights or the operational part of the changes introduced in Section 125 Cr. P.C.

When we debate such matters which are an integral part of our vision on socio-economic change, vision of emergence of our polity, then we must look at the historical context and the historicity of these problems. We have emerged as a nation during the freedom struggle. Let us

not forget that the first attempt of the national leaders was to forge unity among our people, whether they were Hindus, Christians or Muslims. This vast nation with all its diversities came together and we had to fight against the imperialist forces and experience acquired during those times has helped us in evolving a comprehensive vision of India as a society, a society with all its religions, all its languages and all its diversities. Unfortunately, in recent years, a definite threat has emerged to this composite nation, the nation that emerged after long struggle for freedom. This Bill has now been introduced in the House, but many things have happened before this.

I would like to draw your attention to the concerted attempts and this is something astounding. When the Supreme Court judgement came and Government took some steps to mollify the apprehension of the minority community in the country, then a concerted movement started. This is the most important aspect of the entire debate. A combined effort by the print media in the country and the so-called intellectuals and the opposition—all my learned friends from the opposition—was launched, a combined movement was started and dire predictions were made about the very survival of the nation. Majority of the Muslim population in the country was apprehensive about the judgement and when a step was taken, then the entire opposition, barring a few exceptions, all joined the print media in the country and an attempt was made. In my short years in Parliament, and equally short years of experience of national affairs, I have not seen a more determined attempt to polarise our people, polarise the nation on communal lines.

In the background of Punjab which has been referred to, in the background of other attempts to destabilise our nation, to my mind, the surest attempt and the surest weapon to destabilise this country, would have been to polarise the people and make them fight. And this attempt, unfortunately,—I do not know how—went very well with the so-called intellectuals also.

Let us be very clear once for all. We have seen the two-nation theory; history is a

[Shri K. K. Tewary]

witness to it, but in spite of that some Muslims chose to stay back in the country.

Speeches have been made, very responsible persons in the country have said that if this right and a small apprehension of the Muslims is sought to be redressed and removed, then this may lead to situations where the integrity of the nation would be threatened.

When the communal virus, the poison of the two-nation theory was sweeping the length and breadth of the sub-continent and being fanned by imperialist forces, the country unfortunately got divided. But the Muslims who remained in India had rejected out of hand the two-nation theory and they had faith in the long traditions of India. The patriotism of those who chose to stay here and who chose India as their motherland, cannot be questioned and should never be questioned.

The question is now this. In what form have we evolved as a nation? Are we going actually to make India a regimented society where differences are destroyed or silenced or throttled through State Power? Or, are we going to continue our century-old traditions, age-old traditions of India, as a nation subsuming all differences and all such denominations whether they are either religious denominations or cultural denominations? It was in this context that our national leader, the Father of the Nation, Mahatma Gandhi, viewed it. I do not want to go into the history of pre-Independent India. But let us not forget those times when separate electoral system was sought to be created not only for Muslims but for Harijans also, when our society was sought to be quartered and divided into groups based on religious loyalties, caste loyalties and regional loyalties. The greatest task before the people of India, before this ancient nation was to forge a united and common identity to destroy the British imperialism and to gain freedom for this nation. And after years of sacrifices and after years of common struggle, people of India came together and they won their Independence. After that we gave ourselves a Constitution and the Constitution is abundantly

clear on this. I would not go into every detail of the Constitution. But at this point, I would like to speak on a couple of issues which are directly relevant to the debate today.

Sir, we have certain misconceptions. I would like to state here that our secularism is based on the plurality of our society. We cannot borrow the concept of secularism from Mr. Chaubey and Mr. Somnath Chatterjee.

(Interruptions)

SHRI NARAYAN CHAUBEY: What harm have we done Sir? Is it because we are not so communal as they are and is it because we are more secular?

SHRI SOMNATH CHATTERJEE: They thrive on communalism and speak for secularism.

PROF. K. K. TEWARY: I will not be provoked Sir.

SHRI SOMNATH CHATTERJEE: If he has a conscience, he will be provoked.

(Interruptions)

PROF. K. K. TEWARY: Ours is a unique country with all the major religions of the world. But the day unfortunately this nation accepts the philosophy, political and otherwise of Mr. Chaubey and Mr. Chatterjee, then we will have concentration camps...

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY: For him, we agree to have a concentration camp!

PROF. K. K. TEWARY: There will be no voice of dissent and the diversity of our nation, the diversity which has given us cultural richness and the diversity that has strengthened this nation throughout ages, that diversity will be destroyed, only if, unfortunately, as I said, at some point of time people of India accept Mr. Chatterjee

and Mr. Chaubey as the torchbearers of the voice of the people of India.

Sir, this is a matter of concern. Let us not get exercised over it. This is a serious matter and we must address ourselves to the problem equally seriously. What is happening? It is a national issue. It is about the minorities of the country. It is not only about the Muslim minority which numbers about 12 crores or 14 crores. It is a question of minorities like the Christians in this country. It is a question of minorities even among the Hindus, like the Buddhists, Jains, Sikhs etc. The question is one of deprived sections. *(Interruptions)*

Please...we will listen to you patiently. These questions I am addressing to you : how are we, as participants in the national polity to take these issues? They also claim to be national parties.

You cannot close your eyes and brush aside this problem of minorities, their welfare and their views about themselves, under the carpet. I am shocked that in a party like the Janata, it is shocking beyond belief, we have Mr. Shahabuddin. I do not know whether he is in the House. Janata Party was in power in this country.

SYED SHAHABUDDIN (Kishanganj) : The Janata Party believes in unity in diversity.

PROF. K. K. TEWARY : The Janata Party met recently. What happened? Prof. Dandavate is here : what is a party after all? Does the Janata Party think that the minorities of India do not matter for the nation? They do not have coherent views about any national problem. We, the Congressmen have inherited the long-established traditions of the Congress, and the efforts of the Indian nation to consolidate itself and to put faith into the people of diverse faiths in this land, and put them together and fight for the national cause, and national problems.

Here is a party of Prof. Dandavate. Sir, there should be a limit to hypocrisy. *(Interruptions)* There is a limit, as I said, to hypocrisy.

PROF. MADHU DANDAVATE : Sir, is this a debate under rule 193 on the Janata Party?

PROF. K. K. TEWARY : What did the Janata Party do outside this House? They met and passed a resolution on the Bill. They come to the House. Everybody is free, and the Janata Party...*(Interruptions)*

SYED SHAHABUDDIN : Just on a point of correction, Mr. Tewary. The Janata Party's resolution does not say that the party is opposed to the Bill. To say that is to mislead the House.

(Interruptions)

MR. DEPUTY SPEAKER : Order, order.

SYED SHAHABUDDIN : The party is neutral on the Bill, and has given freedom of conscience to its members.

THE MINISTER OF STATE IN THE DEPARTMENT OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : Mr. Deputy Speaker, Sir, would Shri Dandavate clarify on Shri Shahabuddin's words, because we feel, that as the leader of the Janata Party, he must clarify it for the education of the House?

(Interruptions)

MR. DEPUTY SPEAKER : Except Mr. Tewary, all of you take your seats.

[Translation]

SHRI BALKAVI BAIKAGI (Mandsaur) : Mr. Deputy Speaker, Sir, Mr. Dandavate had raised a point of order this morning. What was his point of order? I would also like to know if any ruling has been given on that or not?

[English]

PROF. MADHU DANDAVATE : You please see me in my Chamber.

PROF. K. K. TEWARY : These are serious matters, and we cannot withdraw from these matters. I was referring to the Janata Party. It is shocking beyond belief ; the party met; and in the House, very soon you will hear Prof. Dandavate and Mr. Shahabuddin. The Janata Party is running with the hare and hunting with the hound...

(Interruptions)

PROF. MADHU DANDAVATE : As also Mr. Arif Mohammad Khan, and Mr. Ansari. Who is the hare, and who is the hound ? Please tell me.

PROF. K. K. TEWARY : He is the hare. You are the hound. You are running with him.

MR. DEPUTY SPEAKER : I request all the members not to name anyone. It is better to avoid the names of the concerned persons.

PROF. K. K. TEWARY : They are members of the House.

MR. DEPUTY SPEAKER : Try to avoid the names.

PROF. K. K. TEWARY : I can always refer to Hon. members who are present here. An attempt is being made to communalise politics; and the patterns which are emerging, this is surprising; you look at the political spectrum of this nation; for once, I find CPI, CPM in absolute agreement with RSS. *(Interruptions)* Muslims now have become a punching bag. If we continue doing this as Janata Party is doing. Prof. Dandavate is for Hindus, for intellectuals, far progressive; Syed Shahabuddin is for obscurantists, for revivalists. So, he is being sent around the country to mobilise Muslim support. Prof. Dandavate and his leader and others, they are going around condemning this government, because they say, we are surrendering, we are submitting to fundamentalists. The question of Muslims in India or the question of minorities is an article of faith with Indian National Congress; and those who have inherited the mentor of Mahatma Gandhi, Pandit Jawaharlal Nehru, Indira

Gandhi, they cannot resile from the commitment; it is a national pledge, as one of the founding fathers of the Constitution.

Ambedkar said or as Panditji on hundred occasions repeated the assurance that minorities in India, specially the largest minority group, the Muslims, because of peculiar historical circumstances, must never and must not feel apprehensive about their future because India for thousands of years has been the biggest melting pot of faith, of religion and of races; and they have all lived together and they have maintained their faith. There have never been any attempts to throttle them or to assimilate them; possibly that concept has been alien to Indian culture and Indian way of life and Indian thought. Therefore, the so-called progressive, who are going around, talking about communalism, my charge is that this Bill has come at the right moment, because an attempt was being made to whip up the communal frenzy in the country. On the one hand, people are going around and in the background of that, what has happened ? I will be very objective in my references. You imagine what happened in Calcutta High Court where Mr. Chatterjee practices.

SHRI SOMNATH CHATTERJEE : Your Minister, Shri A. K. Sen, also practises.

PROF. K. K. TEWARY : The holy Koran was sought to be stopped from circulating. Let us not forget that. After that this judgment came and then came the judgment of Ram Janam Bhooni and so on. An atmosphere in this country was surcharged with emotion and communal background. This communal process was sought to be launched, a situation was sought to be created, and my party and I are grateful to the Prime Minister because he understood the dimension of the challenge, the sinister forces at work to destabilise the nation, trying to take advantage of this division. Therefore, this Bill came timely and every word in the Bill, in fact, gives more protection, more clarity to the existing set of laws and there can be no exception to it. I saw many persons, a lot of panditry has been demonstrating in newspapers, people have been writing with a lot of gusto and elan; many of them and many of my opposition friends,

who have been waxing eloquent on constitutional laws, many of them did not care even to go through the Bill as it exists, or the earlier provisions of the Constitution. So, in this context, the Bill as it stands it is a pledge, it is a pledge!—it is a national pledge, to continue our traditions of a united India, and India with its vastness with all its diversities, Sir, even before this judgment of the Supreme Court came, the laws, the Muslim laws were respected by the courts. Therefore, to say now, at this stage that just because, after all these days, as my friend Shri Faleiro referred to that,—a learned advocate that he is—that the.. (*Interruptions*).

MR. DEPUTY SPEAKER : Please wind up.

PROF. K. K. TEWARY : But Sir, I want to say how the laws—the specially passed laws—cannot be divested from the cultural life and the culture of a community. It is not only a question of law, it is a question of law motivating the whole thinking or moulding and establishing the dialogue of a people for building a cultural group. Therefore, this Bill has come very timely and I very strongly commend the provisions of this Bill. However, the learned jurists and the machinations of the people who have always thrived on such divisions of the people and the religious and other oppressions and creation of onslaught kept on dividing India which are natural laws, (*Interruptions*) and unfortunately our friends on the Opposition Benches here wittingly or unwittingly they have become collaborators, nearly—and because of that they want to take political mileage out of it, and we stand redeemed because our concern has been totally with the poorer sections. We are not like parties which are born and die every day. We are not a Janata Party, Sir. We are a party of a hundred years, with a national and international perspective as the provisions of the Constitution of India suggest.

I therefore support the Bill, and I request my friends in the opposition also to give their support to the provisions of the whole Bill.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Sir, it would have been appropriate

to observe impregnable silence, silence to mourn the murder of secularism, (*Interruptions*) humanity and (*Interruptions*) and the dignity of women. (*Interruptions*)

AN HON. MEMBER : He is not audible.

MR. DEPUTY SPEAKER : In due course of time his voice will come up.

SHRI SAIFUDDIN CHOWDHARY : Today this Parliament which has glorious tradition of enacting laws, of initiating social reforms, of enacting laws for social progress, is being desecrated at the hands of the political majority.

PROF. K. K. TEWARY : You have a Politburo !

SHRI SOMNATH CHATTERJEE : We have a Politburo but you have only one per cent of it and sycophants.

(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY : You do not have any ideology.

PROF. K. K. TEWARY : Our party does not believe in party ideologies and party politburoes.

MR. DEPUTY SPEAKER : No comments please. Let him speak.

SHRI SAIFUDDIN CHOWDHARY : Please ask them to maintain silence. If I have to maintain silence, for (*Interruptions*) that would have been taken by this Government as our support to the measures that they are undertaking. So, I speak out, I speak out for secularism, speak out for the dignity of women, and speak out for the unity of our country.

I am pained to say that the Congress with its name and tradition of secularism, of fighting imperialism and so many other things that they themselves claim, but today I see most naked break with all those traditions. And this Congress (I) has no right to claim anything that the old Congress had achieved earlier during the . (*Interruptions*). I am pained to tell you that not only they are doing a very wrong thing, but in pursuance

[Shri, Saifuddin Chowdhary]

of, that they practise deceit. During the meeting with the opposition leaders, the man, who can meet only, one man show, told the opposition members that Justice Krishna Ayyar agreed that a couple would opt for section 125.

16.00 hrs.

THE MINISTER OF STATE IN THE DEPARTMENT OF THE PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : What is he saying ?

PROF. MADHU DANDAVATE : He is speaking the truth. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY : Yesterday I received a letter and I believe many Members might have received it, to say that Justice Krishna Ayyar has written that he never said this and that he believes that the divorcee will have the option of section 125.

PROF. K. K. TEWARY : I am on a point of order. Unverifiable conversations cannot be referred to in this House, specially about the Prime Minister. How can you verify whether this discussion took place or not and what has the Prime Minister said ? He is distorting everything. This is distortion, (*Interruptions*).

MR. DEPUTY SPEAKER : No point of order.

PROF. N. G. RANGA (Guntur) : Such references of unverified statements or conversations should not go on record. (*Interruptions*)

MR. DEPUTY SPEAKER : If there is anything, I will see. (*Interruptions*).

SHRI SAIFUDDIN CHOWDHARY : Today is the test for all those who speak of secularism, who speak of equality of law for all the citizens of our country. Today is the test of our conscience. And that cannot be whipped. Whip by whom ? Today I saw in the papers that one Minister of State, who seems to be the Minister of State for Environment but everytime I hear him reply-

ing about pollution and jungle, has given the whip. I saw this in 'The Times of India'.

SHRI BALKAVI BAIRAGI : This is wrong. (*Interruptions*).

16.03 hrs.

[SHRI SHARAD DIGHE in the Chair]

SHRI SAIFUDDIN CHOWDHARY : Anyway I saw a letter and I am referring to it, I must say that today any whip on this to support this Bill is to whip our women. But still there is a time. Though I cannot speak Urdu, I have brought four lines written by Faiz Ahmed Faiz, My pronunciation may be wrong, still I try to read it.

*Bol yeh thoda waqt bahut hai,
jism-o-zaban ki Maut se pahle,
Bol jo kuchh Kuhna hai Kah le,
Bol Ke sach zinda hai ab tak.*

But now I do not know from whom I am expecting. I have talked to so many people. In their minds they are opposed to this Bill. They feel it is against secularism. Where will it throw the women, I do not know...

AN HON. MEMBER : To the wolves !

SHRI SAIFUDDIN CHOWDHARY : I have said that earlier. Now I will say to the people who have the appearance of human beings but who in their minds and in their behaviour are like animals. And that is why I cannot expect anything from them. Another two lines I want to quote.

*Nisaar mein teri galion pe ai
watan ke jahan.*

*chali hai rasam ke koi na sir
utha ke chale.*

(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY : Anyway, I told you I cannot pronounce it properly. Now, Sir, to that person, the Law Minister, to whom some people say the giant star of our legal galaxy—may be, I do not

know—I request that after this he should not touch the soil of Bengal. Bengal gave birth to a man by name Raja Ram Mohan Roy and his going there will be a slur on that memory... (*Interruptions*).

PROF. K. K. TEWARY : You have already done that in West Bengal. You have removed him from the text books.

(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY : I do not want to tell today how this Bill violates the Holy Koran. This I had told earlier. And if I say this in this House, that great religious authority, the Prime Minister would not accept it. He has preached his agents who will speak on behalf of the Holy Koran and the Muslims. We cannot speak. And I am not going into that also. But today the Law Minister has said that so many Muslim countries are doing what we have done now. This is a book from Parliament library... (*Interruptions*)

SHRI SOMNATH CHATTERJEE : Not printed by us.

SHRI SAIFUDDIN CHOWDHARY : Not by us. It is regarding maintenance. In the name of compensation, they say 'more than three months'. In Indonesia, it is more than three months. Then, Iran, Iraq, Libya... (*Interruptions*).

AN HON. MEMBER : China.

SHRI SAIFUDDIN CHOWDHARY : China I am not coming to... (*Interruptions*). Sir, my time is being taken away by them.... (*Interruptions*)

PROF. MADHU DANDAVATE : He is confusing between the red colours and green colours. That is the tragedy.

SHRI SAIFUDDIN CHOWDHARY : People's Democratic Republic of Yemen, Qatar, Sudan, Tunisia, Turkey, 90 per cent of the countries of which reference has been given have better law, modified law. They should have got it from the library and studied it. That would have been better. So, I

am not going to speak on that, but I must say that... (*Interruptions*).

SHRI AZEEZ SAIT (Dharwad South) : Sir, he is talking about Iraq, Iran and whatever Islamic countries he knew, but what is the period?... (*Interruptions*).

SHRI SAIFUDDIN CHOWDHARY : Now, Sir, the Egyptian Ambassador in India has sent us, Members of Parliament, a paper relating to their personal law. Article 18 of the Egyptian Constitution says :

"A wife properly married, but divorced by the husband, without her consent, will be entitled to a compensation of at least 2 years of maintenance over and above normal maintenance."

Now, Sir, why don't you adopt it here ? I am not going into the details now.

About constitutional aspect, I would say, this Bill is anti-constitutional. It is anti-human, it is anti-secular. It is anti-children. It violates Article 14 where it says that the 'State shall not deny any person equality before law or equal protection of laws within the territory of India'. It violates Article 15 (1) where it is stated that 'The State shall not discriminate against any citizen on grounds only of religion, race, sex, place of birth or any of them.' It violates Article 51 A(e) where it says : 'Renounce, practices derogatory to the dignity of women'. It violates against Article 44 which speaks of uniform civil code. It violates Article 39(f) of the constitution which says that 'Children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment'. Now, this Bill provides for 2 years of maintenance to the child. After that, who will take care of the child ? (*Interruptions*) Do you expect the mother who will be begging for her own maintenance from door to door to maintain her child also? How could she do it? Let Government say, we will maintain the child. Had we the power, we would tell you, we would maintain the child. Then Sir, it violates Article 25(1) of the Constitution. We have given freedom of religion but it is subject to public order, morality and health. It

[Shri Saifuddin Chowdhary]

violates Article 25(2) which states : 'Nothing in this Article shall affect the operation of any existing law or prevent the State from making any laws regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.' It violates the Preamble of our Constitution where we say we are secular. Secularism is a misnomer in this country. In this country secularism is religious and religion is communal. Now see what they have done to this country after 38 years? See how we are protecting the minorities in West Bengal. Even if they don't vote for us, we are protecting them. We don't have guilty conscience. Now what you are doing is this. You are instigating the Muslim men to torture their women and taking on their men at Bara Banki, killing 12 of them. In Aligarh, Meerut, Moradabad, and Bhiwandi, Muslims are not protected at all. They are being killed every day. (Interruptions). Whom they want to protect? Are your Administration or police protecting them? (Interruptions). Now I must say one thing. Somebody is saying that it is a big social advance while it codifies personal law. Codification of personal law is being done. What codification, when the wife was thrown out of the house, no fundamentalist came out to say that there should be a law so that this kind of practice would be stopped. Now, about maintenance there is a hue and cry. What is in their mind? So, I don't consider it any advance and it is not codification of personal law, but it is fortification of fundamentalism.

The Prime Minister the other day said that 90 per cent of Muslims are in favour of this Bill.

(Interruptions)

MR. CHAIRMAN : Order, order.

SHRI SAIFUDDIN CHOWDHARY : Sir, Mr. Mahfooz Ali Khan is saying 99 per cent. I agree. I agree that 99 per cent are in favour of this Bill. I have moved an amendment in which I have asked for a referendum of Muslim women on this Bill. So, if 99 per cent are in favour, let them accept my amendment.

(Interruptions)

MR. CHAIRMAN : Order, Order please.

SHRI SAIFUDDIN CHOWDHARY : Sir, you know, some time ago a meeting of the Muslim women was held at the Boat Club—not our meeting, but their meeting. Our people went there also, fundamentalists told them that the Government is going to give money to the wakf boards, Rs. 50 crores, and CPI(M) is opposing that. Where is that Rs. 50 crores? When our people talked to them about the contents of the Bill, all the women who attended that meeting and whom our people could contact, they said, 'We are coming to your rally to denounce this Bill now.' Now, Sir, I demand...

(Interruptions)

KUMARI MAMATA BANERJEE : What is this, Sir? He is speaking for 40 minutes.

MR. CHAIRMAN : Kindly sit down.

(Interruptions)

MR. CHAIRMAN : Please sit down. Please sit down.

(Interruptions)

MR. CHAIRMAN : Kindly sit down. Let only the Member speak. Let only the Member speak. Let there be no continuous commentary. Otherwise, he is losing his time. We cannot complete the debate.

SHRI SAIFUDDIN CHOWDHARY : Now, Sir, the Government is not going to give money for the Wakf Board. I don't know whether constitutionally, it is valid or not. But if there is any sympathy for the divorcee who will be destitute, let them create trusts for Hindus, Muslims, and Christians to protect such divorcees. I have no objection. We will give them tax. The whole country will give tax. But they are saving the by opposing what the Government is going to give them. That is a wrong idea.

Now, one thing I must say. Somebody said, there is nothing new in the Bill. When the husband divorces the wife, she goes to

her father; she goes to her brother. Now, Sir, I am married to a Bombay girl. She will go to Bombay to her parents

(*Interruptions*)**

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : Don't do that. I request the Hon. Member not to do that.

SHRI SAIFUDDIN CHOWDHARY : Again there is one thing, I have to point out. I have to point out that when the husband divorces and thrown out his wife, she used to go to the parent's house. They used to take stand by her and fight the injustice done to her in the court of law. Now, there is a new situation. When her husband throws out the wife, the brother says, I am not taking you. Where will she go? who will give shelter to her? Is there any provision that the Government will say that so long as the magistrate's order is not forthcoming, we will protect her. Let them incorporate this provision.

Now, Sir, I condemn two or three things. The Prime Minister the other day said that equality of women is the Western concept, not applicable to India.

PROF. K. K. TEWARI : It is not correct.

SHRI SAIFUDDIN CHOWDHARY : To the women delegation, he said it. I want to know.**

SHRI EDUARDO FALEIRO : What is this? It is in very bad taste.

SHRI SAIFUDDIN CHOWDHARY : I conclude by saying...

THE MINISTER OF COMMERCE AND FOOD AND CIVIL SUPPLIES (SHRI P. SHIV SHANKER) : It is in very bad taste. It is very** for you to speak like that. (*Interruptions*).

SHRI SAIFUDDIN CHOWDHARY : This would not go out of the record.

**Not recorded.

**Expunged as ordered by the Chair.

SHRI P. SHIV SHANKER : Sir, this must be expunged. This is not the way. What is this? Is this the way that you speak? What is this**? Please behave. (*Interruptions*)

MR. CHAIRMAN : Please sit down.

SHRI P. SHIV SHANKER : Are you not ashamed to say that? (*Interruptions*)

MR. CHAIRMAN : Please sit down. I am on my legs.

SHRI BASUDEV ACHARIA : Sir, he has stated the fact.

MR. CHAIRMAN : Whatever he said will be examined carefully and then, it will be expunged. Please sit down.

SHRI P. SHIV SHANKER : This is your culture and civilisation? (*Interruptions*).

MR. CHAIRMAN : It will be examined and expunged. You sit down, Whatever he said will be examined carefully and then it will be expunged.

SHRI SAIFUDDIN CHOWDHARY : It will be there.

SHRI SONTOSH MOHAN DEV (Silchar) : Sir, I am on a point of order under rule 222.

Whatever the Hon. Member from the Opposition has said. I am not surprised because one of their ex-Finance Ministers has said : "I am a Communist but I am not a gentleman." They are this type of people and hence it is quite all right for him to tell so.

PROF. K. K. TEWARY : It is disgraceful, to the House, whatever he has said.

MR. CHAIRMAN : I have given permission to Prof. N. G. Ranga to speak.

PROF. SAIFUDDIN SOZ : Let him conclude.

PROF. MADHU DANDAVATE : There is so much heckling. Allow him two minutes to complete his speech.

MR. CHAIRMAN: He has exceeded all the time. I have given that margin also.

PROF. MADHU DANDAVATE: Allow him two minutes to complete his speech.

MR. CHAIRMAN: We have given 18 minutes. He has taken 25 minutes. No please

SHRI SAIFUDDIN CHOWDHARI: Let me conclude.

MR. CHAIRMAN: Wind up within one minute.

SHRI SAIFUDDIN CHOWDHARY: It has most dangerous consequence. It will affect the unity of people (*Interruptions*). I condemn this Government for this black Bill, and for maligning the country.

PROF. N. G. RANGA (Guntur): I am extremely sorry that my young and spirited friend Shri Saifuddin Chowdhary has committed such a blunder. We all make mistakes in the heat of debate but it is very unfortunate for himself that he made a mistake. It would have been proper for him, having committed this House, mistake, realising the responsibilities of a Member, he should have been good enough, at any time, he should be good enough, to express...

SHRI SAIFUDDIN CHOWDHARY: What is wrong?

PROF. N. G. RANGA: To express regret for the mistake he has committed. (*Interruptions*)

MR. CHAIRMAN: It is a debate. Why do you get up again and again?

PROF. N. G. RANGA: It was in very bad taste, nationally and personally. I wish he had not committed that blunder. My Hon. friend and many of them, who stand by his side, claim to be internationalists. So to them, the disintegration or disruption of our nation, does not seem to be, may not be, as serious a matter as it would be to those of us who stood by nationalism, of India's integrity, during those days when we had to

fight against the British Government, when the British Government was in search of allies, and when many of their elders thought it fit to join the British Government for their own reasons. (*Interruptions*). Therefore, it is not a surprise that this sense of internationalism is a little bit heavy hard to their throats (*Interruptions*).

MR. CHAIRMAN: No interruptions please.

PROF. N. G. RANGA: Then there is nationalism. I wish to congratulate two of my friends, Prof. K. K. Tewary and Shri Eduardo Faleiro. They made very good contributions apart from the usual polemics in which we all excel in this House. Their whole contribution is based upon one salient fact. Should this country be kept together? Should this nation be treated as one? Should it be helped to be knit together or should it be helped to go as under? They took a positive stand and from that point of view they have come to the conclusion and a right conclusion also that the stand taken by the Prime Minister and our Party in this House is the right stand.

Our friends in the Opposition who have spoken so far seem to have been carried away by their anxiety to take advantage of what they consider to be the defect in this Bill. They were entitled to. But it was also their bounden duty to look into all the amendments which have been given notice of. The Government themselves have given notice of an amendment...

SHRI INDRAJIT GUPTA: Bogus amendment.

PROF. N. G. RANGA: Which gives scope for them to demonstrate—they are asking for a referendum—to demonstrate that either the majority—not even a majority but a considerable minority of the Muslim community is not in favour of this Bill. Let them demonstrate it. The official amendment that has been given notice of and circulated among us to-day gives an opportunity for all those Muslim men and women who do not agree with the stand taken by the Muslim religious authorities and their representatives

and their friends who had spoken in this House in such a passionate manner against the Supreme Court judgment and in favour of the Bill that was introduced here by Mr. Banatwalla—they are given now an opportunity to say, 'We do not want to get ourselves married according to the earlier law, "the law that has come down to them, according to them from their Great Prophet. "We would like to have the freedom which is supposed to be given by the Supreme Court judgment which is available there in the Criminal Procedure Code for everybody and for all communities." Now let them do that. The Government has come forward with this offer. Now why is it—you may say—that the Government have not thought of it at that time? It is because this is a democratic government. They were in a hurry to respond to the call of what they considered to be the call of the great majority of the Muslims. They prepared the Bill in that fashion. Then later on when our friends from the Opposition and friends on our side also and all over India, in and out of Parliament, began demonstrating their fear that if this Bill were to be passed in its original shape, it would go against the reformist tendencies among the Muslims. Then the Government responded and they have come forward now with this offer. Some Hindus felt very unhappy at that time. Now neither a Hindu nor anybody need be unhappy at all. Then why are you shouting that all the people are on your side alone? We have given you an opportunity. Mr. Faleiro made a very eloquent appeal for consensus, for public opinion, for popular education by all means. Nobody stands in the way of these various political Parties in the Opposition to go round the country, work among the Muslim friends, men and women and persuade them not to go according to the earlier Bill but to take advantage of Criminal Procedure Code's Sections 125 to 127. Nothing stands in their way. Why do you get excited in this manner as if we are alone anxious to please the Muslims and you are the paragons of reformism and revolutionary futurism? My dear friend, Mr. Shahabuddin is such an eloquent speaker. Many a time when he was speaking, I felt regret that he is not on my side such a good speaker he is. But unfortunately he finds himself.. I do not know why he insists upon taking the wrong line even on the right occasion also,

(Interruptions)

After all I need not go beyond that. I am not sorry.

(Interruptions)

I am not able to hear. Do not interrupt me because...

(Interruptions)

I am interested here in getting the consensus, in getting every sensible, reasonable, wholeheartedly patriotic person in this House to come and support this Bill as it is proposed to be amended.

There was Ishwar Chandra Vidyasagar; there was Dr. Ram Mohan Roy and there was Veerasalingam Pantulu from Andhra and there was Karve and all his followers in Maharashtra—and many people all over India headed by Mahatma Gandhi and Ravindranath Tagore. They were all reformers. There were orthodox people also—The Maulvis and the Shastris. They held them to ridicule these shastris and maulvis. Here, one of my friends was saying that "this is the law because Mohammad had said so; therefore you should accept it." It hurt me. But nevertheless he was entitled to hold his view. So did the Hindus at that time they told that it was right according to Hinduism, that women should commit Sati; little girls should be married, we need not object to their child marriage and so on. But nevertheless, the country has gone ahead. As the Company was going ahead it was the Congress which was helping the country also to remain in the right path and that is now my Hon. friend has brought us fall down to earth when he referred to what Mahatma Gandhi has done. He staked his life. For 20 days, or more, he fasted and

16.38 hrs.

[MR. SPEAKER *in the Chair*]

everybody thought that he was going to die. But the British Government did not want to have his death on their hands. Therefore, they treated him as released person and put him under the Margosa tree and negotiations

[Prof. N.G. Ranga]

were carried on in this country. The orthodoxy at that time was led on by Pandit Madan Mohan Malaviya, came down there and he sat before Mahatma Gandhi and begged him to live on behalf of the Hindus, to give all that was demanded for Harijans by Dr. Ambedkar. This is the way in which the Congress has been built up; has been growing. My Hon. friend said one party comes today and another party comes tomorrow. It does not matter. The Congress has been going on through many a metamorphosis but nevertheless on the bedrock of nationalism. The Congress has stood firmly and it is on that background to day we come to you with this Bill and with its amendment. Why do you find fault with him? If you want to score points against the Congress on many other subjects it can be done. If you want to gain the support of the Muslims (Interruptions) You had your opportunity when you had your Janata Government. Muslims at that time have voted, by majority, against the Congress. Therefore let us not play on that. You talk of women; that we people are such hopeless reactionaries that we treat them as animals. Very well. Show me any other country in the world with this kind of a population, with such diversity where a woman was given an opportunity of becoming the Prime Minister—not once but many times. Indeed not successively, but after having been defeated, pilloried, imprisoned by many of my friends who at that time happened to be in Government and yet this nation has elected Indira Gandhi who, not only when, she had to defeat the Syndicate. But again, later when she had to defeat many like me in Swatantra Party and other parties. No. After having been defeated by the people themselves in 1977 and after having been exposed as they thought they were exposing her before the Court here and before the Shah Commission—and all those horrible things were said against her—in spite of it all, she was brought back with two third majority by those very people who were opposed to her. That is the Indian nation and Democracy and that is the Indian National Congress.

16 41 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Therefore, we stand for women. Shah Bano is a fortunate lady. True, she had to ask for maintenance; but she goes into history. A time would come when all our women also would be given the opportunity that the Supreme Court wanted to give. When that time comes she would be hailed as one of those people through whom this question has reached the zenith of public attention and public debate.

So, for God's sake, let us all be united on one issue. Let us not play with this very incendiary element of religious fanaticism which is there with us.

I am a religious man; but I do not know all the intricacies of the religious orthodoxy. I do want Muslims to have their own way of life. So also Christians, so also Buddhists and all these people who wish to have it that way. Surely, if it is on inhuman way of life, beastly way of life, reactionary way of life, the swing of the whole of the nation will certainly sweep them aside and help their masses to move along with history and progress.

Let us help that process of history. I thought my Hon. Friends of Marxists persuasion or the harbingers of the latest phase of history would do it. But their speeches do not seem to reflect that at all. Therefore, I wish to plead with them, not in the name of the Congress alone, but in the name of women, in the name of progress, reform, revolution that we should support this Bill. We should support this Bill unanimously and not grudgingly.

My friend Shri Chowdhary is a young man. I make an appeal to him. He is a spirited young man . . . (Interruptions) I would like him to pursue a better line of argument and saner way of dealing with our leaders.

SHRI C. K. JAFFAR SHARIEF (Bangalore North): Mr. Chairman, Sir, today is a very historic day. It is not that we should look to ourselves—those who are sitting in the House, the single largest minority of this country is watching from outside how the chosen representatives of the people, those who are sitting here, will express their concern about them.

I do not want to go into details. A debate has taken place in this House for a long time. Much has been discussed. The merits of the issue have been discussed at great length from the religious point of view, from the legal point of view and from all other aspects.

Sir, I would like to say, as my friend Prof. K. K. Tewary expressed in his speech, that this is a psychological moment in this country. Sir, we must not lose sight of the situation. We are not alone. Even my friends on the opposite they may be having different labels today yet they cannot disown their background. They have come from the same lot.

Sir, what are we to think? We do not apply to take birth in a particular community or religion. Today what is the psychological atmosphere in the country? What is the psychological moment in the country? What impression has the petition against the Quran in Calcutta court, Supreme Court judgement and many other things created? What kind of atmosphere has it created? Those who wanted a separate land they have gone. When we fought for freedom we did not fight for freedom to say that freedom was wanted by Muslims, Hindus or Christians. Freedom was needed for the country. It is the battle of Indian people against Imperialism and the battle was fought to win the freedom of this country. In the process of that battle the history of the Congress reveals its commitment to various sections of the people. Its commitment is not to one section of the people. Maybe at a time it is for the scheduled castes. Maybe at a time it is for the minorities. Maybe at a time for different sections but are we to forget the history?

Sir, on this occasion I want to salute the Indian people. Basically the Indian people are secular people. If they would not have been secular we would not have been here today to represent this case. I would only appeal to my friends on the other side not to make this issue a prestige issue and also do not oppose an issue for the sake of opposition. This is the time when everybody outside is looking for your compassion and protection. So do not look

merely to the Muslim women. Look to the Muslim minority as a whole which needs your moral support today.

Sir, India is a unique country. We see unity in diversity. I was deeply hurt when I found my friend, Shri Saifuddin Chowdhary, speaking from the opposite side. Our elderly member, Shri Ranga, said that he only pities him. He is a young misguided person. Perhaps the parents of West Bengal will have to take care of their children and if they do not then the minds of their children are going to be polluted. I do not mind his speaking on any 'ism', namely, communism, etc. but when you speak on the Floor of the House you must have to maintain certain dignity and decorum. When you utter any word against any personality you must know about whom you are speaking. It is not the individual that matters. It is the office. It is the position. It is the leader of the nation. Sir, basically, to my mind, it is a socio-economic problem. I feel sometimes sorry. It is a family quarrel of muslim community which led to the Court delivered this judgement which became such a big debating issue. Perhaps it maybe appropriate for me to appeal to Muslims that they also guide the community properly so that the women are not driven to such a situation that they can go to the court and seek protection. It is our responsibility to take care of the situation.

Sir, I must compliment the Prime Minister. Perhaps he will go down in the history of the country as man of personality at this young age, who has shown his courage and conviction that he has to stand by the secularism of this country. I am surprised and I am also pained that while only two days ago, the entire section of the House gave all the support, not only to the Government here but to the government of Punjab, to deal with the Punjab situation. It is the crime that the Muslim community has done? Is it your responsibility at this moment to give them the moral support, not standing on the prestige, do understand the real issue. Many people have talked about the reform. As I said, when it is a basic socio-economic problem, when people are agitated, they are bound to take recourse to the reform I was upset on one thing, when it was mentioned here that this Bill is not only

[Shri Jaffer Sharief]

for the Muslim women, but it for the entire unfortunate women of this country. Prof. Tewary has said and Prof. Ranga has elaborated point how the Congress has stood all along, I would appeal to Prof. Madhu Dandavate and many other senior Members who were once on the Congress side, forget about the political level today. Please don't forget your mother who has given you birth. All of you were once in the Congress.

AN HON. MEMBER : Not in the Congress-I. (Interruptions)

SHRI C. K. JAFFER SHARIEF : We have been throughout in the Congress. Congress has had different status, different identity at different time. It became Congress-I to protect the downtrodden in this country. If the Congress has split twice, it has had the historical factors behind it. It does not come out for the sake of power, but it came out for certain convictions. My friends were fighting for big power. They are in this side today and they might be on the other side afterwards. So, I would only appeal to you, please don't make this as a political issue. When we talk about the integrity of the country, we talk about the unity of the country, both India and the Indian people should be knit into one. I would only appeal to all of you not to have any mental reservations and give your utmost support to this Bill thereby to the largest single minority which is keenly watching outside the deliberations here. Sir, with these words, I congratulate the Prime Minister for his boldness and courage. I am sure whatever maybe the position, now ultimately they will turn round support and make this Bill a unanimous Bill of this House.

PROF. MADHU DANDAVATE (Rajapur) : Sir, As one who has an unequivocal commitment to the values of socialism, democracy and secularism on the basis of my firm conviction and conscience, I wholeheartedly oppose the Bill that has been moved by the Minister for consideration in this House.

While I took oath in this House, august body, I took the oath to defend and protect

the Constitution of the country. To me in democracy that is the holiest book by which I swear. And in this Constitution, there are Articles... (Interruptions)

MR. CHAIRMAN : No interruptions please.

PROF. MADHU DANDAVATE : As I said through my point of order, Articles 14, 15 and 16 of the Constitution, and most important among them, Article 13(2) of the Constitution says that the State cannot enact any legislation which either abrogates or takes away the Fundamental Rights guaranteed by part III of the Constitution. And permit me to say that if this Bill is subjected to the judicial scrutiny, you will find that the Bill will be struck down for the very simple reason that it straight way attracts the provisions of Article 13(2) which does not allow any Bill or legislation which actually, abrogates or takes away the Fundamental Rights guaranteed by the Constitution. And therefore, I have already challenged the legislative competence and also the constitutional competence of this Bill. I am sure, somebody will take this Bill to the court and try to test the constitutional validity of the Bill and I have not the least doubt that with the highest traditions of the judiciary in the country, that this Bill is likely to be struck down.

The Hon. Minister for whom I have the utmost regard is the defender of free judiciary and the democratic traditions. But as the irony of fate would have it, he, while expounding the thesis of his own Bill, said that this issue should be decided by the Muslim representatives in this House. I think it was a slip of the tongue. Even the most learned judges and advocates...

SHRI A. K. SEN : I never said that.

PROF. MADHU DANDAVATE : That is all; probably I heard it wrongly. But at that there was a considerable stir in the House. All that he meant was probably, the voices of the minority Members in this House must be heard.

SHRI A. K. SEN : That is right.

PROF. MADHU DANDAVATE : I take it for granted that there are no separate electorate, and that will be the bad day in the country when the Muslim representatives are elected by the Muslims, Hindu representatives by the Hindus and the Christian representatives by the Christians. Fortunately for us, no such separate electorate exists. I have the utmost regard for anyone of you, who comes to this House, for every Member of the minority community, whether he belongs to the Christian community, or whether he belongs to the Muslim community. Each one of you, even when you belong to the minority community, I am proud and glad to say that whether you belong to the Congress Party or the Opposition, you are elected not on the vote of one religious community, but on the vote of Indians in this country on the basis of adult franchise. That is how every Member in this House is elected. I am proud of it and I am proud of the secular heritage of this country. Therefore, there might be Muslims, there might be Sikhs, there might be Christians, but the voice of all of them has to be taken note of. But they are not the representatives only of their own communities. Even a man like Shri Banatwalla, even if he belongs to the Muslim League, I dare say, represents not only the Muslim community, but he represents the composite electorate in his constituency. That is my firm conviction. And I hope that nothing will be done in this country by which there will be any damage done to the secular character of our State.

This law, which is being enacted, came after certain developments of the situation. I am not casting any aspersions, but I have a hunch why this Bill was brought forward.

Some friends, out of their religious convictions, have been backing up this Bill. For instance some friends genuinely feel that probably the spirit and the basis of the Shariat and the Koran is being disturbed. Honestly, those who feel about it, I have no quarrel with them and each one of them has a right to have religious sentiments and a feeling about it. I have to persuade them and I have to convince them. I do not want to quarrel with them.

But leave aside this aspect. I have a hunch. Recently some elections took place in the country. There were elections in Assam, there were elections in Punjab, there were by-elections in Bihar and there was a Lok Sabha by-election in Orissa. Sir, whether one likes it or not, in these elections the Ruling Party was routed. Some people probably convinced the Prime Minister that in all these elections whether it was the election in Orissa or, whether it was the election in Assam, it was my analysis...

PROF. K. K. TEWARY : No, no, wrong.

PROF. MADHU DANDAVATE : All right, it is a wrong analysis.

PROF. K. K. TEWARY : It is a preposterous analysis.

PROF. MADHU DANDAVATE : I am putting forth my analysis and assessment and not of Mr. Tewary. Let me put forward my preposterous conclusion that the Prime Minister probably came to the conclusion that if the Orissa by-election was lost by a bigger majority, if Sahabuddin's election was lost by a bigger majority, if the Assam elections were lost by a majority and if the Punjab elections were lost by a bigger majority, somehow or the other, he had the fear and feeling that the minority vote has shifted from the Congress Party. And his anxiety and hurry to see that the same phenomenon is not enacted and re-enacted was probably one of the motivating forces according to me. I will be extremely happy if I am proved wrong. There are occasions on which, if one's assumption is proved to be incorrect, one is happier than if one's assumption is proved to be correct in fact. Therefore, this is one of the motivating factors and unfortunately the Prime Minister has revealed a mind that is extremely impressionable.

17.02 hrs.

[MR. DEPUTY SPEAKER : *in the Chair*]

Some of us went with a delegation to the Prime Minister. A number of women's delegations met the Prime Minister and I can tell you what the Prime Minister categorically

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told the women's organisations and the Opposition Delegations. He said, "I am studying the entire situation and unless we take you into confidence, no new legislation shall be brought. "As far as Criminal Procedure is concerned, at one stage he said, "A rumour is going on that I am likely to amend the Criminal Procedure Code, Section 125, but there is no basis in that. You are trying to read too much into this particular statement or some of the speeches that I had made."

17:04 hrs.

[MR. SPEAKER *in the Chair*]

This is the background. Sir, I am one among those who feel that as far as Section 125 Cr. P.C. is concerned, irrespective of the religious community, it offers certain protection to women in this country and my own feeling is this and I shall say without hurting the sentiments of any religious community that as per Islamic Law, the spirit of the Shariat actually offers to women certain status of equality and an element of protection. And, over and above that if any Section of the Criminal Procedure Code gives them additional protection and additional relief and help, none should come in the way of the women, whether they happen to be Muslims or Hindus or Christians. Therefore, this is my point of view. The Bill seeks to keep the Muslim women out of the ambit of Article 125, leaving them to the tender mercy of her relations and the insolvent Wakf Boards. All of us know very well what is the financial position of the Wakf Boards. With the best of intentions, the framers of this particular Bill had taken care to see that they are taken out of the ambit of Section 125 of the Cr. P.C., so that beyond a particular limit of *iddat*, she will not be able to get any maintenance from her husband. In that case, for maintenance and assistance, she should go to the relatives; and if the relatives are not in a position to help, then she will go to the Wakf Board. But what is the financial position of the Wakf Boards? Even for their normal activities, these Boards are coming to the Central Government saying, "We are in an extremely bad position financially. Even our routine activities that have been prescribed by the Board's rules we are

not able to carry on; and, therefore, financial assistance should be made available to us." This is the position.

I met some of the Muslim parents. Shall I communicate to the House a very interesting reaction by some poor families? One man in Bihar told me, I have got six daughters. One is married. But, God forbid, she does not get *talaq*; but if she is divorced she comes back to me. I am already finding it difficult to maintain these five daughters. They are yet to get married. If my married daughter after *talaq* comes back to me, tell me, Mr. Dandavate, how will I be able to look after her; even with the best of desire? He said, "I am prepared to die, so that my daughter can be protected." But he told me with tears in his eyes: "Even if I shed my blood, I will not be able to protect my daughter, because I am living in such a manner that even I am not able to make both ends meet; and as a result of that, it will be difficult for me to maintain her. According to the law that you are formulating, she will have to go to the Board." He then said, "My friend happens to be a Muslim. He should know the status of the Wakf Board. What will happen is that such women will be thrown before them."

I may quote a very interesting story, which is full of pathos. You can check it with the Prime Minister. Muslim women went to the Prime Minister with tears in their eyes. One Muslim girl said: "Mr. Prime Minister, for the third time I have been offered *talaq*. And if you are talking in terms of going to the 21st century, why do you throw ladies like us back to the 6th century? Don't send us to the tender mercy of these people."

You can check it from the Prime Minister. I still remember the image of the eyes of the Prime Minister when that lady said, "After getting *talaq* three times, if I am not saved by my parents and I am not saved by the Wakf Board, the only two alternatives that will be left open to me are to live the life of a prostitute or to commit suicide." (Interruptions)

I must say that when she said these things, there were tears in the eyes of the

Prime Minister. This has appeared in the Press, because one Press Correspondent was present. He has painted this entire picture.

This is the tragedy. We don't want this tragedy to be enacted in the lives of Muslim women. We are not at all anti-minorities. Might be our interpretation is wrong. There are different scholars and those who are students of religion. Sait Sahib, I fully agree that I am not a scholar who can be called an authority on Koran. I do not claim to be an authority on the *Shariat*. But we can at least claim to be an authority on human feelings and human sentiments. (Interruptions) All that I want to say is that we are with the minorities.

You can ridicule us. It is extremely easy to ridicule the sentiments of a man, and it is easier to ridicule the politicians; but I will tell you that if this is the attitude, I am sure the minorities and the women are likely to come to trouble.

But at the same time I would say that I am one among those who believe—here, I am one with many of my friends who are our critics—that if any reform is to be brought about, it will not be brought about merely by the Statute. It will not be brought about merely by the Bill. That I concede. Reforms in the Muslim society have to come from the Muslim society itself. The springs of reform have to rise from the Muslim society itself. If we try to impose them from outside..... I will tell you what happened, by giving an illustration of a Hindu society. There was a Hindu society which was extremely orthodox. When a husband died, the orthodox elements were forcing the widow to go on the funeral pyre and accorded her the status of the *Sati*. It was changed. There was a time in the Hindu society itself when there were social reformers like Raja Ram Mohan Roy, Dr. Ambedkar and Mahatma Jyoti Bakula, and the stream of social reformers came from the category of Hindu society itself. The orthodox elements in the Hindu society would not make an allegation that those who belonged to outside religion, were forcing a reform on their society, because they were born in the womb of the Hindu society itself; they became a powerful instrument of social reforms. Therefore, I would not rely only on the law;

I would expect the reformers to rise from the Muslim society itself. Prof. Madhu Dandavate and Smt. Promila Dandavate would not be able to bring about a reform, but those who are born and who die in the Muslim society, if they can initiate an action and reform the Muslim society, they will be able to act as agents and the enduring reforms in the Muslim society will be brought about by them. I am all out for accelerating this process. (Interruptions)

PROF. K K. TEWARY: It is rhetoric.

PROF. MADHU DANDAVATE: If what I am saying is rhetoric, I admit that there is a great failure on my part, because if I cannot appeal to the intellectuals how can I appeal to the masses? (Interruption) I want to record my appreciation that despite mass hysteria in the Muslim field, the reform movement is coming up; and it is these people who grow out of the reformist movement in the Muslim society itself, who are going to the makers of the reformed Muslim society. So, all those who belong to any particular religious community, they must try to live with the reform movement; they have to carry the cross on their shoulders. Gandhiji did not rely only on politics; Gandhiji said that social reforms and politics cannot be separated. He was prepared to put the cross of social reformer on his shoulder and he was prepared to lose the votes. That is why Gandhiji became a great social reformer.

Let me repeat this story which I had heard from Dr. Ambedkar's mouth itself. Dr. Ambedkar was a member of the Vice-Roy's executive Council during the British days. The Vice-Roy and his wife told him to go to the Jagannath Temple to see the architecture of the Temple. Dr. Ambedkar said, "you do not realise what a horrible Hindu society we have here. They will allow an English man but they will not allow a Hindu." Then the Vice-Roy said, 'you come with me'. Then the Vice-Roy and his wife and Dr. Ambedkar went to the Temple; and when they put their feet on the very first step of the Temple, the Temple Priest came running and said that foreigners can enter the Temple but an untouchable like Dr. Ambedkar cannot enter the Temple. Despite that, he

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carried on the reform movement and ultimately succeeded. It is men like Gandhiji and Dr. Ambedkar who carried the cross on their shoulders and did not worry about the votes. That is how obscurantism was fought and ultimately the social reform was brought about. So, this is the process that you can continue.

As far as enabling laws are concerned, there are certain clauses. There is a question of oral *talaq*. Some of the scholars have told me and I have got it confirmed from some of the friends here, those who are an authority on it, that as far as the spirit of Koran Shariat is concerned, it does not accept oral *talaq*; you cannot say, *talaq, talaq, talaq* and the *talaq* is to be implemented. It might be happening, but it is not consistent with the Koran spirit; it is not consistent with the spirit of the *shariat*. But throughout your Bill there is no reference to *shariat*. Divorce as accepted by the Shariat; no; divorce as accepted by the Islamic law.

If the type of Bill that you are going to adopt—I am sure with a brute majority you are going to pass it—when it is accepted, there is bound to be... (*Interruptions*). An interesting amendment has come. The amendment is this. If the divorced wife and the husband have an understanding, then the matter can be referred to 125 of the criminal procedure code. Can there be anything more?

(*Interruptions*)

That means, it is like this: A man who commits a crime, and a man who is a victim of the crime, they have agreed together, that "Let us go to a court of law and seek justice," and so justice should be allowed. It is so ridiculous. I can understand if they put forward a plea, that voluntarily, if a woman who is a victim of a divorce, who is in a financially bad condition, wants to seek relief and voluntarily that woman under compulsion voluntarily she goes and seeks relief under Section 125, it should be made available, then it makes a sense. It is only with the consent, joint consent of the husband, that is the oppressor, who is a male chauvinist,

who is accused of exploiting the lady, if he has to be allowed, which means that if the oppressor gives his consent for the liberation of a woman whom he has oppressed, then only with the joint united front of the oppressor and the oppressed there can be some sort of an order in the court of law, but Sir, there is only one court today to which I would like to make a reference.

Sir, there has been a certain legislative history. Sir, you are the Speaker of the Lok Sabha. In front of you is hung the portrait of Shri Vithal Bhai Patel and you will find that for years together certain legislative traditions have been built up and what are the traditions? There are laws and laws; laws only meant for certain communities; even then, it has been the tradition of the legislatures of the country that they have enacted certain legislations of universal applicability, despite the existence of the various personal laws. We have, for instance, the law of Consent Bill, for amending the Penal Code, we have section 488 of the old Act for maintenance we have the Child Marriage Act, and let me mention that Dr. B.R. Ambedkar had made a list of such legislative measures and the legislative enactments that have taken place which had a universal applicability despite the fact that they touched on subject of the personal law, the number of such enactments were twenty-nine in number. That is what Dr. Ambedkar said.

In 1911 and 12 Bhupendra Nath tried to secure the passage of an amendment to the Special Marriage Act, and the amendment and provided inter-religious marriages, inter-caste marriage without undergoing any conversion.

Sir, the Hindu traditionalists and Muslim traditionalists had totally opposed this enactment. But others, on the grounds of equity have defended them. No less a person than Mohammad Ali Jinnah defended this measure and all that he has said about these special measures, and whatever methods may have been said in the present law institutions, safe, and eventually, whatever may have been said in the present law

institutions, sanctions and sanctions are there in nine countries there are such measures of universal applicability. That was what was said. I do not think he was antiminority.

Sir, one more point. I refer to the material that has been supplied to us by the Prime Minister, there are nine countries.

PROF. K.K. TEWARY : You have got your own special time.

PROF. MADHU DANDAVATE : I am seeking your protection, not Mr. Tewary's protection.

Let me complete. That according to the material that you yourself have supplied, I mean the Prime Minister supplied us through the Lok Sabha Secretariat, in nine countries, in Egypt, Indonesia, Iraq, China, the People's Republic of Yemen and so on, it is there. And Sir, some members are saying we are all better protectors of Islam. That is what they say.

I want to bring it to your notice that there is no interpretation saying this is in this direction. I would urge one thing—some people may ridicule it—that we had done it and we were the ruling party to do that.

As far as our Party is concerned, there is one paragraph in our Resolution which makes it clear that we consider the Bill inconsistent with our approach women. The highest forum of Janata Party has passed the resolution which says :

“The Janata Party would like to judge the Bill on the touch stone of woman's dignity and her protection in an age in which women are already on the move to liberate themselves from every form of exploitation and inequality and therefore considers the Bill inconsistent with this approach”.

In the end, we have also said :

“Consistent with its faith in secularism, the Party would not like religious susceptibilities of any community to be hurt. The party will therefore, permit freedom of expression to its members and allow them to vote on the bill according to their conscience”.

(Interruptions)

I will appeal to the Members of ruling party that as per the paragraph which we have adopted, allow the vote of conscience to the members of the ruling party.....

(Interruptions)

SHRI K. K. TEWARY : On a national issue like this, on the problem of minorities in this country, your party should have made a categorical statement. You are a *dharam-shala*. *(Interruptions)*

PROF. MADHU DANDAVATE : I conclude by saying that in this Legislature, in the pre-independence and post-independence Congress there have been certain traditions. Do you remember that on the question of Hindu Code Bill the office of the Congress Party had given the freedom of vote? On the question of onslaught on Hindi the Congress Party had given the freedom to vote and Seth Govind Das exercised that freedom. If he exercised the freedom, it is all right. But if some Muslims exercise that freedom, it is not palatable to them. We do not accept this double standard. Therefore, on the basis of my conscience and conviction and on the basis of the resolution I am sure if we apply the proper mind and freedom to vote is given, this Bill will be either cremated or buried. I have no hesitation in saying that and I am prepared to accept both the alternatives.

THE MINISTER OF STEEL AND MINES (SHRI K.C. PANT) : Mr. Dandavate is a very persuasive speaker and a very fluent one and it is always a pleasure to listen to him. But today he seems to be somewhat piqued and it seems to me that his pique at the division within his own party is taken out on us. It does not seem to be quite fair if he is not able to persuade all the Members of his party... *(Interruptions)*

PROF. MADHU DANDAVATE : Will you kindly tell me the views of Arif Mohd. Khan on this issue? They have been expressed in this very House, and they are part of the record.

SHRI K.C. PANT : I agree. But the difference is that we are a disciplined party and therefore, ultimately, although we have more freedom of discussion than in any party there, we come to one point of view and that prevails. *(Interruptions)*

PROF. MADHU DANDAVATE : That is why, Mr. Pranab Mukherjee has been thrown out of your party.

SHRI BASUDEB ACHARIA : Withdraw your whip if you can.

SHRI K.C. PANT : It is not my intention to add to the embarrassment of Mr. Dandavate. He is a dear friend. I have great respect for him. I leave this matter there. I do not want to pursue it. The history and the background of this particular Bill has been explained in some detail by the Law Minister and he has dealt with the Constitution and the legal aspects of this matter. He will reply to the debate and no doubt he will deal with the Constitutional and legal points that have been raised. The question is how do we approach it. In some respects Prof. Dandavate spelt out an approach which I find more reasonable. He said, we cannot depend only on the law for reforms. We have enough experience in this country. Sharda Act is one example. We cannot depend only on the law for reforms. The society has to be ready for reform. The well-springs of that reform have to come from within and then the law and the sentiments that have been aroused by a certain movement, they coincide and then the society moves forward. Now, the question is who is to decide whether this moment has come, what reform is needed by the community at this particular point and so on. I would submit with all respect, that the Government in this matter has held very wide consultations. It is not as though this Bill has been rushed through, it is not as though this problem has been sought to be dealt with in a summary manner. Over the last few months, this matter has been dis-

cussed by the Government with Muslim leaders of all shades of opinions, those who are for the Bill and those who are against the Bill, with many State leaders, with other leaders of public opinion, and then alone has the Government come to a final opinion. They have frankly discussed the implications of the Supreme Court judgement. They have tried to understand how the Muslim community views the Supreme Court judgement, how in its mind have the limits of the Muslim personal law been transgressed by the Supreme Court judgement and what would be necessary in order to meet the situation that has arisen. Now, the situation was one which had to be resolved. It could not continue as it was. I think the whole House will agree on that it was not good for the country's polity that this situation should have been allowed to continue. There was every danger in allowing it to continue, and, therefore, Government took a certain decision and come before the House.

Professor Dandavate, I thought, agreed with one aspect of this particular approach of the Government and that is that we should try to ascertain the perception of the Muslim community with regard to this matter. I think he will agree to that end he will also agree that perceptions with regard to such matters tend to differ. Perceptions differ in the House, perceptions differ within his own party and even amongst the Muslims we have some sections which hold one view and some other sections which hold some other view. Personally I do not question their motives and I have no intention of trying to convert them. But even if they hold their views honestly, the point that you and I must consider is what will be the impact of the decision that this Parliament takes at this particular juncture in our history. The point is not so much whether they are right or wrong, the point is whether what we are doing represents the view of the majority of the Muslim community, whether they perceive this to be the right step or not. If they perceive this to be the wrong step, then we should question ourselves, but if they perceive this to be the right step, then is that not the most important single factor in this whole set of considerations that are before us?

I take it for granted that all of us are equally interested in the welfare of the Muslim community as the largest minority in the country. Crores of people living in this country are Muslims and because of that, while dealing with the Muslim Personal Law, I think all sections of the House will agree that we have to tread extremely carefully because, as has been explained by Prof. Ranga and before him by the Law Minister, the Muslim Personal Law is linked to the Muslim religion in the minds of most of the Muslims. This is a fact of life. It is linked with the *Shariyat*. You and I may have our own views but we cannot deny this perception of the Muslims. And it is this perception which counts so far as Muslim personal law is concerned.

So, Sir, against this background we have to view this matter. And if, on behalf of the Congress Party, I may say so, we sitting on this side of the House, have behind us the tradition—and many of you sitting opposite there have been a part of that tradition during the freedom struggle and later when it was decided to establish a secular democracy, a freedom which the leaders of our country, Gandhiji, Panditji and all the others, have repeatedly emphasised that every minority has a guarantee that it could conduct its own affairs: it could have its own way of life; preserve its own cultural identity its own religious identity, have full freedom to practice its religion and so on. We are familiar with this and have taught tolerance to the majority. After all the majority has a certain duty in this matter. The majority if it is not sensitive to the needs of the minority can steamroller sometimes the view of the minority. Should it do it? Even if it has the majority should it do it? Even if it has the strength should it do so? These considerations have been the bedrock of our secular politics and at this particular moment it is this consideration which must be uppermost in the minds of all of us. I think that if we do not view secularism in this light, well, as things stand, it cannot work in this country. I noted that Mr. Saifuddin Chowdhary said that 'our secularism is religious.' The fact of the matter is that our people are religious. And neither Mr. Saifuddin Chowdhary nor I can change that we cannot change it. We have to take that into account. And therefore

respect for all religions becomes the bedrock of our secularism not merely separation of religion from State. That is the difference from the western concept as far as I can see in practical life, in every day life. Therefore, the respect for minority religions, the respect for the other religions, even while having faith in one's own religion, is the basic cardinal principle of our secularism.

One question was asked by Prof. Dandavate and others. They have said that there is need for reform within the Muslim community. Examples have been cited of what is happening in other countries. Sir, it is a question that needs an answer, as to who will bring about these reforms, as to how they are to be brought about and so on. And my answer would be straightforward. I would say the same thing that Prof. Dandavate said namely that these reforms must come from within the Muslim community. It is the Muslim community which must bring about these changes, whatever is needed to be done. When we compare the position with that of other countries,—Muslim countries—I will not repeat the names,—we again have to keep in mind the fact that in those countries the Muslims are a majority. And in this country the Muslims are a minority, even though they are large in number. I think we have to be sensitive to the fact that since they are in a minority we have all to be very careful that this House does not steamroller some changes or steamroller the opposition to certain ideas which many of us may consider desirable. Many of those sitting opposite have expressed themselves. But should we go about it in such a manner as to steamroller that resistance? And will that lead to lasting change? Or will that lead to more rapid change? Or will it create resistance to that change? This is not a political matter. And if today a debate is taking place within the Muslim community about this Bill, about its desirability, about its contents, about the need for the Muslim community to do some rethinking, I would consider it a very healthy sign. I think in all communities there must be this kind of thinking. As Prof. Dandavate said, in the Hindu society this process has been going on for decades. It had begun a hundred years ago. As a result of that and the efforts of so many tall leaders of this country, the Hindu society has been able to regenerate itself. Well, we wish every society

[Shri K. C. Pant]

in our country the same, but surely, as you said, the springs of reform must come from within and, Sir, not only should impulse come from within, but it must be shaped by that community and the final form also should be such that it is in accordance with the consensus within the community. I think this is an idea which Prof. Dandavate also tried to put forward, and I think on full consideration, this is an idea which other friends would also agree with. Many friends are here, Shri Indrajit Gupta is here, Shri Unnikrishnan is here, many friends were there at that time, some years ago, in the Seventies when the Government came forward with the Bill on the Aligarh Muslim University; you remember, at that time there was a demand from some people that the minority character of the University should find specific mention in that Bill. It was not a major issue. It made no difference to the working of the Aligarh Muslim University, but this demand grew, the Bill was passed by this House. Thereafter also an agitation continued outside. All of us were party to passing that Bill; in fact I spoke on that occasion also. But after a couple of years, and after a lot of heated debate on the matter and unnecessary bitterness, ultimately a compromise formula was found and the wording of the Preamble to the Bill was changed and that brought about satisfaction all round. Here is a matter with which most people in the Muslim community were not concerned, people who never went to a university—who have no idea of how a university functions—all of them became very much embroiled in this controversy merely because they perceived this somehow either as an affront to the Muslim community or perceived it as something going against the current of the interests of the Muslim community. We did not think so. I remember the discussion on that occasion, I still don't think so, but the fact of the matter is that since that was the perception of most members of the Muslim community, ultimately that was changed to give them some satisfaction. Now, if such an amount of passion can be aroused over the Aligarh Muslim University Bill, I would ask you to be very careful while considering a matter which concerns the Muslim Personal law which is of direct relevance to every family, every individual and the Muslim society as a

whole. Its relevance is very direct and is very obvious and therefore, I do not think that we should take a shortsighted view of this.

Some of these events may not appear to be very big now, but they cast long shadows and our history is full of such incidents. Therefore, a measure of caution is called for and if we have to err at this time, Sir, my plea would be that we should err on the side of being sensitive to the feelings of the minority community and I would say that so far as the Congress is concerned, it has always been committed to the welfare of the minorities and it will always continue to do so because we do not want the minorities in this country to feel threatened in any way, we do not want any feeling in them that their identity is threatened. It is completely safe so long as the Congress is here, and I have absolutely no doubt that the forward-looking elements of our polity also share this view. It is not a Congress view alone, many friends sitting opposite share this view, and therefore, when we share this objective, then we must remember not to provoke an issue which may arouse passions. You may say it may arouse unnecessary passions, but the point is, it may arouse passions. Is it worth the game just for the sake of pressing a political point of view to risk arousing passions in this country at a time when we need the unity and solidarity of every community in this country? This is the basic approach and it is this basic approach which has led us to bring this Bill forward and I would have expected consideration of these factors—the need for unity and integration at this time, the need to bring the communities closer at a time when fundamentalism was growing all around us. Then, we should be more sensitive and being more sensitive, we should be more tolerant. We should come forward with a measure that will give a certain amount of satisfaction to minorities and then allow an interplay forces to play within the minority community itself to bring forward such ideas as may lead them in the direction in which they want to go, hopefully in the direction which all of us would like them to go. But it is their concern.

Sir, it is all for these reasons that I stress the perception of the minorities with

regard to this Bill. That is how, I began and that is how I would like to end. I think, this Bill will engender a feeling of trust and confidence in the minorities and I think that at this particular juncture of our history, the creation of this sense of trust and confidence is far more important than the imaginery political battles and shadow-boxing which we are doing in this House.

With these words, I support this Bill.

SHRI FRANK ANTHONY (Nominated Anglo-Indian): Mr. Speaker, Sir, I will be brief. As a practising senior advocate, my first impression, when I read the Bill, was understandably legalistic. I felt that there should be no discrimination against the Muslim women, as compared with the women of other communities. And then, fortunately or unfortunately, the controversy over the Supreme Court decision accelerated and I read some articles. Quite frankly, some of them were not only critical but caustically critical of the approach of non-Muslim judges, arrogating to themselves some kind of super-knowledge about the Quran. Then, I tried to get cross-section view of the Muslim community. As chairman of the several organisations, I discussed the matter with several lesser educated Muslims including some Muslims who work for my wife and myself. One of them was my bearer, particularly intelligent person and I asked him, "What is your attitude towards this Bill?"

Sir, I am interpreting what he told me. He said, "For us, the Muslims, this is a Quaranic injunction." But he said, how many people understand the Muslim community. He said, we do not keep taking our wives away. He said, I am a Shia and I cannot get rid of my wife. And I have no desire to get rid of her. I have married her for 25 years. We Shias cannot just talk our wives away. Whatever the Sunnis may or may not be able to do, we have to get the previous consent of the Maulvi.

Then, I began to feel that at least with regard to the lesser educated Muslims, there was this deeply entrenched reverence for the Quran and rightly or wrongly, they regarded

this as governed by a Quranic injunction. Then, I still thought, however, that perhaps the educated Muslims might oppose the Bill. We discussed this in the Supreme Court. There is a table where the most senior and senior advocates sit, and we discussed it one day. And what is important was this. Several of the senior advocates asked a senior Muslim advocate, "What is your attitude towards the Bill?" He said, "Speaking for myself as a senior advocate, I would oppose the Bill". But he went on to add, let me tell you this: "My wife, is a very cultured and highly educated. Muslim lady and she supports the Bill completely." Now this is.....

PROF. MADHU DANDAVATE: As a husband, did he support?

SHRI FRANK ANTHONY: As a senior advocate, he opposed it. Then, there is something decisive happened. I am Mr. Speaker, at the heart of the fight of the minorities, I am not arrogating anything to myself. But today, all the minorities are faced with wiping out—I do not want to elaborate it here—Article 30 which cherishes Fundamental rights for all the minorities. I talked to all the educationists who come to me. A number of Muslim educationists came to see me from Andhra Pradesh. They wanted me to intervene on their behalf on this Article 30. And the most important thing was this, they were led by a very good friend of mine, a person whom I admire, who was a High Court judge, an outstandingly able judge, who became a Chief Justice, a Muslim, not only outstandingly able, but outstandingly independent. I remember when Indiraji asked me to go along with her and address a big meeting in Vigyan Bhawan on Assam. I am speaking of the Muslims and I said they are in a position to produce the ablest of judges. Not only that. They are the people who are utterly independent and I pointed to this gentleman sitting in front and I asked him—I would not name him—he got much bigger job than Chief Justice later on.

PROF. MADHU DANDAVATE: We could identify him.

SHRI FRANK ANTHONY : I asked him "Mr. So and so, what is your attitude towards this Bill?" and he said "It is not susceptible of a legalistic approach. It is not susceptible of legalistic rationalisation. For us, educated Muslim—and he was talking about all the Muslim who came to see me—he said "It is a matter of a Koranic injunction". Quite frankly, I was taken aback. Then I realised how he was an outstandingly brilliant chap. If I mention his name, you will realise that he was one of the ablest judges that this country ever produced. I had the privilege of appearing before him. Then I realised that an overwhelming majority of Muslims were in favour of this Bill. Somebody talked of secularism. If it was a Bill in respect of Christians, I would oppose it. But here we are dealing with secularism and that is my interpretation of secularism and I am fighting this Article 30 petition on the basis of secularism and its basic postulate is this, equal respect for all religions, equal respect for the rights of minorities. And that is why I must congratulate presentation of my friend the Law Minister for his presentation. He is a very able advocate and he presented Government's case in a positive way. I thought of it in a negative way. We treat all religions with equal respect. There is no doubt about it. I have no doubt in my mind that an overwhelming majority of Muslims treat this matter as being governed by a Koranic injunction. That is why, I congratulate the Law Minister for his presentation. I have never been a Member of the Congress party. I might be nominated member but I have had some of the bitterest fights against Jawaharlal Nehru and Indira Gandhi. But there is no doubt about it that most of the minorities—and I have the privilege of leading one of the smallest—we have looked to the Congress party to protect us and I feel that the Muslims today, if they feel that it is a Koranic injunction, since this matter has been brought up here then the Government has, not only an option but a duty to see that this Bill is passed.

SHRI DINESH SINGH (Pratapgarh) : Mr. Speaker, it is a matter of deep regret that an approach has been made to give this Bill a communal colour and to divide the country on the basis of religion. Fortunately, this has not happened. There are Muslims who support this Bill and there are Muslims

who oppose this Bill. There are Hindus who support this Bill and there are Hindus who oppose it. I dare say it applies to other communities too. It is a matter of great satisfaction and I regard it as a success of Indian secular democracy that the communalists have not been able to split the country on the basis of religious divide. Even in this House regrettably much emphasis has been laid on the minority and the minority rights. I think this Bill should be considered on its own merits. To what extent it applies to the minorities is a question that has to be decided by the community as a whole, of course bearing in mind the wishes of the minority.

The Congress Party has always stood for the rights of the minorities—not because it has been regarded as a kind of a privileged community but because it is essential for the unity and the integrity of the country. If this country has to move forward unitedly, then all the communities whether it is the majority or the minority, must be fully co-operative. They must be fully committed as a part of this great nation. Only then we can move forward as a strong and united nation.

Now, so far as this Bill is concerned, our Party and the Prime Minister, in their commitment to protect the susceptibilities of the minorities decided to have a fresh look at the right of divorce of Muslim women. I would like to draw your attention to Section 125 of the Criminal Procedure Code to which this Bill really applies in the sense that it amends the provisions so far as the Muslim women are concerned. Section 125 is essentially a vagrancy clause. If a woman who has been divorced does not have enough means to support herself, there is an obligation on the part of the husband who has divorced her to pay her a certain maintenance allowance, a sum limited in terms of money, but nevertheless an amount that was then considered suitable. This was inserted in 1973. Even at that time certain doubts had been raised by some sections of the Muslim community that it would be in many ways different to the provisions that were there in their personal law.

We have to understand the matter very clearly. We have personal laws so far

as different communities are concerned. So long as you recognise that there is a provision for personal law, there is also a provision for necessary amendment to keep in line with the personal law, as may be interpreted by those to whom that personal law applies. Therefore, it was decided that this Bill should be introduced to ensure that the Muslim community is confident that the provisions in their personal law are fully met. It was also mentioned even at that time that the personal law of Muslim would be protected by Sec. 127. Again it has been felt by those to whom this law would apply that that is not an adequate provision and that a more specific provision would be required. Hence this Bill. It has been brought not as something which is new, which is communal and which is terribly revolutionary in its concept but merely to give confidence to a section to which it applies that it is within the concept of their personal law.

Now I may add here that it is not incumbent upon a Muslim family to be guided by the provisions of the new Act. They have an alternative to have marriage under the Civil Marriages Act or to avail themselves of the provision which is sought to be introduced by the amendment that the Law Minister has moved, which, I hope, the House will approve. Therefore, it is not incumbent upon all Muslim men and women to conform to this law. They have an option, two options in fact. Either to get married under the Civil Marriages Act or to take advantage if there is an agreement between the husband and the wife, of what is to be provided by the amendment that has been introduced and has to be passed.

New, Sir there is one matter about which I would wish to appeal to the Government. What this Bill seeks to do is to alter the responsibility of the divorced husbands for the maintenance of the divorced wife to the parents or relatives of the women failing which the responsibility falls on the community as a whole. In doing so, I think, the Government has widened the security that would be available to a divorced Muslim woman provided there is within the community the means to help her. As it is today, the Muslim Wakf Board are in a bad state.

I would appeal to the Government to ensure that these Wakfs are so managed that they do have the means available to provide protection to women who are not able to get this protection from the ex-husband or from the members of their family.

PROF. MADHU DANDAVATE: That can be nationalised.

SHRI DINESH SINGH: I am happy that Professor Dandavate is in favour of nationalisation. I have no objection to any form of nationalisation. Now, there has been much talk of a Common Civil Law under the Directive Principles of the Constitution. It is my belief and I think it is shared by a large section of the people in this country and particularly by those who could regard themselves as of 'Congress Culture' that the common civil law would require the willing cooperation of all communities. I accept that the Government has a responsibility in giving a lead and I hope that in due course there would be an initiative by Government to try to bring the different communities together to seek the measure of cooperation among them to evolve very soon a common civil law which would be acceptable to all. But this would be possible, once again I repeat, only when there is a willing cooperation of all the communities involved. It is, therefore, necessary that we try to understand the susceptibility of the minorities and not give them a feeling that there would be some kind of bulldozing any time to achieve any measure of a common civil law. Then we will immediately get the reaction which will prevent evolution of a common civil law. It is my hope that if this Bill serves to create greater confidence among the minority and the majority, we would have served the cause of the Directive Principles of the Constitution to bring about a common civil law.

18.00 hrs.

SHRI P. KOLANDAIVELU (Gobichettipalayam): With regard to this Bill, I would say that the Criminal Procedure Code of 1973 is a gift of Mrs. Gandhi to this nation. When Mrs. Gandhi gave the Act in 1973 she wanted to help the poor

[Shri P. Kolandaivelu]

and destitute women under Section 125 of Cr. P. C. That is why she brought in the new Act in 1973.

But unfortunately we see now the right being taken away under this new Bill. So, what Madam Gandhi wanted to give to the poor and the destitute women, that kind of right is being taken away by the son. So, actually this Bill is bound to see the nation sharply divided. Even the Government is submitting itself to the pressure of communal and sectarian forces. That is why this Bill has been brought in.

Only 12 percent of the population in India is of Muslim community. If you are submitting yourselves to them, then what happens to the other people about 88 percent consisting of Hindus, Parsis, Sikhs, Christians, etc. ? Are you going to bring new Bill on Personal Law for other religions also ?

If the free voting is allowed, I would say that even among the Congress MPs, most of the Congress MPs will vote against the Bill. That is the position.

(Interruptions)

Yes I know. that is the position.

(Interruptions)

SHRI RAJ KUMAR RAI (Ghosi) : You say about yourself.

(Interruptions)

MR. SPEAKER : OK, sit down. All right, please sit down. Mr. Kolandaivelu, you confine yourself to the speech.

(Interruptions)

SHRI P. KOLANDAIVELU : I happen to be an ally of the Congress Party. I know fully well the inner mind of the Congress Party.

(Interruptions)

Recently our former Finance Minister Mr. Pranab Mukherjee has been expelled from the Congress Party for six years. Actually the Congress-I has given a high hand to Mr. Pranab Mukherjee; now he is becoming a champion of secularism because of this Bill.

I also tell you Sir, about the amendment you are bringing in to permit the Muslim couples to take recourse to Section 125 Cr. P.C. in case both the parties agree, I know, it will never happen. Muslim women will not be able to get the consent for action against husbands who divorce them. So, what is the use of bringing this amendment ? It is of no use.

Actually, this Bill is going to bury the entire Muslim women. Certainly, it is not even a progressive measure that you are taking. The Bill actually eugot to have been brought in the 7th century; but you are bringing it in the 21st century ! Our Prime Minister wants to see the 21st century; but unfortunately he is going back towards 7th century by bringing this Bill.

This Bill is detrimental to the interests of the Muslim women. It is against the Constitution, it is against the public policy, it is against the law of the land. I will go to the extent of even saying that this Bill has been brought in for the fundamentalists and not for the Muslim community. Most of the Muslim Community is against this Bill.

Recently, an all party meeting was held with the Prime Minister. When we were pressing the Prime Minister to withdraw the Bill, he said "No, I won't withdraw the Bill". That is what he said. We told him that he is taking away the fundamental rights of the women which is already given under the Constitution.

The constitutional right is being taken away by means of a Bill. It should not be done. The Prime Minister is bent upon bringing this Bill in order to have a passage in this Parliament I request the Hon. Prime Minister also to consider again this Bill and if any amendments can be brought to this Bill, those amendments must immediately be

brought in, in order to rectify the mistakes which have already been committed by it.

SHRI C. MADHAV REDDY : Sir, how long are we to sit ?

MR. SPEAKER : It will be over by 10 p.m. or 11 p.m.

SHRI INDRAJIT GUPTA : Why should we put so much physical suffering on us ? Is there any reason for it ? There is no compulsion.

MR. SPEAKER : It was decided to pass it. We will be finishing by 11 p.m.

SHRI P. KOLANDAIVELU : Sir, actually this Bill is tampering with Criminal Procedure Code sections 125 and 127. When the Muslims have accepted the Indian Penal Code why don't they accept the CrPC sections 125 and 127 also ? When they are accepting the laws of the land why don't they accept the CrPC ? Let the Muslims come and say if they want to have a separate IPC. I want to ask whether your Ministry will give a separate penal code to the Muslims. Suppose I am a Hindu and I want a separate code will you give it ? If that is the position, how can you find unity in diversity ? How can you find integration in this country ? I would like to say that Prime Minister should not yield to the fundamentalists.

Sir, the Bill is also un-Islamic and unrealistic. It is opposed to the spirit of Islam and the principle of equality. A resolution to this effect was passed at Logo where 10 Muslim nations took part. Even the Shariat Board of Kerala participated in the rally on April 17, 1986 at New Delhi. The Muslims say Shariat is a personal law and they get identity through Shariat. If they think identity comes through Shariat I deny it. Actually the identity comes when they say they are Indians. Identity comes when you speak of unity and integration.

SHRI K.C. PANT : The Indian identity requires an Indian language also.

SHRI P. KOLANDAIVELU : Even countries like Pakistan has banned unilateral

'Talaq' whereas in India we still continue this practice. In Libya a man has to leave his house to the wife after the divorce but here the lady has to go from the house and the man keeps the house.

Sir, I appreciate Shri Arif Mohammad Khan. He resigned for the sake of this Bill. He is the only MP among Congress (I) MPs who has to be appreciated because he resigned.

Finally I want to say that, of course, there are so many mistakes but inspite of the mistakes committed by them the mistakes have to be rectified and we also give our moral support for the Bill.

PROF. SAIFUDDIN SOZ : What is the final position after he has extended the moral support ?

SHRI ARJUN SINGH (South Delhi) : Sir, I stand at a very opportune moment in the debate of this House for after a very fiery and contentious speech the Hon. Member ultimately supported us.

SHRI P. KOLANDAIVELU : Do you mean to say I should not support you then.

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : We welcome it. Therefore, I think...

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : The last part always over-rules the first part.

SHRI ARJUN SINGH : Sir, I do not have the legal expertise to debate it on the legalistic basis, but there is a broad framework of our Indian policy which has come into existence, if I may say so, after the promulgation of the Constitution only. This broad polity was, Mr. Speaker, evolved in this country during the freedom struggle. Then we were facing a mighty imperialist power and the leaders of this nation, in trying to forge a broad front against this imperial power, took into account the complexities of the Indian societies, in the Indian nation

[Shri Arjun Singh]

brought everyone, of every persuasion, every faith and every religion into that great and grand alliance for freedom. That force ultimately was able to subjugate this imperialist which is in my opinion ample testimony to their correct approach in unifying the nation for the freedom struggle. The framers of the Constitution who were the freedom fighters were very conscious of all this and, therefore well framed this Constitution with this broad framework which had been forged under the greater battle for freedom and they brought into existence those things through the Constitution that we adopted for ourselves. Therefore, the origins of secularism in the manner in which it is understood, and the origin of those considerations which this Bill seems to take into account should be traced, not after the Bill was introduced or the Bill was talked about and the great Bill was taken up for discussion. But the constitution itself says that the rights of the minorities in each respect, their faith and all other matters will be fully protected and that is the consideration for bringing forward this Bill in this august House.

Sir, I would like to say that secularism has already been used and abused a lot. Everyone tries to give his own interpretation of secularism. I am not wise enough to give my own. I can only give a common sense approach which means that the State does not practice any religion, the State does not promote any religion and the State does not interfere in any religion. Every citizen is free to practice his own faith, his own religion and his own belief. If this is guaranteed, I think that should be the basis and that should be the mirror through which every matter concerning the minorities should be looked into and not to any political motive or any other kind of thing. It is unfortunate and I am using the word 'unfortunate' deliberately, Mr. Speaker, that in the effort to gain a point, we have allowed this issue to become an issue totally unconnected with the real problem that this Bill is seeking to resolve. I do not want to make any accusation against anyone. But I can't refrain from saying so that we are succumbing to Fundamentalists that the Congress Party is giving go-by to its age-old concept and commitment. These are the criticisms which have been levelled right

across the country, if I may say so, by people whose credentials or perhaps whose own faith in secularism is yet to be proved. But the point is that the Congress does not have to go to anyone to prove its credentials, about its commitment, secularism, belief and faith which have been there already for the last hundred years and shaped it to this stature and the destiny of this country. And this Bill is only one more effort because a minority in the country, a very major minority, is exercised over certain aspects which affect their personal laws. The commitment of the Congress Party and their concern for the minorities of India, not today, but right from the last hundred years, if you read the resolutions and the speeches of our leaders on so many forums, has been consistent, fast and everlasting. Therefore, in that background, the Prime Minister has made a commitment to the minority Muslim community in this country that so far as their personal law is concerned, we shall not interfere in it, personal laws of the Muslims would be governed as they deem fit and through their eyes what is right for them is right for us and what is proper for them is proper for us.

I would only like to mention one thing. Some comparisons have been made that in this country there is this and in that country that is in such and such a manner. Well, every country has its own genius and right to do what it likes, but kindly do not compare India with countries which have nothing to compare with it. If we were to compare India with certain dictatorships, certain oligarchies, I think, it is unfair to ourselves and in my humble opinion, it is trying to evade the issue and to confuse the issue; it has nothing to do whatsoever with this Bill.

I would like to say that a voluntary common Civil Code is certainly the need of the hour, but the word is 'voluntary' and I would very much appeal to all sections of the House that they should after passing of this Bill assist the Prime Minister in evolving a Civil Code of this country which is accepted voluntarily by all sections of the people in India. That would also be fulfilling a constitutional guarantee which we have to enforce. That is my humble opinion.

With these words, I support this Bill and I am sure, it will be passed with a very very overwhelming majority.

SHRI JAGAN NATH KAUSHAL (Chandigarh) : Mr. Speaker. Sir, I rise to support the Bill. At the introduction stage, some objections were taken that Parliament is not competent to pass this Bill and it was also stated that this Bill will be ultra virus the Constitution.

I assure my Hon. friends on the other side that they are entirely mistaken in their approach. If they read the Constitution a little carefully, they will find that all the minorities of this country have been guaranteed full freedom to follow their faith, to practise their religion, to establish educational institutions and the Constitution has given a guarantee that their rights shall be protected.

From my knowledge of the Constitution and the various judgements which have been pronounced by the Supreme Court, I have no doubt, in my mind, that this is a perfectly valid piece of legislation.

In order to properly appreciate as to how this Bill originated, Shah Bano's case has to be read a little carefully. Sir, I read it with all the great respect and care which the Supreme Court's decisions deserve and I must, through you bring to the notice of the House one very important aspect which was discussed in Shah Bano's case. Before that case, there were two earlier decisions of the Supreme Court and a Bench of two judges doubted the correctness of those decisions and they gave three reasons for doubting the correctness of those decisions. One reason which was given by them was that those decisions ignored the provisions of Section 127 (3) (B). The other reason which they gave was that the fundamental concept of marriage and divorce in Muslim Law was also not kept in view by the Hon. Supreme Court while deciding the two earlier cases. The third reason which they gave was that the Shariat Act provided that in matters of maintenance, the Muslims will be governed by their personal law.

When the Supreme Court examined all these contentions, the Law Minister did make a mention that attention of the Supreme Court was drawn to one very important state-

ment which was made by Shri Ram Niwas Mirdha who piloted the Bill in 1973 on the amendment to the Code of Criminal Procedure and I would crave your indulgence Sir, to read what the Minister had said at that time. He said :

“Dr. Vyas very learnedly made certain observations that a divorced wife under Muslim Law deserves to be treated justly and she should get what is her equitable or legal due. Well, I will not go into this, but say that we would not like to interfere with the customary law of the Muslims through the Criminal Procedure Code. If there is a demand for change in the Muslim Personal Law, it should actually come from the Muslim Community itself and we should wait for the Muslim Public opinion on these matters to crystallise before we try to change this customary right or make changes in their personal law. Above all, this is hardly the place where we could do so. But as I tried to explain the provision in the Bill is an advance over the previous situation. Divorced women have been included and brought within the ambit of clause 125, but a limitation is being imposed by this amendment to clause 127.”

These are very important lines.

“... namely that the maintenance orders would cease to operate after the amounts due to her under the personal law are paid to her. This is a healthy compromise between what has been termed a conservative interpretation of law or a concession to conservative public opinion and liberal approach to the problem. We have made an advance and not tried to transgress what are the personal rights of Muslim women. So this, I think, should satisfy Hon. Members that whatever advance we have made is in the right direction and it should be welcomed.”

With this assurance the apprehensions in the mind of the Muslim community even in the year of 1973, were repelled by the Government and the Government had stated

[Shri Jagannath Kaushal]

that it had no intention to violate any dictate of the Personal Law of the Muslims. On the other hand, according to the personal law if whatever is due at the time of divorce is paid, then the order of the maintenance will stand cancelled. May I submit with respect that this is what ultimately we are doing through this legislation also? Are we doing something new? Are we trying to violate in any manner either the Code of the Criminal Procedure or Section 125 of the Cr. P. C.? Can we say that the Penal Code applies only to the Muslims and not to any other community? Sir, Section 125 of the Cr. P. C. in fact does not deal with any crime. It deals with the enforcement of a civil right of maintenance. It is only one of these summary sections for giving equal relief. Otherwise, Mr. Ram Niwas Mirdha was perfectly right when he said that truly the Cr. P. C. was not the place for bringing in changes in the Muslim law. If the Muslim law were to be changed, then we will have to bring forward some measures suggesting changes in it. Everybody has agreed that a uniform Civil Code is a very desirable objective to be achieved. But we are all agreed again that we cannot force... (*Interruptions*)

PROF. MADHU DANDAVATE : With the consent of the Muslims....

SHRI JAGAN NATH KAUSHAL : I quite agree with Prof Dandavate. If the Muslims come forward and say that they want a particular reform, truly the country will welcome it, and the country will help them. But I must repeat that this particular Bill which has been brought forward, is in conformity with the desire of the overwhelming majority of the Muslims.

A friend was saying; "Let us have a referendum; let us have a vote. Let us find out how things are." I think my friends are entirely mistaken. We have come by vote, and everybody knows the vote we got. The Congress fought; they also fought. How many seats did they get, and how many seats did the Congress get? This has been repeated by friends over and over again; the Congress believes in secularism; and the definition of secularism is given by everybody in his own

way. But the real definition, according to me, is that we show equal respect to all religions. The State has no religion. But the State is governed by this Constitution which guarantees full protection to all the minorities, which guarantees them their faith, their profession, their religion and their culture. And it is this ideology of the Congress which the country has accepted, by giving such an overwhelming majority to the Congressmen. It is idle for friends on the opposite side—I speak with all respect to them—to say that it is only they who represent the correct public opinion, and that on our side, we do not do so. I assure the Hon. Members that the object of this Bill is a laudable one. The mover of the Bill has tried to put the whole thing properly, by giving us the legislative history. The legislative history indicates that the necessity for bringing in this Bill arose because there was a debate in the country, and an apprehension arose in the minds of our Muslim brethren. They thought that probably, an attempt was being made, under the garb of a decision of the Supreme Court, somehow to tamper with their personal law. This was never the desire of the Government. Government, on the other hand, wants to assure the minorities that their personal law, and their professions are safe so long as the ruling party is the Congress party.

SHRI SAIFUDDIN AHMED (Mangal-dai) : As a Muslim Member of this august House, I would like to submit what are the effects of this Bill on the nation as a whole and on my community as a whole, because I belong to this community for which this Bill has been introduced. It is the principle of Muslim Law which is known to all that the father is bound to maintain a Muslim minor boy upto the age of the attainment of maturity and a Muslim girl upto the date of her marriage. It is the cardinal principle of the Muslim law; it is supported by Koran and Hajis. But this Bill is going to curtail this period to two years for those children who are born after or before the date of divorce. It is in section 3 (1) of the Bill. (*Interruptions*) I beg to read this. I have understood it or not, it is for me to decide. It reads as follows...

AN HON. MEMBER : It is not for you to decide. (*Interruptions*)

SHRI SAIFUDDIN AHMED : It reads as follows :

“Where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth of such children.”

That means if the children remain with the mother, in the custody of the mother, then only for two years, the father is burdened with giving maintenance to these children. But Muslim Law clearly says that even if the children are in the custody of the mother, the father is not relieved from this burden. It is in section 317 of the principal Muslim Law and in 241 of Mohammdan Law. In 239 it is clearly written that the father is always responsible for the maintenance of the minor boys upto the age of attainment of maturity and the minor girl upto the date of her marriage. Then what crime the Muslims have committed, this community has committed that a class of the Muslims will be beggars in the streets, what about the previous period? Who will maintain them. What provision is made in this particular Bill regarding this. For the maintenance of those boys, there is no provision. (*Interruptions*) This august House is going to create a class of beggars in the Muslim community.

Section 3, sub-section (1) (b) and (c)—they are incorporated in the Bill with an eye on the rich people of the Muslim community because in the Muslim community, the rich people can demand mehr. They get in a way a gift; they get a considerable amount of money any valuable things. But in villages, this mehr is paid in the form of Rs. 3.50 and that is the minimum mehr equal to 10 grams.

Then what do these village girls get when they are divorced? They get some ornaments which are produced from the bazaar.

AN HON. MEMBER : They get Rs. 3/- or so.

SHRI SAIFUDDIN AHMED : Yes, they get it and some ornaments or plastic and chemical ornaments as present gifts.

And what do they get in return? They would only get two or three clothes, or cut-plates. So, that is what these poor village girls get when they return them.

Therefore, I say that this Bill is aimed at or tends to benefit the rich Muslims, the first rate Muslims and not the poor Muslims. And, what about the Assamese Muslims?

PROF. MADHU DANDAVATE : That is the northern composition.

SHRI SAIFUDDIN AHMED : I challenge you, you go to the villages and see what is the Mehr that is prevalent at this time in those villages. In the remaining places also, what do they get?

Therefore, this Bill is aimed at helping some rich people and it is for the benefit of those rich people—not the poor people. Next, we as Muslims.

(*Interruptions*)

Next, we as Muslims we are Indians first, and then we are Muslims. We must get the benefit as the other people, of the other regions get. We must get those benefits.

Section 125 will be applicable to all the other communities except Muslims. Is it not unequal treatment for Muslims in the eye of the law? Is it not discrimination in the eye of the law? But, the leaders propagate unity, integrity and solidarity, and in practice you are backing out. You are separating us from the mainstream of the community. I remember one couplet which I had read earlier :

Pande ke baghi Ag ara Basalar

Nadan Na Buad His Asar Aiye Kairya

That means, “Whatever you preach, you must act in practice”.

[Shri Saifuddin Ahmed]

Otherwise it has no value at all, otherwise your voice has no value at all.

Therefore, every Muslim must get equal treatment in the eye of the law, and we must not be discriminated in the eye of the law.

I am an aged man, I cannot speak for more time. Thank you.

AN HON. MEMBER : You are a more sensible young man.

MR. DEPUTY SPEAKER : Shri Nawal Kishore Sharma.

(Interruptions)

THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) : Sir, I would like to briefly intervene as an internal security problem seems to be generated by this debate both within and outside the House. Inside of course, Sir, it is your problem.

PROF. MADHU DANDAVATE : But do not have lathi charge here.

SHRI ARUN NEHRU : Sir, I would like to mention in particular, the passions which are being inflamed in the last few months, while the Bill is being discussed here. And, I may mention this in particular, because we very recently in Punjab we have seen an attempt by various vested interests to have a communal divide.

Now, very provocative speeches have been made, and eventually, I think this is a problem which will develop into a law and order situation and this is one problem, which no police force or any para-military force can solve satisfactorily. I would only request that when we discuss this issue, I think, every one must use a great deal of balance in this. There should be no question of scoring debating point over each other. I think, the Bill as it stands, has not been properly understood. And various people have taken advantage to inflame passions.

There have been incidents in the past few months. It is extremely unfortunate that in some cases people have died in police firings. But this is happening because people are trying to take advantage of a particular situation and to interpret the Bill as they want for their our purpose.

PROF. MADHU DANDAVATE : We are erring on the side of sobriety.

SHRI ARUN NEHRU : I am not attributing motives to anyone. But I am just telling you what is happening on the subject. Once we have seen a situation as it has developed in Punjab. I think, every party in this House worked together to fight this unitedly. So in this situation also, I think, one of the principles we have to understand is what is secularism. Now, we feel proud of ourselves being a secular society, a secular country. And basically if we are secular, then the first thing we should believe in is peaceful co-existence and mutual respect to each other. It does not mean that we impose our views on a particular community.

In regard to this Bill I would urge all the Members in the House, particularly my CPI and CPI (M) friends from West Bengal to support us on this issue because, I think, the majority of the Muslim community have expressed their views categorically in this matter and I think, it is our responsibility to see that they are supported. I am not being critical of anyone but the fact is that we are a religious country. We can keep giving lectures on various subjects but as a country we are highly religious and we prize our individual sentiments and the rest of it. For some parties State is the religion. I do not want to go into that. I think, we must learn to respect people's wishes and aspirations. On the Muslim Personal Law, I have personally met many eminent people from both the communities. I think the general view which prevailed was that if the Muslim community feel that this is in their interest, if the majority of them feel that this is in their interest, then we should not impose our views on them. I think, this is a question of respecting one's sentiments. I would again request all the Hon. Members, both in the opposition and our party, not to say anything which would lead to further complications outside the House and to support this Bill.

[*Translation*]

SHRI NAWAL KISHORE SHARMA (Jaipur) : Sir, I rise to support the Muslim Women (Protection of Rights on Divorce) Bill presented in the House. It was necessary to present this Bill in the situation in which it has been presented. The Supreme Court had sometime back delivered a judgement in Shah Bano case. The Muslims of the country found that judgement against the Shariat law. They, therefore, raised their voice against that and said that the Supreme Court judgement was unjust. They demanded from the Government they should enact a law which may protect the interests of the Muslims and do away with any interference with the Muslim Personal Law. The Congress Party had, in their election manifesto, promised not to interfere with the Muslim Personal Law and also to protect the rights of the Muslims. It was a commitment of the Congress Party to the people of the country.

18.45 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

According to that commitment it is the duty of the Congress to amend the law or the judgement interfering with the Muslim Personal Law in such a way that it may respect the feelings of the Muslim voters and the Muslim community.

Sir, just now the Minister for Internal Security was saying that this country believed in multi religions and it was a highly and deeply religiously committed country. In this country, nobody should play with the religious feelings of the people. We are secular and we have accepted the theory of secularism by amending our Constitution, but that does not mean that we will frame uniform law for all the citizens. The Law Minister presenting this Bill had quoted Dr. Ambedkar as saying that inheritance and marriage laws were personal laws. There should not be any interference with them. Our founding fathers had given this guarantee. When this controversial Section 125 was included in Cr.P.C., I was a member of the Joint Select Committee and I remember that the then Minister of State for Home Affairs Shri Ram Niwas Mirdha, who at present also is holding the charge of the

Minister of State in the Ministry of Home Affairs, during a discussion on this Section had given an assurance which was mentioned just now, that the Muslim Personal Law would not be interfered with. We are having a discussion on this Bill, today but the people who are discussing it perhaps do not know much about the Muslim Personal Law.

In this country, during the last three months, there has been a lengthy discussion on this subject and it will not be wrong to say that about 90 per cent of them have supported this law. The Hon. Prime Minister has talked to different sections of the society and presented the Bill after discussing the matter with them. There is, of course, an insignificant minority, which calls itself progressive or so called intelligentsia which is opposing it a little. According to these people, it is a retrograde step which will take the Muslims backward.

Mr. Chairman, Sir, I would submit that in a democracy, it is the majority whose will is supreme and if the majority of the Muslims supports it, then the people considering this as a retrograde step should try to change this Muslim opinion and should convince the people that this law is not right and that it is a retrograde law.

PROF. MADHU DANDAVATE : That is what we are doing in the House.

SHRI NAWAL KISHORE SHARMA : In the House you are, of course, doing this but it will be better if you do this outside. We want that you should do this outside, and convince your colleagues also. It will be better if you are able to convince Shri Shahabuddin, who is General Secretary of your Party. Then I will think that there is some weight in your argument and the argument you are giving is correct. That you cannot do and you say that we have won the sympathy of the Muslim voters for election purpose... (*Interruptions*). I want to say that we do not want that any party should make political capital out of it. And if you think that the political parties are going to gain from it, then you too can join us, we shall welcome you. You should also gain from it, we are not opposed to your gaining from it. It is the question of the unity and integrity

[Shri Nawal Kishore Sharma]

of the country. At present, certain forces want to disintegrate the country by inciting religious feeling of the people. In Punjab also, same thing is happening these days.

Just now Shri Arun Nehru was talking of communal riots in the country. It is the result of playing with the feeling of the people. I do not want to go into legal nuances. I feel that so far as practical view and national need is concerned, this Bill meets the wishes of a large number of the Muslims. Therefore, if this feeling emerges that injustice has been done to the Muslims, then it is the duty of the Government to remove such an injustice.

The Prime Minister has done a right thing by bringing forward this Bill. I support this Bill whole-heartedly and hope that some wisdom will prevail on the other side of the House so that they may also start thinking in the interest of the country.

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND TOURISM (SHRI H. K. L. BHAGAT) : I just want to inform Hon. Members that Dinner is arranged for them in Room No. 70 and 73 from 8 O' clock onwards.

PROF. SAIFUDDIN SOZ : For Members of the Press also ?

SHRI H. K. L. BHAGAT : Yes. For press also. Separate packets will be sent for staff also. For Members it is in Room No. 70 and 73.

PROF. SAIFUDDIN SOZ : We can share together.

[Translation]

PROF. MADHU DANDAVATE : Sir, I want a clarification. Is this dinner meant for both, the supporters as well as the opponents of this Bill ?

[English]

SHRI H. K. L. BHAGAT : It is for you also and for everybody.

[Translation]

SHRIMATI ABIDA AHMED (Bareilly) : Mr. Chairman, Sir, today I feel honoured for having been given this opportunity to express my views on Muslim Women (Protection of Rights on divorce) Bill moved by the Government. It is based on Shariat. Since the introduction of this Bill, various rallies and meetings have been organised in support of this Bill at different places all over the country which were attended by a large number of people. On April 10, a big rally of Muslim women was held at the Boat Club which was attended by thousands of Muslim women. They expressed their full support to this Bill with one voice. They congratulated the Hon. Prime Minister and requested him to get this Bill passed during the current session of the Parliament itself.

Why should our Government not have introduced this Bill ? It would not be wrong to say that the ruling party is the biggest and the oldest political party in the country. The secularism is one of the basic principles of the Congress Party which has stood the test of the time and this Party has always been strongly committed to its secular policy. That was the main reason that our great leaders did not give up the principle of secularism and firmly stood by it. As a result of the best efforts of our young Prime Minister Shri Rajiv Gandhi, this Bill has been introduced in the Parliament and is under discussion at present. I do not understand why some of our brothers and sisters are opposing this Bill and speaking against it.

Section 125 of the Cr.P.C. cannot be given preference to this Bill. According to Shariat, the woman is looked after during the period of *Iddat* by her former husband and after that he becomes stranger to her and his responsibility is over. But that woman does not become helpless, because it becomes the responsibility of her parents, brothers and sisters, sons and daughters or other relatives to provide her maintenance. Actually, she is maintained by those people to whom she is a heir or who are her heirs. Under section 125, if a husband fled away or expired, the wife becomes destitute, because the Section is silent about it. There would be no one to look after her. But in Shariat, she does not

become helpless because at first her parents, her children, brothers and sisters are there to look after her and if none of them can look after her, the community has to look after her.

Besides, the woman has her own personal property also. Whatever is given to her at the time of marriage or after marriage by her parents, husband or by other friends becomes her personal property and she has every right to take away that property with her on divorce. If she has not received her *mehr*, she has every right to demand immediate payment of that and the same thing has been provided in this Bill itself. Sometimes the payment of *mehr* is made at the time of marriage, but generally it is not in practice and *mehr* is paid latter on. Sometimes the *mehr* is not paid, if husband and wife have cordial relations with each other; but it is woman's right and she can demand it at any time and husband has to pay it. Some people have raised one more doubt about this Bill. Just now one of my young colleagues, who is like a son to me has said that if the divorcee has a suckling child, she would receive maintenance from her former husband for two years only and asked as to who would maintain the child after two years. In this regard, I would like to say that it is necessary to go through the Shariat before speaking anything about it. The maintenance provided by the former husband to the woman is only to feed his child and the maintenance of the child provided separately which a father has to provide compulsorily throughout life. The child remains shareholder in his father's property. Therefore, the child does not become helpless. The maintenance is provided to the women for two years, because she feeds and maintains his child. After two years the maintenance is stopped for the women, but it is the duty of the father to look after his child and the maintenance of the child must continue. The child has equal share as the other children have in the property of his father. Because it was asked as to who would look after the child after the expiry of two years, so I thought that this point must be clarified.

SHRI BALKAVI BAIRAGI : I would like to tell that he is not a son—like colleague, but father of a son.

SHRIMATI ABIDA AHMED : To me he is a son-like colleague.

It was also said that after divorce, how would she go to her parents. But, perhaps, they do not know that in Islam, the daughter is not a burden for her parents but a grace of God. She is not donated at the time of marriage. Her relationships with her parents and with the other relatives remain unchanged even after marriage. She does not become stranger to them. After marriage, her relations with her parents and relatives remain as before. So, if she comes back, the parents would happily embrace her.

19.00 hrs.

SHRI BALKAVI BAIRAGI : They will all join the CPM then.

SHRIMATI ABIDA AHMED : The daughter is very dear and an apple of her parents' eye. After all why women should beg maintenance from a person who has become stranger to her. The women has her own self-respect and dignity. The judgement in Shah Bano case under Section 125 has let down the women in the society. Why a self-respecting women will go to a person who has divorced her and thrown her out of his house, to beg maintenance for herself. It appears from the judgement in Shah Bano case as if the women shall remain slave of the man for ever and slave of a person who has now become a stranger to her. No women can reconcile to such a judgement. I am also a woman and that is why I am saying it. The judgement delivered in favour of the women is actually to look down upon the women and to insult them. No self-respecting woman will prefer to give up her high status given in Shariat to become a beggar and beg maintenance from a person stranger to her. This Bill has been termed as retrograde although it is not so at all. The object of this Bill is to maintain the self-respect of the woman and it enhances it. While maintaining her individuality this Bill has also provided that the cases of the women relating to divorce should be decided by the magistrate within a month. So, how could this Bill be termed as retrograde which aims at to settling the cases more quickly and provides all those rights to the divorced Muslim women which they have in Shariat. So, I do not know how this Bill is a retrograde one, as some people have termed it.

[Shrimati Abida Ahmed]

Under section 125 of the Cr. P. C. a woman has to fight a long legal battle to get a small amount of maintenance as Shah Bano has got it. She got Rs. 169 after a long legal battle of 12 years.

SHRI HANNAN MOLLAH (Uluberia) : When she was not getting maintenance, would you kindly tell us, where were you at that time.

SHRIMATI ABIDA AHMED : I was very much here but I wanted her to demand rights under the Shariat and not in the court where she would get nothing. I was very much here, but I would like to ask my colleague as to where he was at that time. It is a matter of happiness that all of you have sympathy with the divorced Muslim women. But I would like to ask as to how they became sympathisers of the women only after the introduction of this Bill and why did they not have any sympathy for them before? I would like to ask as to how many institutions they have opened for such women to enable them to stand on their own feet? How many people have opened educational institutions for such women where they could get education? Have you an answer to these questions? (*Interruptions*)

SHRI BALKAVI BAIRAGI : Hon. Chairman, Sir, I would like to congratulate Begum Sahiba that she has succeeded in creating an occasion when the Members of the Opposition have opened their ears but shut their mouths... (*Interruptions*)

AN HON. MEMBER : If it is so, the section 125 of the Cr.P.C. should be removed and the provisions of this Bill should be made applicable to all... (*Interruptions*)

SHRI VILAS MUTTEMWAR (Chimur) : That will also be done... (*Interruptions*)

SHRIMATI ABIDA AHMED : One point more I would like to submit and that is that under Section 125, the maximum amount of maintenance is Rs. 500 whereas there is no such limit in the Shariat. This is the big difference between the two provisions. This Bill is based on the Shariat. It provides for the payment of *mehr*, ownership of her property so that she may not become shelterless and helpless and may not

feel insulated in the society. So, on what grounds this Bill is being opposed? Is it because of your sympathy for women? The women does not need such sympathy which renders them homeless and helpless. I strongly oppose such horrible arguments. If the Hon. Members think over this Bill with cool mind, they will understand that it is meant for the welfare of the women. It is not retrograde, but a progressive measure.

I fully support the Muslim women (Protection of Rights on Divorce) Bill and express thanks to Shri Rajiv Gandhi. This Bill will remove the fear created among the Muslim minority as a result of the judgement in the case of Shah Bano case. Once again they will be convinced that the Congress is a secular party and firmly stand by it. I thank the Hon. Law Minister who has drafted this Bill. Sir, I thank you for allotting me time to speak on the Bill.

[*English*]

SHRIMATI GEETA MUKHERJEE (Panskura) : Mr. Chairman, with intense feeling against this Bill, I rise to oppose this Bill. This is a law which still governs Muslims. It is all right. It also governs Muslim women. I request everybody to remember both. I would in all humility point out to my eldest sister, Abida, that here in this House in the last Parliament it is this woman who is an activist of the Women's Movement of both Muslims and Hindus as well as some of my very affectionate and loving colleagues like Shrimati Promila Dandavate, like Shrimati Suseela Gopalan, like Shrimati Gurbinder Kaur Brar, Shrimati Usha Chaudhary, women belonging to different parties, it is we who raised this question of burning of Sudha, Usha and Jasbanti. They were Hindus by birth. It is again we who raised the burning of Nafiza and Noorjahan who belonged to Muslim community. I do not know if taking of dowry is anti-Shariat. I am not an expert in Shariat. But what I have heard was that taking of dowry is an offence according to Muslim religion. I would have appreciated had there been at that time some initiative coming from some fundamentalists even from that side for codification of that part of Muslim law which says that dowry is prohibited and no Muslim is allowed to take dowry... (*Interruptions*)

Now I have not appreciated this Bill... *(Interruptions)* I say it with great grief. I would request my colleagues on all sides to kindly listen. At least give me this credence that on the question of women I have always spoken cutting across party lines. I have always made an appeal across the parties. I have always taken co-operation across the parties on the question of women. In that light, if I may say something which may not be immediately acceptable to some of our friends, I only request them to be patient.

I am really feeling so much disturbed because to my mind from the point of view of the ordinary woman, the Seventh Lok Sabha was an advance. Women's Movement outside, not only women's movement but also with great help and sympathy from the men outside, had its impact and the Seventh Lok Sabha passed certain laws which signified an advance on the previous situation. Be that the rape law, that is, the Criminal Law Amendment Act, be that the law against burning and cruelty, the Criminal Law Second Amendment Act, be that the Dowry Prohibition Act, some of the social laws were an advance and one would expect that the English Lok Sabha would go on further advancing, but I am sorry to say that the Eighth Lok Sabha is about to pass a Bill which is a retrograde step.... *(Interruptions)* That is where my heart bleeds. ...*(Interruptions)*.

PROF. MADHU DANDAVATE : The Hon. Minister over there should know that no less a person than the Speaker has recorded that all sections of the House including all women in this House had been prompt in bringing this legislation and he congratulated all the ladies in the House both of the Congress and the Opposition Parties.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : Was it not by our Government, they were passed by us.

SHRI INDRAJIT GUPTA : She referred to all parties.

SHRI H. R. BHARDWAJ : Absolutely not.

PROF. MADHU DANDAVATE : She is giving you credit and you do not have the temerity to accept that also.

SHRIMATI GEETA MUKHERJEE : When I spoke of Gurubinder Kaur Brar, when I spoke of Usha Chowdhary, did they belong to my party or to the opposition ?

SHRI INDRAJIT GUPTA : You do not understand what is being spoken.

SHRI H. R. BHARDWAJ : We understand very well.

(Interruptions)

SHRIMATI GEETA MUKHERJEE : If Mr. Bhardwaj does not remember all the women members of this party, I am sorry. But I do.

(Interruptions)

PROF. MADHU DANDAVATE : She referred to the names of the Members who are Members of the Congress Party and also those of the Opposition parties. But he has forgotten his own Members! What to do ?

SHRI INDRAJIT GUPTA : He remembers only the name of Shrimati Indira Gandhi and nobody else.

(Interruptions)

SHRIMATI GEETA MUKHERJEE : Some important questions have arisen, I would like to deal with them. Here, the question is that my friend Hon. Faleiro has said that it is a routine Bill. Had it been a routine Bill...

PROF. MADHU DANDAVATE : He said it in a routine way.

SHRIMATI GEETA MUKHERJEE : Generally Shariat law is there. Some are following it, some are not following it. Now it is being codified as a law of the Parliament. Here, the question is that the Muslim women are being deprived of their right. This is not just passing a Bill. This is where the question has come in a big way—the right under section 125 of the Cr.P.C. has been denied.

[Shrimati Geeta Mukherjee]

The amendment which has been brought, in my opinion, is a flimsy fig leaf to cover up the guilty conscience. (*Interruptions*)... Because never will the husband and wife come together to see the divorcing husband himself as Madhuji has said. I will not take time on this and I will not repeat that argument. I would only say this. (*Interruptions*)...

When marriage take place, woman's consent is necessary. But please remember, at the time of *talaq*, the divorce, woman's consent is not at all necessary. Even her presence is not necessary.

Talaq, Talaq, Talaq can be done in her absence. (*Interruption*)... Therefore, that being the case, here is the question of justice to that women. Let alone being one of the willing parties to that, she is not consulted at all.

I am listening to the lectures. "All those who will inherit her property will feed her, that is the most normal thing," etc. have been said. I want to ask as to how many Muslim women, how many Hindu women, how many Christian Women today come upto the propertied class, may I know? If they had property, then they would not have to run after the husband who is just behaving like this. (*Interruptions*). They would not have been.

PROF. MADHU DANDAVATE : That is the class analysis.

SHRIMATI GEETA MUKHERJEE : The question has arisen today in these circumstances where the women, particularly the poor women, are not economically independent. Had they been economically independent many things could have been done? So they are left at the mercy of the relatives. This question has arisen when she is being divorced without any responsibility on her part where will she go? If Section 125 was there she could have tried to take recourse to that. I think it is being claimed to be done in the name of codification of Muslim law, Shariat and Islam.

The question has arisen that 90 per cent of the Muslims are supporters of this Bill. The question has also arisen whether anybody else can have anything to say on this Muslim question. The question has also arisen—the Law Minister himself said—that this law is ordained by God. I work among poor people. In my constituency there are both Muslims and Hindus. In the last few days I have toured my constituency intensely and particularly among Muslims. I was very much surprised when a Muslim gentleman who has served as a Kazi for 35 years came to me and said that this Bill is not Muslim Women Protection Bill but Muslim Women 'Katal' Bill. I asked the Kazi the same question that Rajiv Gandhi had asked us : Do you believe in Shariat? The Kazi answered I believe in holy Quran. From that I understood that Shariat laws are not ordained by God. May I know if Quran can be interpreted in different ways by different schools and if the different schools have different interpretations then, if this thing is according to Shariat, how can we say Shariat is ordained by God. I would not accept that.

I may tell you that tendency to behaving in a licentious manner is once again coming in the society today. May it be Hindus or Muslims. There are so many dowry burning cases. Did you hear earlier of such burnings among Hindus? There is so much 'Talaq' or divorce now. It was not so much earlier. Irresponsible act is the order of the day. That being so this Section 125 was supposed to be a preventive one and putting pressure on the other side against 'Talaq'. When you release it you encourage 'Talaqs'. That is the fear expressed by my Muslim women constituents who have no property. They say if this Bill is passed there is going to be an avalanche of 'Talaqs'.

I conclude by saying to those who are great advocates of this personal law, namely, the Hon. Suleman Sait and Shri Banatwalla. Is it a fact that as far as inheritance of their wives are concerned they are governed by the Hindu Law, that is, Marumakkatayam. (*Interruptions*)

SHRI EBRAHIM SULEMAN SAIT (Manjeri) : It is not covered. What do you know about this? (*Interruptions*)

SHRI K.P. UNNIKRISHNAN (Badagara): Sir, both Mr. Sait and Mr. Banatwalla are not from Kerala. They have been elected from Kerala. They are only the representatives. They do not speak Malayalam. Marumakkatayam is applicable only to a section of Muslims in Kerala.

(Interruptions)

SHRIMATI GEETA MUKHERJEE: In the end, I would put one question.

PROF. MADHU DANDAVATE: Sir, the Muslim Protection Bill should apply to Shrimati Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE: Sir, here a question has arisen whether non-Muslim can talk anything about the Muslim Personal Law. Here I would like to ask one thing. What would be the direction of the Government who are the custodians of the Constitution? I would say that the direction must be towards uniformity, that is, the uniform Civil Code. What you are doing is to take the retrograde step from that point of view. Sir, in this connection I would like to quote the press report of what Mahatma Gandhi said in 1947. I quote:

"India was aspiring to be free. But if half the population was to remain in a paralysed condition, the type of freedom people would attain could never be perfect. Therefore, he once appealed to the elders among the audience to examine the effect of 'purdah' system and do away with it in the shortest possible time."

So, this the direction. At that time Faz-ul-Haq questioned Gandhiji's competence. Gandhiji defended his position. This is what I call the progressive way of giving direction.

SHRI EDUARDO FALEIRO: Let us go to Kabul where the Communist Government is there and the Communist Government of Afghanistan. Why have they not repealed the 'Shairiat'?

SHRIMATI GEETA MUKHERJEE: So, sir, they have no right to say anything about this. The direction of forward moving

should be given and not go backward, that is, the retrograde step. Our idea and the ruling party's idea should be to go forward. So, Sir, with these words I oppose this black Bill.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Mr. Chairman, Sir, we are having a very heated discussion on this Bill today. In my view, while discussing and giving our opinion on it, this Bill should be tested on two points. We should see if it is in conformity with our principle of secularism and equality of all religions. If it is in consonance with the principle of secularism and equality of all religions, then we have to accept it by rising above party considerations. The second test is whether it is for the welfare of the women or not. And if this satisfies these tests, then we must pass this Bill with unanimous support of the House. The principle of secularism which we have adopted in our country does not recognise any uniform religion for the State. The people of different religions live here and all of them have been granted the right to follow their own religions, customs and marriage rituals. This Bill has removed the shortcomings in relation to the Muslim women whose marriages are performed under the Shariat and with a view to the fact whether the provisions of the maintenance after divorce should be according to Shariat or not. This makes it a Bill for the protection and welfare of the Muslim women.

We know that not merely lakhs but crores of women are there who silently tolerate every difficulty, social and other kinds of injustice, but do not voice their feelings. This Bill provides protection to them. If the husband has not paid the promised amount of *Mehr* after the marriage, then this Bill helps the wife in getting *Mehr* at the time of divorce as also the property which is given to her by the relatives at the time of marriage. After divorce, she can get all the property to which she is entitled to. This Bill provides protection to the women. Previously the helpless women couldn't do anything. She used to knock at the doors of the courts, but even then she couldn't get her rights. Three months is the period of *iddat*

[Dr. Rajendra Kumari Bajpai]

and a period of two years is according to the Shariat, but even then she could not get her right. For the first time, under the provisions of this Bill, the magistrate will issue orders within one month that her husband has to obey and comply. If he does not obey, then there is provision for punishment and imprisonment. When a wife has been deserted or divorced, she in this state of confusion does not know what she should do for the children. At that time, according to the religion, law and Shariat, she is to be maintained by her relatives, but in reality nothing of this type happens. Today, this Bill imposes a duty on the resourceful relatives to maintain her and they can't ignore this provision. Even after that if those relatives don't maintain her or if they are dead or they are not in a position to maintain her, then the waqf and the earnings from its property are to be used to maintain such women. This Bill in every way provides protection to the women. It imposes a duty and women cannot suffer in the society and they are to be paid maintenance. I know everything about Waqf and whatever has been said in the House is not based on facts. I myself deal with the matters of the Waqf Property and my Ministry is directly connected with it. I know that the Waqf has property worth lakhs of rupees. I know how that property is being misused and the people are deriving illegal benefits by using it. If the property of Waqf is used for the protection of such women who do not have any place to live and are facing a problem of earning their livelihood, and are forced to adopt prostitution, then what is wrong in providing such a protection? It is the duty of all of us to save them from treading the wrong path so that they could lead a respectable life in the society. That is why we have included Waqf in it. The Waqf Board in its own State can decide to spend one per cent or three per cent, whatever it may be, on the welfare of such women. This Bill does not say that she will have to run from pillar to post for seeking alms, but the magistrate will have to order all this. If the help is not available from one place, then the magistrate will ensure help to her through his orders. And to legalise all this process, the Bill has been brought before the House. So, on behalf of those women for whose protection this Bill has been brought

forward, I congratulate the Hon. Prime Minister, because I feel that this step is in a direction which will provide women the right to speak and express their feelings. Now they can express their views after discarding the *purdah*. This House, through this Bill, is going to give them the right of not suffering exploitation and torture silently. Till now, whenever the Government tried to change or amend a law in the name of personal law or Shariat, the people used to consider it as interference, but today it is a matter of joy that the great thinkers of the country, the Muslims and all sections of the Muslim community have accepted it and expressed their views on it. To give a legal shape to these views, this Bill has been brought in the House. We hope that in future some more changes will be made and new vistas will be opened. And the uniform Civil Code, about which our Government often talks, could also be made in this country with the acceptance of all. To do that, we have to cross many stages and after crossing the first, second and many other stages, we shall be able to achieve our objective.

We cannot enforce anything on anyone because, as you know, when the question of language arose, it was the general and majority view of the people that Hindi should be granted the status of official language and the link language, but one or two States did not agree to that. So, we did not impose it completely as the official language. But the present matter is very much personal, a matter between man and woman, and we cannot destabilize it keeping in view its prevalence in the society and relation with religion. We have acknowledged it in our definition of secularism. That is why this Bill is secular and is for the protection of the women. Earlier, some women were forced to adopt a wrong path to look after their children and some young girls could not tolerate the difficulties of their mother or see her dying and so they were driven to prostitution. Now, this Bill will stop them from going that way. Now other people will help them. Then, in my view there will be a change in the society after the passing of this Bill and this Bill will check those people who used to talk about Shariat, but never followed it. This Bill will provide them guidance also. In this way, the women will

get substantial protection through this Bill. Somehow Members have asked as to why we have presented it by the name of Muslim women. The reason for it is that when Pt. Jawahar Lal Nehru introduced the Hindu Code Bill in the House, it was opposed vehemently, but despite all that he introduced it, because he considered that by doing so we would march forward in the right direction. At that time also, Pt. Jawahar Lal Nehru desired that it would be better if there was a similar code for the Muslim women also. We feel happy today as Mr. Prime Minister has talked of protection for the women by introducing this Bill and it has opened the way for adopting a uniform civil code in a democratic way by seeking the view of all of us.

I have just been informed that an amendment is to be made to it. That amendment would make this Bill more powerful and man and woman could together invoke the provisions of the Section 125. This would make the Bill more exhaustive.

With these words, I support the Bill and express my thanks to you.

19.40 hrs.

[MR. SPEAKER *in the Chair*]

SHRI SHYAM LAL YADAV (Varanasi) : Mr. Speaker, Sir, most of the hon. Members have welcomed this Bill during the discussion on it but, at the same time, most of the opposition parties are opposing it. They have made two or three allegations. The main allegation made by Shri Madhu Dandavate and his friends is that the Congress party has lost some elections and with a view to please the voters, this amendment has been brought forward. In my view, there is nothing like it. But there would not be anything wrong if I say this thing in a different way that the Members of the Opposition think that after the passing of the Bill the Opposition perhaps would not get any vote and that is why they are opposing it. This is the only reason for their opposition and their views are not based on merits or demerits of the Bill.

Secondly, the communist parties talk in terms of progressive steps and reactionary measures. But their history tells about their progressiveness and reactionary attitude. When the Second World War started, they started helping the imperialistic forces and the Congress continued its freedom struggle. They have nothing to do with religion. They have raised the slogan of progressiveness and have no interest in the personal law. It is fashion with them to speak about progressive steps and reactionary measures and they will surely speak against it. Therefore, I think there is no force in their reasoning.

When Shrimati Geeta Mukherjee espouses the cause of the women, I understand it. But either she does not understand or wants to overlook the different cultures and religious orders of this country. This country belongs to the followers of various religions. Therefore, the principle of secularism has been accepted from the very beginning in this country. As hon. Members said, we should look at every religion with equal respect. No law can be made in this country which may adversely affect or interfere with the personal law of a religion or a man. Personal law specially applies in marriages and succession of the properties. Personal law has been in our country since the very beginning and it exists even today. Even at present there are different customs of marriage in vogue in India. The Christian customs differ from those of the Parsis and Muslims. I do not think that any power is capable of unifying these different customs. Even any party or group cannot do such a thing. If the communist party manages to come to power, it can also not unify these marriage customs into one, even by force. Nobody can make such a law in this country and if somebody tries to do so, he cannot face the anger of the people. Therefore, everybody should remember this basic factor. There will be no interference with the personal laws. The marriage customs of even Hindu, differ from State to State, then how can you bring a common code for them? So, when Shrimati Geeta Mukherjee speaks in this vein, then I understand that she is saying so according to her political ideology. She totally overlooks the hard facts in the society in this regard.

What is a right to property in our Hindu religion? It is simply an annotation

[Shri Syam Lal Yadav]

in our religion. In law it is limited honour. The lady could only utilize it, but she could not transfer or gift it to someone. In Islam she has absolute power. I want to ask Mr. Dandavate and other Members of his side, whether male or female of Hindu religion had a right to divorce? Unequal matches and early marriages take place. Then people are bound to accept such marriages. Moreover, traditionally, we believe that marriages are made in heaven and they are meant for this life and for the next also. Had Islam not been introduced to this country, then this revolution would not have come here. The law would not have perhaps been made applicable to the Hindus. Injustice is done to ladies even today. *Talaq* is a term which is hated by Hindus even today.

PROF. MADHU DANDAVATE : They do not divorce, but burn the ladies.

SHRI SHYAM LAL YADAV : Today, women are subjected to atrocities in the Hindu community, but it does not happen in Islam. Islam has inspired the people of this country to adopt the system of divorce in this country. In Islam, women have equal rights regarding sharing of property, whereas Hindus do not want to implement it. If the daughter of a Hindu family demands her share from the property of her parents, she is refused. If son-in-law tries for the share, then it may lead to litigation and even murders. These happenings are of daily occurrence.

Sir, I only want to say this much that the law which has been made for the divorced women is not against the spirit of the Sections 125 and 127. The Law Minister has amply clarified its intentions. This Bill has been brought forward to do away with certain doubts created as a result of the recent judgement of the supreme Court in which nobody has expressed faith. The judgements have been revised a number of times. When judges were changed, philosophy had also changed and verdicts were also changed. A verdict given by the Supreme Court today might be changed by it tomorrow. Government have respected the public feelings by making a law to annual such a judgement. Just now, Shrimati Geeta

Mukherjee has given an instance of a *Qazi*. I do not know about the population of Muslims in her area. In our city of Varanasi there are lakhs of Muslims. We did not find even a single one who might have opposed it. We organised a number of seminars in which everybody unanimously supported it. The residents of the historical religious city Varanasi are supporting it, then how can one believe that there would be commotion in a State ruled by the communists.

[*English*]

SHRI K. P. UNNIKISHNAN (Badagara) : Mr. Speaker, Sir, we have had many long speeches today, some routine or of the kind as were suggested by my friend, Shri Faleiro, some were rather impassioned speeches, and some full of fire. And we have also had the privilege of listening to some of the distinguished Ministers, besides the Minister who is incharge of the Bill. But I would have loved to listen to the Prime Minister on a momentous occasion like this. I thought the Leader of the House will give a sense of direction to this House and would have come and intervened. I do not know whether he will intervene; may be or may be not also. But there are many others, the real architects who I know, who have gone behind the *pardah*. As far as this Bill is concerned, I would have liked to listen to them.

I speak today more in anguish rather than in anger. Not that there are no things to be angry about in relation to this Bill, but I deeply regret to say that this is a moment of infamy in the history of India's sovereign Parliament.

SEVERAL HON. MEMBERS : No, no.

SHRI K. P. UNNIKISHNAN : Yes, Infamy for it makes a mockery of all underlying concepts and premises of our secular Constitution rooted in equality of citizens and equality before law and secularism. Our Constitution, I beg to submit, is not just a historic accident; it has a background which came out of our national struggle for liberation, a long struggle carried on under the leadership of Jawaharlal Nehru, Mahatma Gandhi, and Jawaharlal Nehru, among others. [Our struggle was not merely for transfer of power or even freedom, but in defence of

certain values in which the struggle was rooted and out of which rose our concept of secularism. It is also in defence of the sub-merged section of population which includes a majority of women in this country; whether they are Muslims, Hindus or Sikhs, and in defence of Harijans Tribals and others under-privileged sections.

You cannot forget or remove the social context of our freedom struggle. You cannot forget or remove the social context of this Constitution and do something which fundamentally runs counter to the purposes of this Constitution. That is a part of the history of our democratic advance, of the people of this great sub-continent. Let it not be forgotten that it also came out of a struggle, which also rejected the two-nation theory which has led to the vivisection of the sub-continent, based on a pernicious doctrine that Hindus and Muslims constituted two nations. It was not because that somebody did not like some-body's face, or somebody did not like somebody. It was because of the freedom struggle, because of the Indian National Congress under the leadership of Mahatma Gandhi, had a framework of values, perspectives based on the history and traditions of this country. And above all, the provisions of natural justice and specifically against Article 14 of the Constitution which says, I do not need to repeat, still I repeat and quote.

"That the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

In this context, I would like to have a clarification. I have great respect for the Hon. Law Minister for his legal acumen, his tremendous capacity, but he also has had some briefs which were also lost; where his great atrocacy was lost as in this case in his long legal career of eminence? How is this Bill consistent with the articles 14 and 13 (2) and the other provisions of the Constitution in Chapter III—I would like to know, not from Mr. Ansari, but from Mr. Ashok Sen.

THE MINISTER OF STATE IN THE
 MINISTRY OF ENVIRONMENT AND
 FORESTS (SHRI Z.R. ANSARI): I can tell
 you.

SHRI K. P. UNNIKRIISHNAN: I know that, I know that. I know, you can tell me. Have'nt you told us already?

(Interruptions)

Sir, the question that arises today is, whether.....

(Interruptions)

PROF. MADHU DANDAVATE: Do not threaten with Section 125.

SHRI K. P. UNNIKRIISHNAN: The question is whether this bill can be used an instrument for purposes repugnant to the Constitution itself, by the sheer fact that the ruling party is having a brute or blinding majority, in this Parliament, for it goes against the guaranteed constitutional rights, and the constitutional perspectives. What are we to do, when suddenly, some people have set out, like my Hon. very dear friend of mine that he is, — he is my dear — Mr. Ansari, who goes around the country saying, "Oh, it is in tune with the Shariat," — or "how is it not in tune with something else?" And, he has also claimed that only Muslims can or will speak on this Bill. I must quote what he has said, "What have the others got to do with this Bill? Only we will speak." In other words after all what has this Parliament got to do with all these things? For after all, this is a matter concerning a minority." And we alone are entitled to express our opinion on this. This is his astonishing claim.

PROF. MADHU DANDAVATE: But, the Prime Minister is not speaking.

SHRI K. P. UNNIKRIISHNAN: We had the impression that the idea of sovereignty underlying the Constitution and Parliamentary sovereignty comes from a belief that there can only be one source of law, and that is this sovereign House and it cannot be compromised, and there is no other source of law in this country apart from the Supreme Court which interprets, which may fill loaths. It is not because that we are going mechanically through a process of passing a legislation in vacuum but it is in the clear understanding that there is only one source of law and that is this Parliament.

[Shri K. P. Unnikrishnan]

Now, we are told that it is not so. What is in great danger is the social vision enshrined in this Constitution to which I referred to earlier evolved under the leadership of Jawaharlal Nehru, in particular. That stands negated today, our inheritance from the Constitution and freedom struggle. It sought secularisation of law and let there be no compromise or secularisation of law. We cannot encourage a perspective that people should be compartmentalised.

But today, you have surrendered to those dark forces which insist on expansive jurisdiction of religion and that too mediaeval religion and social practices opposed totally to the social vision enshrined in the Constitution, and our freedom struggle.

(Interruptions)

I will come to that.

It runs counter also to the traditions to which some friends referred to earlier. The traditions of social reforms initiated by pioneers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar to whom our venerable Prof. Ranga has referred. This I repeat is a throw-back to the mediaeval age and mediaeval concepts. It is no use saying, as people have been saying, that ours is a religious country. Yes, it is a religious country in the sense that people here have not only religious but a deep spiritual outlook. I am prepared to accept that. But this is also a country where *sati* was practised; this is also a country where infanticide was also practised; this is also a country with an unjust and unequal society full of superstition. I do not want to belong to that past and I do not want the future of this country to be tied up to that past. If you want to move this country ahead, you must be prepared to fight ignorance and superstition and communalism whether of the majority community or minority community. You will have to fight these social practice. We cannot allow anybody to run away with the feeling that we would compromise on this. That is why, Jawaharlal Nehru remarked :

“Obscurantists are the biggest party in this country and I shall fight them with all my might.”

That is what Jawaharlal Nehru had said in this very House. And today, through this Bill, you are compromising with obscurantists in this House and outside. That is my charge today.

The unseemly and ugly haste with which this Bill is being rushed through is unparalleled in the history of Indian legislation. May be it is the secularism of 21st century; I do not know. This is how having capitulated to dark forces, this bill is sought to be passed today. All legislation must be subject to public order and morality. But this Bill, as I shall explain, runs counter to this very constitutional concept.

The Hon. Minister of Law is a very great legal luminary one of the greatest lawyers produced in this century in this country. He is aware that in the Reynolds case in the U. S. Supreme Court it was observed, I quote :

“Suppose one believed that human sacrifices were a necessary part of religious worship, or practice would it be seriously contended that the civil government under which he lived, could not interfere to prevent a sacrifice ?”

But even before this landmark case, in this country Raja Ram Mohan Roy had fought against such pernicious social practices. Now this Bill and its champions would want us to believe that this phase of social renaissance has to be undone and the concept of absolute freedom of religion introduced to subvert our Constitution.

It was said in this House and outside when this Bill was being discussed that what they were really opposed to the judgment of the Supreme Court was not payment of maintenance to a Muslim divorcee woman in certain conditions but what they were objecting to was that the eminent Supreme Court Chief Justice had tried to interpret the Koran, shariat and so on. It is in the record of the House. Now it is very clear today that what they really object to vehemently is indeed the rights of the Muslim women who have been divorced by their husbands and their right to

get fair maintenance. Now, this Bill directs such indigent Muslim divorcee women to the courts for a declaration of the share on her maintenance due from each one of her blood relations and if she returns empty-handed, then in turn to the State Wakf Boards for her daily bread.

According to this Bill, a Muslim woman who has been divorced by her husband has to implead her parents her children and other members of her family for no fault of their own. She has already lost her husband in the sense that he has become a stranger and now the law of the land to be passed now, forces her to pit herself against her parents and brothers and children. And if she is illiterate, if she is helpless as majority of the Muslim women are, who will help her through the serpentine corridors of Indian judiciary. She could have expected help in normal conditions from her parents or brothers to sue her husband. Now having been deserted by her husband, who will help her to sue her own parents and her children. For whose benefit is this Bill? For the indigent divorcee women or for the benefit of the *Ulemas* who want to keep them permanently locked up in the social climate of medieval age. I do not want to go into all those details of burden on Wakf Boards and so on. We shall come to that when we have clause by clause discussion.

20.00 hrs.

Today, you have surrendered to the dark forces of fundamentalism of the type which are posing a grave challenge to the very forces of integration in the country. The dangerous logic of this Bill is that an Indian male citizen who professes his faith in Islam can marry and divorce at his sweet-will and pleasure, as many times as he likes, and gets away with it every time, and if the girl finds herself in the streets, she must knock at every door for relief, engage lawyers and fight legal battles, but the man, primarily responsible for her fate and responsibility, goes scot-free. That is the essence of this Bill. Can you find a legal parallel to this anywhere? This Bill can only lead to disharmony. This Bill I repeat can only lead to family feuds, acrimony and litigation and is therefore

against public order and morality of the minorities.

A question has been raised here of identity. I do not want to go into that question. Let us not confuse this with the question of a common civil code at all. Let us keep this Bill within the fourwalls of the legal structure that has been placed before us by the Law Minister in this House. We can only deal with that.

But is there more despair or hope in such a situation? But there is a silver lining because I must praise the courage of a young member like my friend Arif Mohammad Khan who has come out of the council of ministers and shown a sense of direction and a remarkable sense of dedication and commitment to the secular values and proved that he cares more for these values rather than his office. But I must say that it is being sought to be made out that this is the majority view in the Muslim community, and is the majority view of the Muslim community is in favour of the bill. You want to keep Muslim women and collude with majority of Muslims enslaved to this medieval social position and that is the attempt being made by *Ulemas* and those who are supporting this Bill.

While concluding, a word about this monumental folly of this young Prime Minister, and I have only one request to make to him or a reminder. I only quote a famous French historian Tocqueville :

"When occasions present themselves in which the interests of the people are at variance with their inclinations, it is the duty of persons whom they have appointed to be the guardians of those interests to withstand the temporary delusions, in order to give them time and opportunity for cool and sedate reflection. Instances might be cited, in which a conduct of this kind has saved the people from the very fatal consequences of their own mistakes and has procured lasting moments of their gratitude to the men who had the courage and magnanimity to save them at the peril of their own displeasure."

[Shri K. P. Unnikrishnan]

This is the voice of historic wisdom, of reason!

I still hope you will either withdraw this pernicious Bill or refer it for eliciting public opinion or to a Joint Select Committee.

[Translation]

SHRIMATI KRISHNA SAHI (Begusarai) : Sir, I rise to support Muslim Women (Protection of Rights on Divorce) Bill.

The house has been discussing the Bill for a long time. A lot has been said and heard about it. But I would like to say that in a civilised country, religious freedom is given to the people. A lot of religious freedom is being given in this civilised country i.e. India. This is a great quality which has been inherited by India, a civilised country, quite liberally and justifiably vis-a-vis the other countries. An Hon. Minister has explained the legal aspects of the matter in detail. There is nothing in the hue and cry which has been raised. They say that if we pass the Bill, we shall be going back to the 15th century. I would like to say that any law which is enacted, does not itself bring revolution in the society and does not help in bringing about progress in the country. But the law is such an instrument with the help of which we bring about dynamism in the society and through this dynamism and law we bring enlightenment and social awareness among the people. Changes come in the society only when we act effectively. Laws have been enacted to put an end to age old *sati* practice and laws have also been made to end child marriage and dowry system etc. A long time has passed since these Acts were enacted, but those Acts are not being implemented strictly. I remember that a lot of hue and cry was raised when the Hindu Code Bill was passed. It was said at that time that the issue of granting share of daughter in the property to her would result in animosity between the brother and the sister, but you might have seen the effectiveness of the Hindu Code Bill. I would like to say that in every civilised country, religious freedom is given to the people and these customs, rituals, etc., are based on this religious freedom. Ours is a democratic

country and secularism is its sheet anchor. We believe in peaceful co-existence. In comparison with the other countries, we have practised these things in a very liberal way from time immemorial. You might have read in the Ramayana that Ravana was the ruler of Lanka and demons were ruling there, but even Vibhishana had the freedom to plant tulsii in his house and recite the name of Lord Rama, why should we also not give them such freedom when the congress has been struggling for ensuring security and welfare of the minorities and the women since its inception? After we got independence, our party has been taking revolutionary steps, enacting laws and making amendments to the Constitution so that the standard of women is raised and they may make progress in life. This has been our background and our tradition and the Bill has been introduced keeping this in mind. This Bill is an important step in the direction of ensuring social justice and progressive measures. Those people who are opposing the Bill do not try to understand the rights of the women and do not take initiative for the restoration of their rights. Sir, the case of Shah Bano is not a struggle of Muslims for their rights, rather politics has been brought in it. They want to destabilise the Government which has been duly elected. The opposition parties want instability in the country and want to weaken the administration so that there is communal flare-up. They make such statements as create animosity between the Hindus and the Muslims. When there is instability in the country, they will spread the feeling of communalism in the minds of everyone so that the amity between the Hindus and the Muslims in the country is destroyed. In the present tense situation of the country, they are adding fuel to the fire. In a democracy, the voice of the Opposition should be heard, but the Opposition should not be there for the sake of opposition only. There should be constructive opposition.

I recall that whenever our party has taken a revolutionary step, it has not received support from the opposition. When Shrimati Indira Gandhi had nationalised the banks and done away with the privy purses of the princes, the Opposition had opposed that more even at that time. (Interruptions) All of them had not opposed it, but majority of

them had opposed it. Whenever the issue of social changes is raised, it is always opposed.

I would like to say that you are propagating in a wrong way just to achieve your political ends. The Shah Bano case has been referred to repeatedly. Do you know that she got Rs. 189 per month as alimony after 7 years of litigation. She got this amount after undergoing great harassment. I am happy that Muslim Women (Protection of Rights on Divorce) Bill has been brought forward. The Muslim Personal Law has become activated which till now was dormant. The Shah Bano case has activated it. Now the Muslim Personal law is being brought under the purview of the Act. When this Bill will become an Act, the Muslim women will come to know their real position. If they need relief, they are going to get it. Whatever uncertainty was there in this respect, is going to be removed and a clear picture will emerge. Different courts of law have been interpreting the texts of the *Shariat* and the holy Quran differently, but after the present Bill becomes an Act, such a situation will not arise.

People say that this Bill nullifies Section 125. But I say firmly that this Bill is the extension of that Section and it clarifies the position and provides more protection to more and more Muslim women. Everything has been explained in the Bill. It has been provided in it that the Muslim women should get relief within 30 days. Secondly, whereas there is mention of only maintenance in Section 125, there is a provision in the Bill that arrangement of food, clothes and housing will be made for her and her children will also be looked after. Whereas previously Muslim women had to knock at the door of a civil court for *mehr*, now she will get everything in one court and under the orders of a single magistrate. She will be entitled for *Siri-dhan*, clothes, jewellery and other things received from her relatives. She will get back all those things. She will have to spend Rs. 1.25 on stamp for making application and she would get all the facilities at one place. She will not have to run from pillar to post. There is no mention of the needs of a divorced women in Section 125. But this Bill contains these words. If she leads a decent life with her husband, she will get share in the property of her husband

proportionately. In this way, all the facilities for Muslim women will be provided in the same court.

It is very important that all the facilities for Muslim women have been brought at one place. In this way it is an extension of Section 125. Propaganda is being done that the divorced women who used to appeal to the court will now not be able to appeal in the court under Section 125. This is a misleading propaganda that is being made.

In the end, I would like to say that so much hue and cry is being raised, but it is India where even an illiterate women has created so much commotion. Such is our democratic political system which has made us to think over this social aspect and we are raising the issue of providing justice to the women. With these words, I support the Bill.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA): Mr. Speaker, Sir a lot of heat has been generated in discussing the Bill which, I believe, was not necessary if the whole thing has been understood in a proper perspective. But, Sir, I would like to say something about the background of the provisions of Sections 125 and 127 of the Criminal Procedure Code. We had an old Code of Criminal Procedure of 1898, which we were thinking of revising for a long time. Very comprehensive amendments were framed and we were going through the various aspects of the Criminal Procedure Code. One of the provisions in the old Bill was about maintenance of indigent married women. While amending the Code, we thought of extending this provision to divorced women also and to increase the ambit of the legislations. That was sought to be done by including divorced women under the definition of "women" and the Joint Select Committee discussed this and other matters for a long time. There was no dissent in the Joint Select Committee. When the Bill came to Parliament it was first discussed by the Rajya Sabha. There

[Shri Ram Niwas Mirdha]

was no dissent of any nature even at that stage. But when the Bill came in the Lok Sabha and was being debated, at the later stages of its enactment, some objections were raised by prominent Muslim bodies and persons that this infringes the Muslim personal law. We discussed the matter thoroughly. There was difference of opinion even among the Muslims in those days. Both sides were heard. We stopped proceeding further and started our round of discussion, as directed by the late Prime Minister, Shrimati Indira Gandhi. There were two or three alternatives before us. First was that we can remove the Muslim women as such from the provision itself. That was not thought proper because it would have been discriminatory and unconstitutional and we thought, that was not the proper way to do it. Another alternative that came before us was that we can exclude all divorced women and go back to the old provisions where divorced women were not at all cared for under the provisions of maintenance. This was also not thought proper because, if the Muslim community felt that divorced women should be left to the tender mercies of their own personal law, why should, let us say, the Christian divorced women or the Hindu divorced women be deprived of this benefit. So, we did not want to exclude Muslim divorced women as such or all divorced women because we thought that if we can take care of the Muslim sentiments in some other way, at least, other divorced women, Hindus, Christians, should not be deprived of the provisions which we thought were progressive and beneficial.

Then, the question of omitting the whole provision by itself was considered. This was not agreed to by Shrimati Indira Gandhi the then Prime Minister and she categorically said that the provision should remain, but we should hold discussions with the prominent Muslim leaders in the House and outside and find some method and modification so that it would suit them or meet their viewpoints. This amendment to Sections 125 and 127 was then incorporated and it was passed unanimously, without anybody objecting to it. All people were agreeable to the amendment which was introduced. So, it was clearly mentioned in

this House while discussing this amendment that the Government did not intend to interfere into the personal law of Muslims, and, therefore, what we have done is to protect the rights of indigent women as a whole, in a way that we thought it would not infringe the personal law concept of the Muslim community.

There have been various interpretations and judgements of High Courts and other courts regarding these clauses—125 and 127 Cr. P.C. but the latest judgement of the Supreme Court rather upsets the balance that had been arrived at in the last few years. The supreme court held that if a divorced woman is unable to maintain herself even after the period of Iddat, she is entitled to recourse to Section 125. It means the right continues. We had not used the words Iddat or Mehr advisedly in our formulation because we thought that introducing these terms would not be conducive to proper interpretation and to the achievement of the objectives we had in view. But there was considerable opinion at that time that the Muslim law, or the Islamic concept of law did include provisions whereby, under certain circumstances, divorced women can be looked after even after divorce. But we did not enter into this. No terms were used. But this judgment of the Supreme Court was really in a way changing the situation as envisaged by us when we framed this law and, therefore, it was necessary that an amendment is brought to clarify the whole position. The legislative intent at that time was very clear, the view point of the Government was very clear and it was clearly stated in this House also that this law is not intended to interfere in the Muslim personal law. We did not intend to do it which is in consonance with the policies of our party all along. It is our firm policy that we will not interfere in the personal affairs of an important minority like Muslims or any other religious minority,—for the matter of that, and if any change has to be brought about, there has to be a certain sense of consensus in the community itself which later on could crystallise into legal form of the nature that we could do so.

PROF. MADHU DANDAVATE : Since you are on this point, I would like to know why in the definition of a divorced woman

which was introduced in the Bill, you have said the divorced woman means a Muslim woman who is married according to Muslim law and who obtained divorce from her husband in accordance with the Muslim law. Why not shariat?

AN HON. MEMBER : There is hardly any difference.

PROF. MADHU DANDAVATE : Specifically you have put because as far as oral talak is concerned, there is categorically a bar on that. That advantage would have been there.

SHRI RAM NIWAS MIRDHA : Muslim law is a big generic term in which shariat plays an important part. Again, I would not venture, as the Hon. Member is daring to do, into interpretation of these esoteric terms. The problem is very simple that we do not want any interference in the personal law of Muslim community. Whatever the terminology that is used, I ask the Hon Members who are opposing this Bill, a very straight question. Are they in favour of interfering in the personal law of the Muslims? That is the crux of the whole debate. You cannot skirt round on the issue. *(Interruptions)* One is entitled to one's view point.

SHRI SOMNATH CHATERJEE : What is 127? 127 does not speak of maintenance at all. It is a question of Mehr or dower. What is this? I do not know.

SHRI RAM NIWAS MIRDHA : We have not used the word Mehr or dower anywhere. We have said, under the customary law, what is available should be given to the community. This is a very clear proposition. Proposition number one is, we did not want to interfere in the Muslim law when we enacted 127. Now when we discovered in the Supreme Court judgment that it is interfering with them, the Muslim community's feelings are hurt and very rightly so. Doubts arise in their minds whether this will protect their minority and correct the whole thing. Then the next question arises "Do you or do you not want

to change whole opinion in consonance with their wishes?" If you do not want to do it, it is clear that you want to interfere directly in their personal affairs. And you have a right to say so also. In the Constitution, we have a provision for a civil code because of various reasons and not only this provision but many other provisions in the Constitution are there which have not been implemented. That is a different story. But it cannot be done by a backdoor through a Cr. P. C. If you want to do it, some changes in the personal law are to be made, you have to face the things straightway and create public opinion in the country. If you raise these issues of general public uniform civil code, we might also support you. But it can only be done after creation of confidence and trust in all minorities. Otherwise, it can never be done.

SHRI SOMNATH CHATTERJEE : It is made clear very much by the Supreme Court that judgment relates to indigent women. It is not a case of maintenance of any and every Muslim woman who is divorced. Therefore, that provision does not conflict with any other provision. The question is : whether you want an indigent woman to be given maintenance or not.

SHRI RAM NIWAS MIRDHA : The indigent Muslim woman does not cease to be a Muslim woman; indigent or no indigent, she is a Muslim woman and she has her own right.

The conflict is that the Supreme Court judgment has interpreted it in a way that you can seek resort to Sec. 125.

SHRI SOMNATH CHATTERJEE : Simply because the Supreme court is not right, therefore, you jump at it?

SHRI SAIFUDDIN CHOWDHARY : Why do they go to the court with the help of Sec. 125? Why cannot Mr. Ansari prevent them to stay at home? It is a simple thing.

SHRI RAM NIWAS MIRDHA : We have made it very clear in the House and

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according to my information, we made clear the intent of the Government at that time and it remains so even now, and if any slightest doubt is raised not only in this law but in the other laws that the personal law of Muslims is interfered with, we will change it because we do not want to do things by back door. If by the Criminal Law you are interfering with the Muslim minority rights, that is not the way to do it. If you want a common Civil Code, let us have a campaign for that. Many of us will join it. But it cannot be done by shortcuts like this by interfering with the Criminal Procedure Code. The position is quite clear. Those who oppose should first think of this. Instead of saying 'We are opposing this.', say 'We want to interfere with the right. We want a common Civil Code.'

So in short this is the situation that has arisen. It is nothing more than correcting the wrong impression that was created, not only a wrong impression but a wrong effect caused by the Supreme Court judgment. We are just setting it right. We are doing nothing more than that. I think all the big phrases used need not be invoked here. It is a straight piece of legislation.

20.28 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

It is a straight piece of legislation which sets right the situation which has gone a little away because of the judgment and I hope the House will support it.

SHRI SOMNATH CHATTERJEE : You had piloted Sec. 125 and now you are going back on that.

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI KHURSHID ALAM KHAN) : That was your interpretation.

PROF. MADHU DANDAVATE : Please don't change it with retrospective effect...

SHRI SOMNATH CHATTERJEE : They are doing it. They are applying this law to pending litigation.

PROF. SAIFUDDIN SOZ : I am in a real difficulty as to from which point I must state.... (*Interruptions*) At the very start I would like to congratulate Mr. Mirdha not only for his brilliant intervention just now but for his speech in the Rajya Sabha long ago to which Supreme Court wrongly reacted. Not one Hon. Member referend to the Supreme Court decision and I will refer to this decision in Mohd Ahmed Khan's appeal before it.

Earlier Mr. Pant referred to Mr. Arif Mohd Khan and now Mr. K.P. Unnikrishnan paid a tribute to Mr. Arif Mohd Khan. But I had decided not to refer to Mr. Khan but now I would only refer to Mr. Arif Mohd Khan very briefly. The style of the Supreme Court judgement and my communist friends split in two parties and Mr. Khan that is this trio constitutes not the conspiracy but the heat of the controversy, that has been raging in this country, and I must admit, to a very great disadvantage. Why I mention Communists is because I feel a strong urge to...

AN HON MEMBER : Become a Communist.

PROF. SAIFUDDIN SOZ : I cannot become a Communist. I have not been a Communist. But I must admit that I have a strong urge to be on the side of the socialists. I prefer socialism to all models of imperialism in the world. So, my communist friends have committed a great mistake. Why did you not take us, the Muslim Members of Parliament into confidence and ask us why we supported this measure? Because you thought this is obscurantism on our part. I am not an obscurantist. But you failed in your duty. Do you know what harm you have done a great harm, Arif Mohammad Khan and this judgement have done a great harm to the Indian society. I want to raise some basic issues before you. If I fail, you forgive me, if I succeed, you must appreciate me in some measure.

All this trio—not deliberately; it may be indeliberately—tried to blunt the liberal moo

of the Muslim community. You have tried to blunt the liberalism among Muslim. Mr. Unnikrishnan, in his own way dubbed the support of the Bill this as a retrograde step. He feels that Muslim community will take undue advantage of this Bill. It is not going to be so. In fact, Mr. Unnikrishnan and others will certainly fail to prove their point.

About Mr. Arif Mohammad Khan, I had decided not to refer to him, although he is a very important fact in this discussion. But I have to refer to him now. Mr. Pant said that it is the discipline that has made him accept the whip. But I am not speaking out of any whip. I am representing my party, my leadership and my conscience. Mr. Arif Mohammad Khan has been speaking to the Press. I forgive him for everything. Even today's Indian Express carried so many remarks and statements of Mr. Arif Mohammad Khan. He said that he will fight communalists, he will fight Mr. Ebrahim Sulaiman Sait and Mr. Banatwalla. Agreed. Let him fight, if they are fundamentalists. He might fight them. But he cannot dub all the Muslim Community as fundamentalists. He has been saying that — this is what is relevant to Mr. Pant, to the Prime Minister and to the Government of India and to all the Members of Parliament present here—this Bill is un-Islamic.

Mr. Arif Mohammad Khan says that he will do many things, he will remain in the party and he will accept the whip because it is better for him to be in the party and promote his ideas; but he calls this Bill un-Islamic. I raise a question before Mr. Arif Mohammad Khan. If this Bill is un-Islamic then I must tell him that the Supreme Court judgement is not only un-Islamic but derogatory to the Parliament and people of India.

I do not show you the paper. I have studied this judgement about a dozen times. The very first paragraph is repugnant not only to Islam, but to the dignity of the Parliament. After all, what is the Government? They are basically Members of Parliament.

If Mr. Arif Mohammad Khan is there, I would tell him. Mr. Chandrachud says that this Bill does not involve any question of constitutional importance; but that is not

to say that it does not involve any question of importance. He brought constitutional propriety in this judgement. Otherwise it did not raise any constitutional issue.

Let me proceed further. I am asking Mr. Arif Mohammad Khan and all the people represented by Mr. Arif Mohammad Khan. Mr. Khan calls this Bill which is piloted by Mr. Ashoke Sen, as un-Islamic. I am asking then, what about the remarks of the Supreme Court? Supreme Court attributes some remarks to Manuji. I cannot say anything about it because I do not know about it. I have not read about Manu. The judgement quoted, "*Na Stri Swatantram Arhati*"

Said Manu, the law giver.

Now the judge comes to Islam without understanding it. He says that women do not deserve independence. It is alleged that the fatal point in Islam is the degradation of women. It is a shameful remark on the part of the judge.

Mr. Ansari was criticized widely in the Press for his remarks about the judiciary. I do not want to repeat what Mr. Ansari said; but there are elements.

PROF. MADHU DANDAVATE : Many of us have said that the Manu Smriti which talks like that should be burnt in public.

PROF. SAIFUDDIN SOZ : But he has ascribed something to Islam. Which is not true. If this Bill is un-Islamic according to Mr. Arif Mohammad Khan, what about the remark of the Supreme Court? I tell you, Mr. Chairman that this judgement, some day will come when the Members of Parliament will have to assert their supremacy. I have no confusion about it. I have told you earlier that Pandit Nehru in his wisdom did not allow this issue to be debated on the Floor of the House but the judges should not have this much of freedom. See what the judges have to say about Shri Mirdha's speech in Rajya Sabha. I will not quote that speech but will give you a portion of that to show how they ridiculed and how they went on to prove to us that since constitution carried Article 44 in which it is said that State will

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endeavour to have uniform civil code and the judges chose the occasion to bring in the Constitution unnecessarily and criticised the Government for nothing. The judgement is an insult to the dignity of Parliament.

SHRI SOMNATH CHATTERJEE :
Where is it ?

PROF. SAIFUDDIN SOZ : Read it. It is in the Rajya Sabha that Mr. Mirdha was referring to Dr. Vyasa's speech and came to the conclusion that it is not possible to interfere in the Muslim personal law.

SOME HON. MEMBERS : He has come.
Your friend has come.

PROF. SAIFUDDIN SOZ : I have already thrown an open challenge to Shri Arif Mohammad Khan. If he says it is un-Islamic he will have to prove it.

SHRI ARIF MOHAMMAD KHAN
(Bahraich) : Sir, I had decided not to speak on this Bill but since the Hon. Member has made several references, I think, I should make my position clear. I have said and I still maintain that this Bill is inhuman and anti-Islamic.

Sir, this Bill when it becomes law it will push the Muslim women back to the pre-Islamic era when women were considered as animals, chattel and part of the property. I know as a Congressman I have decided to follow the whip of the party but I am not going to change my view about this Bill.

PROF. SAIFUDDIN SOZ : That is very good. Now, Mr. Chairman I have succeeded in my contention about what he has been saying outside the House that this is un-Islamic Bill. Before I proceed further I have a question to ask him. What is his view about the remark of the Supreme Court ? The Supreme Court says that a woman does not deserve independence. This is a basic question I pose to Shri Arif Mohammad Khan that Islam does not allow independence to women and it is alleged that the fatal

point in Islam is the degradation of women. Do you accept this view ?

SHRI ARIF MOHAMMAD KHAN : I have made my position clear.

(Interruptions)

MR. CHAIRMAN : Let there be no debate between two members. (Interruptions)

PROF. SAIFUDDIN SOZ : I want to say it very clearly. There is constraint of time otherwise I would make Mr. Arif Mohammad Khan... (Interruptions)

MR. CHAIRMAN : Order. Order. Please confine yourself to the Bill.

PROF. SAIFUDDIN SOZ : I have succeeded in getting his idea. (Interruptions) Now, since there is a constraint of time, certainly I will come straight to the Bill. But I wanted to say that in regard to the Supreme Court decision, I have said that I have my own opinion. People like Shri Arif Mohammad Khan say... (Interruptions)

SOME HON. MEMBERS : Again and again, he is referring to his name.

MR. CHAIRMAN : There is some limit to your mentioning his name. You have already mentioned his name. Please give your opinion about the Bill.

(Interruptions)

PROF. SAIFUDDIN SOZ : Sir, he had a hundred minutes speech and that was a controversial speech.

MR. CHAIRMAN : He has not spoken on the Bill. So, you go on with your own point of view on the Bill.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : I would request the Hon. Members not to mention the name.

PROF. MADHU DANDAVATE : It is as if Mr. Arif Khan Mohammad is unpar-

liamentary so that nobody can refer to his name.

(Interruptions)

PROF. SAIFUDDIN SOZ : Many people say that Muslim leadership does not accept *ijtehad*, that is interpretation. But actually it is the Supreme Court...

[Translation]

The Islam has not closed the door of *ijtehad*, nor any scholar, nor even a Member of Parliament can do so.

[English]

There is scope for interpretation and our interpretation. But the Supreme Court has closed that door. I will show what Maulana Yusuf Ali has written. I would also quote Pickthal who never accepts this provision but only accepts maintenance on reasonable scale. I want to refer further to this. So, this judgement is totally biased.

SHRI SOMNATH CHATTERJEE : Sir, I am on a point of order. He cannot describe a judgement which is delivered by Government as a biased one. That will impute motives.
(Interruptions)

PROF. SAIFUDDIN SOZ : Parliament is supreme and we can quote here the judgement of the Supreme Court. (Interruptions)

MR. CHAIRMAN : Don't make any derogatory remarks about the judge.

PROF. SAIFUDDIN SOZ : I am referring to the judgement. I am not referring to the judges. What did the Supreme Court say in Shahbano case ? After six years, she got Rs. 179.20 and I feel this Bill will create a sort of revolution in the country because more than 7000 Magistrates will be involved so far as dispensation of justice is concerned. These first class Magistrates will be accessible. We should take cognisance of one fact that there is some danger that somebody may take undue advantage of the provision. But this Parliament has taken a decision and this Government is charged with the duties

that nobody should exploit the provisions of this Bill. But if the law is properly implemented it the Wakfs will be revitalised as an institution. Wakfs have money but Wakfs are in great corruption. So, Wakfs will have to be revitalised since magistrates will be more accessible to the Muslim women than the Supreme Court then will be proper dispensation of justice. Then we have to think as to how many people can go to the Supreme Court.

The Constitution wants uniform Civil Code but this cannot be done, by thrusting reform on Muslims, or Hindus or Christians as Shri Indrajit Gupta once said that the reforms cannot be steam-rolled on a people from outside and Shri Yadav and others have said that the Muslim community should come forward for reform. But before that, I wanted to give you a good news that 90 per cent of the laws are commonly applicable to all people and the muslims have come to accept them. Now, you have been asking a question whether Muslims want to introduce reforms, but you have forgotten one thing that reforms have to be there by consensus, reforms have to be by calm consideration of the issues, and the reforms we did in our State under the leadership of Shere-e-Kashmir, Sheikh Mohammed Abdullah, you have forgotten that. We abolished the landed aristocracy in the State of Jammu and Kashmir. Mullah was not satisfied. He said, "No land can be snatched away unless you pay compensation; and that, you can purchase the land when the landlord is willing to part with that." And do you know what Sheikh Mohammed Abdullah told Mullahs at that time ? There are some people who still feel that the abolition of landed aristocracy was a reform which was un-Islamic. Sheikh Mohammed Abdullah told them that the Muslim Ullemas, who wanted compensation to be paid to the landlord that for 400 years, the Zamindars had exploited the tiller, and therefore they would not get any compensation. He said that this reform was in the interest of Muslims, Hindus, Christians, Jains and others. He addressed a poem from Dr. Iqbal to those Maulvis, who certainly represented the obscurantist shade of the Muslims culture. He told them to read this poem by Dr. Iqbal. The poem was addressed by Iqbal to the landed aristocracy saying that the land belonged to God. He

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told the Maulvis to read this poem, and thereafter they should read Quran and they would get the real spirit of Quran.

[Translation]

The title of the poem is :—

Allah Raz Lallah

*Palta hai beej ko mitti ki tariqee main kaun
kaun dariyaon ki maujon se uthata hai Saab
Kaun laya kheench kar*

paschim se Vaade Saazgar

Khaak yeh kiski hai ?

Kiska hai yeh noore aafab

Kisne bhar di motiyon se

khoshai gandam ki jeb

Mausmon ko kisne sikhlai hai

khoo-e-Inqalaab

woh khudaya, yeh zamin teri nahin teri nahin

Tere abba ki nahin, teri nahin meri nahin.

[English]

According to this poem, the land does not belong to the Zamindars or the landlords. Thereafter, we adopted the unparalleled reform and we abolished the landed aristocracy in Jammu and Kashmir. And you must know that Jammu and Kashmir is a Muslim majority State. That is our contribution to the reforms in this land.

In the end, I would only say that I do not treat this Bill as un-Islamic and I welcome it whole-heartedly.

[Translation]

SHRI NARESH CHANDRA CHATURVEDI (Kanpur) : Mr. Chairman, Sir, today we are discussing an important subject which I regard as historical. My colleagues have already said what I wanted to say. What the Opposition Members are repeatedly saying does not seem to be correct. When Hon. Dandavateji, while arguing, said that the Congress had brought forward this Bill for the sake of votes, I thought that a wise and intelligent person like him also sometimes says wrong things. I would like to say that

if the Congress has brought the Bill here to gain votes, what for the Congress has signed an agreement with the Akalis in Punjab ? I want to ask whether the Congress has signed the Assam Accord for getting votes ? When the question of minority is raised and the Congress deals with it with a liberal attitude, you call it narrow mindedness, which is really surprising. Just now our leftist friends said that the Communists... (Interruptions)... I am referring to only what is being published by the press. (Interruptions) Our leftist friends do not know and they have not reached the hearts of the people of India. They have never understood what the people of India wanted. Had they ever understood the real conditions of the people of India, their condition would not have been reduced to what it is at present here... (Interruptions) ...It is not a question of whip... (Interruptions)... I want to say that whip is a common thing. It is not that whip has been issued for the first time. But you talk of it continuously only to hide your weakness, because the strength of your parties is about ten, five or six Members and despite your strength being so small, you are not unanimous in your views. But we, all the four hundred and fifty Members, hold unanimous view. We, under the leadership of our Prime Minister, Shri Rajiv Gandhi claim it with challenge that all the Congress Members will vote in favour of this Bill. I declare it and if you feel like doing it, you can try. Even if there is no whip, have you ever succeeded in getting our any motion rejected in the House ? I have talked about things related to Section 125 to which my friends have also made a reference and Shri Sen has also moved an amendment. Nothing is perfect. Congress has always worked with a liberal attitude. It is for the first time that today something like this has been presented for the Muslim women. I ask you whether there was any provision for one year's imprisonment for a Muslim male before this Bill ? If a provision for one year's imprisonment is made, it is for providing protection to the Muslim women. They have been saved from a danger. I ask you that the right of getting her *mehr* and presents is being provided in this Bill and I would like to ask if it was available to her earlier. Now-a-days, you are repeatedly saying that the Congress is moving backward by bringing forward this Bill. I ask you when Hindi was declared as

official language in 1963, then a small number of people had said that it should not be imposed upon them immediately. At that time also, though we had the majority, yet we told them that Hindi would not be imposed upon them until they desired to use it. We were in majority at that time and same is the case at present. Therefore, I ask you not to talk of minority or majority, because you will never be able to gain majority. You often declare in your election manifesto that the Muslim Personal Law won't be touched. The Janata Party and the other parties have also done so and now when a Bill about the Personal Law has been introduced, you oppose it. You say that the Congress leadership has surrendered to the whims of religious leaders of Muslims. Do these three or four examples which I have cited indicate to the surrender? No, it is not so. The problem before the Congress is as to how to move unitedly with seventy two crore people of this country. You can talk with so much liberty, because you will never be in majority and those who do not have responsibility do not... (Interruptions)...

PROF. MADHU DANDAVATE : We have got majority in six States even today.

SHRI NARESH CHANDRA CHATURVEDI : They never work with such responsibility. I would like to point out one more thing as an example. When you sit in the tea canteen, you can speak anything you like. The Armed Forces on the borders of the country are there to defend the country. They do not have alternatives, but commitment. The question of the security of the country is involved. Similarly, you cannot measure with your small tape the gigantic working of the party representing the country and the Government of the country. You cannot measure the great personality of the Congress with your small measuring device. I do not want to take more time and say one thing that amendment to the Section 125 expects that both the spouses should come together to the court. And it is not so easily possible when Section 125 is invoked. I would like to request our Hon. Law Minister to look into this matter, because it has been the convention of Congress to lay stress on the movement of progress. We fought against imperialism, but after independence we accepted the membership of

U. N. O. You talk of policy and raise questions of Directive Principles, but a principle in itself is nothing if it is not implemented properly. In this country the Congress is a political organisation which has not differentiated between theory and practice. You have struck to the theory only, while we have always implemented theory into practice and you can understand the difference between the postmortem of the theory and dedicated hardwork to put theory into practice. Today I do not want to refer to those things which might instigate the people to say many wrong things about the Hindu Act and the Muslim Act. Sometimes people unknowingly and ignorantly speak wrong things about the Islam and the *Shariat* and some wrong views are expressed against the Hindus also. I have heard some one saying about *Kanyadan*. It is no charity. There is no charity involved in the marriage of the Hindu girl. The girl is given in the marriage and so the word *dan* is formed from *dena* (to give) and so it is not charity. *Panigarahn* ceremony is there in the marriage. The girl is so adopted and given. And you can understand this *Kanyadan* in this way.

AN HON. MEMBER : Speak something on Section 125.

SHRI NARESH CHANDRA CHATURVEDI : I have already spoken on Section 125 and what else should I speak? The second thing I want to mention is that under this Bill, the parents of a Muslim woman who are able to sustain her are responsible for her maintenance. Even if that alternative is not possible, then for the first time this responsibility has been put on the Waqf Board and it should make the Muslim women's future and safe secure. There is such a provision in this Bill. The people who have voted for the Bill with us and who have always been with us on all matters of the national interest are due to some reasons are talking of division when we want to provide protection to the Muslim women through this Bill. Some Members have spoken in a very bitter language. I want to quote a couplet and conclude my speech by saying that bitterness at least should not be brought in. If possible, give us company and cooperation. Some people have said such things which have torn our hearts.

[Shri Naresh Chandra Chaturvedi]

The Urdu poet Jagannath Azad has said :—

*Judai ka teri gam kam nahin hai
Magar ab dil ka woh aalam nahin hai
Zaban tege ravan banane na paye
Zaban ke jakham ka marham nahin hai*

With these words, I express my thanks.

SHRI ZAINUL BASHER (Ghazipur) :
Sir, I feel very much pained to hear the views of all the parties on this Bill today. I am very sorry to say that such views have been expressed by the leaders of some of our opposition parties, which have not hurt me alone, but all other Muslim Members of this august House. It has also hurt the feelings of the Muslims outside the House, because the Opposition Members have presented a very gloomy picture. They have said that justice is not done with the divorced Muslim women and their parents do not look after them properly because of which they can adopt a wrong path or they are already adopting it. The Opposition should understand it that by such remarks they have not done justice with the Muslim community.

21.00 hrs.

Mr. Faleiro has said that Muslims have no sympathy with the divorced women and only they have sympathy for them. Such a thinking regarding the Muslims is not just.

Mr. Chairman, Sir, the Muslims have been living in this country for the last about 1000 years. The Hindu and Muslim have been living together and have been respecting the traditions, customs and the way of living of each other. They have been well aware of various customs regarding marriages, division of property, procedure of divorce etc. of the each other community for the last one thousand years. We are also aware of the customs of the Hindu marriage and as to how the property is divided among them. But we have never interfered or tried to interfere with the matters of the other community.

We know that the Hindu religion is a great religion. As a student of philosophy, I

got an opportunity to read Hindu Philosophy. Various things in the Hindu philosophy have deeply influenced me. It is a great religion. Rather the Hindu religion is a way of life. The name of the Hindu religion is given by the Muslims and before that there was nothing known as the Hindu religion. We know as to how they behaved with their women. In the Hindu religion, the people of their own religion have been treated as lower caste people and have been forbidden to enter the temples. It is correct that now they are being allowed to enter the temples. But we never interfered with their affairs. The Muslim rulers also did not interfere with the religious affairs of the Hindus.

We also know that there was a darkness and ignorance in various fields in this country when Islam came here with a new light and the people readily embraced the new light. Later on, a revolutionary change was brought about in India by Raja Ram Mohan Rai, Swami Dayanand, Swami Vivekanand and other social reformers. They brought about new awakening among the Hindus by adopting good ideals from Muslims and other people of the country. The Hindu religion accepted various reforms. It might be Hindu Code Bill or any other matters, the reforms were brought about only when the Hindu community or a large section of the Hindu society was ready to accept them. When they thought that the Harijans should be allowed to enter the temples or provision of divorce should be made, only then the reforms could be brought about. Some of them were brought about through this Parliament, but so far as the question of reforms in the Muslim community are concerned, it may be correct that some of our colleagues and even many of the Muslim Members think that certain reforms are required to be made, but the question is as to who would bring about these reforms. Whether these will be brought about by Shri Dandavate, Shri Unnikrishnan or Shri Somnath Chatterjee; whether the reforms will be brought about by the Muslims themselves or these will be thrust upon them by you. So far as the common Civil Code is concerned, whether it would be thrust upon the Muslims, Christians or other communities without their consent or a common Civil Code would be adopted when all the Communities would express their

willingness for such a code. When you do not want such things, then for what reasons are you opposing this Bill? This is very simple Bill. The Muslims want that a divorced Muslim woman should get all those rights which have been provided to her under the *Shariat* and there is nothing else in this Bill. The Section 125 of the Cr. P. C. intends to provide assistance to a divorced woman and this Bill also intends to provide the same thing. The difference between the two is as to how the assistance should be provided, as also at what time, in what quality and for how many days it should be provided. The Bill intends to provide it according to the law of the *Shariat*. Why are you opposing this Bill then?

SHRI INDRAJIT GUPTA : It is needed because the Muslims want it. Like many others you say that the Muslims do not want it.

SHRI SOMNATH CHATTERJEE : Conduct a referendum for it.

SHRI ZAINUL BASHER : Mr. Somnath Chatterjee, it is a well-known fact and you are wise enough to know as to what the Muslims want. I consider you and Guptaji as wise men. Whatever you may say here, but in the core of your heart, you know as to what the Muslims actually want.

SHRI INDRAJIT GUPTA : I want to know as to what inconvenience was being caused without this Bill?

SHRI ZAINUL BASHER : The inconvenience is that the Muslims are treating the court decision as an interference with their personal law.

SHRI INDRAJIT GUPTA : They are being misguided.

SHRI ZAINUL BASHER : They are being misguided by you people. Had you not raised hue and cry over this issue and had the press not called them fundamentalists and had the people not called them anti-national for this Bill, then they would not have be-

come so sensitive as they are today. This has all been done by you people.

AN HON. MEMBER : Mr. Banatwalla is your ally in this Bill.

SHRI ZAINUL BASHER : Whatever Mr. Banatwalla might be, but he is a Muslim and he has expressed the sentiments of the Muslims. In such matters, we and Mr. Banatwalla have no difference of opinion.

Mr. Chairman, Sir, I would like to say one more thing that it has surprised me to see some of the Members of the Opposition for whom I had a great regard, and they are nice people. *(Interruptions)*

I cannot say about all of them, but there are some for whom I have a great regard.

SHRI PRIYA RANJAN DAS MUNSI *(Howrah)* : The *iddat* period of respect is over.

SHRI ZAINUL BASHER : Mr. Chairman, Sir, I am afraid that if these people come to power, how would they run the country and how the unity and integrity of the country would be maintained. Sir, today I am even more convinced than ever before that only Congress Party can maintain the unity and integrity of our country and without the Congress Party, unity is not possible. The Bill brought forward by the Congress and the Government of Rajiv Gandhi has nothing new in it. I am not talking from the Opposition's point of view but from the Congress Party's point of view. You can see every election manifesto of the Congress Party which clearly states that if the Congress comes to power, it will not interfere with the personal law of the Muslims. *(Interruptions)* Mr. Unnikrishnan, Mr. Madhav Reddi and Mr. Dinesh Goswami might have cast their votes in many congress sessions. In every session, a resolution on communal situation is adopted which says that the Congress Government will not interfere with the personal law of the Muslims. Shri Unnikrishnan might have cast his vote for such

[Shri Zainul Basher]

resolutions, but today I was very much pained to listen to his views. He has also contested election on Congress-manifesto, but now he is forgetting it. The Congress Party is fully committed to its promise and that is why this Bill has been introduced.

SHRI V. TULSIRAM : Leave it, because it is now very old.....(Interruptions)

SHRI ZAINUL BASHER : You can see all the election manifestoes of the Congress Party from 1952 onwards.

SHRI SOMNATH CHATTERJEE : What about the issue of Ram Janam Bhoomi ?

SHRI ZAINUL BASHER : You do not worry about it, the Congress will be able to solve this problem. This Bill is in conformity with the policies of the Congress Party. Today, every Muslim in the country feels highly obliged to Shri Rajiv Gandhi, Shri Ashok Sen, the Congress Government and the Congress M.Ps. because the Opposition and many newspapers had created a sense of fear in their minds that their Personal law and religion is being interfered with, but today with the enactment of this Bill the fear in their minds will be removed and Congress will continue to cherish the ideals and traditions which it has always upheld. Only then the country's unity and integrity can be kept intact. Religion is a very sensitive issue...(Interruptions) If we speak of Marxism, they will also be provoked. Therefore, I hope the enactment of this Bill will not only remove the misgivings in Muslims but also strengthen the unity and integrity of our country.

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh) : Mr. Chairman, Sir, I rise to support the Muslim Women (Protection of Rights on Divorce) Bill 1986. This Bill respects the sentiments minority community and guarantees a

sense of security among them. After the Supreme Court judgement in Shah Bano case, the Muslim community started apprehending interference in their Personal law and therefore, the need for this Bill was felt. India is a country of diverse cultures and languages. Our society is like a garden where different kinds of flowers have full opportunities to bloom. There are different laws which govern our social structure and, therefore, we should not view this Bill from that angle. You may construe that marriage is a religious and celestial bond, whereas according to Muslim law it is an agreement or a contract and it can be broken any time. This will have to be understood in these terms. The marriages arranged through Hindu religious rites had no provision of divorce but when the law was enacted the rights of women were defined under Section 125, 127, 128. It is also true that prior to Prophet Mohammad temporary marriage was prevalent in Muslim society. Mohammad Sahib tried to make it permanent and as a result, the Muslim law came into existence. No social evil could be eradicated only by laws. There is need for a special kind of environment and attitude to remove social evil. It has to be somewhat similar to the days when 'sati' system and child marriage was abolished. We are supporting this Bill, because there are certain special reasons for it. At the outset it provides a type of protection to Muslim Women because in the past at the time of divorce, there was always a big question mark whether the divorcee will get the 'mehr' amount or not and if so how much? But now under this law the 'mehr' amount has been defined and it will provide them protection. Sir, I would like to submit that if we compare the situation prior to its enactment we find that Shah Bano had to run from pillar to post to get a meagre amount of Rs. 189.20p as maintenance allowance, but now through this legislation the Muslim women will be able to get speedy justice and the entire mehr amount. But there is one more thing which needs special attention. A practical difficulty that we face is that in some traditional Muslim families, one rupee is fixed as mehr amount and in some others it is merely Rs. 11. Under these circumstances a social change will come through this Bill thereby enabling to fix the mehr amount prior to marriage.

Critics of this Bill give many reasons against it and cite examples, but probably they forget that there are many such countries in the world like Bangla Desh, Iran, Iraq, Jordan, Moracco, Malayasia, Saudi Arabi and Kuwait etc. where the women are not provided maintenance allowance after the *Iddat* period is over. There is a provision in the Bill that if a woman is pregnant at the time of divorce, her child would be entitled to get maintenance for two years. I would like to suggest an amendment that this period of two years be raised to five years, so that the child is brought up without any difficulty to the woman. Sir, according to the provisions of the present Bill, no restrictions have been imposed on the Muslim couples. They can opt for registered marriage if they so desire and then they are entitled for all those rights that can be claimed under Sections 125, 127 and 128 of Cr. P.C. I would like to submit that if a Muslim marriage is performed in a traditional way, then under those circumstances this law will have to be enforced. As Shri Sen pointed out that receiving money from former husband is forbidden, similarly under these circumstances no woman will be ready to receive money from her former husband. Her parents or relatives will help her. If even they are not in a position to help her, the Bill envisages that the Waqf Board would provide maintenance to her. But I fail to understand as to which Waqf Board has so much funds which would be able to maintain these women. Therefore, I would suggest to make some basic changes in the structure and working of Waqf Boards so that these women get protection.

Sir, if we study the Bill in detail, we find that besides providing adequate protection to women, it also creates a feeling of security among the minorities and strengthens the secularism. By creating such an atmosphere, we can bring a uniform Civil Code in the country. If we are successful in creating such an atmosphere, we will be proud of it. With these words, I support this Bill and submit that in view of the prevailing circumstances and need to strengthen the unity, integrity and secularism in the country, this Bill has been brought in an appropriate manner and at appropriate time. I welcome it.

[*English*]

SHRI PIYUS TIRAKY (Alipurduar) :
Sir, I oppose this Bill... (*Interruptions*)

If I remember rightly, when the Private Member's Bill on this subject was brought forward in the Parliament, all the members of the ruling Congress Party opposed it, and I find only one man in that party who still stands on his words till now, and the rest of them withdrew** (*Interruptions*)

MR. CHAIRMAN : The expression applied to Members is derogatory and should be expunged.

(*Interruptions*)

SHRI D.B. PATIL : They don't feel it derogatory, Sir. Otherwise, they would have protested. They are not protesting.

(*Interruptions*)

MR. CHAIRMAN : Any remarks derogatory to the Members would be expunged.

SHRI PIYUS TIRAKY : Sir, the community includes "women" also. They say, it is a personal law for Muslim community. But it is personal law for Muslim community excluding Muslim women. That would be perhaps right to say because the law speaks only for the welfare of men-folk; it does not give equal right for the Muslim women.

In India, we have the culture that women are respected as Devis. There is no distinction between Hindu women, Muslim women and Christian women. All the women are respected and honoured alike in this land. But in this Bill, the Muslim women are

**Expunged as ordered by the Chair.

[Shri Piyus Tiraky]

specially deprived of their right and they are treated like a commodity. They can be taken out at any time and thrown out at any time, at the will of the husband or man. So, this Bill is against the humanity itself, against the culture of India and against our Constitution also.

Much has been said against this Bill and I endorse fully what has been said by the Hon Member, Shrimati Geeta Mukherjee and I oppose the Bill because this is anti-India, anti-women and anti-human also.

[Translation]

SHRI TARIQ ANWAR (Katihar) : Mr. Chairman, Sir, for the last six hours we have been discussing this Bill and almost all the aspects have been highlighted. Throughout the debate there was unanimity among the Members of both the sides that most of the Muslim brethren in the country are in the favour of this Bill. Some of the Opposition Members pointed out that we had introduced this Bill to attract our Muslim brethren who had somehow drifted away from the Congress Party. Even if we agree to their argument, it proves that the maximum number of Muslims in the country are supporting this Bill and that is why we have brought it. Had we been supported by only 10 per cent Muslims, we would not have brought forward this Bill. This proves that 90 per cent of the Muslims are supporting it. It is being said today that this Bill will strengthen the hands of the communal forces, but we would like to remind that the founding fathers of the Constitution had taken a decision after giving a serious thought to all the eventualities. When we talk of the common Civil Code we have to keep in mind the requirements of the people of the religion for whom it is meant. If they seriously want a change, it should come through them. This has been categorically stated in the Bill, this has also been discussed. We would merely like to submit that when we say that ours is a secular country and secularism is the bedrock of our country, we mean that the persons belonging to each religion and culture and speaking

different languages should get equal opportunities. This Bill reflects the sentiments of the Muslim community. Some Opposition Members have pointed out that a referendum should be held on the subject... (Interruptions). On the one hand our CPM friends seek a referendum whereas Shri Madhu Dandawate says that this has been done to capture muslim votes. Both the things cannot go together. It seems that you are not confident about it, because if you think that most of the Muslims in the country are not in its favour, then why do you say that Congress is trying to attract and capture Muslim votes? Congress is a party which has a long history and it has always taken a stand and formed an opinion whenever such an occasion has arisen. They have assured the minorities of the country that till Congress party is in power, their religion and culture heritage are safe. Some days back it was alleged that Shri Rajiv Gandhi was taking the side of the Hindus and he was inciting the feelings of the Hindus whereas the same Opposition Members are saying today that he is trying to appease the minorities. But, in fact, Shri Rajiv Gandhi is neither carrying only the Hindus with him nor only the Muslims. He is carrying the entire nation with him. Whichever political party or leader drifts away from the sentiments of the nation, it has to remain in the Opposition whereas the other wields power. The Congress Party has always kept the interests of the weaker section uppermost in their mind and that is why they have got the massive mandate.

So far as reforms are concerned, it is a good thing. Reforms must be made. We can have our own opinion and so can you. But when it comes to making changes or some interference with some religious matter, then the support of that particular community is an essential requirement. No court judgement can bring reforms. There is need for creating an atmosphere after the judgement has been delivered. For that, there is need to get the people ready to accept the reform. We should also keep in mind the people for whom the Constitution is meant and what its objectives are. After all what are the reasons that not much hue and cry was raised in the two cases that were decided prior to Shah Bano case and where'n maintenance was allowed. For the first time after the Supreme Court judge

ment in Shah Bano case there was a great hue and cry, which proves that there was something which had hurt the feelings of the Muslims; there was something which had forced them to think that their religion was being interfered with. Today the biggest benefit that the country is getting from this legislation is that the Muslims are being assured that their religion, culture and tradition will be safe under the leadership of Shri Rajiv Gandhi. This is being realised today. I would like to say that our friends who are opposing this Bill are giving strength to the communal forces and not to the secular forces. The way they are opposing the Bill, only those people are getting encouragement whom they are calling fundamentalists.

With these words, I support the Bill and request the Members of the Opposition that this is the time when they should understand the feelings of the minority, the Muslims, and it will be better if they do not do anything which may hurt the feelings of any particular community.

SHRIMATI VIDYAVATI CHATURVEDI (Khajuraho) : Mr. Chairman, Sir, I want to express my views in support of the Muslim Women (Protection of Rights on Divorce) Bill presented in the House. It is the farsightedness and wisdom of our young Prime Minister that he has tried to solve a big problem of the Muslim women by bringing forward this Bill. Women have been humiliated and exploited since centuries in the name of religion, society, etc. Today also, I have been listening to the speeches for quite a long time and was feeling that even at present in the name of women, crocodile tears were being shed and efforts were being made to gain politically. How far is it right and proper? Shrimati Gita Mukherjee's speech was quite emotional and I agree that she has sympathy for women and wants that the women should be uplifted and should get respect; because only a woman can understand the anguish of another woman, but she must not have forgotten the day when Anti-dowry Amendment Bill was presented for which we had been going from door to door for about one and half years to know the

opinions of different classes and communities and had tried to get that Amendment Bill presented here and got the most stringent sections included in that. But will she tell us whether that Bill is perfect? Is there no deficiency in that? If I am asked this question, I would clearly say that there is need to be done much in that. I would say that in future we may have to bring more improvements in it. I do not say that the Bill that has been presented here is perfect or provides full relief to the Muslim women. But it is a step forward in that direction and the same should be appreciated. This is my first submission. My other submission is that a woman is a woman; she is not a Hindu or a Muslim. She is a mother, sister or daughter. But she has been exploited by the custodians of religion and society. It is male dominated society today. May be it has been said in the scriptures or by Manu :

Yatra naryastu pujyante, ramante tatra devata

Tatrastu na pujyante tatra sarva...

but what has been the actual position? You can look at the Islam even. In Islam, how much respect has been bestowed upon them. But what is the reality today? The reality is that even those women who have been married in very well-to-day families, who live in palatial houses, travel in cars and lead a luxurious life are divorced by merely uttering three times 'talaq' talaq, talaq'. They are thrown out in the streets without any protection. They do not get any respect. As has been said by my sister Abidaji that a woman feels humiliated to beg from a person who has divorced her. I would say that there is a lot of difference in theory and reality. That woman surrenders her good and beautiful days to a man, a family and in giving birth to children and bringing them up and when she becomes infirm or old that man throws her out. In such a situation to whom should she ask for maintenance. Through this Bill at least she is getting this much protection. She should get reasonable maintenance from her husband and that she will get. She will not have to depend on anyone for bringing her children up. There are four provisions in section 3. She will get rightful maintenance, then, husband will provide

[Shrimati Vidyawati Chaturvedi]

facilities for the children's upbringing; the 'mehr' fixed at the time of marriage and the presents etc. given to her by her parents and relatives or husband which you may call 'Stri Dhan' and on which she has full right will be given to her. The amount of 'mehr' fixed at the time of marriage, be it Rs. 25 thousand, Rs. 50 thousand or Rs. 1 lakh, should be given to her immediately. If the person who is divorcing her does not pay this within three months, then she can submit an application to the Magistrate. Then it is the duty of the magistrate to decide the case and provide her what is due to her within a month. Not only this, he should keep this thing in mind that in what atmosphere and condition she has lived and if she is lacking the resources to live in that atmosphere, he should first of all arrange for that. The power has been given to the Magistrate.

One thing more I want to say about section 125. You have said that if both parties agree, they can get the decision under this section. I would submit to the Hon. Minister that this will never happen. Both of them will never agree and there will always be a deadlock. Therefore, you should protect the weak, this is my submission. One thing more. The laws are framed for the society and people. The religion is there for the people, but the people are not for religion. It keeps on changing with the times. This can be further extended. I support this view. When we have accepted the principle of secularism, why should we then impose any thing forcibly on any religion. We will have to convince them.

I would like to warn the Muslims also. They have made divorce a very ordinary and easy thing. By uttering thrice the word 'Talaq', the women can be thrown out. It is the need of the hour that it should be made more strict. If you do not recognise the demand of the hour, no one will hard on you. Therefore, recognise the need of the hour, and change yourself according to the times and circumstances. I also want to say that ours is Indian law; it is neither Hindu, nor Muslim

nor Sikh law. A Hindu woman requires food to eat, cloth to wear and a house to live and a Muslim woman also needs the same things. It can never happen that a Hindu woman may eat pearls and a Muslim woman may eat stone. Every woman, to whichever religion she may belong, should get these things. This thing you should see and understand.

21.46 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

I support this Bill and thank the Hon. Prime Minister. Along with it I once again request my Muslim brethren that they should realise the need of the hour and should not allow the divorce to be taken so easily. Unless both the spouses agree and unless there is some special situation, the women should not be thrown out of the house.

With these words, I express my thanks to you.

[*English*]

MR. DEPUTY SPEAKER : Mr. H. R. Bhardwaj. He is intervening.

PROF. MADHU DANDAVATE : Is he intervening or interfering ?

MR. DEPUTY SPEAKER : He is intervening. It may be for you that he is interfering.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : Mr. Deputy Speaker Sir : When this debate started, a point was raised from one of the Hon. Members that there was some sort of con-

fusion in the legal opinion that was tendered on the question of Amendment 125.

One of the Hon. Members referred to my name. I think Sir, the Hon. Member was not properly informed and the Hon. Member must know the views of the Government on the question of personal law of minorities which had been repeatedly stated clearly and in unequivocal terms that the Government will never interfere in the personal laws of the minorities. If they have not understood it, it must be understood by them now. Consistent with that, if he wants the correct opinion which I tendered, I said that this is a very sensitive issue, we were not party to the litigation, we would like to study that judgement and we would like to make an opinion on the judgement as such when we will have the full text before us. That was what I said. When I said that, this is a very sensitive issue, I said it by my training which I got as a Congressman. Certainly that opinion was not tendered as a CPM Member or a Telugu Desam Member.

PROF. MADHU DANDAVATE : This is nothing to do with Congress.

SHRI H.R. BHARDWAJ : Professor, will you listen to me now ? You have had your say. You have said such poisonous things on the floor of this House. The commitment of the countrymen to the people of India has been given by our leaders starting from the Constituent Assembly debates upto this date. That has to be understood correctly by these people.

You must understand what Dr. Ambedkar said about this law. (*Interruptions*). That is the difficulty, you will never be correct. I am correcting them because they imputed certain things to me and I must put the records straight. Our stand has been, from the very inception upto the last debate that we have had in this House, the respect for the minorities and their personal law. There is no question of interference. That is the stand of

the Congress. Therefore, we do not have any pre-conceived notions against the minorities. Our leaders have taught us that this is a secular country. The doctrine of secularism must be read with the religious freedom guaranteed by the Constitution. You may interpret the Constitution the way it suits you but the Constitution remains it is ment for all the people in India. It is written "we the people of India" and when we say 'we the people of India' it includes Hindus, Muslims, Christians and Parsees and not the isolated stand that you have taken in the House today.

When we talk of the Constitutional commitment I would read line by line what Dr. Ambedkar said on the question of uniform civil code. He said, "I give you an assurance". That assurance may not hold good for you but those of us who carry forward the legacy of our leaders it is our duty to see that minorities are also heard in this country. Now with that commitment we had a dialogue with the minorities. We studied the judgement of the Supreme Court. I must point to Prof. Dandayate what Justice Murtaza Fazal Ali pointed out when he made reference in Shah Bano's case. It is very very important. He said :

"As this case involves substantial questions of law of far-reaching consequences, we feel that the decisions of this court in Bai Tahira V. Ali Hussain Fidaali Chothia and Anr. V. Fuzlumbi V. K. Khader Vali and Anr. require re-consideration because, in our opinion, they are not only in direct contravention of the plain and unambiguous language of Section 127 (3) (b) of the Code of Criminal Procedure 1973 which far from over-riding Muslim law on the subject protects and applies the same in the case where a wife has been divorced by the husband and the dower specified has been paid and the period of iddat has been observed. The decision also appear to us to be against the fundamental concept of divorce and its consequences

[Shri H. R. Bhardwaj]

under the Muslim law which has been expressly protected by Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937—an Act which was not noticed by the aforesaid decisions. We, therefore, direct that the matter may be placed before the Hon. Chief Justice for being heard by a larger Bench consisting of more than three Judges.”

Do you say that this matter does not have anything to do with appreciation of Section 127 (3) (b) or Section 125. If you go into the genesis of Section 125 it was enacted in 1973. Before that the wife's definition was not this as it was made in 1973 and mind you it was again the Congress Government which brought this amendment and it is there we brought Section 127 (3) (b). Mr. Mirdha has explained to you that Government wanted to assure the minorities that we will not pass a law which infringes your personal law and that is why precisely Section 127 (3) (b) was inserted in the Cr.P.C. Now this Section mentions personal law. It protects the personal law and if something has to be paid under the personal law and that has been paid the Magistrate shall cancel the orders passed under Section 125. Section 125 enables the court to grant maintenance upto Rs. 500/— but if it is proved to the Magistrate that the personal thing has been paid under the personal law then he can cancel that order. Now there is lot of agitation in the minds of the Muslims and if you want to say that Muslims have no say in this country then that is a different matter. It seems you are determined on this that your say should apply to the Muslims. But how it can be? Those personal laws regarding marriage, divorce and maintenance of the Muslims have to be according to their personal law because that is protected by Section 2 of the Shariat Act. That is Constitutional law. It is still valid; it has not been revoked till now. Therefore, if anything is done according to 'shariat', Prof. Madhu Dandavate and his colleagues know about it because it is not practically illegal and within the Constitutional provision. In this connec-

tion, we have time and again emphasised that the secularism is not that we should have one type of thing for everybody. If secularism is like that, then you can always insist on secularism of a particular type liked by Marxists or others that is suitable to them. But that is not the scheme of the country, but the scheme of the political life is this that everybody will have his own Personal Law. The Hindus have already got, the Parsis have got, Christians have got and if the Muslims want to give maintenance to their women according to their Personal Law, I do not know why Mr. Soz is so much agitating the minds of others. We must see to the sentiments because the Muslims have the 'Quran' as the basis of Islam and if it is the basis of Islam, then anything done against the injunction of Islam or 'Quran' will not be wholly acceptable to everybody. You may cry for it or you may not cry because largely their foundation is shaken. If you try to infringe their foundation, that is, the marriage under the Muslim Personal Law—it is a pure and simple contract—it may not appeal to you because in our system it is a different thing, it has relationship to the eternity, but it is not that when they enter into an obligation, that is, the contract of marriage, something is offered as 'mehr'. Some obligations are there, rights are there. But the moment the divorce is complete, those obligations, those rights and those duties are over and if you take those obligations, those rights against the divorced women, then it is wholly against the 'Shariat' Islam, though anybody should have no objection to this when the law says so, 'Shariat' says so, that the Muslims will be governed by the law of 'Shariat' and that is the Muslim Personal Law. There is no difference between the Muslim Islamic law and the 'Shariat' law so long as they are preserved under the said Section of 'Shariat' Act. So, if this law clarifies that position, then the position for a particular women who has been divorced by her husband is made clear and that is protected under 27 (3) (b) and if it is magnified now, this law makes three provisions: Provision and Maintenance in Clause A now and in 3 (a) Provision and Maintenance have been provided, Now how will the Court determine the provision and maintenance—the party's need, the capacity of the husband and the standard of living enjoyed by the couple? It is a fair standard and if the husband is maintaining a good standard, then she will get good maintenance.

Now 'mehr' is essential part of a Muslim marriage. It is to be given to the wife just after the marriage or it is deferred and the moment she is divorced she can go to the Court and ask for the payment of all 'Mahr'. Now, she has to go to the Civil Court in a separate litigation. So, all these things have been brought under one roof. If that has been combined and if Muslims are happy, I do not think you have any grievance to make about it unless it serves political ends. But that is a different matter. You think that we have motives in bringing this Act. I may point out that it is not worthy of a Parliamentarian like you to impute motives on this issue. So, for this, you should have been fair. Everyone of you is anxious politically. I have seen the mood of the Opposition. It has gone down below the standard, the debate has not been of a high order today. No Constitutional issue was discussed, no Criminal law was discussed. Everybody was really speaking surcharged with that political motive as if to show they were pouncing upon the elderly man, Ebrahim Sulaman Sait and others.

PROF. MADHU DANDAVATE : We assure you that we emulate your standards.

SHRI H. R. BHARDWAJ : If you have emulated my standard, you would not have been the lonely Member in this House. You are a single Member in this House and your party Member, Syed Shahabuddin, is not sharing your sentiments. Therefore, you are not really one on this issue in your own party. It is only this much that on a small issue of maintenance after the Divorce is brought forward which is to the liking of the Muslim minority that it is so heavily agitating your mind. That shows the tendency of the Opposition. It exposes the opposition today that they do not stand for the minority of the country in any way. I have great respect for the opposition. I want to make it clear... *(Interruptions)***.

MR. DEPUTY SPEAKER : Not allowed to go on record. Nobody is allowed to speak like this.

*(Interruptions)***

22.00 hrs.

SHRI H. R. BHARDWAJ : We are giving them protection, but you do not want us to do that... *(Interruptions)*.

MR. DEPUTY SPEAKER : Please address the chair.

SHRI H. R. BHARDWAJ : We see the true colour or the opposition whenever anything is done for the minorities by us. This law provides for so many things for the women, but they do not read those lines. That is the difficulty with them. That does not suit them, because they have set their mind on the question of giving maintenance to a divorced woman. They want it to be given the way they like. Section 125 of the Cr.P.C. provides no maintenance to any lady. If the husband of a woman dies, where does she go? Now, she has all the avenues open to her. That is what is prescribed under the personal law. That has been defended, that has been given to them.

All that has been said this morning is purely with a motive to attack the Congress (I) which has maintained its true stance all times, whether they have lost at the polls or won at the polls. Our stand vis-a-vis the secular principles of the country has been the same. Our principles have never changed. But what has happened to them? They were Marxists in the war; they became progressive by going with the Britishers. In the Chinese war they changed their stance. Their stand changes every now and then whenever there is the question of integrity and unity of the country. That is the true colour which must be seen by the people of this country.

*(Interruptions)***

MR. DEPUTY SPEAKER : No interruptions please. I am requesting you take your seats. No personal remarks.

SHRI H. R. BHARDWAJ : Their political intentions are there. They have come out

[Shri H. R. Bhardwaj]

clearly with that. They are neither Marxists in their philosophy, nor secular in their approach. The difficulty is that there is no approach what so ever... (*Interruptions*).

In the end, I will draw your attention to one thing. It is our duty, it is our desire that in this country no minority should feel that its voice is not being heard. So long as the Congress (I) is in power, every minority, be that Muslim or Christian, their voice would be respected.

[*Translation*]

SHRI MOHD. MAHFOOZ ALI KHAN (Etah) : Mr. Deputy Speaker, Sir, I am the only Member of Lok Dal and I have every right to speak in any one's favour or opposition. Therefore, I am speaking in support of the Bill. Listen to a couplet by Amir Minai :

*Khanjar chala Kisi pe
tarpatelain hum Amcer
Saare jahan ka dard
hamare jigar mein hai*

I recite another couplet of Firaq Gorakhpuri :

*Jhapak rahi hain zama va zamin ki aankhain
Magar hai kafila aamada-e-safar ab bhi*

Mr. Deputy Speaker, Sir, at present in the entire country views for and against are being expressed on the Bill relating to the Muslim women's rights on divorce, which has been presented by the Government and is being discussed here. So far as I think the main reason for presenting the Bill by the Government is the sharp reaction by the Muslims of the country to the judgement of the Supreme Court, the highest court of the country, in the case of Mohd. Ahmed Khan Vs. Shah Bano Begum. Except those few so called intellectuals who have little faith in God... (*Interruptions*).

Mr. Saifuddin Chowdhary if you read out even a single *Ayat* of the Quran I will withdraw my support to the Bill. Even those sections of the Muslims who are well known for their non-Islamic views have termed it as

against the Shariat and open interference with the religious edicts of the minority.

The Government took an appraisal of its serious repercussions well in time and it was forced to take some concrete steps to assuage the feelings of the biggest minority community, whose relation of brotherhood is not bound by any geographical limits. This way the Government showed an evidence of maturity and presented this Bill after meeting various delegations of Muslims and discussing the matter with them threadbare.

The Muslim community in the country is facing various problems at present. The riots are taking place in the country unabated. People are casting eyes on some of their places of worship. The Muslims are lagging behind in education, trade and commerce as compared to other sections of society. And now this Bill has become an acid test for the Muslims in India. Some elements in the opposition parties including the communists and communalists have joined hands and are vying with each other to oppose this Bill.

The national press is also much concerned with the Muslim women divorces. On the one hand strong opposition to the Bill is being made against the Bill and on the other hand articles are continuously being published that are creating impression that injustice is being done to women in Islam. It is an incontrovertible fact that women of other religions achieved their rights after great struggle for a long time where as Islam had given these rights 1500 years ago. I would like to ask those people who are shedding crocodile tears that when there is repression against the Muslims and when there is danger to their life and property including Muslims men and women both, at that time where does the sympathy for the Muslim women vanish.

Mr. Deputy Speaker, Sir, there is no mandate for divorce in the Islam. But when two persons cannot live together and all efforts to reconcile between them fail, either they should be left for leading a life of discord or some way out should be found in the same way as the experts advise to amputate some part of the body when all

other efforts to cure the disease fail. Whatever Prophet has said is saved. Albagdool Halahilin Indlabilak dislikes divorce most in all the legitimate things. It has been ordained that talaq should be used with extreme precaution. When Hazrat Zaid, the slave whom Allah had given deliverance, expressed his desire to divorce Zenal before Sallah-Allahi Vasallam, whose cousin was zenat, the Allah said, "keep her with you and be afraid of God". After passing of Iddat and after coming of divorce into practice, the divorce has no relation with her husband. The status of divorced woman and a woman of streets becomes equal. The learned judges of the Supreme Court did not pay attention to this point that compensation is paid without any motive of gain and after the divorce, the relation between husband wife ends and they become strangers.

It is the duty of the husband, which is based on Shariat, to meet all the expenses of his wife according to his financial status, howsoever rich the wife may be during her time. Therefore, Miraj has stipulated the share of women half to that of her husband.

Mr. Deputy Speaker, I support the Bill. I have all praise for the measure brought forward, by the Government. The Shariat Islamia ordains that the man becomes from all the responsibilities after the Iddat.

Every person, who regards himself as Muslim irrespective of his affiliation to any group or party in the House has the religious duty that he should support the Bill. It is a issue pertaining to Muslims and is not a joke.

Mr. Deputy Speaker, Sir, I want to make it clear that a Muslim has not only to live in the world but he is also answerable to the God for his every action.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : He will be answerable to...
(*Interruptions*).

SHRI MOHD. MAHFOOZ ALI KHAN :
**(*Interruptions*)

**Expunged as ordered by the Chair.

Mr. Deputy Speaker, Sir, in this Bill it is being provided that in case there are no parents and other relations of the Muslim divorced woman to help her, she is being give right to go to Waqf. In this connection I would like to draw the attention of the House and the Minister of law, through you, to the two points. The condition of the Waqf is such that it cannot bear the responsibility cast upon it. The expenses of Waqf are increasing due to the pricerise taking place daily and its income is not increasing due to many hurdles.

The Government should, therefore, give financial assistance to the Waqf Board so that it may carry on its duty or take the responsibility to help the Muslim divorced woman. Besides this I would like to make a request that the Government should bear the maintenance of not only the Muslim divorce, but of every other Indian divorcee who is deprived of means of livelihood even if the Government have to levy new taxes. If any section opposes this move, they should be excluded from the divorcee fund. I convey my thanks to the ruling party and all the sections of the House that they heard my views with rapt attention and I would anxiously wait the implementation of the new measures.

[*English*]

MR. DEPUTY SPEAKER : The remark of Mr. Mahfooz Ali Khan about Mr. Saifuddin Chowdhary will be expunged.

SHRI SAIFUDDIN CHOWDHARY : I request you to keep it there. And I say that if I stand for the oppressed women and for that if I have to** I am prepared for that.

SHRI SONTOSH MOHAN DEV (Silchar) : I rise to support this Bill. Before every session of Parliament, the opposition goes to the TV and says that it will bring storm in Parliament They have been able to bring a mini-storm in Parliament. What is the fate of the storm ? Today's debate has proved that the whole opposition is divided into various fragments. The Congress party, which has hundred years of tradition, is a united one under the leadership of Rajiv Gandhi. That is the outcome of their storm.

**Expunged as ordered by the Chair.

[Shri Sontosh Mohan Dev]

[Translation]

There is an English proverb that one ounce of fact is worth a pound of theory. What we have heard from the opposition is only for the press and for publicity and from the core of their hearts they could not say anything basic against this Bill. Prof. Madhu Dandavate has mentioned about the Assam elections and the Punjab elections. I would like to inform Prof. Madhu Dandavate that I fought election from a constituency where 45 per cent of the people belong to the religious minority community. On 10th of December, the Prime Minister had a meeting with the Opposition parties. Then he had said that the Congress has the tradition of maintaining the secular status of the country and, at the same time, to honour the religions of the various communities. He maintained it and it was published in the Press. As against that, my main opposition in the election was CPI (M) party. Their spokesman said they will oppose tooth and nail and it became an issue in my election. I stood by the action of the Prime Minister. As a result, in my election I got the support of 80 per cent of the Muslim voters. This is the reaction of the Muslims about this particular judgement of the Supreme Court against which the people of the country, not only from the Muslim community but also from various other communities whom we represent in Parliament, have given their verdict in favour of this Bill. This Bill has come with the expectation that the Congress which has traditionally supported the minorities of this country, which are 14 crores in number, has kept its tradition. So, I fully support this Bill.

Before I conclude, I would like to say one thing. I have noticed that Mr. Unnikrishnan, whenever he speaks, is in the habit of pulling his trousers every now and then. It reminds me of Winston Churchill. Once in the House of Commons one lady Member said, "It is very embarrassing, Mr. Prime Minister, whenever you come here, you pull your trousers." Mr. Churchill said, "It will be more embarrassing if I do not pull it." So, this is what I want to say that the Opposition Members when they speak, they should pull their trousers every now and then otherwise it would be more embarrassing for them in future,

SHRI RAJ KUMAR RAI (Ghosi) : Mr. Deputy Speaker, Sir, today is a historical day when Parliament is sitting so late in the night and all of us are taking part in the discussion. People not only of the entire country, but of the entire world, particularly the Muslims, are anxious to know about the proceedings going on in the Parliament. Therefore, today is an important occasion and the Bill which has been presented is very significant. I support the Muslim Women (Protection of Rights on Divorce) Bill. There are three to four implications of the Bill. First, the Congress which during the hundred years of its existence and during the struggle for freedom till the achievement of it and since the adoption of the Constitution to ruling the country, had repeatedly promised that, if it was in power, it would protect the interests of the minorities and the Scheduled Castes, the Scheduled Tribes and the oppressed and the exploited people of the country. Today is a historical day when the Congress Party is unanimously and as a disciplined party is fulfilling its promise under the leadership of Shri Rajiv Gandhi and through this Bill we shall not allow any minority to suffer during the Congress rule. We shall not allow the sentiments of the people to get hurt and there will be no interference of any type with the personal laws of various communities. Tomorrow's morning will decide our course of action and remove apprehension in the minds of the Muslims of the country and there will be no interference with the personal law of any community.

The second aspect is that no importance should be attached to BJP among the opposition parties in regard to this Bill. Their view on this Bill is very clear. Nobody may be guessing as to what they will say. The Janata Party might have some views on the Bill but, Sir, you see that there are very few Members of the Janata Party in the House and each of them has his own views in the matter which are contradictory. You would listen to the views of Shahabuddin Sahib. Prof. Madhu Dandavate Ji by raising technical points is misusing all his intelligence and education. The House would have gained from his education and parliamentary experience, if he had spoken in favour of the

minority and given such logic as would dispel apprehension in the minds of the minority. But what the Janata Party is doing actually? Shahabuddin Ji shifted his stand from Ballia to another place and the Janata Party was exposed. (*Interruptions*) Please give me five minutes more. (*Interruptions*)

I would like to say something about Lok Dal also. (*Interruptions*) After knowing the opinion of the House, the only one Member under the leadership of Shri Charan Singh has changed his mind and he could not but support the Bill. Similarly, other opposition Members, if they got an opportunity, they also would have supported the Bill. (*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER : Nothing will go on record. Please take your seat. You are wasting the time of the House. nothing is going on record.

SHRI RAJ KUMAR RAI : **

SHRI P.M. SAYEED (Lakshadweep) : Mr. Deputy Speaker, Sir, I stand to support the measure which is before the House.

Sir, this Bill which is before the House is not a Constitutional Amendment Bill. But, I think, in the free India I have not seen such an ordinary Bill, which has received such a large measure of enthusiasm, in the past 20 years.

Sir, what is there in this Bill has already been amply explained by the Hon. Law Minister and followed by his own State Minister and the Ministers of State for Home Affairs, and Shri Pantji. All of them have given minute details about this measure. This measure was necessitated on account of distortions crept in the case of Shah Bano last year. Now, Sir, the whole discussion seems to have gone in a different direction—highly politicalised, especially from the Opposition benches. They have not pointed out the salient features of the Bill, only touching Section 125 of the Cr. P.C. as if

everything is provided under Section 125 and everything has been taken away by this measure. This is the impression created in this debate. And my friend Dubey..... (*Interruptions*). I can shout better than you.

SHRI NARAYAN CHAUBEY (Midnapore) : Why don't you ?

SHRI P.M. SAYEED : The whole thing is... (*Interruptions*). Chaubey or Dubey, one and the same. Mr. Saifuddin Soz, Chaudhary and Chaubey—all the three especially are concerned with the upliftment and the progressive measures to be brought about for the Muslim community. Who are they? The beginning was done in Kerala. Mr. Chatterjee's leader, Mr. E.M.S. Nambodripad, started from Kerala. For the past 60 years they could get only 60 card holders and they do not have any place in the institution of religion and religious laws and they happen to be the champions of personal laws now. And my esteemed friend, Mr. Chatterjee, whose father was here when I came here as a Member of Parliament, a very eminent constitutional expert, at least could have taken the pains to go through, if he has not gone through, I don't claim that, but deliberately for the purpose of his political exploitation perhaps he has not brought out the salient features. Mr. Chowdhary could have done it (*Interruptions*).

Sir, about them, the less said, the better. They have got their own Bible—Karl Marx's *Das Kapital* theory, they are not CPI (M) and CPI, they are fighting also on the basis of fundamentalism. They are not prepared to move an inch from each other. They are not in a position to come closer. So, they are talking against fundamentalism throwing the challenge and complaining against our beloved leader who has sensed that 99 per cent of the Muslims—Mr. Chowdhary said 90 per cent, I make an amendment and say that 99 per cent of the Muslims in this country welcomed this measure. This is not for the first time that we have got such a measure. From the beginning, even from the freedom movement onwards and framing the Constitution we have done it, we have given an assurance that no minority personal law will be inter-

[Shri P. M. Sayeed]

ferred or hampered with. And, therefore, it is our rich heritage and our heritage is secularism in this country. This Bill confirms and reassures the security and confidence of the minorities in this country. I do not remember the Hon. Member who has spoken from the other side but he has said that this has been brought about only to win over the minority votes. Sir, the minorities know who is doing good for them. That is why, for the past 16 years, you have got only 16 per cent. For 10 years, at least one per cent you got. *(Interruptions).*

I don't have much time. My attention is diverted. But one thing I must say that the Congress Party believes in fundamental policies to protect the minorities in this country. At the same time, you may brand me as a fundamentalist or a person who believes anything without reasoning. But one thing, as the Minister of State for Law, Shri Bhardwaj has put it, the Muslim personal law is based on the Quran and Haphiz. We believe that it is divine law and this law is fundamental. Suppose, according to Islam fundamentalism, unless and until a person believes in this country's sovereignty and nationalism, he cannot be regarded as a Muslim. Where do I stand? I am not a fundamentalist according to their language. I cannot be a "fundamentalist?" If I cannot be a "fundamentalist", I cannot be a nationalist. *(Interruptions.)*

At the same time, in every election, we have been assuring, in our manifestoes, that we would not interfere in the personal laws of the minorities and, therefore, if you call it as a fundamentalist, of course, at your sweet will and pleasure, you can do it.

Now, as far as section 125 Cr. P.C. is concerned, there are two conditions. Suppose, a divorced wife is not having anything, then only, she is entitled to have maintenance. At the same time, husband who is in a position to look after her, neglects her, then only, this section is applicable. Suppose a person who is divorced is not having anything, this section does not give her any protection. Whereas in this

Bill, according to the personal law, she is guaranteed for her maintenance.

I don't have time. I am here to congratulate our beloved leader, Rajiv Gandhi for having taken such a bold step in spite of all these odds, in spite of all the pressures and he has brought about this Bill. Every right thinking citizen in this country will support this measure. My appeal may not yield you. I know it. Yet, hope against hope, I appeal that, let them also have the wisdom to support the Bill.

I wholeheartedly support the Bill.

MR. DEPUTY SPEAKER : I want to make an announcement. At 11.30 p.m. the Minister is going to reply. Therefore, we are having only 40 minutes.

AN HON. MEMBER : Have it tomorrow.

MR. DEPUTY SPEAKER : No, no. At 11.30 p.m. the Minister is replying. We are having less than an hour. Therefore, what I request is, only 4 minutes will be allowed for each Member.

(Interruptions)

MR. DEPUTY SPEAKER : Right from morning, we are discussing. I humbly request the Hon. Member to cooperate. When I give the first bell, you try to conclude within two minutes. After the second bell, if the Hon. Member continues to speak, nothing goes on record.

[*Translation*]

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, many things have already been said on this Bill before me. *(Interruptions)*

[*English*]

MR. DEPUTY SPEAKER : You address the Chair and none else.

[*Translation*]

SHRI C. JANGA REDDY : Kindly listen to me. I would like to tell you that

Tape recorders should be fixed in the pockets of all the Congress Members, because in the Central Hall they say something else and here they say something quite different. In the Central Hall, they were not in favour of the Bill. Had there been tape recorder, you would come to know the reality.
(Interruptions)

Some of the colleagues have opposed this Bill. You are playing with the law and for this purpose today Shri Bhagat and Shri Azad are present in the House with big commanders. Earlier only M.Ps used to speak, but today the Cabinet Ministers and the State Ministers are present to face the Opposition. It is neither an important matter, nor any Constitutional Amendment Bill, even then so much importance is being given to it. With a view to attract the Muslim Community towards the ruling party, this Bill has been given so much importance. This Bill has been brought forward by the Congress to please the Muslim Community and to get their support to remain in power. This Bill has been brought forward to appease the Muslims. This Bill will neither help in maintaining unity and integrity of the country nor it will protect the interests of Muslim women. It will only help Congress Party to remain in power.

I would like to submit that since independence of the country you are in power except for a period of two or three years and you talk about the unity and integrity of the country. Then what is the reason that there is threat to the unity of the country in Punjab. When you go to the South, you speak against Hindi and in north you speak in favour of Hindi. You want to remain in power by satisfying others. You do not want to impose Hindi in South and for the sake of minorities' vote, you do not want to adopt a common civil code.

Several countries of the world including communist countries have common civil codes. Suppose if a Hindu marries a Muslim girl, under which law they will be governed? Is there any law for inter caste and inter religion married people? If a Hindu woman

marries a Muslim man, which law will be applicable to them? Therefore, there must be a common civil code in the country. It is necessary for the unity of the country. You should formulate a common civil code for the country. There must be one code and one language. If you cannot do that, you cannot maintain the unity and integrity of the country. Mr. Banatwalla got one year's time to instigate and incite the Muslim Community and now you have brought forward this Bill to appease them. After independence, the Muslims have their two gurus, one political guru and the other religious guru. This Bill has been brought by the Government under the influence of political gurus. It is neither in the interest of the Muslim women nor in the interest of the country. I, therefore oppose this Bill.

[English]

SHRIMATI SHEILA DIKSHIT (Kannauj): I crave indulgence of the House to make a few points that I have jotted down about this Bill.

Ever since this Bill was introduced in Parliament several weeks ago, it has generated a lot of discussion all over the country. It has been written about vehemently in the Press and talked out in every conceivable forum where such things are talked about. Everybody has interpreted the Bill in his own manner—as pro-Shariat, as anti-Shariat, as pro-Muslim women, as anti-Muslim women, as pro-Constitution and as anti-Constitution. The atmosphere has been emotionally charged and I do not think that we have been able to take a balanced view. There are fundamentalists and obscurantists on the one hand and there are the so-called modernistic view-preservers who refuse to understand anybody's point of view and who have been interpreting this Bill in their own way. These are the two extremes. This surcharged atmosphere is not conducive to have a balanced thinking. The point, to my mind, that has been made in all these speeches is that the Bill has been introduced in deference to the wishes, social and religious beliefs and customs of a people who are an integral part of India. If the vast majority of a community sincerely believe that their women already have enough protection on by way of

[Shrimati Sheila Dikshit]

'Mehr', 'Idaat', right to parents' property, 'Mata' etc. and that taking anything from a divorced husband is a 'gunah, 'a haram', then their sentiments, their belief has to be honoured and has to be respected.

I would like to draw the attention of this Hon. House to a television interview in which Shah Bano appeared and she in no uncertain terms said that had she known that her seeking maintenance under Section 125 was against her religion, then she would not have thought of it. This is the kind of sentiments that this Bill wants to take care of. It wants to take care of the feelings of the community besides recognising the fundamental rights of the Muslims to practise their religion, preserve their culture without interference. I may add that this right derives support not only from the Preamble to the Constitution in which India is declared as a secular, democratic Republic, but also in the fundamental rights guaranteed under Article 25 and 29 of the Constitution. The Bill recognises, of these aspects of the Muslim personal law, which gives protection and maintenance to divorced women in several other ways acceptable and within the social customs and religious beliefs of the Muslims. It is said that Section 125 is not contrary to the Shariat and that it is not counter to Muslim belief. That may be so. But then the Shariat has several interpretations. But the one interpretation that the vast majority of our 40 crore muslim brethren and sisters believe in strongly is the one which feels that once the contract of marriage is broken, the wife has nothing whatsoever to do or expect of the husband from whom she is separated and divorced. It is this belief and custom that is recognised and respected in this Bill.

(Interruptions)

It is also being vehemently argued that you cannot, under the Cr.P.C., have two sets of standards. Cr.P.C. is common to all citizens of the land. I would like to draw the attention of this august House to just one point. Section 125 gives protection to divorced women. It is not a punishment for a crime which should be equal for all. It neither upholds freedom or equality. It is a welfare provision—actually a bare minimum provision. The proposed Bill does take care of

the minimum provision in accordance with and within the Muslim Personal Law and Custom, only it does not recognise a monthly allowance by the husband in deference to the belief of the Muslim community that once a contract is severed it is wrong, it is sacriligious to accept maintenance from the ex-husband.

I would like to wind up just saying that in the long run and finally I would like to plead for a voluntary uniform Civil Code as pleaded by the great Dr. Ambedkar in our country. This would enable women specially to exercise an option if they are not satisfied with the existing marriage laws of their particular communities. I would also plead for a compulsory registration of all marriages as has been done in the case of births and deaths by substantially simplifying the present procedure of registration. Personal, religious and social beliefs should be upheld. This would be the ideal situation for a State or country which while upholding all religions, sects and communities also provides recourse to a common civil code with a commitment to secularism and modernism based on the cherished principles of democracy, and equality and not the least important of all—fraternity.

With these words, I would like to support the Bill.

SHRI EBRAHIM SULAIMAN SAIT (Manjeri) : Mr. Deputy Speaker, Sir, I rise to welcome the very important, historic Bill—the Muslim Women (Protection of Rights on Divorce) Bill, 1986. This Bill to a very great extent satisfies the aspirations of the Muslim Community and also takes into consideration the perceptions of Muslim community. At the same time, I feel that this Bill, to a great extent, embodies directions of Shariat as far as the maintenance of a divorced women is concerned. I extend support to this Bill very honestly and with a sense of responsibility. I support it as it protects Shariat from the interference and creates a feeling among Muslims that their religious system, with all essential aspects is secure in this country. Such feeling is created with the passing of this Bill in this august House. I also support this Bill because it upholds and strengthens the secular character of the Constitution and goes to establish

that we have in this country freedom to profess, practice and propagate the religion in which we believe under Article 25 of the fundamental rights of the Constitution. I feel and believe that the Bill will strengthen national solidarity. But it is my conviction that national solidarity can be achieved not by the concept of assimilation or absorption or by the steam roller mentality as has been mentioned by Shri Pant. But it can be achieved with the conception of co-existence, and accepting the identity of different religious dominations who will feel convinced that the religion with all its basic conception and divine law is safe and untampered with. In this country, which is multi-religious, multi-lingual, multi-cultural and multi-racial, the idea of achieving national integration through a common civil code is, according to me, a disillusion. (*Interruptions*)

On the other hand, if you are going to enforce uniform civil code that will destroy national integration. Therefore, who have to achieve national integration through the principle of unity in diversity; otherwise it will not be possible. A uniform civil code was never contemplated because of this during the freedom struggle. Even under our constitution the uniform civil code is only recommendatory and not mandatory.

I have to add one more point. I have all appreciation for the Prime Minister of this country for his courageous and principled stand. He had a very clear mind from the very beginning and had no prejudice and when he was convinced of the justice of our case, he stood firm and demonstrated exemplary courage and firmness. Because of this Muslim minority stands obliged to him. The Bill has some shortcomings but I am sure this can be rectified by accepting some of the amendments that have been moved by my colleague Benatwalla and myself.

Sir, going into the history of the Bill, I need not point out that it became very essential to nullify the effect of the Supreme Court judgement. I am not going into the details of how the Supreme Court judgement went against the intention of the Parliament that was demonstrated in 1973 when 127 III(b) was introduced and passed in this House. I am not also going into the details

of how the Supreme Court judgement wrongly interpreted some isolated verses of the holy Quran. But I very strongly feel that the judgement was a flagrant violation of Muslim personal law, a law which is a substantial and discisive and a law that is protected under the Shariat Application Act of 1937.

When this mischief has been done by the Supreme Court, the only way left for the Parliament which is supreme, was to effect an amendment in section 125 of the Criminal Procedure Code and thus protect the Muslim personal law. It is Parliament alone that can nullify the effect of the Supreme Court judgement and for that purpose this Bill is before you.

After the Shah Bano judgement there was a deep resentment among Muslims and actually it was a mass movement of the Muslims against this judgement in the entire country. Understanding this demand of the Muslim community for protection of the Muslim Personal Law this Bill has been brought over here.

This Bill, therefore, is a culmination of the sacred struggle of the Muslims in this country which was in fact a secular and democratic struggle. I know what secularism is it is full freedom to live according to one's own religion and not interfere with Shariat religion. The Muslims in this country have therefore full freedom to follow Shariat a part of their religion. This right stands protected today and therefore we support the Bill.

While supporting this, I will make one or two points. So far as this Bill is concerned, this vitally concerns Muslims and Muslims alone no doubt about it. When this Bill was drafted, the Prime Minister of this country had consulted the Muslim Ulemas, Muslim scholars who know the subject, Muslim M.P's and Muslim advocates and Muslim Ladies. After deliberations with them, this Bill has been brought.

23.00 hrs.

As far as my party is concerned, I am proud that my party has played a crucial

[Shri Ebrahim Sulaiman Sait]

role in the formulation of this Bill. And it was my colleague Mr. Banatwalla, who introduced a Private Members' Bill in this House immediately after the Supreme Court judgement on the 10th May last year. That gave the opportunity not only to the Members of this august House to discuss this subject in detail but the debate also went on throughout the length and breadth of the country. I was myself responsible for arranging the crucial meeting of Muslim scholars and ladies with the Prime Minister. Therefore, I would like to say to my friends on the left to understand that Shariat is based on injunctions of Quran and traditions of prophet and our friends here should not degrade it. They regard any adherence to Shariat as a retrograde step whereas Shariat is a divine law which is for all times and all situations. This aspect has to be understood.

I would like to say that our friends have failed to understand the difference between Mata and maintenance. Mata is under different circumstances. It means only a temporary gain and that too under special situation. Verses 241 and 242 of Chapter 2 have to be taken together with verses 228 and 236 of the same Chapter and also with verses 4 and 6 of Chapter 5. Then the difference between Mata and Maintenance becomes clear. Shariat definitely gives more protection to Muslim women than what Section 125 of the Cr.P.C. does. Under Section 125 Cr.P.C. if the husband is indigent there is no other remedy whereas under Shariat the lady secrets to her natural family and it is obligatory on her father, son, brother and other relatives to maintain her.

In conclusion I would like to quote Dr. Ambedkar on the debate of the Constituent Assembly when he said :

"No Government can exercise its powers in such a manner as to provoke Muslim community to rise in rebellion. I think it will be bad Government if it does so."

In the present context I would substitute Government for Opposition. Then the matter will be clear. The Opposition should not

behave in a manner which will give an impression that they are for liquidation of religious freedoms and desire to cut at the root of secularism. I will, therefore, appeal to the Opposition to give up their blind opposition and support the minorities to protect their identity and co-exist with other communists.

(Interruptions)

MR. DEPUTY SPEAKER : Mr. Aziz Qureshi, please take your seat. No argument. I have called the next speaker. Please sit down.

[Translation]

SHRI AZIZ QURESHI (Satna) : Mr. Speaker, Sir, An eminent scholar of politics Shri C. M. Jod has stated that :

[English]

'Socialism is like a hat which has lost its shape because everybody wears it.'

[Translation]

Had Shri C. M. Jod been alive today, he might have said keeping in view the present circumstances that :

[English]

'Secularism is like a hat which has lost its shape because everybody wears it.'

(Interruptions)

[Translation]

Mr. Deputy Speaker Sir, since the case of Shah Bano had came up in the Supreme Court.....*(Interruptions)*

SHRI NARAIN CHAUBEY (Midnapur) : It seems as if all the parties have become secular.

(Interruptions)

[English]

MR. DEPUTY SPEAKER : Order. Order.

[Translation]

SHRI AZIZ QURESHI : Since the time when Shah Bano's case came up in the Supreme Court ... (Interruptions)

[English]

SHRI SOMNATH CHATTERJEE : Mr. Deputy-Speaker, Sir, who is listening to the speech made by the Members ?

(Interruptions)

SHRI AMAL DUTTA (Diamond Harbour) : Sir, there is nobody to take down notes of the important points made by the Hon. Members.

(Interruptions)

MR. DEPUTY SPEAKER : Please take your seat. Some Hon. Ministers are sitting there and they are listening to your speech.

SHRI AMAL DUTTA : Sir, it is such an important Bill that we are discussing here and there is nobody to take note of the points in the Treasury Benches.

MR. DEPUTY SPEAKER : It is not like that. The Hon. Minister is there.

(Interruptions)

[Translation]

SHRI AZIZ QURESHI : Hon. Deputy Speaker, Sir, it seems that after the judgement in Shah Bano's case, all the parties like Bharatiya Janata Party, Muslim League, Jamait-e-Islam, have become more secular. These parties seem to have been left with no other problem other than the problems of the divorced Muslim women.

Sir, nobody has ever tried to look into the educational, economic and social backwardness of the Muslim women. Nobody has tried to keep into their burnt houses, plundered houses and orphan children. Nobody has ever taken pains to look into these problems. It appears that all the people have nothing to do except to provide assistance to Muslim divorced women. The only question is whether protection should be provided under Section 125 of the Cr. P. C. or under a law enforced before and which is being followed

by crores of people in the world and they do not like and tolerate any interference in the same. Under Section 125 of the Cr. P.C. there is no provision of relief to the woman in case of death of her husband or if he flees away or he is unable to maintain her. Even then they are blaming us. They are blaming the Prime Minister Shri Rajiv Gandhi for surrendering before the fundamentalists. In this regard an example of Shri Banatwalla's Bill is being cited. Therefore, I would like to make it clear that the Bill of Shri Banatwalla had no substance in it.

[English]

It was like Sir Thomas Roe Utopia.

[Translation]

In this Bill, no alternative is provided except to exempt the Muslims from the Section 125 of the Cr. P.C. he had no solution to this problem. The Bill presented by the Government contains a detailed and complete system and solution to the problem based on the directives given in the holy Quran.

Sir, I remember that there was a very famous book of Ruskin named 'Unto the Last'. When Ruskin started writing that Book, he begged courage from the holy Bible to express his thoughts. The main theme of the Book was that the biggest majority cannot thrust upon its views on even a microscopic minority. This was the concept of the Book 'Unto the Last' from which Mahatma Gandhi had derived his idea and philosophy of Sarvodya. The whole Philosophy of Sarvodya is based on this Book. Therefore, I would like to say that through this Bill a new history of secularism is being written which was propogated and strongly followed by our great leaders like Pt. Moti Lal Nehru, Pt. Jawaharlal Nehru and Shrimati Indira Gandhi under the leadership of Mahatma Gandhi. Shri Rajiv Gandhi has opened a new chapter to that history of secularism which has good impacts on the Muslim community. Now they have decided to fight back the communal forces on every crossing and would not allow them to mislead the community. Today we shall make a new history by passing of this Bill. With these words I support the Bill.

23.10 hrs.

[MR. SPEAKER in the Chair]

[English]

SHRI AMAR ROYPRADHAN (Cooch Behar) : Sir, I rise to oppose this reactionary, anti-women and male-dominated black Bill. A few hours back we heard Shri Arun Nehru in this House. I would like to tell you that the debate on this Bill is creating tension and commotion inside and outside the House. Have you gone outside? If you have, you will find that in the outside, the Congress people are there with the spades in their hands and they are digging graves not only for the Muslim divorced women, but also for the secularism, and integrity of the nation.

The country is passing through a grave situation and you cannot deny that. Just a few minutes back, one Congress (I) member said that he was first fundamentalist and then second a nationalist. This has been said here. Does it not indicate a tendency of communalism?

We are all aware of the Ram Janambhumi and Babari Masjid controversy and what has been going on. In the recent disturbances in Barabanki, people belonging to Muslim minority were killed; they were fifteen in number. It is not a question of death of fifteen Muslims; it cannot be numbered in that manner. If a mother loses her only son, the number cannot be only one for the mother. If a wife loses her husband, it cannot be numbered in that manner. For them the whole world has become dark and their future is completely bleak. You may shed crocodile tears. You have a brute majority, and you are using that only to achieve your ends. You are saying that all the time Congress (I) is the only party which can save the minorities. But is it true?

Prof Ranga is here. I would like to remind the House of the history of Congress during the period 1930 to 1947. You know, how they fought for the secularism; and fought for the unification and against the communalism, how they fought on the question of separate electorate in 1935 India Regulation Act, Muslim Shariat Act, 1937. The country was one and they fought together for independence. I caution them that this brute majority will not be able to save the Muslims.

Sir, the Frontier Gandhi is still alive. What happened to him? Is he not a Muslim? Don't forget Frontier Gandhi. In the month of July 1947, he had to shed tears when you surrendered to Muslim League. You could not keep him here. (*Interruptions*)

You don't know the history of the Congress. You don't know the history of Frontier Gandhi than Abdul Gaffar Khan and Mahatma Gandhi. You know only the history of Rajiv Gandhi. A lot of Muslims had to shed tears, and they had to go to Pakistan or Bangladesh. They may have gone to other places. (*Interruptions*) So, you should not boast.

You may say that Section 125 of the Cr. P.C. is anti-*Shariat*. According to the amendment to this Bill which the Hon. Law Minister is moving today, if the husband and wife agree, they can have recourse to Section 125 of the Cr. P.C. As a result of it, if a Judge gives a ruling, it will become controversial again. Then what will happen? Will this become an anti-*Shariat* law? Moreover, this Bill is insulting to the Muslim women, because the husband has to give permission.

So, this is a Black Bill, and I oppose it.

SYED SHAHABUDDIN (Kishanganj) : Mr. Speaker, Sir : I am not in a very enviable position; and I seek the indulgence of the House, and also that of yours, to permit me a few minutes to explain the point of view which I have been associated with for some time, in the national debate that has been going on. On the subject.

I do not consider that this Bill is perfect. Like any man made law, it has its defects and its inconsistencies. Yet, I support it even at the risk of being termed as a fundamentalist, dubbed as an obscurantist, as a reactionary, regarded as socially-backward and even called as mentally retarded.

I am sorry to inform you, Sir, and through you the House — and I want to confess to a failure on my part—that I did not succeed in convincing my party about the stand that they ought to take in this matter. (*Interruptions*) What is the policy of my party.

We don't consider that this Bill is the end of the matter. It is the beginning of the debate, of the process of reform in Muslim society, of the opening of a new chapter in our national life. This debate will continue, from house to house, from Bill to Bill, and from stage to stage. There, our contribution will be that we will always allow freedom of expression to all our members.

From the very beginning, when the Muslim Personal Law Board took up the matter, I have been associated with their representations to the Government; and I have been a party to a number of discussions. It is not my business here to relate to you all that had transpired; but I would like to pay a compliment to the Ulema who led the battle, and to the Muslim community all over the country, who rose beyond all the geographical barriers in asserting their to live in India as Muslims. (*Interruptions*) I do not say that any one of us here is politically motivated.

AN HON. MEMBER : What about your party ?

SYED SHAHABUDDIN : My party has decided in good conscience that it will remain neutral on the Bill as I just now explained. (*Interruptions*)

SHRI Z. R. ANSARI : No. The party has taken a decision.

(*Interruptions*)

SYED SHAHABUDDIN : The Bill should not be lost in polemics; the Bill should not be lost in display of emotions. We are here for a serious purpose. This Bill, whatever it might contain, today, has become a symbol; it is a symbol of the continuing struggle in our country between the forces of coexistence and national integration on the one side and the forces of assimilation and absorption on the other. It has become a symbol of the struggle between the principle of unity in diversity on one side and the principle of homogenization on the other; it has become a symbol of the urge of the Muslim community to establish and retain its religious identity on the one side and the pressures that come both from aesthetic sources and the communal sources to destroy

or erode that identity. It is for this reason that this Bill is today being opposed, and being supported, in this very strong manner. Therefore, today, this Bill marks a chapter, underlines a stage in our progress towards a tolerant, humane, secular society.

Mr. Speaker, I would like to make one clarification. I hope I will have the permission of the House. (*Interruptions*).

SEVERAL HON. MEMBERS : No.

SYED SHAHABUDDIN : There is some confusion between Islam Shariat and Personal Law. There has been a codification of Muslim Personal Law in many Muslim countries but in no country has codification travelled outside the orbit of the Shariat with the only exception of Turkey. You cannot pick and choose in good conscience from the Shariat. Shariat is an integrated whole, is universal, valid for all times and for all societies. If therefore you come to the question as to what are the essentials of religion, even the Supreme Court has decided that essentials of any religion must be decided with reference to internal evidence of that religion and not by the passing fancy of the time or by the transient fashion of the time or by the intellectual climate of the age in which we live.

There is another confusion in our mind and I would like to clarify that too there is a distinction between maintenance, parting gift and penalty; penalty cannot be accepted here for the simple reason that neither section 125 nor this Bill goes into the circumstances of divorce. Therefore, we are left only with the concepts of maintenance and parting gift; and gift cannot be made obligatory; that was the essence of the debate in the Shahbano Case. *Shariat* was not born with Mullah and the *Shariat* was not created by the *Shariat Act* of 1937. *Shariat Act* is the law of the land I know and the Supreme Court has not ruled it out; the Supreme Court's decision created a rumpus primarily because it contained unworthy remarks against Islam and it had resorted to or unnecessary the statement of public policy for the immediate introduction of uniform civil code which was not required, which was constitutionally beyond the juri-

[Syed Shahabuddin]

ediction of Supreme Court; it created a rumpus, because its interpretation of the interrelation between 125 and 127(3) (b) did not take into account the express intent of the legislature.

And finally because the judges took upon themselves to interpret the holy script of Islam as if a new revelation had dawned upon the judges of the Supreme Court; and that is why the Muslim community took it as an attack on its religious identity; and there was fear and apprehension in their mind. Today, this Bill tries to remove that fear and insecurity from the Muslims' mind. It is nobody's case that the Muslim society does not need reform. But reform must be in accordance with the social ethos of the Muslim community and it must obey the rules of social dynamics. The urge and initiatives must come from within. Mr. Speaker unnecessarily the scope of the debate has been widened. Neither section 125 nor this Bill is the law on divorce. This is only related to a very small matter--the limits of the rights of maintenance of a Muslim divorcee. Why do you then enlarge the debate and create confusion?

The Bill I support because it is not unconstitutional if you read Article 125 along with the Articles that have been cited. The Bill is not anti-secular. If you define secularism, as that the State is not aligned with any religion, the State is equi-distant with respect to all religions and the principle of non-interference in personal law of every community is to be taken into account. The Bill, in my view, is much more progressive, much more wide ranging, much more comprehensive than section 125. The Bill is, above all, a step towards the much desired goal of codification which we all cherish and the Bill places beyond challenge the legitimacy the legal supremacy, the constitutional supremacy of Parliament of India to legislate on matters of concern to the Muslim community as a religious community beyond all possible doubt. That is why, I support this Bill.

Finally, I request the House through you Sir, that we must pass this Bill unanimously,

if possible, so as to remove the fear and apprehension in the mind of the Muslim Community that their religion is not safe in this country and to assure them that they have a right to live in this country as Muslims, (as good Muslims, as bona fide Muslims) without the slightest interference on anybody's part.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI): Mr. Speaker Sir, after listening to Syed Shahabuddin and Shri Dandavate, I am reminded of an Urdu couplet :

*Dil ko thama un ka daman thaam kar,
Mere dono haath nikle kaam ke.*

SYED SHAHABUDDIN : May I also recite a couplet :

*Khairat-ka naam janoon rakh diya,
janoon ka khairat
Jo chaahе aapka husne karishma saaj kare*

MR. SPEAKER : Let us hold a 'Mushaira' then Bairagiji, what do you want to say ?

SHRI BALKAVI BAIRAGI (Mandsaur): My couplet is very easy to comprehend. After listening to Syed Shahabuddin and Shri Dandavate, I would like to recite the following couplet :

*Yaar ne kuchh is taraah
chooma meri tasveer ko,
Mere rakeeb raat bhar
badenge karvaten.*

MR. SPEAKER : I do not think you felt jealous.

[English]

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : I rise to support this Bill, not being influenced by the speeches of Syed Shahabuddin or Mr. Banatwalla or Mr. Suleman Sait, but out of conviction of the political philosophy of the Congress which has stood the test of democracy in different situations.

I know the charges which have been levelled against our party and the Government today from a section of the opposition. I do not like to take it very lightly or simply. I know the feelings of both sides of the House. As Mrs. Geeta Mukherjee moves around her constituency among Muslims, we also do it. What is right and what is wrong I do not want to go into the merit of the debate. But I would like to submit humbly in this august House without being partisan let us attempt to understand only one point and nothing more than that. Many people have started talking whether we should treat this debate as a political issue. Some are talking whether it is a routine legislation. I do not consider it so. It is a serious legislation creating a landmark in the history of Indian democracy and the people will answer tomorrow whether the Congress at the right time of the history of the country acted rightly or not. What I would like to submit is that we have only one option and that is whether we should confront with the issue or should we compromise with the issue. If the confrontation leads to disunity, will that be accepted by the people of the country or not? Or should we accommodate all the feelings in democracy whether we like it or not? All the accords that we sign, whether in Assam or Punjab, all the legislations that we make, whether for Hindu religion "or for Muslim" religion are just to accommodate the basic feelings whether you like it or dislike it. If a government fails to accommodate the feelings at a proper moment and takes the path of confrontation, the intellectuals may say that the government is revolutionary and if the country is divided, the whole world says the government has failed. In this perspective I would like to enter in this debate, into the arguments. This debate gives hope to argue the points between law and religion, democracy and religion, society and religion. Law never changes the religion, law protects the religion and the religion, from time to time, gives direction, in a given situation, how the law should respond. Ramchandra wanted the test of Sita. We Hindus all worship Ramchandra. Excuse me for saying that from my student days till today, I hold a very bad view about it that if somebody cannot protect his wife and asks her to give her test, I do not consider that that ideal should be preserved in our society. But yet, when you talk of the sentiments of the Hindus, you cannot debate it in public, you have to accommodate the feeling. Lord

Krishna, people say, had thousands wives...
(*Interruption*).

AN HON. MEMBER : Sixteen thousand.

SHRI PRIYA RANJAN DAS MUNSI :
The followers of Lord Krishna while going to the temple will touch the wife and say, "I promise, you will be my only wife and there will not be thousands wives." Well, the feeling and faith and the reality in the society changes from time to time. When the British came in this country and they first printed the currency notes, the Muslims revolted because the currency notes carried the picture and with those currency notes no one could go to the mosque for the prayer. Then the guidance came from the Muslims again that no, that was wrong, and they followed the great treaty of Hazrat Mohammad in Madina, at the instance of Abu Bakar. He made a compromise with all the sects.

We all talk of the women and their dignity. Let us ask ourselves, let us be honest, let us not be hypocrite, let us forget about this law, let us admit that this law is not there in the House, let us forget that there is any provision to change the position of section 125 and then ask ourselves whether the women of this country are secure and safe. Do we feel that the dignity of women, in terms of males, is being maintained? It is not the illiterate people who misbehave with the women, it is the literate people who misbehave with the women. All the divorce cases in every court are from the literate people who claim to be much more wise and honest, and not by the illiterate people. It is a fact. Why do you blame the illiterates? It is from our side. The educated people misbehave with their women. Ninety per cent of their lifetime is spent in the kitchen, ten per cent of their time is spent on looking after the other households, and you are talking about the women's dignity and all these things. I do not like to abuse my Communist friends. I do not like to bring politics.

SHRI SAIFUDDIN CHOWDHARY :
Why ?

SHRI PRIYA RANJAN DAS MUNSI :
You talk of dignity of women. I give you one reference...(*Interruptions*).

MR. SPEAKER : If you have any intention, Sir, I would not allow you.

SHRI PRIYA RANJAN DAS MUNSI : Mr. Speaker, Sir, I am the only bachelor contributing to the debate, so allow me to express my feelings. I have my viewpoint. I would like to give one instance of Nadia Kananichi. Her name, I think, everybody knows—the famous gymnast of the Olympic from GDR, from a Communist country, Rumania. This Nadia Kamanichi did not represent the country and gave coaching assistance to somebody else. The system is so crude in the communist method. Very cruel treatment was afforded to Nadia Kamanichi. Why you did not do away with that system? What happened is this. *(Interruption)* Please listen Mr. Saifuddin Chowdhary. The communist system is much more worse in terms of treating women than that of the Tsar. You know it. *(Interruption)*. Geetaji, please listen. I only wish Geetaji to think for a moment. Think for a moment of Madam Mao in China. Don't talk of decency and all these things. *(Interruption)* When your system is like this, you are the offender in this system. It is a fact.

SHRI NARAYAN CHAUBEY : You are speaking irrelevance.

SHRI PRIYA RANJAN DAS MUNSI : I am not talking irrelevance. If you talk of dignity of women, talk according to your terms, not in Indian terms.

MR. SPEAKER : I will ask Geeta Mukherjee about it. I

SHRI PRIYA RANJAN DAS MUNSI : I think Mr. Saifuddin Chowdhary has gone through Dr. Zivago. He can go through that book and understand what treatment was afforded to Lara Andrew. So, is it not a fact?

MR. SPEAKER : Mr. Munsji, I would like you to come to the Bill.

SHRI PRIYA RANJAN DAS MUNSI : I am coming to the Bill. What I like to submit is this. This Bill no doubt is not at all interfering with the secular concept. Be-

cause it is rather protecting the religion without interfering with it. But with regard to women I have something to say. I do not believe that if we pass this will then all the women will be protected. That is not my contention.

PROF. MADHU DANDAVATE : Bachelor cannot be an authority on women!

MR. SPEAKER : I want some bachelors at least in my term. Last time it was Atalji; now it is Munsiji.

SHRI PRIYA RANJAN DAS MUNSI : Mr. Speaker, Sir, I don't like to repeat the same thing. What I want to submit is this. Social reforms and security of women cannot be guaranteed either by this Bill or by the earlier provision. It is for the nation as a whole, it is for the society as a whole, to change the whole structure. Yes. Why there is no communal riot in the eastern part of Bengal? Why is there more communal riot in the northern part of India? Don't you understand the difference? It is due to the social and cultural bondage, that led the society to change. One has to understand it. It is not always the law that makes the whole thing. Is it not a fact? Mr. Speaker, Sir, I will take only 2 minutes. One serious charge has been levelled today by the opposition friends against our party that by inducting this Bill we are encouraging communalism. *(Interruption)* I do not like to mention the name of the State. But there are certain State Governments in the country who perform things in a peculiar manner. The book of no less a person than Gurudev Rabindranath Tagore was withdrawn *(Interruptions)*

SHRI BASUDEV ACHARIA : What did you do in the emergency?

SHRI PRIYA RANJAN DAS MUNSI : I want, my dear friend, now you go to the people. A number is speaking on this Bill something which has no relevance.

MR. SPEAKER : I am not interested in State politics now.

SHRI PRIYA RANJAN DAS MUNSI : I want to make this request to Hon. Law Minister. After passing this Bill you kindly

contact the State Government for the social security arrangements of the women, how it will be finally bridged, whether by Hindu community or Muslim community in the manner which is now prevailing in the country. If that is ensured that will take care of it, not merely the Bill. With these words I conclude.

[*Translation*]

SHRI K. N. PRADHAN (Bhopal) : Mr. Speaker, Sir I support this Bill and would like to call it historic, because I feel that at least the codification of Muslim personal law has begun with the introduction of this Bill. The discussion in the House in this respect has been limited to two matters. The first one is what will happen to that Muslim woman who is divorced and does not get maintenance allowance after the 'Iddat' period is over. Secondly, the drafting of a common civil code has been repeatedly emphasized. So far as the issue of Common Civil Code is concerned, all of us know that it cannot be done unless all of us—Hindus, Muslims, Christians and Sikhs or persons belonging to any other religion are ready to accept it. I would like to present the view of general masses of Muslim community before the House. It has been pointed out here that because no improvements can be made in the Shariat that is why this Bill has been brought forward. But I would like to tell you that the Muslims treat Quarn as revealed Scripture. The commandments in it are ordained by Allah Himself. No man can change it. Secondly, according to them after divorce no Muslim woman had to face any hardship just because she does not get maintenance. Besides this, nobody knows that the Muslim Personal Law and the Shariat provides that a divorced woman can remarry so that she may not have to face hardship because of not getting maintenance. Nobody stops any woman from following this path. A husband can go on divorcing his wife any number of times and the wife can remarry thereafter. This problem becomes acute when women are divorced in old age. It is at that time that the question of their maintenance arises. There is no discrimination between a divorced woman and an unmarried girl insofar as the economic provisions of Islam are concerned. After the divorce the position of divorce is same as it was before marriage

in her own house. If the woman has been divorced in old age, the first person to provide maintenance to her is her son or daughter. They provide her all help. The second thing which the Muslims are proud of is that it was Islam which gave to women the right to inherit property 1400 years back, whereas even England which is called the mother of Democracy gave this right to women just about 100 years back. Islam ensures the share of woman in her ancestral property even after her marriage. Similarly the 'Mehr' amount is also ensured to her. Again they are proud that maintenance is not forced on relatives and friends, but its foundations are laid on humanitarian grounds. That is why it is the pious duty of every Muslim to see that nobody is hungry in his area. Therefore, they have to pay 'Jakat' from their income.

Of all the cases that are filed in the Sessions Court, there have never been cases wherein the women have to face hardships in getting maintenance. There have been cases of the women who do not have any hardship in getting it. Those who are facing hardships, are actually these women who are living below the poverty line whether they are Hindu women or Muslim women. If adequate arrangements are not made to provide for them, then those Muslim women who are living below the poverty line whether they live in their husband's house or in their father's house their plight will be the same. Therefore, the Government has made this provision of maintenance irrespective of whether one is Hindu woman or Muslim woman.

With these words I support this Bill.

[*English*]

DR. DATTA SAMANT (Bombay South Central) : Mr. Speaker, Sir, I would not take much time of the House.

Respecting the sentiments of all the religions, Hindu, Muslim, Christian and Parsi, I never differ with them on their ways of marriage or any other thing. Let them go to Mosque or temple or anywhere they like. But in the Muslim personal law, the Shariat Act, the question differs after the marriage. After saying three times the

[Dr. Datta Samant]

word Talaq. in absence, you can take the divorce. But in the law, what is discussed, I refer to whatever the Minister has said about *mehr dover* or whatever presents are given at the time of marriage, is about these points of disputes. But the permanent maintenance is left to the parents of the divorcee women. There is no provision for permanent maintenance. That has been left to the parents of the divorce women. By such legislation, you are creating tremendous injustice to the Muslim women. Thousands of women are suffering. Man is polygomy nature. After one year, he can just throw out the woman and immediately he will marry another girl. But how many divorcee women are getting re-married? Not even 10 per cent are getting re-married because they have got the (sentimental attachment. Therefore, they have to get) maintenance throughout their life. The divorcee women of 20-22 years have to pass the whole life without re-marriage. They have to spend their life like that. After all, they are also human beings. They are not going to marry. I can say, even the animals in zoo have got certain respects for 'husband and wife' and sentimental attachment. But by having such legislation, you are just throwing away all these lakhs of thousands of Muslim women on the road. Therefore, I totally differ with you. It is an inhuman Act. It is against secularism. Therefore, I am strongly opposed to the Bill tooth and nail ..(Interruptions.)

He talked of unions. One of my union workers went to see a girl for his son. I went for the marriage. When I enquired, I found that he was himself getting married :

[Translation]

He told me that she was a good girl that was why he took that decision and that he had poken to the son, that we would see another girl for him.

[English]

This type of thing is going on. You are not looking into these things. This is the

problem. You cannot do it like that. I am not against the Muslim sentiments, religion or Quran.

You are abolishing Section 125 for them. Now, the amendment that has come will take away whatever cases are pending before the courts and they would be taken under the Shariat Act. Therefore, it is a very serious mistake.

In the Bill, only 2 years of maintenance has been given to the children. But in the Muslim personal law, there is provision for maintenance of children and they can be looked after till they are married or they become self-earning members. Here, what you are doing is, you are differing from what has been suggested in the Muslim personal law. and, therefore, I asked the Government to withdraw this Bill. By this Bill, you are creating another problem like Punjab. All the minorities are going to be disturbed by provincial and religious disturbances in the country. Lot of problems are going to arise and whatever our Hon. Minister has said here is going to create further problems and religious tempers are bound to increase.

[Translation]

SHRI SULTAN SALAHUDDIN OWAISE (Hyderabad) : Mr. Speaker, Sir, I rise to Support the Bill which has been presented in the House. I have given some amendments for certain things that have been left out in this Bill and I would like them to be accepted. It is a good thing that this Bill has been introduced in time; otherwise you do not know that it would have resulted in serious consequences. There was a growing feeling among the Muslims in the country that no body had any right whatsoever to interfere with our religion. Anybody should be least bothered about what I do and what ought to do in respect of my religion. I have never asked you how many times you should recite the name of Marx or Lenin during the day. You do not have any right to say whether I should offer *namaaz* three times a day or five times a day. I may offer it as many times as I wish. You do not have any right to interfere with my religion. We never speak in your matters. On the other hand you speak of sympathis-

ing with women. May I ask these sympathisers of women whether anybody has been arrested or any cases registered against those who were involved in recent riots in Andhra Pradesh where 400 shops were burnt to ashes? Who were behind that? Have these sympathisers ever cared for the riot victims and the women who had to face innumerable hardships and were unable to light the kitchen fire for days together? I would like to tell you that there is a complete bandh in the entire Andhra Pradesh these days. All the shops, markets, means of transport have come to a grinding halt...*(Interruptions)*. Even when the Andhra Pradesh Government said that there would be no interference in any religion, why is all this happening? An Hon. Member belonging to Telugu Desam said that a Minister had written a note on a file against this Bill, but now he is also supporting this Bill.

MR. SPEAKER : I would like you to speak on this Bill and not discuss State politics here.

SHRI SULTAN SALAHUDDIN OWASI : Sir, I am speaking on this Bill only. I was submitting that every political party has a stand of its own on this Bill, be it C.P.M. or any other party. But may I ask those who are objecting to it today as to why they have changed their stand? In the Mahanadu Conference, the Telugu Desam party said that they did not wish to interfere within the personal Law of any religion, but now when the Corporation elections are over why have they changed their stand and why are they opposing this Bill? Will they tell us which of their stands is right the first one or the second one and which policy are they following? A mention was also made here that in the Islamic countries, changes had been made in the Muslim Personal Law according to the tenets of the *Shariat*. Examples are cited that in a particular Islamic country this has been done, but the fact remains that it has not been done anywhere. Even if it has been done, it has been done in accordance with the *Shariat*. Islam forbids drinking, but if somebody persists in it, will you say that everybody should start drinking? If somebody is at fault, we do not

cite his example. Religion and these things are two separate things. Religion is not for Ayub Khan and Zia-ul Haq alone. Religion is ordained by Allah through the Quran and if anybody challenges it, we are not going to accept it. I am highly obliged to the Central Government for having understood the need of the hour and for making adequate provisions to safeguard our religion. But there are people who want to create differences and spread discontentment, but these designs were frustrated.

I would like to express my thanks to you for providing me an opportunity to speak.

[English]

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : Though the hour is late we have had a very, very long discussion and I am very much obliged to all sections of the House for showing their interest about the Muslim divorced women. If we still have achieved anything, it has certainly evoked attention and notice from quarters where Muslim divorced women were strangers in olden days. In their chronicles tales of woe and unhappiness of Muslim divorced women or even of Muslim women were never to be found. But the great interest that has been shown now for the hapless Muslim woman or the Muslim divorced woman is a good indication of the interest taken.

Let us be quite frank. If the interest is genuine, it is a very welcome feature. But if the interest is tempered with political stances, I must say that the sympathy for Muslim woman does not appear so clear and patent.

Let us take one by one the criticism against the Bill. The first criticism was, if I may categorise, that it affects the interests of the Muslim woman. Somebody said that it throws the Muslim divorced woman into the streets. I suppose the Hon. Members who make such comments have forgotten to see ...*(Interruptions)*

I was very much inspired by the clapping.

PROF. MADHU DANDAVATE : The Minister thought how he was clapped out of context.

SHRI A.K. SEN : Sometimes we bask in other people's glory. What I say is this. Let us take the criticism that we have given nothing to the Muslim woman and that we have thrown them to the winds
(Interruptions)

SHRI SOMNATH CHATTERJEE :
Ayastha, Ayastha bholiye.

SHRI A.K. SEN : I can take care of myself Thank you very much.

Now what happened was that the old law, Sec. 125 which is still existing—what did it give to the Muslim divorced woman? Only if the husband was able to maintain her, he was liable to pay a maintenance but not exceeding Rs. 500.

SHRI INDRAJIT GUPTA : Even beyond the *Iddat* ?

SHRI A.K. SEN : There is no *Iddat* there. If the man divorces and if he becomes infirm tomorrow or if the man becomes insolvent tomorrow unable to pay, then there is no remedy under Sec. 125, whereas here the woman who has been divorced will not have to go to the streets with an insolvent husband or an infirm husband or a husband who cannot be found. The Muslim law takes care of it, namely, that the obligation is on the father to look after the daughter. According to Muslim concept, the daughter comes back to the family on divorce. She reverts to the status of a spinster till she is married again. As I said, the husband is also charged with the marriage obligation of seeing that the wife gets married after divorce.

24.00 hrs.

(Interruptions)

Therefore, this criticism that our Bill is going to throw the otherwise well-looked after Muslim divorcee woman into the street is absolutely unfounded. It imposes absolute liability on the husband, whether the wife

can maintain herself or not, the husband has to maintain her. No question of able to maintain or unable to maintain.

(Interruptions)

I am coming to it. You know very well.....
(Interruptions) But according to Muslim concept that absolute liability lies only up to a particular period which is called the *Iddat*. This is the Muslim concept, Mr. Gupta. Therefore, just it is not my period but it is the period of Shariat. It is obeyed by the people who are all there.

We have spoken one after the other to whom this is the divine law. I said that the moment it is said that Section 127 (3) has no application, they become very alert and apprehensive. They immediately apprehend that there is an attack on the cherished personal law. Therefore, it is liable to interpret that we shall not confer that right to maintain personal law, which belongs to the minority under the constitution. Apart from the assurance given repeatedly, the Constitution sets up a secular democracy, about which much has been said yesterday and today. It sets up a secular democracy not in the way of the uniformity of the grave. It sets up a fine mosaic where each community has its own part to play, its own culture to show and its own *Iadat* and philosophy to flower. That is Indian secularism. As the Prime Minister said, I remember, I was extremely impressed by the exposition of our secularism. He said very clearly and it echoes what Panditji had said many many years ago on the floor of this august House that our secularism is not dead uniformity of the grave. It flourishes on an acknowledgement of the different cultures of the various communities and religions which have come to stay in this great country. It is a combined strength, which has made the Indian Democracy and culture and civilisation so great—in the past, now and for ever. If we start on a fine mosaic and try to draw one single pattern all over the country, then we shall be playing absolutely against the very foundation of our philosophy. I will read out from the Supreme Court judgement the Kerala Education Bill, where the rights of the Catholic minority were sought to be affected by the then Communist Government of Kerala. We are all proud that Kerala has produced Sankara. You do

not believe in Sankara, we believe in Sankara, that is the difference. You believe in Karl Marx we believe in Sankara. Kerala has produced a great man, the great Sankara.

PROF. MADHU DANDAVATE : Even Karl Marx believed in Sankara !

SHRI A. K. SEN : Karl Marx believed in many things in India. Some of his writings on the Indian part are very very prophetic. Those who have read them will know that.

May I read what the Supreme Court said about the so called equality and secularism ? Prof. Dandavate for a moment tried to be a great star in the firmament of law. That adventure, I hope, will succeed in the future ; but not certainly in this institution.

If I may point out very respectfully, Article 14 again does not ordain dead uniformity and equality. The Supreme Court, in the Kerala case said that Article 14 prohibits class legislation, but does not prohibit classification on a reasonable basis if you pass a law for the Hindus—the Hindu Succession Act, the Hindu Marriage Act—it is no. Article 14, 15, 16, 17 or others. It is perfectly valid classification. If we pass a law for the Muslims, it is a perfectly valid classification. There is no question of any infraction of Article 14. This is how the Supreme Court puts it.

PROF. MADHU DANDAVATE : I only talked about equality before law.

SHRI A. K. SEN : That is Article 14. That is why the legislation for the Hindu says that every Hindu girl will get an equal share as a Hindu boy. That may be different with Muslims because the Muslim woman gets a less share. That does not mean that there is no equality. It is a very valid classification.

May I read out what the Supreme Court puts it in the Kerala Education Bill Case ?

“The meaning, scope and effect of Art. 14, which is the equal protection

clause in our Constitution, has been explained by this Court in a series of decisions in cases beginning with Charanjit Lal V. Union of India..... It is now well established that while Art. 14 forbids class legislation it does not forbid reasonable classification for the purposes of legislation and that in order to pass the test of permissible classification two conditions must be fulfilled, namely (i) the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and (ii) such differentia must have a rational relation to the object sought to be achieved by the statute in question.”

With regard to our mosaic of secularism, this is a great judgement of the Supreme Court in which the Supreme Court quoted our national language. May I read that ? It has been described.....

PROF. MADHU DANDAVATE : Please excuse me. All that I had tried to point out is that Section 125 of the same Criminal Procedure Code cannot be applied to one community as against another. To that extent I said there is no equality before law. That is all I said. I was not talking about different personal laws for different communities.

SHRI A. K. SEN : With great respect Professor, the premise of the law is this. We are not applying Section 125 by way of one community against another. We are segregating one community altogether, so that with regard to maintenance of divorced women, their liabilities founded on their own concept, on their own personal laws.

May I now read the part which gives a clear idea as to what our secularism is ? It says : Mr. Unnikrishnan's home state which had produced this problem which was resolved by the Supreme Court :

“Learned counsel for the State of Kerala referred us to the directive principles contained in Art. 45 which requires the State to endeavour to pro-

[Shri A. K. Sen]

vide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years and."

"...and with considerable warmth of feeling and indignation maintained that no minorities should be permitted to stand in the way of the implementation of the sacred duty cast upon the state of giving free and compulsory primary education to the children of the country so as to bring them up properly and to make them fit for discharging the duties and responsibilities of good citizens. To pamper to the selfish claims of these minorities is, according to learned counsel, to set back the hands of the clock of progress. Should these minorities, asks learned counsel, be permitted to perpetuate the sectarian fragmentation of the people and to keep them perpetually segregated in separate and isolated cultural enclaves and thereby retard the unity of the nation? Learned counsel for the minority institutions were equally eloquent as to the sacred obligation of the State towards the minority communities. It is not for this Court to question the wisdom of the supreme law of the land. 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 the majority 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. Article 45, no doubt, requires the State to provide for free and compulsory education for all children, but there is nothing to prevent the State from discharging that solemn obligation through Government and aided schools and Art. 45 does not require that obligation to be dischar-

ged at the expense of the minority communities. 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. Throughout the ages endless inundations of men of diverse creeds, cultures and races—Aryans and Non-Aryans, Dravidians and... Chinese, Scythians, Huns, Pathans and Mughals—have come to this ancient land from distant regions and climes. India has welcomed them all. They have met and gathered, given and taken and got mingled, merged and lost in one body. India's tradition has thus been epitomised in the following noble lines :

None shall be turned away
From the shore of this vast sea
of humanity
That is India
Indeed India has sent out to the
world her message of goodwill
enshrined and proclaimed in our
National Anthem :

Day and night, they voice goes
out from land to land,
calling Hindus, Buddhists, Sikhs
and Jains round they throne
and parsees, Mussalmans and
Christians. Offerings are brought
to thy shrine by the East and the
West
to be woven in a garland of love
Though bringest the hearts of all
peoples into the harmony of one
life,"

It is harmony of...

SHRI SOMNATH CHATTERJEE : Why the Supreme Court judgement in Shah Bano's case is not being accepted? The same Supreme Court has delivered the judgement.

SHRI A. K. SEN : In Bengali we have a proverb which says if after reading all the chapters of Ramayana the question is asked: Who is sita's father, ? How can I answer this question ? If after all this debate is has

not downed upon my learned friend why we have brought this Bill and why we are quoting all this harmony and all this...

Now, Sir, the reason is very simple. That is why this has been read out. The Supreme Court judgement has said that Section 127 has no place and that Section 125 imposes an obligation on the Muslim husband to maintain the wife even beyond the 'Iddat' and that is considered not in consonance with the tenet of the Islam. That is the simple reason. I hope I have made it very clear. (Interruptions)

Now, Sir, I don't think I need trouble the House any longer excepting the Hon. Member has said that he will not listen to what we say.

SHRI THAMPAN THOMAS (Mavelikara): This law shifts the fundamental jurisprudence from the Criminal Law to Civil Law. Section 125 of Cr.P.C. provides for punishment for Non-compliance. The penal clause is there. But the new Bill is civil in nature and the obligation is contractual. Violation of Section 125 is an offence towards society. What is your explanation to this ?

SHRI A. K. SEN: This has been argued. Now, Sir, only one point remains. There has been a lot of discussion on the necessity of a uniform Civil Code.

AN HON. MEMBER : What about 13(2) ?

SHRI A. K. SEN : 13(2) comes into operation only if 14 is offended. If 14 is not offended, 13(2) will not be operative. Now, the question of uniform Civil Code has been freely discussed. The directive principles are quite clear and I read out in the beginning what Dr. Ambedkar said on that article namely, that the endeavour to frame a uniform Civil Code does not mean enforcing the Civil Code without the consent of the persons concerned of all the communities. We shall possibly be able to bring very soon a uniform Civil Code before this House giving an option for the Civil Code like other Civil Marriage Act, Special

Civil Marriage Act, where anyone whether married according to Hindu law, Muslim Law, or Christian Law, can opt, to be bound by the injunctions of that Act.

(Interruptions)

SHRI DINESH GOSWAMI (Guwahati) : Now, don't create new apprehensions, Previously people went to the Supreme Court. Now, you are creating new apprehensions. I think that will be dangerous.

SARI A. K. SEN : We have got good match for Mr. Saifuddin Chowdhary in our young little girl, Miss Mamta Banerjee.

SHRI SAIFUDDIN CHOWDHARY : Please don't refer me in relation to her. I dislike it. If you tell me, I won't come to Parliament. But don't refer my name like this.

SHRI A. K. SEN : This shows the great respect for the fairer sex. Now, I think that (concludes our discussion and this is not) only a timely measure but a very necessary measure for the purpose of helping the minority community, as Mr. Frank Anthony said today that this country stands on a pattern of secularism which acknowledges the existence and continuance of all the diverse culture. Thank you.

MR. SPEAKER : It has been brought to my notice that the following amendments to the consideration of motion may be put to vote together. These amendments are for circulating the Bill for eliciting public opinion and the amendments. The Nos. are :

8
45
47
48
49
50
57
58
196
209

All these amendments will be put together to the vote of the House.

MR. SPEAKER : I shall now put Amendments to the motion for consideration No. 8, 45, 47, 48, 49, 50, 57, 58, 196, and 209 for eliciting opinion to the vote of the House.

The question is :

"That the Bill be circulated for the purpose of eliciting opinion there on by the 16th May, 1986."
(8)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 12th November, 1986."
(45)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 31st July, 1986."
(47)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 11th August, 1986."
(48)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 25th November, 1986."
(49)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 16th June, 1986."
(50)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 28th July, 1986."
(57)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 14th August, 1986."
(58)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 4th August, 1986 and that this be done through a referendum among the Muslim Women."
(196)

"That the Bill be circulated for the purpose of eliciting opinion there on by the 5th July, 1986."
(209)

The Lok Sabha divided

0.29 hrs.

Division No. 3

AYES

Abdul Hamid, Shri
Acharia, Shri Basudeb
Basu, Shri Anil
Bhattam, Shri S.M.
Bhoopathy, Shri G.
Biswas, Shri Ajoy
Chaliha, Shri Parag
Chatterjee, Shri Somnath
Chinta Mohan, Dr.
Chowdhary, Shri Saifuddin
Dandavate, Prof. Madhu
Das, Shri R.P.
Datta, Shri Amal
Deb, Shri Sarat
Deo, Shri V. Kishore Chandra S.
Dora, Shri H.A.
Ghosh Goswami Shrimati Bibha
Goswami, Shri Dinesh
Gupta, Shri Indrajit
Hannan Mollah, Shri
Hansda, Shri Matilal
Iyer, Shri V.S. Krishna
Kalpana Devi, Dr. T.
Kurup, Shri Suresh
Mahata, Shri Chitta
Malik, Shri Purna Chandra
Mandal, Shri Sanat Kumar
Masudal Hossain, Shri Syed
Misra, Shri Satyagopal
Mukherjee, Shrimati Geeta
Patel, Dr. A. K.
Pathak, Shri Ananda
Patil, Shri D. B.
Penchalliah, Shri P.
Raju, Shri Ananda Gajapathi
Rao, Shri A. J. V. B. Maheswara

Rao, Dr. G. Vijaya Rama
 Reddi, Shri C. Madhav
 Reddy, Shri Bezawada Papi
 Reddy, Shri B. N.
 Reddy, Shri C. Janga
 Reddy, Shri D. N.
 Reddy, Shri K. Ramachandra
 Reddy, Shri M. Raghuma
 Reddy, Shri P. Manik
 Roy, Dr. Sudhir
 Roypradhan, Shri Amar
 Shah, Shri Ajit Kumar
 Shah, Shri Gadadhar
 Saikia, Shri Gakul
 Sanyal, Shri Manik
 *Sayeed, Shri P. M.
 Swamy, Shri D. Narayana
 Swamy, Shri Katuri Narayana
 Tanti, Shri Bhadreswar
 Thota, Shri Gopal Krishna
 Tiraky, Shri Piyus
 Tulsiram, Shri V.
 Unnikrishnan, Shri K. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri K. J.
 Abdul Ghafoor, Shri
 Adaikalaraj, Shri L.
 Adiyodi, Dr. K. G.
 Agarwal, Shri Jai Prakash
 Ahmad, Shri Sarfaraz
 Ahmed, Shrimati Abida
 Akhtar Hasan, Shri
 Alkha Ram, Shri
 Anand Singh, Shri
 Anjiah, Shri T.
 Annanambi, Shri R.
 Ansari, Shri Abdul Hannan
 Ansari, Shri Z. R.

Antony, Shri P. A.
 Arjun Singh, Shri
 Arunachalam, Shri M.
 Athithan, Shri R. Dhanuskodi
 Awasthi, Shri Jagdish
 Azad, Shri Bhagwat Jha
 Azad, Shri Ghulam Nabi
 Bachchan, Shri Amitabh
 Bairagi, Shri Balkavi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D.L.
 Bajpai, Dr. Rajendra Kumari
 Banatwalla, Shri G. M.
 Banerjee, Kumari Mamata
 Bansi Lal, Shri
 Basavaraj, Shri G. S.
 Basavarajeswari, Shrimati
 Basbeer, Shri T.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bharat Singh, Shri
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhosale, Shri Prataprao B.
 Bhoys, Shri R. M.
 Bhoys, Shri S. S.
 Bhumij, Shri Haren
 Bhuria, Shri Dileep Singh
 Birbal, Shri
 Birendra Singh, Rao
 Birender Singh, Shri
 Budania, Shri Narendra
 Bundela, Shri Sujana Singh
 Buta Singh, S.
 Chandra Sekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekhar, Shrimati M.
 Chandrashekharappa, Shri T.V.
 Chandresh Kumari, Shrimati
 Charles, Shri A.
 Chaturvedi, Shri Naresh Chandra

*Wrongly voted for AYES

Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhry, Shri Kamal
Chavan, Shrimati Premalabai
Chidambaram, Shri P.
Chokka Rao, Shri J.
Chaubey, Shri Narayan
Chaudhari, Shrimati Usha
Chaudhary, Shri Nandlal
Dabhi, Shri Ajitsingh
Daga, Shri Mool Chand
Dalbir Singh; Shri
Dalbir Singh, Ch.
Damor, Shri Somjibhai
Das, Shri Anadi Charan
Das, Shri Bipin Pal
Das Munsi, Shri Priya Ranjan
Dennis, Shri N.
Deora, Shri Murli
Dev, Shri Santosh Mohan
Devarajan, Shri B.
Devi, Prof. Chandra Bhanu
Dhariwal, Shri Shanti
Dhillon, Dr. G. S.
Digal, Shri Radhakanta
Dighe, Shri Sharad
Digvijay Sinh, Shri
Digvijaya Singh, Shri
Dinesh Singh, Shri
Dogra, Shri G. L.
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Faleiro, Shri Eduardo
Gadgil, Shri V. N.
Gadhvi, Shri B. K.
Gaekwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Gandhi, Shri Rajiv
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Ghosal, Shri Debi
Ghosh, Shri Bimal Kanti
Ghosh, Shri Tarun Kanti

Gomango, Shri Giridhar
Gopeshwar, Shri
Gowda, Shri H. N. Nanje
Guha, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Halder, Prof. M. R.
Harpal Singh, Shri
Hembrom, Shri Seth
Jadeja, Shri D. P.
Jaffar Shareef, Shri C. K.
Jagannath Prasad, Shri
Jagathrakshakan, Dr. S.
Jaideep Singh, Shri
Jain, Shri Dal Chander
Jain, Shri Nihal Singh
Jain, Shiv Virdhi Chander
Janarthanan, Shri Kadambur
Jangde, Shri Khelan Ram
Jayamohan, Shri A.
Jeevarathinam, Shri R.
Jena, Shri Chintamani
*Jhansi Lakshmi, Shrimati N. P.
Jhikram, Shri M.L.
Jitendra Prasada, Shri
Jitendra Singh Shri
Kamal Nath, Shri
Kamat, Shri Gurudas
Kamla Kumari, Kumari
Kamson, Prof. Meijinlung
Kaul, Shrimati Sheila
Kaushal, Shri Jagan Nath
Ken, Shri Lala Ram
Keyur Bhushan, Shri
Khan, Shri Arif Mohammad
Khan, Shri Aslam Sher
Khan, Shri Khurshid Alam
Khan, Shri Mohd. Ayub
Khan, Shri Rahim
Khan, Shri Zulfiquar Ali
Khatttri, Shri Nirmal
Khirhar, Shri R. S.

*Wrongly Voted for NOES

Kinder Lal, Shri
Kisku, Shri Prithvi Chand
Kolandaivelu, Shri P.
Ronyak, Shri Chingwang
Krishna Kumar, Shri S.
Krishna Singh, Shri
Kuchan, Shri Gangadhar S.
Kumaramangalam, Shri P. R.
Kunwar Ram, Shri
Kuppuswamy, Shri C. K.
Kurien, Prof. P. J.
Lachchhi Ram, Shri
Law, Shri Asutosh
Lowang, Shri Wangpha
Madhuree Singh, Shrimati
Mahabir Prasad, Shri
Mahendra Singh, Shri
Makwana, Shri Narsinh
Malik, Shri Dharampal Singh
Mallick, Shri Lakshman
Malviya, Shri Bapulal
Mane, Shri Murlidhar
Manvendra Singh, Shri
Martand Singh, Shri
Mavanj, Shrimati Patel Ramaben
Ramjibhai
Mehta, Shri Haroobhai
Meera Kumari, Shrimati
Mirdha, Shri Ram Niwas
Mishra, Shri G. S.
Mishra, Dr. Prabhat Kumar
Mishra, Shri Ram Nagina
Mishra, Shri Shripati
Mishra, Shri Umakant
Misra, Shri Nityananda
Modi, Shri Vishnu
Mohanty, Shri Brajamohan
More, Prof. Ramakrishna
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murmu, Shri Sidha Lal
Murthy, Shri M. V. Chandrashekara
Mushran, Shri Ajay

Muttemwar, Shri Vilas
Naik, Shri Shantaram
Naikar, Shri D. K.
Namgyal, Shri P.
Narayanan, Shri K. R.
Natwar Singh Shri K.
Nawal Prabhakar, Shrimati Sunderwati
Neekhra, Shri Rameshwar
Nehru, Shri Arun Kumar
Netam, Shri Arvind
Odeyar, Shri Channaiah
Oraon, Shrimati Sumati
Owaisi, Shri Sultan Salahuddin
Pakeer Mohamed, Shri E. S. M.
Pande, Shri Raj Mangal
Pandey, Shri Damodar
Pandey, Shri Madan
Pandey, Shri Manoj
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan
Parashar, Prof. Narain Chand
Pardhi, Shri Keshao Rao
Patel, Shri Ahmed M.
Patel, Shri C. D.
Patel, Shri G. I.
Patel, Shri Mohanbhai
Patel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri Balasaheb Vikhe
Patil, Shri Prakash V.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patil, Shri Veerendra
Patil, Shri Yashwantrao Gadakh
Patnaik, Shrimati Jayanti
Pattnaik, Shri Jagannath
Pawar, Shri Balasaheb
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh

Poojary, Shri Janardhana
Potdukhe, Shri Shaetaram
Prabhu, Shri R.
Pradhan, Shri K. N.
Pradhani, Shri K.
Prakash Chandra, Shri
Puran Chandra, Shri
Purohit, Shri Banwari Lal
Purushothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Raj Kumar
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.
Rajhans, Dr. G. S.
Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Ramamurthy, Shri K.
Rampal Singh, Shri
Ramulu, Shri H. G.
Rana Vir Singh, Shri
Ranga, Prof. N. G.
Ranganath, Shri K. H.
Rao, Shri J. Vengala
Rao, Shri K. S.
Rao, Shri P. V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathawa, Shri Amarsingh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat, Shri Prabhu Lal
Sahi, Shrimati Krishna
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Sangma, Shri P. A.

Sankhwar, Shri Ashkaran
Saukata Prasad, Dr.
Satyendra Chandra, Shri
Sathe, Shri Vasant
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shah, Shri Anoopchand
Shahabuddin, Syed
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.
Shanmugam, Shri A. C.
Shanmugam, Shri P.
Shanti Devi, Shrimati
Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Nawal Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri
Siddiq, Shri Hafiz Mohd.
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri D. G.
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap
Singh, Shri S. D.
Singh, Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Kishori
Sinha, Shrimati Ram Dulari
Sinha, Shri Satyendra Narayan
Sodi, Shri Mankuram
Solanki, Shri Kalyan Singh
Solanki, Shri Natavarsingh

Soundararajan Shri N.
 Soz, Prof. Saifuddin
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Subburaman, Shri A. G.
 Sukh Ram, Shri
 Sukhadia, Shrimati Indubala
 Sukhbans Kaur, Shrimati
 Sultanpuri, Shri K. D.
 Suman, Shri R. P.
 Sundararaj, Shri N.
 Sunder Lal, Shri
 Sunder Singh, Ch.
 Sunil Dutt, Shri
 Surendra Pal Singh, Shri
 Suryawanshi, Shri Narsing
 Swami Prasad Singh, Shri
 Swell, Shri G. G.
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tewary, Prof. K. K.
 Thakkar, Shrimati Usha
 Thakur, Shri C. P.
 Thambi Durai, Shri M.
 Thara Devi, Kumari D. K.
 Thomas, Prof. K. V.
 Thorat, Shri Bhausahab
 Thungon, Shri P. K.
 Tigga, Shri Simon
 Tilakdhari Singh, Shri
 Tomar, Shrimati Usha Rani
 Tripathi, Shrimati Chandra
 Tripathi, Dr. Chandra Shekhar
 Tyagi, Shri Dharamvir Singh
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Van, Shri Deep Narain
 Vanakar, Shri Punam Chand Mithabhai
 Venkatesan, Shri P. R. S.
 Verma, Dr. C. S.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vir Sen, Shri
 Vyas, Shri Girdhari Lal

Wasnik, Shri Mukul
 Yadav, Shri Kailash
 Yadav, Shri Ram Singh
 Yadav, Shri Shyam Lal
 Yadav, Shri Subhash
 Yadav, Shri Bal Ram Singh
 Yadav, Shri D. P.
 Yashpal Singh, Shri
 Yazdani, Dr. Golam
 Yogesh, Shri Yogeshwar Prasad
 Zainul Basher, Shri

MR. SPEAKER : Subject to correction, the result* of the division is : Ayes—61; Noes—370

The amendments are negatived.

The Motion was negatived.

SHRI BASUDEB ACHARIA : We walk out in protest.

Shri Basudeb Acharia and some other Hon. Members then left the House.

MR. SPEAKER : I shall now put the rest of the amendments to the vote of the House.

* The following Members also recorded their votes :

EYES : Shri K. R. Natarajan, Shri K. Mohan Das, Shri Datta Samant, Shri V. Sobhanadreeswara Rao, Shri Vijaya Kumar Raju and Shrimati N. P. Jhansi Lakshmi;

NOES : Shri Salahuddin, Shri Kammodilal Jatav, Shri Brahma Dutt, Shri Chintamani Panigrahi, Shrimati Kesharbai Kshirsagar, Shri H. B. Patil, Shri Chandra Mohan Singh Negi, Shri T. Bala Goud, Shri, Kamla Prasad Rawat, Shri Jujhar Singh, Shri A. R. Murugaiah, Shri Ganga Ram, Shri Jagannath Choudhary, Shri Santosh Kumar Singh, Shri S. Thangaraju, Shri Mohd. Mahfooz Ali Khan, Shri Abdul Rashid Kabuli, Shrimati Sheela Dixit and Shri P. M. Sayeed.

Amendments Nos. 9, 36, 54, 96, 132
and 210 were put and negatived.

MR. SPEAKER : The question is :

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be taken into consideration".

The motion was adopted.

MR. SPEAKER : The House will now take up clause-by-clause consideration.

Now clause 2.

Clause 2 (Definitions)

SHRI G. M. BANATWALLA : Sir, I beg to move :

Page 1, line 9,—

after "Muslim law" insert—

"either before or after the date of the commencement of this Act," (15)

SHRI SYED SHAHABUDDIN : Sir, I beg to move :

Pages 1 and 2,—

for lines 11 to 13 and 1 to 5 respectively, substitute—

'(b) "Iddat Period" means, in the case of a divorced woman, the period for which remarriage after divorce is prohibited under Muslim law; (105)

SHRI A. K. SEN : Sir, I beg to move :

Page 2,—

after line 8, insert—

'(d) "prescribed" means prescribed by rules made under this Act.'
(211)

MR. SPEAKER : The question is :

"Page 2,—

after line 8, insert—

'(d) "prescribed" means prescribed by rules made under this Act."

The motion was adopted.

MR. SPEAKER : Now I shall put all other amendments together to the vote of the House.

Amendments Nos. 15 and 105 were put and negatived.

MR. SPEAKER : The question is :

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3

mahr or other properties of muslim women to be given to her at the time of divorce

MR. SPEAKER : Mr. Soz, are you moving your amendment ?

PROF. SAIFUDDIN SOZ : I am not moving.

SHRI SAIFUDDIN CHOWDHARY : I beg to move :

Page 2, lines 15 and 16,—

for "for a period of two years from the respective dates of birth of such children."

Substitute "till the children attain majority" (4)

Page 2,

after line 21, insert—

"provided that the divorced women establishes before the Magistrate that she had been divorced for no fault of hers then the Magistrate shall order

for payment of due and proper compensation from her former husband." (5)

MR. SPEAKER : Mr. Shantaram Naik, are you moving your amendment ?

SHRI SHANTARAM NAIK (Panaji) : No.

SHRI G. M. BANATWALLA : I beg to move :

Page 2, —

for lines 11 and 12 substitute—

“(a) a reasonable and fair maintenance for the *iddat* period to be paid to her by her former husband,” (16)

Page 2,

for lines 13 to 16, substitute—

“(b) a reasonable and fair provision to be made to her by her former husband for feeding the children, born to her of her former husband, for a period of two years from the respective dates of birth of such children :” (17)

Page 2,—

after line 16, insert—

“*Explanation* : Nothings contained in clause (b) above shall affect the entitlement of any minor child in the custody of the mother to receive maintenance from its father according to Muslim Personal Law *Shariat*.” (18)

Page 2,—

for lines 117 and 18, substitute—

“(c) the mahr or unpaid part thereof as was agreed to be paid her by her former husband according to Muslim Personal Law *Shariat*.” (19)

Page 2, line 19,—

for “all the properties given to her”

substitute—

“all her properties and gifts made to her” (20)

Page 2,—

for lines 22 to 28, substitute—

“(2) Where a resonable and fair maintenance or provision or *mahr* due has not been paid or made or the properties or gifts referred to in clause (d) of sub-section (1) have not been delivered to a divorced woman on her divorce, she or any one duly authorised by her may, on her behalf, make an application to a Magistrate for an order for payment of such maintenance, provision, *mahr* or the delivery of properties, as the case may be.” (21)

Page 2, lines 38 and 39,—

omit “provision and” (22)

Page 2, line 42,—

after “may be,” insert—

“for making of such reasonable and fair provision referred to in clause (b) of sub-section (1) as he may determine fit, or” (23)

Page 2, lines 42 and 43.—

omit “or dower” (24)

Page 2,—

for lines 31 to 33, substitute—

“(a) her husband has failed or neglected to pay or make to her a reasonable and fair maintenance or provision, as the case may be referred to in clause (a) or (b) of sub-section (1); or” (26)

Page 2, line 34,—

for “the amount equal to the sum of mahr, or dower” substitute “the *mahr* or the unpaid part thereof” (27)

Page 2, line 35,—

after "properties" insert "or gifts"(28)

Page 3, line 4,—

omit "or dower"(30)

Page 3, line 4,—

after "due" insert—

"or any property or gift remaining undelivered"(31)

Page 3, line 6,—

after "unpaid" insert "or any property gift remaining undelivered."(32)

Page 3, line 8,—

after "payment" insert "or delivery"(33)

MR. SPEAKER : Mr. Anoop Chand Shah, are you moving your amendments ?

SHRI ANOOP CHAND SHAH (Bombay North) : No.

SHRI HANNAH MOLLAH (Uluberia) : I beg to move—

Page 2, lines 9 and 10

for "Notwithstanding anything contained in any other law for the time being in force, a divorced woman shall be entitled to."

substitute

"Subject to the provisions of the existing laws in force, a divorced woman, at her choice, shall be entitled to"(37)

SHRI BASUDEB ACHARIA : I beg to move :

Page 2,—

after lines 21, insert—

"(1A) Where a divorced woman establishes before the Magistrate that she has been divorced by her former husband, the Magistrate shall order Payment of due and proper compensation and main-

tenance, from the former husband."(39)

SHRI MANIK SANYAL : I beg to move :

Page 3, line 7,

for "one year" substitute "fifteen years"(40)

Page 3, lines 8 to 10,

omit "subject to such person being heard in defence and the said sentence being imposed according to the provisions of the said Code."(41)

SHRI G. M. BANATWALLA : I beg to move ;

Page 2, line 9 and 10,

for "in any other law for the time being in force"

substitute "in section 125 of the Code or Criminal Procedure, 1972" (52)

SHRI SOMNATH CHATTERJEE : I beg to move :

Page 2, lines 9 and 10,

for "Notwithstanding anything contained in any other law for the time being in force:"

substitute—

"subject to the provisions contained in section 125 of the Code of Criminal Procedure, 1973" (55)

SHRI SAIFUDDIN CHOWDHARY : I beg to move :

Page 2, line 10,

after "woman" insert—

"according to her choice"(56)

SHRI AMAR ROYPRADHAN : I beg to move :

Page 2, lines 15 and 16,—

for "for a period of two years, from the respective dates of birth of such children".

substitute—

"till the children attain majority and becomes dependent upon themselves"(59)

SHRI D. B. PATIL : I beg to move :

Page 2,—

for lines 11 and 12 *substitute—*

"(a) alimony having regard to the needs for the divorced woman, the standard of life enjoyed by her during her marriage and the means of her former husband," (63)

Page 2, lines 15 and 16,—

for "for a period of two years from the respective dates of birth of such children,"

substitute—

"in case of a male child or children till he or they attain majority and in case of female child or children, till she or they attain majority or she or they get married whichever is earlier,"(64)

Page 2. line 22,—

for "a reasonable and fair provision and maintenance"

substitute—

"alimony"(66)

Page 2, line 27,

for "such provision and maintenance,"
substitute—

"alimony"(67)

Page 2, lines 31,—

omit "having sufficient means,"(68)

Page 2 lines 32 and 33,—

for "her within the iddat period a reasonable and fair provision and maintenance"

substitute—

"alimony"(69)

Page 2, lines 38 and 39,—

for "such reasonable and fair provision and maintenance"

substitute—

"alimony"(70)

SHRI EBRAHIM SULAIMAN SAIT :
Sir, I beg to move :

Page 2,—

for lines 13 to 16, *substitute—*

"(b) a reasonable and fair provision to be made to her by her former husband for feeding or looking after the children, born to her of her former husband, for a period of two years from the respective dates of birth of such children." (78)

Page 2, line 19,—

for "all the properties given to her"

substitute "all the properties and gifts made to her."(81)

SHRI G. M. BANATWALLA : Sir, I
beg to move :

Page 2,—

for lines 17 and 18, *substitute—*

"(c) the *mehr* or unpaid part thereof as was agreed at the time of her marriage or at any time thereafter to be paid to her according to Muslim law and where no such mehr had been agreed upon, such sum as may be deemed to be a reasonable and fair mehr according to Muslim law; and"(97)

Page 2,—

after line 21, *insert—*

"Provided that where the marriage had not been consummated, a divorced woman shall, instead of clauses (a) and (c) above, be entitled to a reasonable parting gift if no mehr had been agreed upon, or in case where the mehr had been agreed upon, half the amount of such mehr, if unpaid according to Muslim Law :

Provided further that in case where the divorce has been obtained by the woman at her instance the terms according to Muslim Law agreed to at the time of divorce shall always prevail over the provisions of this sub-section."(78)

SYED SHAHABUDDIN : Sir, I beg to move :

Page 2, line 9,—

after "contained" insert—

"in the Code of Criminal Procedure, 1973 and"(106)

Page 2, line 11,—

omit "provision and"(107)

Page 2, line 11 and 12,—

omit "made and"(108)

Page 2,—

for lines 13 to 16, substitute—

"(b) a reasonable and fair provision for feeding and/or taking care of the children of her former husband born to her before or after her divorce, to be made by her former husband for a period of two years from the dates of birth of such children."(109)

Page 2,—

after line 16, insert—

"(c) a reasonable and fair provision for taking care of the children of her former husband in exercise

of her option of custody as prescribed under Muslim Law"(110)

Page 2,—

for lines 17 and 18, substitute—

"(d) an amount equivalent to the part of the Mehr which remains unpaid on the date of divorce; and"(111)

Page 2,—

for lines 22 to 28, substitute—

"(2) Where a reasonable and fair maintenance or Mehr as due to has not been paid or a reasonable and fair provision has not been made or the properties have not been delivered to a divorced woman as referred to in sub-section (1), she, or anyone duly authorised by her, may, on her behalf, make an application to a Magistrate for an order for the payment of such maintenance, mehr or provision, or the delivery or properties, as the case may be."(113)

Page 2,—

for lines 29 to 36, substitute—

"(3) Where an application has been made under sub-section (2) by a divorced woman, the Magistrate may, if he is satisfied that her former husband has failed to pay her Mehr or any part thereof or a reasonable and fair maintenance for the *iddat* period or to make provision for the maintenance of their children or to deliver the properties."(114)

Page 2, line 39,—

*after "divorced woman" insert—
"to make such provision for
their children"(116)*

Page 2, line 40,—

*after "divorced woman" insert—
"and such children"(117)*

Page 2, line 41,—

for “by her” substitute “by them”
(118)

Page 2, lines 43 and 44,—

omit “referred to in clause (d) of sub-
section (1) to the divorced
woman”(120)

Page 3, line 3,—

for “may” substitute “shall”(121)

Page 3, line 4,—

for “or dower due” substitute—
“due or for delivery of proper-
ties”(122)

Page 3, line 6,—

after “unpaid” insert—
“or the property remaining un-
delivered”(123)

SHRI HANNAN MOLLAH : Sir, I beg
to move :

Page 3,—

after line 10, insert—

“(5) Any person purporting to pro-
nounce Talaq-ul-bidat shall be
sentenced to six months rigorous
imprisonment or a fine of such
amount as the Court may decide
or both and the amount of fine
so recovered shall be paid to the
aggrieved woman in addition to
what was due to her.” (135)

SHRI VIJOY KUMAR YADAV : Sir,
I beg to move :

Page 2, lines 15 and 16,—

for “for a period of two years from
the respective dates of birth of
such children”

substitute—

“for a period till the children
attain majority and get employed”
(140)

Page 2,—

after line 18, insert—

“(cc) monthly payment of an
amount reasonable for her and
the children’s subsistence; and”
(141)

Page 2, line 21,—

add at the end—

“or promised to be given to her
by the husband or any relatives
of the husband or his friends”
(142)

Page 2, line 22,—

for “or” substitute “and”(143)

Page 2, line 23,—

for “or the” substitute “and the”(144)

Page 2, line 27,—

for “or the” substitute “and the”(145)

Page 2, line 30,—

for “may, if he is satisfied” substitute—
“shall take it as proved”(146)

Page 2,—

after line 44, insert—

“Provided that the respondent
proves otherwise.”(147)

SHRI SULTAN SALAHUDDIN
OWAISI : Sir, I beg to move :

Page 2, line 12,—

for “within” substitute “for”(171)

SHRI VIJOY KUMAR YADAV : Sir, I
beg to move :

Page 2,—

after line 12, insert—

“(aa) a reasonable and fair pro-
vision and maintenance to be
made and paid to her by her
former husband even after *iddat*
period and till she is not re-
married, if she proves before the
Magistrate that she has been
divorced by her husband due to

his abnormal or inhuman sexual-
lity,"(175)

Page 2, line 27,—

after "maintenance" insert—

"as well as"(176)

Page 2, line 42,—

for "or" substitute "and"(177)

Page 3, line 2,—

omit "without sufficient cause"(178)

Page 3, line 4,—

for "or mehr" substitute "and mehr"
(180)

Page 3, line 7,—

for "one year" substitute "three years"
(181)

SHRI HANNAN MOLLAH : Sir, I beg
to move :

Page 3.—

after line 10, insert—

"(5) Notwithstanding anything
contained in the foregoing provi-
sions of this Act, the divorced
woman shall be entitled to a
degree from an appropriate Court
declaring null and void any *talaq*
pronounced contrary to the proce-
dure and injunctions of the Quran.
(6) A divorced woman shall be
entitled to all allowances agreed
upon and written in the *Nikah*
nama."(187)

MR. SPEAKER : Shri Mahfooz Ali
Khan, are you moving your amendment No.
202 ?

SHRI MOHD. MAHFOOZ ALI KHAN :
No, Sir, I am not moving.

SHRI SAIFUDDIN CHOWDHARY :
Sir, on page 2, lines 15 and 16 where the
maintenance of children is talked about, it is
said that "for a period of two years from
the respective date of birth of such children".
I have moved the amendment to substitute it
by "till the children attain majority". That is

quite reasonable and I believe there should
not be any opposition to this amendment...
(Interruptions).

PROF. MADHU DANDAVATE : Be-
cause it is reasonable, it is not likely to be
accepted.

SHRI SAIFUDDIN CHOWDHARY :
Secondly, Sir, after line 21, I have moved
the amendment to include "provided that
the divorced woman establishes before the
Magistrate that she had been divorced for
no fault of hers then the Magistrate shall
order for payment of due and proper com-
pensation from her husband". Maintenance
I am not claiming maintenance. If some
people are raising the issue of morales on
this question, when the marriage is broken,
then they are strangers. It is a contract. But
I move this amendment to compensate the
wife who is divorced for no fault of her and
whose youth, home and hearth are destroyed.
It is there in many Muslim countries. It is
quite humane and I believe if there are any
hearts and human material in their body,
they should accept it.

Then, there are other amendments also.
Government has moved a spectacular
amendment. The couple has to agree to opt
for 125. I do not know what sense this
brilliant Government has. The Bill says,
"notwithstanding anything contained in any
other law for the time being in force." I
want to substitute it by "subject to the
provisions contained in section 125 of the
Code of Criminal Procedure, 1973." That
means if the wife opts for 125 Cr. P.C.,
she will have the right to have that opportu-
nity. Section 56 is there and that is accord-
ing to her choice. If she likes to accept this,
she can accept and if she does not like to
accept, she may not. Let us see how secular
they are.

SHRI G. M. BANATWALLA : Mr.
Speaker, Sir, my amendments are very
simple. They are by way of clarification in
order to bring out the intent of the legisla-
tion. The intent is given in the Statement
of Objects and Reasons, but unfortunately,
at certain places the language is vague and
capable of being interpreted in several ways.
For example, in section 3(1) (a) we are

told "a reasonable and fair provision and maintenance." There are two different things. What does it mean? Does it mean two different things—number one provision and number two maintenance? Really speaking, it means only one thing—maintenance—according to *Surat* 65, *Aayat* 6. But here it may mean anything and, therefore, the same idea of 125 can again enter in the language by saying that these are two different things. Then, there is bound to be certain problems. Regarding the period of *Iddat*, when mean that you say within the *Iddat* period, the woman is entitled to maintenance, but you say 'within the *Iddat* the woman is entitled to' Number one, clear provision; and number two, maintenance, then, different interpretations can come and the intention of the legislation can be defeated. Therefore I have made it clear. The idea is that within the period of *Iddat* the divorced woman shall have the right to maintenance. Similarly, in 3 (1) (c) please look at the language. And I can give you umpteen interpretations that can arise out of it. As per language under 3(1) (c) the woman is entitled to an amount equal to the sum of *Mehr*. Now, Sir, what does it mean? It means that the woman is entitled to number one, *Mehr* and number two, the amount equivalent to *Mehr* also. So this can be a double thing. First the woman will be entitled to *Mehr*, whatever the *Mehr*; and second, she may also be deemed to be entitled to another amount which may be called as equivalent to *Mehr*. That is not the idea given in the Statement of Objects and Reasons. Then Sir, a third interpretation may also come. And that is this. The woman may be made entitled to an amount equal to sum of *Mehr*. What do you mean by an amount equal to sum of *Mehr* agreed to at the time of marriage? At the time of marriage the sum agreed was say Rs. 25,000. After 10 years divorce takes place. Now anybody can sit down and say that the woman after 10 years is entitled to an amount equal to *Mehr*. That means, 10 years ago it was Rs. 25,000 and now what it would be. The equal amount now is linked with the price index and all these things. So all these problems can come up, Sir.

A fourth problem can also come up. What is the woman entitled to? According to the language, the woman is entitled to

Mehr agreed to at the time of marriage. But supposing at the time of marriage no *Mehr* was fixed and later on some *Mehr* was fixed between the two. At the time of divorce the husband can come and say that she is entitled to *Mehr* that was fixed at the time of marriage. And therefore she will not get anything. That is wrong. She gets the *Mehr* that was decided upon even after the time of marriage but before divorce.

The next point is this. Supposing no *Mehr* was ever fixed at the time of marriage. That does not mean that at the time of dissolution she will get nothing. The *Shariat* says that even if no *Mehr* was fixed at the time of marriage, even then the woman is entitled to what is called *Mehrul misal* or a fair and reasonable amount which can be called *Mehr*. Here disadvantage is also being done. The woman is put to a disadvantage because of the language here.

Sir, another thing may also crop up, just as Mr. Chaudhry arrived at the conclusion here. The Bill is about the maintenance of the divorced woman. It is not with respect to the maintenance of the child and therefore, an Explanation should be added that in addition to the maintenance of the divorced woman for a period of two years when she is breast-feeding the child, the child must be given something as laid down in the *Shariat* law. Otherwise the child's maintenance will be jeopardised and the woman will be at a disadvantage. These are certain shortcomings that must be removed, these lacunae must be removed and the provisions must be corrected.

(Interruptions)

SHRI MANIK SANYAL : Sir, where it has been written that 'notwithstanding anything contained in any other law for the time being in force, a divorced woman shall be entitled to—', I want to substitute :

"Subject to the provisions of the existing laws in force, a divorced woman, at her choice, shall be entitled to—"

The intention of my amendment is that the divorced woman should get maintenance from her husband and she should get the option to go to Court under Section 125 Cr. P.C.

SHRI BASUDEV ACHARIA : Sir, my amendment is very simple. After line 21 I propose that the following line should be added :

“Where a divorced woman establishes before the Magistrate that she has been divorced by her former husband, the magistrate shall order payment of due and proper compensation and maintenance from the former husband.”

This provision is not there. This provision should be there that if it is established before the magistrate that a woman has been divorced, due and proper compensation and maintenance by the former husband should be paid. This provision should be there to rectify the lacuna.

MR. SPEAKER : Now, Shri Somnath Chatterjee.

(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, are these human sounds, I do not know.

(Interruptions)

MR. SPEAKER : Why are you trying to waste the time ?

SHRI SOMNATH CHATTERJEE : Sir, the question is, we find that the Government is thinking of coming with an amendment to give some opportunity to the couple, although they are separated by divorce, to opt for Section 125. Sir, our amendment is for the purpose of giving that option to the wife, the wife being weaker...*(Interruptions)*. Comparatively the wife is a weaker person. If it means that she would have a little better opportunity, better provision for maintenance, let that right be given to her so that she may choose. According to the provision in Section 125, the maximum amount is Rs. 500. That is not easily available to them. Therefore, if the wife chooses, she can go and opt for it.

SHRI AMAR ROYPRADHAN : Sir, my amendment is very simple. I hope the Minister will accept it. My amendment is to make the following words substituted :

“Till the children attain majority and become dependent upon themselves.”

MR. SPEAKER ; You have already taken part in the discussion. So, no need to elaborate.

SHRI AMAR ROYPRADHAN : After just two years, where will the boy go ? Will he go to hell ?

(Interruptions)

SHRI D.B. PATIL (Kolaba) : Sir, I moved my amendments because I am not in agreement with the provisions. The Bill says that the husband would maintain his divorced wife for the iddat period only. So, I have moved my amendment that the responsibility of the husband to maintain the divorced wife should be extended till she is re-married.

Then, again in the case of children, in case of male child, the maintenance should be given till he attains majority and in case of female child, till she is married.
(Interruptions.)

SYED SHAHABUDDIN : Sir, my first amendment is regarding this. The Bill says :

“Notwithstanding anything contained in any law for the time being in force...”

That is regarding the Shariat Act of 1937. And, therefore, we must be very specific in putting the provisions. That is why I said :

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973...”

This is the intent of the mover also.

Now, the second important point is, this confusion of “provision” and “maintenance” must be cleared all along the line.

Thirdly, apart from the question of Rajayak, that is to say, feeding of the child and taking care of the child, the maintenance of the mother arising from the maintenance of the children is really in two

parts in the Shariat Act. The first part is, taking care of children; i.e. Rajayak. The other part is about the custody of the child i.e. Hazanat. Either you should not put any provision on the right of the children or it is illogical to put only one and not the other item. So, there ought to be another clause. That is what I have suggested dealing with the right of the child in custody and the mother takes care of the maintenance of the children.

Thirdly, you have got the Criminal Procedure Code. The penalty lies only for the non-payment *dower*. Why should it apply also for the forfeiture of property? That is what, I have suggested also that the magistrate can be applied case where the property is held by the husband. That is the intent of the mover of the Bill. But that should be added there.

Similarly, the penalty of one year must apply, when the order of the magistrate has not been complied, when the husband does not deliver the property.

That he does not make a *dower*. It is all very illogical following exactly from what the mover has said and placed before the House.

[*Translation*]

SHRI VIJOY KUMAR YADAV (Nalanda) : I have an amendment. To say that the Islamic law encourages divorce will not be correct. It has in fact imposed certain restrictions. In my amendment I have suggested that if a woman is divorced on the grounds of abnormal and inhuman sexuality on the part of husband, then the divorced woman should be entitled to maintenance even after the *Iddat* period is over provided the woman proves it. I believe that it is a reasonable amendment and you will approve it.

Secondly, I have suggested that the children should get maintenance until they become major and get any job. So far as punishment is concerned, I have suggested that it should be reised from the present one year to three years. I press these three amendments.

01.00 hrs.

[*English*]

SHRI A. K. SEN : Mr. Speaker, I am prepared to accept one suggestion of Mr. Banatwalla about the dower being varied later on after the marriage and, I would propose a Government amendment at page 2 line 18 in these terms after the word "her marriage" insert "or at any time thereafter." Therefore, the dower...

SHRI G. M. BANATWALLA : That is good enough. But one more point... (*Interruptions*). Justice should be done to the womenfolk. It is all right. That meets the point. Supposing, at the time of marriage, no Mehr was fixed and the talaq takes place. In that case, she is still entitled to a fair and reasonable Mehr that can be decided upon by the Magistrate... (*Interruptions*).

SHRI K. P. UNNIKRISHNAN : It is a very good suggestion. You must accept it. You may modify it.

SHRI G. M. BANATWALLA : Please check it at No. 97.

SHRI A. K. SEN : Since we have not discussed this matter earlier and tried to find out what the law is, where Mehr is not fixed before divorce, whether it can still be fixed after divorce by any authority and, if so, by what authority. That is one thing.

SHRI SOMNATH CHATTERJEE : Why not ?

SHRI G. M. BANATWALLA : Mehr fixed is there... (*Interruptions*).

SHRI SOMNATH CHATTERJEE : If there is no adequate amount, then somebody else has to fix it.

SHRI G. M. BANATWALLA : Amendment No. 97... (*Interruptions*).

MR. SPEAKER : Why are you trying to interfere unnecessarily? They are to do whatever can be done.

SHRI A. K. SEN : Can we put it like this that where no Mehr has been fixed, every time or after a marriage, and also before the divorce, the Magistrate of I Class is entitled to fix a reasonable Mehr.

SHRI G. M. BANATWALLA : A reasonable Mehr as per the Muslim law.

PROF. SAIFUDDIN SOZ : It is a good suggestion.

SHRI A. K. SEN : We had great difficulty in again reading an expression like Muslim law and for the court to determine something about which there will be dispute as we had about 125 and 127. Instead of saying according to Muslim law, say a reasonable amount equal to the sum of Mehr or dower agreed to be paid to her at the time of marriage or at any time thereafter, according to Muslim law.

SYED SHAHABUDDIN : Let the House be adjourned. Let them come with their amendment leisurely.

(Interruptions)

MR. SPEAKER : Why are you impatient ?

SHRI A. K. SEN : It should be 'fixed at the time of marriage or at any time thereafter'. In future if any problem arises, we shall bring an amendment to the effect as suggested.

SHRI SOMNATH CHATTERJEE : Mr. Banatwalla has rightly said that there may be cases where it is not fixed. So there should be some provision for that. When you are passing this law, make it as less rigorous as possible.

SHRI A. K. SEN : We will do it later after ascertaining the law.

MR. SPEAKER : Now I shall put all the amendments to vote, if the House agrees.

(Interruptions)

SHRI A. K. SEN : I am not accepting any amendment. This is my amendment. I beg to move :

Page 2, line 18,

after 'her marriage' insert—

'or at any time thereafter'.

PROF. MADHU DANDAVATE : Are you accepting your own amendment ?

(Interruptions)

MR. SPEAKER : Now the question is :

"Page 2, line 18—

after 'her marriage' insert 'or at any time thereafter'."

The motion was adopted.

MR. SPEAKER : Shall I put the rest of the amendments to the vote of the House ?

SOME HON. MEMBERS : No, Sir.

MR. SPEAKER : You do not have to get agitated. Let me know the amendments one by one and I shall put them separately.

SHRI SAIFUDDIN CHOWDHARY : Sir, my amendment nos. 5 and 55 may be put to vote separately.

MR. SPEAKER : I am now going to put amendment No. 5 moved by Shri Saifuddin Chowdhary to vote. The question is :

"Page 2—

after line 21, insert—

'provided that the divorced woman establishes before the Magistrate that she had been divorced for no fault of hers then the Magistrate shall order for payment of due and proper compensation from her former husband'."

The Lok Sabha divided

1.21 hrs.]

[Division No. 4]

AYES

Abdul Hamid, Shri
 Acharia, Shri Basudeb
 Basu, Shri Anil
 Bhattam, Shri S. M.
 Bhoopathy, Shri G.
 Biswas, Shri Ajoy
 Chatterjee, Shri Somnath
 Chinta Mohan, Dr.
 Choubey, Shri Narayan
 Chowdhary, Sri Saifuddin
 Dandavate, Prof. Madhu
 Datta, Shri Amal
 Deo, Shri V. Kishore Chandra S.
 Ghosh Goswami, Shrimati Bibha
 Goswami, Shri Dinesh
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Hansda, Shri Matilal
 Iyer, Shri V. S. Krishna
 Kurup, Shri Suresh
 Mahata, Shri Chitta
 Malik, Shri Purna Chandra
 Mandal, Shri Sanat Kumar
 Masudal Hossian, Shri Syed
 Misra, Shri Satyagopal
 Mukherjee, Shrimati Geeta
 Patel, Dr. A. K.
 Pathak, Shri Ananda
 Patil, Shri D. B.
 Penchalliah, Shri P.
 Raju, Shri Ananda Gajapathi
 Raju, Shri Vijaya Kumar
 Ramaiah, Shri Sode
 *Ranganath, Shri K. H.
 Rao, Shri A. J. V. B. Maheswara
 Rao, Shri Srihari
 Rao, Shri V. Sobhanadreeswara
 Reddi, Shri C Madhav
 Reddy, Shri Bezawada Papi

Reddy, Shri B. N.
 Reddy, Shri C. Janga
 Reddy, Shri K. Ramachandra
 Reddy, Shri M. Raghuma
 Roy, Dr. Sudhir
 Roypradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Saikia, Shri Gakul
 Sanyal, Shri Manik
 Tanti, Shri Bhadreswar
 Thomas, Shri Thampan
 Tiraky, Shri Piyus
 Tulsiram, Shri V.
 Unnikrishnan, Shri K. P.
 Yadav, Shri Vijoy Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri K. J.
 Abdul Ghafoor, Shri
 Adaikalaraj, Shri L.
 Adiyodi Dr. K. G.
 Agarwal, Shri Jai Prakash
 Ahmad, Shri Sarfaraz
 Ahmed, Shrimati Abida
 Alkha Ram, Shri
 Anand Singh, Shri
 Annanambi, Shri R.
 Ansari, Shri Abdul Hannan
 Ansari, Shri Z. R.
 Antony, Shri P. A.
 Arunachalam, Shri M.
 Athithan, Shri R. Dhanuskodi
 Awasthi, Shri Jagdish
 Azad, Shri Ghulam Nabi
 Bairagi, Shri Balkavi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D.L.
 Bajpai, Dr. Rajendra Kumari
 Bala Goud, Shri T.
 Balaraman, Shri L.
 Banatwalla, Shri G.M.

*Wrongly Voted for Ayes

Banerjee, Kumari Mamata
Bansi Lal, Shri
Basavaraj, Shri G. S.
Basavarajeswari, Shrimati
Basheer, Shri T.
Bhagat, Shri B. R.
Bhakta, Shri Manoranjan
Bharat Singh, Shri
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhosale, Shri Prataprao B.
Bhoye, Shri R. M.
Bhoye, Shri S. S.
Bhumij, Shri Haren
Bhuria, Shri Dileep Singh
Birbal, Shri
Birendra Singh, Rao
Birinder Singh, Shri
Brahma Dutt, Shri
Budania, Shri Narendra
Bundela, Shri Sujan Singh
Buta Singh, S.
Chaliha, Shri Parag
Chandra Sekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrasekhar, Shrimati M.
Chandrashekharappa, Shri T. V.
Chandresh Kumari, Shrimati
Charles, Shri A.
Chaturvedi, Shri Naresh Chandra
Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhry, Shri Kamal
Chavan, Shrimati Premalabai
Chidambaram, Shri P.
Choudhari, Shrimati Usha
Choudhry, Shri Jagannath
Choudhary, Shri Nandlal
Daga, Shri Mool Chand
Dalbir Singh, Shri
Dalbir Singh, Cb.
Damor, Shri Somjibhai

Das, Shri Anadi Charan
Das, Shri Bipin Pal
Das Munsi, Shri Priya Ranjan
Dennis, Shri N.
Dev, Shri Santosh Mohan
Devarajan, Shri B.
Devi, Prof. Chandra Bhanu
Dhariwal, Shri Shanti
Dhillon, Dr. G. S.
Digal, Shri Radhakanta
Dighe, Shri Sharad
Digvijay Sinh, Shri
Digvijaya Singh, Shri
Dikshit, Shrimati Sheila
Dinesh Singh, Shri
Dogra, Shri, G. L.
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Faleiro, Shri Eduardo
Gadgil, Shri V. N.
Gadhvi, Shri B. K.
Gaikwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Gandhi, Shri Rajiv
Ganga Ram, Shri
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Ghosal, Shri Debi
Ghosh, Shri Bimal Kanti
Ghosh, Shri Tarun Kanti
Gill, Shri M. S.
Gomango, Shri Giridhar
Gopeshwar, Shri
Gowda, Shri H. N. Nanje
Guha, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Halder, Prof. M.R.
Harpal Singh, Shri
Hembrom, Shri Seth
Jadeja, Shri D. P.
Jaffar Sharief, Shri C. K.
Jagannath Prasad, Shri

Jagathrakshakan, Dr. S.
 Jaideep Singh Shri
 Jain, Shri Dal Chander
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Janarthanan, Shri Kadambur
 Jangde, Shri Khelan Ram
 Jayamohan, Shri A.
 Jeevarathinam, Shri R.
 Jena, Shri Chintamani
 Jhikram, Shri M.L.
 Jitendra Prasada, Shri
 Jitendra Singh, Shri
 Jujhar Singh, Shri
 Kamal Nath, Shri
 Kamat, Shri Gurudas
 Kamla Kumari, Kumari
 Kamson; Prof. Meijinlung
 Kaul, Shrimati Sheila
 Kaushal, Shri Jagan Nath
 Ken, Shri Lala Ram
 Keyur Bhushan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Aslam Sher
 Khan, Shri Khurshid Alam
 Khan, Shri Mohd. Ayub
 Khan, Shri Rabim
 Khan, Shri Zulfiquar Ali
 Khattri, Shri Nirmal
 Khirhar, Shri R.S.
 Kinder Lal, Shri
 Kisku, Shri Prithvi Chand
 Kolandaivelu, Shri P.
 Konyak, Shri Chinwang
 Krishna Kumar, Shri S.
 Krishna Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kumuramangalam, Shri P.R.
 Kunwar Ram, Shri
 Kuppuswamy, Shri C.K.
 Kurien, Prof. P.J.
 Lachbhi Ram, Shri
 Law, Shri Asutosh

Lowang, Shri Wangpha
 Madhuree Singh, Shrimati
 Mahabir Prasad, Shri
 Mahendra Singh, Shri
 Makwana, Shri Narsinh
 Malik, Shri Dharampal Singh
 Mallick Shri Lakshman
 Malviya, Shri Bapulal
 Mane, Shri Murlidhar
 Manvendra Singh, Shri
 Mavani, Shrimati Patel Ramaben Ramji-
 bhai
 Meira Kumar, Shrimati
 Mishra, Shri G.S.
 Mishra, Dr. Prabhat Kumar
 Mishra, Shri Ram Nagina
 Mishra, Shri Shripati
 Mishra, Shri Umakant
 Misra, Shri Nityananda
 Modi, Shri Vishnu
 Mohanty, Shri Brijamohan
 More, Prof. Ramkrishna
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murmu, Shri Sidha Lal
 Murthy, Shri M. V. Chandrashekara
 Murugaiah, Shri A. R.
 Mushran, Shri Ajay
 Muttemwar, Shri Vilas
 Naik, Shri Shantaram
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Narayanan, Shri K. R.
 Natarajan, Shri K. R.
 Natwar Singh, Shri K.
 Nawal Prabhakar, Shrimati Sunderwati
 Neekhra, Shri Rameshwar
 Negi, Shri Chandra Mohan Singh
 Nehru, Shri Arun Kumar
 Netam Shri Arvind
 Odeyar, Shri Channaiah
 Oraon, Shrimati Sumati
 Owaisi, Shri Sultan Salahuddin
 Pakeer Mohamed, Shri E. S. M.

Pande, Shri Raj Mangal
Pandey, Shri Damodar
Pandey, Shri Manoj
Panigrahi, Shri Chintamani
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan
Parashar, Prof. Narain Chand
Pardhi, Shri Keshao Rao
Patel, Shri Ahmed M.
Patel, Shri C. D.
Patel, Shri G. I
Patel, Shri Mohanbhai
Patel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri Balasaheb Vikhe
Patil, Shri H. B.
Patil, Shri Prakash V.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patil, Shri Veerendra
Patil, Shri Yashwantrao Gadakh
Patnaik, Shrimati Jayanti
Pattnaik, Shri Jagannath
Pawar, Shri Balasaheb
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Pradhan, Shri K. N.
Pradhani, Shri K.
Puran, Chandra, Shri
Purohit, Shri Banwari Lal
Purshothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Raj Kumar
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.

Rajhans, Dr. G. S.
Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Ramamurthy, Shri K.
Ramoowalia, Shri Balwant Singh
Rampal Singh, Shri
Ramulu, Shri H. G.
Rana Vir Singh, Shri
Ranga, Prof. N. G.
Rao, Shri J. Vengala
Rao, Shri K. S.
Rao, Shri P.V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathawa, Shri Amarsinh
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat, Shri Kamla Prasad
Rawat, Shri Prabhu Lal
Sahi, Shrimati Krishna
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Salahuddin, Shri
Sangma, Shri P. A.
Sankhwar, Shri Ashkaran
Sankata Prasad, Dr.
Santosh Kumar Singh, Shri
Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shah, Shri Anoopchand
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.

Shanmugam, Shri A. C.
Shanmugam, Shri P.
Shanti Devi, Shrimati
Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Nawal Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri
Siddiq, Shri Hafiz Mohd.
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri D. G.
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap
Singh, Shri S. D.
Singh Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Kishori
Sinha, Shrimati Ram Dulari
Sinha, Shri Satyendra Narayan
Sodi, Shri Mankuram
Salanki, Shri Kalyan Singh
Solanki, Shri Natavarsinh
Soundararajan, Shri N.
Soz, Prof. Saifuddin
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukh Ram, Shri
Sukhadia, Shrimati Indubala
Sukhbuns Kaur, Shrimati
Sultanpuri, Shri K. D.
Suman, Shri R. P.
Sundararaj, Shri N.
Sunder Lal, Shri
Sunder Singh, Ch.

Sunil Dutt, Shri
Surendra Pal Singh, Shri
Suryawanshi, Shri Narsing
Swami Prasad Singh, Shri
Swell, Shri G. G.
Tapeswar Singh, Shri
Tariq Anwar, Shri
Tewary, Prof. K. K.
Thakkar, Shrimati Usha
Thakur, Shri C. P.
Thambi Durai, Shri M.
Thangaraju, Shri S.
Thara Devi, Kumari D. K.
Thomas, Prof. K. V.
Thorat, Shri Bhausahab
Thungon, Shri P. K.
Tigga, Shri Simon
Tilakdhari Singh, Shri
Tomar, Shrimati Usha Rani
Tripathi, Shrimati Chandra
Tripathi, Dr. Chandra Shekhar
Tyagi, Shri Dharamvir Singh
Tytler, Shri Jagdish
Vairale, Shri Madhusudan
Van, Shri Deep Narain
Vanakar, Shri Punam Chand Mitbahai
Venkatesan, Shri P. R. S.
Verma, Shrimati Usha
Vijayaraghavan, Shri V. S.
Vir Sen, Shri
Vyas, Shri Girdhari Lal
Wasnik, Shri Mukul
Yadav, Shri Kailash
Yadav, Shri Ram Singh
Yadav, Shri Shyam Lal
Yadav, Shri Subhash
Yadava, Shri Bal Ram Singh
Yadava, Shri D. P.
Yashpal Singh, Shri
Yazdani, Dr. Golam
Yogesh, Shri Yogeshwar Prasad
Zainul Basher, Shri

MR. SPEAKER : Subject to correction
the result* of the division is :

Ayes—56, Noes—371.

The motion was negatived

MR. SPEAKER : Lobbies are already
cleared. Now I am putting amendment No.
55 of Shri Saifuddin Chowdhary to the vote
of the House.

The question is :

“Page 2, lines 9 and 10,—

For “Notwithstanding anything con-
tained in any other law for the
time being in force.”

substitute—

“Subject to the provisions contained
in section 125 of the Code of
Criminal Procedure, 1973,”(55)

The Lok Sabha Divided :

1.24 hrs.

Division No. 5

AYES

Acharia, Shri Basudeb
Basu, Shri Anil
Bhattam, Shri S.M.
Bhoopathy, Shri G.

*The following Members also recorded
their votes :

AYES : Shri R. P. Das, Shri D. Narayana
Swamy, Syed Shahabuddin, Shri
Abdul Rashid Kabuli and Shri
Katuri Narayana Swamy;

NOES : Shri H.K.L. Bhagat, Shri Ajitsinh
Dabhi, Shri J. Chokka Rao, Shri
Kammodilal Jatav, Shri Ram Niwas
Mirdha, Shri Arjun Singh, Shri
Amitabh Bachchan, Shri Uttam
Rathod, Shri Harcobhai Mehta,
Shri Akhtar Hasan, Shri R. Prabhu,
Shri Madan Pandey, Shri Prakash
Chandra, Dr. C. S. Verma, Shri T.
Anjiah, Shri Murli Deora, Shri K.
Mohandas and Shri K. H. Ranga-
nath.

Biswas, Shri Ajoy
Chatterjee, Shri Somnath
Chinta Mohan, Dr.
Choubey, Shri Narayan
Chowdhary, Shri Saifuddin
Dandavate, Prof. Madhu
Das, Shri R.P.
Datta, Shri Amal
Deo, Shri V. Kishore Chandra S.
Ghosh Goswami, Shrimati Bibha
Goswami, Shri Dinesh
Gupta, Shri Indrajit
Hansda, Shri Matilal
Iyer, Shri V. S. Krishna
Kabuli, Shri Abdul Rashid
Kurup, Shri Suresh
Mahata, Shri Chitta
Malik, Shri Purna Chandra
Mandal, Shri Sanat Kumar
Masudal Hossain, Shri Syed
Misra, Shri Satyagopal
Mukherjee, Shrimati Geeta
Pathak, Shri Ananda
Patil, Shri D. B.
Penchalliah, Shri P.
Raju, Shri Ananda Gajapathi
Raju, Shri Vijaya Kumar
Ramoowalia, Shri Balwant Singh
Rao, Shri A. J. V. B. Maheswara
Rao, Shri V. Sobhanadreeswara
Reddi, Shri C. Madhav
Reddy, Shri Bezawada Papi
Reddy, Shri B. N.
Reddy, Shri K. Ramachandra
Reddy, Shri M. Raghuma
Roy, Dr. Sudhir
Roypradhan, Shri Amar
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sanyal, Shri Manik
Swamy, Shri Katuri Narayana
Tanti, Shri Bhadreswar
Thomas, Shri Thampan
Tiraky, Shri Piyus

Tulsiram, Shri V.
Unnikrishnan, Shri K. P.
Yadav, Shri Vijoy Kumar
Zainal Abedin, Shri

NOES

Abbasi, Shri K. J.
Abdul Ghafoor, Shri
Adaikalaraj, Shri L.
Adiyodi, Dr. K. G.
Agarwal, Shri Jai Prakash
Ahmad, Shri Sarfaraz
Ahmed, Shrimati Abida
Alkha Ram, Shri
Anand Singh, Shri
Anjiah, Shri T.
Annanambi, Shri R.
Ansari, Shri Abdul Hannan
Ansari, Shri Z. R.
Antony, Shri P. A.
Arjun Singh, Shri
Arunachalam, Shri M.
Athithan, Shri R. Dhanuskodi
Awasthi, Shri Jagdish
Azad, Shri Ghulam Nabi
Bachchan, Shri Amitabh
Bairagi, Shri Balkavi
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bajpai, Dr. Rajendra Kumari
Bala Goud, Shri T.
Banatwalla, Shri G. M.
Banerjee, Kumari Mamata
Bansi Lal, Shri
Basavaraj, Shri G. S.
Basavarajeswari. Shrimati
Basheer, Shri T.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bharat Singh, Shri
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.

Bhoi, Dr. Krupasindhu
Bhosale, Shri Prataprao B.
Bhoye, Shri R. M.
Bhoye, Shri S. S.
Bhumij, Shri Haren
Bhuria, Shri Dileep Singh
Birbal, Shri
Birendra Singh, Rao
Birinder Singh, Shri
Brahma Dutt, Shri
Budania, Shri Narendra
Bundela, Shri Sujan Singh
Buta Singh, S.
Chandra Sekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrasekhar, Shrimati M.
Chandrashekharappa, Shri T. V.
Chandresh Kumari, Shrimati
Charles, Shri A.
Chaturvedi, Shri Naresh Chandra
Chaturvedi, Shrimati Vidyavati
Chaudhary, Shri Manphool Singh
Chaudhry, Shri Kamal
Chavan, Shrimati Premalabai
Chidambaram, Shri P.
Choudhari, Shrimati Usha
Choudhary, Shri Jagannath
Choudhary, Shri Nandlal
Dabhi, Shri Ajitsinh
Daga, Shri Mool Chand
Dalbir Singh, Shri
Dalbir Singh, Ch.
Damor, Shri Somjibhai
Das, Shri Anadi Charan
Das, Shri Bipin Pal
Das Munsii, Shri Priya Ranjan
Dennis, Shri N.
Deora, Shri Murli
Dev, Shri Sontosh Mohan
Devarajan, Shri B.
Devi, Prof. Chandra Bhanu
Dhariwal, Shri Shanti
Dhillon, Dr. G. S.
Digal, Shri Radhakanta

Dighe, Shri Sbarad
Digvijay Sinh, Shri
Digvijaya Singh, Shri
Dikshit, Shrimati Sheila
Dinesh Singh, Shri
Dogra, Shri G. L.
Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Faleiro, Shri Eduardo
Gadgil, Shri V. N.
Gadhvi, Shri B. K.
Gaekwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Gandhi, Shri Rajiv
Ganga Ram, Shri
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Ghosal, Shri Debi
Ghosh, Shri Tarun Kanti
Gill, Shri M. S.
Gomango, Shri Giridhar
Gopeshwar, Shri
Gowda, Shri H. N. Nanje
Guba, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Halder, Prof. M. R.
Harpal Singh, Shri
Hembrom, Shri Seth
Jadeja, Shri D. P.
Jaffar Sharief, Shri C. K.
Jagathrakshakan, Dr. S.
Jaideep Singh, Shri
Jain, Shri Nihal Singh
Jain, Shri Virdhi Chander
Janarthanan, Shri Kadambur
Jangde, Shri Khelan Ram
Jayamohan, Shri A.
Jeevarathinam, Shri R.
Jena, Shri Chintamani
Jhikram, Shri M. L.
Jitendra Prasada, Shri

Jitendra Singh, Shri
Jujbar Singh, Shri
Kamal Nath, Shri
Kamat, Shri Gurudas
Kamla Kumari, Kumari
Kamson, Prof. Meijinlung
Kaul, Shrimati Sheila
Kaushal, Shri Jagan Nath
Ken, Shri Lala Ram
Keyur Bhushan, Shri
Khan, Shri Arif Mohammad
Khan, Shri Aslam Sher
Khan, Shri Khurshid Alam
Khan, Shri Mohd. Ayub
*Khan, Shri Mohd. Mahfooz Ali
Khan, Shri Rahim
Khan, Shri Zulfiquar Ali
Khatttri, Shri Nirmal
Khirhar, Shri R. S.
Kinder Lal, Shri
Kisku, Shri Prithvi Chand
Kolandaivelu, Shri P.
Konyak, Shri Chingwang
Krishna Kumar, Shri S.
Krishna Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kumaramangalam, Shri P. R.
Kunwar Ram, Shri
Kuppuswamy, Shri C. K.
Kurien, Prof. P. J.
Lachchhi Ram, Shri
Law, Shri Asutosh
Lowang, Shri Wangpha
Madhuree Singh, Shrimati
Mahabir Prasad, Shri
Mahendra Singh, Shri
Makwana, Shri Narsinh
Malik, Shri Dharampal Singh
Mallick, Shri Lakshman
Malviya, Shri Bapulal
Mane, Shri Murlidhar

*Wrongly Voted for NOES

Manvendra Singh, Shri
Mavani, Shrimati Patel Ramaben
Ramjibhai
Mehta, Shri Haroobhai
Mirdha, Shri Ram Niwas
Mishra, Shri G. S.
Mishra, Dr. Prabhat Kumar
Mishra, Shri Ram Nagina
Mishra, Shri Shripati
Mishra, Shri Umakant
Mishra, Shri Nityananda
Modi, Shri Vishnu
More, Prof. Ramkrishna
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murmu, Shri Sidha Lal
Murthy, Shri M. V. Chandrashekara
Murugaiah, Shri A. R.
Mushran, Shri Ajay
Muttemwar, Shri Vilas
Naik, Shri Shantaram
Naikar, Shri D. K.
Namgyal, Shri P.
Narayanan, Shri K. R.
Natarajan, Shri K. R.
Natwar Singh, Shri K.
Neekhra, Shri Rameshwar
Negi, Shri Chandra Mohan Singh
Nehru, Shri Arun Kumar
Netam, Shri Arvind
Odeyar, Shri Channaiah
Oraon, Shrimati Sumati
Owaisi, Shri Sultan Salahuddin
Pakeer Mohamed, Shri E. S. M.
Pande, Shri Raj Mangal
Pandey, Shri Damodar
Pandey, Shri Madan
Pandey, Shri Manoj
Panigrahi, Shri Chintamani
Panigrahi, Shri Sriballav
Panika, Shri Ram Pyare
Panja, Shri A. K.
Pant, Shri K. C.
Panwar, Shri Satyanarayan

Parashar. Prof. Narain Chand
Pardhi, Shri Keshao Rao
Patel, Shri Ahmed M.
Patel, Shri C. D.
Patel, Shri Ram Pujan
Patel, Shri U. H.
Pathak, Shri Chandra Kishore
Patil, Shri Balasaheb Vikhe
Patil, Shri H. B.
Patil, Shri Prakash V.
Patil, Shri Shivraj V.
Patil, Shri Uttamrao
Patil, Shri Veerendra
Patil, Shri Yashwantrao Gadakh
Patnaik, Shrimati Jyanti
Pattnaik, Shri Jagannath
Pawar, Shri Balasaheb
Peruman, Dr. P. Vallal
Pilot, Shri Rajesh
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Prabhu, Shri R.
Pradhan, Shri K. N.
Pradhani, Shri K.
Prakash Chandra, Shri
Puran Chandra, Shri
Purohit, Shri Banwari Lal
Purushothaman, Shri Vakkom
Pushpa Devi, Kumari
Qureshi, Shri Aziz
Raghuraj Singh, Chaudhary
Rai, Shri I. Rama
Rai, Shri Raj Kumar
Raj Karan Singh, Shri
Rajeshwaran, Dr. V.
Rajhans, Dr. G. S.
Ram, Shri Ramswaroop
Ram Awadh Prasad, Shri
Ram Dhan, Shri
Ram Prakash, Ch.
Ram Samujhawan, Shri
Ramachandran, Shri Mullappally
Ramamurthy, Shri K.

Rampal Singh, Shri
Ramulu, Shri H. G.
Rana Vir Singh, Shri
Ranga, Prof. N. G.
Ranganath, Shri K. H.
Rao, Shri J. Chokka
Rao, Shri J. Vengala
Rao, Shri K. S.
Rao, Shri P. V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathawa, Shri Amarsinh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat Shri Kamla Prasad
Rawat, Shri Prabhu Lal
Sahi, Shrimati Krishna
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Salahuddin, Shri
Sangma, Shri P. A.
Sankhwar, Shri Ashkaran
Sankata Prasad, Dr.
Santosh Kumar Singh, Shri
Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shah, Shri Anoopchand
Shahabuddin, Syed
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.
Shanmugam, Shri A. C.
Shanmugam, Shri P.
Shanti Devi, Shrimati

Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Nawal Kishore
Sharma, Shri Pratap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I.
Shingda, Shri D. B.
Shivendra Babadur Singh, Shri
Siddiq, Shri Hafiz Mohd.
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri D. G.
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap
Singh, Shri S. D.
Singh Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Kishori
Sinha, Shrimati Ram Dulari
Sinha, Shri Satyendra Narayan
Sodi, Shri Mankuram
Solanki, Shri Natavarsinh
Soundararajan, Shri N.
Soz, Prof. Saifuddin
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukh Ram, Shri
Sukhadia, Shrimati Indubala
Sukhbuns Kaur, Shrimati
Sultanpuri, Shri K. D.
Suman, Shri R. P.
Sundararaj, Shri N.
Sunder Lal, Shri
Sunder Singh, Ch.
Sunil Dutt, Shri
Surendra Pal Singh, Shri
Suryawanshi, Shri Narsing
Swami Prasad Singh, Shri

Sweel, Shri G. G.
 Tapeshwar Singh, Shri
 Tariq Anwar, Shri
 Thakkar, Shrimati Usha
 Thakur, Shri C. P.
 Thambi Durai, Shri M.
 Thangaraju, Shri S.
 Thara Devi, Kumari D. K.
 Thomas, Prof. K. V.
 Thorat, Shri Ehausahab
 Thungon, Shri P. K.
 Tigga, Shri Simon
 Tilakdhari Singh, Shri
 Tomar, Shrimati Usha Rani
 Tripathi, Shrimati Chandra
 Tripathi, Dr. Chandra Shekhar
 Tyagi, Shri Dharamvir Singh
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Van, Shri Deep Narain
 Vanakar, Shri Punam Chand Mithabhai
 Venkatesan, Shri P. R. S.
 Verma, Dr. C. S.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vir Sen, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Mukul
 Yadav, Shri Kailash
 Yadav, Shri Ram Singh
 Yadav, Shri Shyam Lal
 Yadav, Shri Subhash
 Yadava, Shri D. P.
 Yashpal Singh, Shri
 Yazdani Dr. Golam
 Yogesh, Shri Yogeshwar Prasad
 Zainul Basher, Shri

MR. SPEAKER : Subject to correction the result* of the Division is : Ayes...52
 Noes...374.

The amendment is negatived.

The motion was negatived

MR. SPEAKER : I shall now put amendment No. 37 moved by Shri Hannan Mollah to the note of the House.

Amendment No. 37 was put and negatived

MR. SPEAKER : I will now put all the amendments moved by Shri D. B. Patil to the vote of the House.

Amendment Nos. 63, 64 and 66 to 70 was put and negatived

MR. SPEAKER : I shall now put Amendment No. 106 moved by Syed Shahabuddin to the vote of the House.

Amendment No. 106 was put and negatived

MR. SPEAKER : I shall now put Amendment No. 110 moved by Syed Shahabuddin to the vote of the House.

* The following Members also recorded their votes :

AYES : Shri K. Mohandas, Shri Datta Samant, Shri Hannan Mollah, Shri D. Narayana Somy, Shri Srihari Rao, Shri Abdul Rashid Kabuli, Shri C. Janga Reddy, Shri Parag Chaliha, Shri A. K. Patel and Shri Mohd. Mahfooz Ali Khan;

NOES : Shri L. Balaraman, Shri Anoopchand Shah, Shri Jagannath Prasad, Shri Kammodilal Jatav, Shri Balaram Singh Yadav, Shri Kalya Singh Solanki, Shri Bimal Kanti Ghosh, Shri G. I. Patel, Shri Braja Mohan Mohanty, Prof. K. K. Tewary, Shrimati Sunderwati Nawal Prabhakar, Shri Akhter Hasan, Shri M. L. Jhikram, and Shri Dal Chander Jain.

Amendment No. 110 was put and negatived

MR. SPEAKER : I shall now put Amendment No. 175 moved by Shri Vijoy Kumar Yadav, to the vote of the House.

Amendment No. 175 was put and negatived

MR. SPEAKER : I shall now put Amendment No. 187 moved by Shri Hannan Mollah, to the vote of the House.

Amendment No. 187 was put and negatived

MR. SPEAKER : Now, I shall put all the other Amendments moved to Clause 3 together to the vote of the House.

Amendment Nos. 4, 16 to 24, 26 to 28, 30 to 33, 39 to 41, 52, 56, 59, 78 81, 97, 98, 107. to 109. 111, 113, 114, 116 to 118, 120 to 123, 135, 140, to 147, 171, 176, 177 178, 180 and 181 were put and negatived.

MR. SPEAKER : The question is :

“That Clause 3, as amended, stand part of the Bill.”

The motion was adopted

Clause 3, as amended, was added to the Bill.

Clause 4—(Order for payment of maintenance)

SHRI SAIFUDDIN CHOWDHARY : Sir, I beg to move :

Page 3,—

after line 42, insert—

“(3) Where the State Waqf Board is unable to maintain the divorced women, the Magistrate shall order the Central Government to pay such maintenance to the divorced woman.”

(7)

SHRI G. M. BANATWALLA : Sir, I beg to move :

Page 3, line 30,—

after “(2)” insert—“Notwithstanding anything contained in the Wakf Act, 1954, or in any other law relating to the administration of wakfs.” (34)

SHRI HANNAN MOLLAH : Sir, I beg to move :

Page 3, (i) lines 15 and 16,—

for “such of her relatives as would be entitled to inherit her property on her death according to Muslim law”.

substitute—

“the Central Government”

(ii) Lines 19 to 21,—

omit “and the means of such relatives and such maintenance shall be payable by such relatives in proportions in which they would inherit her property and”

(iii) *omit* lines 23 to 29. (42)

Page 3,—

for lines 30 to 42, *substitute—*

“(2) where a divorced woman is unable to maintain herself and she has no relatives or no one of them has enough means to support her, the Magistrate shall order the Central Government to pay such maintenance as determined at such periods as he may specify in his order.” (43)

SHRI ZAINAL ABEDIN : Sir, I beg to move :

Page 3,—

after line 42, *insert—*

“(3) If the Waqf Board is not in a position to maintain the divorced women the Magistrate shall order the Central Government to pay such maintenance to the divorced woman.” (44)

SHRI G. M. BANATWALLA : Sir, I beg to move :

Page 3, line 12,—

for “or in any other law for the time being in force”

substitute —“or in section 125 of the Code of Criminal Procedure, 1973” (53)

SHRI AMAR ROYPRADHAN : Sir, I beg to move :

Page 3,—

after line 42, insert—

“(3) If the State Waqf Board is unable to maintain the divorced woman then the Magistrate shall order the Central Government to make such necessary payments of maintenance to the divorced woman.” (60)

SHRI D. B. PATIL : Sir, I beg to move :
Page 3,—

after line 42, insert—

“Explanation—Amount payable for such maintenance shall be the first charge on the income of the State Waqf Board.” (71)

Page 3,—

after line 42, insert —

“(3) In no case public money shall be used to meet any eventuality arising out of the foregoing provisions.” (72)

SHRI SURESH KURUP : Sir, I beg to move :

Page 3,—

after line 42, insert—

“(3) No payment by the State Waqf Board as mentioned in sub-section 2 of this section shall be reimbursed directly or indirectly by grant, subsidy or otherwise from the funds of the State or Central Government or from the funds of any State or Central authority.” (101)

SHRI INDRAJIT GUPTA : Sir, I beg to move :

Page 3,—

after line 42, insert—

“(3) Notwithstanding anything contained in the foregoing provisions of this Act, a divorced Muslim woman shall have the option open to take recourse to section 125 of the Criminal Procedure Code.” (102)

SYED SHAHABUDDIN : Sir, I beg to move :

Page 3,—

for lines 11 to 29, substitute—

“4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, where a Magistrate is satisfied that a divorced woman has not re-married and is not able to maintain herself after the iddat period, he shall direct her blood relatives in the following order to maintain her—

- (a) her children, if any;
- (b) in case the children are not able to maintain her, her parents;
- (c) in case the parents are not living or are not able to maintain her, her brothers and sisters; and
- (d) if none of them is able to maintain her, her nearest living blood relative, who, in the opinion of the Magistrate, is able to maintain her.” (125)

Page 3, lines 32 and 33,—

for "pay the maintenance ordered by
the Magistrate"

substitute "maintain her" (126)

Page 3, lines 33 to 36,—

omit "or the other relatives have not
the means to pay the shares of
those relatives whose shares have
been ordered by the Magistrate to
be paid by such other relatives
under the proviso to sub-section
(1)" (127)

Page 3, line 38,—

for "area" substitute "State" (128)

Page 3, line 39,—

after "maintenance" insert—

"out of its own funds including special
donations, if any, for the purpose"
(129)

SHRI HANNAN MOLLAH : Sir, I beg
to move :

Page 3,—

after line 42, insert —

"(3) Notwithstanding any provision
of this Act, a divorced Muslim woman
shall have the right to opt for taking
recourse to section 125 of the
Criminal Procedure Code." (136)

SHRI VIJOY KUMAR YADAV : Sir, I
beg to move :

Page 3,—

for clause 4, substitute—

4. "Notwithstanding anything contained
in the foregoing provisions of this
Act or in any other law for the
time being in force the divorced
woman shall get reasonable and
fair maintenance from the Central
Government, having regard to her
needs, the standard of life enjoyed
by her during her marriage, if the

Magistrate is satisfied that she has
not re-married and is not able to
maintain herself after the iddat
period and he shall make an order
to this effect." (182)

Page 3,—

after line 42, insert—

"(3) If the Waqf Board mentioned in
sub-section 2 is not financially
in a position to pay such com-
pensation as ordered under sub-
section 1, the Central Govern-
ment shall bear the financial
burden arising out of the Magis-
trate's order under sub-section 1
of this section." (183)

SHRI DINESH GOSWAMI : Sir, I beg
to move :

Page 3,—

after line 42, insert—

"Provided that notwithstanding any-
thing contained in the foregoing
provisions or any other law for
the time being in force, a woman
divorced by the husband without
her consent, and without any
reason of her own, who has not
remarried and is not able to
maintain herself after iddat period,
if so chooses, may make an
application for maintenance under
the provisions of the Code of
Criminal Procedure and in all
such applications the provisions
of Code of Criminal Procedure
shall apply." (189)

SHRI G. M. BANATWALLA : Sir, I
beg to move :

Page 3,—

for lines 11 to 29, substitute—

"4. (1) Notwithstanding anything con-
tained in section 125 of the Code
of Criminal Procedure, 1973,
where a Magistrate is satisfied
that—

- (a) a divorced women has not remarried and is not able to maintain herself after the *iddat* period; and
- (b) such of her relatives having sufficient means, on whom the obligation to maintain her rests according to Muslim Law, have failed or neglected to maintain her,

he may make an order directing such relative or relatives as are mentioned in (b) above, to pay such reasonable and fair maintenance to her as he may determine fit and proper, having regard to the needs of the divorced woman, the standard of life enjoyed by her during her marriage and the means of such relatives." (190)

SHRI EBRAHIM SULAIMAN SAIT :
Sir I beg to move :

Page 3,—

for lines 11 to 29, substitute—

"4(1) Notwithstanding anything contained in section 125 of the Code of Criminal Procedure, 1973 where a Magistrate is satisfied that a divorced women has not re-married and is not able to maintain herself after the *iddat* period, he may make an order directing such of her relatives on whom the obligation to maintain her rests according to Muslim Law, to pay such reasonable and fair maintenance to her as he may determine fit and proper, having regard to the needs of the divorced woman the standard of life enjoyed by her during her marriage and the means of such relative or relatives." (194)

SHRI A. K. SEN : Sir, I beg to move :

Page 3,—

after line 22, insert—

"Provided that where such divorced woman has children, the Magistrate shall order only such children to pay maintenance to her, and in the event of any such children being unable to pay such maintenance, the Magistrate shall order the parents of such divorced woman to pay maintenance to her:" (216)

Page 3,—

for line 23, substitute—

"Provided further that if any of the parents is unable to pay his or her share" (217)

SHRI SAIFUDDIN CHOWDHARY : In this Amendment I wanted to see how much sympathy the Central Government is having for the divorced women. I have moved that if the Waqf Board fails to give maintenance to a divorcee, then the Magistrate will order the Central Government to pay maintenance to such women and let them they accept it.

SHRI G. M. BANATWALLA : Sir, I am thankful to the Hon. Minister for having come forward with an official amendment which, to a large extent, meet the purpose of my amendment. But then I would insist that the law of maintenance in the Shariat is a very comprehensive law which cannot be compressed in a few sentence and therefore it is better that the entire law of maintenance as contained in the Shariat should be made enforceable through the summary method that is envisaged here.

I would therefore request that this Bill should not be considered as a step towards codification of a Muslim Law. On the contrary, it should be taken as the enforcement of *Shariat* Law which is already there but to be enforced in a summary manner as provided here. However, to a large extent, the matter is being met by the official amendment, but still I would insist that the wordings in my amendment are far better and more comprehensive in nature.

SHRI HANNAN MOLLAH : In case the divorced women do not get their mainte-

[Shri Hannan Mollah]

nance, they fail to maintain themselves and the relatives have no capacity to maintain them, then the Magistrate would give order to the Central Government to pay the maintenance. That is the intention of my first amendment.

In the case of maintenance, the Government talks of the joint option, but if the joint option is not against Shariat, why will the option to the women be against Shariat? Therefore, the option to the woman should also be there.

Lastly, kindly see my amendment No. 138. What does it convey? I would tell you what happens. Many people come from Arab and other countries. They purchase women marry them and give talaq and go back. Such women find place in red areas. That is why, I have moved my amendment that this Act shall not apply to a talaq pronounced by a man who is not a citizen of India.

SHRI ZAINAL ABEDIN : According to the Bill, if the relatives of the divorcee are not in a position to take the responsibility of her maintenance, then the Waqf Board will take the responsibility. But if the Waqf Board is also not in a position to maintain, then what will happen? Many Hon. Members have spoken that the financial condition of the Waqf Boards is not good, and they have sought financial assistance from the Central Government. My amendment is that when the Waqf Board is not able to give maintenance, then the Central Government must come forward to pay maintenance to the divorcee.

SHRI AMAR ROYPRADHAN : If the Waqf Board fails to maintain the divorced women, then they will be at the mercy of the masses. My amendment is that the Central Government should come forward and give relief in any manner they deem fit. They may even include them under RLEGP, NREP or in any way they like.

SHRI D. B. PATIL : During the debate, doubts were raised by many Hon. Members

whether there will be sufficient funds with the Waqf Boards. If there are no sufficient funds available with the Waqf Board, the provision would not be workable and it would not be implemented. If there are no funds with the Waqf Board, the divorced woman will not be getting any help from the Waqf Board. Therefore, I have moved an amendment by way of explanation that the amount payable for such maintenance should be the first charge on the income of the Waqf Board so that the intention of giving help to the divorced woman will be implemented.

SHRI SURESH KURUP (Kottayam) : Sub-clause 2 of Clause 4 will compel the Government to give generous grants to Waqf Boards for maintaining these divorced women. Waqf Boards are religious and charitable trusts instituted by pious Muslims for specified acts for their spiritual benefits. The funds of the Waqf Board can be utilized only for this specific purpose. Everybody knows that the funds of Waqf Boards are so meagre that they cannot afford to pay for the maintenance of divorced women. So, this amendment is to make it clear that at no time will Government give any grant to the Waqf Boards for this purpose. It is wrong to use the public money intended for public purpose, for the furtherance of any religious beliefs. It is against Article 27 of the Constitution. That is why I have moved this amendment.

SHRI INDRAJIT GUPTA : My amendment is seeking again to insert in Clause 4 :

“Notwithstanding anything contained in the foregoing provisions of this Act, a divorced Muslim woman shall have the option open to take recourse to section 125 of the Criminal Procedure Code.”

This is already there in the letter written to the Prime Minister by the former Justice Mr. Krishna Iyer. He has shown us that he considers it to be absolutely unacceptable that the pre-condition should be that the husband must also agree. Otherwise, the wife cannot take recourse to Section 125. This has to be a joint reference, according to the amendment which has been moved by the Law Minister. So, I am putting the contrary

amendment here, viz. that it should be open to the wife, if she so chooses; and she will have the option to take recourse under Section 125.

[*Translation*]

SYED SHAHABUDDIN (Kisbenganj) : Mr. Speaker, Sir, I have said only two things. At the outset I said that the concept of community maintenance should not be there and even the Law Minister has moved an amendment to this effect and it meets our requirement. One should be asked to maintain only one kin at a time. The second point which I wanted to make is that the Waqf Board should meet these expenses out of its own funds and can include the special donations given by community for this purpose. I want to clarify that Muslim community as such does not want to throw any responsibility on the State. Therefore, I feel that if the State proposes to do it, why should it be done in favour of Muslim divorcees alone? The community will have to make special efforts for it. The Waqf Board will have to be granted special donations for this purpose, because as you are aware that the Waqf Board has only three sources of income.

SHRI VIJOY KUMAR YADAV : I move my amendment.

[*English*]

SHRI DINESH GOSWAMI (Guwahati) : My amendment is in line with Mr. Indrajit Gupta's amendment, with a slight modification; and it is an improvement on the amendment given by Mr. Asoke Sen.

I am rather surprised to find that Mr. Sen in his speech has said that the Bill has been brought after 8 months of deliberate and careful planning. After 8 months of deliberate and careful planning if you have brought this Bill, and during the discussions you have to give three amendments, by instalments, one can understand the careful planning and the deliberation that you have put in, for the purpose of this Bill. Therefore, what I say is that if the Government thinks that the husband and the wife either jointly or separately will make an application

under common consent under Section 125, the Government is living in a fool's paradise, because in such a case, the parties should not have gone in for maintenance under Section 125.

The Government and the spokesmen of the ruling party have said that 99 per cent of the Muslims are in favour of this Bill. Therefore, what I have submitted is this : Forget about this 99 per cent. Out of the rest, 50 per cent males would not cooperate. Out of the remaining 50 per cent, 99.5 per cent will not take recourse to Section 125. Out of the 0.5 per cent the Muslim women, if they so choose to take recourse to Section 125, they have to do it under two conditions. (1) Without her consent if the divorce is there; (2) Without any reason being on her part. Kindly permit those Muslim women to take recourse to 125.

SHRI A. K. SEN : This amendment will defeat the very objective of the Bill because the husband will be thrown into the obligation to pay maintenance....(*Interruptions*)

MR. SPEAKER : The question is :

Page 3,—

after line 22, insert—

“Provided that where such divorced woman has children, the Magistrate shall order only such children to pay maintenance to her, and in the event of any such children being unable to pay such maintenance, the Magistrate shall order the parents of such divorced woman to pay maintenance to her.” (216)

Page 3,—

for line 23, substitute—

“Provided further that if any of the parents is unable to pay his or her share.” (217)

The motion was adopted.

MR. SPEAKER : I put the amendment moved by Shri Saifuddin to the vote of the House.

Amendment No. 7 was put and negatived

MR. SPEAKER : I put the amendment moved by Shri G.M. Banatwalla to the vote of the House.

Amendment No. 34 was put and negatived.

MR. SPEAKER : I put amendment Nos. 42 and 43 moved by Shri Hannan Mollah to the vote of the House.

Amendments Nos. 42 and 43 were put and negatived.

MR. SPEAKER : I put the amendment moved by Shri Zainal Abedin to the vote of the House.

Amendment No. 49 was put and negatived.

MR. SPEAKER : I put amendment No. 53 moved by Shri G.M. Banatwalla to the vote of the House.

Amendment No. 53 was put and negatived.

MR. SPEAKER : I put amendment No. 60 moved by Shri Amar Roypradhan to the vote of the House.

Amendment No. 60 was put and negatived.

MR. SPEAKER : I put amendment Nos. 71 and 72 moved by Shri D.B. Patil to the vote of the House.

Amendments No. 71 and 72 were put and negatived.

MR. SPEAKER : I put amendment No. 101 moved by Shri Suresh Kurup to the vote of the House.

Amendment No. 101 was put and negatived.

MR. SPEAKER : I put amendment No. 102 moved by Shri Indrajit Gupta to the vote of the House.

Amendment No. 102 was put and negatived.

MR. SPEAKER : Now, I shall put Amendment Nos. 125 to 129 moved by Syed Shahabuddin to the vote of the House.

Amendments Nos. 125 to 129 were put and negatived.

MR. SPEAKER : Now, I shall put Amendment No. 136 moved by Shri Hannan Mollah to the vote of the House.

SHRI HANNAN MOLLAH : Sir, I want to press for division.

MR. SPEAKER : All right. Let the lobbies be cleared—the bell is being rung.

SHRI HANNAN MOLLAH : I do not press for division.

MR. SPEAKER : Now, I put Amendment No. 136 moved by Shri Hannan Mollah to vote.

Amendment No. 136 was put and negatived.

MR. SPEAKER : Now, I shall put Amendment Nos. 182 and 183 moved by Shri Vijay Kumar Yadav to the vote.

Amendment Nos. 182 and 183 were put and negatived

MR. SPEAKER : Now I put amendment No. 189 moved by Shri Dinesh Goswami to the vote of the House.

Amendment No. 189 was put and negatived.

MR. SPEAKER : Now, I shall put amendment No. 190 moved by Shri G.M. Banatwalla to the vote of the House.

Amendment No. 190 was put and negatived.

MR. SPEAKER : Now, I put amendment No. 194 moved by Shri Ebrahim Sulaiman Sait to the vote of the House.

Amendment No. 194 was put and negatived.

MR. SPEAKER : The question is :

"That clause 4, as amended, stand part of the Bill"

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 4A (New)

Amendment made

Page 3,—

after line 42. insert—

‘Option to be governed by the provisions of sections 125 to 128 of Act 2 of 1974. 4A. If, on the date of the first hearing of the application under sub-section (2) of section 3, a divorced woman and her former husband declare by affidavit or any other declaration in writing in such form as may be prescribed either jointly or separately, that they would prefer to be governed by the provisions of sections 125 to 128 of the Code of Criminal Procedure, 1973 and file such affidavit or declaration in the court hearing the application, the Magistrate shall dispose of such application accordingly.

Explanation : For the purposes of this section, “date of the first hearing of the application” means the date fixed in the summons for the attendance of the respondent to the application.’
 (212)

(Shri A.K. Sen)

MR. SPEAKER : The question is :

“That clause 4A (New) stand part of the Bill.”

The motion was adopted.

Clauses 4A (New) was added to the Bill.
 Clause 5 (Power to make rules)

Amendments made

Page 3,—

after line 44, insert—

“(2) In particular and without prejudice to the foregoing power, such rules may provide for —

(a) the form of the affidavit or other declaration in writing to be filed under section 4A;

(b) the procedure to be followed by the Magistrate in disposing of applications under this Act, including the serving of notices to the parties to such applications, dates of hearing of such applications and other matters;

(c) any other matter which is required to be or may be prescribed.”
 (213)

Page 3, line 45,

for “(2)” substitute “(3)” (214)

(Shri A.K. Sen)

MR. SPEAKER : The question is :

“That clause 5, as amended, stand part of the Bill.”

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 (New)

SHRI G.M. BANATWALLA : I beg to move :

Page 3,—

after line 54, insert—

“6. (1) Nothing contained in section 125 of the Code of Criminal Procedure 1973 shall apply to a divorced woman.

(2) Any application, appeal or proceeding on the question of maintenance to a divorced woman under the provisions of the Code of Criminal Procedure 1973 pending immediately before the commencement of this Act, shall be disposed of and decided in accordance with the provisions of this Act.

(3) All orders, decisions or decrees made prior to the commencement of this Act in respect of a divorced woman under the provisions of the Code of Criminal Procedure 1973 shall cease to operate from the date of the commencement of this Act.”(35)

SYED SHAHABUDDIN : I beg to move :

Page 3,—

after line 54, insert—

Repeal and Savings.

“6. (1) Section 125 of the Code of Criminal Procedure, 1973, shall not apply to the divorced woman;

(2) At the first hearing the divorced woman and her former husband, by a joint affidavit may opt out of the operation of this Act;

(3) Any appeal, application or trial on the question of maintenance to the divorced woman under the Code of Criminal Procedure, 1973, pending on the date on which this Act comes into force, shall be disposed of, heard or held in accordance with the provisions of this Act; and

(4) Any order, decision or decree made for the maintenance of the divorced woman under section 125 of the Code of Criminal Procedure, 1973, shall stand annulled from the date on which this Act comes into force.”(130)

SHRI HANNAN MOLLAH : I beg to move :

Page 3,—

after line 54, insert—

“6. Notwithstanding anything contained in the foregoing provisions of

this Act or in any other law for the time being in force, nothing in this Act shall apply to a Talaq pronounced by a man who is not a citizen of India.”(138)

SHRI A K. SEN : I beg to move :

Page 3,—

after line 54, insert—

Transitional provisions.

“6. Every application by a divorced woman under section 125 or under section 127 of the Code of Criminal Procedure, 1973 pending before a Magistrate on the commencement of this Act shall, notwithstanding anything contained in that Code and subject to the provisions of section 4 A of this Act, be disposed of by such Magistrate in accordance with the provisions of this Act.” (215)

MR. SPEAKER : The question is :

Page 3,—

after line 54, insert—

Transitional provisions.

“6. Every application by a divorced woman under section 125 or under section 127 of the Code of Criminal Procedure, 1973 pending before a Magistrate on the commencement of this Act shall, notwithstanding anything contained in that Code and subject to the provisions of section 4 A of this Act, be disposed of by such Magistrate in accordance with the provisions of this Act.” (215)

The motion was adopted

0.2 hrs.

MR. SPEAKER : Regarding rest of the amendments, I think, I can put them together.

SOME HON MEMBERS : Yes.

*Amendments Nos. 35, 130, and 138
were put and negatived.*

MR. SPEAKER : Now the question is :

“That Clause 6 (New) stand part of
the Bill”

The motion was adopted

Clause 6 (New) was added to the Bill

Clause 1 (short title and extent).

SHRI G.M. BANATWALLA : I beg to
move :

Page 1, after line 6, insert—

“(3) It shall come into force with
immediate effect.” (14)

SHRI HANNAN MOLLAH : I beg to
move :

Page 11,—

for lines 5 and 6, substitute—

“(2) It extends to such States, except
the State of Jammu and Kashmir,
where the Vidhan Sabha of the
State accepts such extension by a
two-third majority.” (133)

SHRI VIJOYA KUMAR YADAV : I
beg to move :

Page 1, after line 6, insert—

“(3) It shall come into force on 1st
day of April, 1987.” (139)

MR. SPEAKER : Now I shall put all
the amendments together to the vote.

*Amendments Nos. 14, 133 and 139
were put and negatived.*

MR. SPEAKER : The question is :

“That Clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

Enacting Formula

MR. SPEAKER : Now the question is :

“That the Enacting Formula stand
part of the Bill.”

The motion was adopted.

The Enacting Formula was added to the Bill.
Title

SHRI G.M. BANATWALLA : I beg to
move :

That for the Long Title of the Bill—

substitute

“A BILL to clarify and enforce the
rights of divorced women under the
Muslim Personal Law (*Shariat*) and to
provide for matters connected there-
with or incidental thereto.”(12)

That in the Long Title,—

after “rights” insert—

“under Muslim Personal Law
(*Shariat*)”(13)

SYED SHAHABUDDIN : I beg to
move :

That in the Long Title,—

after “Muslim women” insert—

“under *Shariat*”(103)

MR. SPEAKER : Now, I shall put the
amendments moved by Shri Banatwalla and
Shri Syed Shahabuddin to vote.

*Amendments Nos. 12,13 and 103 were
put and negatived*

MR. SPEAKER : Now the question is :

“That the Title stand part of the Bill.”

The motion was adopted

The Title was added to the Bill.

SHRI A.K. SEN : Sir, I move :

"That the Bill, as amended, be passed."

MR. SPEAKER : Motion moved :

"That the Bill, as amended, be passed."

Now, Mr. Somnath Chatterjee may speak.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, it is a very sad day (Interruptions). In this Parliament when we have heard so much during the course of our discussion here about the secular character of our Constitution and of the Government's so-called efforts to maintain the secular character of this nation and of the Constitution a Bill is being passed which will perpetuate oppression of women on the pretext of religion. Our opposition to this Bill is on principle. We have felt, and nobody has denied the significant fact, not a single Member from the assay of speakers from the other side has said that these women and a vast number of them who are divorced Muslim women, do not require sustenance or maintenance. They do need. Why? Because majority of them are indigent. They cannot possibly maintain themselves.

Sir, the Supreme Court has delivered a Judgment...

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : And created all this trouble for us.

SHRI SOMNATH CHATTERJEE : I know they eulogise the Supreme Court when it suits them and and castigete that court when it does not suit their limited political purpose.

Sir, I would like to know one thing from the esteemed Hon. Law Minister. About his legal acumen nobody can raise any doubt. I know he is in a company where his voice is not as free as he would have liked to be.

Sir, the Supreme Court has construed what is Muslim law. Even if that question

comes again, it is the final court of law in this country. Mr. Banatwalla's interpretation or Mr. Suleman Sait's interpretation will not be the law of the land. Again it is the Supreme Court which can only give a final and authentic pronouncement of what even today is the Muslim personal law. What did the Supreme Court say? It said :

"Provisions of Muslim personal law do not countenance cases in which the wife is unable to maintain herself after divorce."

Therefore, there is no conflict; conflict is created by your attitude of surrender to fundamentalist and obscurantist forces. There has been no doubt about it. The law was settled by the highest court of the country. The Supreme Court has said that there is no conflict between Muslim personal law and Section 125 of the Cr. P.C. so far as the maintenance due to a divorced wife who is unable to maintain herself is concerned. Now, you raise a doubt, you make all sorts of accusations against the Supreme Court, you are trying to create confusion amongst the Muslims stating that the Supreme Court, because of the persons who constituted the Bench—because I heard today even somebody said from that side that there was a Muslim Judge or a particular Bench which make the reference to a larger Bench and that there was one Muslim Judge on the Bench, which decided the case. This is the way you are dividing the nation. Sir, by this law.. (Interruptions)

Sir, about this Bill I give a warning that this Bill will tear apart the very fabric of our national life. Whatever you try to do, you cannot tackle forces of communalism and fundamentalism by surrender and appeasement and this is your shameful conduct today and we shall go on protesting to the last moment, and Sir...

(Interruptions)

What we are afraid is, it is a surrender to and compromise with the Muslim fundamentalist forces. It will create a similar dangerous move namely, it will give rise and give excuses to Hindu fundamentalist forces in this country. What is happening in the

name of Ran Janam Bhoomi is a similar reaction. It is a reaction to this kind of play. Today fights have started and disputes have started between different communities. We want that these divisive forces should be rooted out from this country. We are talking against secessionism every day. We are talking against divisive forces in this country. And this is the way, on your own interpretation as to what is Muslim personal law, you are totally disregarding the Supreme Court is authoritative authority pronouncement on this branch of law. You bring about this type of legislation. Who are your inspirers? You are inspired by the Muslim League friends of yours. You are inspired by some Ulemas, we are told. Whom did you consult? Now we have been told that 90 per cent of the Muslims are in favour of this Bill? Somebody said 99 percent of the Muslims are in favour of the Bill. But you did not have the courage to accept our proposal for a referendum, which our friend, Shri Saifuddin Chowdhary gave. How did you ascertain this figure? By computers you have ascertained? Is that computerised assessment? You are creating trouble in this country. You are taking this country and going to divide that. This is the result today. That is why, the greatest danger that we are facing in this country, apart from the economic hardship and the greater and greater penury of the people, is the resurgence of the divisive, communal forces in this country, secessionist forces in this country. Therefore, we oppose this Bill. It is because, a section of the people, a vast section of the people in this country, our Muslim sisters, Muslim women who require sustenance, who require succour have been denied their minimum right. And the persons who are responsible to maintain them are divorcing their wives indiscriminately without any reason. Even they do not have to give any explanation why they are divorcing their wives. These women will be on the street. There is no provision for maintenance; no summary provision. The person responsible for this is not made to pay and they have to run after a long list of relatives who have no wherewithal to pay. This is the way, Wakf Board is asked to settle these cases. This is a retrograde Bill and I appeal again, please don't divide this country on communal lines.

SHRI HANNAN MOLLAH : They are

laying foundation-stone for another Pakistan. (*Interruptions*).

DR. S. JAGATHRAKSHAKAN (Chanegalpattu) : Mr. Speaker, Sir, I rise to support the Muslim Women (Protection of rights on Divorce) Bill which is before the House

My Party, the All India Annan DMK stands for the equality of women and protection of their rights under their respective religions. The necessity for this Bill has arisen on account of the Supreme Court verdict, in the case of Shaha Bano. The Constitution of India guarantees freedom of religion to all its citizens. It therefore, follows that all the religious practices have got to be respected, by the concerned citizens and the State as the protector of individual's rights, is duty bound to protect the rights enjoined in their religion. This duty arises, all the more in the case of minority community so that they do not carry the feeling that their rights are being snatched by any other community. That is where the role of the State comes. I have a feeling that the insecurity on the rights of Muslim women, crept in only on account of the Supreme Court ruling, and the present legislation is a step to assure the Muslim community that their rights will be protected and regulated by their own religious practices. This is, as far as the role of the State is concerned. More than that, it is the Muslim community, and the Muslim women who have to safeguard their rights, practices etc. enjoined in their religion. Since ours is a democratic party, we have taken the stand that the Muslim community should themselves be the protectors of their religious beliefs enjoined in the Muslim personal law and the Shariat. We are, therefore, supporting this Bill.

The Prime Minister has taken a bold stand by introducing this Bill.

We wholeheartedly support this Bill.

SHRI DINESH GOSWAMI (Guwahati): Sir, If we have decided to oppose this Bill today, it is after very careful deliberation, because we feel this Bill is not only against the minority Muslim community but also against the minority women and also because

[Shri Dinesh Goswami]

we have always said that women are the most oppressed minority in this country. Tomorrow the new Education Policy will be discussed and I find in paragraph 4.2 of the new Education Policy states that "Education will be used as an agent of basic change in the status of women."

May I read for the benefit of Mr. Narasimha Rao ?

"In order to neutralise the accumulated distortions in the past, there will be a well-conceived wedge in favour of women. The national education system will play a positive interventionist role in the empowerment of women."

And, when, we are about to discuss this new Education Policy in practice we find the Government.

You have done away with the distortions of the past, by making a totally retrograde law !

I would ask one question from the Law Minister. The Law Minister has said that this Bill is reflection of the Muslim personal law. Originally, when you brought this Bill, it was mentioned therein that the parents have to pay or those who inherit the property or the children shall have to pay to the divorced woman. Yesterday, this was your conception. But suddenly, during the discussion, the matter was discussed and some changes are made and you have come with four amendments. We saw for the first time that an important Bill is discussed in a hurried way among six or seven Members of the Council of Ministers who do not know what to do. (*Interruptions*)

A Bill which touches the Muslim susceptibilities is brought and it is said that in future you will go on considering the whole matter and, if necessary, you will bring amendments.

According to your Amendment No. 216, the Magistrate shall order the children to

pay maintenance to the divorced woman and under this proviso, the parents are exempt from payment.

I am an ignorant person who does not know the Muslim personal law. But which Muslim personal law envisages that the children and the parents shall have to pay maintenance to the divorced woman ? This is a new conception of Muslim personal law which has come up.

I would like to ask the Law Minister whether he knows where he is leading the Muslim women ? Muslim woman today, a divorced Muslim woman, would lose the sympathy and support of her husband... (*Interruptions*) and then shall have to fight a legal battle with her children. Happening like this that a divorced woman who loses the sympathy and support of her husband reverts back to her family for support and sustenance and by this amendment the Government are taking away from her sustenance and destroying the family life of an individual and, therefore, we are compelled to oppose this Bill.

SHRI INDRAJIT GUPTA (Basirhat):
Some members who have participated in this debate from the opposite side could not resist the temptation to indulge in some cheap type of anti—Communist propaganda utilising this question of religion and personal law.

When we opposed the Bill at the introduction stage, at that time I have made it clear that we do not believe that it is possible to impose by force any uniform civil code or make any changes in the personal law of any community whether it is Muslims or otherwise, specially in a country like ours. I have made it perfectly clear and we believe in social reforms coming from within the community itself. Therefore, it is absolutely wrong and mischievous to suggest that we are trying to do something which amounts to an interference with the Muslim personal law. We have got great respect for all the communities in this country. That is the make up of this country. You cannot change it overnight like that. But my point is that we had a Muslim personal law which

has been in existence for hundreds of years, all these years and we had a Section, Sec. 125 which has been in existence for the last 13 years. But what was the new thing that came about because of the Supreme Court judgment? May I know? The Supreme Court judgment—how does it amount to an infringement of the personal law - simply because they had made some observation? You may regret that observation. I can understand your sentiment on that question, They made an observation which they need not have made about the position of women in Muslim society. They made an observation that it is regrettable that no substantial advance has been made towards the fulfilment of Art. 44 of the Constitution. They made those comments. But those are not the operative part of the judgment in Shah Bano's case. But simply because of those observations which they made such a big hullabaloo was raised that our personal law is being done away with and therefore something must be done immediately. I do not understand this at all. Even apart from that, we have opposed this Bill because it violates so many basic principles of the Constitution itself. How can one support a Bill like this?

First of all the Minister has not told the House even once that there are six different kinds of Talaq. Which Talaq is this Bill referring to? I want to know. There are so many learned Muslim Members here who spoke. There is a Talaq called Ulbidat under which three times the Talaq is pronounced. It can be done in the absence of the woman also and by the way, this is opposed by the Shia community. I do not know whether they are Muslims or not. Then Talaq Asan where once only the Talaq has to be pronounced. The wife has to stay with the husband during the period of Iddat. This is considered to be a period when reconciliation is possible and can take place. Then there is Mobarah which is divorce by mutual consent. Then there is Khulla which is divorce at the request of a woman. There is Fask which is divorce ordered by the Court on certain specific grounds. Then there is Talaq Tafurz where the husband delegates his right of divorce to the wife. There are so many kinds of Talaq brought about under different circumstances of each case. But which one is this Bill referring to? The

Minister has not referred to a single one. This Bill cannot be implemented. It is no use Mr. Ansari now to prompt the Minister to say something on this question.

What I am saying is that he has brought forward these amendments also at the last moment, one of which I have just referred to earlier. Mr. Justice Krishna Iyer has remarked that it is a monstrous thing making it conditional on the husband's consent before the woman can opt to take advantage of Sec. 125. Two of them have to go together. Now 216 says that the children will have to pay. First children will have to pay. Only if they cannot pay, then the parents' obligations will come, otherwise not. He has not even explained this. Will you please explain the meaning of Sec. 216?

Finally I say one thing. The Hon. Prime Minister told us, the representatives of the opposition parties a few days ago that in view of the sentiments that had been aroused, rightly or wrongly--he said certain sentiments had been aroused in the mind of the biggest minority community and 90 or 95 per cent. of them feel this way that their religion is in danger and, therefore, we must do something about it. Sir, all right. So, I would like to know how many per cent of Muslims-I should say 99 per cent-their sentiments are aroused about the Babri Mosque. Are they not aroused about Babri Mosque? What is happening after that? You do not know, I know what. Even in my state where these things do not happen. I find Muslims are worked up about this Babri Masjid. What did you do about this, if you are so worried about their sentiments. We have suggested that Government take over that whole place and make it into a national monument—neither it should be Babri Masjid nor it should be Ram Janam Bhoomi. Let it be a national monument. That you do not bother about. There you have allowed something to happen. It is going to lead to very serious consequence. Here in the name of Muslims sentiment, this Bill has been brought. It is totally unnecessary and it is anachronism. It does not have anything to do with, actually.

(Interruptions)

[Shri Indrajit Gupta]

Sir, please don't allow people to go on talking about only minority community. Community does not consist of only men. It consists of women also. Men and Women together make up a community. So, our objection is to what is this Bill has proposed for the women who are already oppressed and suppressed in the community. Their condition is going to be made even worse; no improvement at all. It is not going to be improved at all. It will be made worse. Poor woman is supposed to go running after Courts and waqf boards and all that. Who is bothered about? Only money will be made by some lawyers. That is all. Women in the end will be indigent and thrown out on the streets. So, we oppose this Bill.

SHRI SURESH KURUP (Kottayam) : Sir, this day is the blackest day in the legislative history of our country. This is the most reactionary legislation ever brought before this august House. I am sorry to say that our Prime Minister, who is supposed to take our country to the 21st century, succumbed to the threats of fundamentalists. It may be a sad irony of history that this abnoxious Bill is going to be passed under the stewardship of a person, who happens to be the grandson of Pandit Jawaharlal Nehru, who valiantly brought the Hindu Code Bill, against all threats from the fundamentalists and caste Hindus.

SHRI INDRAJIT GUPTA : Including the then President.

SHRI SURESH KURUP : Yes, including the then President of this country.

PROF. MADHU DANDAVATE : Do not name him.

SHRI SURESH KURUP : At that time, there were a few demonstrations by the caste Hindus all over India. You may not be knowing that. This Bill glorifies the divorcer and sanctifies the act of divorce. This shuts the door upon the Muslim women to apply for maintenance under Section 125 of the Cr. P.C., an option open to all women of all other community.

This Bill deserves to be called "Muslim Men Protection on Divorce Bill" and not the Muslim Women (Protection of Rights on Divorce) Bill. This is a unique legislation in the sense that nowhere in the world, not even in the so-called Muslim countries, there is no such law fixing the responsibility of maintaining the divorced women on the community or ultimately on the Government. I would request all those advocates of this Bill to cite a single example from the Holy *Koran* or from the traditions followed up to this day regarding this. This Bill would be giving licence to men of a particular community to freely indulge in sexual contacts with any number of women and to discard them at their will and pleasure without any responsibility towards them. It would encourage conflicts within the families to the detriment of women. If the aim of Section 125 Cr. P.C. is to prevent vagrancy and destitution, This Bill legalises vagrancy and destitution for Muslim women.

SHRI C.K. JAFFAR SHARIEF (Bangalore North) : Sir, is it in good taste to use such expressions?

MR. SPEAKER : There is nothing unparliamentary.

SHRI SURESH KURUP : This Bill ensures ruin of Muslim women by getting caught in the quagmire of execution petitions (*Interruptions*)... is humiliating.

This is a Bill which introduces the concept of Muslims and non—Muslims in the criminal law of our country. If each community in our country demands this, then what will be the fate of our country? Our Prime Minister assures us that he takes our country to 21st century. But now he is taking the country to the 6th century. He promises about the progressive measures; but I am sorry that now he is succumbing to the fundamentalists. He talks about modernisation. Now he is succumbing to obs.

Sir, once again I appeal to all those who are concerned that this Bill is going to divide our country on communal lines, so I request all those who are sitting here to vote according to their conscience.

SHRI G.M. BANATWALLA : Mr. Speaker Sir : I rise to thank the Government. I rise with a deep sense of gratitude and thanks to the Government for having responded to the feelings, the thoughts, the sentiments, aspirations and the demands of the Muslims throughout the length and breadth of the country.

We are thankful to the Government and I must stress that the passage of this Bill will further inject life and vitality in the secular ideals that have been set forth by the Constitution of India.

On the 23rd of April 1985, the Supreme Court gave the judgement in the Shah Bano's case. Within seventeen days I was here with my Private Member's Bill in order to bring about necessary amendment to do away with the interference of that judgement.

Now, here the official Bill is there. I have specially taken the floor in order to thank the Government on behalf of one and all. One or two points require clarification. These people here talk about fundamentalism, the threat to the unity and integrity of the country. They talk about divisive forces and all that. They think as if to say that this Bill will further strengthen these forces. I must say that they themselves are provoking a lot.

I must make it extremely clear that this Bill... these things that they have said are mere hallucination of a morbid mind. They have forgotten Lenin also. This is what Lenin has said. This is where we have to see. If we are fundamentalists even Lenin submitted to the fundamentalism long long ago.

I read out from a book by Aszhamali himself. He says :

"Immediately after the October Revolution, on November 20, 1917 to be precise, the first Soviet government, headed by Lenin, published a special appeal 'To All the Working Muslims of Russia and the East'. Addressing the Muslim working people 'whose mosques and prayer-houses were destroyed,

their beliefs, and customs trampled underfoot', the Soviet government solemnly declared :

'Henceforth your beliefs and customs, your national and cultural institutions are declared free and inviolable. Arrange your national life freely and without any hindrance. You have a right to that' "

But today they themselves in the name of secularism want to scuttle secularism.

Sir they are talking about referendum. They must know Shariat Application Act 1937 came into force in the year 1937 after the public opinion had been duly elicited. That is a matter of record.

MR. SPEAKER : That is all. Now, Mr. Sen. (*Interruptions*)

SHRI A. K. SEN : Mr. Speaker, Sir, we are already late. We have laboured a lot. The last salvoes have been fired by Shri Somnath Chatterjee, Shri Dinesh Goswami, Shri Indrajit Gupta and last but not the least Mr. Banatwalla. Mr. Chatterjee drew a very dismal picture by stating that we are now heading for communalism. Well one can reach any conclusion one wants to reach but one has to satisfy the canons of logic in order to substantiate the charge. Now if we give better treatment to the Muslim Divorced women if we allow them to be given that maintenance which their Shariat law gives them how is it fomenting communalism ? How is it the whole country will be now heading to communal trouble, fights and carnage ? I cannot understand that excepting that it does sound well when you say you are now heading for communalism. It sounds very well but it does not stand the test of logic. (*Interruptions*) The accusation is that Government is surrendering to communalism and fundamentalism. Well we have heard about it. What is fundamentalism ? What is communalism ? If every time we listen to the just demands of the minority community; if you heed to their sensitiveness about the protection of their own personal law; if you fulfil the guarantee...

SHRI SAIFUDDIN CHOWDHARY : I say that their legitimate demand is education... health...

SHRI A. K. SEN : Sir, Mr. Saifuddin Chowdhary will not correct himself. In a nursery rhyme there is couplet which means "That person is very very naughty." That is what I should like to say of my very young friend. I like him very much. His enthusiasm is very creditable but I think he should now learn how to behave in a forum like this.

Sir, the point is very simple. How is it that the Government is surrendering to communalism and fundamentalism which the Government says that you are duty bound to see that the guarantee given in the Constitution and repeatedly by successive Prime Ministers, starting from Panditji, that the minorities personal laws cannot be changed excepting upon their own consent. How it can be surrendering to communalism ?

SHRI INDRAJIT GUPTA : Who asked for a change ?

SHRI A. K. SEN : I know you do not. They do not ask for a change. They will be glad if we allow this awful sensitiveness and sensation to continue and by this process another Assam might be created. I was very amused when Mr. Goswami was talking about Muslim demand, Muslim women and all the rest of it. I have no doubt that he is very close to the Muslim women and the Muslim demands and I shall be very glad to be illuminated by the experience of Muslim contract and Muslim proximity.

SHRI DINESH GOSWAMI : One of the Muslim Members and a party have also spoken on this.

SHRIMATI GEETA MUKHERJEE : What about Indrajit Babu's closeness to Suraya ? Is that not welcome ?

SHRI A. K. SEN : That is his special qualification and I cannot compete with him in that sphere. When he talked of so many

talaqs, I was wondering whether he was serious about it or not. And I was apprehensive about Shrimati Suraya when he talked of so many talaqs and driblets. I can assure him that those are not talaqs. Talaqs are only of one type; the rest are not talaqs.

SHRI INDRAJIT GUPTA : What do you mean by it ?

SHRI A. K. SEN : I mean that they are not talaqs. If they are talaqs, they are covered by the definition. You read the definition. It says that if it has been divorced according to Muslim law. If this is according to Muslim law, it will be covered. The definition of a divorced Muslim women is one who has been divorced according to Muslim law.

SHRI INDRAJIT GUPTA : But the circumstances are different in each case.

SHRI A. K. SEN : Very well, I bow down to the knowledge of talaqs of my Hon. friend.

I think, even the Quran talks about speedy entry into the realm of talaq. They say, if it is a must, do it very hastily. It is a very good fortune. All faithful must try to see that the marriage bonds lost and not snap.

Therefore, these are all generalizations and we do not get down to the rock bottom of the matter.

We have now grappled with the matter the way we think the minority community wanted it to be done and we have reflected their voice and much better than Shri Dinesh Goswami's friends have done.

MR. SPEAKER : The question is :

"That the Bill, as amended, be passed."

2.50 hrs.]

[Division No. 6]

AYES

Adaikalaraj, Shri L.
 Agarwal, Shri Jai Prakash
 Ahmad, Shri Sarfaraz
 Ahmed, Shrimati Abida
 Akhtar Hasan, Shri
 Alkha Ram, Shri
 Anand Singh, Shri
 Anjiah, Shri T.
 Annanambi, Shri R.
 Ansari, Shri Abdul Hannan
 Ansari, Shri Z. R.
 Arjun Singh, Shri
 Arunachalam, Shri M.
 Athithan, Shri R. Dhanuskodi
 Awasthi, Shri Jagdish
 Azad, Shri Ghulam Nabi
 Bachchan, Shri Amitabh
 Bairagi, Shri Balkavi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Bala Goud, Shri T.
 Balaraman, Shri L.
 Banatwalla, Shri G. M.
 Banerjee, Kumari Mamata
 Bansi Lal, Shri
 Basavaraj, Shri G. S.
 Basavarajeswari, Shrimati
 Basheer, Shri T.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bharat Singh, Shri
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhosale, Shri Prataprao B.
 Bhoys, Shri R. M.
 Bhoys, Shri S. S.
 Bhumji, Shri Haren

Bhuria, Shri Dileep Singh
 Birbal, Shri
 Birendra Singh, Rao
 Birinder Singh, Shri
 Brahma Dutt, Shri
 Budania, Shri Narendra
 Bundela, Shri Sujan Singh
 Buta Singh, S.
 Chandra Sekhar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekhar, Shrimati M.
 Chandrashekharappa, Shri T. V.
 Chandresh Kumari, Shrimati
 Charles, Shri A.
 Chaturvedi, Shri Naresh Chandra
 Chaturvedi, Shrimati Vidyavati
 Chaudhary, Shri Manphool Singh
 Chavan, Shrimati Premalabai
 Chavan, Shri S. B.
 Chidambaram, Shri P.
 Choudhari, Shrimati Usha
 Choudhary, Shri Jagannath
 Choudhary, Shri Nandlal
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Ch.
 Damor, Shri Somjibhai
 Das, Shri Anadi Charan
 Das, Shri Bipin Pal
 Das Munsii, Shri Priya Ranjan
 Dennis, Shri N.
 Deora, Shri Murli
 Dev, Shri Sontosh Mohan
 Devi, Prof. Chandra Bhanu
 Dhariwal, Shri Shanti
 Dhillon, Dr. G. S.
 Digal, Shri Radhakanta
 Dighe, Shri Sharad
 Digvijay Sinh, Shri
 Digvijaya Singh, Shri
 Dikshit, Shrimati Sheila
 Dinesh Singh, Shri
 Dogra, Shri G. L.

Dube, Shri Bhishma Deo
Engti, Shri Biren Singh
Faleiro, Shri Eduardo
Gadgil, Shri V. N.
Gadhvi, Shri B. K.
Gaekwad, Shri Ranjit Singh
Gaikwad, Shri Udaysingrao
Gamit, Shri C. D.
Gandhi, Shri Rajiv
Ganga Ram, Shri
Gavit, Shri Manikrao Hodlya
Gehlot, Shri Ashok
Ghosal, Shri Debi
Ghosh, Shri Bimal Kanti
Ghosh, Shri Tarun Kanti
Gill, Shri M. S.
Gomango, Shri Giridhar
Gowda, Shri H. N. Nanje
Guha, Dr. Phulrenu
Gupta, Shri Janak Raj
Gupta, Shrimati Prabhawati
Halder, Prof. M. R.
Harpal Singh, Shri
Hembrom, Shri Seth
Jadeja, Shri D. P.
Jaffar Sharief, Shri C. K.
Jagannath Prasad, Shri
Jagathrakshakan, Dr. S.
Jain, Shri Dal Chander
Jain, Shri Nihal Singh
Jain, Shri Viridhi Chander
Janarthanan, Shri Kadambur
Jangde, Shri Khelan Ram
Jayamohan, Shri A.
Jeevarathinam, Shri R.
Jana, Shri Chintamani
Jhikram, Shri M. L.
Jitendra Prasada, Shri
Jitendra Singh, Shri
Jujhar Singh, Shri
Kabuli, Shri Abdul Rashid
Kamal Nath, Shri
Kamat, Shri Gurudas

Kamla Kumari, Kumari
Kamson, Prof. Meijinlung
Kaul, Shrimati Sheila
Kaushal, Shri Jagan Nath
Ken, Shri Lala Ram
Keyur Bhushan, Shri
Khan, Shri Arif Mohammad
Khan, Shri Aslam Sher
Khan, Shri Khurshid Alam
Khan, Shri Mohd. Ayub
Khan, Shri Mohd. Mahfooz Ali
Khan, Shri Rahim
Khan, Shri Zulfiquar Ali
Khatttri, Shri Nirmal
Khirhar, Shri R. S.
Kinder Lal, Shri
Kisku, Shri Prithvi Chand
Kolandaivelu, Shri P.
Konyak, Shri Chingwang
Krishna Kumar, Shri S.
Krishna Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar, S.
Kumaramangalam, Shri P. R.
Kuppuswamy, Shri C. K.
Kurien, Prof. P. J.
Lachchhi Ram, Shri
Law, Shri Asutorh
Lowang, Shri Wangpha
Madhuree Singh, Shrimati
Mahabir Prasad, Shri
Mahendra Singh, Shri
Makwana, Shri Narsinh
Malik, Shri Dharampal Singh
Mallick, Shri Lakshman
Malviya, Shri Bapulal
Mane, Shri Murlidhar
Mavani, Shrimati Patel Ramaben
Ramjibhai
Mehta, Shri Haroobhai
Meira Kumar, Shrimati
Mirdha, Shri Ram Niwas
Mishra, Shri G. S.

Mishra, Dr. Prabhat Kumar
 Mishra, Shri Ram Nagina
 Mishra, Shri Shripati
 Mishra, Shri Umakant
 Misra, Shri Nityananda
 Modi, Shri Vishnu
 Mohanty, Shri Brajamohan
 More, Prof. Ramkrishna
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murmu, Shri Sidha Lal
 Murthy, Shri M. V. Chandrashekara
 Murugaiah, Shri A. R.
 Mushran, Shri Ajay
 Muttemwar, Shri Vilas
 Naik, Shri Shantaram
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Narayanan, Shri K. R.
 Natarajan, Shri K. R.
 Natwar Singh, Shri K.
 Nawal Prabhakar, Shrimati Sunderwati
 Neekhara, Shri Rameshwar
 Negi, Shri Chandra Mohan Singh
 Nehru, Shri Arun Kumar
 Netam, Shri Arvind
 Odeyar, Shri Channaiah
 Oraon, Shrimati Sumati
 Pakeer Mohamed, Shri E. S. M.
 Pande, Shri Raj Mangal
 Pandey, Shri Damodar
 Pandey, Shri Madan
 Pandey, Shri Manoj
 Panigrahi, Shri Chintamani
 Panigrahi, Shri Sriballav
 Panika, Shri Ram Pyare
 Panja, Shri A. K.
 Pant, Shri K. C.
 Panwar, Shri Satyanarayan
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Patel, Shri Ahmed M.
 Patel, Shri C. D.
 Patel, Shri Mohanbhai

Patel, Shri Ram Pujan
 Patel, Shri U. H.
 Pathak, Shri Chandra Kishore
 Patil, Shri Balasaheb Vikhe
 Patil, Shri H. B.
 Patil, Shri Prakash, V.
 Patil, Shri Shivraj, V.
 Patil, Shri Uttamrao
 Patil, Shri Veerendra
 Patil, Shri Yashwantrao Gadakh
 Patnaik, Shrimati Jayanti
 Pattnaik, Shri Jagannath
 Pawar, Shri Balasaheb
 Peruman, Dr. P. Vallal
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Pradhan, Shri K. N.
 Pradhani, Shri K.
 Prakash Chandra, Shri
 Puran Chandra, Shri
 Purohit, Shri Banwari Lal
 Purushothaman, Shri Vakkom
 Pushpa Devi, Kumari
 Qureshi, Shri Aziz
 Raghuraj Singh, Chaudhary
 Rai, Shri I. Rama
 Rai, Shri Raj Kumar
 Raj Karan Singh, Shri
 Rajeshwaran, Dr. V.
 Rajhans, Dr. G. S.
 Ram, Shri Ramswaroop
 Ram Awadh Prasad, Shri
 Ram Dhan, Shri
 Ram Prakash, Ch.
 Ram Samujhawan, Shri
 Ramachandran, Shri Mullappally
 Ramamurthy, Shri K.
 Ramoowalia, Shri Balwant Singh
 Rampal Singh, Shri
 Ramulu, Shri H. G.
 Rana Vir Singh, Shri
 Ranga, Prof. N. G.
 Ranganath, Shri K. H.

Rao, Shri J. Chokka
Rao, Shri K. S.
Rao, Shri P. V. Narasimha
Rao, Shri V. Krishna
Rath, Shri Somnath
Rathawa, Shri Amarsinh
Rathod, Shri Uttam
Raut, Shri Bhola
Ravani, Shri Navin
Rawat, Shri Harish
Rawat, Shri Kamla Prasad
Rawat, Shri Prabhu Lal
Sahi, Shrimati Krishna
Sait, Shri Ebrahim Sulaiman
Sakargaym, Shri Kalicharan
Salahuddin, Shri
Sangma, Shri P. A.
Sankhwar, Shri Ashkaran
Sankata Prasad, Dr.
Santosh Kumar Singh, Shri
Satyendra Chandra, Shri
Sathe, Shri Vasant
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Selvendran, Shri P.
Sen, Shri A. K.
Sen, Shri Bholanath
Sethi, Shri Ananta Prasad
Sethi, Shri P. C.
Shah, Shri Anoopchand
Shahabuddin, Syed
Shaktawat, Prof. Nirmala Kumari
Shankaranand, Shri B.
Shanmugam, Shri A. C.
Shanmugam, Shri P.
Sharma, Shri Chiranji Lal
Sharma, Shri Nand Kishore
Sharma, Shri Nawal Kishore
Sharma, Shri Partap Bhanu
Shastri, Shri Hari Krishna
Shervani, Shri Saleem I
Shingda, Shri D. B.
Shivendra Bahadur Singh, Shri

Siddiq, Shri Hafiz Mohd.
Sidnal, Shri S. B.
Singaravadivel, Shri S.
Singh, Shri Bhanu Pratap
Singh, Shri Chandra Pratap Narain
Singh, Shri D. G.
Singh, Shri K. N.
Singh, Shri Kamla Prasad
Singh, Shri Krishna Pratap
Singh, Shri Lal Vijay Pratap
Singh, Shri S. D.
Singh Deo, Shri K. P.
Sinha, Shri Atish Chandra
Sinha, Shrimati Ram Dulari
Sinha, Shrimati Kishori
Sinha, Shri Satyendra Narayan
Sodi, Shri Mankuram
Soundararajan, Shri N.
Soz, Prof. Saifuddin
Sparrow, Shri R. S.
Sreenivasa Prasad, Shri V.
Subburaman, Shri A. G.
Sukh Ram, Shri
Sukhbuns Kaur,
Sultanpuri, Shrimati K. D.
Suman, Shri R. P.
Sundararaj, Shri N.
Sunder Lal, Shri
Sunil Dutt, Shri
Surendra Pal Singh, Shri
Suryawanshi, Shri Narsing
Swami Prasad Singh, Shri
Swamy, Shri D. Narayana
*Swamy, Shri Katuri Narayana
Swell, Shri G. G.
Tapeswar Singh, Shri
Tariq Anwar, Shri
Tewary, Prof. K. K.
Thakkar, Srimati Usha
Thakur, Shri C. P.
Thambi Durai, Shri M.
Thangaraju, Shri S.
Thara Devi, Kumari D. K.

*Wrongly Voted for AYES

Thomas, Prof. K. V.
 Thorat, Shri Bhausahab
 Thungon, Shri P. K.
 Tilakdhari Singh, Shri
 Tomar, Shrimati Usha Rani
 Tripathi, Shrimati Chandra
 Tripathi, Dr. Chandra Shekhar
 Tyagi, Shri Dharamvir Singh
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Van, Shri Deep Narain
 Vanakar, Shri Punam Chand Mithabhai
 Venkatesan, Shri P. R.S.
 Verma, Dr. C. S.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vir Sen, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Mukul
 Yadav, Shri Kailash
 Yadav, Shri Ram Singh
 Yadav, Shri Shyam Lal
 Yadav, Shri Subhash
 Yadav, Shri Bal Ram Singh
 Yadav, Shri D. P.
 Yashpal Singh, Shri
 Yazdani, Dr. Golam
 Yogesh, Shri Yogeshwar Prasad
 Zainul Basher, Shri

NOES

*Abbasi, Shri K. J.
 *Abdul Ghafoor, Shri
 Acharia, Shri Basudeb
 Basu, Shri Anil
 Bhattam, Shri S. M.
 Bhoopathy, Shri G.
 Biswas, Shri Ajoy
 Chaliha, Shri Parag
 Chatterjee, Shri Somnath
 Chinta Mohan, Dr.
 Choubey, Shri Narayan

*Wrongly Voted for NOES

Chowdhary, Shri Saifuddin
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 Datta, Shri Amal
 Ghosh Goswami, Shrimati Bibha
 Goswami, Shri Dinesh
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Hanada, Shri Matilal
 Kurup, Shri Suresh
 Mahata, Shri Chitta
 Malik, Shri Purna Chanhra
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Misra, Shri Satyagopal
 Mukherjee, Shrimati Geeta
 Patel, Dr. A. K.
 Pathak, Shri Ananda
 Patil, Shri D. B.
 Panchalliah, Shri P.
 Raju, Shri Ananda Gajapathi
 Raju, Shri Vijaya Kumar
 Ramaiah, Shri Sode
 Rao, Shri A. J. V. B. Maheswara
 Rao, Shri Srihari
 Rao, Shri V. Sobhanadreeswara
 Reddi, Shri C. Madhav
 Reddy, Shri Bezawada Papi
 Reddy, Shri B. N.
 Reddy, Shri C. Janga
 Reddy, Shri K. Ramachandra
 Reddy, Shri M. Raghuma
 Riyan, Shri Baju Ban
 Roy, Dr. Sudhir
 Roypradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Sanyal, Shri Manik
 Tanti, Shri Bhadreswar
 Tiraky, Shri Piyus
 Tulsiram, Shri V.
 Unnikrishnan, Shri K. P.
 Zainal Abedin, Shri

MR. SPEAKER : Subject to correction,
the result *of the division is :

Ayes : 372

Noes : 54

*The following Members also recorded
their votes :—

The Motion was adopted

AYES : Shrimati Indubala Sukhadia, Shri
Kammodilal Jatav, Shri Manvendra
Singh, Shri G.I. Patel, Shri Jaideep
Singh, Shri Kunwar Ram, Shri
Natavarsinh Solanki, Shri R.
Devarajan, Shri Gopeshwar, Shri
Simon Tigga, Dr. K.G. Adiyodi,
Shri P.A. Antony, Shri K.
Mohandas, Shri Sultan Salahuddin
Owaisi, Shri Abdul Ghafoor and
Shri K.J. Abbasi.

MR. SPEAKER : The house now stands
adjourned to reassemble at 11 a.m. to-day.

02.48 hrs.

*The Lok Sabha then adjourned till
Eleven of the Clock on Tuesday,
May 6, 1986/Vaisakha 15, 1908
(Saka).*

NOES : Shri Vijay Kumar Yadav and
Shri Katuri Narayana Swamy.
