

[Shri Chitta basu]

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for fixing the limit on borrowing by the Government of India under article 292 of the Constitution of India."

The motion was adopted.

SHRI CHITTA BASU : I introduce** the Bill.

15.38 hrs.

(ix) Code of Criminal procedure (Amendment) Bill* (Insertion of new section 25A etc.)

[English]

DR. M. JAGANNATH (Nagarkumool) : I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973."

The motion was adopted.

DR. M. JAGANNATH : I introduce the Bill.

15.38½ hrs.

(x) Constitution (Amendment) Bill* (Insertion of new article 151 A, etc.)

[English]

SHRI G.A. CHARAN REDDY (Nizamabad) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI G.A. CHARAN REDDY : I introduce the Bill.

* Published in the Gazette of India Extraordinary, Part II, Section 2, dated 16.5.97

** Introduced with the recommendation of the President.

AN HON. MEMBER : What about Matters under Rule 377 ? . . . (Interruptions)

MR. SPEAKER : We will decide about it at 6 o' clock.

15.39 hrs.

[SHRI NITISH KUMAR in the Chair]

[Translation]

SHRI RAJIV PRATAP RUDY (Chhapra) : Mr. Chairman, Sir, what about Item No.31 ?

MR. CHAIRMAN : Didn't you listen what Hon'ble speaker has said while leaving.

15.39¼ hrs.

CONSTITUTION (AMENDMENT) BILL-contd.

(Omission of article 44, etc.)

[English]

MR. CHAIRMAN : Before further discussion on the Constitution (Amendment) Bill (Omission of Article 44, etc.) by Shri Bhagwan Shankar Rawat, Member of Parliament, is resumed, I would like to mention that five hours and thirty-four minutes have already been taken on this Bill as against five hours and twenty-one minutes allotted. On the last occasion, the Chair had announced that the hon. Minister will intervene at the next sitting and then the Mover will reply. For this purpose we may extend the time for discussion, say, by another thirty minutes. I hope the House agrees with it.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : I request that the time be extended further since many members want to participate in the discussion on this important legislation. You may kindly allow some more time so that all of them can participate.

SHRI P.C. CHACKO (Mukundapuram) : Sir, half-an-hour time would be inadequate. Many Members want to speak on this. It is a very important Bill. I request that the time may be extended further. Within half-an-hour nobody can have a meaningful discussion.

MR. CHAIRMAN : Is it the pleasure of the House to extend the time for this discussion by an hour ?

SEVERAL HON. MEMBERS : Yes.

[Translation]

MR. CHAIRMAN : Well, I extend the time by one hour.

[English]

SHRI RAM NAIK (Mumbai North) : For the sake of information, may I know how many Members wish to speak on this ?

[Translation]

MR. CHAIRMAN : I have received two-three names.

[English]

SHRI RAM NAIK (Mumbai North) : If there are only two Members from our side, they would not speak, Let the Minister reply.

[Translation]

MR. CHAIRMAN : Well the Minister would reply later on and mover will also reply.

[English]

SHRI RAM NAIK : Let the Minister reply.

[Translation]

MR. CHAIRMAN : His name has been called. So let him speak.

[English]

SHRI SRIKANTA JENA : The Minister is held up in the other House. . . (Interruptions)

[Translation]

SHRI CHANDRA SHEKHAR (Ballia) : Mr. Chairman, Sir, it will be better to adjourn the House . . . (Interruptions) Chairman, Sir, whatever has happened and whatever has been going on in the House after the lunch, it will be better to adjourn the House sine die. Its not adding to the dignity of the House. The scene we have witnessed sometime back the manner in which discussion on Private Member's Bill is going on now is making us a laughing stock for the whole world . . . (Interruptions). No business is going on now. Nobody is there to speak from that side . . . (Interruptions) I am saying that the situation is turning to a point which will make us an object of ridicule. I have no other objection whatever you want. How could all had agreed at that time. What has happened that even the members of the ruling party do not now agree with one another. All these things are going on. We should not be angry with anyone rather we should be introspective and should think about our situation.

SHRI G.M. BANATWALLA (Ponnani) : Please adjourn the House sine die.

MR. CHAIRMAN : Please listen to Shri Nidar. His name has been called.

SHRI CHANDRA SHEKHAR : Shri Nidar is not speaking ? . . . (Interruptions)

PROF. OM PAL SINGH NIDAR (Jalesar) : I will speak for two minutes.

Mr. Chairman Sir, I rise to support the Bill brought forward by Hon. Bhagawan Shankar Rawat with a view to have a Common Civil Code and the reason why I support that Bill is that when we are in same nation our problems are same, our education policy is same, during our speeches, we say, we think alike and I would also say that ancestors never change with the change in religions. We have common ancestors we talk about Indian culture then why should there be different civil codes and different rules for different groups of people. How could it testify the national unity. This is my question. If we really are interested in national unity, we should being citizen of the same country, follow the same laws and the common rules. I would like to say that if we will maintain the status quo of the separatism the differences will widen further more we can deliver a good speech for a quite length of time but we failed to understand and express ourselves with regard to the religion when situation demanded so such a situation can develop in every sphere. In this context I would like to say that we talk about personal law in our country. It is also told that we talk on the basis of religion. There is no such situation. It does not look nice, when all living being are created by the God and all have equal rights, then why should there be differences in their faiths. One of the two women living in the same colony, gets full respect and the other gets only one fourth of it. Why this difference is there. If we think in humanitarian terms the women should get equal status as men.

The women should have equal rights. In this context people putforth their own arguments and refer their own book. I want to say that they are free to accept any book. But it should be accepted fully. It should never be followed according to the convenience.

If the rules of conveniences are applied, the rules of punishment should also be applied. This is also a situation. In this context I would like to say something that just now when we were discussing and the Hon. Prime Minister was speaking on religion, every member asked to let him

[Prof. Om Pal Singh Nidar]

speak first and all the members claim that they have the equal rights then why the double standards are there with regard to Common Civil Code. One women is divorced after moving the Court while the other women is divorced by just pronouncing the word 'Talak' thrice. Aren't they residents of India. In this context I remember a couplet of a poetess of Pakistan, she said the couplet in a melonchaly mood—

"Talak de to rahe ho, mujhey garuro kahar ke sath,
Lekin mera joban bhee lauta do mere mehar ke sath."

Thus, it is a very important question. It reflects the agony of a women. Who says that you are putting me to distress in your self conceit. Today you are divorcing me at the age of 52-60 years but are you able to give me back my youth ? Leave aside the human beings, is God himself able to do that ? If God forms the man, even then it cannot be reversed.

I would like to say one more thing that is we have different values different system. But it is not sufficient Mr. Chairman Sir, I am addressing you only, please give me an indication as to how much should I speak on this, so that I could elaborate or cut short my speech.

MR. CHAIRMAN : Speak as much as you wish you yourself have given in writing that you would like to speak for a short period. You yourself can define this short period.

PROF. OM PAL SINGH 'NIDAR' : Mr. Chairman, Sir, I would like to ask one more thing that the people, who oppose this bill, oppose the common civil code. I would like to ask them that have they ever seen their history ? I do not want to go in detail. But I would like to give an example. My friend lives in my neighbourhood. One day I asked him during discussion that your name is Navi Bakhsh, I asked that what is your father's name ? He told me Maula Bakhsh. I asked his grand father's name, he told his name as Khuda Bakhsh. I asked him, what is his name, he said with a blush that has name is Ram Bakhsh.

Now, when we all are one, we can Worship in any manner. If we pray in a mosque, it would make no difference, we have to Worship the God. We can pray in Temple, we have just to worship him. You may pray in a Church, in a Pagoda, in a Gurudwara, it does not make any difference. But law is above all the nationally accepted values. The Country which has one constitution, one law, same sunshine and the rainfall all over and which has equal

relations with its neighbouring countries be it Pakistan or China and where a bomb shell or an epidemic afflicts all without discriminating them as Muslims or Hindus or Christian, why should there be such accreditation that there should be one law for one segment and the other for another segment.

And even than the people are opposed to it. I would like to ask a questions in four lines. From all those Persons who oppose the civil code. I ask a brief questions

"Bansavali dekhkar Batayen ki hum unko kya
Bansajon mein kanha ke gulam nahin Ate !"

That is to say that despite different religions, values are same. I remember what Taj Bibi said. Though I am a Mughal lady yet I will remain an Indian (Hindrani) such a surrender ! The same as 'Raskhan said in Pahan ho to wahi Raskhan'. That is to say such a broader vision I have extended such a great preaching a little it further—

"Bansavali Dekhkar Batayen hum unko kya,
Bansajon main Kanha ke gulam Nahin ate hain.
Aaj kuch bhi kahen vey kintu itihās
Mein kya unke charon Dham nahin ate hain.
Dada-Pardada hamare jo bhi usme kya
Unke Baap-dada ke naam nahin ate hain.
Aur hai Chunauti Ram ke virodhiyon ki to
siddh karen ki Unke Purvajon mein kya
Ram Nahin aate hain."

The People who say that our law is different. We treat one man as one witness but two ladies are treated as one witness. This is not written in any of our books. I would like to ask that in which book is it written that travelling in an aeroplane is justified. If it is, please let me know. That is also against the religion. Is it written anywhere that we should contest elections. Nowhere.

Neither it says that we will become MP, neither has it been written that we will chatter while sitting in AC. It has nowhere been written that we shall enjoy all these luxuries but still we all are doing that. Every thing is not governed by religion and hence human beings make some changes themselves in the interest of the country. The motion moved by Shri Rawat that there should be uniform civil code for everybody, I strongly support it and it should also be done in the field of education in the field of defence, in the field of religion and also in social, and political fields. I would say that in national perspective and in national interest, there should be uniform civil code even in the economic field. That is why I have said that we can not

reduce or extend a thing but we can endeavour to do so. We should try for this: Just to talk of patriotism without setting examples and just to discuss about civil code without following the same we cannot go together neither can it do any good to national security.

I would like to make one more small point. Preaching is an easy job but just preaching can do no good. I have to say some thing in this context. We have no civil code in the House itself. Some persons stand up and whenever they wish to say something.

They speak whenever they want and some persons keep their hands raised for a full month. They can not raise their voice. They are gentle, well cultured persons. I do not mean to say that others are uncultured but the person who is thoroughly gentle, well cultured, can not get a chance to speak. It seems that he will get the chance only after making noise. Therefore civil code should be enforced in the House itself. Every body has come here after getting elected in their own way on equal footing. You should say it very gently. This need not to be said with anger or agitation. Therefore in every sphere of our society when a man claims his rights to equality, this also calls for the civil code for women, children and of aged and the handicaped persons.

In this very context if the people oppose the civil code and say that they should also get the equal rights in the country, I oppose it because I feel uniform civil code as an abuse. And when we say that we too are the sons of India and have equal rights, I do not agree with rather I oppose it.

In this context I would like to mention a line. This country really belong to us. One can summarise a long speech in just one line. Although these are only four lines but they have a wider meaning.

PROF. RASA SINGH RAWAT (Ajmer) : Have you yourself composed these lines.

PROF. OM PAL SINGH 'NIDAR' : These are also composed by me. In real sense, I do not believe in borrowed honour. Whenever I recite, I recite my own composition only :-

"Sachmuch mein voh desh hamara hai
Isiliye Prano Se Pyara Hai
Hai Sahhi Bharatiya ke Bete
Yeh Kathan Bahut Bemani hai
Jo Ma Ka maan Bechata ho
Kya wah bhi Hindustani Hai ?"

This is a matter, to be deliberated upon, whether we should also treat such persons as Indians. This is not acceptable.

I would like to conclude my speech after saying one more thing in short. I would like to request the hon. Prime Minister particularly, that now a days anyone uses abusive language at any time and even indulges in contempt to the Supreme Court. As a whole these things are not good. If they want to make any provision they should do it and if they want to implement any rule they can also do that but they should implement it fully and not partially. If you want to implement the Personal Law of each religion then it should be kept in mind that a provision for chopping the hands is also there and the value of women votes is half. We are ready here to support it and there should not be any vested interest behind it.

My friends have asked me and as you told me. I will take my seat just after saying four lines — that this code of conduct should be implemented. It should not be delayed and be implemented immediately from today itself without any discrimination. If you really talk about the national unity, integration and brotherhood then one thing is clear that there should not be any double standard in such matters. No country can move forward through double standard. Introspect yourself and think above the lines of caste and creed that whether it is in the interest of India or not. Even if the God put impediments against the interest of the country then we should have the courage to tell him that the interest of the country is first for us and the God, comes thereafter only then the country can move ahead. To quarrel with each other and to protest on petty matters and to be afflicted by such things are neither attached with the social aspects in any way nor democracy demands it. Therefore, the country is most important. Country is Ishwar, Allah and God and when we would accept this fact then there will be no question of opposing the Code of Conduct.

Therefore while supporting it and requesting my all friends I am reciting last lines that all should support it rising above the Politics, of Caste and creed. This is in the interest of all of us. There is one more reason regarding this that the entire country is perturbed with the menace of population explosion which is misforming as Bhashmasur—as a result of which all the schemes fail and by the time we make out figures, one and a half lakh more people are added in our country which results in shortage of everything. If my friend Ramoowaliaji has a strong will power and if he wants to do something for the welfare of the Society—although he speaks only after

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making a solid background—then there is one "Ram Ban" medicine (Panacea). You can replace the word 'Ram' if you like it and it does not make any differences. I withdraw my words and what more can I do. I like poetic expressions very much. So far as Walia word is concerned being a poet I know more about jugglery of words (*Interruptions*). I would not like to comment on Ramoowaliaji here. Everybody is connected here with Ram. We are connected here with two things only—Ram and Kam (work).

If you want the welfare of the society then uniform code of conduct should be implemented. It will certainly have an impact on our population and would also assist to arrest the growth of our population. When the issue pertaining to protection of the rights come up then why the rights of crores of women of the country are still insecured? If there is any uniform code of conduct then their rights will automatically be protected under the same base. They will have the right to express their views and if we are not in a position to do so then we have no right even to call ourselves human beings and also to talk about humanity as it would not serve any purpose.

16.00 hrs.

Therefore in the interest of the country, Society, development, religion and anything else this uniform Code of conduct is very important in this country. Lastly I would take my seat after saying a few lines on the same point which is raised earlier and if you really want to bring a true democracy in the country, then it is such a sword which falls on every one. It can fall even on me therefore to claim rights only will not serve any purpose. Any woman whether she is mother, sister, or wife has equal right like us. This code of conduct should also be maintained in our family, in our lives and conduct also. It has a very wide scope, so do not confine to it in a limited sphere and only then you can call it true democracy but we have been talking about democracy only for the purpose of getting vote, and in regard to economic and social matters but we never adopt the same in our family life and day to day conduct. Thus it could not be treated as true democracy. Democracy of immature minds can not be called democracy. It can not be like an earthworm which has 13 hearts by nature but it is very delicate. We should take it seriously that democracy of conduct is very essential and it is the very basis of the democracy. No body knows when the anger of one person can perish the democracy of other person.

That is why I am reciting that

"Sachha loktantra lana Chahate ho desh me to kisi ek Vaykti Ko na devta Banaye; Bhavna Jagana Chahate ho deshbhakti ki to ek Parivar kehi geet mat gaaie"

(Do not adorn a person as God if you want to bring true democracy in the country and if you want to arouse the sentiments of patriotism do not worship the members of one family only). These are not my views but are the views of Dr. Ambedkar Ji. He expressed these views in this very House. He said that "Worshipping a particular person, can lead to dictatorship and it can in no way bring democracy" There is no question of any race. It is a matter of heart and not of the Party. Sometimes big political hierarchy created and we should have to get rid of them. Give respect to an individual, worship a person. But whosoever will be deserving can achieve greatness himself. A person should be applauded only on the basis of his works and not on the basis of his birth and this is how we get an acquaintance with democracy and start worshipping on the basis of one's deeds by breaking all the bondages of birth. Therefore I recite :

"Sachha loktantra lana Chahate ho desh mein to,
kisi ek Vaykti Ko na devta Banaiye;
Bhawana Jagana Chahate ho deshbhakti ki to,
ek Pariyar he ke geet mat gaiye.
Rashtriya ekta ki baat karte ho yaar,
Pahle ek achar samhita to laiye.
Chahate ho des ki akhandta to avilamb,
dharayen vishesh samvidhan se hataiye:
Jai Bharat, Jai Shri Ram.

SHRI RAJESH PILOT (Dausa) : Mr. Chairman, Sir. Just now I have come to know that the Bill, which is to be discussed today, has been brought forward by our colleague Shri Rasa Singh ji and Shri Bhagwan Shankar ji. I was thinking that Rasa Singh belongs to such a state and how can he bring such a Bill.

MR. CHAIRMAN : This bill has been brought forward by Shri Bhagwan Shankerji and not by Shri Rasa Singh ji. You please say Rawatji.

SHRI RAJESH PILOT : As he belongs to such a place where the colour of turban differs from district to district, the style of tying the turban also differs and he can be recognised by the style of tying the turban as to which district, society and place he belongs to. It is also unity in diversity ?

I have said as to how my friend has brought forward this Bill. Now, I have come to know that this Bill has been brought by our colleague Shri Bhagwan Shankar Rawat. It has been mentioned repeatedly. Our colleague has expressed his views.

It is true that every body has his own views and ideology in our country and as a consequence thereof the basis of democracy has been strong. The country adopts the ideology which is found suitable for the country after taking views of the people having different ideology and that makes the country strong.

This is a religious country and there are no different views about it. We all feel that our country has been a country of Rishis-Munis and Saints and Sufis.

You go any where, you will find different feelings, you go to any area, any place you will find a spirit of worship.

Today after fifty years of independence if we remained united, it is due to only these feelings. In this country every body's views, each religion, each creed and every man have been given due respect and due to this there is a feeling of love every where and that is why our country is strong. In my speeches I mentioned about my village. In my village if anybody falls sick, people gather in the evening to see him. People come to ask as to how he fell sick and whether he has taken any medicine or not and whether Doctor has been consulted or not? And which doctor has been consulted and whether Doctor has attended him or not. The neighbours ask that how your children are being looked after and thus so many people come to see him and in this way his expenditure increases so much that he goes for a walk in the evening so that people think that he is fit and not ill and do not come to his house and he may save his expenditure on serving tea to them. But in America if any body dies, his neighbour comes to know about his death after ten days. In our country this is the reason that people of every religion are living like brothers and sisters and give respect to each other. This has been the greatest ideal of our country.

I have read a book "Freedom at Midnight". In that book Mr. Churchill has mentioned some where. "Do not worry, give them freedom, they would not be able to maintain it even for fifty years. They have different religions and customs." The English people had also said on that very day that there is great diversity and they will not remain united. But this country had so much courage and strength

that we remained united despite the fact that there are diversities. Its main reason was that in our country every body was given due respect equally. One of my brother has made a reference of Shri Ambedkar ji. He had himself mentioned at many places in the constitution that if it remains the basic feature of this country nobody would be able to divide this country. The day when this basic fabric becomes weak, this country would also become weak.

My brother has referred it in a poetic form. A poet can express his views in any manner. I am not a poet. But it is true that after travelling throughout the country, you must have seen that we have different customs in our States.

Mr Chairman, Sir, our hon. Speaker Shri Sangma ji also presides over the house from the same chair in which you are sitting. You go to his state and see that what customs are prevalent there. Here, in your State after marriage the girl goes to the house of the boy but in his state after marriage the boy comes to the house of the girl. The daughter is the property holder there and not the son. The daughter has been given the right of property as a child. You go to Nagaland, there you will find different customs. You go to Kerala and you will find different customs there. But all are happy with their customs. This is the root cause of prosperity of this country. In my view if we bring uniform civil code then we will weaken our unity in diversity.

Mr. Chairman, Sir, if you ask us that we should sit here since morning, we shall sit here and there is no difficulty. But if you say that there will be no lunch break today, we shall feel hunger even at 11 o'clock and will go out for lunch. If no restriction is imposed, we shall sit throughout the day and nobody will say that he is hungry, but on any day when it is told that nobody will take lunch, on that day every body will feel hunger at 11 o'clock. Similarly, if we talk so much about uniform civil code, people will become more eager to know as to why this restriction is being imposed. He can do any thing with his own will. My hon. colleague has mentioned about our sisters. It is correct, you will find many such incidents, many such cases in our society where there is total uniform civil code. There are many such cases in which marriage takes place in the morning and separation takes place in the evening. If the remaining amount has not been paid, it is told that you may go to Panchayat, only then I will accept. But there are such places also where in the event of the death of the elder brother, his wife becomes the wife of his younger

[Shri Rajesh Pilot]

brother. No court and no society is required there. This custom is still in vogue in the society. So far as this practice is concerned, I am of the opinion and I have been saying that the more you will emphasize on these matters today the more changes you can bring about in this regard.

Our muslim brothers have their own customs. They have their own religions and they follow it and accordingly christians have their own customs, We solemnise our marriages according to our own customs. At some places it is solemnised by "Puja" ceremony while in other places it takes place through 'Fera' ceremony where in bride and bridegroom go together around the sacred fire. We should be ashamed of it that in our State, Shri Rasa Singh ji is present here, yesterday I was seeing the photographs in which a five-six year old child was getting married through 'Fera' ceremony and the father or brother of that child was taking him in his lap while solemnising this ceremony. The party to which Shri Rasa Singh ji belongs is in power there. I do not know what is being done by that Government.

PROF. RASA SINGH RAWAT : The Government is making efforts to do away with this practice.

MR. CHAIRMAN : What is being abolished for which efforts are being made.

PROF. RASA SINGH RAWAT : You have asked as to what is being done by Government. I told that Government are making continuous efforts to abolish it.

SHRI SHATRUGHAN PRASAD SINGH (Balia) (Bihar) : The marriage of five years old child was being solemnised ?

SHRI RAJESH PILOT : Yes Sir, the 'fera' ceremony of a five-six year old child was being performed by taking the child in the lap. This is also a custom. We do not want to continue such customs, we are mentioning evils of our society. Today also, there are so many things which are prevailing in our society.

The efforts should be made to eliminate such evils by educating the society. But as you people make propaganda. . . (Interruptions) It is true that there are some evils in our society. A reference has been made about religion. In some religions such customs are recognised and if we interfere in such things, it goes against the sentiments of the people of our country. It will have an adverse effect. Some of our brothers want that national integration and

a sense of brotherhood should be strengthened in our country. They are very clear hearted persons, they should compose such poems so that our sentiments could be expressed in a proper way and a sense of affection with each other may grow further. It has been said that some Articles may be deleted. This matter is under consideration since the last many years. The issue of Kashmir is being pointed out. That Article 370 should be abolished. When I was in the Air force and I was going from Guwahati to Nagaland, I was stopped at Dimapur. At that time I was about 19-20 years old and was a pilot officer. They asked me whether I had a proper permit to go there. I told them that I do not need any permit. I am in the Army and I have to go to Kohima. They said that without a permit you can not go there. It is an incident of 1965-66 and at that time anybody was allowed to go there after obtaining proper gate pass. Perhaps such restrictions were due to insurgency there. Such incidents are happening in the country. The matter differs from state to state. So far as Article 370 is concerned, it was imposed there keeping in view the sentiments of the people of Jammu and Kashmir at that time. All were expecting that all these things would be sorted out during the next 20-25 years and every thing will be clear and there will be no need of it but we could not create such an atmosphere.

SHRI BHAGWAN SHANKAR RAWAT (Agra) : The leaders did not make any efforts. They exploited the situation by considering it as a vote bank. This is the only misery and this Bill has been brought forward to overcome it.

SHRI RAJESH PILOT : Efforts were made. We had made efforts sincerely. If I say some thing then you will mind. You made the efforts only to show the people that you are making efforts. Dr. Murli Manohar Joshi had paid a visit there and at that time. I was the Minister. The news was published in news papers that Dr. Murli Manohar Joshi will hoist the national flag at Lai Chowk. The National flag at Lai Chowk is being hoisted for the last 40 years. What he will hoist there ? In Kashmir every Jawan has the flag in his hand, every soldier is holding firmly a national flag in his hand there. Our sisters have become widows there. They are sitting here because the tri-colour, did not move even an inch. They said that they would hoist the national flag we said hoist it, but what is the reality behind it you know better. He did not move beyond Jammu, then he asked for a plane, and a plane was provided. . . (Interruptions) They went there by the plane and hoisted the national flag for two minutes and came back in the same plane this is how they hoisted the National flag in

the country. Our ideology can differ, but for the sake of the country we should stick on only one ideology. We can also be on the wrong side. I am not saying that we are always correct. You can find various short comings in ourselves but all the parties will have to think over it rising above the party politics and that is better in the interest of the country. Don't think that whatever BJP has said is in the interest of the country. Tell us what is wrong in it but you donot talk about that. . .(Interruptions)

SHRI I.D. SWAMI (Karnal) : Don't say that BJP has not done it. BJP did not frame the constitution. The makers of the constitution wrote in the constitution that there should be a common civil code, constitution has been amended ninty times. If you don't like it delete it too. But donot say that BJP had not done it. . .(Interruptions)

MR. CHAIRMAN : You have given your name to speak.

(Interruptions)

[English]

SHRI RAJESH PILOT : If anybody wants to cross check, he can do so. It is an interesting subject.

[Translation]

MR. CHAIRMAN : They have taken their seats. This is being done from your side. It is better if it would have been from that side.

(Interruptions)

SHRI RAJESH PILOT : It is correct. That the constitution was framed. Constitution was not framed for just two days. Constitution is for the country. Our party is working for the country for the last fifty years. The way it is serving the nation we have been trying in the same way. Every thing should go according to constitution in the country but you take up only those things which are slightly different and they sentimently till towards this side. 370 have been in operation for the last 50 years. During these ten years, but after your number has increased to such an extent what new has happened suddenly that, you want to raise it just now. You make speeches in U.P., Moradabad about it, which looks nice. Our brother from Moradabad will hear that today not even a single yard of land can be purchased in Kashmir which is in our own country. Nobody tells about the annexation of Kashmir with India but much sentiments are attached to it because accession of Kashmir in India was a great event, and some how this

accession took place smoothly. Our brothers were worried because we had given them assurance nobody will take it otherwise. You just give half information, hide the halfone when I will be told that you can't even purchase 2 yards land in Kashmir, this is my country and I can't purchase. . .(Interruptions)

SHRI I.D. SWAMI : Sir, I have a clarification I respect Mr. Pilot very much. He is very senior member, I am also a freedom fighter, I would like to invite his attention towards certain things. When draft of section 370 was presented in congress working committee then the entire congress working committee had unanimously opposed it. Nehruji was out of the country that time. The Gopal Krishna Ayyangar ji approached Sardar Patel, because Nehru Ji was out of country and this being an important thing and it has to go to constituent Assembly. So, he told that till the draft was not passed by Congress Working Committee, it could not be sent there and asked for help. Though they had differences but inspite of that, Sardar Patel assured him and asked to call the meeting again so that they could discuss. Assuring the members of the Working Committee, he said that it will gradually fade away. When Kashmir Assembly will be constituted, they will have their own law, own assembly and there would not be any need to have any section such as 370 as this matter will automatically be closed. It is purely on temporary basis. So please have faith in him and let it go there. Then only this draft was brought in the Constituent Assembly. Thus, it was brought here for a limited period. If parties talk today for its withdrawal, then you term them communal and sectarian and those who say about making it permanent, which was a temporary affair are termed as secular. It is a great irony. This is the bad luck of this country that framers of our constitution also included prohibition in directive principles. A provision has been made by the members of the constituent Assembly and the congress in the constitution that in this country which is the land of Rama-Krishna, Govind Singh and Nanak and the land of Sages, Liquor will neither be manufactured nor sold and nobody will consume it. I bow my head before them who wrote these things keeping in view the 5000 years, history of the country, the accreditation, dignity and cultural back-ground of this country, the mother India.

Section 370 also comes under it.

Sir, what ever you are discussing, today under the directive principals, is regarding Comman Civil Code . . .(Interruptions) Supreme Court has said thrice about common civil code . . .(Interruptions) if you take out

[Shri I.D. Swami]

Directive principal, Common Civil Code will automatically be done away with. . .(Interruptions)

MR. CHAIRMAN : In my opinion, you have delivered your speech. Whether Article 370 is deleted or not. We can atleast delete your name from here.

(Interruptions)

SHRI RAJESH PILOT : Mr. Chairman, Sir. He talked about Congress working committee. It is true you read, when I have differences in working Committee, I have also tried my best to read but did not pay much attention to it. Our president is an old man and sometimes he refers to 1922 and I fail to reply, Now a days, I attend working committee meetings after reading books. It is right that whatever you said, I did not go through it. But so far as I am concerned, I told that when Article 370 was brought, there was the feeling that gradually every thing will be in order and there will be no need for it but as I told you that due to one or other reason, you have prolonged this. What were the rules about Kashmir and gradually where this matter has reached. We were trying to bring Kashmir in the mainstream. Now you are raising issues about hoisting flags, removing 370, bringing uniform Civil Code, but we are also the citizens of India. . .(Interruptions) we have never asked to go back to pre-1952 position.

What I feel is that such sentiments will not make the country strong, on the contrary it will become weak. In these fifty years, all the three institutions of the country are being viewed in high esteem but today when the country is loosing strength day by day then it is our duty that we should not speak a language which makes our country weak and uniform civil code is an indication of it. If we think about the change, we will talk to our brothers that your religion contained these things and it has this disadvantage. So again sentiments are involved here. As I said if we keep ourselves hungry for the whole day, nothing happens, but on saying this that today no food will we served, we feel hungry even at 11 o'clock. Therefor the habit of talking about uniform civil code daily should be stopped.

There are different types of customs in our country. Don't talk about religion, talk about the society. Different states have different dresses, languages. Tomorrow you will impose another restriction. You know that once, when we tried to propagate Hindi in Southern States, what was the outcome.

We should not hurt the sentiments of the people by keeping the country united in such a way. Shri Rawat might have brought this bill after giving it a serious thought. But when I listened to my colleague that he wants to bring the uniform civil code in the country, it is impossible, because every thing can not be equal. We are trying that every State should maintain its own identity and now time has come when we will have to listen to the problem of all the states. They have their own regional problems and we will have to tackle them in that context. If you go to North-East you will feel that we should make some adjustment with the people of area to bring them into the mainstream. There are several parts of the country even today where people ask what is happening in India ?

People of many states asked.

[English]

have you come from India ? They still ask you that question.

[Translation]

This does not mean that why did they ask this question to me. This is a thing to make them understand that.

[English]

this is also a part of India where I am standing. You are my brother. I have not been able to meet you, I have not been able to talk to you. But we both are brothers.

[Translation]

This is one approach and the second is that they asked me as to whether I am coming from India. This Uniform civil code which our colleague has brought under the Private Member's Bills. I will only say that, he should not go ahead with it. However this bill has been brought with good intention to strengthen feeling of the people, but his main objective will not be fulfilled, it will rather harm us. I know Rawat ji very well, his heart is very clear. He has brought this bill according to his party's ideology. His personal views may be different. But I feel that he should not go ahead with this bill.

May it be the question of this Bill or Article 370 or any other matter of this nature relating to some states, we should not give a fillip to any such thing ? We are passing through a very critical time and we do not want that what Mr. Churchill said at the time of our independence, shall come true. He had said that "give them independence and don't worry, India will disintegrate

automatically. He had no belief that they would remain united. I was going through some speeches delivered on 14 of August in the Constituent Assembly Hall. Many people had expressed such views. Dr. Radhakrishnan had said about corruption. Dr. Rajendra Babu had said that we believe in different religions and as such we will have to show a great courage to live together, we should exercise restraint and adjust with each other. Pandit Jawahar Lal Nehru expressed same views in a different manner. I request to Rawat Ji that he should not proceed ahead with this bill. The freedom provided in constitution to the people of all religion, should be maintained. When no difficulty has been experienced during 50 years, it is not expected in future also. If there is any problem, we should solve it with consultation of persons of other religions. It will be better if we go ahead respecting each other's sentiments and do not bring law in it. Legal pressure or otherwise would be harmful. It will hurt their sentiments. They will feel that they have no right to put forward their views freely and follow their traditions in their own way in this country. It will cause anguish all over. The matter of Uniform Civil Code should not be raised because, it will cause all sorts of problems in every state. With this I would request and hope that my brother Shri Bhagwan Shankar Ji would not continue it any further.

SHRI RAMENDRA KUMAR (Begusarai) : The Constitution (Amendment) Bill is brought forward by hon. Shri Bhagwan Shankar Rawat. In my view, it is too much of a reactionary Bill. I, therefore, rise to oppose the bill. I want to know from the Hon'ble Member as to when your Party will be in power, I wish it should not. . . (Interruptions).

PROF. RITA VERMA : It means you believe in God.

SHRI RAMENDRA KUMAR : We swear before the God at the time of marriages etc. I was saying that God forbid if you government is formed, but if your government is formed will you be able to enact such a law in the country ?

I was listening to the speech of hon. Vajpayee Ji during the discussion on confidence motion. As far as I remember and it may be my memory is weak or I have forgotten. He said that you vote for us, we will leave the issue of Uniform civil code. Do you want a Uniform civil code for the sake of votes ? You have ill intention behind this. Therefore, I said that can you have such a law in the country ? If such a law is formulated. . . (Interruptions).

PROF. RASA SINGH RAWAT : Mr. Vajpayee did not speak in the context in which hon. Member is speaking . . . (Interruptions) I am telling just for your information.

SHRI RAMENDRA KUMAR : If hon. Member is on the point of order, should I then sit down or should not yield.

MR. CHAIRMAN : Sometimes we should yield also.

SHRI RAMENDRA KUMAR : I am yielding continuously. If the chair does not yield, you yourself can understand what will happen ?

PROF. RASA SINGH RAWAT : Just now former Prime Minister's name was mentioned and I think his speech has not been quoted properly. He said it in another context. He did not say that he would leave it. He had said that the issues on which consensus cannot be arrived at could be taken up later on. The way the hon. Member has presented it to confirm his own views is not fair.

SHRI RAMENDRA KUMAR : If hon. Member agrees to withdraw, he should do it today itself. This chapter will automatically be closed. You are also saying to withdraw. But there may be difference in regard to the emphasis given to this issue. I have no objection. Even if this bill is passed by the Parliament, could it be implemented ?

We have a law that no one will take dowry and refrain themselves from taking anything in 'Tilak'. I am from Bihar State. I know that the rate of boys in Bihar is high as compared to other states, as the money demanded in 'Tilak' is quite high in Bihar. We have framed a law that neither we will give nor take anything in 'Tilak'. However, the more a person gives in such ceremonies in our society, the more great he is called. The various castes of the society where this 'Tilak' custom was not prevailing there also this has started.

The people who have been assigned with the responsibility of implementing this law are themselves involved in giving and taking of 'Tilak'. This is going on in broad day light in front of every body's eyes. When we could not be able to implement this anti 'Tilak' law, whether it will be possible for us to implement a uniform civil code after passing a law in the Parliament in this regard. The question is whether the society will accept it. I think that the society will never accept it in any form. Whether an elected Government can get it implemented forcibly. It is not at all possible. An Hon. Member was saying that if you think that this law is complicated and even if it is enacted, it could not be implemented, society will not accept it, then what was your intention to bring this bill in the House. That is why I am saying that the intention behind bringing this bill in the House has not been good.

[Shri Ramendra Kumar]

Mr. Chairman, Sir, the hon. Member was saying that if country is one and united, there should be one law for every one. Though Common Civil Code has not come up yet, the country is one and united. Therefore, there should not be anything like "A fair face in a foul heart." Whether you want to disintegrate this country by this law. Our Society and country are one, but you say that we should frame a Common Civil Code to keep country and society united. What I want to say is that you want to break the unity and integrity of the country by enacting a Common Civil Code. If we bring this law than it will be termed as an anti-national act and we cannot pass such law.

Mr. Chairman, Sir, hon. member was saying that it has been envisaged in our constitution, but I want to say that several such things are provided in our constitution. Our constitution provides equal rights to men and women, but even today man and women are not given equal wages in the factories. We could not even provide equal status to men and women under this constitution. Similarly, same provisions have been made about literacy, whether society has been worthy enough to hold it. All the sections of the constitution could not be implemented as it is because the country has not been able to retain them. I was listening to Mr. Pilot. He said that we cannot buy land in Jammu-Kashmir. I want to ask whether we can buy land in Santhal Pargana region of Bihar ? There is a law, under which neither any one can buy land nor sell. Do not talk about Jammu-Kashmir. It is another thing that we can not buy land, as we do not have money. There are separate Tenancy Acts for Chotta Nagpur, Santhal Pargana and Bihar. When Bihar is one, what is the need of having three laws for one Tenancy act.

Hon. Member was saying to enact one law for this purpose. We are one State. No separate Jharkhand has yet been formed. It will come into existence in future or not, I do not know. In Bihar we have enacted three types of Tenancy Acts in regard to land. Non Tribals can not purchase land of tribals in Chota Nagpur and that can not even be sold without prior permission of District Commissioner. When you can not purchase land even in Chota Nagpur and Santhal Pargana of Bihar, how you are talking about purchasing land in Kashmir ? . . .(Interruptions) Why are you always raising Kashmir issue ? That is why I would say that neither you want to purchase land nor you are concerned about Common Civil Code. You always take up that issue which can create communal

tension. Except this you do not talk about anything else. Sometimes you say that people of Bangladesh are coming. I was listening about it in the House and did not speak deliberately. When Bangladeshies are coming, we say that situation is very grave, but when Nepalis come you do not say anything about it. Thousands of people come to Bihar from Nepal. You always keep mum about it. If your intention is clear that no out-sider should enter in our country, you should make it clear that no one should be allowed to enter. You say that except muslims, others are welcome. This is quite amazing. Thus you keep your votes intact by just talking about Hindu-Muslims.

Mr. Chairman, Sir, it is the season of marriages. I have to often go to Bihar. It is very troublesome. Recently I went to attend a marriage. I was invited from the bride's side. When 'Barat' arrived the hosts served Dhua-Paani. Many members may not be knowing about it.

MR. CHAIRMAN : This is not Bihar, Assembly. This is the National House. Therefore please explain what is Dhua-Pani.

SHRI RAMENDRA KUMAR : Mr. Chairman, Sir, some members say about common customs and traditions. I am talking about this very point. I do not know whether this custom is there in other states but in the our Bihar when 'Bharat' arrives, the bride's, party sends 'Dhua-Paani. One person carries water in a pitcher and the other prson a sword. They go there where the 'Bharat stays, alongwith a pandit. It is a different thing as to whether the Pandit is original or impersonating but Pandit ji is necessary. One person was speaking against brahaminism on American centenary. I asked whether a Pandit was called for 'pooja' when you and your son were born ? He said 'Yes'. I asked why was he called. Similarly I asked what Pandit asks at that time. Bride groom's party asks where have you come from ? They say that they have come from Kamroop Kamakhya.' He again asks why have they come ? They reply that our bride is ready and now we have come to invite bridegroom. Learned persons are sitting here who swear by the religion. Please tell me why did he say that they have come from 'Kamrup Kamakhya.' There are so many religious places, why didn't they refer to some other place. I hope that some Hon'ble Members will reply to it because you are the upholder of Hindu culture. We stand nowhere. Please think over it, why did they say that they have come from 'Kamrup Kamakhya'. Another thing they ask is why have they come. The answer is that the bride is ready and

they have come to take the bridegroom. Is there only one custom in the society you are talking about? When we have no uniform customs and traditions amongst ourselves how can you bring uniformity among all religions. You are in an awkward situation. Therefore, we should not indulge in such things which can endanger the freedom and unity of the country. I do not want to go in length. Just now you were talking about Dr. Ambedkar. Dr. Ambedkar took recourse to the 'Boudh Dharma' during later period of his life. You tell why did Dr. Ambedkar take recourse to Boudh Dharma? He did this just because of your hypocrisy. He was ruined, not allowed to survive and you are referring to him. You talk of Supreme Court. Who did violate the Supreme Court most. You swore before the Supreme Court but broke that promise in Ayodhya and you are talking about Supreme Court. . . (Interruptions)

PROF. RASA SINGH RAWAT : What is going on in Bihar. Just see the plight of them whom you supported . . . (Interruptions)

SHRI NAWAL KISHORE RAI (Sitamarhi) : First you admit that you have violated and then reply. . . (Interruptions)

PROF. RASA SINGH RAWAT : Mr. Rai, I am saying to forget about the past and think of the future, try to do what you can easily do. At least now you should come to the right track.

SHRI SHATRUGHAN PRASAD SINGH : Bury the hatchet, and drop this Bill too.

SHRI RAMENDRA KUMAR : I was saying that hon. Member was talking about the Supreme Court. Who violated the promise after swearing in the Supreme Court. Who cheated the Supreme Court. Who disobeyed the Supreme Court. Therefore, why do you talk of these things. You obey the constitution for your own ends and otherwise might is right. Therefore you do not talk of the Supreme Court. Do not talk of constitution. Which constitution provides for bloodshed and assassination, which Supreme Court has given such decision. Which constitution provides for fratricide. In which law it has been written. But you are trying to capture power by this bloody way. You want to indulge in bloodshed to get the power. You should, therefore, leave this ambition. I, therefore, request very politely to leave this country united and let the society be united for the sake of the unity of the country. This Bill should never be passed. I would request the hon. Members not to pass this bill under any circumstances.

MR. CHAIRMAN : Please wait for a minute. The time

was increased for one hour but there are so many Members to speak.

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Chairman, Sir, please give one more hour.

MR. CHAIRMAN : The time is being increased for one more hour.

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I do not agree, Sir, My Bill has to come.

MR. CHAIRMAN : But you have given your name to speak on this Bill.

DR. T. SUBBARAMI REDDY : I withdraw my name. I do not wish to speak.

MR. CHAIRMAN : Those who wish to participate in this debate have given their names. Only three Members could speak today. I have the name of 13 more Members who wish to speak after which the hon. Minister has to intervene. In the end, the mover also has a right to reply. What is the sense of the House?

[Translation]

SHRI RAMENDRA KUMAR : Sir, extend the time for two hours.

MR. CHAIRMAN : We extend the time for one hour. (Interruptions)

MR. CHAIRMAN : The period is extended for one hour.

SHRI NAWAL KISHORE RAI : Sir, please extend it for two hours.

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : The Private Members' Business is up to 6.00 o'clock. Let us know up to what time you are extending the House.

MR. CHAIRMAN : We are not extending the time of the Private Members' Business. I was trying to know the sense of the House and everybody except you was in favour of extending the time.

DR. T. SUBBARAMI REDDY : I have no objection.

MR. CHAIRMAN : What do you want to say?

DR. T. SUBBARAMI REDDY : I want to know if we are going to extend the sitting up to six o'clock so that I can go.

MR. CHAIRMAN : You are free to sit or go.

DR. T. SUBBARAMI REDDY : If my Bill is not going to come, I will go.

MR. CHAIRMAN : Try to have patience.

[Translation]

SHRI HARBHAJAN LAKHA (Phillaur) : Mr. Chairman, Sir, please allow me to speak.

SHRI NAWAL KISHORE RAI : Hon. Chairman, Sir, hon. Member Sh. Bhagwan Shankar Rawat. . . (Interruptions)

SHRI VIJAY GOEL (Sadar Delhi) : Mr. Chairman, Sir, Please tell me whether my 377 will be taken up or not.

MR. CHAIRMAN : When Mr. Speaker was going, he said that he will see.

SHRI HARBHAJAN LAKHA : Mr. Chairman, Sir, Please give me sometime to speak.

MR. CHAIRMAN : Have you asked to speak on this Bill, which is being discussed here.

SHRI HARBHAJAN LAKHA : Yes, I want to speak on this Bill.

MR. CHAIRMAN : You are in the list. Please sit down.

SHRI NAWAL KISHORE RAI : Mr. Chairman, Sir, I rise to oppose personally as well as on behalf of my party the constitution Amendment Bill 1996, moved by Shri Bhagwan Shankar Rawat as a private member. I would like to submit that our country India is great. This is a country with unity in diversity. Here Hindus, Muslims, Sikhs, Christians are all brothers and the entire country is full of diversity. Its Fundamental Principle is unity. It is secular according to the constitution. Being secular, it is harmonious to all religions. Every religion is honoured and there is no legal intervention in any religion. In all these diversities, unity is the fundamental principle. This bill is not fit for the present day. I oppose it. In his constitution amendment Bill he has proposed to delete article 44 which is an extension of Fundamental Rights provided under article 25 of the Constitution. Certainly, the unity in our country after 50 years of independence is a unity in diversity. This unity is because of the fundamental rights provided under article 25 of the Constitution. Article 44 of the Constitution which provides for different customs and traditions for all the religion, is an extension of this article. Every citizen of India has a right to Choose the religion.

Only this right is a binding thread in this country to keep it united in its diversity. Therefore, it is not proper to raise this question in the present situation. It will be a threat to the unity of the country. A person like me considers this bill as a conspiracy to disintegrate the country. Therefore, I request the Hon'ble Member who has introduced the Bill, to withdraw it so that the unity in diversity of the country and patriotism can be kept intact and the secularism provided in the Constitution to strengthened. It will be in the interest of the country and its unity. Through you Sir, I would like to request all the Hon'ble Members of this House not to support this Bill so that this country can march forward maintaining its unity and integrity.

Many things have been discussed here till now Ramendra Kumarji discussed about many customs & traditions. Pilot Sahab has also discussed about customs & traditions of Rajasthan. We belong to Hindu community. If we want to have one law and uniform Civil Code in the country, then efforts should be made first to unite our own family. There is reference of Social justice in the Objects and Reasons of the Constitution amendment bill introduced by Shri Rawat. Have we ensured social justice for the exploited and the sufferers in the Hindu society during the 50 years of Independence that we want to impose uniform code on all religions. Among the four sects—Hindu, Muslims, Sikhs and Christians, Hindus have major role. Now I would like to ask him, if he wants this bill to come into force, has he ever thought of the laws formulated but not implemented so far for the exploited and downtrodden people among Hindus, and where untouchability still exists. When affuents go to the temple, they go straight to the front row even if they are late. But when a poor person wants to worship, he is not allowed to remain in front row, rather he is pushed back. I would request him that the upper class of Hindus among four sects, should strengthen their own unity equality and social justice first and then they should think of making uniform civil code in this country. Only then it will be justified,

Swamyji has mentioned that in the primary objectives of the constitution formulation of civil code has been envisaged. It means that the Civil Code will be incorporated in constitution, only when every body will be ready to accept it by heart and social justice is given to all. But in the present situation of the country, there is no unity even amongst the majority of the Hindu society. Untouchability is still continuing amongst them even after making the laws. Ramendra Kumar Ji had also discussed it. We advise that first you should try to bring in unity, equality in your family and provide social justice to all. 50 years have passed after

independence but we have not been able to bring equality in the Hindu society which is in majority. I would request him not to give more emphasis to the bill and rather he should try to bring unity amongst affluent people who surpass all others even in temples. Then only we can justify the Bill.

We oppose this bill for the sake of unity of the country and through you, request Rawat Ji not to pressurise for the bill in the interest of the country, to strengthen unity in diversity and I also request the house not to support the Bill. With these words I conclude my speech.

SHRI MANGAT RAM SHARMA (Jammu) : Mr. Chairman Sir, I rise to oppose this draft legislation. As many of my friends, have expressed their views, I also feel that our country is a vast country where followers of various religions live. We have many regions and districts where either Muslims, or Christians or Hindus are in majority. In Punjab Sikh brothers are in majority. If you look towards South to North and East to West, you will find that in each village one or the other community is in majority and all the communities live together cordially. This is not from today but since very long time they share their happiness and sorrows. I went to the marriage of the daughter of Sh. Suresh Kalmadi who is a Hindu and I was surprised to see the manner in which marriages are solemnised at Poona in Maharashtra where I compared the marriage amongst the Kashmiri pandits of Jammu region. The system of marriage among the Kashmiri pandits and dogras of Jammu and Kashmir region is different. The system of marriage which I saw amongst the Hindus of Maharashtra was that the marriage was solemnised in 10, 15, 20 minutes in a very simple manner. Now one can ask Kashmiri Pandits to adopt the same system of marriage as in Maharashtra. The sikhs first shortcut the system that marriage party will come back the same day after having the feast, but in our Hindus, marriage party used to stay for three days. However, today Hindus have learnt and adopted the system of Sikhs who go and come back same day after solemnising the marriage. They just have one time feast. Now a days when there is a threat of terrorism, it is safe too to get back the same day. Today all have adopted it. They adopted because they liked it and no law was required for the purpose.

Therefore my point of view is that the persons of different areas, castes and communities adopt their own code which they like better. Whether we can have only one code for all ? If someone says that it is the area of

our Gujarat, it is the area of our Orissa and there are many districts where average rainfall is better and they have to face the situation of floods and also there are some other districts where people have to face the situation of drought and average rainfall is poor. If such resolution is brought here that there should be better rainy season every where or at all places in Gujarat, will it be possible ? Therefore it is the grace of the God. There are some hilly places in India which are covered with snow and also there are some other places where temperature is very high during summer season and we are not able to tolerate the heat. People of different areas use to wear different types of dresses and take different kinds of food and even their style of living is different, even then we are united.

I would like to ask my colleagues that whenever India is attacked do all the communities not fight with them collectively ? Even though our coats are white, we all are Indians. We sacrifice for the security of India. A reference was made here that when Dr. Murlī Manohar Joshi had gone to Srinagar they were not aware of the weather of Kashmir. They went there in ordinary clothes and when they reached at Jammu it started raining. Hundreds of people, who went there from plain areas, had to face great difficulties. The woollen clothes i.e. sweaters were out of stock in Jammu and Udhampur cities shops. Everyone was in search of woollen clothes and nobody could move ahead from Udhampur because all the routes were closed.

17.00 hrs.

These people were not aware that that was the area of heavy snow-fall and snow-fall has taken place there and it was not possible to move ahead. I don't know as to how Rao Saheb was persuaded. These people were sent to Srinagar by plane and any how they hoisted the flag there and came back. I would like to know, whether hoisting the flag by Dr. Joshi there was a right step. Shri Gulam Rasool Kar is our M.P. He had awakened the people in each village against the terrorists activities which were started there by Pakistan. He also had a dialogue with terrorists and took a stand against them and travelled from Uri to Kazipur with a tri-colour in his hand. Being a muslim brother he served the nation and there is no other example as such. He reached there from Delhi or from UP and worked against the terrorists alongwith the local people in the panicstricken atmosphere prevailing there. He did very important job there and is continuing today also. He had been attacked eight

[Shri Mangat Ram Sharma]

times. Today also he is under "Z" plus security cover. A number of Muslims and Hindus have been killed there. The people of all communities have been killed there. Nobody who is a nationalist and has faith in the ideology of Hindustan and does not like the ideology of Pakistan, can be the enemy of our country. Similarly whether Sikhs are the enemy of our country? No, Sardar Beant Singh was killed. He went from village to village along with his friends and made the efforts to improve the atmosphere. Today this is wrong to say that Sardars (Sikhs) don't have a sense of patriotism. They had also made sacrifices. This country is common. All communities have their share. Every community has contributed to strengthen this country. Therefore, we should not take any such steps which may create doubt in the minds of minorities and may hurt them.

There are about twenty tribal castes in Hindu Religion. Every caste in every state and district has its own customs and traditions in our country. If any such law is enacted that there should be a uniform system in the entire country, it will not be possible to implement it. The existing system is here since the fifty years of our independence. Now, why it is being contemplated to bring such a law? We have fought several wars against Pakistan during these fifty years. Bangladesh was freed by our forces within two and half years, and achieved world fame. General Arora belonged to the Sikh community. Pakistani General Niazi has surrendered before him. This great task was performed by a person belonging to Sikh community. Likewise there is also the Samadhi of Brig. Usman who had sacrificed his life in the war. Abdul Hamid, who belonged to U.P. had also sacrificed himself during Kashmir war. We remember him with great respect. In 1965 when insurgency was started for the first time and intruders infiltrated in Kashmir, Din Mohd. Gurjar had informed first of all, about it. We give respect to each religion. The value of each religion its beliefs, and modalities should be recognised. We should not take any such steps which may create doubts between each other. We should not impose our views on others.

Sardar brothers have made marriage a less expensive ceremony and Hindus adopted the same. Therefore if B.J.P. people are doing something in a right direction, then we should certainly follow it. Just now we have been discussing about Article 370. The Englishmen went to meet Maharaja Pratap Singh, the grandfather of Karn Singh. They wanted to have a cantonment in Jammu & Kashmir. They desired to live in Kashmir like Shimla in the summer season, but they had an eye on Kashmir. Like England,

Kashmir has a cold climate. Therefore they were thinking to acquire some land there so as to capture it later on. The Englishmen said that their Viceroy is interested to get some land in Kashmir for setting up cantonment and would build some bungalows here to accommodate their officers who will come to this place to pass summer season. Maharaja Pratap Singh was a very shrewd man. This Article 370 is of that period and did not come into existence during the rule of Shaikh Abdullah or Farooq Abdullah so that it should be given a religious colour. Maharaja Pratap Singh was a very clever man. He told to Englishmen— You are the rulers of India. . . (Interruptions). It was before 1947. In 1947, Maharaja Hari Singh was on the throne. . . (Interruptions). How can you be under us. If you live in our State, you will be under us. But when we are under you, how you can be under us. Therefore, we can not provide you land in Jammu. He did not provide any land there and no cantonment could be established. Englishmen tried their best but they could not be able to succeed in their manoeuvre. At that time, the Maharaja said that the people of Punjab and other states are quite forward whereas people of Kashmir are poor and simple. They have small holdings and if it is opened for all then big capitalist and Nawabs of Pakistan will come here and acquire the entire land. In such a situation where his subjects will go. He declared that no outsider can purchase land there. Only a person who is a domicile of the State should get this opportunity. He should be a State subject. In other states people are literate. That is why he imposed the restriction of domicile of State. He should also get priority in the State services. Nehruji had rightly said about this article that it will lose its grip with the passage of time and indeed it has weakened. The state was brought under the jurisdiction of Auditor-General and labour laws were implemented there. There are numerous laws passed by the centre and were adopted by the state later on. Several such laws are implemented there. Now, here we have the issue pertaining to women's Reservation. We will implement it in our state. Thus, whatever law is enacted by the Centre, it is implemented there after some time. There is not much difference between the Centre and the State laws. That is why I would like to say that if we would implement any law forcibly in Jammu-Kashmir it will lead to a revolt. They themselves are convinced that they should be brought under the jurisdiction of the Supreme Court, Auditor-General and the same labour laws should be enforced there. Every law has been enforced there, one by one but nobody raised their voice. Now, if they are forced to implement these laws, they will think that it is a calculated move and it is unnecessarily being thrust upon them and will result in revolt. Therefore, I would like to

urge that we should think over these issues and about this state rising above the vote politics. Just for the sake of getting vote, we should abstain from creating communal disturbances. If we are strong enough and also get it passed, what more we will be able to gain. We are strong and all Hindus, Sikhs, Muslims and Christians are united. For the unity and integrity of the country we are always united. We have our own small customs which should be allowed to continue. If they understand that customs prevailing in other states are good then they will themselves adopt them and there will not be any need to enact a law in this regard.

With these world, I would like to tell Shri Rawat not to take it otherwise. He is a very senior and experienced member and he should withdraw it and allow everybody to live in peace and harmony in India. If your ideology has a strong base then they will never leave it unadopted. Shri Banatwala would himself say that this law is good and it should also be applied here then it will really be a thing of joy. If the law is good, the minorities will themselves come forward, our people will come forward. Then only we would think that they are convinced. Wait for some time, if the law is really good, which I understand is not good, then the people will come forward to adopt it. I want to mention here that one religion is more dominant in America as the Christians are dominating there, even then they have different laws for each State. Similarly, India is a big country having different customs, therefore we should not mind it. Let the people prosper and act like a ruler. When B.J.P. President Baldevji was elected to Parliament in 1977, he issued a statement in Jammu that he will not take rest till Article 370 is scrapped. At that time Shri Atal Bihari Vajpayee and Shri Advani were in the Government they told him not to say anything about scrapping of Article 370 and keep mum, let it will go on like this. Therefore, I would say that this does not seem appropriate to raise such matter and create such an atmosphere and tension while sitting in opposition and taking evasive actions when you are in power.

Therefore, I appeal to Shri Rawat again not to create such an atmosphere that would terrify the minorities in India as has been said by Shri Rajesh Pilot just now. . . (Interruptions) Let it continue as it is and wait for the appropriate time. With these words, I oppose this draft Bill.

[English]

SHRI P.C. CHACKO : Mr. Chairperson, Sir I am thankful to you for giving me this opportunity. Before I deal

with this subject, I have a very humble request to make to Shri Bhagwan Shankar Rawat. He has brought before this House a very important matter on which this whole country, all legislatures especially the highest panchayat of this country, this Parliament of the country should deliberate upon. But the fact remains that ours is a multi-lingual, multi-religious and multi-cultural society. That is our biggest strength. So, when the debate was going on in the Constituent Assembly, as pointed out by the hon. Member from the BJP, it was deliberately decided not to make this particular item mandatory. Even though this issue was discussed and debated in this country at great length in the Constituent Assembly, at various fora, in the Congress Working Committee and in various forums of the Congress Party, we have deliberately decided that until the country is ripe, until every community, every religion, every group is in a mood, is prepared to accept this reality, then we have to wait for this.

The very essence of Hinduism is tolerance. In this country, every religion which started in the country of its origin, is flourishing. Certain religions have already vanished from the country of its origin but they are still flourishing in India whether it is Zoroastrianism, Judaism or any other religion. These religions vanished from their own country of religion, they are surviving in India. This great tradition is the greatest contribution of Hinduism in this country. I believe, because of the tolerance of Hindu religion we could take different cultures, different beliefs, different religions to assimilate into the Indian culture. That process was the biggest strength of this country. So, in this country when you think of common civil code, this is one issue on which we should be extremely vigilant and careful.

My hon. friend, Shri Bhagwan Shankar Rawat who moved this Resolution really initiated a dialogue. You know very well that we have been discussing this issue for the past two Fridays. This is the fag end of the day and the last day of this Session. Today, this is not a subject on which we can exercise voting and accept or reject this Resolution because this is going to have a wider implication on the minorities of this country. Who are the minorities in this country ? India is the second largest Muslim country in the world. We are a secular country. What is the population of the minorities in this country ? After Indonesia, India has got the maximum Muslim population in the world. Each religion has got its moorings, its beliefs and its traditions. If we fail to understand that for certain political reasons or for certain circumstances of convenience, forget the past and come to a hasty conclusion, it will be an unfortunate day for this country.

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A very seasoned leader, a very seasoned political person like Shri Bhagwan Shankar Rawat, After initiating the debate, has given a good opportunity for the country to bring this to the notice of the intelligentsia. Now I think, it is fair and proper that he withdraws his Resolution because in this Parliament, Resolutions are being brought the Bills are being brought and they are not always for a trial of strength alone. Like that, his Resolution is also to initiate the discussion. For the last 50 years, it was said that, we could not do anything. When are we going to do this ? Very angrily I have heard some Members asking these questions. Such social transformations will take generations together. After the partition with bleeding hearts, the people who fled from India to Pakistan or the people who fled from Pakistan to India are still living with monuments of those horror days. So, we cannot think of a situation until, we by intent and by heart, adopt a situation and decide together that we can think of a new legislation or a new situation.

Sir, many hon. Members especially from the BJP were pointing out that in all other countries, there is a Common Civil Code. This is a very wrong notion. It is not true. It is not the situation prevailing in many countries of the world. It is because, when different religions coexist, it is bound to happen that there will be different Personal Laws. This is not something happening in India alone. This is happening in many countries. How can we distort the history and facts ? This is for the basic principle of coexistence. We have taught a new culture to the whole world. We have taught the world about how the basis of religion can coexist. We have seen the bloodshed in many other countries on the basis of caste, on the basis of religion. People were fighting with each other. People were dying. We can go back to the history and see how wars were fought on the basis of religion. How many martyrs were created on the basis of religion ? Probably, innumerable number of martyrs were created in the name of religion. Can we think of that past which is even horrifying, even hounding the memories of the people living today ? That scar is still on our conscience. When our forefathers, knowingly or unknowingly, were witnessing the situation which is against the conscience of humanity, that is still on our conscience. It is a big question mark.

So, I am sure, what we are initiating a discussion like this, we are throwing a thought before the people. Shri Bhagwan Shankar has done that in an eminent way. Now, it is our culture, it is our tradition, it is our belief and it

is in the Indian blood that we tolerate other religions and religious groups. So, after initiating a dialogue, we have to decide collectively that we withdraw this Resolution and let this process continue which is going on. I think, it can be an ideal situation where all the groups of different castes, and societies should go by consensus on every issue. Not only on the Personal Laws but on every issue, consensus is necessary and that is the essence of the Indian social life. It is not only our polity. The essence is consensus.

Here, on many issues, we are not able to come to a conclusion. For example, some Members were pointing about the most controversial Bill which came up today and everybody was on the reservation question, about the implementation and other things. Probably, there was some difference of opinion. But it should be our collective wisdom to see that we are not going to the stage where confrontation is the attitude, especially like Uniform Civil Code. I am not blaming anybody, I am not questioning the intention of anybody. Who is your next door neighbour ? We forget about this religion. So, Shri Rawat, in our locality, when our next door neighbour belongs to some other religion, we all feel that we are all sons and daughters of *Bharat Mata*. We do not see to which community, our neighbour belongs to. We are like sons and daughters of same mother and same father. We live in this country like brothers. So, we should not spoil that atmosphere. By any legislation, you can quote any number of discussions which took place in the Constituent Assembly, you can say that there is a logic, you can say that it is technically necessary and you can say that there is certain specification for such discussions.

But we cannot forget the fact that there is an underlying unity between all the different sections and the different groups of this country. When the Ayodhya mosque was brought down, whatever was the intention of the people working for or against it, a symbol of secularism had fallen in this country. It was not the question of a mosque, it was not the question of a place of worship, it was much more than that. When we are moving something we may say 'all right, you remove this mosque, take it away and construct the mosque at some other place'. It is easy to say that. At the same time there is another belief that it is a sacred land and it should come to us. One can have this belief. We can debate it, we can have discussions on it in a healthy way. But we cannot go to the streets on this issue. When it happened, what befell the whole country ? We were degraded before the humanity. Before the whole world our faces were blackened

because of what happened on the 6th of December in Ayodhya.

Knowing that, a senior Member like Shri Bhagwan Shankar Rawat should think over it. Last time I had the privilege to request Shri Bhagwan Shankar Rawat that after a good debate he may please withdraw this Bill. He thought that we can have some more discussion. There are so many things on this subject which should be further discussed. But, taking an adamant position is not right. As you know, this is a Constitution (Amendment) Bill. You know very well what is the requirement to pass such a Bill or to put the Bill to the vote of the House. We cannot go to that extent. We can definitely raise issues. That should be in a sportsman's spirit. But beyond that we should not go. If we go beyond that, probably we cannot go on the reverse gear. That happens in a country like India. Issues are sensitive here.

About the Muslim Personal Law there was a very unfair criticism on Friday two weeks back when the discussion was going on here. I was watching that with a painful heart. These are sensitive issues which should be dealt with only by learned people. People were speaking in a very lighter vein that according to the Muslim Personal Law one can marry four times, one can give *Talaq* without any precondition and all that. When such issues are debated in a lighter vein, that affects the spirit of unity. If you go through the record of those discussions, many things have been said which should not have been spoken on a sensitive subject like this. That affected the sentiments of the people. Should we create a situation like that? In an election when we are fighting against each other, when we are thinking of the politics of vote-banks, then all these things may be relevant to us. When we forget the elections and go to our remote villages, when we see the Muslim brethren living just across the compound wall of our houses, then we forget all these things. Basically we are human beings.

Let us give them their right of faith. It is a basic right provided in the Indian Constitution. Everything which we speak, everything which we deliberate here or try to put in the Constitution as amendments should not go against this fundamental faith of the Indian Constitution. There is a right to have one's own faith. Faith may not be very rational. But, on faith you cannot have a debate saying that it should be like this or like that. It cannot be put in a straight jacket. It is a relative matter. So, the freedom of faith is a fundamental right in this country. If we are going into issues which effect the faith of a religious group,

we will be treading a dangerous area. So, the debate on these issues should be very careful. In our anxiety to find fault with somebody or in our anxiety to make retort to the previous speaker we might have gone into various arguments. But this kind of efforts affect our unity. In India we cannot afford this.

Many things have happened after the Independence days. After 15th August 1947, a horrible situation was prevailing in the country, especially in the northern part of the country. But after those agonising days are over, when we are making efforts to collectively move towards a better social order, it is our responsibility, our fundamental duty to be together and strive for a better India.

A better India is not only for Hindus, not only for Muslims or not only for Christians; a better India is for every Indian.

Certain other aspects are also there. This issue should get only a low priority. This is the problem which our political parties are facing today because this issue should be regarded a low priority issue and should not have been brought forward here. The Bill to provide for a common civil code has come up. I am not arguing against the logic of his argument but the question is, is it a high priority issue?

Today, during Zero Hour, nearly thirty hon. Members were raising the issue of drinking water. Even after fifty years of Independence, hon. Members of Parliament, on the last day of the Session, raise the issue of drinking water. There are so many other issue of social injustice which are crippling the society. Those issues should be on high priority. If we are saying at six o'clock today, 'Let us pass this Constitution (Amendment) Bill', it is not so easy to pass a Constitution (Amendment) Bill and say that there is a common civil code in this country.

They cannot take this issue so lightly. They think, it is fundamental to their belief. That is the thinking of each religious group. We should educate them. We should give them sufficient opportunity. We should try to understand them. We should not be underestimating them, denigrating them, denigrating their personal laws. Perhaps, there are people belonging to various religions and communities, who believe that the personal law is sacrosanct and sacred, which cannot be amended. This belief is not in India alone. We can see this in many other countries also.

We cannot put religion in a rational rectangle. A religion may have its basis which may not be very rational

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in the angle of one who believes in another religion. This is the situation where really a transformation of mind, transformation of thinking is necessary.

Why did the founding fathers of our Constitution decide that this should be in Directive Principles ? Certain aspects were included in the Directive Principles and certain others were included in the Fundamental Rights; various chapters were arranged in this way because they were wise enough to understand the intricacies of this problem and how this problem would affect the country. So, it was decided, 'Let the time be ripe. Then, we will think of that.' Nobody in this country is of the view that this should never be thought of, that this should never be discussed. So, we have to wait for a situation where willingly all our brethren, belonging to all religions and religious groups, decide that we can have a consensus and common opinion on certain issues.

If we try to pressurise your viewpoint or if we try to put pressure on others beyond a point, what happens is that we are likely to go only on the reverse gear. It is a natural process. I am sure that a very senior and balanced person like Shri Bhagwan Shankar Rawat can very well understand the implications if any community says, 'No, it is our right. We are going to force a decision on you', to other communities. We cannot afford this.

Wherever we see religious groups or communities fighting each other and bloodshed is there, India is always there as an example. With all the aberrations, with all the unfortunate incidents like that of the 6th December, 1992, still India is an example to the whole world. When the fight is going on in Yugoslavia, when the Serbs are fighting the poor Muslims, wearing crosses and saying, 'Christ is our God and we will fight the other community', wearing the crosses and holding guns in their hands, when they are raiding on the other minority communities, whether it is Serbia or Yugoslavia or wherever in the world where a religious fight or war is going on, our country is an example. We cannot afford to make this amendment because we have been arguing on this issue that it would affect the sentiments and the finest chord which binds us together. Such a situation should not arise.

If at all a Constitution Amendment of this kind is necessary, I have a humble suggestion. We have to go down to the various strata of the society. We have to involve a large number of people. I have a humble opinion, a feeling that we who belong to various political parties

are beyond these four walls of Parliament. We can have a kind of a dialogue or discussion. We oppose the BJP and we cannot compromise with the BJP but we can have a dialogue on various issues which are confronting this country.

So, these are certain issues on which the political parties would have to try to have a kind of consensus in this country. Now where are we going ? People are voting for you and voting for us; does it mean that we can do whatever we like in this country ? For the future of this country and for the sake of future generation, before tampering with such sensitive issues, we must remember that we have a moral responsibility. We have a Constitution; we have a fundamental obligation towards the people of this country.

We, the political parties, are representing the people; we should have a dialogue outside. Shri Bhagwan Shankar Rawat has initiated a new kind of a discussion in this country. Let that discussion go on in various States, in various social groups and among various political parties; and let us argue this issue outside in a healthy atmosphere.

When we want to have a one line Constitutional amendment in this country, what does it mean ? Suppose we decide to pass this Constitutional Amendment, Bill, what will be the implications in this country ? Shri Bhagwan Shankar Rawat himself would not be able to take it back tomorrow. We cannot unleash a situation of horror and violence in this country. What we want is a transformation of mind and a transformation of thinking. Let us initiate that kind of a thing.

This country needs a kind of a dialogue on many other issues. You know that, Sir. We are on a path of confrontation today—whether it is a political issue or a religious issue or a social issue. We do not have a solution, other than a confrontation. But confrontation is not going to lead us anywhere. This is a country which has tolerated all the religions of the world. This country has welcomed all the religions of the world. When we welcomed Buddhism, when we welcomed Judaism in this country, we welcomed them with both the hands. We were prepared to receive the goodness in them; we were prepared to accept them; and we were prepared to receive the basic goodness in each religion. So, now we cannot say that they should behave in such a way and should not behave in such a way. That will be against the basic understanding. People have got a tremendous faith in this country. The inner chord, the underlying fact or the underlying strength of this great country is that we have got tolerance. When

there is even a remote impression that our tolerance is weaning away, then this country is gone.

We may have political crisis at the Centre or in the States, but we will come back. We have seen this during many crises in this country. Such crises will come and go, but India remains strong. Why ? It is because we have an inherent strength in India and an inherent strength in our society. If that inherent strength is go to only deliberately, we should not be a party to that. We should not be a party for spoiling that inherent strength deliberately or otherwise. So, here is a situation probably.

I welcome the initiative, but I oppose this Bill. I have a humble request to make here. We have enough discussion and many more hon. Members want to contribute. Last time, you may remember, Sir, that when Shri Bhagwan Shankar Rawat wanted that the priority should be retained so that we can have a further discussion, we have even amended the rules of the House to do that. We are never against a discussion; we never wanted to shut out a discussion. We wanted that and the whole House agreed to it. We decided to amend the rules and the priority was maintained; and this was kept alive. So, we have got an opportunity today to discuss this. That discussion should be held in an atmosphere of friendship, in an atmosphere of peace and in a calm atmosphere; there should not be hatred amongst religions, amongst groups; and there cannot be a feeling of hatred. If we are thinking this in the background of hatred, it is unfortunate.

Every religion is thinking that the Personal Laws are sacred and sacrosanct and they cannot be changed. That is the strength of their survival. So, the best method we can adopt is not to try to question the Personal Laws of other religions. But there has to be a change from within the religions themselves. Every religion should think and their leaders should think as to what kind of a reform has to take place within the religion. That process is already on, I think. Nothing is standard in the world; everything is under the process of change. Probably, there may be some distortions here and there. That is why, some hon. Members were highlighting those distortions. It is good that we are speaking it out. But let us speak with respect, let us speak with love, let us speak with affection. When we speak with ill-will and hatred, and say that others' Personal Laws are not good, what would it create ? If you want a real change of heart, then we can approach this issue only with mutual respect, mutual regard and mutual affection. If that happens, a change will take place within the religion. The religious leadership would take the

initiative to change whatever is not desirable in a modern social set up. We are waiting for that kind of a change. Our founding fathers said that when the situation is ripe enough, then we can think of that.

Even after 50 years—do not put it in a time scale like 50 years or 60 years. It may require sometimes 100 years and sometimes ten years. You cannot measure it by years or time, it is a change that has to be willingly accepted—we have to wait for that kind of a situation. The wisdom of this House is requesting the hon. Mover of the Resolution and all Members who are supporting this Resolution, after highlighting the issues involved in this subject, that this issue is kept alive. And more than the issue and its technicalities, we respect the sentiments of every religion and faith. If that basic concept of India, the tradition and heritage of India, is flowing in our minds, then we cannot go and try the strength on this subject in this House. I have no doubt about the outcome. But I feel that we should not take things to that level because they may affect us. What we are doing with both the hands, we may not be able to do it tomorrow. What happened on 6th December ? That happened on many occasions. Let us not repeat that once again, thereby pricking the conscience of our own brothers, thereby leading the society to turmoil and unpleasant situation. So, I do not want to go into more details on this issue.

Certain personal laws, explanations, the circumstances in which the personal laws of every faith which has developed, its social and historical background, have also to be taken into account. The background, the period and the history of Muslim personal laws have also to be taken into account. I do not want to go into all those things. There are experts who are here who can deal with them. When the social situation was so unbearable, Prophet Mohammad decided that there should be some system or arrangement and thought that this society cannot go whichever way it likes. Let there be some system. It was an effort to systematically work out the methodology for the growing of the society. That had resulted in the origin of the personal laws in that period of time, in that historical context. But if we take things out of context, and if we say that these personal laws are not acceptable, then we cannot deal with that now. We have the experience. We have the knowledge of the past as to why and how we should deal with things. So, on an issue like this, the way some hon. Members have dealt with in a lighter vein might have affected the feelings of some people. We did not mean that and you did not mean that. But let us not repeat it. So, let the posterity decide, let the future generations

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decide that at this point of time, Members of Parliament took a bad view on a subject which is sensitive and which has far-reaching consequences for the future of this country. Let us have a matured approach to the problem in that way. This is my humble and fervent appeal to my friend, Shri Bhagwan Shankar Rawat.

This is an issue which can upset the balance of the society. Let us not go to that extent and press for voting. If you go to logical conclusions, normally, many issues will come up. It may be convenient to the Government or not convenient to the Government. The winning or losing of the Government is not the major problem. I may also support the Government but it does not mean that I want to defend the Government on everything or that the Government should not have any inconvenience. This is not my intention. Government may be inconvenienced at some point of time. Last time, the hon. Law Minister said that there were only ten minutes and he wanted to make a long speech. We are waiting to hear the Law Minister and the response of the Government on this issue. How can we go about and why should this debate occur every now and then? People are arguing both the sides. It may not be in a superfluous manner. So, the Government also might have deliberated on this subject. They will come with the official view of the Government. But we should not go to that level. Whether the Government accepts it or not, whether it is inconvenient to the Government or not, should not be the problem now. People sitting there and here may see their positions. But that does not mean that it is inconvenient to the Government. That should not be our attitude. You can have it on any other subject. We can have it on a subject like the Budget or a policy or a programme but not a subject like this. This is a very very sensitive and sentimental subject and this may lead to a situation whereby the unity of the country may be threatened. I am sure that my hon. friend does not want that situation to develop.

So, my humble request to the Member is to withdraw this Bill so that the fruitful discussion continues. I thank you very much for giving me this opportunity to speak. I request that the Bill may be withdrawn and if it is not, I oppose it with all the might at my command.

[Translation]

SHRIMATI BHAGWATI DEVI (Gaya) : Mr. Chairman Sir, I thank you for giving me time to speak. I rise to oppose the Bill which is brought in the House. I want to oppose

this Bill, because in India there are people belonging to different religions. As you know that when the incarnation of Adiguru Shankaracharya and Brahma, Vishnu and Mahesh, took place, many caste like Kori, Gobar, Ghuiyan, Chamar, Dom, Dushad, Kalwar, Tel, Dhobi, Nai came into existence. I want to know how these castes were created. When the people in power face crisis, they start talking in terms of caste. They have created new castes. When poor people supported Laloo, then they felt envy-Why? You have divided the people in various castes. A 'Shudra' is beaten if he drinks water with 'Lota', you have tied the bell in their throat, you have tied the 'handi' and broom. All the castes have been made by you. But you have started talking of uniting them today.

Restrictions have also been imposed on touching the idols of Gods and Goddesses but the temples for these Gods and Goddesses are constructed by a 'Ghuini-Chabani' namely Bhagwati. There are 'Babaji' for worship of these Gods and Goddesses. I do not know about the whole country, but there was a gold idol in the Vishwanath Temple, which has been stolen away. Whether a Ghuiyan-Chamar used to go there for worship? When only Panditji was there then where the idol has gone, who was involved in its theft, how all this had happened and what was the modus operandi in this regard.

MR. CHAIRMAN : One hour was extended to complete the discussion on this Bill, which is over now.

SEVERAL HON. MEMBERS : It should be extended by one hour more.

MR. CHAIRMAN : All right. It is extended by one more hour to complete the discussion on this Bill.

SHRIMATI BHAGWATI DEVI : I want to say that you want to unite all the people. But you make love with any girl, when you desire to do so and if she gets conceived you neglect her by saying that you are not interested in her friendship. In such circumstances she had to commit suicide. She is ousted from the society. What are reasons that a minister's son is allowed to do anything with any poor girl. If you want friendship with the poor, you had to change your mentality. But when such an occasion comes you talk of 'Roti and Beti' and casteism, - I want to ask that to which direction you want to take the society and how?

When poor society is going to a direction today, you though that which law should be enacted to divert the poor from that way. Then you presented this Bill, but how will you remain, with any one. In this country the people believe

in different religions, some are Kabir-panthis, some are christians, some people believe in the Sikh religion of Guru Nanak Dev. You say that inter-caste, marriages should be encouraged, but the wrong way which you are following, we are unable to persuade our children to follow that way. For the sake of religion, where do you want to take us and, how do you want to take us to that way. You do not allow us to worship. Whether the feeling of untouchability has vanished now. We have huts and when Lalooji has brought some improvement in the condition of those huts, it pinched the rich people.

SHRI ASHOK PRADHAN (Khurja) : How Lalooji has come in the picture. . . (Interruptions)

SHRIMATI BHAGWATI DEVI : You give your views afterwards. . . (Interruptions) When Lalooji has tried to improve our houses, all the persons have become restless. Some people live in 'Pucca' house and some in 'Khaprails'. You will have to reduce the difference between the status of poor and rich. Tulsidas has said that.

One day 'Kaliyug' will come, 'Kshatriya' will step down and 'Shudra' will rule. When you think so, I must be enthroned as Prime Minister. . . (Interruptions)

MR. CHAIRMAN : Please take your seat.

SHRI BHAGWATI DEVI : I will take only one minute. I want to make it clear that this Bill should not be passed in the name of religion. Hindustan is a garden, where people of all religions live. All religions preach non-violence, so they should not be abolished.

With these words, I conclude my speech.

SHRI GULAM RASOOL KAR : Mr. Chairman, Sir, I strongly oppose the Bill introduced by Shri Rawat. This country belongs to all and religions have no importance here. Here importance is given to the freedom of every religion. India is a vast country where we can find all the religions which can not be found elsewhere in the world. We have different customs, traditions, way of living and worshipping. The uniform civil code bill has been introduced today and reference has been given about Article 44 of the Constitution which enumerates Directive Principles but it has no relation to Fundamental Rights. It has been written in the Constitution of India that India will be democratic, socialist and secular. Secularism does not mean that you can do whatever you like. Everybody has his own religion and there should be no confrontation between one religion and the other. Muslims believe that everybody should advocate his own religion and should

not oppose the other's religions. Let everybody advocate his own religion and there is no interference or compulsion in 'La Ilaha Abidin'. By bringing this Bill you want to intervene through back door. We have our own method of marriage. We divorce women according to 'Shariat' which is legal, natural and according to 'Quran'. You should first look at the Hindu society if you want Uniform Civil Code. There are many customs and traditions in which somebody worships fire, somebody river, somebody mountain, somebody snake, somebody worships water of the rivers and somebody treats fish as God. I worship 'Shiva'. You worship Ram and Krishna. You all go to "Dargah and Sangam", We have our own 'Basharat'. In Kashmir.

You immerse the human remains in 'Ganga' and now you want to adopt one thing today and the other tomorrow. All people should have a common system. India can be united on the basis of single language. You wanted to thrust Hindi 40 years ago but there were reactions and people didn't leave English. Today after a lapse of 40 years, we feel that Hindi is gradually spreading its roots there also and everybody is accepting Hindi. Gradually a common language is emerging.

It is atrocity on sentiments. In this way you can not keep India united. Responsibility to keep India united lies with us and the common man. It may be Congress or any other party, we have made sacrifices for this country. We have pushed the Britishers out of here to get independence. We have abolished the bureaucracy and feudalism. Is uniform civil code a hindrance for the progress of India? You are the representative of big Jaghirdars and capitalists. Through constitution it was decided that this will be a socialist country. Which bill have you brought to remove the Jaghirdars. What restriction have you imposed upon the big Jaghirdars, Capitalists and Industrialists. What good have you done to the poor. What benefit would be drawn for the poor and the society by enacting the Uniform Civil Code, What good it will do to the country rather it would increase the disputes and conflicts. There are a number of laws in the country. Could you abolish the dowry system after enacting the anti-dowry Act? Had you imposed any restriction on child marriages? Does the Child marriages not take place in the country today? Now there are laws, but earlier, there were restrictions. But when through literature, newspapers and the media we made them aware of its problems, then only people could realise that the child marriages should not take place. It is the matter of great shame for this country that we do not think that the mother who gave us birth was once a girl. At the time of a girl's marriage you ask about the dowry proposed to be given. You do not think

[Shri Gulam Rasool Kar]

that your mother too was a daughter. What step have you taken towards this.

I like to submit that whenever some one delivers the speech then the people from among you, the people of BJP give reference of Article 370. you have understood neither the Article 370 nor the constitution. We had an accord with India, we acceded. Presently there is conflict regarding agreement of Article 370: The agreement, to include this Article in the constitution of India that Kashmir should have the right to form its own laws, was made with Sardar Patel, Pt. Jawahar Lal and Dr. Ambedkar. If you would break this agreement, you know its consequences. At present there its ceasefire line in Kashmir. There are 90 member of U.N.O. They have one office in Kashmir one in Rawalpindi; one in Siyalkot and one in Surjeet Garh.

Instead of asking for abolition of article 370, why don't you educate the people about these things. What will you get after abolishing Article 370. You will not have the right to purchase land. The law regarding purchase of land, doesn't have any relation with the constitution. That was the State subject law of Maharaja Pratap Singh, Until it is changed you will not have to right to purchase land in Kashmir. I would like to say that we don't had this restriction of state subject from the point of view of religion.

We put it as state subject because capitalist Jagirdars, Wealthy people will come to Kashmir with a view to purchase the land and the people of Kashmir there will become landless, so we have kept this restriction. You do not talk about article 371 A, B, C, D, E, F which is made for the Northern States. Kashmir is a Muslim majority State. You want to reduce their number. I would like to say clearly that Kashmir is crown of India. Out of twenty two states, of a Muslim Majority State exist in federal structure of India. It is a matter of pride for us and for all Indians. Your deeds couldn't change the geographical structure, rivers and people of Kashmir. We have made great sacrifices and after these great sacrifices, we had obtained this right. Therefore, I would like to say clearly time and again that a lot of hue and cry is raised about the abrogation of Article 370 but by doing so nothing could will come out, nobody would be benefitted, neither The Hindus nor the minorities. The need of the hour therefore is to educate the people in this regard. So that the people would have better understanding of the issue which will be better for the country and every community. When community will understand that this will be a good thing for them, they

themselves will come forward and compel to change this position. It is not an occasion to discuss such a matter.

I strongly appeal to you particularly to Shri Atal Bihari Vajpayee that your leaders will rule the country. Is this the way to rule the country ? You want to effect changes in our muslim personal law and Shariat law which is injunction of Quran, but we will never let you do that, we will oppose it tooth and nail and throughout life and upto the last.

SHRI I.D. SWAMI : Mr. Chairman, Sir, in this discussion on Common Civil Code while deviating from the main issue generally, only one thing is being said that the customs of a particular Community would change. It is misleading since Common Civil Code has nothing to do with customs. When Hindu Succession Act was passed, Hindu Marriage Act was passed and Hindu adoption Act was passed, the customs of Hindu did not change but some laws were made to remove the shortcoming in Hindu Code Bill.

18.00 hrs.

At that time no advice was taken, no need of forming any consensus was felt, but the then Government had thought that if that was done, it would be in the interest of the country and that community. Similarly, if we remove the shortcomings of the law of other community by passing Common Civil Code, it would not only benefit that community but would also create an atmosphere of equality in the country. Common Civil Code was included in Directive principles for creating the atmosphere of equality.

MR.. CHAIRMAN : Swamiji, please sit down, you can continue when this discussion would be taken up during the next session. I is 6.00 p.m. now. If the house agrees, we can take up the matters under Rule 377.

SHRIMATI SUSHMA SWARAJ (South Delhi) : I am on a point of order. Hon'ble Speaker had said that Women Reservation Bill would be taken up at 6 p.m. You were also present in the house at that time. While in chair the Hon'ble Speaker had said that Women Reservation Bill would be taken up at 6.00 o'clock. . . (Interruptions) I have put up my point. Why are you making noise. . . (Interruptions)

MR. CHAIRMAN : You are not to conduct the House, you please sit down. Hon'ble Speaker had said that sense of the House would be taken at Six p.m. and therefore we took the sense of the house and accordingly we are taking up matters under rule 377.

SHRIMATI SUSHMA SWARAJ : You have not asked the other thing for taking sense, please ask that also.

MR. CHAIRMAN : Hon'ble Speaker would come by that time. You please don't worry.

SHRIMATI SUSHMA SWARAJ : You have caused worry and now asking as to why I am worried. You know as to why I am worried.

MR. CHAIRMAN : Now, we shall take up matters under Rule 377. Shri Chhatra Pal Singh.

18.02 hrs.

MATTERS UNDER RULE 377

(i) **Need for construction of a bridge over river Ganga at Anupshahar in U.P.**

[Translation]

SHRI CHHATRAPAL SINGH (Bulandshahar) : Anupshahar under my parliamentary constituency Bulandshahar is an important commercial and religious centre. There are many educational institutions here. It is situated on the banks of river Ganga. On the other side of Ganga river is Badaun district but there is no permanent bridge on river Ganga for connecting these two districts. During winter season, a pontoon bridge is erected but during the remaining 8 months of the year, there is no arrangement to cross the river as a result of which the people of both districts have to face difficulties and it adversely affects the trade, education and religious feelings.

Through you, I would like to request the Union Government to construct a permanent bridge over river Ganga at Anupshahar.

(ii) **Need to open L.P.G. outlets in Ratlam and Mandsaur districts of Madhya Pradesh**

DR. LAXMINARAYAN PANDEY (Mandsaur) : People at many places in Madhya Pradesh are facing lot of difficulties due to lack of L.P.G. connections. In many cities the waiting lists for L.P.G. connections have become very long. The situation is such that there is shortage of fuel in rural areas and the demand for L.P.G. has been increasing in small towns also. Alongwith big cities, there are also some places which had been district headquarters or the state capitals earlier. Jawara in Ratlam district and Shyamgarh, Manasa and Garodha in Mandsaur district are prominent among them. These places also fulfil all the requirements for opening gas agencies there.

At last, I would request the Minister of Petroleum to

open L.P.G. Agencies in Jawra town of Ratlam district and Shyamgarh, Manasa and Garodha of Mandsaur district so that the problems of consumers could be solved. In this context, I would also request that new gas agencies should be opened at such places where the waiting list is long.

(iii) **Need to transfer one Post of AIR Correspondent from Bhuj Akashvani Kendra to Rajkot**

DR. VALLABH BHAI KATHIRIA (Rajkot) : Justice has not been done to the six border and coastal districts of Saurashtra by creating only a post of news correspondent for Akashvani Kendra of Rajkot which is the old capital of Saurashtra region of Gujarat. It has adversely affected the news coverage of this area in national news. There are two posts of news correspondents at Bhuj Centre. Therefore, we all political representatives, social organisations demand that one post of Barraki (Bhuj) may be transferred from Bhuj to Rajkot Kendra so that this region could find place in national news.

The Union Government is requested to take action in this regard at the earlier.

(iv) **Need for Early Implementation of Economic Package Declared for Jammu and Kashmir**

[English]

SHRI MANGAT RAM SHARMA (Jammu) : Sir, I want to draw the attention of the Union Government to a very important matter relating to economic package declared for Jammu and Kashmir State by the Government of India.

Sir, the proxy war by our neighbouring country has brought untold miseries to the people of Jammu and Kashmir and lakhs of people have lost their home and means of livelihood. Unemployment has touched new heights and economic development suffered immensely. From last year, however, the winds have changed and favourable climate set in. The Government of India responded to this changed situation and last year the then Prime Minister announced economic package for the people of Jammu and Kashmir not only during his visit to the State but also on the floor of the House.

Apart from economic package, there is also urgent need to grant following reliefs.

Rehabilitation and grant of relief to the tune of Rs. 25,000/- per family to Pak occupied territories of Jammu and Kashmir and relief of Rs. 1,00,000/- per family to erstwhile West Pakistan Refugees in Jammu and Kashmir