

one hour is left for the discussion of this Bill. So, I must be given a chance to move my Bill within this one hour. Otherwise, I will lose the opportunity to move my Bill.

SHRI P.R. DASMUNSI : This Bill is to be discussed now. The discussion is continuing. The time allotted today for discussion on the Private Members' Bills is four hours.

MR. CHAIRMAN : The time allotted is 4 hours 21 minutes. The time taken is 3 hours 21 minutes. The balance left is one hour.

DR. T. SUBBARAMI REDDY : Only one hour is allotted for discussion of this Bill. So, I must be given an opportunity to move my Bill during this one hour.

MR. CHAIRMAN : What you mean is that the discussion on your Bill should be commenced today.

DR. T. SUBBARAMI REDDY : Even if I am given one minute, that will be sufficient for me. I must be given a chance to start it.

MR. CHAIRMAN : That is very fair. On the Bill that was under discussion last time, Shri Satya Pal Jain was speaking and he has already taken 20 minutes and he will continue his speech.

17.46 hrs.

CONSTITUTION (AMENDMENT) BILL,  
1996\*—Contd.

(Omission of article 44, etc.)

[Translation]

SHRI SATYA PAL JAIN (Chandigarh) : Mr. Chairman, Sir, I rise to support the bill presented by Shri Bhagwan Shankar Rawat. I was speaking in support of that. Last time discussion could not be completed due to time factor and the discussion was postponed for today.

Sir, I would like to quote article 44 of the Constitution of India. It reads—"The state shall endeavour to secure for the citizens a uniform civil for throughout the territory of India". This article deals with Directive Principles of State policy. Article 37 of the Constitution of India says that the fundamental Directives shall be applicable for all the policies of the Government. Article 37 of the Constitution of India says—"the provisions contained in this part shall not be enforceable by any court but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws." Everything mentioned in this section is important—the organisation of Gram

Panchayat, equal rights, equal employment allowance for men and women, development of Scheduled Castes and many other things, which are basic for the Directive Principles of Government and necessary for running the Government, have been included in this sections.

Sir, you must be aware that in 1971-72 when Smt. Indira Gandhiji nationalised the banks then a discussion was held in the country. The discussion was as to whether the fundamental rights given in the Constitution of India are supreme or the Directive Principle of State Policy given in the Constitution of India are supreme? Whether Fundamental Rights are supreme or 14 Directive Principles of the State Policy? At that time our leftist people were supporting Shrimati Indira Gandhiji saying that in making of Government and in making the policy of Government there should be supermacy of Directive Principles of State Policy and the points enshrined in the Directive Principles of State Policy should be given priority in making the policies of the Government. Therefore, I would like to urge upon you that when article 44 of the Constitution of India says that the Government shall try to make uniform civil code for all the citizens. I think that any one who has faith in the Constitution of India will not oppose the step taken by Shri Rawat in this direction.

Mr. Chairman, Sir, Shri Banatwala was speaking that day. He has mentioned article 330 and 331 and some other articles of the Constitution of India. In respect of all the articles of the Constitution of India from 301 onwards it is said that all these articles are temporary and were created for very limited period. If you see article 330 of the Constitution of India then you will find that in Part XVI, it is written special provisions made for certain categories are temporary. I, therefore, feel that if we want to reject this proposal by mentioning one or two points of those articles then it would be unjust and it would be insult of the concept and spirit of the Constitution of India.

Mr. Chairman, Sir, the Highest Court of the country, the Supreme Court has given its verdict in Shrimati Sarla Modgil versus Government of India case that uniform code of conduct should be implemented in India.

Mr. Chairman, Sir, last time some people told there is no such thing in the verdict of Supreme Court. I would like to quote some paragraph about the verdict of Supreme Court, where the Supreme Court has not only told that uniform civil code should be made but has also the condemned the indecisionness of the Government in this regard. In its decision the Supreme Court says :

[English]

"Successive Governments till date have been wholly

\*Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 2-5-97.

remiss in their duty of implementing the Constitutional mandate under Article 44 of the Constitution of India. It is an unequivocal mandate under Article 44 of the Constitution of India which seeks to introduce a uniform personal law as a decisive step towards national consolidation."

Further, the Supreme Court says :

"Article 44 is based on the concept that there is no necessary connection between religion and personal law in a civilized society. Article 25 guarantees religious freedom whereas Article 44 seeks to divert religion from social relations and personal law. The personal law of the Hindus such as relating to marriage, succession and the like have all a sacramental origin, in the same manner as in the case of the Muslims or the Christians. The Hindus along with Sikhs, Buddhists and Jains have forsaken their sentiments in the cause of the national unity and integration, some other communities would not, though the Constitution enjoins the establishment of a common civil code for the whole of India."

[Translation]

Mr. Chairman, Sir, Supreme Court has also directed the Government to send all information, regarding the steps taken for implementing the Uniform Civil Code. Previously in Shahbano case also Supreme Court had made a similar statement. In this judgment Justice Kuldeep Singh has said in his verdict :

[English]

"When more than 80 per cent of the citizens have already been brought under the codified personal law, there is no justification whatsoever to keep in obedience any more, the introduction of a 'uniform civil code' for all citizens in the territory of India."

[Translation]

Mr. Chairman, Sir, when even the Supreme Court has said in its verdict that there is no reason for not implementing the Uniform Civil Code. It has even directed the Government to implement it. It is a matter of surprise that in such a situation how any person can talk otherwise.

Mr. Speaker, Sir, the whole country is aware of the Shahbano case under Criminal Procedure Code's section 125. An aged woman was demanding a maintenance allowance of Rs. five hundred, already fixed under the law. Supreme Court gave its verdict in favour of that woman. At that time, I remember, the then Prime Minister Shri Rajiv Gandhi had congratulated Shri Arif Mohamad Khan for speaking in favour of that judgment of Supreme

Court. But became under pressure due to political reasons and another act was enacted to change this judgment. Mr. Speaker, Sir, if a Muslim divorces his wife then she is not entitled to receive any maintenance allowance under section 125 of CrPC but the woman belonging to other religions or their children are entitled to receive the maintenance allowance under Section 125 of Criminal Procedure Code. Therefore my submission is this that one way of checking atrocities against women in the name of religion is to enact Uniform Civil Code in the whole country.

Mr. speaker, Sir, population growth has become a very serious problem. Our problems get entangled due to the growth of population. All formulations of plans and schemes become failure and development work has come to a stand still. If the process of population growth is to be controlled then religious partiality should not confuse. For people of one religion the norm of two children and for people of other religion, the principle of many children would not work. If the norm of two children is to be followed it should be based on the principle of secularism. If it is not followed then it would create problem when in the name of religion you disrupt the process of solving such big national problems, many problems arise. Even Muslim women are not benefited therefrom. How can a husband feed four wives and fifteen children when cost of living is so high that feeding a single family is a difficult task for a husband, these days. We will have to pay attention to this aspect also. To meet the requirement of nuclear family is a difficult job. Nowhere it has been mentioned in the Muslim religion that every Muslim will have four marriages. There is only this provision that if there is no son from first wife then he can marry again. In that also, the maximum limit of four has been prescribed. Mr. Speaker, Sir, even in any of the Muslim countries, Muslims have no right to have more than one marriage. If that is the condition in Muslim countries, then why the same approach should not be adopted in India also. We are unable to understand the justification behind this practice. It is neither in the interest of Muslim Community nor Muslim women. It is not even in the interest of the nation.

[English]

DR. T. SUBBARAMI REDDY : Mr. Chairman, Sir, the concerned Minister is not present in the House when a very important is going on we are very sorry to say that.

MR. CHAIRMAN : The concerned Minister has asked the permission of the Chairman and the hon. lady Minister is present.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRITMATI KANTI SINGH) : I have been present

here throughout the day. Minister of Law is coming.

MR. CHAIRMAN : Very important debate is going on. Please pay attention to it. The interests of the women are being discussed.

SHRI SATYA PAL JAIN : I am pleased to note that the Central Government has directed a lady Minister to take notes on this topic. At least she would have the some sympathetic feelings and she would try to impress the Government in our favour as well as in favour of woman and give her report regarding the atrocities on women.

Mr. Speaker, Sir, due to the practice of four marriages the percentage of growth in Muslim population is increasing and the percentage of growth of population in other communities specially Hindus is decreasing. Population growth is not a welcome phenomenon and it should be checked. You cannot allow the growth of population of one single community.

18.00 hrs.

If the Government would try to check the growth of one community then it would have serious repercussions and consequences. It is a fact and I don't to blame anyone. In all country, the law and order problems are more in those regions where Hindus are in minority. Where Hindus are in majority, anti-national and terrorist activities are comparatively less. At present anti-national activities are at their peak in Jammu and Kashmir and Hindus are in minority there. In other states where Hindus are in majority, anti-national elements do not get chance to raise their heads. So the problem should be studied in proper perspective here.

For the unity and integrity of the country, it is high time that harmonious atmosphere should be developed. For how long would we generate a feeling among people that Muslims are different, Christians are different, Jains are different, people in minority are different, people have different religion and dresses and so they should live in different manner.

If you remain outside the main stream of the country then it will not be in the interest of the nation. It would be better if we keep all types of persons together. If somebody has some different lifestyle then let us try to explain him that you must not remain outside the main stream of nation and try to be a part of the main stream, it will be beneficial for you. Even after the 50 years of our Independence we are not interested in implementing the directive given in our Constitution.

One of my communist friends was talking about a different thing. He said that, "I agree with the spirit of it,

but I oppose the bill." I would like to bring into his consideration that whether he talks about personal law in country or about other things, in every communist country of the world there is only one law and which is applicable on its every citizen. It rarely happens in a country that a person of a certain community can marry four times.

Banawatwaj had said in his speech that followers of polygamy practice are minimum in Muslims and it is practiced at large scale in other religions. He had said that its followers are more in Hindus. I think that it is all right that its followers are more in Hindus but if polygamy is a wrong practice then it is wrong for everybody. If 'Sati Pratha' is a wrong custom then it is wrong for everybody and nobody can justify it. So, do not say that its followers are more in Hindus or Muslims. The practice of polygamy, must be abolished.

Shri A.C. Jos had said in his speech that Supreme Court said that it is 'desirable'. There are so many things which are desirable. We cannot implement every desirable thing. I have mentioned the judgment of the Supreme Court. Clear cut directives are given by the Supreme Court. Therefore, I conclude my speech with these words that we should respect the judgment of Supreme Court and also respect the Article of that constitution which was created by Dr. Ambedkar, Dr. Radhakrishnan, Dr. Rajendra Prasad. Pandit Jawahar Lai Nehru. The greatness of their personalities is such that our opponents also cannot say that they were communal. There is no doubt about their communalism. Please implement Article 41 of the constitution created by them. While extending my support to this bill I conclude my speech. Thanks.

[English]

DR. T. SUBBARAMI REDDY : Totally one hour is given for this discussion today. I am just reminding the hon. Chair that already half-an-hour is over. The Minister has to give reply. But the Minister is not here.

MR. CHAIRMAN : You said that for you to introduce the Bill and start the discussion, five minutes would be enough.

DR. T. SUBBARAMI REDDY : When one hour is given, one-and-a-half hours may be taken.

SHRI HANNAN MOLLAH (Uluberia) : Why are you wasting the time of the House ?

SHRI RAMESH CHENNITHALA (Kottayam) : This is an important Bill and let the Members speak on this.

DR. T. SUBBARAMI REDDY : Abolition of Begging Bill is more important.

MR. CHAIRMAN : I can only request the hon. Members to be brief.

PROF. RASA SINGH RAWAT (Ajmer) : When Private Members' Bill is being discussed he should not interrupt.

MR. CHAIRMAN : I would request hon. Members to kindly restrict the time of their speeches.

SHRI HANNAN MOLLAH : Sir, I am sorry, but I beg to differ with the object of this Bill moved by my friend, Shri Bhagwan Shankar Rawat. He is not present here. In my opinion, it is an ill-conceived, ill-timed and a very narrowly motivated piece of legislation that he has proposed.

I want to start with a quotation of a former Justice of the Supreme Court, Shri V.R. Krishna Iyer. He said and I quote :

"Hurried remedies, enthusiasts and chauvinists will aggravate the malady; for, in the socio-political field, one wrong step forward is two regrettable steps backward; and a policy of principled compromise, not of doctrinaire or sectarian rigidity, moving up in zigzags, maybe, in the right approach.

The resistance pockets, the political overtones, the inner urges of the progressive wings of the community and its power equation *vis-a-vis* the unthrowing crust of unorthodoxy—these are pragmatic considerations for the law-making statesman. And the psycho-social complex of a minority to keep its family untouchable by a majority-dominated legislature cannot be ignored."

MR. CHAIRMAN : I would now request the permission of the House to extend the sitting of the House. The normal time is up to six o'clock. I think, we can extend the sitting by two hours initially. I hope, it is all right.

SOME HON. MEMBERS : Yes.

MR. CHAIRMAN : So, the House is extended up to eight o'clock.

SHRI HANNAN MOLLAH : What I had quoted is the right approach regarding this point.

I know that this Bill has not been brought with good intentions. It has very categorical ill-intention. It can be seen from the speeches that came from that side. The particular attitude which was expressed by them on this Bill was that they want to target a community. The hon. Member who spoke just before me has made derogatory remarks and statements full of poisonous hatred against a community. We have just now heard that.

My humble submission is this. An argument has been

made that Article 44 of the Constitution is the guiding principle for this Bill. This Article has been very consciously formulated. It says :

"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

The situation prevailing in the country, the religious, cultural, linguistic and psychological diversities of our country should be kept in mind when we endeavour to reach that goal.

There are many people here who are inspired by Guru Golwalkar. Even he said :

"India has always had infinite variety. And yet, for long stretches of time, we were a very strong and united nation. For unity, we need harmony, not uniformity."

So, to put a uniform code on everybody is totally unrealistic in the Indian situation.

There are many things in the Directive Principles like free education for all, employment for all, etc. But when a question of religion and other sensitive issues are related, we should be cautious. This is, as I have already quoted, the approach expressed by Justice Iyer and that is the correct approach. In that situation, we should be very cautious so that the unity of this country, in diversity, would be maintained. That is the crux of the understanding of our Constitution.

The second point is that Articles 36 to 51 deal with the Directive Principles of State Policy. Those Articles have given direction for social, educational, economic and cultural developments. But this Article 44 is directly opposed to some other Articles of the Fundamental Rights, that is, Articles 25 to 28, dealing with Right to Freedom of Religion, these Articles are directly opposed to the Article 44 in the Directive Principles. It is not easy to do it.

Arguments regarding communal, family, children and population were made and they are all extraneous arguments, only to malign a minority community. Due to this, I beg to differ with the contents of this Bill. I think, a reasonable view should be taken; a movement should come from within the minority we should encourage the progressive, advance or forward looking people of the community. That demand is coming up. The progressive and educated people of the minority communities are raising it through discussions; and in seminars, they are debating it with the fundamentalist section of their own religion. So, if we encourage them and if gradually it comes from within that community, it will be acceptable and in due course, it will be in our Statute Book.

We are for Common Civil Code, but it should not be



imposed in this country because that would be the beginning of disintegration. They want to impose such a thing because they are against diversity. Due to this reason, I would say that this type of an approach should not be taken in Parliament, the highest forum of this country. We should inspire the people, we should unite the people and inject the ideas of unity, integrity and patriotism. In that way, we can advance.

In this situation, I would appeal to the hon. Member who has moved not to insist on such a Bill. It will not help the unity and integrity of our country. In the name of uniformity, it will just try to stifle the voices of thousands of people of the other sections of the society and it will create a problem for this country. This type of Bill should not be brought forward. We should encourage the progressive forces of that particular community who are coming forward so that from that community that demand would come; and in course of time, it would be accepted by the people of that community as well as of the whole country.

18.13 hrs.

[SHRI P.C. CHACKO in the Chair]

So, this is my view on this Bill and we should not drag it on further. The way the arguments have been put forward is not a healthy way, especially to do it inside Parliament. It would create fissures among the people which do not help the unity and integrity of the country. This is my view. Thank you very much.

SHRI P.R. DASMUNSI : Mr. Chairman, Sir, with a heavy heart, I would like to disagree with the observations or the comments made by the previous speakers—Shri Hannan Mollah and Shri Satya Pal Jain. These comments or arguments have failed very sadly because a particular community has become a target to justify the introduction of this Bill, to have a Uniform Civil Code.

We all know how the society changes. We also know the bond of the Indian society. When I write my religion, I write as Hinduism. If a Muslim boy ask me, "Whom do you adore most?", I will answer as '*Mariyadha Purushottam Ram*'. If he asks me as to how many mothers he had, I have to answer that he had four mothers. What is his father's name? It is Lord Dasharatha. How many wives did he marry? He married four wives. Was it wrong in our culture? The answer is 'no'. If the same Muslim boy asks me, "Whom do you adore most in Mathura on the day of *Janmashtami*?" I will say, "Lord Krishan". How many wives did he have? Some say as more than 100 and some say as more than 50. Was that wrong in your spiritual concept? My answer is 'no'. If somebody ask me, "How many wives did the great warrior, Arjuna have?", I will have to answer

that he had more than one wife. Was it wrong in our spiritual and social concept? I will say 'no'.

But history has changed. Society has changed. Now, if you try to justify everything on a particular angle and approach, I think the very basis of the Directive Principles of State Policy will be frustrated. There were times from Vedic era to the Aryan rule when the number of women was less and men were more and to get a woman, men had to fight. The rule was for one woman, many men will fight and the ultimate fighter will get the woman. What did the fighter used to do? When he finally won the battle, he used to touch the sword on the top of the *tilak* of that lady and blood used to come out which we call as *sindoor* and then, he used to marry her. That was the established rule. No religion says about the concept of *sindoor*. The concept of *sindoor* had come in that order. What are the Hindu Law, Marriage Act and what is the Hindu *Shashtra*? While we marry a Hindu girl touching the fire, we used to chant the mantra, "Yathastu Hriyadayam Tava, Tathastu Hriyadayam Mam."

And finally, we end that we are inseparable not only for this life but for all lives to come. But what does the law say? It says that we can divorce. But the guru says that we cannot divorce. By chanting the Mantra, we become inseparable and we are practising in law that separation is possible because separation is the requirement of social change and the religious custom is the faith.

Try to understand the whole issue. We just cannot impose a doctrine on our own will. We are very careful in studying the Directive 44 of the Directive Principles of State Policy. Have you gone through the other Directive which says that the State shall promote with special care the educational and economic interests of the weaker sections of the people which is the priority of the State? If we improve the economic arrangements of the society, the message will go to do something more and that message will automatically call on the society that the law should be introduced in this order. Without making social changes in the economic and other orders and without looking at the priority where the direction was given, we are selecting one. And our target and common belief in uniform civil code is *per se* good to influence the country. Any knowledgeable person who talks about uniform civil code will say that it is a must. We all know that it is a must. What is uniform civil code so far as the marriage is concerned? It is a very very small molecule of our legislation. Is that all? And what is social commitment? What is religious bondage which ties our society in the real concept of unity and diversity? Have we really studied that? We suddenly quote a few things from the Directive Principles of State Policy without considering the Fundamental Duties. There is a chapter in the Indian Constitution called "the Fundamental Duties"

and there it is said like this :

"51A. (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;"

Which are those ideals which began from Bahadur Shah, the last Emperor of the Mughals, who fought the Sepoy Mutiny being the first man and the first hero of the Indian Revolution and, in a way, with Mahatma Gandhi? What was the cherished value of the freedom? The cherished value was within our own custom, within our own usage, within our own religion, within our own ties and bond of friendship today. And let us make a journey in India and in that journey of friendship, let us develop, educate and settle ourselves and aspire for other higher goals. How will we feel ourselves not in terms of religion and caste? We are yet to achieve that order of social change.

I am not saying that the concept of a uniform civil code itself is a very bad idea. I am saying that we should try to understand it. Is it a priority thing of the nation at the moment? Is it a priority agenda of the country at the moment? It may be a priority agenda of a particular political campaign. But is it a priority agenda of the nation at the moment? Take the Census Report and justify it.

There is a myth going on in the country that Muslims are marrying more. That is why the population is increasing and one day, the Muslims will capture India. What a nauseating and nonsense concept! Take the Census Report. It says that the average growth of population in India is as far as it should be with other religions. Muslims have not crossed that limit. On the contrary, it is low. Take the recent Census Report. You try to understand it. I am sorry, Mr. Chairman. I seek the indulgence of the House... (Interruptions) You justify it with your figures... (Interruptions) You come with your facts. Well, I know the facts also. You listen to me. I am coming to it... (Interruptions) You speak about it in your turn. Why do you interrupt me?

MR. CHAIRMAN : No interruptions, please.

SHRI P.R. DASMUNSI : You have a right to speak. I give you the examples. What is the problem? The problem is that the population increases. It is not merely confined within Hindus and Muslims. You go anywhere. You visit any slum of India whether it is dominated by Hindus, Dalits, Muslims or Christians. You go to the poorest of the poor of the area. You go to any poverty-stricken area whether it is a slum or a village. You will find that where education is not there, enough living space is not there, no positive recreation or no social upbringing is available, their only recreation is sex. I am sorry about it. Their only recreation is sex. Let the nation understand the agony and the pathetic thing.

It may not be with you. I do not argue with you. It is my observation. I am also a social worker and not merely a Member of Parliament. I have been doing social work from slum to slum. I have tried to express my concern. Is it true? The people often think that the Muslims are increasing their population like anything and Muslims are making merry at any moment of time. No. I know the poorest of the poor Hindu families. The urge of making children for him is that if he has no children, who will take care of the agricultural field? One will take care of his mother. One will assist him in another field.

The same is the concept in another poor family whether he is a Muslim or anybody else. I have seen it in the slums. I have counted slum by slum. Is our criminal law not uniform? Ninety-eight per cent of our legislation is uniform. The only area where still social stability and understanding is yet to be reached is this area only. And in this area, what are we harping for? I am sorry for the observation that threat of terrorism and threat of anti-nationalism has come where Muslim domination is there. I am so sorry about it. Is the Muslim domination there in Punjab? Is the Muslim domination there in Tamil Nadu? Is the Muslim domination there in the border areas of West Bengal and Tripura? It is not correct. Let us not insult it. Let us not question the *bona fides*. I cannot forget that if I am to write the history of India one day in my own diary as citizen of India, I will not write the name of Mahatma Gandhi first. I will write the history from Bahadur Shah onwards. Let us not confuse the history. Let us not undo the importance of those who fought for freedom. It is still our perception that only those areas where the Muslims are concentrated are a threat to the nation. I am sorry. It is not a correct perception.

If we continue with that perception, whether there is the Uniform Civil Code, or not, would we be able to keep the unity of the nation? Would we be able to tie the nation together with that law? Would we be able to keep the unity of the country by a doctrine of certain commands? What about the social change and change in our hearts ?

Mr. Chairman, Sir, I have seen in all the slums, be it a poor *dalit* or be it a poor Muslim, the kind of treatment we give and the kind of civil amenities that we provide to them are of a different order than what we provide to the people living in the elite areas. It is always there. It is a question of mental attitude. We have not changed our attitude. I have seen it.

When *Durga Puja* is celebrated in Bengal we start the job of erecting *pandals* before one month and almost one-and-a-half-month is consumed for dismantling the *pandal* and immersion of the idol after the celebrations are over. During the *Kali puja* and *Diwali* celebrations, the roads

remain blocked for almost 15 days. But on the day of *Id* when the Muslims block the road for a few hours in a day, we hear comments like, 'look, what an appeasement of the Muslims are going on? They have blocked the roads for three hours and the traffic just cannot move. They have no *Mosque* and thus they have captured the main road in Mumbai, Calcutta, Delhi etc.' These are the type of comments we come across and these are made not by the poorest of the poor but the educated intellectual lot of this country who try to view this Uniform Civil Code from a communal angle with a view to isolating a community. This is what is going on. We do not say anything when the *Hindus* celebrate Durga Puja and keep the *pandals* for over a month with a 'no entry' sign board hanging. Is this our tolerance? If anything has been taught in the Hindu religion, it is tolerance. If we forget that tolerance then we forfeit our right to be called as *Hindus*. This is what is happening in this country today.

What is this Uniform Civil Code? A law has been passed with regard to the *Panchayati* system. What is there in the *Panchayats*? In Nagaland their conventional customs provide that the *Gaon Bura* will decide everything. Can anybody here in Parliament say that his law would be enforced here and there is no question of any *Gaon Bura*? You can enforce the law by quoting a provision in the Constitution but you have also to be prepared to see whether Nagaland then would be within India or outside India. We have to understand the reality—the sensitive cords. There are seven cords in a music. A musician must know as to which cord should be pulled at what time to produce good music otherwise he would only spoil the music. This is what is happening.

Now, somebody made a reference of the Supreme Court while talking about the Uniform Civil Code. I am not questioning the wisdom of the Supreme Court. The Supreme Court in many ways has interpreted our law as they have felt proper; the Supreme Court in many ways interpreted the law as they liked. I know the Supreme Court also tried to interpret *Hindutva* as well which could not be interpreted by Yagyabalkya, Swami Vivekananda and Lord Ramakrishana. But maybe, the Judges of the Supreme Court had more wisdom than Yagyabalkya and Swami Vivekananda. They have interpreted *Hindutva* and how could I question that? I consider that the Supreme Court is supreme in its own ways but Parliament is the superior and supreme body when it comes to understanding and reading the minds of the people and taking the country to the path or progress in the desired direction. If we digress from that direction, from our commitment, then the country would face a disaster.

So, Mr. Chairman, Sir, the first point that I would like to make is that Uniform Civil Code would come as a

process of social change. It would come through social and economic development, by removing the disparities. Today, there is a tremendous distrust amongst community and community. Forget my political identity. The Sikhs in this country contributed a lot to our struggle for freedom and towards the defence of this country. The contribution of the Sikhs and the *Gorkhas* are unparalleled in this regard. Even selectively I can take the names of a few Muslims in regard to the role they played to defend the borders of this country. It is unparalleled. The only answer to their contribution is that Parliament should not do anything which does not permit us to do at this hour. If we impose on the sweet will of the people then we are deliberately ignoring our commitment to the nation.

Today is a day when the Sikh community feels that they have been let down. It is right when you are hurt. You may give the example of 1984 riots. I strongly feel about it. On the one hand, Shrimati Indira Gandhi died, there was a wave of sentiments, a cry and on the other hand the innocent Sikh people were haked to death in New Delhi. I was present here on that night.

SHRI MOHAN RAWALE (Mumbai South-Central) : Who did all that?

SHRI P.R. DASMUNSI : Please do not bring politics into it. If you talk of 'who', should I refer to Mumbai again? Please try to understand it. Let us not discuss such things. People are fanatics. Fanatics are there everywhere, in my Party, in your Party and in all other Parties. Can you deny the fact? Why do you say all this? Please try to understand the situation. Fanaticism has no language. Nobody can control it. Could Bal Thackrey control Mr. Rawale when he sat on fast? He could not control him. Why did he sit on fast? He must understand the present situation of the country. They have the genuine feeling that they have been let down. After the 6th December, Muslims had the feeling that they had been let down. In these circumstances, is it not the responsibility of Parliament to restore their confidence? If my father has done something wrong, I should kill the father and take his name out of history. Allow me to repair the road. He can also give a helping hand to repair the road because the road is ours. My brother or son will come and they will work in that direction. In that situation, is it the priority now to bring a Uniform Civil Code? Let us restore the confidence. Let us understand their mood. We cannot remove the *gaon bura* of the Nagaland Panchayat by imposing an Act, in the name that there is an Act. Let us not create distress and confusion.

Rituals and religion are two different things. I know it. The religion should not dictate law. I also agree to that but law should not create a confusion by which a religious right is vitiated. This is India, where we should understand

each other. We should understand where to cooperate and where not to cooperate. Even among the Hindu religion, Muslims have not come to tell us to fight between *Brahmins* and *Rajputs* or *Rajputs* and *Yadavs*, or *Yadavs* and *Dalits*, Muslims have never told this to us. Why do we fight and kill ourselves?

One may read the *Poojarini* of Gurudev Tagore, in whose name we sing the National Song. It says that there is only one devotee of Lord Buddha. When Ajatashatru came after Bimbisara, he did not spare even that one devotee and said, 'in the name of *Hinduism*, I will finish her also'. She was also finished. Then Tagore said, "if this is religion, let this religion be finished. Let humanity go and a new religion of humanism may come." This was Tagore.

SHRI KALPNATH RAI (Ghosi) : Who was killed ?

SHRI P.R. DASMUNSI : The King who thought that *Hinduism* should establish supremacy over Buddhism.

Is it not a fact? This is what our Indian society is. Keeping that in view, a Uniform Civil Code is acceptable intellectually. It is very sound politically but socially, in the given situation of the country, it is not a priority. It is a matter to be debated, to be conveyed and to be educated. I know a number of Muslim families, who do not eat beef. They do not even touch it. I know a number of Muslim families which are more concerned about the family planning than ourselves. They know the reality. So, let us not discourage them. Let us not give them the impression that they are all suspects. How long can we continue it? If all of them want to stay in India, how long can we keep a big community like Muslims or other minority communities in a suspect zone and talk all good things about national unity, national security, secularism and so on? This is absolutely absurd. It is not permissible and not possible.

We had taken a conscious decision that we would not have the Hindu Raj in consonance with the slogan of Jinnah and that is why we are in India. If we have taken this decision, we must continue. We have a commitment. Therefore, the concept of a Uniform Civil Code is not a priority. At the moment, it is not called for. It may serve the purpose of intellectuals, so far as seminars are concerned or so far as writing good books is concerned. At this juncture, it is not a priority. We, however, must not say that the Uniform Civil Code should be ruled out.

We must say that we shall carry the essence of this message. We shall go and preach all religious communities that time will come so they get themselves mentally prepared to respond to a situation when the economic policy, and the anti-poverty programme of India will show that they are moving in a stable direction. The Mandal

Commission's message was to provide economic and social directions. Somebody tried to use it in a positive manner and somebody tried to use it in a different manner. Is it not a fact? Is it right or wrong?

Therefore, I would only submit with all humility at my command to the Mover of this Resolution that he may continue to preach the concept of Uniform Civil Code free from the angle of political manoeuvre at religious places. But the genuine angle of social change cannot be ensured unless the Directive Principles of State Policy, as enshrined in the Constitution, are fulfilled first in consonance with the fundamental rights and duties. If the rights and duties are given the second priority and are chosen as the pick up examples, then, I would say, it is a dangerous thing. Therefore, I disapprove and oppose the Resolution at this moment. Let us not play with fire. Let us say that we can manage the affairs in a better way.

Today more and more inter-casts and inter-religious marriages are taking place in the society. If it happens in large numbers, the social fabric will become still stronger. The same is the case with religions also.

Our own religion says that the proceedings of the Hindu marriage and the Hindu law are two different things. Therefore, let us not preach others that this is the order of the religion and this is the approach of the law.

I conclude, Mr. Chairman, by saying that Uniform Civil Code may not be in the priority agenda. Let it be discussed at a stage when the entire society is ready. Let us not impose it.

[Translation]

SHRI MOHAN RAWALE (Mumbai South-Central) : Mr. Chairman, Sir, I strongly support the bill on Common Civil Code which is moved by Rawatji. Just now Shri Das Muni has said about Dasrath that he had four wives. In spite of four wives the Hindu Law was framed and such a provision was made in this law one cannot marry more than once. I would like to tell Shri Das Muni that he has talked about Polygamy. You go to Iran, Egypt, Iraq, Bangladesh, Syria, Tunisia, Algeria, Pakistan, Morocco, Cyprus, Malaysia. These countries have amended personal law to check the abuse of Polygamy among Muslims. I would like to ask the House through you that whether the Shariat of these countries and our Shariat are two different things, whether their Islam is different from ours, whether their Allah and our's Allah are two different identities? Islam is the same, Allah is also one : I want to say that...(Interruptions). Even a committee has been constituted in Pakistan. Polygamy was banned in Lebanon in 1932, in Syria in 1953, in Tunisia in 1956 and in Iraq in 1959. The practice of polygamy and to keep a mistress were prohibited under a law passed by the Parliament of Iran.



They have also made a provision in that law that mere wishes cannot be the reasons for divorce. You were talking about Pakistan. An Act in the name of Family Law Ordinance has been enacted in Pakistan. A rule has been made in Pakistan that if any person wants to marry for second time then he has to obtain the written consent from his first and would be wife and a mediatory council would be constituted to take a decision on this written consent. If with consist of a representative of the first wife and a representative of the would be wife, it will decide whether second marriage is necessary and then only he will get the right to marry for the second time. As per this Act of Pakistan the whole decision has to be in written form and that decision cannot be challenged in any court of Pakistan, it cannot be challenged. Even Courts cannot change it. This provision is also there under this rule that, if, at any time he wishes to divorce, then, he has to provide maintenance allowance for life long and he has to return entire property of dowry, this type of Act has been enacted in Pakistan.

There is a word secular in constitution. Now a days we discuss secularism so much and usually we say that he is not secular. But you are secular. 'Sarvdharm Samhav' i.e., secularism should be there. Is it secularism. Our sisters are sitting here, lady minister is here. Some-one is somebody's wife or mother or daughter or sister. Is this not injustice with them. One law for one person and one other law for another person, whether this is not injustice with him. Think it on humanity grounds.

Shahbano had filed a case in Mazgaon Dock court in my area, and she won the case. She was paid the maintenance allowance as per section 25. Verdict was given to pay the maintenance allowance and at that time, as my friend Shri Jain has told, Rajiv Gandhi also praised former minister Arif Mohammad Khan. Muslim women had gone to meet Shri Rajiv Gandhi, he told them also that we will make amendments in the Bill. But he did not bring common civil code and passed the 'Black law' in this House. There are Muslim women, when the verdict on Shahbano case was given, demonstration was staged against Shahbano, more than 5 lakh people were there but there was no women among them. I am telling you because after the verdict of Shahbano, several applications were received in this Mazgaon Dock court informing that we have been given divorce. Divorce is given by saying Talaq Talaq Talaq. Whether she is a thrown vegetable or spoiled vegetable which should be thrown away. She is a women, she is a wife, who is thrown away. When she get married, she is asked thrice, her consent is taken but her consent is not taken at the time of divorce. At the time of marriage her consent is taken by saying whether you

accept this marriage, you accept this marriage, you accept this marriage, when she says yes, only then she is married. But at the time of divorce just by saying 'Talak', she is sent away in no time. This is a question of humanity ...*(Interruptions)* Yes, her consent is taken but her consent is not taken by saying 'Kabul hai, Kabul hai, Kabul hai' i.e. do you accept.

Our friend Priyaranjan Das Munshi has gone from here, we are proud of him, he belongs to Bengal. I am also son of a mill worker. I have a separate feeling about him but he says : Go to Japan, Malasia, Egypt, all these countries are developed. They have developed their countries after controlling population. If the population is not controlled then from where will we get food? 15-15, 20-20 children all there in one family. There are Muslim brothers, Muslim ladies and Muslim sisters residing in my area we have...*(Interruptions)*

SHRI KALPNATH RAI : This year 20 lakh ton wheat is being imported.

SHRI P.R. DASMUNSI : I only want to say that I don't know how many ladies are thrown out like vegetables by saying Talaq three times but many Hindu girls are burnt alive for not bringing dowry, what would you like to say about that?

PROF. RASA SINGH RAWAT : Social Reformer like Raja Ram Mohan Rai was born in this country who made this country vigilant against it.

SHRI P.R. DASMUNSI : In your state Rajasthan Roop Kanwar was burnt alive and she was named Sati.

PROF. RASA SINGH RAWAT : Whether you want to put the country in dol-drums?

*[English]*

MR. CHAIRMAN : This is a very sensitive subject. The Members may please restrain from interrupting. Please do not try to reply to each other.

*[Translation]*

SHRI MOHAN RAWALE : Those who want to continue the Sati Pratha, they must be punished they have talked about Bahadur Shah, we are proud of him. But this policy is existing from the time of congress. Bahadur Shah gave his life saying Vande-Matram while fighting the freedom. The word 'Vandematram' has the sense of braveness. After saying this he was hanged to death.

SHRI KALPNATH RAI : Had Jafar said Vande-Matram ?

[English]

MR. CHARIMAN : Nobody will intervene unless the Member, who is speaking, yields. If the Member yields, then I cannot do anything.

[Translation]

SHRI MOHAN RAWALE : You listen to me. The provoking elements of Muslim Community protested against Vande-Matram because they say that the meaning of Vande-Matram is that Mother, I bow myself before you. Politicians are creating this type of misunderstanding. The name of Ram Mohan Rai is taken. He stopped 'Sati Pratha'. Earlier in Maharashtra women had to cut their hairs after becoming widow but now it is stopped. Similarly, marriage of the girl below the age of eighteen is banned here. Why don't you take the opinion of a Muslim woman in this regard I told you earlier also, when the verdict of Shahbano came, there was no Muslim woman in the Morcha which went there.

SHRI ILIYAS AZMI : Muslim women are backward make some provision for their reservation.

SHRI MOHAN RAWALE : If our own mother, sister or daughter is divorced after saying 'Talaq-Talaq' only then we can understand. Our friends from left parties had given approval to this issue when this matter was discussed. They said, this should be there but there should not be any compulsion. Is there no compulsion in Muslim countries? There, also, if somebody wants to marry second time then he has to take the permission of his first time. If some-body gives divorce forcefully then the affected woman can go to woman court.

Sitting here, you are talking like this, can you talk like this in Britain also? Whatever Salman Rushdi has written, the people made this impression in their mind that he told wrong things about 'Prophet Mohammad'. Several people wanted to kill him in this matter. This was also said that abide by our law other-wise leave England.

[English]

MR. CHAIRMAN : We have to extend the time for this discussion we have two more speakers.

SHRI SATYA PAL JAIN : That has already been done.

MR. CHAIRMAN : That is for the Private Members' Business in general but for this particular discussion, time was extended for one hour. We started this discussion at 5.48 PM. Now it is 6.50 PM. Two more speakers are there. The Law Minister has to reply and Prof. Raza Singh Rawat has to speak.

SHRI SATYA PAL JAIN : Please extend it by another one hour.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I have to move the Bill. Otherwise I will sit on *dharna*. Therefore, we cannot agree to this. We have to do this also. Otherwise I will sit on *dharna*. There is no question of extending the time.

SHRI MOHAN RAWALE : Let him move the Bill.

MR. CHAIRMAN : You will get time. There is no need for *dharna*.

DR. T. SUBBARAMI REDDY : If one hour is given, that one hour can be extended to another half-an-hour. It cannot be so for both the sides.

MR. CHAIRMAN : Mr. Subbarami Reddy, you will get time. Do not worry. We have time up to 8.05 PM. We have extended the time of Private Members' Business to 8.05 PM. So, we will get sufficient time. We are allotting another half-an-hour only to complete this Bill.

...(Interruptions)

MR. CHAIRMAN : That is enough. Only two more speakers are there. Please complete quickly and come to the Uniform Civil Code, that is, the topic.

...(Interruptions)

MR. CHAIRMAN : Please avoid beating around the bush. Please come to the topic.

...(Interruptions)

MR. CHAIRMAN : Half-an-hour will do.

SHRI BHAGWAN SHANKAR RAWAT (Agra) : One hour is necessary...(Interruptions)

MR. CHAIRMAN : Yes, please.

SHRI BHAGWAN SHANKAR RAWAT : You will be having sufficient time...(Interruptions)

MR. CHAIRMAN : All right. We have decided that we will take up that also after this.

[Translation]

SHRI MOHAN RAWALE : Mr. Chairman, Sir, through this House, I would like to make an appeal to my Muslim brothers that law has been amended in various Muslim countries and these countries have made tremendous progress. The status of Muslim women has been raised there. When the Muslim countries noticed that a specific class is being oppressed by the Personal Law, it was

amended, but, in India, Muslims are still in dark. They do not want to come out of this darkness because they do not want that Muslim women should lead a dignified life. By when they will be treated like slaves. Everyone should be equal before law and law should not be enacted to oppress someone. We all are Indians and therefore uniform law should be enacted for everyone. Difference in law, for person to person is injustice and impropriety.

Except Muslims, Family Planning Policy is applied to all the sections of society. Why they are excluded? They are free to marry as many times as they want and have large families. After sometimes, they demand to raise quota for reservation in proportion to their population. Family Planning Policy should also be applied to them. Shri Bala Saheb Thackrey, Shri Atal Bihariji and Advaniji are called traitors for speaking in favour of it. I would like to say as to whether you are secular?...*(Interruptions)*

*[English]*

MR. CHAIRMAN : Shri Mohan Rawale, you are deviating from the main topic.

*(Interruptions)*

MR. CHAIRMAN : Not necessary. That will be done by Prof. Rasa Singh Rawat.

*[Translation]*

SHRI MOHAN RAWALE : You say that Personal Law is based on Shariyat. Those muslims who have made amendments in Shariyat. Is their Shariyat different? I would like to make two-three important points. Muslim men can have four marriage? Can Muslim women also do that? In the morning, I was watching a T.V. Programme in which a Muslim Social Reformer was asked as to what will happen if Muslim women perform four marriages. Quran has not forbidden Muslim women from doing so..*(Interruptions)*

SHRI LALMUNI CHAUBEY (Buxar) : Why you cannot do so when this practice was prevalent during times of Mahabharat...*(Interruptions)*

SHRI MOHAN RAWALE : As per the law, this practice has been prohibited. In India the Emperor Allauddin Khilji raised his voice to make amendments in Shariyat. He did that. Kajies issued Fatwa against him when he took a decision contrary to Shariyat. Then the King said that he would be punished by Allah if his intentions behind it were bad and he was ready to bear the punishment for it. In Constituent Assembly, this question was raised and some Members said that customs of Muslims cannot be changed. At that time, the then Law Minister Dr. Ambedkar challenged this view and told that it was done in Central

Assembly in 1935, 1937 and in 1939. It is not a new thing. Central Assembly had done that it is really incorrect if we say that Parliament has no power to do so.

It is very surprising that the issue regarding Hindu Code Bill was taken up with fervour and even the written dissent of the then President Dr. Rajendra Prasad was not taken care of. But on the issue of Uniform Civil Code he said in the Parliament that "I do not think that India is ready for it. I will try my best to pass the resolution regarding Uniform Civil Code." I think that there are two aspects of one thing—good and bad, and we should adopt that option which may benefit majority of the population. It is also possible that some person may feel that their feelings are hurt. They are being oppressed but it is really true that such sentiments weaken the unity and integrity of the country.

Uniform civil code favours the human values. A committee was constituted to study all these aspects and the revolutionary changes adopted by various countries and the points where they faced opposition. I would like to say that after conducting this study a draft of the law should be prepared. Three members of the Minority Committee of the Constituent Assembly Shri M.R. Masani, Shrimati Hansa Mehta and Rajkumari Amrit Kaur had given their written dissent on it. They wrote "The existence of various Personal Laws on the basis of religion is one of the several obstacles in progress of India as a strong nation. These various Personal laws divide the nation into sealed compartments. It is really unfortunate that we could not make any progress in this regard even after 50 years of Independence.

SHRI KALPNATH RAI : What did Dr. Ambedkar say? ...*(Interruptions)*

SHRI MOHAN RAWALE : He had said that several countries of the world had changed...*(Interruptions)*

SHRI ILIYAS AZMI : I have visited various parts of the world but no country has made any change...*(Interruptions)*

SHRI MOHAN RAWALE : Sir, through you, I demand that it is the demand of humanity and welfare of Muslim women. They narrate their woes before workers of our party.

**19.00 hrs.**

The leader of Shivsena Bala Saheb Thackrey favours the uniform civil code and if people support him that is the victory of an ideology. Hon. Atal Bihari Vajpayee and Advaniji also favour it. It is a demand from Muslim women, I request you to pass it in the House and support it.

SHRI ILIYAS AZMI : Whether my name has been cut from the list.

[English]

MR. CHARIMAN : You were not here when your name was called. So, we are following this list. Please take your seat.

SHRI ANADI CHARAN SAHU (Cuttack) : Mr. Chairman, Sir, with your kind permission, I would like to take all the Members back to the post-Vedic period of Jambudweep. India was a part of the Jambudweep. When you go back to the post-Vedic period, that is the Upanishadic period, you will find in the Upanishads a steady, unobtrusive and silent regulation of family lives and social orders where people have been regulated in a very nice manner.

I will give a concrete instance. There was a sage called Uddalaka. He had son called Swetaketu. Swetaketu was a small boy aged about eight or 10 years. Uddalaka was making morning oblations to the Sun God. His wife was supplying water to him. While the oblations were continuing, another Brahmin came and made a proposition to the lady that they should go together for sexual intercourse and the lady readily agreed. The boy was taken aback and Swetaketu told his father : "How is it that you have allowed my mother to go with another man?" The father, Uddalaka says : "Boy, that is the rule of the land." But Swetaketu did not agree. At a later stage, he became a great sage. He wrote an Upanishad also and he propounded the first theory of Uddalaka-Swetaketu principles where in adultery was prohibited. Even today that same usage has come in our Indian Penal Code where adultery had been prohibited as Swetaketu had said.

The Indian Penal Code says that if any person has a relationship with a lady without the consent of the husband, then only he can be prosecuted and that was the same principle which was propounded by Swetaketu long back. What I wanted to tell at this juncture is that usages become law. But if we try to impose something on people it will be tyrannous. There is a Latin proverb which says :

*"Summum jus summa injuria."*

If you have lots of law, it will cause lots of injury to the citizens. It would be better not to have many laws. That is what the Prime Minister has said only two days back when he said that Govt. would be setting up a Commission to look into the different laws which have been enforced upon the people in this land. There should be minimum of laws. That is what I said in the words of that Latin proverb :

*"Summum jus summa injuria."*

Later on, I would like to tell how the usages had come

in and how we have not been able to enforce laws. My friends from the Bharatiya Janata Party are sitting here. I would not like to tell about the Manusmriti. Manusmriti has a tinge of religious discourse in it. I would not like to dilate on that. But I would like to tell about a constitution—I call it a constitution—which was propounded during the Mauryan period by Kautilya, the Arthashastrist. In the second book, he had indicated about eight types of marriages.

If I elaborate those eight types, it will take a lot of time. The first four types are *daivas* and the last four types are *laukiks*. How did they come? From Upanishads' period up to the Mauryan period, we had lot of inflow of people. The *Shakas*, the *Yavanas*, the *Hoons* and many other people had come to India and the *anlmsts* and the tribals were taken into the Hindu society. In order to accommodate all their customs and all the aspects of married life, Kautilya propounded a theory of marriage, divorce and inheritance. It has become a part of our life. We are now talking of article 44 and my friend has tried to put the main thrust on marriage, divorce and inheritance. That was the thing which was discussed by Kautilya long back in the Fourth century B.C. Now, I would like to tell that we have four *Laukik* types of marriages. One is called the *Gandharva* marriage where a boy meets the girl and they decide to marry. It is happening now a days. It has a different concept altogether. There is no religion, there is no social order, and there is no bondage of any sort to prevent them from marrying. A Hindu or a Muslim or person belonging to any other caste or any other group can marriage. For that there would be different types of attitudes, laws, rules, etc. if all are to be accommodated.

Now I will come to the *Asur* marriage. It is question of snatching the girl and paying bride-money to the parents. Even today, in my own State, we have two types of *Asur* marriages among the tribals, viz., one is the *Jhinka* and the other is the *Vdaliya*. In the North, it is *Jhinka* in the South, it is called *udaliya*. You meet the girl in the SHOTUL and next day you propose to her. When she is going to the *shandi*, you snatch her away and show your bravado. You may promulgate any type of Hindu marriage code but you cannot prevent *Gandharva* marriage or even the other types of marriages like *udaliya* or the *Asur* marriage. They have come to stay in this country and we cannot prevent them by any sort of legislation.

Sir, I would like to take you back to Pope Pious The—II in the 19th Century. When a group of Roman Catholic missionaries were going to China, they went to the Pope and told him : "Sir, we are going to China to propagate our religion, viz., Christianity. What is your advice?" The Pope said : "Impart the faith, nothing else." Kindly mark my words, 'impart faith and nothing else'. Only take the



faith and take nothing else. Unfortunately, for this country it is the travesty of history or the tyranny or a very unkind nature which has created a lot of problems for us. When many religions came, they brought with them their customs, their tradition and their narrow parochial interests. It has come to stay and it will stay. We cannot unscramble the eggs now. It has come to stay.

Many religions have come. But there are some religions which have adapted to this land and which have adapted to the requirements of this land. For example, the Baptists or the Scottish Church people, have adapted themselves very clearly and in a very nice manner. But those who do not adapt, you cannot compel them to follow your principles, your ideologies and your way of thinking. If you try to compel them, it will create a lot of problems. I am sorry to say that Section 125 of the Cr. P.C. is one of the best secular or best sort of an order which was propounded in 1871. Unfortunately, we had a retrograde action in 1986. When we changed the basic secular look of Sec. 125 Cr. P.C. It is a part of history. No doubt, we had a retrograde action. What could have been done is that slowly we introduce the usages into the system of the social order unobtrusively without impinging upon the liberty of other people, and without causing any suspicion in the minds of those people. Slowly we may try to have a social order.

My friends in the B.J.P., Shri Mohan Rawale and Shri S.P. Jain, would kindly permit me to say that having four wives, what the Muslims can have was a revolutionary process in the Seventh Century. There were two revolutionary principles which Prophet Mohammad had used. I am an atheist, so I analyse in a very disaffectionate and dissecting manner. There were 341 gods in the Arab world. He reduced it to one God, "La Ilaha Illallah Mohammad-ur-Rasul Allah". He reduced it to one God. People were marrying hundreds of wives. He said, "No, you cannot go beyond four." That was a revolutionary concept which was introduced by Mohammad the Prophet in the Seventh Century A.D.

Now, to say that it is bad is not correct. What is required is that one must have a slow understanding of the problems, which any Muslim who is educated is understanding. He is not marrying four wives. There is no question of marrying four wives.

There are two types of *talaqs*. Perhaps, my friends might be knowing about these two types of *talaqs*. There is a subtle difference between these two *talaqs*. I would just make a reference to it. In Verse 6 of Sura 65, you have lot of things. 'Assalam' and 'Barakat' are the two types and there are different types of *talaqs* also.

We had the Shariat Law in 1937—marriage, divorce

and inheritance are the civil matters on which you are trying to put pressure and you are trying to say that these things should be changed—and some people who were not following the Muslim Shariat were brought into the ambit of those laws. That is history. Let us not think of it. As I said earlier, let us not unscramble the eggs.

Now, in the present context, let us think in what manner we can bring about think of a uniform civil code. A uniform civil code can come only when there is a change of mind, when there is an attitudinal change, when the people would think that medieval behaviours in the society are not good, and these types of behaviours where the religious priests hold the uppermost are not correct. History is replete with lots of instances where religious leaders have created lots of problems for society, be they the Hindu societies, be they the Muslim societies or be they the Christian societies. And where there is a priest-king, it is mostly disaster for the community. It has happened. Now, let us not think of such disaster for the country, which is a pluralist society with different ethnic aspirations and groups of people who live in this.

That is why, the founding fathers, during the framing of the Constitution, thought it over in very nice manner—Article 35 was that which became Article 44 later. They said, "We should only put endeavour, we should try, we should make an attempt, but we should not compel." Now, when you take out endeavour as this amendment of hon. Rawat says, then you will be compelling the Government to frame laws which would impinge upon the social status, attitude and behaviour pattern of different minority groups we call or ethnic groups we call. We had lots of laws which could not be enforced even now. The Sarada Act and laws have not yet been enforced even now. So, there are many laws which we have enacted but we have not enforced. Why get into that again? That is why, during the discussions on Constitution between 1947-50, Dr. B.R. Ambedkar was very forthright, honest and had a farsight. I would only quote a portions of what he had said and conclude my speech. He says :

"I think we have read too much into the Article, which merely proposes that the State shall endeavour to secure a civil code for the citizens of the country. It does not say that after the code is framed, the State shall enforce it upon all citizens merely because they are citizens."

Kindly mark the farsight that the man had shown :

"The State will not enforce it because they are citizens. It is not necessary to enforce it. It is perfectly possible that the future Parliament may make a provision by way of making a beginning that the codes are applied

only to those who make a declaration that they are prepared to be bound by it."

It is a question of voluntary acquisition, voluntary acceptance, of the principles that are to be enunciated so that in the initial stage, the application of the code may be purely voluntary. Parliament may fill the ground by some such method. What Shri P.R. Dasmunsi has said is "We are the distillates of the people. We know what is the mood of the people". And once we know the mood of the people, we can make a beginning by trying to convert people into certain usages as this Udalalak Swetaketu principle had been done. First, we try in the social order. Then we come to the Parliament to have new laws. Without doing that, it would be inappropriate to start here saying that "Let us amend Article 44 immediately". It will be disastrous to the country.

So, I oppose this amendment and I say that restraint would be better for us at this juncture.

MR. CHAIRMAN : Prof. Rasa Singh Rawat will now speak.

...(Interruptions)

MR. CHAIRMAN : You should be present in the House. After giving the names, if you are not present, then what can we do ? We have to regulate the debate according to the time. Now it is all right. You will get your chance after the speech of Prof. Rasa Singh Rawat.

Now Prof. Rasa Singh Rawat will speak.

[Translation]

PROF. RASA SINGH RAWAT : Mr. Chairman, Sir, I wholeheartedly support the Bill introduced by my colleague Shri Bhagwan Shankar Rawat which seeks amendment in article 44 of our constitution and replace the same by inserting a new chapter, part-4.

Just now it has been said that we should gradually move in this direction. India achieved independence on 15th August, 1947 and was declared as democratic republic on 26th January, 1950. Now 47 years have passed since our constitution was adopted. After that, during the tenure of Pt. Jawahar Lal Nehru, Hindu Code Bill was enacted covering the 80 per cent people of India. It was not applicable on rest of 20 per cent people. We do not say that Hindu-Muslim-Sikh-Christian are separate entities. They have been and will remain always one and united. We all—Hindu-Muslim-Sikh-Christian are brethren. India is one from Kashmir to Kanyakumari and from Gujarat to Nagaland. We are one nation. If a part of our body, to say our thumb, is injured it pains our whole body but it does not mean that we may cut amputate our thumb and

throw it away for if we do so our body cannot function in its entirety. We have to inculcate the feelings of nationalism, patriotism, harmony and unity in their hearts so that the unity and integrity of the country is further strengthened for which it is necessary to introduce a uniform civil code to bring them in the mainstream of the country. If we put our collective efforts as much as possible, no doubt we can move forward in this direction. It has been the Directive Principles enshrined in our constitution that envisage that efforts would be made to bring all citizens of our country under a uniform civil code which means equality in all respects. The issue of introduction of a uniform civil code also came up before the people who took over the power.

Mr. Chariman, Sir, a uniform civil code is urgently needed today but I am sorry to say, through you, that due to the vote bank politics and appeasement policy, this beautiful thing has been interpreted in a very distorted manner. We may belong to any state—be it Kerala, Tamilnadu or Aasam or Arunachal Pradesh or Jammu-Kashmir or Rajasthan or Orissa or any other state—but we all are Indians with patriotism in our heart. As we think, so shall we behave. As is your education, so will be its reward. Therefore it is essential today that we introduce a uniform civil code in our country.

Sir, just now people have said a lot about Mahabharat, Uddhalak, Shwetketu etc. Social traditions and conventions go on changing.

"Leek-Leek Gari Chale

Leek Chale Kapoot

Leeke Chhadi Teen hi Chale

Shayar, Sinh, Sapoot."

I think Shri Khallap Saheb must have understood the meaning of these lines. Most of the people are conventionalist. People say of they are conventionalist, let them be so but if there is anything harmful in our convention, we must do away with those. We should move with the pace of the time. Ilyas Azami Saheb is sitting here.

"Log Kahaten hain ki Badalta rahta Hai Jamana

Mard woh hai jo Jamane Ko Badal de.

Prophet Hazrat Mohammad Saheb saw chaos prevailing in Arab. He did a great job in putting the society in order. Likewise Maharishi Dayanand Saraswati, Raja Ram Mohan Rai, Swami Vivekanand, Rama Krishna Paramhans, Mahatma Gandhi, Jyotiba Phoolke, Baba Saheb Bhimrao Ambedkar also saw the evils in the society of their time. They raised their voices against these evils and did reformatory works to remove these evils from the society.

It is, therefore, necessary to bring in equality in our society. Equal justice should be done with either sex. There should be no discrimination on the basis of caste, creed, religion, language and profession. And to bring this kind of uniformity in the society, it is necessary to introduce a Uniform Civil Code in our country. Untill this uniformity is introduced in our society, we will have different thinking in these matters. If different personal laws are introduced for Hindus, Muslims, Christians and Sikhs, Buddhist, Jainis and Jewes this will lead to separatism in the country. The country will be divided into many pieces. Many of our colleagues expressed their biased views and gave the distorted facts due to their vote bank politics and appeasement policy but they also said that we should move forward carefully and cautiously. We should gradually persuade them. I, through you, want to ask the Government as to how many times during the last 47 years since our independence, we have made efforts to persuade these communities to accept an uniform civil code? When Jawaharlal Nehru brought the Hindu Code Bill with his studied efforts, we, the people of whole India, should have made attempts to introduce an Uniform Civil Code. Mr. Chairman, Sir, I would like to narrate the following lines—

When a personal law, traditions, conventions and religious faith start becoming anti-social, anti-human and anti-morality, they should be checked immediately by a suitable law.

The above lines assume much importance in today's context. When an episode like Shahbano takes place and muslim women start falling victims to various social evils and when injustice is done with Hindu girls by forcing them for child-marriage and when such conventions, traditions and religious faith become anti-social and anti-human then the Government is duty bound to put a check on such social evils by enforcing a suitable laws...(Interruptions)

SHRI ILIYAS AZMI : Where from you are reading it ... (Interruptions)

PROF. RASA SINGH RAWAT : These checks should be based on the universal ethics and should be enforced on all personal laws. Our present society accepts the three universal values—equality, liberty and fraternity. It is written in the constitution of India that we are the citizens of an independent country. We have got our own entity and dignity. In whichever country a citizen may go and whatever may be his ideology life style, thinking, religion, traditions and faith but he should be governed by the same law in the matters of these things and in the matters of marriage system, divorce system and system of adoption and land distribution. Equality, liberty and fraternity—these are the three basis of universal values enshrined in our constitution. When we take oath in the name of our

constitution then I think nobody in this House can oppose these three values. We have to test all the personal laws on the standards of these universal values—that is equality, liberty and fraternity and whatever convention, tradition or religious faith goes against these values, we will have to change those and we must change them. It would be a change and [English] change is the law of nature. [Translation] Orthodox beliefs cannot be allowed to continue in the society any more, we have to remove these such old social evils from the society. We have to do away with superstitions faith and deformities from the society. Illiteracy has to be removed from the society. This will create a new kind of awareness and enthusiasm among the people in our society. But it will happen only when we introduce a Uniform Civil Code based on the three basic and universal values—equality, liberty and fraternity.

Mr. Chairman, Sir, I would like to illustrate an example. Why only the B.J.P. people demand the introduction of uniform civil code and why not others? I want to narrate a story to Shri Azami Saheb. There was a very big tree. Thousands of birds had their nests on that tree. Some foolish man was passing through that place. He was ignorant. He was having a bottle full of Kerosene oil and a match-box in his hands. He poured out all the K-oil on that tree and put the same on fire.

[English]

MR. CHAIRMAN : One Minute Prof. Rasa Singh Rawat. We are extending the time of the House by another half an hour.

[Translation]

SHRI SATYA PAL JAIN : Sir, ask these people sitting on that side. Probably the Minister does not want to reply.

[English]

MR. CHAIRMAN : What is the problem ? The Mover of the Bill has the reply after the hon. Minister's intervention. So, we will extend the time by another half-an-hour.

[Translation]

SHRI ILIYAS AZAMI : Sir, listen to me on this point. I am the only supporter of this Bill who is sitting here.

PROF. RASA SINGH RAWAT : Sir, I was quoting what Dr. Iqbal has said...(Interruptions)

[English]

MR. CHAIRMAN : Prof. Rasa Singh Rawat, one minute please.

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA) : Sir, I have a hunch that if time is not left for the introduction of the next Bill, it will create problems then it will lapse. Can you kindly take notice of my problem and also his problem so that it does not lapse.

MR. CHAIRMAN : That, I think, Shri Bhagwan Shankar Rawat has to tell him. This is a Constitution (Amendment) Bill. We have to decide it by a Division. So if he is withdrawing his Bill, then that is a different matter.

[Translation]

PROF. RASA SINGH RAWAT : Will you please allow the discussion to complete ?

SHRI BHAGWAN SHANKAR RAWAT : Mr. Chairman, Sir, my problem is that, in case, the hon. Minister accepts my request and gives his reply then I have to say nothing otherwise what is the use of such a marathon debate. People have given very good and wise suggestions and the Minister also holds this view. Therefore, he has to give reply, as the whole country is watching us.

[English]

MR. CHAIRMAN : Now, Shri Bhagwan Shankar Rawat, in such a serious matter, that seriousness is not seen in this House. How many people are present now? The point you are making will be decided by a Division. So after all the respective parties made their points very clear, it being such a sensitive issue, you can withdraw also. That is up to you. If you decide so, then as the hon. Minister has said, we will get the time for introduction of the other Bill listed in the next item, which is also very important.

I mean to say that there is no point in arguing if you are insisting.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Mr. Chairman, I do want to involve myself in any argument. You may introduce the next Bill, I have no objection thereto rather I would feel happy. But to give it a logical end, the government should give their view on it so that I can make my submissions thereon. I want him to give me an assurance that he would implement the words "Government shall endeavour". I have brought this Bill because they did not make any such endeavour during the last 50 years. Therefore the Government should give us an assurance on this account.

[English]

DR. T. SUBBARAMI REDDY : How does the rule permit to extend the House beyond one hour? So, I should also be allowed to introduce my bill.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Kindly take up his Bill also and then allow the debate to continue... (Interruptions)

SHRI ILIYAS AZMI : Mr. Chairman, Sir, kindly listen my argument also...

[English]

MR. CHAIRMAN : Shri Ilyas Azmi, your problem is only to speak. We are deciding a technical issue. Please take your seat. What is this ?

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Mr. Chairman, Sir, just now I was asking him, the Minister is not ready to give his reply.

[English]

MR. CHAIRMAN : That is a different matter altogether. I am not asking you to withdraw the Bill. The only thing is that these formalities have to be completed. Without completing the formalities we cannot pass on to the next topic. The next item at Sl. No. 23 is also a very important Bill. The problem of the hon. Member who is to move this Bill is that it will lapse if it is not taken up today. But there is no way out other than this. We have to complete the formality and then only can take it up.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : You, yourself, find some way out.

PROF. RASA SINGH RAWAT : If your ruling comes, his Bill will also be introduced and the present Bill can also be kept pending for discussion.

SHRI BHAGWAN SHANKAR RAWAT : Yes, let us do like it because the Minister is also not ready for reply.

[English]

SHRI SATYA PAL JAIN : Can we adjourn the discussion on this Bill to the next date and in the mean time take up the next Bill ? Otherwise a division has to take place and then the House will have to adjourn. The other Bill can never be taken up in that case.

DR. T. SUBBARAMI REDDY : I strongly protest the extension of time beyond one hour for this bill.

SHRI SATYA PAL JAIN : When a division takes place, the House will have to adjourn.

MR. CHAIRMAN : Sir, we have decided that the



discussion will be completed within four hours. We cannot go beyond that. Otherwise, if the House decides, then that is a different matter. So, we have to complete this today. Then we have to go for division. If we go for division, then we cannot take up the next item.

SHRI SATYA PAL JAIN : The best thing is to adjourn the discussion on Shri Bhagwan Shankar Rawat's Bill and take-up Shri T. Subbarami Reddy's Bill.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Allow the hon. Member to introduce his Bill, I think there is no legal hurdle in doing so. On earlier occasions also the discussion on a Bill was deferred for some other date when some important Bill was there to be taken up. Such a precedence in there. But as of now, I am not in a position to say anything as to whether this has happened in Rajya Sabha or Lok Sabha.

[English]

MR. CHAIRMAN : Throw some light on this. I do not think that without finishing this we can go to the next item. Okay we will look into it. In the meantime Prof. Rasa Singh Rawat may please complete his speech.

[Translation]

PROF. RASA SINGH RAWAT : I was telling that. Thousands of birds were living on a big tree. A passing by foolish person poured out kerosene-oil on that tree and set the same on fire. Within a moment. The tree was burning with flames rising high and the birds sitting on that tree were also engulfed in the fire. A sensible man was passing through that site.

He looked at the birds and said :

"Aag Lagi Is Vrksa Ko

Jalne Lage Pat

Tum Kyon Jalte Pakheruon

Panch Tumhare Pas."

Hearing these lines, the most sensible bird, replied :

"Fal Khaye Is Vriksha Ke

Gande Keene Pat,

Yahi Hamara Dharm Hai Jalen Isi Ke Saath."

Besides these lines, one poet has also said :

"Na Hamen Izzat De, Na Azmat De

Ya Rab Mujhe Watan Par Marne Ki Himmat De."

This has remained the tradition of our country. The

time has come again to revive this patriotic feelings in the hearts of our people so that 95 to 96 crore people of this country many live with fraternity. This will create a harmony among us and we will percolate this as our heritage to our offsprings. After all how long we will go with the support of certain personal laws? We have to develop same traditions, same convention, same policy and same citizenship by introducing a uniform code.

My submission is that the 10th day of May, 1995 will be written in golden words in the history of our country because this day the supreme court gave a landmark decision regarding the introduction of a uniform civil code enshrined in our Directive Principles. It was said in the ruling of the Apex court that there should be a uniform civil code for every citizen of the country. This is unfortunate that today in the name of minority and majority, people are playing the politics of vote bank and have kept the minorities away from the mainstream of the country. A feeling of minority and majority is being created in the minds of the people. Our politician will have to develop a strong will power to keep the people united by introducing a uniform civil code and uniform laws and uniform system in the country. We have to unite the people like the slices of an unpeeled orange. All slices of an orange are all alike in taste. That type of unity is required today among the people of our country.

Hon'ble Justice Kuldeep Singh and Hon'ble Justice Sahai have called it a sorry state of affairs that so far we have not been able to implement our Directive Principle mentioned under article 44 of our constitution. They, through the Prime Minister, have urged upon the Government to think over it. Whenever we are walking in the Parliament gallery, we find the following lines written on the walls :

"Samans Mantra Samliti Samani

Samanah Manah Sahchitt Mesham

Samanam Mantra Bkami Mantrye Vah

Samaneu Voh Visham Juhami

Samaachchh Dhvam, Samvaddhvam Avo Manasi

Janatam

Deva Bhagami Yatha Pusve San Janana Upasuate."

Unless our Mantras are one, our thoughts are one, our move is one, our aim is one, our ideologies are one, our action and our efforts are one, feelings of unity will not develop in our minds. Otherwise there will never be unity in diversity and there will always be more and more diversity. Our tendency is to allow the disintegrity first and thrive for integrity later. Therefore let us think over it very seriously.

Sir, today, India is passing through a very critical phase. People are playing vote politics. Our politicians do not have courage to speak the truth. Shri Sahay Saheb has pleaded to provide security to the victimised people and maintain the unity and integrity of the country and for these things we require a Uniform Civil Code. Sahay Saheb, himself, said that civil laws related to minority should be made logical so that our religious and cultural harmony increases. *[English]* Rome was not built in a day. *[Translation]* We cannot accomplish a task all of a sudden. We know that :

"Dheere-Dheere Re Mana  
Dheere Sab Kuch Hoy  
Mali Seenche Sau Guna  
Ritu Aaye Fal Hoy."

Since 1947 till today, no efforts have been made in this regard which has compelled Shri Bhagwan Shankar Rawatji to introduce this Constitution Amendment Bill in this House.

Sir, it has been mentioned in this Bill that civil laws pertaining to the minorities should be made reasonable in order to create religious and cultural harmony in our society. But if we continue to pursue the appeasement policy, we will not get any good result. When uniform civil laws are enforced in Pakistan, Egypt, Algeria, Morocco and other countries then why not in our country? We do say that :

"Saare Jahan Se Achha Hindostan Hamara  
Ham Bulbulein Hai Iski Yeh Gulistan Hamara."

and

"Majhab Nahin Sikhata Aapas Mein Bair Rakhana  
Hindi Hain Ham Watan Hai Hindostan Hamara."

Sir, we talk of patriotism and one nation. Anyone can follow any religion or faith in this country, but we all are Indians first. As I have said that if any part of our body aches the whole body is affected by it. If the thumb gets pricked by thorn, the brain, immediately sends signals to eyes, hands and feet. After the thorn is removed, the whole body feels relief. In the same way, we should try to create religious and cultural harmony and oppose those personal laws which create disappointment, are, oppressive, create hurdles in social life and also given encouragement to the feeling of succession.

Sir, the Law Commission is responsible for it. The Hon. Minister is present here and I request him to constitute a committee consisting of legal experts to deal with this matter. This work should be assigned to the Law

Commission. The Minority Commission, National Commission for Women, SC/ST Commission should also be consulted. We should take their views into account so that a uniform civil code could be evolved with the concurrence of all and march towards the goal of nationalism.

Mr. Chairman, Sir, while concluding I would like to make one more point. I feel pity for this Government when the Supreme Court issued orders. This Government presented an affidavit on 28th October before the court which was like a manifesto of a political party and clarified that this Government would not implement uniform civil code until the Minority Community raises this demand. This is just like the proverb : no root, no fruit or an imagination that if the sky falls we shall gather larks. The how we will be able to create harmony, brotherhood and goodwill among citizens of this country, and inculcate the feelings of patriotism. We should also try to create awareness about uniform civil code among all the sections of the society. The Government do not intend to do that and it strongly oppose the proposal for making any amendment in the Personal Law.

Sir, it is the game of politics of vote being played by all the political parties to overcome the threat from the B.J.P. The issue of secularism is raised by almost all the political parties. Ours is a secular state and not a theocratic one.

*[English]*

We are not a theocratic state.

*[Translation]*

We respect all religions and people can have faith in any religion. But we should inculcate the feelings of unity among all the Indians. The Government of India has submitted a six page affidavit in Supreme Court. It is really very sad. In the Golden Jubilee year of Independence of the country, this Government has reminded us the days of British rule. How the Secular government of an Independent country can make amendments in a document which was not even touched by the British rulers. This affidavit looks like a manifesto of a political party. The present Government may intend to ignore us but it should remember the fact that this affidavit is not being submitted to the office of any political party but in the highest court of the country. It has assured to submit the details by 1996. I do not know whether the Government submitted the details or not. It is really surprising. I do not consider any political party as opposition. Universal moral values like independence, equality, brotherhood, integrity and unity should be adhered to by everyone. In view of these sentiments, we should take initiatives to formulate a uniform civil code for the progress of our country. Let us believe

in the motto of one united country and motherland, share similar feelings, targets, objectives and conduct to retain the independence of this country.

[English]

DR. T. SUBBARAMI REDDY : Sir, what is the decision that you have taken?

MR. CHAIRMAN : Shri Azmi is the last hon. Member to speak. We will take a decision. There is sufficient time for that.

DR. T. SUBBARAMI REDDY : Sir, only 15 minutes are left. The hon. Minister also has to reply.

MR. CHAIRMAN : You have only to move the Bill. The discussion would take place on the next occasion. Please take your seat now.

Shri Azmi will speak now. Within five minutes you have to conclude please.

[Translation]

SHRI ILIYAS AZMI : Mr. Chairman, Sir, you called my name earlier also but I was not here. I thank you for given me time again, but most of the Members have left. I think that almost all the arguments advanced by the Members of the BJP have misfired. It is a question of faith. A few days back, workers of that party had written slogans on the walls in every part of the country that in matters of faith, they would not abide by any law, or accept the decision of the Supreme Court, High Court, or even Parliament. On the issue of Ayodhya, these people had written slogans that nothing would be acceptable to them in the matter of faith. I would like to know as to whether the question of religion is not a matter of faith.

Secondly, who are raising this slogan of common civil code. The word 'common' sounds well. But these people belong to that domination political party which did not consider all the human beings equal for thousands of years. They divided the human beings in various classes like Brahmin, Kshatriya, Vaishya and Shudras. Some were considered even inferior than animals. The talk of common code and unity unbecoming of those people.

Mr. Chairman, Sir, I would like to know as to what is common in this country today. Even 6 or 7 categories have been made in Railways. These all should be abolished and MPs and Ministers should also travel in the same compartment. Power-cut is resorted to rarely in Mumbai. In Delhi, electricity is available for 80 per cent of the time. But, rural areas hardly get power for 5 per cent of the time. Food, language and regional beliefs are also not common in this country. In future, you may say

that only one religion should be followed in the interest of country is unity. In my view, the Common Civil Code is still in force. Two persons belonging to different castes and creed can marry in the court and also seek divorce in the court or through their Personal Law. Where both parties agree there should not be objection to it. Hindu-Muslims marriages take place in the courts even today. These people had created a bill in Delhi when BJP leader Sikandar Bakht married a Hindu girls. Four innocent persons were killed in this violence and the whole city witnessed the incidents of fire on this issue. Both of them married in the court which should existence of a common civil code.

May I ask my friends as to whether the country can make progress by changing the laws regarding marriage and other customs? I will be the first person to advocate formulation of a common civil code if it can solve the problem of power shortage, diesel shortage, poverty and hunger. Instead of creating harmony, it is going to give rise to hatred and it is not proper to present such a thing in the name of harmony.

My colleague has mentioned that muslims marry four times and have more children. Even in Mumbai slogans have been painted like—*Hum chaar hamare Pachchis*. Members from the BJP quote legal books and refer to Supreme Court in this regard. Census is conducted after every ten years. The percentage of muslim population is same as was in 1951. There may be difference in points, but the percentage is still same.

I know so many politicians. It is true that Islam permits marriage four times but if a survey is conducted, the outcome would be different. A survey was conducted in 1973 which revealed that polygamy has prevalent more in Hindus than in Muslims. One Panditji from Deoria had been a Member of this House, the married seven times. At that time, no one had raised any objection and he always had four or five wives living with him. Now I would tell about myself. I got married at an early age and my wife died 15 or 16 years ago, but I did not marry again. There may be several such persons in Hindu Community also. It is not proper to say about a specific community that it has a custom of four marriages.

One of my colleague has mentioned the issue of Salman Rushdie, who has written a book and a *Fatwa* was issued against him proclaiming death sentence. I would like to tell that Salman Rushdie has blasphemed against prophet of muslims. I do not think that this *Fatwa* was wrong anyway. I do not think that life of a person, who abuses Bala Saheb Thackrey in Mumbai, will be spared? The other person can also get angry on such issues. Salman Rushdie had used abusive language against the

prophet of muslim in his book. He blasphemed which created agitation among muslim community.

PROF. RASA SINGH RAWAT : Have you read it?

SHRI ILIYAS AZMI : Yes, I have seen it.

PROF. RASA SINGH RAWAT : Have you seen as read it?

SHRI ILIYAS AZMI : Yes, I have also read it.

SHRI BHAGWAN SHANKAR RAWAT : Reading such a document is a sin and I know you would not have commit such a sin.

SHRI ILIYAS AZMI : I have also read his another book 'Winch of Thought'.

PROF. RASA SINGH RAWAT : Religion is a matter of heart, so, please end this controversy.

SHRI ILIYAS AZMI : Mr. Chairman, Sir, I had gone to Mumbai when demonstrations were being staged against Salman Rushdie's book. One of my christian friend asked me as to why muslims got provoked in such issues, I told him that if a person tries to prove that his mother was prostitute and his father was a pimp than how would he react? He said that he would shoot him. Then I asked him as to why did he get provoked so instantly? More than one billion muslims hold the Prophet in high esteem than their parents. It was but natural to get provoked on Salman Rushdie's book. Such an issue is being raised here also. The issue regarding "Vande Matram" song has also been raised here. I would like to say...(Interruptions)

SHRI MOHAN RAWALE : It was presented because laws are being enacted here.

SHRI ILIYAS AZMI : I would like to know the names of those people who were against making the song 'Sare Jahan se Achchha Hindostan hamara; Hum bulbule hein iski, yeh gulistan hamara' the national song. There or 15 or 20 languages in India but no other language has a better national song than it. You may sing Vande Matram also but do not compel others. 'Saare Jahan se Achchha Hindostan hamara' is not sung anywhere but others are compelled to sing 'Vande Matram'. I am not against singing 'Vande Matram'. But in such a situation when people realize their helplessness, and due to nature of human being, they start opposing it.

I have enough to say on this subject and can speak for half-an-hour, one hour, but I don't take much time of this House. I have never taken more than the allotted time.

While opposing this Bill, I would like to say that it is against the interests of the country, our nation and it is

an act of imposing one's thought on others. The intention behind this Bill is not good and it is brought for the politics of vote and appeasement. Some leaders are trying to appease 12-14 per cent of population and you are indulging in the vote if politics by provoking 80 per cent of population. You create fear among them that muslims will attain majority some day. I request you to take initiative stop such politics for the sake of the God or 'Allah'. Others will automatically stop this practice. I strongly oppose this Bill.

[English]

MR. CHAIRMAN : Now the Minister of Law. Before the Minister starts, does the mover of the Bill agree for its postponement?

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Sir, in this regard, I would like to say that convention of postponement has been here since long. If I am able to recollect rightly, the Bill moved by Shri Basudeb Acharia during the Tenth Lok Sabha also met the same fate. But that Bill was postponed through relaxation of the rules by the Chair. I have been told that ballot would be held a fresh if I agree for postponement. How can I agree with this option? One hardly get a chance to move such a Bill. How can I withdraw this Bill which has national importance? I will agree to it if the hon. Chair relaxes rules for it as per the precedence set during the Tenth Lok Sabha and a final decision on it is taken later on. Otherwise, I will not withdraw it. The Bill moved by Subbaramiji is also important. It would not be proper if I withdraw It and bring a fresh one. I would not do that. It is an important subject and the whole country is looking towards the Government's decision on it. My friends have told me that. The state shall endeavour, but I am unable to understand it. I even visited a library but could not find any material on this subject. Therefore I have moved this Bill in the House. I also presented it in the Tenth Lok Sabha but could not come up in the ballot. Now I have got this chance. Therefore, a favourable decision should be taken on it in the interest of the country.

[English]

MR. CHAIRMAN : I think, the point that has been made by Shri Bhagwan Shankar Rawat is very relevant. It is because, this is a very important Bill. It has got the priority after balloting. We have some precedent for suspending the rule. According to sub-rule (i) of Rule 30 we can suspend the rule. We would follow that precedent today. The hon. Member would also like to reply in detail and you also would like to reply to it. so, I think, we would suspend that rule as far as this particular item is concerned so that the Member would not lose his priority on the next



day. Now, I think, if Shri Bhagwan Shankarji moves a Motion, then without losing his priority, we could take up this item on the next day and on his moving the Motion we could postpone it to the next day.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : This matter should be taken in the next sitting and the hon. Minister should reply to it. I should also be given a chance to say my points. This Bill is the property of the House. A final decision should be taken on it and I have no objection to it.

[English]

MR. CHAIRMAN : That is what the ruling is. That sub-rule is being suspended to enable you to get the priority in the next day.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : It is the property of the House. Priority is to be decided by the House.

[English]

MR. CHAIRMAN : This Bill would not lose its priority. The discussion on the remaining part of the Bill would be taken up on the next day. Now, you can move the motion for adjournment of this.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : It is alright.

[English]

MR. CHAIRMAN : Anybody can move this now.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : There is no need of doing so now.

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Sir, I beg to move :

"That the debate on the Constitution (Amendment) Bill, (Omission of article 44 etc.) moved by Shri Bhagwan Shankar Rawat be adjourned to the next day allotted for Private Members' Bills."

MR. CHAIRMAN : The question is :

"That the debate on the Constitution (Amendment) Bill, (Omission of article 44 etc.) moved by Shri Bhagwan

Shankar Rawat be adjourned to the next day allotted for Private Members' Bills."

*The motion was adopted.*

20.00 hrs.

DR. T. SUBBARAMI REDDY : Sir, I beg to move :

"That provision of sub-rule (i) of Rule 30 and the Proviso to Rule 29 of the Rules of Procedure and Conduct of Business in Lok Sabha, in their application of the debate on the Constitution, (Amendment) Bill, 1996 (Omission of article 44, etc.) by Shri Bhagwan Shankar Rawat, which has been adjourned today to the next day allotted for private Member' Bills, be suspended to enable the Bill to be set down in the List of Business without ballot as the first item therein."

MR. CHAIRMAN : The question is :

"That provision of sub-rule (i) of Rule 30 and the Proviso to Rule 29 of the Rules of Procedure and Conduct of Business in Lok Sabha, in their application of the debate on the Constitution, (Amendment) Bill, 1996 (Omission of article 44, etc.) by Shri Bhagwan Shankar Rawat, which has been adjourned today to the next day allotted for private Member' Bills, be suspended to enable the Bill to be set down in the List of Business without ballot as the first item therein."

*The motion was adopted.*

SHRI PRITHVIRAJ D. CHAVAN (Karad) : We will only have the replies of the Minister and the Mover and no other Member will be allowed to speak.

MR. CHAIRMAN : We have exhausted the list. There is no other speaker left. Only the Minister's intervention and the mover's reply will be there.

We now move on to Item No. 23.

20.01 hrs.

#### ABOLITION OF BEGGING BILL\*

[English]

MR. CHAIRMAN : Mr. Reddy, you have five more minutes. So, you can move the Bill.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Shall I move it now and speak about it the next day?

\*Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 2-5-97.