

[Translation]

SHRI AMAR PAL SINGH : Sir, I introduce the Bill.

15.51 hrs.

STATE OF UTTARANCHAL BILL*

[English]

SHRI MANABENDRA SHAH (Tehri-Garhwal) : Sir, I beg to move for leave to introduce a Bill to provide for the establishment of the State of Uttaranchal by reorganisation of the existing State of Uttar Pradesh and for matters connected therewith.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for the establishment of the State of Uttaranchal by reorganisation of the existing State of Uttar Pradesh and for matters connected therewith."

*The motion was adopted***

SHRI MANABENDRA SHAH : Sir, I introduce the Bill.

15.52 hrs.

POPULATION CONTROL BILL*

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' (Almora) : Sir, I beg to move that leave be granted to introduce a Bill to provide for measures to control population in the country and for matters connected therewith.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for measures to control population in the country and for matters connected therewith."

The motion was adopted

SHRI BACHI SINGH RAWAT 'BACHDA' : Sir, I introduce the Bill.

15.52½ hrs.

UNIFORM MARRIAGE AND DIVORCE BILL*

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' : (Almora) : Sir, I beg to move that leave be granted to introduce a

* Published in the Gazette of India, Extraordinary Part-II, Section-2, dated 20-12-96

** Introduced with recommendation of President

Bill to provide for Uniform Marriage and Divorce Law for all citizens of the country.

[English]

MR. CHAIRMAN : Motion moved :

"That leave be granted to introduce a Bill to provide for uniform marriage and divorce law for all citizens of the country."

SHRI G.M. BANATWALLA (Ponnani) : Mr. Chairman, Sir, I rise to oppose the leave for introduction of the Uniform Marriage and Divorce Bill, 1996

I am quite aware that according to the rules, I cannot go into the merits or demerits of the Bill at this stage. I rise only to say that the Bill is totally unconstitutional and is against the Constitution of India. The Bill makes serious inroads into the Muslim Personal Law. It is violative of the Shariat. As such, it is violative of Article 25 of the Constitution, which gives freedom of religion, the practice of religion and the matters connected and laid down by the religion. The hon. Member has referred to, in his Statement of Aims and Objects, Article 44 of the Constitution (Directive Principles). But even this Article 44 with respect to Uniform Civil Code, which is in the Directive Principles of the Constitution, is subject to and must be read with the Fundamental Rights given by article 25.

As such, I submit that this Bill is not constitutional at all. I know that I cannot raise a point of order on that matter because the Chair never rules on the constitutionality of the Bill. Therefore, I have not raised any point of order. I have only, with your permission come before this House to appeal to the hon. Member that as his Bill is violative of the Shariat and the Muslim Personal Law and, therefore, violative of the Constitution of India, he should better withdraw the Bill.

The Government of India must be complimented and our Prime Minister must be congratulated that in the last week of August, 1996 the Government filed an affidavit before the Supreme Court saying that the Government has no intention whatsoever of bringing any common Civil Code forcibly. We appreciate that stand of the Government. All the memoranda that the Government had received from the different nooks and corners of the country against the Uniform Civil Code were duly filed by the Government in the Supreme Court along with their affidavit. It is a right step. I congratulate the Government for that stand. But, at the same time, I now appeal to the hon. Member to withdraw this particular Bill which is unconstitutional in nature. We cannot go into the merits and demerits of the Bill at this time. Otherwise, I am constrained to appeal to this august House kindly to reject the motion for leave to introduce the Bill.

MR. CHAIRMAN : What is your response?

SHRI BACHI SINGH RAWAT 'BACHDA' : It is mentioned in Article 25 of the Constitution that :-

"(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law -

(a) regulating or restricting any economic, financial, political or other secular activity...

(b) providing for social welfare and reform..."

[Translation]

This is clearcut. It has been clearly mentioned in Article 26. Article 44 is also clear. In Sarla Mudgal Case, it was said that the Government will bring the Bill, I have also raised a question about it earlier, I am now compelled to bring this Bill. I have raised a question in the Lok Sabha on 2nd August 1996 to have an Uniform Code for all the citizens. This matter was finally decided by Justice Sahia and Kuldeep Singh Ji.

MR. CHAIRMAN : You can put all these things lateron.

SHRI BACHI SINGH RAWAT 'BACHDA' : Article 25(2) is clear about it, I do not agree with the hon'ble member, and leave be granted to me to introduce this Bill.

[English]

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for uniform marriage and divorce law for all citizens for the country."

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' : Sir, I introduce the Bill.

15.57½ hrs.

HINDU MARRIAGE (AMENDMENT) BILL*

(Amendment of Section 5, etc.)

[English]

DR. M. JAGANNATH (Nagarkurnool) : I beg to move for leave to introduce a Bill further to amend the Hindu Marriage Act, 1995.

* Published in the Gazette of India Extraordinary Part-II, Section-2, dated 20-12-96.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill further to amend the Hindu Marriage Act, 1955."

The motion was adopted.

DR. M. JAGANNATH : I introduce the Bill.

15.58½ hrs.

FOREST (CONSERVATION) AMENDMENT BILL*

(Amendment of Section 2, etc.)

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' : Sir, I beg to move that leave be granted to introduce a Bill further to amend the Forest (Conservations) Act, 1980.

[English]

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill further to amend the Forest (Conservation) Act, 1980."

The motion was adopted.

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' : Sir, I introduce the Bill.

16.00 hrs.

COMPULSORY EDUCATION BILL

[English]

MR. CHAIRMAN : We shall take up further consideration on this Bill. Shri Hannan Mollah to speak.

SHRI HANNAN MOLLAH (Uluberia) : Mr. Chairman, Sir, I thank Shri Reddy for bringing in this Private Members' Bill for providing free and compulsory education for all children of this country. It is an avowed dream since Independence. Our first Prime Minister Pandit Jawaharlal Nehru had announced that he would provide education to all the children. Accordingly, people had their aspiration that it would be fulfilled in course of time.

In our Constitution also, in the Chapter on Directive Principles it has been stated that within ten years, this

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