

[Translation]

(viii) Need for adopting remedial measures to control pollution caused by industrial establishments in Mirzapur district of U.P.

SHRI RAM PYARE PANIKA (Roberts-ganj) : Mr. Speaker, Sir, the increasing pollution in the industrial areas of district Mirzapur in Uttar Pradesh has made life extremely difficult and it is a matter of grave concern to us. Government and the private institutions are causing a serious problem of pollution in the area. From the Dala cement factory, which is a State Government enterprise, 30 per cent of the total production in the form of cement dust spreads over hundreds of kilometres all around and pollutes the environment. As a result of this, the life not only the Adivasis and Harijans living in Dala but also of those living in the nearby areas has become extremely difficult. Whereas on the one hand it has badly affected agriculture and forest wealth, on the other hand it is detrimental to public health. Similarly, since no modern equipments have been installed in coal mines and thermal power stations, it is badly affecting agriculture and public health in the area and as a result there is great resentment in the entire southern part of the district. If the Government do not immediately make adequate arrangements to check pollution caused by various projects located in the southern part of Mirzapur district, it will pose serious hazards.

Therefore, through this matter of urgent public importance; I demand that the Government should immediately send a team of experts to various industrial units in Mirzapur to look into the problem of pollution and take effective steps in this regard and thereby protect the property and health of the people.

[English]

12.23 hrs.

MUSLIM WOMEN (PROTECTION  
OF RIGHTS ON DIVORCE)  
BILL

[English]

MR. SPEAKER : Now the House will take up for consideration the Muslim Women (Protection of Rights on Divorce) Bill.

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur) : I rise on a point of order

SHRI SOMNATH CHATTERJEE (Bolpur) : I rise on a point of order.

(Interruptions)

MR. SPEAKER : How can I listen to all the points of order at the same time? I can only listen to one point of order at a time.

(Interruptions)

PROF. MADHU DANDAVATE : Will you call the House to order so that I can...

(Interruptions)

MR. SPEAKER : You better first call yourself to order. Why don't you sit down?

(Interruptions)

PROF. MADHU DANDAVATE : Before the Hon. Minister of Law and Justice moves the Bill—Muslim Women (Protection of Rights on Divorce) Bill—for consideration, I rise on a point of order.

MR. SPEAKER : I have allowed that.

PROF. MADHU DANDAVATE : I would request you to allow me to complete the formulation of my point of order so that it will be easier for you to give the ruling.

(Interruptions)

[Prof. Madhu Dandavate]

This particular Bill, the consideration of the Bill, attracts Article 14, Article 15, Article 16(2) and also, Sir, 13(2), of the Constitution. Article 14 says—it is regarding equality before law :

“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

Sir, Article 15 says :

“The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

Article 16 says :

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent place of birth, residence or any of them, be.....” etc.,

That is only Article 16.

But Sir, most important is, Article 13(2)—and I would like to draw your attention to this, Article 13(2) which categorically says :

“The State shall not, make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention be void.”

So, it is very clear that the Bill that is sought to be moved for being taken into consideration violates. Articles 14, 15, 16 and 13(2).

MR. SPEAKER : Do you mean to say that it is *ultra vires* ?

SHRI SOMNATH CHATTERJEE : Sir, If it is passed, it becomes, *ultra vires* of the Constitution.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, You have summed up, in one sentence, very nicely. It is *ultra vires* of the Constitution.

MR. SPEAKER : You want my ruling on this ?

AN HON. MEMBER : You have already given your ruling.’

PROF. MADHU DANDAVATE : Let me complete.

DR. KRUPASINDHU BHOI (Sambalpur): Sir, I want to...(Interruptions)

PROF. MADHU DANDAVATE : Why is he standing ?

MR. SPAEKER : Please sit down. Please do not interrupt. He is on a point of order. He is within his rights and it is a very pertinent point, what he is discussing.

(Interruptions)

PROF. MADHU DANDAVATE : And, therefore, it is clear that this Bill violates all these important articles of the Constitution and that too in Part III of the Constitution, and they are adumbrated in the ‘Fundamental Rights’ of the Constitution particularly Article 13(2) which clearly says that no law can be enacted which either abridges or takes away the Fundamental Rights, I feel that, this Bill violates all the important articles; it is *ultra vires* of the Constitution and, therefore, I challenge the legislative competence as well as the Constitutional competence of this particular Bill and, therefore, you in your wisdom, I request you, Sir, to summarily give a ruling that it is *ultra vires* of the Constitution and it is better that the Minister of Justice withdraws from the House and addresses himself to some other items. He cannot take up this Bill at all. (Interruptions)

DR. KRUPASINDHU BHOI : Sir, the present Bill...(Interruptions)

MR. SPEAKER : It is all right, Why do you not let me say something ? (Interruptions)

MR. SPEAKER : Are you going to decide it for me doctor ? (*Interruptions*)

MR. SPEAKER : Are you going to decide it for me, Sir ? Are you going to decide it for me ? Or, should I give my ruling ?

DR. KRUPASINDHU BHOI : I am only telling, that you must give justice to us also.

(*Interruptions*)

MR. SPEAKER : Have you got any point of order on what he is saying or about what he has said ?

DR. KRUPASINDHU BHOI : There is a submission.

MR. SPEAKER : There is no question of submissions now. It is a point of order on which I have to give a ruling.

PROF. MADHU DANDAVATE : Sir, all that I request is, that you do not discriminate between women and women; not only that : do not discriminate between women and women, whether they are Hindu women, or Muslim women, or women belonging to any religion, or community.

(*Interruptions*)

SHRI G. M. BANATWALLA (Ponnani) : Sir, Before you give any ruling, you should allow us to help you, (*Interruptions*) in giving a ruling by pointing out some..... (*Interruptions*)

MR. SPEAKER : If I have any need of help, I will surely call for it. Every Hon. Member in this House is there to help me. That much I am assured. No problem on that. We might disagree or we might agree to disagree, but that is something else. But I am perfectly assured about your help.

SHRI G. M. BANATWALLA : You please listen to our submissions before you give your ruling.

MR. SPEAKER : I do not think it is a question of any submission. If you have any point of order, I will listen to you also. (*Interruptions*)

SHRI G. M. BANATWALLA : No point of order but only about the constitutionality. It is a matter for the House to consider, not a matter for the Speaker to decide upon. That is the established practice of law. (*Interruptions*)

MR. SPEAKER : I have to rule on this ...(*Interruptions*) Have you got any point of order ?

(*Interruptions*)

MR. SPEAKER : There is no question of submission. He is on a point of order and I have to rule on that. If you do not understand the rules, why do you butt in ? (*Interruptions*)

MR. SPEAKER : I have already studied this problem from all angles because I knew that I have to face it. It is always better to be better prepared and prevention is always better than cure. So, I know what I have to do. The problem is that I have to rule and act according to the specifications you have provided in the rules and the duties of the Speaker. The Chair does not decide the question whether a Bill is *ultra vires* nor is it the duty of the House to pronounce a verdict whether a Bill is *ultra vires* or not. The question lies with the court. If you go against what the Constitution says, it will have to be decided by the court. (*Interruptions*)

SHRI SOMNATH CHATTERJEE : He has become a Minister who is trying to introduce a lawless law and perpetrating injustice on the people of India... (*Interruptions*) what he is trying to do is a rape of the Constitution. (*Interruptions*)

MR. SPEAKER : What is your point of order ? Come straightway to it.

SHRI SOMNATH CHATTERJEE : The point of order is, let us take one by one the points mentioned in the statement of objects and reasons.

MR. SPEAKER : You want to argue it. You cannot do it now. What is your point of order ?

**SHRI SOMNATH CHATTERJEE :**  
The Bill is sought to be moved on the basis of the Statement of Objects and Reasons.  
(Interruptions)

**MR. SPEAKER :** Over ruled.

**PROF. MADHU DANDAVATE :** He has not formulated his point of order.  
(Interruptions)

**MR. SPEAKER :** I do not think, he needs your help now. He is quite a good pleader himself.

**SHRI SOMNATH CHATTERJEE :** I know that I am addressing a very unhappy Speaker today. I know that you are very unhappy. (Interruptions)

**MR. SPEAKER :** I have to do it according to what the law says. I am a contented man; do not worry.

**SHRI SOMNATH CHATTERJEE :** Apart from the question of *ultra vires*, it has been said by the highest court of the country that the Directive Principles of State Policy which have nothing to do with *ultra vires*, should govern all institutions and all laws. What is the Directive Principle of State Policy? This has nothing to do with the Constitution.

**MR. SPEAKER :** That I am not going to decide. That has to be decided by the court.

**SHRI SOMNATH CHATTERJEE :** No, when the House can take up a legislation, which is contrary to the Directive Principles of a State Policy... (Interruption). Kindly see Article 38. Have you a copy of the Constitution with you, Sir?

**MR. SPEAKER :** Yes, I have got with me.

**SHRI SOMNATH CHATTERJEE :** Kindly see article 38. It says :

"The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a

social order in which justice, social, economic and political, shall inform all the institutions of the national life."

**PROF. SAIFUDDIN SOZ (Baramulla) :** I have basic objection to this, Sir.....  
(Interruptions)

**SHRI SOMNATH CHATTERJEE :** Political and economic justice is being denied... (Interruptions). Then, kindly see article 39(a). ... (Interruptions)

**MR. SPEAKER :** Overruled, Sir. It does not fall in this.

**SHRI SOMNATH CHATTERJEE :** If you kindly see article 39(a), no discrimination can be made. The State is obliged to provide necessary... (Interruptions)

**MR. SPEAKER :** No. Overruled...

(Interruptions)

**SHRI SOMNATH CHATTERJEE :** This is a very serious matter, an open violation of the Directive Principles.

**MR. SPEAKER :** Overruled. Yes, Mr. Saifuddin.

**SHRI SAIFUDDIN CHOWDHARY (Katwa) :** Sir, you have referred to the court law. I have written to you that one Special Leave application has been admitted by the Supreme Court and they are considering the same issue of alimony by a husband to the divorce... (Interruptions)

**MR. SPEAKER :** Look here, Mr. Soz.

**AN HON. MEMBER :** Not Soz, Mr. Chowdhary, Sir.

**SHRI SAIFUDDIN CHOWDHARY :** You just listen, Sir.

**MR. SPEAKER :** I am listening. I am attention, Sir.

**SHRI SAIFUDDIN CHOWDHARY :** When you have referred to the court of law, it is subjudice if we are going to pass this Bill. This will jeopardise... (Interruptions)



SHRI SOMNATH CHATTERJEE :  
There are precedents.

*(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY :  
There are precedents. I have written to you  
that in 1929...*(Interruptions)*

MR. SPEAKER : I have taken full  
cognizance of what you have written, Sir.

SHRI SAIFUDDIN CHOWDHARY :  
In 1929, Vithalbai Patel, in Central  
Assembly, observed that Public Safety Bill  
cannot be considered as the Meerut Con-  
spiracy case was pending with the court of  
law, and it will demolish the fundamental  
basis if it is passed...*(Interruptions)*.

PROF. MADHU DANDAVATE : That  
was Vithalbai Patel, Sir.

SHRI SAIFUDDIN CHOWDHARY :  
During the British time that decorum, that  
convention was maintained and honoured  
and I believe, when you have to harmonise  
between different organs of the State and  
we have to live in cooperation with respect  
to each other, it is proper for us that we  
stop considering this Bill here immediately.  
You can give your ruling, Sir.

MR. SPEAKER : Right. The ruling is...

*(Interruptions)*

PROF. MADHU DANDAVATE : Look  
at the portrait of Vithalbai Patel before...  
*(Interruptions)*

MR. SPEAKER : Mr. Chowdhary, I  
am very very fond of you and being a  
Chaudhary myself, we are very very close  
friends.

SHRI SAIFUDDIN CHOWDHARY :  
Two Chowdharies cannot save this country.  
It is the majority...*(Interruptions)*

MR. SPEAKER : The question is of  
*subjudice* and that does not stand in the way  
of law making. The law making power of  
the House is unfettered and whatever be the  
merits of the case, Parliament can make any  
law even if the subject matter of the Bill is  
*subjudice*...

SHRI SOMNATH CHATTERJEE :  
Civilised law. This is not a civilised law.

MR. SPEAKER : It does not bar the  
Parliament from proceeding with the Bill.

SHRI C. MADHAV REDDI : Sir, the  
Bill violates Article 17(3) of the Constitu-  
tion. We do not have the Financial Memo-  
randum attached to the Bill... *(Interruptions)*

MR. SPEAKER : Financial Memo-  
randum is not required here, Sir, Overruled...

*(Interruptions)*

MR. SPEAKER : It does not need  
Financial Memorandum, Sir, overruled.

DR. DATTA SAMANT : (Bombay  
South Central) Sir, Wakf Boards are consti-  
tuted and formed and there is no provision  
in the Wakf Board Act to canalise the funds  
for any other purpose...*(Interruptions)*.

MR. SPEAKER : That does not come  
here. Overruled.

DR. DATTA SAMANT : Secondly, in  
the Muslim Personal Law, the children are  
looked after till they become independent...  
*(Interruptions)*

MR. SPEAKER : Overruled...

*(Interruptions)*

DR. DATTA SAMANT : As far as  
article 51(a) of the Constitution is concerned,  
it provides that no legislation derogatory to  
women may be passed... *(Interruptions)*

MR. SPEAKER : Overruled.

SHRI DINESH GOSWAMI (Guwahati) :  
Sir, I have two points to make. You have  
held that on the question of *ultra vires*, the  
courts are the final adjudicator and we do  
not come in. But on the question of Direc-  
tive Principles, the court cannot come in.

MR. SPEAKER : I cannot give you  
second ruling. I have given it Overruled.

*(Interruptions)*

MR. SPEAKER : Overruled. No.

*(Interruptions)*

SHRI DINESH GOSWAMI : Then my second point is this. Tomorrow the Government is bringing in the New Education Policy for discussion in the House. Let me read one paragraph.

*(Interruptions)*

MR. SPEAKER : It does not matter. I am not satisfied. Not allowed.

*(Interruptions)*

SHRI DINESH GOSWAMI : It says :  
"Education will be used as an agent of basic change in the status of women..."

MR. SPEAKER : Have you got any point of order ? No. Over-ruled. I don't contemplate anything.

*(Interruptions)*

SHRI DINESH GOSWAMI : It says :

"The National Education System will play a positive, interventionist role in the empowerment of women."

MR. SPEAKER : relevant.

SHRI DINESH GOSWAMI : May I know, Sir, what is the policy of the Government ? This Bill seeks to adopt a different policy.

MR. SPEAKER : Overruled.

*[Translation]*

SHRI V. TULSIRAM (Nagarkurnool) : Mr. Speaker, Sir, I want to say that we are discussing men and women.

MR. SPEAKER : Today we are talking of women only.

SHRI V. TULSIRAM : There is another category between men and women. They are also voters. What is being done for them ?

MR. SPEAKER : Who are they ?

*(Interruptions)*

*[English]*

MR. SPEAKER : Order, order.

Now, 8 hours have been allotted for all the three stages.

SHRI SOMNATH CHATTERJEE : Sir, I have given notice of my motion. I want to move that motion, Sir.

*(Interruptions)*

MR. SPEAKER : Not allowed. It is not allowed. It is time-barred.

*(Interruptions)*

MR. SPEAKER : Overruled.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Let the House decide.

MR. SPEAKER : Time-barred. No.

SHRI SAIFUDDIN CHOUDHARY : He has given notice.

MR. SPEAKER : One clear day's notice is required. Mr. Chatterjee, one day's notice is necessary. No question now.

*(Interruptions)*

*[Translation]*

MR. SPEAKER : What do you want ? You are just like my elder sister. I have to listen to you. Please speak.

*[English]*

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, this Bill contravenes a number of Articles of the Constitution.

MR. SPEAKER : That I have already decided.

SHRIMATI GEETA MUKHERJEE : It is discriminatory in nature.

*(Interruptions)*

**SHRIMATI GEETA MUKHERJEE :** It will be struck down by the courts. It is not in order for Parliament to pass the Bill.

(*Interruptions*)

**MR. SPEAKER :** Order please.

8 hours have been allotted for the three stages of the Bill. If the House agrees, we may have 5 hours for General Discussion; 2 Hours for Clause-by-clause consideration and one hour for the Third Reading.

Now, Mr. Sen.

(*Interruptions*)

**AN HON MEMBER :** You are trying to penalise secularism.

(*Interruptions*)

**MR. SPEAKER :** Order in the House. Now Mr. Sen.

(*Interruptions*)

**MR. SPEAKER :** Please sit down. Only Mr. Sen.

**THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) :** Mr. Speaker, Sir, I beg to move :

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be taken into consideration."

Sir, this Bill has a history.

(*Interruptions*)

**SHRI BASUDEB ACHARIA :** The Bill has a sad history.

**DR. DATTA SAMANT :** Sir, is it fair in a state of secularism and unity ?

(*Interruptions*)

**SHRI A. K. SEN :** Are these also points of order ? If they are, we shall answer them.

(*Interruptions*). There is neither any point of order nor any merit in the interruption. This is our submission. Mr. Speaker, Sir. (*Interruptions*). This unwillingness to hear the reason behind the Bill shows a completely closed mind and we are not here... (*Interruptions*). If it is open, then there should be no interruption, Sir.

(*Interruptions*)

**MR. SPEAKER :** Order, order in the House. Let us listen. Have both ways.

(*Interruptions*)

**MR. SPEAKER :** You just point out that also.

**SHRI A. K. SEN :** Originally in 1898, Sir, Fitzjames introduced a Bill, which was enacted into the Criminal Procedure Code of 1898. It contained a provision, Section 488, which was described by Sir Fitzjames as a provision against vagrants and the whole purpose was, if a wife was unable to maintain herself or if a man's children are not looked after, then a summary procedure was obtainable in the criminal court by which the husband was made to pay what was considered to be a maintenance not exceeding Rs. 500 for his wife and children. At that time, the obligation was confined only to wives and not to ex-wives.

I hope the running commentary will stop and some desire to learn what the reason is for the Bill...

(*Interruptions*).

**PROF. SAIFUDDIN SOZ :** Mr. Speaker, Sir, I have a submission. It is a very serious matter and we want to listen to the Law Minister with rapt attention. We don't want any interruption.

(*Interruptions*)

**MR. SPEAKER :** Now, order. Order please.

(*Interruptions*)

**MR. SPEAKER :** Now, I will like the Hon. Minister to be a Minister of Law and not the professor to be.

PROF. SAIFUDDIN SOZ : Sir, it is a very serious matter and we want to listen to the Law Minister with rapt attention. A least I don't want any interruption.

(Interruptions)

SHRI A. K. SEN : Now, Sir, that Section was confined only to wives and not to wives who have ceased to be wives. In 1973 when the Criminal Procedure Code was passed, it was passed in two sections—Sections 125 and 127 including sub-section (3) of Section 127. Section 125 for the first time introduced an explanation which said, a wife will include an ex-wife, a wife who has been divorced, so that for the first time the obligation to maintain a divorced wife was cast by the Criminal Procedure Code on the husband divorcing the wife. The law about alimony is contained in the respective law—for the Christians, the Indian Divorce Act, for the Hindus, the Hindu Marriage Act and for the Muslims, their own personal law. So far as Hindus are concerned, there was no divorce before the Hindu Marriage Act and therefore once a man married a wife, she remained a wife for ever and the obligation to maintain the wife continued.

AN HON. MEMBER : It is a new discovery.

SHRI A. K. SEN : It is a great discovery that the wife becomes a wife after marriage. I am very obliged for that discovery.

MR. SPEAKER : She remains wife of the same person.

SHRI K. V. SHANKARAGOWDA (Mandya) : It no longer holds good. That has gone long back. I am sorry, he is teaching us a new thing, here ! (Interruptions).

SHRI A. K. SEN : We have not heard of wives without marriage. If the Hon. Member knows of them, I would be very delighted to get the address.

MR. SPEAKER : I will take you along with...

SHRIMATI GEETA MUKHERJEE : He says, it will be dangerous.

PROF. MADHU DANDAVATE : That is extra curricular activity.

SHRI A. K. SEN : I was told once, for the knowledge of Mrs. Mukherjee, for man, there is no age. (Interruptions).

MR. SPEAKER : Geetaji, it is completely male-chauvinism.

SHRIMATI GEETA MUKHERJEE : In this Bill also, this is what we are saying.

DR. DATTA SAMANT : Therefore, this problem is coming.

SHRI A. K. SEN : There is no *iddat* for the man.

Now, Sir, this Explanation was inserted along with a very salutary safeguard which was in section 121 sub-section 3. When the matter was debated in Parliament, the Minister of State for Home Affairs said, on objection being raised on behalf of the Muslims, that under the Muslim personal law, the obligation to maintain an ex-wife lasts only up to the *iddat* period and that beyond that the obligation reverts to the original family. And if the husband discharges his obligations under the personal law, namely, pays the *mehar* contracted to be paid at the time of marriage, makes over all the property belonging to the wife and also pays the maintenance during the *iddat*, he should not be saddled with any obligation to maintain beyond the *iddat*, and the answer given was—and that is a matter of debate, and Mr. Banatwalla has quoted *in extenso* originally when he moved his Bill... (Interruptions).

SHRI P. KOLANDAIVELU (Gobichetti Palayam) : Mr. Banatwalla is the authority !

SHRI SATYAGOPAL MISRA (Tamluk) : It is again surrendering to communalism.

SHRI A. K. SEN : What I said was that it was quoted by Mr. Banatwalla. It was not his own speech. He only quoted something which came from the Government.

SHRI NARAYAN CHAUBEY (Midnapur) : You take lessons from him...

SHRI A. K. SEN : Now, Sir, after this, when the Hon. Members speak, they may expect the same treatment from this side. If there is going to be interruption, at every stage, it is a game which both sides can play...*(Interruptions)*.

SHRI NARAYAN CHAUBEY : Sir, the Minister is threatening us.

SHRI A. K. SEN : It is a game which is played...*(Interruptions)*.

MR. SPEAKER ; Please Order. What is this ?

*(Interruptions)*

[*Translation*]

MR. SPEAKER : It is not a good thing. You should restrain your Members.

[*English*]

This is not the way.

*(Interruptions)*

[*Translation*]

MR. SPEAKER : Mamataji, please be seated. Look, it is not a good thing. You express your own views and they will express their own views.

*(Interruptions)*

[*English*]

MR. SPEAKER : Both should have their say.

*(Interruptions)*

[*Translation*]

SHRI SAIFUDDIN CHOWDHARY : Sir, this will go on till *Iddat*. *(Interruptions)*, It is three months' period.

MR. SPEAKER : Please hurry up *(Interruptions)*. You should not interrupt in between.

[*English*]

SHRI A. K. SEN : I do not mind about Hon. Members who have come recently but

those who have been here for years have to know that a reply is a reply and there is a time and place for it. There cannot be a reply every second when there is debate going on.

MR. SPEAKER : Please carry on. Let us be serious about the business.

SHRI A. K. SEN : The stand of the Government was that no Muslim person should be offended because under section 127 (3) the moment a person discharges his obligation under the personal law, the order under section 125 will cease to be operative. That is so. Therefore, there is an inbuilt provision in this very Criminal Procedure Code whereby the personal law of the husband concerned was made the determinant factor for the continuance of the order under section 125, so that if a Hindu paid whatever was ordered as alimony at the time of his divorce under the Hindu Marriage Act, he would not be saddled with any further order under section 125. Similarly with a Christian and similarly with a Muslim. Now that was thought to be a complete answer to apprehension that section 125 was going to affect that the very vital part of Muslim personal law prescribing the obligation of a former husband to maintain his former wife. But the matter came...

SHRI P. KOLANDAIVELU : Nowhere it has been stated whether it is, Hindu or Muslim law.

SHRI A. K. SEN : I thought the Hon. Member has a right to reply and he has read the rules, I suppose, and under the rules, he cannot stand up every second, like a jackpot. *(Interruptions)*. The question came to a head when the matter came before the Supreme Court which is now everybody's knowledge called the Shah Bano's case in which a lady had sued her husband and after her divorce, she claimed maintenance under Section 125 and the court...

SHRI SAIFUDDIN CHOWDHARY : No. Not after the divorce. No distortion should be allowed.

SHRI INDRAJIT GUPTA (Basirhat) : You should speak the facts. She had not been divorced. She had been driven out of the house. Then she went to the court,



SHRI A. K. SEN : If the Hon. Member had not intervened, I would have given him the facts.

SHRI BASUDEB ACHARIA : It is not a fact.

SHRI INDRAJIT GUPTA : Why is he giving wrong facts? He is misleading the House.

SHRI A. K. SEN : If the...

*(Interruptions).*

SHRI P. KOLANDAIVELU : Sir, he is saying something in Tamil which is unparliamentary.

MR. SPEAKER : What is unparliamentary is expunged.

*(Interruptions).*

SHRI P. KOLANDAIVELU : Why are you allowing it?

MR. SPEAKER : I did not allow it. What I say is...

SHRI P. KOLANDAIVELU : He speaks in Tamil. He says something unparliamentary. How can it be allowed?

MR. SPEAKER : Mr. Kolandaivelu, please take your seat. Whatever is unparliamentary should not be uttered and whatever is unparliamentary, is expunged. I do not know what has been said. But if it is unparliamentary, I will get it translated and find out. Now one thing more...Please sit down.

13.00 hrs.

SHRI BASUDEV ACHARIA : He should apologise.

MR. SPEAKER : I will not allow anybody to abuse anybody else. Abusing itself is abusing one who abuses. One must have the dignity and sincerity of purpose to say certain things. We have to be very responsible.

Now what I am seeing on this subject here is that it might be controversial. Some

people may not like it and some people may like it. That is their viewpoint because this is a democracy. It is a question of whose will prevail and the will of the majority will prevail, and the will of those who get the backing will prevail. Please don't worry. You say whatever you have to say. You can say that on the floor of the House. I will give you ample opportunity to do it. But don't interrupt. Let us have the debate.

*(Interruptions)*

SHRI NARAYAN CHAUBEY : Now it is lunch hour, Sir.

MR. SPEAKER : Order, please. Please don't shout. Otherwise I will have to take recourse to certain things which I do not like. I have never used it and I do not want to use it. But don't take my leniency too far. There is a limit to everything. I will like you all to take part-very coherently, very positively and very constructively. Whatever you want to say you can say.

Now, Mr. Minister, I will like you to come straightforward and put the facts.

SHRI A. K. SEN : I will always come straightforward and no amount of pulling will deviate me.

PROF. MADHU DANDAVATE : You said the majority will decide and not necessarily the reason.

SHRI A. K. SEN : What I said was correct. When the Supreme Court decided; she was already divorced. The point before the Supreme Court was not whether a wife divorced has to be maintained by the husband or not...*(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY : Who took the case to the Supreme Court?...

*(Interruptions)*

He is again misleading the House. He is again committing a mistake. He does not know.

SHRI A. K. SEN : He does not know.

PROF. K. K. TEWARY (Buxar) : The behaviour of the Hon. Member over there is very deplorable.

[*Translation*]

MR. SPEAKER : Let me say.

PROF. K. K. TEWARI : I always obey you.

[*English*]

MR. SPEAKER : Now, Mr. Chowdhary, you please remain within bounds and let us be reasonable.

SHRI SAIFUDDIN CHOWDHARY : Untrue things are being told on the floor of the House.

MR. SPEAKER : What I have to say is...

SHRI SAIFUDDIN CHOWDHARY : Does this Parliament not have any dignity ?

MR. SPEAKER : Mr. Chowdhary, please don't lose your temper. I will like to say one thing more. If you have got anything with which you don't agree or you say that it is not a fact, I will give you time to say those things. But please don't interrupt. Otherwise I will have to name you....

(*Interruptions*)

MR. SPEAKER : The Hon. Members should not talk to one another. They should address the Chair.

SHRI A. K. SEN : As I said, the matter came to the head in the Supreme Court where the question was whether a wife who has been divorced by a Muslim husband was still to be maintained by him beyond the *Iddat* period. That was the whole question before the Supreme Court. I was not dilating as to when the matter was first brought. I am trying to condense the matter and not dilate on the matter by going to the District court and all that. The Hon. Member knows that I know how to place my case. Let him do it in his own way....

MR. SPEAKER : Please go on with the case. But you are again going astray.

SHRI A. K. SEN : The Supreme Court decided as follows :

They said that is true that under the Muslim Law, the husband's obligation is to maintain his divorced wife during the *Iddat*. But where the wife was indigent at the time of divorce, then the Muslim Law did not conflict with section 125 of the Criminal Procedure Code. They quoted the Kuran and the Acts in vogue and came to the conclusion that section 127(3), which laid down that if a man discharges his obligations under the customary law or the personal law, he should be relieved of the obligation, and section 125 did not exonerate a Muslim husband who divorced his wife from paying maintenance beyond *Iddat* period, if the wife was indigent. This is very important. They accepted the position that obligation of the Muslim husband was upto *Iddat* period. But they said, if the wife was indigent that obligation went further than the *Iddat* period. They did not stop at that. They said something more which, I think, created great apprehension in the Mind of Muslims who are the biggest minorities in this country, numbering 14 crores of people. That observation was relating to Article 44 of the Constitution. If I may read Article 44 of the Constitution which is under the Directive Principle...

PROF. MADHU DANDAVATE : That is a Red Book.

SHRI A. K. SEN : I think, the Hon. Members will be very happy.

SHRIMATI GEETA MUKHERJEE : It is a pity that you will be unhappy.

SHRI A. K. SEN : Article 44 of the Constitution says :

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

[Shri A. K. Sen]

And after deciding 125 did not conflict with the Kuran or the Shariat Law, they went further and said that they noted with regret that the Government has failed in his duty to bring about a uniform code for all the community reasoning thereby as if the uniform code which has to be framed under Article 44 was to be enforced against all communities forgetting the history of Article 44 of the Constitution and you will remember how the matter was raised here, debated here and we gave our expression about the Article 44 and if I may repeat once more about the history of Article 44 and what was said at that time, it may be of some relevance. When Article 44 of the Constitution was introduced, it was Article 35 in the draft Constitution and a great deal of apprehension was expressed particularly by the Muslims to the effect that if the State is to enforce a common code, then it will completely nullify the personal law of the various communities. If the intention was that everybody would be governed by one uniform code, then there will be objection from the minority community. Dr. Ambedkar made an observation which is quoted with very great authority everywhere and that was what was lost sight of by the Supreme Court. Dr. Ambedkar said that the apprehension of the Muslims and the amendments which were introduced in the Constituent Assembly were based on a feeling as if this principal is going to bring about a code which will be enforceable on all communities. He said that is not so. He said common enforceability is a different thing and that can only be done with the consensus of the communities concerned and the personal laws are to be held to govern the communities concerned unless they decide that they should part with it. He said that the only sphere of Marriage and Succession. For the rest of the matters, there was uniform code for contract, for transfer of property, for all other laws like the Civil Procedure and Criminal Procedure and so on. Therefore, if I may read that particularly because that is not lost sight of, when all these questions about secularism and other great principles of the Constitution being buried are raised. This is what Dr. Ambedkar said :

"My friend Mr. Hussain Imam in raising to support the amendments..."

The amendments sought to amend Article 35 in the draft Constitution in order to subject them to the personal laws.

"...asked whether it was possible and desirable to have a uniform code of laws for country so vast as this. Now I must confess that I was very much surprised at that statement, for the simple reason that we have in this country a uniform code of laws covering almost every aspect of human relationship".

Then he goes to property and so on.

"The only province the Civil Law has not been able to invade so far is Marriage and Succession".

With regard to Hindu Marriage it did invade later on. We are now governed by the Hindu Succession and Hindu Marriage Act with regard to our own succession and marriage. Then he said at the end of his speech as follows, which was quoted as a great charter for the minority. He said :

"My second observation is to give them an assurance. I quite realise their feelings in this matter; but I think they have read rather too much into Article 35 which merely proposes that the State shall endeavour to secure Civil Code for the citizens of this country. It does not say that after the Code is framed, the State shall enforce it upon all citizens merely because they are citizens. It is perfectly possible that the future Parliament may make a provision by way of making a beginning that the Code shall apply to those only who make a declaration that they are prepared to be bound by it, so that in the initial stage the application of the Code may be purely voluntary"

Therefore he said that like the Special Marriage Act, like various other laws, a uniform code will be open for anyone who opts for it. For instance, a Muslim or a Hindu or a Christian can go and declare today before the Registrar that he wants to be governed by the provisions of the Special Marriage Act. It does not mean that you are 'compell-

ing a Hindu to marry under the Special Marriage Act. The Vedic marriage still remains, governed by our own personal law as codified by the Hindu Marriage Act. The same thing with the Muslims.

Therefore, when we talked about Article 44 and the Supreme Court observed that the Government had failed in its duty to provide a uniform code, it forgot for a moment that everyone was still governed by his own personal law excepting that a uniform code may be there for them to follow, like the Special Marriage Act. This has created a great apprehension in the minds of the Muslims, which got expression even on the floor of this House when various features of Article 44 were debated.

We gave our own explanation which I thought satisfied the minorities at that time. When this was the position the Government could not be possibly blind to this apprehension on behalf of the largest minority community in India that if section 125 was given this meaning, then the husband becomes liable beyond the *iddat* period for maintenance of the wife and her relations are completely relieved of that liability, something which is, according to them completely repugnant to Muslim Personal Law in the Shariat.

So far as Muslims are concerned, are we to be governed by what they think should be their personal law, or are we to be governed by the feelings of those who think secularism demands that everybody must be tarred with the same brush? I can appreciate the high spirit and rather liberal approach that many of the Hon. Members on the other side belonging to the minority community of Muslims have. But the Government cannot ignore the voice of the vast majority of the Muslims.

We have spent eight months of wide study and research into the matter for the purpose of appreciating what according to Muslim law is the obligation of the husband of a divorced woman where both the husband and the wife had married according to Muslim law and they are governed by its tenets. The result of our study reveals that

excepting in a few Muslim countries like Egypt, Tunisia and others in the vast majority of the Muslim countries the law is what we have stated to be in the Bill which is under consideration.

SHRI V. KISHORE CHANDRA S. DEO  
 Parvathipuram) : What about Pakistan ?

SHRI A. K. SEN : Regarding Pakistan read Section 488 of 1898 Act. It says that liability is upto the *iddat* period.

AN. HON. MEMBER : What about Libya ?

SHRI A. K. SEN : Now, Sir, including Iran and Afghanistan the law is that the husband is liable to maintain the wife whom he divorces after the *iddat* period excepting that the *iddat* period becomes elastic as the woman concerned bears a child at the time of divorce or if she has already children who are still minor at the time of divorce born of the husband who divorces her. We have given the definition of *iddat* which is according to Muslim law. I have taken the trouble of studying every text of the Muslim law to see that that definition accords with Muslim understanding of the matter.

Now what is the fundamental principle of Muslim law in this matter? We must look at it from the point of view of Muslims, and not from the point of view which according to us ought to be there, because you must sit on the Muslim chair and view the matter from the Muslim chair and then try to find out what is the law which governs the Muslims and which according to them is not merely a law of man's making but a law ordained by God. This is the belief of the Muslims. (*Interruptions*)

There is no question of laughing about it. To the Muslims it is an article of faith. That what is ordained in Quran is the law of God.

SHRI DINESH GOSWAMI : Why have you taken the place of God today by making this law? Leave it to God. I think you are hurting the susceptibilities of the Muslims by taking the place of God. Leave it to God.

SHRI A. K. SEN : Let the Muslims give vent to their own susceptibilities instead of Mr. Goswami doing it.

AN HON. MEMBER : It is a dangerous concept. *(Interruptions)*

MR. SPEAKER : Don't argue with them. Let us finish it now. Let us summarise it.

SHRI A. K. SEN : It was our duty to ascertain the views of the Muslims on their personal law and in that matter their voice would be more dominant than the voice of those who tend to speak for them until they get their proxy.

Now the law of Muslims relating to marriage and divorce is this. This is our understanding and I think those who are here belonging to Muslim community will agree with us. It is this : Marriage is a matter of contract. It is not a sacrament at all. A woman is not married to a man till eternity as it was with us, the Hindus, and as it was with the Catholics in the olden days that once married to a man she remained a wife to the man and once married to a woman the husband remained a husband to the woman for eternity. Divorce was unknown. To the Muslims divorce was very much known; not merely known but no stigma attached to the divorced woman. On the contrary the husband divorcing the wife was under a moral obligation to see that she is married well after his divorce, a concept which possibly was revolutionary at that time and might have been considered to be very revolting by those who are not Muslims. *(Interruptions)*

Either you listen or you don't.

DR. DATTA SAMANT : Such things are very difficult to understand.

SHRI A. K. SEN : I can give you only my voice. I cannot give you my understanding.

*(Interruptions)*

AN HON. MEMBER : This is beyond our imagination.

SHRI A. K. SEN : Keep your imagination to yourself.

*(Interruptions)*

SHRI A. K. SEN : Now further Sir, according to the Muslim Law, the wife is an equal participant as the husband. And what is more, on divorce she reverts back to the family to which she belongs. There are only two categories of women in Islam, those who are married and those who are unmarried. If a married woman enters a new family, she becomes the wife of the husband.

PROF. MADHU DANDAVATE : Which is the third category ?

SHRI A. K. SEN : There are only two categories of women in the Muslim community.

PROF. MADHU DANDAVATE : I am asking about the third category.

SHRI A. K. SEN : Your category is the third category, Prof. Dandavate.

PROF. MADHU DANDAVATE : Sir, let him not utilise this debate to create disturbance in my family.

SHRI A. K. SEN : Therefore, the moment a wife gets divorced by her husband, she becomes unmarried in the eye of Islam and she cannot possibly even touch her former husband. I am told by very honourable women belonging to Islam. They say that it will be a sin to touch the ex-husband, or even to touch the dirty copper thrown by him. This is the exact language which has been used.

*(Interruptions)*

Are you going to listen or are you going to talk ? If you are going to talk, you talk.

*(Interruptions)*

There is no desire to listen. There is a desire only to talk.

Now, this is Islam. If the Hon. Member wants to study it, let him come to my place, I will give him all the texts and he will find it there.



*(Interruptions)*

MR. SPEAKER : You summarise it and finish it.

SHRI A. K. SEN : Now if that is so, when she reverts as an unmarried woman, she reverts to her family and all the obligation to maintain her was on the father or the father's relations, so that an unmarried daughter, whether she reaches puberty or not, remains a burden on the father until marriage, and she also remains a burden on the father even after the divorce. This is Muslim Law and according to the Muslim Law this guaranteed continuous fair treatment is given to the Muslim women.

What is further more ? Further, the understanding was that if there was no father alive, or if he was indigent himself, then the liability to maintain devolved on the community. This, I think, was also very revolutionary. I do not want to say, but we know in many communities how widows are treated. They were not treated as a burden on the community. But they were left to fend for themselves.

*(Interruptions)**[Translation]*

MR. SPEAKER : Mind your own business. Why are you interrupting ? Order, order don't talk. *(Interruptions)*.

*[English]*

SHRI A. K. SEN : If this is the understanding of the Muslims of their own personal law, then the Government is duty-bound to pay attention to this understanding and not to impose something upon them, which according to them conflicts with their understanding of the Koranic injunctions on the father or the community or the husband.

Therefore, the Bill has taken three positions. First of all, it says that if a woman is divorced by her husband and both of them are married according to the Muslim Law, then until the *iddat* period, she will be maintained by the husband. After the *iddat* period, she will be under the charge of the

father, the brother or the mother. If the brother or the father or the mother are themselves indigent, then the community will look after her, and the community is represented by what we say, the services of the Wakf Boards, which look after all charity.

AN HON. MEMBER : The Boards themselves are insolvent.

*(Interruptions)*

DR. DATTA SAMANT : This too much to hear Sir. Is there no respect to women ?

*(Interruptions)*

SHRI A. K. SEN . I can lend a little cotton wool to plug your ears. I do not want you to hear it.

SHRI DATTA SAMANT : Instead of hearing such things, that will be better, Sir.

SHRI A. K. SEN : I will give, I will give you. I promise that I will give it to you after this Bill...*(Interruptions)*.

MR. SPEAKER : Order, order.

Mr. Minister, should you take so long a time of the House to finish ?

SHRI A. K. SEN : This is the position. When we hear all the representatives of the Muslim community on the floor of the House, the Hon. Member who thinks that he cannot hear the Muslim voice speaking on the floor of the House—which we have.....*(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY : On a point of order, Sir. He cannot...*(Interruptions)*.

*[Translation]*

MR. SPEAKER : You can say that it is your voice.

*[English]*

SHRI SAIFUDDIN CHOWDHARY : On a point of order, The Law Minister talks about Muslims' representatives. How can he says this ? Nobody is a Hindu representative or a Muslim representative in this House...*(Interruptions)*. He is communalizing the whole country *(Interruptions)*

SHRI BASUDEB ACHARIA : How can he say this, Sir ? (*Interruptions*).

SHRI SAIFUDDIN CHOWDHARY : You give me a ruling, Sir. (*Interruptions*)

SHRI DATTA SAMANT : How can he say like this ? (*Interruptions*)

MR. SPEAKER : Order...Mr. Samant, I will have to name you. You always do this. Sit down now...(*Interruptions*) Take your seats. Please sit down. Mr. Amar Roypradhan.

Mr. Minister, nobody represents anybody. Everybody represents his own voice. That is it ..(*Interruptions*) Please sit down.

SHRI DATTA SAMANT : There should be some moral responsibility.

MR. SPEAKER : Don't talk about moral responsibility, Mr. Samant. If you again interrupt, I will name you. I have had enough of it. I have had enough of it. Now mind your business.

Mr. Minister, keep yourself to the point and finish it off...(*Interruptions*) Order, now. Sit down. Take your seats. Enough of it. It is all right; please sit down. Now Mr. Minister ..

PROF. K. K. TEWARY : This is a reflection on the Hon. Minister...(*Interruptions*)

MR. SPEAKER : Order please. What I have said, I have said. Take your seat. It is all right.

PROF. K. K. TEWARY : With due respect...(*Interruptions*)

MR. SPEAKER : Mr. Tewary, you are not the custodian. I also respect him. I also do honour and have the same respect for the Minister. I am doing that, so that everything goes well. I am saying this in all humility—I refer to what I said. Now take your seat.

PROF. K. K. TEWARY : With due respect to the Chair, I would say that the

Minister is arguing his case; he has to go by the subject-matter. He has to speak himself on the subject. The Chair cannot frame the arguments in the speech for him.

MR. SPEAKER : Mr. Minister, don't pay heed to anything. Hon. Members, don't interrupt him any more.. (*Interruptions*)

Yes, Mr. Minister: you carry on.

SHRI C. K. JAFFAR SHARIEF (Bangalore North) : May I have an opportunity ? (*Interruptions*)\*\*

MR. SPEAKER : I do not want any interruptions. I have not allowed you, The Minister will speak now.

(*Interruptions*)\*\*

MR. SPEAKER : It is all right. I do not allow (*Interruptions*)\*\* Mr. Sharief, you have to say our own things, when you are given time. You will be given time.

SHRI A. K. SEN : The point was, if there was any irrelevance in my thoughts...

MR. SPEAKER : He is also an Hon. Member of this House.

SHRI A. K. SEN : If I ever deviate from the point. I will be very obliged if you correct me. I shall never object. But I thought it was relevant for me to point out that no government worth its salt can remain deaf to the demands of the minority community.

(*Interruptions*)

MR. SPEAKER : Please take your seats or otherwise I will name you.

SHRI SAIFUDDIN CHOWDHARY : What happen in Barabanki ?

(*Interruptions*)

SHRI A. K. SEN : Whatever may be the opposition, this Government never deviates from its path of protecting the legitlmate interest...(*Interruptions*)

MR. SPEAKER : Please don't do it.  
 Mr. Chaubey.

*(Interruptions)*

SHRI NARAYAN CHAUBEY : What  
 happend in Moradabad ?

*(Interruptions)*

MR. SPEAKER : Mr. Chaubey, I  
 would ask you to withdraw from the House  
 if you do like this again. Will you keep  
 your mouth shut now ? It is too much.  
 You are transgressing all the limits.

*(Interruptions)*

MR. SPEAKER : Please sit down.

PROF. K. K. TEWARY : This is very  
 unfortunate.

MR. SPEAKER : This is very very  
 unfortunate.

*(Interruptions)*

PROF. K. K. TEWARY : This is a very  
 serious matter.

SHRI A. K. SEN : I shall emphasise  
 again, on the strength that we now com-  
 mand, so long as this Government continues,  
 so long as the Congress(I) Government is in  
 power, the interest of the minorities will be  
 safe in their hands.

*(Interruptions)*

SHRI INDRAJIT GUPTA : It is very  
 good demagogy.

*(Interruptions)*

SHRI A. K. SEN : If we had spent all  
 this time on ascertaining what the personal  
 law of the Muslims was on this point, it  
 had been a fruitful adventure. We think  
 and think it correctly that what we have put  
 in the Bill reflects the proper personal law  
 of the Muslims. If that be so, then there  
 is no question that so far as Muslims are  
 concerned Section 125 will apply only for  
 obliging the husband to maintain his  
 divorced wife upto *iddat* and after the *iddat*

the father and the other relations enjoined  
 by the *Koran* are to maintain that daughter  
 reverting to their family... *(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY  
 I doubt very much.

SHRI A. K. SEN : Now this being the  
 structure of the law, I command to the  
 House that this should be accepted as a  
 proper and most fair measure.

*(Interruptions)*

MR. SPEAKER : Motion moved :

"That the Bill to protect the rights  
 of Muslim women who have been  
 divorced by, or have obtained divorce  
 from, their husbands and to provide  
 for matters connected therewith or  
 incidental thereto, be taken into  
 considerations."

Members have given notices of amendments.  
 Those members who want to move their  
 amendments may do so.

SHRI V. S. KRISHNA IYER (Bangalore  
 South) : I beg to move—

"That the Bill be circulated for the  
 purpose of eliciting opinion thereon  
 by the 16th May, 1986". (8)

SHRI SAIFUDDIN CHOWDHARY :  
 I beg to move :

"That the Bill to protect the rights of  
 Muslim women who have been  
 divorced by, or have obtained  
 divorce from, their husbands and  
 to provide for matters connected  
 therewith or incidental thereto, be  
 referred to a Joint Committee  
 of the House consisting of 17  
 members, 11 from this House  
 namely :

- (1) Shri Somnath Chatterjee
- (2) Shri V. Kishore Chandra  
 S Doa
- (3) Smt. Bibha Ghosh Goswami
- (4) Shri Syed Masudal Hossain

- (5) Shri Abdul Rashid Kabuli
- (6) Shri Hannan Mollah
- (7) Smt. Geeta Mukherjee
- (8) Shri S. Jaipal Reddy
- (9) Shri Asoke Kumar Sen
- (10) Shri Zainal Abedin
- (11) Shri Saifuddin Chowdhary

and 6 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and Communicate to this House the names of 6 members to be appointed by Rajya Sabha to the Joint Committee." (9)

SHRI BASUDEB ACHARIA : I beg to move—

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely :

- (1) Shri Somnath Chatterjee
- (2) Shri Saifuddin Chowdhary
- (3) Prof. Madhu Dandavate

- (4) Shri V. Kishore Chandra S. Deo

- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Abdul Rashid Kabuli
- (7) Shri Hannan Mollah
- (8) Smt. Geeta Mukherjee
- (9) Shri S. Jaipal Reddy

- (10) Shri Zainal Abedin

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (36)

SHRI HANNAN MOLLAH (Uluberia) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 12th November, 1986." (45)

SHRI ZAINAL ABEDIN (Jangipur) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1986." (47)

SHRI MANIK SANYAL (Jalpaiguri) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 11th August, 1986." (48)

SHRI BASUDEB ACHARIA : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 25th November, 1986." (49)

SHRI H. A. DORA (Srikakulam) : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th June, 1986." (50)

SHRI INDRAJIT GUPTA : I beg to move :

"That the Bill to protect the rights of Muslim women who have been divorced by, or have obtained divorce from their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 16 members, 11 from this House, namely :

- (1) Shri Somnath Chatterjee
- (2) Shri Saifuddin Chowdhary
- (3) Prof. Madhu Dandavate
- (4) Shri V. Kishore Chandra S. Deo
- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Abdul Rashid Kabuli
- (7) Shri Hannan Mollah
- (8) Smt. Geeta Mukherjee
- (9) Shri S. Jaipal Reddy
- (10) Shri Asoke Kumar Sen
- (11) Shri Zainal Abedin

and 5 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum

shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (54)

SHRI NARAYAN CHAUBEY : I beg to move—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th July, 1986." (57)

SHRI D.B. PATIL (Kolaba) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 14th August, 1986." (58)

SHRI AMAR ROYPRADHAN (Cooch Bihar) : I beg to move :

"That the Bill to protect the rights of Muslim Women who have been divorced by, or have obtained divorce from their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 16 members, namely :

- (1) Shri Narayan Choubey
- (2) Shri Saifuddin Chowdhary
- (3) Shri Mool Chand Daga
- (4) Prof. Madhu Dandavate



- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Dinesh Goswami
- (7) Shri Indrajit Gupta
- (8) Shri Arif Mohammed Khan
- (9) Shri Sanat Kumar Mandal
- (10) Shri Shripati Mishra
- (11) Shri Hannan Mollah
- (12) Smt. Geeta Mukherjee
- (13) Shri Chintamani Panigrahi
- (14) Shri C. Madhav Reddy
- (15) Shri Amar Roypradhan and
- (16) Shri Asoke Kumar Sen

with instructions to report by the 14th August, 1986."(96)

SHRI VIJOY KUMAR YADAV : I beg to move :

"That the Bill to protect the rights of Muslim Women who have been divorced by or have obtained divorce from, their husbands and to provide for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 16 members, 11 from this House, namely :

- (1) Shri Somnath Chatterjee
- (2) Shri Saifuddin Chowdhary
- (3) Prof. Madhu Dandavate
- (4) Shri V. Kishore Chandra S. Deo
- (5) Smt. Bibha Ghosh Goswami
- (6) Shri Abdul Rashid Kabuli
- (7) Shri Hannan Mollah
- (8) Smt. Geeta Makberjee
- (9) Shri S. Jaipal Reddy
- (10) Shri Asoke Kumar Sen
- (11) Shri Zainal Abedin

and 5 from Rajya Sabha :

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the committee shall make a report to this House by the 28th July, 1986;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (132)

SHRI SAIFUDDIN CHOWDHARY : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 4th August, 1986 and that this be done through a referendum among the Muslim Women."(196)

SHRI C. MADHAV REDDI (Adilabad) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 5th July, 1986."(209)

SHRI C. MADHAV REDDI : I beg to move :

"That the Bill to protect the rights of Muslim Women who have been divorced by or have obtained divorce from, their husbands and to provide for matter connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely :

- (1) Shrimati Akbar Jahan Abdullah
- (2) Shri Basudeb Acharia
- (3) Shri Sri Rama Murty Bhattam
- (4) Shri Somnath Chatterjee
- (5) Smt. Usha Choudhary
- (6) Shri Saifuddin Chowdhary
- (7) Shri Mool Chand Daga
- (8) Prof. Madhu Dandavate
- (9) Shri Indrajit Gupta
- (10) Shri Abdul Rashid Kabuli
- (11) Dr. (Mrs.) T. Kalpana Devi
- (12) Shri P. Kolandaivelu
- (13) Shri Hannan Mollah
- (14) Shri D.N. Reddy
- (15) Shri K. Ramachandra Reddy
- (16) Shri Asoke Kumar Sen
- (17) Shri V. Tulsiram
- (18) Shri K.P. Unnikrishnan
- (19) Shri Girdhari Lal Vyas
- (20) Shri C. Madhav Reddy

and 10 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the committee shall make a report to this House by the last day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha to join the said Joint Committee and communicate to this House the names of 10

members to be appointed by Rajya Sabha to the Joint Committee." (210)

MR. SPEAKER : Now, Shri Janardhana Poojary will make a statement.

AN HON. MEMBER : What is he doing ?

MR. SPEAKER : Some statement, he is making.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram) : What about our amendments ?

MR. SPEAKER : They are all on clauses. They will come later on. They are on clauses.

13.39 hrs.

STATEMENT RE INCENTIVES  
FOR EXPORT PROMOTION

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Mr. Speaker, Sir, in my reply to the debate on the Finance Bill, ... (Interruptions)

MR. SPEAKER : After the statement, we will have lunch break.

(Interruptions)

MR. SPEAKER : Why, you don't like ?

(Interruptions)

AN HON. MEMBER : It is not audible.

MR. SPEAKER : We will take it as read.

(Interruptions)

MR. SPEAKER : Order, order. Let us hear the statement... (Interruptions)

MR. SPEAKER : We shall take it as read. You can lay it on the Table of the House.