

SEVERAL HON. MEMBERS: No, no.
(*Interruptions*)

MR. CHAIRMAN: Please do not inter-
rupt.

(*Interruptions*)

SHRI MANMOHAN SINGH: I again repeat this is not a Bill for closure of public sector units. It is not an anti-workers Bill. The issues that Mr. George Fernandes raised, I think, are issues of very great importance with regard to the future of the public sector, about the accountability of the public sector, about the autonomy of the public sector.

In fact, the Prime Minister has agreed that the House should discuss all these issues and you would have ample time to discuss all those issues in the next few days.

I think, Shri Nirmal Kanti Chatterjee brought in again the question of the IMF. I have assured you and I repeat that in this very session, I will place the letter to the IMF on the Table of the House. Therefore, no aspersion should be cast that I am hiding anything from this House. I think, I would not be worthy of being a part of this Government if I were to indulge in that. (*Interruptions*) I once again request to support the Bill.

MANY HON. MEMBERS: No, no. (*Interruptions*)

MR. CHAIRMAN: The question is is.....

SHRI SRIKANTA JENA: We do not agree and we walk out in protest.

(*Shri Srikanta Jena and some other hon. Members then left the House*)

SHRI SOMNATH CHATTERJEE: We also register our protest and walk out of the House.

(*Shri Somnath Chatterjee and some other hon. Members left the House*)

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was Adopted

16.19 hrs

INDIAN SUCCESSION (AMENDMENT)
BILL

As Passed by Rajya Sabha

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Sir, on behalf of Shri K. Vijaya Bhaskar Reedy, I beg to move:

"That the Bill further to amend the Indian Succession Act, 1925, as passed by Rajya Sabha, be taken into consideration."

Indian Succession Act 1925 was passed to consolidate the law relating to testamentary and intestate succession as was prevalent in the country at that time. Chapter III of this Act lays down the rules of succession to the property of a Parsi dying intestate. Section 51 of this Chapter deals with the division of the property of a male Parsi dying Intestate among his widow, children and parents. Clauses (a) and (b) of sub-section (1) of that section provide that the share of each son shall be double the share of a daughter on such intestate succession. However, section 52 provides that in the case of female Parsi dying intestate, the widower and each

[Sh. Rangarajan Kumaramangalam]

child will receive equal shares and were there is no widower, the children (i. e. sons and daughters) will receive equal shares. Thus, on the father's death, the son is entitled to double the share of the daughter in the property of the father.

In contrast, on the mother's death, the son and daughter gets equal share of the property left by the mother. There is discrimination against daughters in the case of devolution of property of the father. The Law Commission of India, in its One Hundred and Tenth Report on the Indian Succession Act, 1925, has also observed that the discrimination between sons and daughters does not seem to be reasonable at the present day. They had further stated that such a discrimination is opposed to the spirit of Article 14 of the Constitution. The Law Commission has, therefore, recommended that Section 51 of the Indian Succession Act should be amended so as to provide that the daughter and son get an equal share of the property of their deceased father.

We have received an unanimous representation from the Parsi community for removal of the aforesaid discrimination and to provide in the law that the sons and daughters shall receive equal share of the property of their father dying intestate. The Parsi community has also demanded for consequential changes in Sections 52 to 56 and in the Schedule II of the Act, which gives a list of heirs for succession to the property, for removal of discrimination between male and female standing in the same degree of propinquity. It has, therefore, been decided to bring in the present amending legislation before this House. This is also in keeping with the policy of Government to undertake the review of the social legislation concerning marriage, divorce, inheritance, etc. in consultation with women's organizations and all concerned communities to give women equal rights in these matters and to confer

equal rights for women in the Parental properties.

Section 118 of the Indian Succession Act, 1925 imposes certain restrictions in relation to bequest for certain religious or charitable uses, if a testator has a nephew or niece or any nearer relative. The Parsi community has represented to the Government that this restriction comes in the way of bequest of the properties to religious and charitable trusts and should not, therefore, be applicable to the Parsis. A provision has, therefore, been made in the Bill for non-application of the provisions of Section 118 to the Parsi community.

I recommend the Bill for consideration of the House and seek the approval of the House on the proposed legislation as it is intended to give effect to the aspirations of the Parsi community.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Indian Succession Act, 1925, as passed by Rajya Sabha, be taken in to consideration."

Gentlemen, time allotted for this Bill is precisely one hour. Therefore, I could only request the various speakers to restrict their speeches to not more than five minutes and the opening speaker not more than ten minutes so that we can get 10 to 12 speakers to participate in the debate. I request for your cooperation in this matter. Shri Guman Mal Lodha.

[*Translation*]

SHRI GUMAN MAL LODHA (Pali): Mr. Chairman, Sir, while supporting the Bill I want to submit in this House that the Founding Fathers of our Constitution, who made sacrifices during the freedom struggle made a provision for Uniform Civil Code for all the citizens of India in Article 44 of the Constitution. The Common Civil Code and Article 44

of the Constitution have lost relevance today. Objections are raised from one section or the other for various reasons whenever there is a talk of introducing uniform civil code. I am happy that this time this bold step has been taken by our hon. Minister and the ruling party. The Indian Succession Act meant for the Hindu society soled also be applied to Parsi society. Sri, it was a black spot on Parsi society that women had not been given equal rights as the men. Though Parsi community is known as educated and progressive in our country so. They have set records in various fields. It is unfortunate that women have not been given equal rights since 1925.

I would like our Minister of Law and the members of the ruling party to think over it seriously to provide equal to rights men to all the Indian women. It was discussed during the question hour in the morning. It was repeated and our hon. Speaker said that the work, performance, style of participation in the proceedings of the House of lady members of this House is better than the male members. Why then such treatment is meted out to women when the question of succession, property, divorce arises and when they are left on road forever simply on the basis of pronouncement of the world 'talaq' thrice by men.

Mr. Chairman, Sir, It is very important matter, so I want to submit that it is time when our country is not allowed to be divided and Article 44 of the Constitution is in worked. It is not proper for us to make an amendment for Parsies for the period beginning from 1925 to 1991 and make another amendment for other communities. In this way we deprive the women not covered by the Indian Succession Act Hindu Succession Act, Hindu Guardianship Act of the rights enjoyed by other women who are in the national mainstream. It is pertinent to mention here that it was the blackest day in the country's history and it was the black spot on the country on the day when this House passed a Bill relating to Shahbano case providing therein that

women shall have no right to livelihood and that they would get no maintenance allowance in utter disregard of the Supreme Court judgment favouring the maintenance allowance. This Bill was passed at a time when effigy of Chief Justice of the Supreme court Shri Chandra Chud was burnt by some fanatics in some parts of the country.

Mr Chairman, Sir, I want to know whether an Indian woman is not entitled to maintenance simply because she is a Muslim. A Hindu woman a Parsi woman, a Christian woman and all the rest are entitled to maintenance but not a Muslim woman. The Bill passed after Shahbano case render that judgment ineffective was a black spot and a stigma on our social system and on psyche of slavery. I would like our hon. Minister and the ruling party to think over once again on the atrocity and injustice done to Muslim women for the sake of our policy of appeasement and politicization of the social system just to win Muslim votes and just to please some fanatics.

Mr. Chairman, Sir, I want to say this also that though we talk of women's honor here, the question of setting up of a National Commission for women is not given any importance. The Janatha Dal had passed a Bill in this regard but the Congress is doing nothing. The demand is raised repeatedly but the Commission is not set up. Our Hindu Succession Act has provided equal rights to women. Today I would like to know here from our lady Members, leaving aside men, whether they can raise their hands and tell that they have given equal right of succession, equal right of property to their daughters or sisters while distributing their property in their house. It is very sad. Today the situation is the same as was in the past. As our the poet-Laureate, Shri Maithilisan Gupta observes:

"Abla jivan hai teri yahi kahani
Aanchal mein hai doodh aur ankan
mein hai pani"

[Sh. Guman Mal Lodha]

About which the poet Hariaadh said

"Nari tum Kewal Shardha ho" and
"Ankhon ke pani se man ka dukhada
rona hoga."

The woman of our country bears all this distress while we regard her with the honours — Sati Savitri, Sita, Durga and so on and so forth. But when the question of dowry or property arises, we victimise her beyond belief.

Mr. Chairman, Sir, I would like to submit that it is the need of the hour to take decision to enact uniform Civil Code. When this Bill was presented in the Rajya Sabha the Minister of Finance stated that it was good and that he would think over it. But the time has not yet come. I want to know about that time. Which astrologer would be consulted for it? Where from the policy would be taken out? There are talks about the 21st century. Mr. chairman, Sir, 2 years ago I visited Bombay. I came across a hoarding with sarcastic writing on it. The old gentlemen always put up such hoardings there. It is a matter of intelligence. The law, Muslim women Bill, passed by our parliament.....

SHRI RANGARAJAN KUMARAMAN-GALAM: You are deviating from the subject.

SHRIGUMAN MAL LODHA: I am speaking on subject. There was a board at Marine Drive in Bombay when the Muslim Women Bill was passed and it was written on it, "Entering twenty first century, Muslim Women Bill passed by Lok Sabha, entering twenty first century via 18th century—" It was just a satire because talks were going on about twenty first century. They want to adopt the way that women should be given no right, no maintenance, no right to divorce, they cannot get rid of men easily but it is provided in the man dominated law that a man has right to divorce just by pronouncing the word "talaq" three times and the woman has to go

on road. Mr. Chairman, Sir, I would like to submit that we have Muslim Law and Pakistan has the Child Marriage Restraint Act under that law.

MR. CHAIRMAN: Mr Lodha, here it is the Indian Succession Act which is under discussion and not divorce.

SHRIGUMAN MAL LODHA: This question is related to the disparities in our society. The object is to remove inequality between man and woman, to put an end to the exploitation of women, to provide equal respect to women in society, and to bring about overall changes in social values. I would like to submit that Pakistan has a Child Marriage Restraint Act under the Muslim law. But you must be aware of the incident that took place sometime back when an alien Sheikh tried to take an innocent girl from Hyderabad from our country to his own country. When he was produced in the Supreme Court, a controversy began and some people said that it was a matter concerning their religion. Is it a religious matter to exploit the women, to play with their lives? Does any religion allow discrimination against our mothers and sisters in such a way? Does it allow any Sheikh to purchase our innocent girls for few silver coins?

MR. CHAIRMAN: You are deviation from the subject. Please come to the subject.

SHRIGUMAN MAL LODHA: Mr. Chairman Sir, whenever there is a discussion on social systems, we have to discuss these matters also. It is a question of inequality between man and woman. Previously Parsi women did not have equal rights. A law was enacted to give them equal rights. The hon. Minister may tell us as to when Parsi women have been given equal rights, why is it not being done in case of Muslim women? Who is obstructing it? Why is she being exploited.

Mr. Chairman, Sir, I welcome this Bill. I congratulate the hon. Minister for it. But I want to say that for the sake of politics of

votes and for the temptation of vote Bank, it should not be forgotten that all women are equal, whether they are Muslims or Hindus or Parsis or Christians. I will wait for the day when women will get full and equal rights in the whole country when uniform Civil Code under article 44 of the Constitution is enacted. (*Interruptions*)

Mr. Chairman, Sir, when we talk of uplifting women, it will not be fair if I am asked not to espouse the cause of women as a whole. I cannot understand the reason why our friends of the Congress party get annoyed when we talk of giving equal rights to Muslim women. I am reminded of a couplet in this connection:-

"Hasarat me in Har Cheej Inko Nazar
Aati Hai,
Laila Najar Aata Hai, Majnu Najar Aati
Hal."

They always view every things from the opposite angle. This Bill should be passed. At the same time, the hon. Minister should make a resolve that he would bring forward a legislation in future so that the atrocities being committed on Muslim women could be eliminated if Article 44 of the constitution is made applicable in their case.

[*English*]

SHRI SHARAD DIGHE (Bombay North Central): Mr. Chairman, Sir, I rise to support this Bill whole heartedly. This Bill removes what has been an unfortunate feature of the existing personnel law of the Parsi community, namely, that there had been discrimination as far as male and female heirs are concerned. The present law forms part of this Indian Succession Act, the particular Chapter which refers to the Parsi community only. When a Parsi male dies, his property goes to the children. His son gets double the share than his daughter. Whereas when a female Parsi dies, his heirs, namely, her sons and daughters get equal share in the property. This was a discrimination between

a son and a daughter. Therefore, it was necessary to remove this discrimination and bring the male heir and the female heir on the same line as far as succession is concerned.

I pay my tribute to the then Law Minister who introduced this Bill in 1990. I pay also my further compliments to our present Law Minister for unearthing this Bill which was lying since 1990 and brought it before Rajya Sabha and thereafter before this House. Because it is always necessary to bring social legislation particularly when it is demanded by that very community.

In this case, the Parsi community itself had demanded this reform. Therefore, we should always believe in not forcing drastic changes down the throat of people who do not want changes in their personal law therefore, when my friend talk about this common civil code which is a directive principle under Article 44 of the constitution, we must always remember that it is a very laudable object. But any social legislation especially regarding marriage, succession, wills etc., should not be undertaken unless that particular community is ready and asks for that legislation. Unless we follow this principle, we shall not be able to pass suitable social legislation at all.

Therefore, in this case, that test has been fulfilled and this demand was made by the Parsi community itself and the Government has responded to that demand and brought this Bill. Moreover, it is the recommendation of the Law Commission, in their 110th Report, to introduce this legislation.

And they have clearly stated in their recommendation that such a legislation should be brought; and they have stated on page 65, para 10.5 of that Report, which reads as follows:

" The discrimination made in the first situation between sons and daughters does not seem to be reasonable at the present day.

[Sh. Sharad Dighe]

It may be noted that under the Hindu succession Act, the property of an intestate shall be divided among the heirs specified in that regard, which (inter-alia) include the surviving sons and daughters, and each heir takes one share, irrespective of sex."

So, in Hindu Law also we get it irrespective of sex. equal share. So, this discrimination which was existing, as far as Parsi Law was concerned, was not proper and the Law Commission has further said in para 10.6 on the same page which reads as follows:

"The discrimination found in the Indian succession Act is opposed to the spirit of article 14 of the Constitution, if not to its letter.

For the reasons given above, we recommend that section 51 should be so amended as to provide that the daughter and son should get an equal share of the property of their deceased father. This would also bring section 51 in line with the provisions of section 52, wherein children get equal share in the deceased mother's property.

This recommendation of the Law commission has been followed by this Government.

Then another amendment that is being brought is to section 118 of the Indian Succession Act; that is also demanded by the Parsi community. Section 118 provided that if the property is to be bequeathed, you cannot bequeath it for charitable or a religious purpose if there are near relations or niece, etc. Now the Parsi community says that they do not want that provision. And therefore we are now making a provision in this by amendment that this provision will not apply to Parsi community at all. Now, that is also a very laudable object and the Government has done well in introducing that. As far

as that section is also concerned, the Law Commission has made this very suggestion in their Report on page 136 in paras 17.14 to 17.77; and then they have also made several other suggestions; they have said, in fact, that this very provision of section 118 should be removed; now we are removing it today to the extent the Parsi community has asked for it. But my submission is that the Law Commission has recommended that drastic steps could be taken to remove this section 118 completely. Of course, it does not apply to Hindus also, but it applies to other communities; it is not fair that a person is not allowed to bequeath his property in whatever way he likes. The restriction is that it should be bequeathed only to a charitable and religious purpose, if there are no near heirs; and very surprisingly this near heir has been interpreted by the Madras High Court not to include even the widow. And therefore, a very surprising situation has arisen. Of course, the Bombay High Court has taken another view and they have said that no, near relation includes widow; and therefore, a good situation has been created by the decision of the Bombay High Court. But my submission is that, as the Law Commission has suggested, we should have also an amended section 118 by deleting the whole section completely or alternatively the Law Commission has suggested that if you cannot delete completely section 118, at least the provisions which are made there that the will in such case must be made 12 months before the death and must be deposited with the authority at least six months after the will has been executed; at least those rigours should be removed. That is a recommendation of the Law Commission in the very Chapter. So, I submit that as we have followed certain recommendations which relate to the Parsi community, the other recommendations in regard to section 118 also may in the later date be followed.

That amendment should also be brought in this House. I congratulate the hon. Minister for taking up this social legislation which has been lying pending since 1990 before the

Rajya Sabha. Having got it passed, the Government got it here and I once again congratulate the Minister for bringing this social legislation.

With these words, I wholeheartedly support this Bill.

[Translation]

SHRIMATIGIRIJA DEVI (Maharajan):

Mr. Chairman, Sir, I rise to support this succession Bill whole heartedly. Much has been said and a lot is being said everyday about women. But this bill really a concrete step in this direction. I am very happy to note that in this bill the women have no where been addressed as 'Abla' or Sabla but have been addressed simply as citizen having equal rights, not as a problem for the society or the country. The Parsi community is a very vigilant community. Even after the lapse of such a long period of 4 decades of acquiring freedom, this lacunae was there in the law. It denotes negligence on the part of the Government and the society. Any way, better late than never. With the passing of this Bill the existing practice of giving double the share of property to the son than taught the daughter in a parsi family where the owner dies intestate, will come to an end. It would have been a matter of further happiness had this Government come up with the proposal of setting up of the women Commission instead of holding it up even after four months of its coming to power. The Commission is supposed to ensure women's welfare. After everyday pressures from us as well as from many other women organisations it assures sometimes that it would appoint a commissioner for women and some other time it says that it is planning several good schemes for them. Today we came to know that beside Women Commission, it would also appoint a Commissioner. What I want to say is that whatever is proposed for the betterment of women is never implemented in reality. They have become an interesting chapter today. Everybody takes interest to listen to them whenever they rise to speak

but no one gives a serious thought to the issues they raise. No one can say openly that he wants to harass them but what is happening in reality is known to all. Though this Bill is confined to a small community numbering some thousands only, not even in lakhs, yet I do not deny that it will prove beneficial for women. But at the same time I would like to say that the delay in settings up Women Commission is just an example of our social attitude and thinking towards them. We just pass the laws here Sometimes it appears to me that none of us is here to oppose any Bill rather all of us are here just to express our views. But first of all we have to think in terms of social welfare whether we really wish to provide relief to our small section. We will have to equally consider the reasons of opposing certain things raised in this House. Then only we will know that the objects of this Bill have been fulfilled. Saying that when a man dies his wife becomes a widow or his children become orphans is a vocabulary expression. When a woman dies, her husband becomes a widower. But when the husband remarries, he no longer remains a widower. But a girl needs financial assistance in the event of her parents death. Perhaps girls of this community suffered many agonies due to the application of this law. They might have suffered the trauma of being number two in their own families. But now a right status has been given to them through this Bill and for this I would like to thank the hon. Minister of law. Once again, I support this Bill whole heartedly. Thanks for giving me chance to make my submissions.

SHRI SYED MASUDAL HOSSAIN

(Murshidabad): Mr. Chairman, Sir, it would be enough if I say simply that it is a good Bill. To say anything against this will be an exercise in futility. In the beginning of the discussion on this bill our learned B.J.P friend, Lodha Saheb raised some issues about which I think it is necessary for me to say a few words. This is an issue concerning women. He broke into tears without saying a word about Shahbano. He did not make a mention of Roop Kanwar in his speech. He is dis-

[Sh. Syed Masudal Hossain]

heartened about Ameena of Hyderabad but he did not refer to the Haryana Chief Minister's son marrying a minor girl. I would like to say only this much that if some body avoids speaking the truth.....

SHRI TARA SINGH (Kurukshetra): The name of the Haryana Chief Minister has been mentioned here.

SHRI SYED MASUDAL HUSSAIN: I have not referred to anybody by name.

SHRI TARA SINGH: There is only one Chief Minister in Haryana.

SHRI GIRIDHARI LAL BHARGAVA (Jaipur): He did not refer to any body by name.

MR. CHAIRMAN: There was no need to refer to anybody by name.

AN HON. MEMBER: He has done this.

MR. CHAIRMAN: But Roop-kanwar belonged to Rajasthan.

SHRI GUMAN MAL LODHA: Just for the point of information I would like to say that in my 100 page judgement on Roop kanwar, I have condemned the practice of sati and upheld the supremacy of the constitution.

[English]

That is there. I will send a copy to you.

[Translation]

SHRI SYED MASUDAL HOSSAIN: But *this has not come in today's debate. I would like to say that if our BJP friends make a great fuss over a common code, then it will create apprehensions in the Muslim community. I can just say about my personal life.*

[English]

I am beyond Muslim Personal law.

[Translation]

You might be knowing that the common code which I followed deliberately has a limited scope in our community. For a marriage under the Civil Marriage Act both the bridegroom and the bride must be adult. So we fulfilled these conditions. In such a marriage divorce is not possible even after uttering the word 'Talaq' 30,000 times, what to speak of 3 times only. As long as my wife is alive, I cannot marry for the second time, not to talk of having four wives. I took recourse to it deliberately. So let the Muslim community be mentally prepared first. It would be good if they took the initiatives themselves for this common code. I have every right to say this because I have followed it. I say that Lodha Saheb is right when he says about the common code provided he says so from the core of his heart.

AN HON. MEMBER: Is he addressing the hon. Minister or Shri Lodha?

SHRI SYED MASUDAL HOSSAIN: Perhaps, in section 15 of the Civil Marriage Act, it is provided that irrespective of any caste, creed and religion, if one registers his marriage even after 20-25 or 40 years his marriage under civil marriage Act, he will be out of the purview of the personal law. He will be governed by the this Act. Shri Lodha will perhaps admit this I support this Bill. And I would like to say it further that the harassment of women will continue in this country as long as feudalism is there in the country. This is not an issue of Hindu-Muslim or Sikh-Christian. If anybody thinks that once given equal status they will get equal status, it will be just like a sinner attempting to make the whole world commit sin. There is need to launch a social movement for achieving the real purpose. A struggle from all quarters is necessary for their upliftment and giving them their due rights. This is not a question of

any particular party. The issue of the women commission has been raised many times here. It has a limited scope and I think it too will not make much difference. Perhaps Shri Kumaramangalam is not paying full attention to the debate? It is not known when the National Commission for Women would be set up?.....(interruptions) When it has come it is well and good. It should be passed today itself.

It is necessary to change the social structure for solving the problems of women. It should be assured that no apprehensions are created in anybody's mind that their right is being infringed. It would be certainly wrong if such a thing is done. With these words I support this Bill.

[English]

SHRI VJAY NAVAL PATIL (Erandol): I think you for giving me time. As my friends said, this Bill does not need any detailed discussion. The only thing that is required is congratulations to the hon. Minister who has brought this very very original Bill in this House.

The Parsi community has accepted the recommendations of the Law Commission. And such changes were long overdue.....

MR. CHAIRMAN: You please continue next time.

16.58 hrs

BUSINESS ADVISORY COMMITTEE

Ninth Report

THE MINISTER FOR STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): I beg to present the

Ninth Report of the Business Advisory Committee.

[English]

MR. CHAIRMAN : Now we take up discussion under Rule 193.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS. (SHRI RANGARAJAN KUMARAMANGALAM): Before we take up the discussion, I may inform the House that there was an understanding in the BAC that such important subjects will normally have three hours instead of two hours. So I would request that the House agrees to sit upto 7 o' clock.

MR CHAIRMAN: Is it the pleasure of the House to extend today's sitting upto 7 o' clock instead of 6 o' clock?

[Translation]

SHRI GIRIDHARI LAL BHARGAVA (Jaipur): No Sir, let us sit today up to 6 o' clock only.

SHRI RANGARAJAN KUMARAMANGALAM: No, it has been decided in the Business Advisory Committee to complete this discussion today itself.

SHRIGIRIDHARILALBHARGAVA: But now there is no flood.

SHRI RANGARAJAN KUMARAMANGALAM: Do not say like this, there is flood in our areas and several people have died.

MR. CHAIRMAN: If the time is not extended, then we shall have to continue till the calves come Home. Time is limited but the business of the House is extensive. If we continue to defer the business for the next time then we have to sit on New Year's day, Christmas, day, Holi and Diwali also. So it is