

15.34 hrs.

RESOLUTION RE UNIFORM CIVIL CODE

[English]

MR. CHAIRMAN The House will now take up further discussion of the following Resolution moved by Shrimati Sumitra Mahajan on the 6th August, 1993 —

"This House urges upon the Government that in order to achieve the objectives enshrined in article 44 of the Constitution and to promote feelings of unity and brotherhood amongst all citizens of the country a Commission be constituted for framing a uniform civil code"

Shri Rajveer Singh may please speak

[Translation]

SHRI RAJVEER SINGH (Aonla) Mr Chairman Sir I am thankful to the hon Member Smt Sumitra Mahajan for introducing the Uniform Civil Code Resolution in the House and I rise to support this Resolution. Mr Chairman Sir there should be a Uniform Civil Code in this country rather than having different Codes for different people. When a Uniform rule is applicable for the offence committed by whosoever be the offenders in case of both civil and criminal suits then what is the need for having two separate codes for a very important aspect of life i.e. system of living. I would like to quote a brief extract of the thoughts expressed by a Muslim Scholar Shri Muzaffar Hossain —

"As per the provision laid down in the Shariat, enjoys monopoly in regard to the matter of divorce. Even law can not interfere in it. There was a time when divorce was possible under the provisions laid down in the section 125 of the criminal Procedure Code.

The provision of the aforesaid section was applicable to all the women of the country but after Shahbano case an Act namely "The Muslim women Protection Act" was enacted by the Government headed by Shri Rajiv Gandhi. Since then muslim women cannot claim maintenance allowance from their former husbands till their remarriage. They get maintenance for the Iddat period of four months and ten days only and after that, their

relatives or the Waqf Board has to bear the maintenance. It means the people of the country have to suffer by way of taxes for the maintenance of divorced wives on account of the divorce given by their husbands."

Mr Chairman, Sir, a married man enjoys the company of his wife for 25—30 years, and when he is either fed up with her or loses interest in her, he very easily pronounces the word 'Talaq' (divorce) 3 times and gets separation. He even does not give her any money for her maintenance. Since the woman generally belongs to a poor family, so she does not get anything from there either. Ultimately she approaches Waqf Board from where she gets money to support herself. The Waqf Board in turn is funded by the Government. In this way it is the tax payer who has to bear burden of these women. This is something very peculiar. How can the things be allowed to go in this manner?

This is not only way there are other aspects of life as well. For example as regards the need of family planning in the country, the family planning scheme must be implemented. It is a fact that resources of the country are not increasing in proportion to the increase in population. Consequently we are finding it difficult to sustain ourselves. In the absence of a uniform code the family planning scheme of the Government cannot be made applicable to all the people because one particular community opposes the scheme on the basis of Shariat. This is subsequently giving birth to a fear-psychosis in the minds of the other group of people belonging to the majority class that they might gradually find themselves in minority as against those who are now in minority.

Mr Chairman, Sir, I would also like to quote what has been written in this regard by the Free Press published from Bombay—

[English]

Bombay Chief Minister Sharad Pawar would convey the unanimous opinion of the Legislative Council members on the need to have a Civil Code in the Country to the Centre.

[Translation]

In this way it can be seen that the demand for having a Uniform Civil Code is coming from all the parts of the country.

Mr Chairman, Sir, I would like to say a very important thing i.e. this country can remain secular only so long as Hindus are in majority

Secularism will cease to exist the very day Hindus of the country come into minority in this context I would cite to example of the country that got separated from India. It declared itself an Islamic country on the very day of its creation. Similarly, India lent its support to Bangla Desh in every possible way ever since that country came into existence. There was an agreement with Sheikh Mujib-Ur-Rehman that Bangla Desh would remain a secular nation after coming into existence. The country remained secular so long as he was alive but soon after his demise Bangla Desh became an Islamic country.

Mr Chairman sir such persons have invariably tried to rule the country in their own way. India is the only country where the Government is not run on the basis of religion. Some people allege that our party cherishes the idea of forming a Hindu state. We have however never said that, nor do we ever say like this. The state should not be run according to the dictates of any particular religion. There should actually be a uniform civil code to run the state. There should be one and only one code applicable equally to all persons throughout the country irrespective of any religion, be he a Hindu, a Muslim, a Sikh, a Christian, a Jain or Buddhist.

I am extremely thankful to our sister colleague Smt Sumitra Ji for bringing such a resolution at a very appropriate time. Here I would also like to add that some organisations should also come forward for this cause. Mere creating hue and cry will not serve the purpose.

The other day when a discussion in this regard was taking place our hon. colleague Shri Ayar has opposed it on three grounds. The first was that it has been introduced at an inappropriate time. Secondly because it was being introduced by the Members of the B. J. P. I would like to read out an extract of press conference speech delivered by the Congress Committee chairman of Madhya Pradesh Shri Digvijay Singh who also happens to be a Member of the Parliament belonging to this party —

"Indore the 27th February Shri Digvijay Singh Chairman, Congress Committee of the State is in principle in favour of introducing a uniform civil code. He said that there should be a nationwide debate on this issue. The Bharatiya Janata Party should also apprise the people of the probable form of the uniform

civil code by way of introducing a Bill in the House in the form of a Private Member's Bill."

Well, there is a dilemma, Shri Ayar has the objection as to why such a resolution has been introduced by the Members of Bharatiya Janata Party and Shri Digvijay Singh is of the opinion that members of the Bharatiya Janata Party should alone introduce such a Bill. I don't know

how long the members of the Congress Party will continue to suffer from such contradictions. I would appreciate Shri Digvijay Singh who expressed his views honestly. He is not present here at the moment and I would like him to support this Resolution when he comes in the House and he should also try to get it passed through consensus vote because we have brought forward this Resolution in compliance with his wishes.

There may be some persons who might be under the impression that the enactment of such an Act may pose problems to the people of a particular sect or community. I would like to say for your kind information that Kamal Pasha had supported it, after the year 1926. He had passed a law in this respect. So much so that even in Pakistan which is an Islamic country efforts were made for reforms. Family Law ordinance was issued in Pakistan in 1961 during the tenure of Ayub Khan.

Under that Act, Arbitration Council was given the power to review polygamy and the practice of divorce under which a husband divorces his wife just by uttering the word 'talaq' for three times. Even in Singapore, Bangla Desh, Indonesia, Malaysia and Brunei, several steps have been taken to check the misuse of laws regarding divorce and polygamy. Egypt, Sudan, Syria, Jordan and Morocco has also banned this practice of divorce. In Iran also a provision was made to take permission from the court before doing second marriage but it is regretful that religious fanaticism overtook the country and since the emergence of Ayatollah Khomeini there this provision was banned. After that people have again taken to fanaticism.

I have no knowledge about Islam, but I do not understand what is the problem in making uniform law in the country? (Why) the idea of common civil code is being opposed? In private discussions, all the friends say that there should be a common civil code in the country, but why they again start doing politics of vote? Only

votes are seen and not the interest of the country.

Mr. Chairman, Sir, I would like to tell the House through you that even after the enactment of Shariyat Act in 1937 in our country, Khoja, Bohra and Mopilla Communities continued to be administrated through their own tradition and their traditions regarding succession, division of property, will in joint families were similar to Hindus. Actually, it was not long since they were converted into muslims. This community had even opposed the Shariyat Act in many areas of life.

Most of the Members here belong to villages. Our muslim brothers still follow the traditions of the majority community. I personally know that 25—30 years ago Hindu Pandit used to be called to solemnise the marriage of a muslim girl in a village who used to recite Ved mantras, conduct a yagna etc. and then the Maulvi used to come and conduct their Nikah. But in the recent times, the maulvis have spread fanaticism. So, the earlier tradition is losing its importance. The introduction of common civil code does not mean that the law will be imposed forcibly. It means that then will be a uniform law for both the Hindus and Muslims. I would like to give the example of Shahbano. When her husband divorced her in her old age, she went to the court. The Supreme Court gave the verdict that it was the duty of her husband to give her maintenance allowance. After the verdict of the Supreme Court, Shri Arif Mohammed Khan gave a speech in this Parliament. Shri Rajiv Gandhi was the Prime Minister at that time. Shri Arif Mohammed Khan praised the verdict a lot and spoke fluently for one hour. I was not a Member of the House then. I came to know from the proceedings, which I read and some people also told that Shri Arif Mohammed Khan was congratulated by Shri Rajiv Gandhi and was told that he had delivered a good speech. Only God knows what happened after that. Next day, another Minister made a speech. He severely criticised Shri Arif Mohammed Khan and the verdict given by the Supreme Court. He became so frenzied that he even called the judge of the Supreme Court a 'Teli Tomalli' and said that such people had become judges. By saying this he insulted the judge of the Supreme Court. Can a Teli not become a judge? Then the fanatics and maulvis pressurised the Government and told them that if that was implemented, Congress party would be uprooted and no muslim would vote for the Congress party. So, the Constitution was amen-

ded in this very House. The seigh of muslim women is very bad as maintenance allowance is not being paid to them.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): You are using wrong words. Do not call this 'Samvidhan Sanshodhan'. Samvidhan means the Constitution.

SHRI RAJVEER SINGH: I am not a lawyer.

SHRI H. R. BHARDWAJ: You are an M. P. You should know what is Constitution.

SHRI RAJVEER SINGH: Thank you. You enacted a new law, which is causing a lot of distress to the people today. It is a different thing that we do not give interviews on T. V. You give interviews. It is your habit, not mine.

SHRI H. R. BHARDWAJ: If you have felt bad... (Interruptions)

Mr. Chairman, Sir, he is saying a wrong thing. I am telling him and he is getting agitated.

SHRI RAJVEER SINGH: You are a lawyer, and the Minister of Law and a very intelligent person. If I have been at fault, I should be told... (Interruptions)
It may be of some duplicate, I do not know.

I do not want to go into detail, as several members of my party want to speak... (Interruptions)

SHRI H. R. BHARDWAJ: You have mentioned about my interview.... Your leaders had also mentioned it, but I have told them the factual position and they apologised to me. I am not the type of person to robe anyone by calling him in my house. The person, who has taken my wrong interview had apologised and if you do not know about it, you should speak carefully at the floor of the House.

SHRI RAJVEER SINGH: It is upto you to file suit against any one, whether it is Harshad Mehta or his lawyer. What we have to do with that?

SHRI H. R. BHARDWAJ: It is not good on your part to do politics on other's interviews. You and your leaders emphasised a lot on this issue during the discussion on no-confidence motion but they failed in their efforts.

SHRI RAJVEER SINGH The hon Minister should know that it does not make any difference to us, this is concerned with your own party. *(Interruptions)*

MR. CHAIRMAN Please speak on the resolution

SHRI RAJVEER SINGH I am speaking on the resolution

SHRI H. R. BHARDWAJ No you said very firmly

SHRI RAJVEER SINGH Now the hon Minister is interrupting me again and again Please ask him to keep quiet

MR. CHAIRMAN You said and that is why he gave a clarification

SHRI H. R. BHARDWAJ I will not interrupt again Let him speak whatever he wants to

SHRI RAJVEER SINGH Mantriji, it is your internal matter We can only know from the newspapers How do we know what is happening in your party You can file cases against the newspapers and get them punished This is your internal matter *(Interruptions)*

(English)

Mr CHAIRMAN You are again and again repeating the same thing Please speak on the Resolution

(Translation)

SHRI RAJVEER SINGH Mr Chairman Sir I would like to conclude I would like to say that a common civil code should be implemented in the country This will be in the interest of the country and the society There is not the question of women only but there are several other issues in the country I went to attend a programme organised by the muslims They asked me there why do we oppose Shariyat I told them that we do not know about Shariyat and so we do not oppose it But please tell me one thing You people want to implement Shariyat Law only for marriage * * Why do you not accept the punishment provided in Shariyat for stealing. But that they will not accept as this is an un-Islamic country * * excuse me, but this is true If anyone wants to get benefits on the basis of Shariyat, he should also be prepared to accept the punishments given under it Shariyat has also fixed punishments

for rape and stealing Now it is * * we do not want to give such punishments in our country So, I would request that.

SHRI SYED SHAHABUDDIN (Kishanganj) I have an objection He cannot term Islamic Law

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SHRI RAJVEER SINGH I have not said it about Islamic Law

SHRI SYED SHAHABUDDIN He has said it just now This is totally wrong It should be expunged from the record

SHRI RAJVEER SINGH Mr Chairman Sir, this law is actually such a law * *

**Expunged, as ordered by the Chair

(English)

MR. CHAIRMAN Please do not make derogatory remarks against a religion That should be expunged please

(Interruptions)

MR. CHAIRMAN Those remarks are expunged.

(Translation)

SHRI RAJVEER SINGH Mr Chairman, Sir I would like to request to the entire House through you that a common civil code should be prepared and implemented on the people of the religions and sects in the country

With these words, I support the proposal of common civil code and request you all to accept it

15.55 hrs.

(English)

SHRI SYED SHAHABUDDIN (Kishanganj) As the hon Member who has moved this Resolution might have guessed, I have risen to oppose her resolution

Even since Article 44 was put in the draft Constitution it has been a subject of continuous debate in the country at various levels. It was debated finally in the Constituent Assembly in November 1949 and then it became a part of the Constitution in its pre-

sent form. There have been many references to it and every time a matter touching upon family laws came up before the House this issue came up.

In 1985, there was a Private Member's Bill which was debated at length in this House in the course of which that famous speech to which the hon. Member just referred was delivered. Of course, another contrary speech was delivered, to which he has not referred, by another member belonging to the same party.

In May 1986 when we debated the Muslim Women's (Protection of Rights on Divorce) Bill, at length, I remember many members on both sides of the House referred to this aspect of the matter, the question of Uniform Civil Code and threw light on various aspects. Even when this subject has not engaged the attention of this House, it has been a continuous theme of agitation outside and if I may say so, Mr. Chairman, of vilification against the community to which I belong.

Of course, somebody is cited as a great Islamic scholar. One does not know his name. I do not know who these characters are, who write in the papers without any knowledge who say that Section 125 of the Criminal Procedure Code decides questions of divorce.

Anyway, I cannot go into that. All I am saying is that this is a continuous and recurrent theme deliberately taken up from time to time in order to take a certain stance directed against a particular community and to abuse the people, calling them 'barbaric', calling them 'wild', calling them 'obscure', calling them 'fundamentalist', calling them 'all sorts of names', all those who stand opposed to the idea of introduction of a Uniform Civil Code here and now.

Sir, I have also taken the oath of defending the Constitution. Therefore, I am committed to the idea that the State shall endeavour all that it has been asked to endeavour for in the Directive Principles of State Policy. But the Directive Principles of State Policy, as I see them, are neither justiciable nor lay down a time-table. They lay down a time-table only in one case. The next Article, Article 45 relating to the elementary education, Provision of Universal Elementary Education for all children up to the age of 14. That is the only time-bound directive contained in that Chapter of Directive Principles of State Policy.

Unfortunately, no one here bothers about the implementation or non-implementation of that particular Directive Principle which is so essential, which was considered so essential by the fathers of the Constitution, that in 1950, they put in that it must be done within ten years. But there is a reason, there is an obvious motivation why Article 44 is taken up all the time.

I am sorry to point out one thing more. That all this is predicated upon the supposed tyranny to which women are subjected in Muslim society. The entire thing is focused on the Muslim society, on the plight of women in Muslim society, on the threat that increase in Muslim population poses to the country, to secularism, to Hindu dominance and what else.

16.00 hrs.

The entire argument of Article 44 is thus communalised. Instead of being put forward as a social measure to which we can all aspire it is projected in terms of a communal theme and a communal focus, is indeed regrettable, Mr. Chairman.

Sir, ours is a country of a continental dimension and it is a cradle of many races, many religions, many languages and many cultures. And despite this great diversity, we have a spirit of tolerance in the land and that is why during the freedom movement, many a time all religions, all languages, all races and all cultures were given the assurance, the promise and the hope that their identity shall not be touched. In fact, that was a doctrine of non interference. I remember, Sir, in the Calcutta Congress in 1937, there was a Charter adopted in which it clearly said that all religions, all cultures, all languages shall be protected. Now, it implied that in our country, there are many cultures which have their identity, many groups, which have their way of life. A culture is nothing but a way of life. And finally when came to writing our Constitution, subject to certain conditions, basically we granted the freedom of religion in Article 25 of the Constitution. Now, I do not want to take the time of the time to read that I know the limitations of that. Mr. Chairman, I would like to point out one thing to you, Mr. Chairman, Article 25 grants the right to freedom of conscience and the right to freely profess, practise and propagate religion. Article 25 (2) says...

"Nothing in this article shall affect the operation of any existing law or prevent the State from making a law—

(a) regulating or restricting any economic financial political or other secular activity which may be associated with religious practice"

Now, here comes the real crux of the issue What is a secular activity which is associated with other religious practice? The other clause provides for social welfare and reform Of which, I am sure, all of us will agree Is the custom which regulates the personal relations of a community a secular activity? In what context, can they be termed as a secular or a non-secular activity? When do they become a religious activity if at all? These are the questions that should engage our mind and we should try to work out a certain balance a reasonable line of distinction between what is a secular activity and what is a religious activity in the context of the basic professions of a faith

I shall come back to that point Now I am drawing the framework. I admit that there is an urge for national integration There should be an urge for territorial consolidation There should be an urge for social reform But I submit, Mr Chairman unity cannot be conceived in terms of absolute uniformity That integration should not be conceived in the sense of assimilation and submergence and that even if you bring about uniformity through coercive measures that uniformity will never last and that uniformity does not guarantee either national unity or national integrity We have many examples in our history where despite uniformity in matters of personal law, the society was at war with itself or with its neighbours We should not forget, for example on a different dimension that European countries more or less had common personal laws adhering to the basic contours of a common culture and they had two world wars among them We should not forget on the other hand the example of U.S.A., which is the second largest democracy in the world which is perhaps the most powerful nation today which is a very united nation in many senses, a very well integrated nation

And the Law Minister sitting here will accept that every State of the U S A. has a different set of criminal and civil law That does not at all detract from its sense of unity or its sense of integration or its sense of achieve-

ment Therefore, it is rather a weak argument to equate uniformity and unity putting all our eggs in one basket and to say that this nation will not survive unless the Muslims are forced to accept a uniform civil code Everything cannot be hinged to one single measure There are many factors of unity and disunity harmony and disharmony in our society and all of it cannot be related merely to one accepted fact that the Muslims—well call them obstinate if you like—insist on clinging to their outdated personal law I cannot, therefore, accept this argument of national integration or national unity

My third framework is that we must try to understand the psychology of minority group in any society A majority's will will always prevail It will always have its way There is no threat to a majority A minority is always nursing apprehensions, sometimes real sometimes imaginary sometimes small, sometimes exaggerated I will not dilate on them But we must be conscious of these fears and apprehensions in the minds of the minority which are natural, which are there in the very nature of things Unless we keep these apprehensions and fears in our mind, we can never build a really united and integrated country In fact, if you adopt measures which awaken and exaggerate those apprehensions which create new tensions which create a sense of discontent, which create a sense of threat, which awaken fear are we taking the country towards integration or are we taking the country towards disintegration? Therefore in any such measure we must always have this minority psychology before us. And that is the reason why I think that the wise Father of the Constitution did not immediately introduce the uniform civil code They said, let it come in its own good time let the country slowly evolve towards it through interaction, through mutual experience through knowledge through information, and so on and so forth

A minority, I said, is always apprehensive about submergence or assimilation I will like to make just a side comment on that In all my political life one question I have always tried to find an answer to and that is the key question for my life that why is it that India was partitioned. I have been probing my way I have been trying to find where and at what time did partition of this great country, this natural entity that we call the Indian sub-continent, become inevitable and unavoidable

I find that the creator of Pakistan, Jinnah, is talking a secular language until 1937, and in 1940 he becomes the propounder of the theory of separation. Why? I tell you one thing, Mr Chairman—and that is where historical research will bear me out—that between 1937 and 1939, a fear was generated in the mind of the Muslim Community with the advent of Congress rule in many States. That their culture, their language, their religion were all under threat, that they were going to be subjugated, they were going to be submerged, they were going to be assimilated. I am not saying that, that was a real threat, all I am saying is that this is the theme which played in their mind. The same nationalist, Muslims, who had made as much sacrifice as any other community for the independence and freedom of our great country, suddenly in 1940, see a wind of change going through the Muslim *mohallas*, Muslim towns and the Muslim community changes and a separatist movement takes hold of their mind. That may not be the complete answer but that is one of the clues I find that if the Congress governments in 1937 to 1939 period had taken the sensitivities of the Muslim minority into account and had gone more slowly than they did, in introducing certain changes,—of course, in history you can never be certain—perhaps we might have been able to avoid partition.

Mr. Chairman, today we have come to an age where minorities' rights are recognised internationally. We take pride in the fact that our Constitution recognised the minorities and the rights of the minorities and put those safeguards in our Constitution. We set an example for the world. And today, in the year 1992, the United Nations General Assembly unanimously adopted an International Declaration on the Rights of the Minorities which I had the honour of presenting to this House a few months back. If you look into that, Mr Chairman, you will find the guarantee among the rights of the minorities and among the duties of the State, that the cultural rights must be respected—not only linguistic and religious but cultural. It follows that if a particular community has a certain way of life then you should not try to change it or at least you should not try to force a change.

Sir, I will now come to the question of personal law. The essential point that comes to my mind, as I said at the beginning was, relates to the term "uniform civil code". Now uniform Civil Code—as Dr. Ambedkar poin-

ted out—had been largely achieved in the country. That is what he said in his famous speech of 23rd November, 1949. He said that only the question of marriage and succession remained out of it. In fact, I would like to present to you that just brief sentence from Dr. Ambedkar. I got it here with me.

Dr. Ambedkar mentioned Civil Procedure Code, the Criminal Procedure Code, the Transfer of Property Act, the Negotiable Instrument Act and I may add here the Transfer of Property Act and the Contract Act and so many other laws which apply equally to all citizens of the country in civil matters. In this regard Dr. Ambedkar said and I quote:

"The only province the civil law has not been able to invade so far is marriage and succession. It is this little corner which we have not been able to invade so far and it is the intention of those who desire to have Article 35 as part of the Constitution to bring about that changes."

I may say that in the draft it was Article 35.

Therefore, it is not correct to say that there is no uniformity in the civil code of the country. I maintain—after Dr. Ambedkar—that to a very substantial and large extent uniformity already obtains in matters civil and in legal matters relating to civil law.

But, at this point, I must also mention one thing which Dr. Ambedkar did not mention. Is it not a fact—Mr. Chairman—that even in matters of taxation, even today, we do not have a uniform code? All the great protagonists who want a uniform personal law in the country never speak about the abolition of the undivided Hindu families which receives taxation privilege. I do not have to explain it. In matters of tax you are prepared to have non-uniformity but in matters of marriage you must have immediate uniformity. I do not understand this logic. I hope that some gentleman from this side will stand up today and say that we want abolition of all privileges for undivided Hindu families.

[Translation]

SHRI RAJVEER SINGH: Let there be common civil code and it should be made applicable to all.

[English]

SHRI SYED SHAHABUDDIN But that is common civil code Let there first be a uniform financial code and a uniform tax code before we come to uniform personal code

Therefore the argument—Mr Chairman—is very limited today in what has been placed before the House The argument is limited to what has been called family code or personal law It is not really civil code It is only a very limited matter Therefore they are talking only about the question of marriage succession inheritance and divorce These are the four major items that are coming up now

MR. CHAIRMAN Excuse me Shri Shahabuddin. The time allotted to this Resolution is over Shall we extend it by one hour?

SEVERAL HON MEMBERS Yes

MR. CHAIRMAN We may extend the time by one hour for the present

[Translation]

SHRI RAJVEER SINGH Yes, Time should be extended because it is a very important Bill

SHRI SYED SHAHABUDDIN This Bill will continue till the next day

SHRI RAJVEER SINGH It should be discussed even in the next session

[English]

SHRI SAYED SHAHABUDDIN It is a very Good Bill

[English]

Therefore now when we are focussing on personal law or family code as it has been called in many parts of the world, then let us try to see how far it is religious and how far it is secular But that is the essential distinction, as I said, we have to make under Article 25 of the Constitution so that there is no clash, no contradiction between Article 25 and Article 44, and Article 44 can be read harmoniously and not in contradiction to Article 25

Even the Supreme Court has given some rulings about what constitutes the essentials of a religion The essentials of a religion cannot

be a matter of propaganda cannot be a matter of personal assertion, cannot be a matter of political statement. The essentials of a religion to be discovered, must be discovered in the scripture of that religion, in the Shastras of that religion, and if a particular religion is explicit on certain aspects which touch upon personal matters then in my view to that extent it becomes a religious matter and any interference with that part of the personal law which is based on the explicit mandate of the scriptures of the religion which constitutes the essentials of a religion will constitute an interference with the freedom of religion This is the submission I wish to make to you

Now, to my mind the secular State that we conceive of respects religion as a social institution, it treats all religions with equality it shows respect to all religions, in respecting all religions it cannot undertake the task of reforming a religion—reforming a social practice is one thing, that is distinct from reforming a religion It cannot undermine a faith it cannot sabotage a religious identity that is a secular State as we conceive it a secular State if it is an atheistic State can do all that but a secular State within the context that we have in our country cannot undertake the task of trying to re-write a religions, re-write the scriptures, reform a religion, undermine a faith or sabotage a particular religious identity Therefore, when we come to this question as to what constitutes a secular activity and what constitutes a religious activity keeping in mind that the Constitution has not spoken of social activity it has not included on social activity in the section which speaks economic activity and financial activity etc Therefore I do not think it comes under the purview of Article 25(2) so long as a particular religion can prove to the satisfaction of a court of this House that a particular religious practice is based on an explicit mandate, a scriptural mandate

Now, having said that, Mr Chairman, I would like to make another point In all this debate that we are having in this country for the last 45 years we are confusing three different issues which are clearly separable from each other One is the question of reforming the Muslim Indian society and it is not my case, and I am sure it is not anybody's case that Muslim society in India is all perfect, all milk and honey, all beauty and goodness, and, therefore, does not need to be reformed in this country A Hindu society needs to be

reformed, Christian society needs to be reformed, as any other society in this country needs to be reformed. So, that is one part of the argument—the need for reform in the Muslim Indian Society. And the second question is that Muslim Personal Law as being applied suffers from lack of codification. What has been attempted in many Muslim States is that they have tried to codify the Muslim personal law and by codification they have tried to eliminate many sources of arbitrariness, many sources of injustice many sources of irrationality many local elements I recall, Sir, that I was the Ambassador to the People's Socialist Republic of Algeria and they were writing a new personal law code.

And the Minister of Law came to me. He was Mr Ben Hamouda. I still remember his name. I asked him "what is your approach?" He said "we are going back to the roots." That is to say he was conscious of the defects and the imperfections in the society and he was thinking that only by going back to the roots when he introduces the reforms he can convince his people to accept those reforms. So the second aspect is the codification of the Muslim Personal Law in our Country except for the two Acts, the Dissolution of Muslim Marriages Act 1939 and the Muslim Women (Protection of Rights in Divorce) Act 1986—I do not think any other aspect of the Muslim Personal Law has yet been codified. I know that many Muslim friends differ from me on this point. But I am of the view that in order to have a proper administration of justice in order to have a good society we should have a codified law.

Now, the third aspect is the introduction of this Uniform Civil Code. These three things are always clubbed together and the entire argument then becomes topsy-turvy. As I said the entire argument takes on a communal colour. If my friends here were to talk about the lacunae and the defects of the Muslim society I would be happy to accept their criticism and say "let us join together and find out how best it can be done." If there is a friendly voice which says "let us codify the Muslim Personal Law" it is fine. But to mix up all these three questions and with a communal motive it is this which creates all the problems.

Sir my friends here have referred to three principal questions, polygamy, divorce and family planning. About polygamy, "yes the right is permitted", but the incidence of polygamy in the Muslim society is just a shade

lower than the incidence of polygamy in the non-Muslim society, in particular, in the Hindu society. It is not that it is a matter of pride. I wish there was no polygamy. But yet, as I am saying it is not a point on which we can be thrown out of court. Mr Chairman another point on which I would like to satisfy my hon friend here is that purely as a scientific proposition, polygamy in an endogamous society which does not import females cannot possibly lead to a higher rate of growth. I hope my proposition is clear.

(Translation)

(English)

SHRI ABDUL GHAFOR (Gopalganj) People think that under the system of polygamy a man keeps four wives which is causing increase in population. Suppose, if he keeps one wife instead of four, the remaining three girls would be married to someone else and naturally they will give birth to children. If a man keeps four wives, he will automatically produce less number of children. Do not feel irritated by this argument.

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (DEPARTMENT OF WORKLANDS DEVELOPMENT) (COL. RAM SINGH) One can marry even foreigners.

SHRI RAJVEER SINGH He has stated that they do not have three-four wives whereas they have. We have no objection to it. However keeping three-four wives has never been considered respectable or legal in our society. In such time of price rise it is difficult to maintain even one wife. I do not know as to how they are able to afford to have so many wives.

SHRI ABDUL GHAFOR King Dashratha also had three wives. *(Interruption)*

(English)

SHRI SYED SHAHABUDDIN I am grateful to Shri Abdul Ghafoor for having explained that point. There is psychological point. Psychologists have accepted that in a polygamous arrangement—not that I am advocating polygamy—the average number of children born per woman are relatively less. The average number of children in a polygamous setting per woman are less than in the monogamous setting. That is the psychological finding. Anyway I am not on that point.

I am on a very precise scientific point that polygamy *per se* does not give rise to higher rate

of growth of population. But it is a fact the rate of growth of Muslim population is just two or three decimal points higher than the average rate of growth the population of the country. The question is always asked, why is it so? Four answers are generally given by my friends. One is, you are taking Arab dollars to convert Hindus into Islam. Muslims are infiltrating from across the border in order to increase the population. I am happy to say the hon. Members have neither used the argument of conversion nor the argument of infiltration. Then the two other arguments are you are polygamous which is an unscientific concept and it is finally said that it is because of lack of family planning. Now there have been a number of surveys made in our country. Acceptance of family planning depends upon the socio-economic status of the couple. It is a universally accepted and tested fact. Now the fact remains that the average economic level of the Muslim community in India unfortunately is about five to ten per cent lower than the average of the country. Now this is something which we are trying to change. That is a different order of question. But this is a fact that lower socio-economic level implies that they are prone to have more children. That has been tested in many communities cutting across religious lines also that has been found to be a fact.

Now conversely why it is that the rate of growth of population in the country as a whole is lower than that of Muslims? I would not go into the details. But this question had been gone into by the Census right at the very beginning of century. In 1911 in Bengal it was pointed out that the institution of widow re-marriage and of divorcee re-marriage which was a taboo in some other society were the factors. Now we have the additional factors of dowry burning which is creeping into Muslim society as well. But still the incidence is much lower. What I have been trying to bring up in this House recently is the question of female infanticide and the question of foeticide. These are the factors which are leading to a differential rate of growth.

When I went through the debate in the Constituent Assembly every speaker—either he was for uniform civil code or against uniform civil code—had one theme in common. No coercion, nothing to be done against the consent of all concerned. That is the phrase used by Dr. Ambedkar, by Mr. K. M. Munshi, by Dr. L. Krishnaswamy and by a number of the speakers. Of course, it was suggested that an act

of coercion in a democracy based on the brute majority will be nothing but tyranny. That argument of tyranny was repelled speakers from the other side. But there was an assurance that the State was merely seeking an enabling authority. Dr. Ambedkar went a step further. He said "Even if Parliament chooses to make a law it may not choose to apply it." I will try to quote these sentences from Dr. Ambedkar's speech made on 23rd November 1948.

I quote

"I think they have read rather too much into Article 35"

He is referring to the critics

"It merely proposes that the State shall endeavour to secure a civil code for the citizens of the country. It does not say that after the Code is framed, the State shall enforce 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 only to those who make a declaration that they are prepared to be bound by so that in the initial stage application of the Code may be purely voluntary."

So we have to see how careful the founding fathers were in trying to meet the apprehensions and the sensitivities raised on religious grounds by the representatives of religious communities.

My final point is that law by itself does not change society. Law promotes change. Law helps change. Law encourages change. But law does not guarantee a change. I think the Law Minister will accept this.

SHRI H. R. BHARDWAJ We have already a uniform civil code in Special Marriage Act.

SHRI SYED SHAHABUDDIN Law points out the way but our social landscape is littered with the debris of many a law which we have passed in this House and we thought over every comma, and full-stop and every word thereof and in practice, it turned out to be a dead letter. I do not have to remind you about the Act prohibiting dowry, about the Act prohibiting child marriage, about the Act prohibiting Sati and other Acts introducing many social reforms. But what is important is that they point out the way in which the society should move and, at the same time, we must realise that merely by passing the law, we do not change the social framework.

I am only saying that Muslim law is not the only element of diversity today in terms of personal law. I think our Constitution grants freedom of personal law to every tribe in the country, to almost every region in the country. Even within the Hindu Code, it is not a uniform law. There are many elements of exception in it. For example, in the degree of marriage. What is prohibited on one side, is accepted on the other and there are many others.

Therefore, a wise law allows for many such exceptions and many eventualities. It does not try to fore the society into a single straight jacket. That would be the wisdom of the nation. Therefore, when our friends on this side forget purely on the Muslims question, I think they are somewhat out of focus.

I forget to mention the question of divorce which was raised here I want to say that the Talaq in Islam was conceived as an instrument of liberation of women. It was not conceived as an instrument of oppression of women. If by some custom, an instrument of liberation has been turned into an instrument of oppression the time has come for the muslim community to stand up and to seek a change. But It will come in its own time.

Then the question of triple divorce. I think the conscience of Muslim community today rejects the idea of triple divorce.

SHRI SRIBALLAY PANIGRAHI (Deogarh) : That should be done expeditiously

SHRI SYED SHAHABUDDIN : Every society has its own dynamics. If you force it, you derail the train. Let it move at its own speed, in its own time. Today a new wave is rising. Don't you see that even those who say that triple divorce is valid—and I am addressing the Law Minister—do you know the way which they have found away? They call the husband and talk to him, in case both husband and wife want a rapprochement and they are both unhappy. The women is unhappy for one reason and the husband is unhappy for another reason. They both go to the Kazi and the Kazi finds the way. He asks "Did you really mean it?" There is a saying of the holy Prophet which says 'Al A'mal fib Niyati. Acts must be judged by intention and if the man swears "I never intended to part company from my wife" and "I never intended an irrevocable divorce", then the Kazi decrees that the triple divorce has not constituted an irrevocable divorce and allow them to resume family life. So, you can see the pressures rising. I am

not speaking of the Ahl-e-Hadith who do not accept the triple divorce. I am speaking of the Hanajis who say the triple divorcee is valid and yet they are trying to find a way out. Therefore, I would say that whenever this question arises, considering the minority psychology, considering the historical background that the Personal Law was guaranteed and an assurance was given for safeguarding it in the course of the freedom movement, considering our entire tradition of tolerance, considering that the Muslim Personal Law basically enjoys scriptural validity, you should allow the community to evolve it in its own way. Therefore, nothing should be imposed upon the community, upon any community.

COL, RAM SING : What does the Muslim Law say on Alimony? Is there anything?

SHRI SYED SHAHABUDDIN : I think in the Muslim community there is the dower. That makes another arrangement possible.

SHRI H. R. BHARDWAJ : Will you allow me to answer the hon. Minister? The Muslim Law of Alimony is that one must pay to his former wife according to his own status and according to the needs of that woman. This is the principle of it.

SHRI SYED SHAHABUDDIN : The difference is this. There is a certain payment due to a woman as a matter of right if it has not already been paid. In fact, one of the questions about the Uniform Civil Code is this that this is a very valuable right for a woman. When you frame a Uniform Civil Code or Uniform Personal Law, will you introduce the concept of dower in the Personal Law? Will it become Universally applicable? Will our Hindu sisters also demand such a right?

SHRI H. R. BHARDWAJ : Will you kindly yield for a moment? You have made such a brilliant speed today. But while considering one thing, you have raised a very important question of codification because these days it is very difficult to go the Qazis and Mullahs to get the real knowledge. You have to really have what the neighbouring countries have; what the Muslim countries have done. In Indonesia, there are 99 per cent Muslim. They have codified their law. There is no problem because there was a movement of the Muslims. In our own country Mollana Thanvi has brought the movement. We have a codification. I agree with you.

SHRI SYED SHAHADUDDIN : We are trying to grapple it; we are trying to find a way. But if there is a certain difference of opinion among the different schools of jurisprudence, then, you accept a particular view which is more in keeping with the spirit of the times and the needs of the situation. That is how the Dissolution of the Marriages Act was conceived and passed.

SHRI H. R. BHARDWAJ : I can put it on record. I was involved in that. We discussed with all the Personal Law Boards, all the ulemas. That was the result. For those who do not understand it, there is no solution.

SHRI SYED SHAHABUDDIN : I was trying to answer the Hon'ble Minister that apart from that legal claim of the divorcee, it is also proposed that the ex-husband must provide or should provide according to his own status. But the difference is this some people say it must be a mandate; some people say it must be left to the option of the husband. But on that we can have a discussion later. I shall close my speech by suggesting that in this situation, what can be possible approaches. Our approach should not be to ask for the immediate implementation of Article 44. But there are alternative approaches possible. One alternative approach is that permit the confication of all Personal Laws in the country and then there would be a mutual experience of the operation of the different codes. Then to monitor the interaction. A new jurisprudence will develop out of that interaction and a time will come when we shall discover common principles which can then be applied to form the foundational basis of a Uniform Civil Code drafted in a manner that no religious community could find any serious objection to its acceptance.

The second approach Could be to legislate a parallel law as the Hon'ble minister mentioned about the Special marriages Act

SHRI H. R. BHARDWAJ : We have already have it, but how many of us are using it? You must tell them. The Special Marriages Act allows the inter-community marriages But nobody is doing.

SHRI SYED SHAHABUDDIN : I am only saying that a structure of a Uniform Personal Law can be created just as we have started with the Special Marriages Act but without compulsion and leaving it to a citizen to decide at his option whether he wants to be guided by his own religious law or whether he wants to be governed by the common law. And the third

could be that, as the Hon'ble mover introduce, draft and introduce a uniform code. But even if you do so it should provide for exceptions wherever it touches upon a sensitive religious nerve, just as the Hindu Code did. This will be a monumental task. And I cannot conceive of one Law Minister doing it in his own time.

SHRI H. R. BHARDWAJ : What a difficulty Panditji had in his own time (*Interruptions*).

SHRI SYED SHAHABUDDIN : Therefore, I am giving you two or three approaches. I would only plead with you, Mr. Chairman two things at the end. Whatever is done and whatever path is adopted by the country, we have to move with caution, we have to move with sympathy and we have to move with statesmanship. We should not move in a manner that instead of achieving integration and unity, we achieve disintegration and disunity, instead of achieving harmony in society, we give rise to more tensions, more fears and more apprehensions. It is a very very sensitive issue. I would not like our friends who are committed to the concept of unity of the country. I am not blaming them, I know they are patriotic, I now they are nationalist, I know they are not against the interests of the country. But sometimes they work, sometimes they act and sometimes they speak in a manner that appears to my mind—and I am talking to you with great sympathy—as counter productive. Instead of helping the cause of unity, you harm the cause of unity. Instead of taking the country towards greater integration, you take it away from integration. Therefore, yes, we should move. But we should move with caution, with sympathy, with statesmanship and wisdom. We move towards a country in which every community breathes the air of freedom, every community feels that it is not being imposed upon, that it is not being coerced into accepting things against its will. I would like to say, at the end, that for the Muslims and I am stating a very precise principle, for me, as a matter of faith, Quran is the last word, the holy book is the best book. Some may laugh at us, some may wonder But that is the very basis of Islam. You cannot ask me to pick and choose in the Quran. If I am a Muslim by definition, I accept every word of it as final, irrevocable, universal immutable, permanent for all times. Therefore, the state the society or other communities in this country should not try to force anything upon the Muslim community which goes against this basic understanding of the Quran.

I would end by saying, if you do anything like that, anything outside the framework of the Quran, it will not be acceptable. That is why, that Algerian Law Minister of the Peoples Democratic, Socialist Republic of Algeria told me that his way of reforming the society, his way of re-writing a Muslim law was by going back to the roots. And by going back to the roots, Mr Chairman, he meant, going back to the holy words of Quran which is accepted by every Muslim. And if any reform you wish to introduce is presented to the people as not being in contradiction or in opposition to the Word of God, it will be accepted by the community. Then that law will not remain a piece of paper a dead letter. The law will become a living reality. That is how, I wish you to proceed in the matter of uniform civil code not by just passing a law by brute majority, "we apply it here and now".

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) Mr Chairman, Sir thank you for giving the opportunity. At the outset, I congratulate the Mover of the Resolution to have given this House an opportunity to discuss a very important constitutional provision. Earlier also, some discussions have taken place in Lok Sabha as well as in Rajya Sabha. In Rajya Sabha on 11th May 1962, Dr Shrimati Sita Parmanand had moved that. And in Lok Sabha on 21st December, 1967, a discussion took place again.

I remember very well you were also there during the Eighth Lok Sabha that Shri Banatwalla a Member of the Indian Union of Muslim League moved a Private Member's Bill seeking deletion of Article 44.

Sir, the very fact that it was incorporated in the Directive Principles chapter itself shows that it is a long range goal to be achieved just as several other provisions in the Directive Principles, which cannot be done very immediately. For example, take the provision of compulsory and free education to the children upto the age of 14 years or workers participation in management in the industries or raising the level of nutrition. All these things are laudable objectives but, they could be achieved by the Government, if proper strategies are followed. For example take Article 40 concerning the formation of village panchayats. It took so many years for us to give a constitutional shape to the Panchayat Raj and Nagarpalika Bills regarding local self-government.

At the time of discussion in the Constituent Assembly, several members who have opposed, also agreed, Shri Hossein Imam observed and I quote

"India is too big a country with a large population, so diversified and it is almost impossible to stamp them with one kind of anything"

He further said

"In a country so diverse, is it possible to have a uniformity in civil law?"

He expressed his doubt but said

"Sir, I feel that it is all right and a very desirable thing to have a uniform law but, at a very distant date for that, we should await coming of that event, when the whole of India has got educated, when mass illiteracy has been removed when people have advanced when their economic conditions are better when each man is able to stand on his own legs and fight his own battles. Then you can have a uniform civil code."

My point is, even some hon members who have opposed in principle but at the same length they have also agreed that it is a thing which should be achieved at a distant future."

And Dr B R. Ambedkar the most important person in framing the Constitution referring to the doubts expressed by Shri Imam said

"My friend, Shri Hossein Imam, in rising to support the amendment asked whether it was possible and desirable to have a uniform code of law for a country so vast as this. Now I must confess that I was very much surprised at the statement for the simple reason that we have in this country a uniform code of law covering almost every aspect of human relationship. We have a uniform and complete criminal code operating throughout the country which is contained in the Penal Code and the Criminal Procedure Code. We have the law of Transfer of Property, we have the law of Negotiable Instruments Act etc., which are uniform for all the persons, to whatever religion they follow."

He also said

"I think most of my friends who have spoken on this amendment have quite forgotten that upto 1935 the North-West Frontier Province was not subjected to Shariat law. It followed

the Hindu law in the matter of succession and in other matters. So much so that it was in 1939 that the Central Legislature had to come into the field and to abrogate the application of the Hindu law to the Muslims of the North-West Frontier Province and to apply the Shariat law to them. That is not all. My hon. friends have forgotten that apart from the North-West Frontier Province, up till 1937 in the rest of India, in various parts such as the United Provinces, the Central Provinces and Bombay the Muslims to a large extent were governed by the Hindu law in the matter of succession. In order to bring them on the plane of uniformity with regard to the other Muslims who observed their Shariat law the Legislature had to intervene in 1917 and to pass an enactment applying the Shariat law to the rest of India."

So, though Muslims in some part of our country were not initially governed by the Shariat Law keeping their sentiments in view the then Governments have passed legislations to respect their wishes and brought amendments.

It is only in respect of marriage succession and divorce we have different personal laws that is family laws. I would like to say that even in the matter of codification of the Hindu Law a lot of efforts have been made to change some of the previous practices which were not humanistic and several Acts have been brought forward like Hindu Widow Marriages Act 1846, Hindu Wills Act 1870, Child Marriage Restraint Act 1929, Hindu Marriage Disabilities Removal Act 1946, Hindu Marriage Validity Act 1949 which validated the marriages not only between different castes, but also between Hindu Sikhs and Jains, Hindu Marriage Act 1955 which prescribed monogamy and Hindu Succession Act which brings all laws of succession among Hindus, Buddhists, Sikhs, Jains etc. together. It also has given right in the property to widow, daughter, mother, when the family head is no more.

In spite of so many Acts being there—the Hindu Code Bill being there, Dowry Act being there—as my friend has pointed out, we come across so many dowry deaths many times. That is because the daughter does not have a right in her father's property when he is alive. Only after his death she is getting something.

About the Parsee law, the Zoroastrians who migrated to India in the 8th century were having the Parsee Marriages and Divorce Act 1865.

But at the suggestion of a Committee of Parsee Law Association and the intellectuals among Parsees they have felt the need to bring amendments in tune with the changing times and in 1936 it was amended.

In respect of Christian Law the Indian Christian Marriages Act 1872, the Indian Divorce Act 1869, Indian Succession Act 1825 are there which govern them. But a Bill was brought to codify them.

Just now my friend Shri Shahabuddin was saying that there is need to codify various personal laws. An effort was made and basing upon the recommendations of the Law Commission a Bill was introduced in 1962 but unfortunately it was not passed.

I feel in the personal laws of various religions there are good points. One must have the broad mind to take the good aspects of every family law of the various religions and they must be codified to have a uniform civil code which them will not give the feeling to persons following a particular religion that they are forced to follow the dictates of others.

Just now my friend Shri Rajvir Singh was telling that the time may not be far off when the minorities may become majority and the majority may become minorities. It is most unfortunate.

This is not just in this House but outside this House also a political party and some organisations are making lot of efforts to give this impression to the people, mainly innocent people. But this is not the fact. I would like to say that very recently, the Union Government has given a statistical data in the form of a small leaflet which was circulated through our Distribution Branch. It says that in 1961, the Muslim population was 4.69 crores, out of a total population of 43.9 crores. It means that it comes to 10.68 per cent. It further says that in 1981, the Muslim population was 7.56 crores out of a total population of 68.5 crores. It means that it comes to 11.03 per cent. So, over a period of 20 years, remember Mr. Chairman Sir, the Muslim Population has increased at the rate of only 0.5 per cent. Even after several hundred years what our BJP friends apprehend will not happen. But, with a motive with a definite intention to spread some misinformation among the majority community people, to create an apprehension or fear among those people, to win their sympathy to get their votes, consistent efforts are being made by some

political parties and some organisations. It is most unfortunate.

Sir it is also a very unfortunate thing. Till a few years back the Criminal Procedure Code was uniform to all the citizens of this country, to whatever religious faith they may belong to. But unfortunately it happened subsequent to the Supreme Court judgement on Shah Banu case. Rajiv Gandhi Government did it. I remember very well we are all Members in the Fifth Lok Sabha. Mr. Arif Mohammed Khan has argued very fervently in support of the Supreme Court judgement. But unfortunately after some time when some organisations and some people have been pressing for a change in the effect of the judgement, this Section 125 of the Criminal Procedure Code has been brought into which is contrary to the spirit of our Constitution. He was talking about the Special Marriages Act, he was correct. When a person following a certain religion converts into another religion or a marriage takes place between two persons, you are correct, it is a first step towards Uniform Civil Code.

My request to the Government is that it must take suitable steps to bring forward an atmosphere which is conducive for acceptance of uniform civil code and for that I really congratulate Mr. Shahabuddin to have said that the people, the well-minded citizens, the intelligentsia in various religious communities must come forward to bring forward reforms in the social and other fronts so that the people living in this country to whatever religious faith they may belong to will have a uniform family law. After all they are children of their parents, to whatever religion they may belong to, but they share the blood of their parents and for nine months the mother was carrying the child and she gave birth to the child. So there need not be much differences. Similarly when a lady and a woman lives with her husband, they lead a life for several decades after sometime for some reason, whether justified or not, some differences crop up and when she divorces, definitely she must be given adequate means of survival and for this humanistic elementary things, the religious faiths need not come in the way.

17-01 hrs.

I agree that it must be done on a voluntary basis. A beginning should be made even now. The other day women belonging to Islamic faith were raising their voice against the triple talaq. I congratulate

Even Hindu Code Bill has also to be changed. Mr. Shahabuddin has rightly pointed out that the Hindu joint family is having a definite advantage in respect of taxes. That is there. All these things should also be taken into consideration. A religious community just because it is in a majority should not act in such a manner that minority community feel that they are being dictated that feeling should not be there.

17-01 hrs.

(MR. DEPUTY SPEAKER *in the Chair*)

I again congratulate the mover of the resolution to have given the opportunity in this House. But I am sorry to say that your party has spoiled the atmosphere on December 6, 1992. At the present juncture the Muslim minority people are very much worried about their very existence in this country due to your demolition of the Babri Masjid.

I appeal to the Government and to all the political parties to see that this apprehension, this fear, this agony is slowly removed from the minds of the minorities. Only after that, they will be in a position to give a serious thinking for bringing out a uniform family law or civil code. I thank you for giving me the opportunity.

[*Translation*]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Mr. Deputy Speaker, Sir, I am sorry that I cannot support the Resolution moved by Shrimati Sumitra Mahajan regarding the Uniform Civil Code. If she had not brought forward this Resolution for a political purpose, there would have been a meaningful discussion for the benefit of people belonging to different religions. Also the points mentioned by her in the Resolution are not proper. She knows how many wives King Dashratha had. (*interruptions*)

SHRI RAJVEER SINGH: How many wives Lord Ram had? Lord Ram is known as monogamist. (*interruptions*)

SHRI MANORANJAN BHAKTA: Mr. Deputy Speaker, Sir, Shri Syed Shahabuddin has just delivered a very fine speech in the House. He did not mention anything out of fanaticism but enlightened us by explaining the thing in detail. I would like to say that after independence when the Constitution was being framed, the distinguished members of the Con-

gress Party had considered all those aspects and had thought of initiating a process of integrating the people of the country belonging to different religious castes and creed and who speak innumerable languages That is why under Article 44 it has been provided how the uniform civil code can be evolved through consensus No time limit was earmarked in this regard A target was fixed with the hope that all concerned would make an all out effort to achieve this target Shri Shahabuddin has highlighted the manner in which Congress Government after independence tried to achieve this objective The party made the endeavour to evolve the common civil code without making any propaganda In this process the people belonging to each religion were taken into confidence in the national interest Nothing was done to get any mileage Out of it because had it been done it would not have been appreciated

I would like to request that the need of the hour today is to integrate the country It will not be in the interest of the country if law is not enacted taking all concerned into confidence

SHRI SURYA NARAYAN YADAV (Sahasra) I would like to ask the Government as to why the security forces were sent inside in temple without getting the permission? Shri Manoranjan Bhakta Do you support it? Today, communalism is spreading fast and the present resolution would alert it Therefore we should not take any such step which may alert communalism and damage the unity of the country

I would like to urge upon the mover to withdraw her resolution and create an atmosphere in the country to root out nepotism Let there be no apprehension in the minds of any body and all may progress Shri Shahabuddin has rightly said that the Government should protect the interest of minorities and the law should be codified He has also referred to the customs prevailing in the society If shortcomings exist in any society there should be removed If there are found in Hindu or in any other society, there should be removed

I would like to give a suggestion to the hon Minister He should set up a commission to see how and where a common civil code can be formulated without hurting the feelings of any community The Government should not impose it forcibly so that unity of the country could be maintained With these words, I thank you (Interruptions)

(English)

SHRI MADAN LAI KHURANA (South Delhi) What is the Bill about introduced by the Government? (Interruptions) That too is being forced on us

SHRI MANORANJAN BHAKTA Please show your performance (Interruptions)

SHRI MADAN LAL KHURANA Do you want us to do the type of work that is being done by the Red Line buses in Delhi? (Interruptions)

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER) We have provided facilities for the citizens of Delhi by introducing 3000 new buses (Interruptions)

SHRI ASTBHUJA PRASAD SHUKLA (Khalilabad) What has been done for those who have been killed in accidents?

SHRI JAGDISH TYTLER I can say with challenge in the House that the number of accidents this year has declined by 30 per cent in comparison to that of previous year (Interruptions)

(English)

MR. DEPUTY SPEAKER I request the hon Members to exercise patience How is this discussion relevant to Uniform Civil Code

(Interruptions)

SHRI JAGDISH TYTLER I have broken the nexus between officers and politicians It is hurting them That is why they are so agitated (Interruptions)

PROF PREM DHUMAL (Hamirpur) You have broken those connections to establish your own connections (Interruptions) **

MR. DEPUTY SPEAKER This is not at all relevant It will not go on record

(Interruptions) **

COL. RAM SINGH Mr Deputy Speaker Sir I am on a point of order By what stretch of imagination are our friends trying to incorporate the DTC in the Uniform Civil Code? I must anyway state here that Shri Tytler has done a wonderful job in the DTC

MR. DEPUTY SPEAKER : Your point of order is indeed very valid. The hon Members are misusing the floor. May I request the hon Members not to get diverted? We are discussing Uniform Civil Code. And now we have come to the streets! The time allotted for this debate is over.....(Interruptions)

MR. DEPUTY SPEAKER : Nothing is going on record.

(Interruptions)**

MR. DEPUTY SPEAKER : Let us reserve this subject for Monday

(Interruptions)

MR. DEPUTY SPEAKER : There is a limit to everything. There is a limit to discuss extraneous matters which do not find place in the agenda. Let us keep it for some other day.

(Interruptions)

MR. DEPUTY SPEAKER : Time allotted for this discussion is over. Is it the pleasure of the House to extend the time for this discussion?

(Translation)

DR. LAXMINARAYAN PANDEYA (Mandsaur) : Mr. Deputy Speaker, Sir as many hon. Members are to speak on this issue. It is an important Bill. Many hon. Members of various parties including my party also, are to speak from this point of view also the time of the House should be extended by two hours. I propose to extend the time by two hours.

(English)

MR. DEPUTY SPEAKER : The House is coming to an end and still there are a number of subjects to be discussed. We extend the time for this discussion up to 6.00 O'Clock and I request the Members to be brief.

THE MINISTRY OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : Pandeyji has said that the time should be extended by two hours, as very many Members want to participate in this discussion. I tend to agree with him.

(Translation)

DR. LAXMINARAYAN PANDEYA : If there is no time and there is a likelihood of postponing this issue to the next session, let it be done. We will take up for discussion today as much business as we can. We will sit upto 6.00 O'Clock. If it is discussed upto 6 P.M. and yet it becomes necessary to postpone it to the next session, then there is no problem. But the time of the House must be extended by two hours. This is essential.

SHRI MUKUL WASNIK : After discussing it upto 6 O'Clock, it may be postponed to the next session.

SHRI SURYA NARAYAN YADAV (Sahasra) : Mr. Deputy Speaker, Sir, I welcome the suggestion of Shrimati Sumitra Mahajan regarding the introduction of Code of Conduct.

I welcome it because through this Resolution she has tried to introduce all those things which had been often discussed in our country, but such discussions were not in the context of the Constitution.

Ours is a secular Constitution. Irrespective of the fact whether one is a Hindu, Muslim, Christian, Sikh, any issue put forth regarding one's religion is given priority. This should not happen as there is no such provision in our Constitution. Therefore, I am supporting it. I think that all of my hon. colleagues might have the feeling that since Shrimati Sumitra Mahajan is a Member of the BJP, I would oppose her. Such mentality should not be developed. Sir, if somebody comes forward with a good proposal, this should be supported wholeheartedly. I would not take much time. I would conclude after illustrating two or three examples. Entry of security forces into the Golden Temple is prohibited as per the religious tenets of Sikhs. Then why did they enter the Golden Temple? It was so because there was crisis in the country. The same is true of Muslim religion and this House bears testimony to this fact. The entire issue was referred to the Supreme Court. Late Shri Rajiv Gandhi is no more now. He had put aside the judgement given by the Supreme Court in the Shah Bano case. I would like to ask whether what I have stated is wrong? Our Constitution has nothing to do with religion. If we practice polygamy, we can be restricted. Why other citizens of India who are either Muslims, Sikhs or Christians cannot be restricted to do so? When we talk of unity, integrity and unity in

**Not Recorded.

diversity why cannot this be possible? Our hon. wise colleague has said that it will jeopardize the integrity of the country. Will the country remain united if a person marries 20 times. *(Interruptions)* Please give a thought to it. It is not a question of giving credit to the BJP. I am saying so as we have to keep the country united. When I was a member of the Bihar Legislative Assembly at that time also I had said that all the religious institutions should hoist national flag. Why it is not being done? National Flag should be hoisted in mosques and temples including the Golden Temple. It is the national symbol of India. This is our identity. We should give respect to it. But whenever there is an opportunity of playing the populist card of vote bank we play this card. That is why all these things come into play. This is visible even in the Lok Sabha today. Since this Bill has been introduced by Shrimati Sumitra Mahajan we oppose the Bill. The hon. Members of the Telugu Desam and the Congress also started opposing it. They want this Resolution to be withdrawn. I would like to know as to why this should be withdrawn? If they have guts they should say it boldly. *(Interruptions)*

SHRI UMRAO SINGH (Jalandhar) Then they will introduce a uniform religious Bill also. *(Interruptions)*

SHRI SURYA NARAYAN YADAV When a Bill is introduced in Lok Sabha the House has got the power to reject or pass it. If the Bill is anti-people we will oppose it. If the Bill is good we will support it. What is wrong with it? I think it is a good proposal. But nobody dares to support it. I would like to say that if it is passed it will be a revolutionary and constitutionally valid step. I would like to request all hon. Members that if there is any proposal to bring about equality, uniformity and unity in the country and knitting the poor and the rich with a common thread then instead of opposing it, should be passed. We should rise above party considerations on it. The hon. Minister of Law, Justice and Company Affairs is sitting here; he is aware of every situation. Just now one of our hon. colleagues was stating that there is rapid growth in population. Population growth is a global phenomenon. This growth is taking place in our country too and it is there among all the communities including the Hindus and the Muslims. We should try to check it. There are many devices like family planning etc. yet MLAs and MPs have as many as seven children and they do not undergo vasectomy operation. Yet they exhaust us. *(Interrup-*

tions) whoever he may be I would like to request all such persons that this is not good. It must be controlled.

Sir I strongly support it on behalf of our Party, Janta Dal (A) and I shall continue to do so whenever such a Bill is brought forward. There cannot be different set of laws for different communities in the country if we really want to protect the laws and the provisions of the Constitution. There should be uniform laws.

With these words I conclude and extend my thanks for giving me an opportunity to express my views.

SHRI ASTHBHUJA PRASAD SHUKLA (Khalilabad) Sir I rise to support the resolution moved by Smt. Sumitra Mahajan keeping in view the incidents that are taking place in the country. It has become inevitable to move the present resolution. I am therefore thankful to Sumitra ji for timely introduction of this resolution which is in consonance with the demand of the time.

Sir the Soul of this country rests in villages. Bonds of relationships are quite strong in villages. I come from a village and hence I know that the people of the whole village rejoice at the birth of a son in a family. If salt goes short in a particular house then the people do provide it. If a member of a family dies then every one participates in the funeral or burial procession. There is no discrimination at all in the name of caste and religion. People make relations in villages. Someone is brother others are uncles and aunts. There are such relationships but now these relationships are seemingly breaking. If that structure of this country preserved in villages is breaking then it is surely a threat to the very life of this country. Its unity is under threat. It does not matter if the introduction of this proposal causes resentment among the people of a particular community. After being the citizens of one country having one parliament and after being governed by the provisions of one constitution there should not be two sets of laws. Hindus, Muslims, Sikhs, Christians, Buddhists and Jains etc. live in this country. There are different languages and different life styles yet we are one nation. Ours is the country with unity in diversity. Here people can be recognised by their different languages, customs and rituals. It can be ascertained by their life styles as to which state they might belong to. If rules are however made by taking into consideration the factors like sect

language, dress and dialect and facilities are provided on those scores then it will naturally incur the displeasure of those who are ignored on account of these factors

Sir, just now Mani Shanker Ji was speaking. He said that he was opposing it since it was being introduced after the incident of 6th December which had led to tension in the country. I would like to say that you should not be swayed by the incident which took place in the country after the 6th of December. The incident of 6th December was the reaction against double standards being adopted in the country. In the context of temple issue, I would like to assert that if army cannot be sent into the Golden Temple, then army can also not be sent into the temple at Ayodhya. Similarly if army cannot be sent into a *masjid* then the same cannot be sent into a *mandir* too. The question remains as to why the secessionist forces are raising their heads in Kashmir. Now concerns are being raised frequently in the House that foreign hands are involved in it and they are encouraging secessionism. It naturally causes concern to us when the foreign hands are involved in it and they are encouraging secessionism by arousing sentiments on the basis of difference in language and customs etc. Those who are economically and educationally backward should be brought uplifted. But how far is it an act of nationalism that a couple of students are removed from a particular school since they recited the national anthem.

I have not gone to the eastern states like Mizoram, Manipur, Tripura etc. but I have heard that the situation there is all the more grave. The people have not been told about it. I would like the hon. Minister to also consult the hon. Minister of Education while replying as to what is the condition of teachers and students in these states. Mr. Deputy Speaker Sir, Government schools are locked. Missionaries are dreadfully ruling the scene.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. M. SATTYD) : Is he speaking on the issue of Uniform civil code?

SHRI ASHIMBUJA PRASAD SHUKLA : Yes, Sir, I am talking of double standards. Why somebody cannot sing the national song? The point to which I want to come is related with nationality. If a person from China comes here, he calls himself a Chinese. A person from

America calls himself an American, similarly persons from Russia and Egypt call themselves Russian and Egyptian. Likewise it must be accepted that person living in India is Hindustani. It will be called Hindustani. But hon. Shri Shahabuddin was stating that it is a State. Here lies the difference in outlook. It is India. It has its nationality. It can never be a state. In our country provinces have been recognised as 'State'. Therefore the nation is secular. How can an individual be secular? While defining the religion of an individual it may be stated that if somebody is an atheist, it is also a school of religion. If somebody is a theist, he also belongs to a particular school of religion. I regard Durga as my deity, somebody deifies Lord Rama, others may deify Lord Sh Shanker or Hanumanji or Allah. Some people go to Church for offering worship. A central point of one's faith is possible. But if we impose it on people considering it the centre of politics, it will prove hazardous. It must be dismantled. Therefore if we are committed to build up a unified nation and consider ourselves Hindustanis and recognise our rights and duties abide by the rules prescribed by the constitution, we will have to accept this concept also that since we are citizens of the same country every citizen should be subject to uniform judicial system. Uniform laws should be formulated there.

The nation is one, the Constitution is the same but there are different laws, different courts and different mode of justice. I would like to state that today we had assembled at the Central Hall to unveil the portrait of the former Prime Minister late Shri Rajiv Gandhi on the occasion of his birth anniversary. The ruling party is celebrating it as national solidarity day. But will the unveiling of this portrait bring about national solidarity? Will our assemblance and conduct in the House and sending a message to this effect will ensure national solidarity? We will have to make up our mind to materialise the vision of uniform citizenship and one nation and that the law enacted by this House and the judicial system of this country will be uniformly applicable to all citizens all over the country. We will have to comprehend the extent to which Article 44 has been enforced. I realise that unless it is categorised as Fundamental Right, no definite message will go to the nation in this regard. I want that the august House should support and pass this Resolution.

Mr. Deputy Speaker, Sir, I express my thanks for giving me time to speak.

[English]

SHRI A CHARLES (Trivandrum) Even though I am in agreement with the spirit contained in the Resolution I am sorry I am not able to support this Resolution at this point of time "At this point of time" I am going to explain, that will convey the main thoughts of my speech

See this Resolution says —

"This House urges upon the Government that in order to achieve the objectives enshrined in article 44 of the Constitution and to promote feelings of unity and brotherhood among all

May I in all humility through you ask my colleague my sister on the other side one question? Does she from the bottom of her heart believe that if this House passes this Resolution now and try to enforce it there will be unity in this country? Will there be unity in this country then? Will there be brotherhood then? I am afraid that now if this Resolution is passed and any effort is made to implement it instead of unity there will be disunity. Instead of brotherhood there will be certainly hatred

What is the state of affairs of this country? Before I proceed further I may also point out what Article 44 of the Constitution says. It says

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

That is the aim. That is the ultimate goal enshrined in this Constitution that has been very very ably presented by Shri Shahabuddin. Because of constraint of time I am not going to speak at length on it. Article 44 is part of the Directive Principles of State Policy. At certain point of time this country will have to have a uniform civil code. I stand by that. But as he said unity and brotherhood are to be achieved. All this, I see in the Constitution is subordinate to the Preamble which is the soul of the Constitution. I know that the Preamble cannot be enforced in a court of law. The Fundamental Rights can be enforced. The other articles may also be implemented. But all these articles I feel are subordinate to the Preamble of the Constitution which says —

• We the people of India having solemnly resolved "

We have taken to ourselves this Constitution For what?

"To secure to all citizens

Justice, social economic and political Liberty of thought, expression, belief faith and worship,
Equality of status and of opportunity,
and to promote among them all Fraternity "

The Preamble of the Constitution which I again say is the soul of the Constitution, envisages and wants to promote fraternity among different communities ensuring the dignity of the individual and also unity of the nation

May I once again ask, if this Resolution is passed, will it promote fraternity of different communities in this country?

What is the situation now after the 6th of December? I am not going to either criticise or question anything

MR. DEPUTY SPEAKER Mr Charles please hear me

SHRI A CHARLES Sir I am speaking with agony (Interruptions)

MR. DEPUTY SPEAKER You are touching a very relevant point and it should not be lost sight of

SHRI A CHARLES It is not a question of minority. It is not a question of Muslim. I represent the capital of Kerala. Trivandrum constituency. More than 70 per cent of my constituency is a Hindu community. With all sincerity I may say that a vast majority of the people in my constituency are totally unhappy about what had happened on the 6th of December. I would say that this is the time when we want to have unity, fraternity and not to create any dissensions. Again Article 25 of the Constitution (Interruptions)

[Translation]

SHRI SURYA NARAYAN YADAV (Saharsa) Mr Deputy Speaker Sir I am on a point of order. The hon. Member has stated that the incident of 6th December in Ayodhya bears no significance

[English]

MR. DEPUTY SPEAKER Mr Charles you can tell your opinion whether it is feasible or not

SHRI A CHARLES I did not want to talk at length on that issue. But since my friend has pointed out, I may say that there was an elected Government in U.P. at that time and the then

Leader of the opposition Shri L. K. Advani on the floor of this House had categorically stated that there was a mandate *(Interruptions)*

MR. DEPUTY SPEAKER Mr. Charles please put forth your views whether this Common Civil Code will give a good impact in the society or not.

SHRI A. CHARLES I do not dispute that the Common Civil Code will have an impact on the society as such. But at this point of time if this is passed the whole fabric will be lost. That is my concern. That is my agony. No wound shall be caused to the body politic of the nation. What we want now is a healing touch. We should not create troubles to divide the country. This is the most unfortunate time.

Shri Mam Shankar Aiyer has opposed this Resolution mainly on three points: firstly this Resolution has been brought forward at a wrong time; secondly for wrong reasons this has been brought forward here; and thirdly this is brought forward by a wrong Party. I do not subscribe to his third point because every Party is representing the will of the people here. But I strongly feel that this Resolution has been brought forward at a wrong time.

My learned colleagues are very anxious about the implementation of the Article 44 of the Constitution. That is only a Directive Principle of the State Policy. May I ask, what about Article 370 of the Constitution? Time and again this political Party has been repeatedly saying that Article 370 shall be abrogated.

MR. DEPUTY SPEAKER Now Article 370 is not before us.

SHRI A. CHARLES We are on the Constitution on the Article 44 of the Constitution. Every Member of Parliament had taken oath that he stands by the Constitution. I ask the Members on the other side whether they stand by the Constitution and whether they are for implementing Article 370 of the Constitution. When they say that the Article 370 has to be abrogated, can they say that the Article 44 of the Constitution has to be implemented at this point of time?

Then much about marriages has been said. I do not subscribe to the fact of a man marrying four wives. But there is a personal law. What we are aiming at is to have a Civil Code. What is happening under the Hindu Marriages Act? What is happening in the marriage of a Christian? What is happening in the marriage of Hindu? I may tell you that for the Christian

marriage is a sacrament and there cannot be a divorce. But thousands of divorce are taking place in Christian families. But the Christian religion as such does not approve this because for them it is a sacrament. In the State law there is a provision for marriage by registration in the Registration Office. That is a Government provision. But it is very unfortunate that legally that marriage is not accepted.

I shall just narrate the case of a very poor woman. Five years back, a middle-aged woman about 35 years old came to me. She said, "My husband is a policeman. I belong to a poor family. The marriage was arranged by my parents. Since we did not have the money to perform the customary marriage in a big manner, they said that they would have the marriage in the Registrar's office. My parents came. They were the witnesses. Only the members of the family assembled and the marriage took place. I have a child. He is now five years old. After few years of marriage, my husband got a job in the police and became a police constable. After one year he saw that his status had increased, so he began to ill-treat me. Finally he is going to marry another woman next week. I am in total agony. Can you help me?" So I contacted the I. G. Police. I told him that here is a police constable. Under the Government Conduct Rules, he cannot marry again. But when that effort was going on, he married again and the poor woman went to the court of law for maintenance. Very fantastically there was a judgment by the Magistrate that since the marriage had not taken place in the customary manner, that marriage had no validity. But there is evidence that this child was born to him. So the maintenance was given to the child but no maintenance was given to this poor woman. When she came to me, the period for appeal was over. But then I advised her to send a mercy petition to the Chief Justice. Justice Malimath was the Chief Justice. Very passionately she wrote a letter and addressed it as a written petition. Then it came to the Kerala High Court. It was sent back to the trial court saying that this case may be reviewed. Now after five years of legal fight, she got an order for maintenance. So this is the state of affair of a poor woman. I wish that the hon. lady should have brought forward a resolution to avoid atrocities being committed on women. How many cases are coming daily in the newspapers? How many poor women are brutally killed for dowry? How many dowry deaths are taking place every day? You do not have any concern about them but you are very anxious about this Article 44 which even the

framers of the Constitution visualised to implement at a future date. We are all for that.
(Interruptions)

MR. DEPUTY SPEAKER: Thank you, Mr. Charles.

SHRI A. CHARLES: I shall take only one minute, Sir. I once again say that this is the most inappropriate time to pass such a resolution. We are supporting the spirit of article 44 of the Constitution, not only of article 44 but of the entire Constitution. So with due respect I would request the mover of the Resolution now to withdraw the resolution and try to create a situation wherein the minority communities and the other communities will not be affected by the amendment.

Even last week I read an article in one of the leading dailies by a very learned scholar from the Muslim community. He said that they are now trying to have some sort of a discussion even about this three *talags* system. Their community is totally against that. So when the community is trying to reform themselves when they are also trying to come up and I would request that a situation should not be created to further divide the country and to further wound the feelings of a particular community which is now in agony.

With these words I request the mover of the Resolution to withdraw his Resolution.

[Translation]

PROF. RITA VIRMA (Dhanbad): Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity. While listening to the discussion on this Private Member's Bill, I started recollecting the discussion held on No-Confidence Motion during which Shri Arjun Singh said a very good thing. He submitted that often political parties are guided by pre-ailing conditions and both past record and thinking are left far behind. While listening to this whole debate his submission again crossed my mind. No hon. Member has spoken against evolving a common civil code. Those speaking against are doing so just because this Resolution has been moved by Sumitraj of the Bhartiya Janata Party. That is why they oppose it.
(Interruptions)

[English]

SHRI A. CHARLES: Sir, I object. It is factually incorrect. I did not say that it is because you brought it.

[Translation]

PROF. RITA VIRMA: You may not have spoken in that manner but many a hon. Member submitted like this only. I even submitted a similar submission. Please ask her. Everyone submitted that this has been brought by a wrong party at a wrong time with ill intentions. All these must peep into their own hearts first because since they are not themselves clean in their hearts that is why they nourish similar feelings about others.

I am myself a woman who is not able to understand the feelings of women so how can Shri Mani Shankar Aiyar can understand the feelings of women? Probably he is experienced enough in dealing with women. We do not feel any need to make our stand clear because nobody can doubt our patriotism. This Resolution has not been brought forward to incite religious passions. As a woman I understand the feelings of women. Therefore for the emancipation of women this Resolution has been moved. And if on political considerations it is being opposed then it is not proper.

You also had the opportunity to introduce a Bill on the subject. We had moved this Resolution probably for the first time in the history. You missed the opportunity probably out of panic. History does not give an opportunity again and again and now your time is over. You got panicked in the face of religious fundamentalism and lost track. When we have shown you the light then how can we be blamed of inciting religious fervour. There is no point of disagreement when all of us agree on this score. Shri Manoranjan Bhaktia while opposing this Resolution said that it has been moved at a wrong time but in the end he also underlined the need to set up a commission to review everything. His submission is no way different from ours that after studying all the religions a common civil code should be evolved. When all of us agree on this issue then why are the differences coming up? When we are prepared and also do respect Shri Arjun Singh's views then why do not you people appreciate Sumitraj's ideas. This will help improve the environment instead of spoiling it. Our cultural heritage teaches that lotus growing in mud is offered to God. Therefore please accept this in that spirit.

A little while ago Shri Shahabuddin raised the issue of communalism. If hon. Members of C. P. M. advocated the need for common civil code then they are called secular but if we say the same thing we are being branded as com-

munal Therefore what is your definition of communalism ? I do not want to digress from the subject, but I am bemused to hear the need for constructing a mosque in place of a temple If mosque is built then it will be secular but if temple is built it will be communal

During the debate on polygamy Shri Shahabuddin said that Hindus are more polygamous than Muslims Without caring caste, creed and religion I demand abolition of the institution of polygamy In this regard a law should be enacted without taking into account any caste creed or religion

King Dashrath was time and again referred to in the House One must remember that we worship Lord Rama and not King Dashrath King Dashrath had a painful death because he had three wives Our ideal is Lord Rama and not King Dashrath One can also submit that even Lord Rama made his wife suffer a lot I do agree that Sita ji suffered a lot in life but all of her sufferings were shared by Lord Rama We adore Lord Rama because he shared half of the sufferings of his wife After banishing his wife to forest he never remarried Therefore every wife aspires for a husband like Lord Rama and Shiva

[English]

SHRI SOBHANADRI FSWARA RAO VADDE Will you yield for a minute ? Madam you have rightly said that Ram had gone to the forest just to keep up his word to his father Your party has given a word to this Parliament to the Supreme Court and the Government that it will maintain the *status quo* at Ayodhya and you have demolished the mosque Do you really have faith in Ram ? (Interruption)

SHRI A CHARLES Are they willing to accept the verdict of the court ? (Interruption)

MR. DEPUTY SPEAKER You have got a very soft corner for women honourable Charles

SHRI A. CHARLES The Leader of the Opposition has more than once said that they do not accept the verdict of the court in respect of Ayodhya (Interruption)

MR. DEPUTY SPEAKER You continue your speech

[Translation]

PROF. RITA VERMA All of us encounter people in our constituencies asking for employment on the submission that they are very poor

and have two wives and ten children I do not ask about their caste and religion but simply tell them that had my husband been having two wives and ten children he would also have been poor It is very simple that in the present times with two wives and ten children nobody can be affluent

DR. LAXMINARAYAN PANDEYA Mr Deputy Speaker Sir for such an important issue time should be extended at least by an hour (Interruptions)

18 00 hrs

SHRI H. R. BHARDWAJ Mr Deputy Speaker Sir this item can continue on the next occasion

MR. DEPUTY SPEAKER By Six O'clock we wanted to complete it But there are some more Members who are very interested in contributing to this debate Therefore we will extend the time for this item Shrimati Rita Verma can continue next time

MR. DEPUTY SPEAKER Now we will take up the Supplementary List of Business that is presentation of the Report of Joint Committee Shri Pawan Kumar Bansal

(18 02 Hrs)

CONSTITUTION (EIGHTIETH AMENDMENT) BILL AND REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(i) Presentation of the Report of the Joint Committee

SHRI PAWAN KUMAR BANSAL (Chandigarh) Mr Deputy Speaker Sir I beg to present the Report (Hindi and English versions) of the Joint Committee on the Bill further to amend the Constitution of India viz the Constitution (Eighty Amendment) Bill 1993 and the Bill further to amend the Representation of the People Act 1951 viz the Representation of the People (Amendment) Bill 1993

[Translation]

SHRI MADAN LAL KHURANA (South Delhi) My point of the order is that as per the information available with me only the English version of the report is being presented in the