

requested the Hon. Minister and also to the Government of India to consider this as a national calamity.

MR. SPEAKER: You do not have to repeat it.

[Translation]

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Speaker Sir, floods, drought and excessive rainfall ruin the crops of the farmers of our country. Is this Central Government making any law to compensate the farmers?

[English]

SHRI BALRAM JAKHAR: Sir, there is nothing more to add except about one point regarding the State of Orissa. If the former Prime Minister promised something but did not fulfil that promise then I cannot say anything about that.

As far as I am concerned, I will look into it. I cannot take the guarantee for the earlier Government but I am ready to agree the suggestions made by you.

SHRI V. DHANANJAYA KUMAR: Sir, my request is that it should be considered as a national calamity.

SHRI BALRAM JAKHAR: There are no norms for that. That has to be decided. If that is the case then you may be knowing that the first Andhra Pradesh cyclone has not been declared a national calamity so far. This is in the Straightjacket. They can take the power from the Centre and utilise it for their own standing. The Chief Secretary is the Chairman of the Committee. Whatever I can do, I will do. I will convey your feelings to the proper authority.

I think the best thing that has come out of this discussion is the Prime Minister's anxiety to have the Crop Insurance Scheme. It will cover all the commodities.

17.28 hrs

INDIAN SUCCESSION (AMENDMENT)
BILL — CONTD.

As Passed by Rajya Sabha

[English]

MR. SPEAKER: Now we move on to the next item on the Agenda. The time allotted for this was one hour and the time consumed is 41 minutes. The remaining time at our disposal is 19 minutes. I hope that we shall have to pass this Bill today itself, otherwise, we will not be able to take up other matters which are listed for tomorrow.

Shri V. N. Patil was on his legs.

SHRI VIJAY NAVAL PATIL (Erandol): I congratulate the Minister for having brought this legislation. In Parliament we discussed a legislation about maintenance of law and order. We have passed so many laws.

MISA is there. TADA is there. Law against drug trafficking is there. This is a part of the social legislation. There are many irritants in the marriage laws.

The personal laws of different religions need change with the changing times. I am glad that the Parsi community has come forward to make this change and that is why this Amendment in the Indian Succession Act of 1925 has been brought.

Parsi community is an enlightened community. It is highly educated and a highly educated and a highly progressive community. I hope, similarly, the other communities will also give consent for bringing in such types of social legislations which is the need of the hour.

Some people are very touchy when we think of social legislation, change in the personal laws of the people belonging to different religions. But what we see now-a-days is that there should be some law regarding control of population also. It will be a

[Sh. Vijay Nayal Patil]

part of the social legislation. It will be part of the economic legislation. You very well know that when you were the Speaker of the Maharashtra Legislative Assembly, the State Government had brought a law for family planning.

But unfortunately, the President could not give his consent because of the pressures - social and political - at that time. But such types of social legislations are required and whatever has been brought today is the tip of the iceberg. I know that in future, the Minister will come forward with different types of social legislations, relating to different religions for the betterment of the society and for maintaining the national integration.

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Speaker, Sir, I welcome the way the Bill has been brought but there are some drawbacks in it. The Parsi community was governed in India under the Indian Succession Act, 1925. But sections 50 to 56 provided that if the mother passes away, both her son and daughter would get the equal share of property but in case the father dies, the widow should get the share and when the widow dies, the son would get the double share than what the daughter would get. You have brought this bill here to end this disparity. Similarly under section 118 provided that if a person dies and if he has a cousin or relative, his property can not be given to any religious institution. It was their demand that this section be deleted and if one wishes, one can give one's property to any religious institution. The hon. Minister has brought this bill on these two points. This discrimination was against the Article 14 of the Constitution. It should have been brought in 1990 itself. It was introduced by the then Minister, Shri Dinesh Goswami. It has been brought a little late but I think it is quite justified.

The astonishing fact is that the Parsis are well-educated but this disparity continued in this society for so many years that a girl

should get only half of the share of the property. It shows that the women in India are despised while women have always been venerated in the country. This is the country of Durga and Sita. When one pronounces Sita - Ram and Radhey-Shyam, the names of the women come first. It is surprising that the women are not being given due regards. I submit that the women should get the share of property in succession without any difficulty. There should be an amendment in law to the effect that she need not go to courts. Since the question of successorship right of a woman arises in the event of her husband's death, she has to face many problems including attending courts frequently.

Mr. Speaker Sir, it is necessary for the intentions, with which this Bill has been brought, that women get their right, no matter if the Civil Marriage Code has to be amended. So far as the word, Hindu is concerned, it is quite comprehensive as many castes such as Christians and Parsis are also covered by it. I demand a uniform civil code which should be made applicable to all Indians. On the basis of that in any caste in India if the husband dies, the widow should get the share and when the widow dies, the son and the daughter should get equal share otherwise one caste will have this right while the other will be deprived of it. Therefore I submit to the Hon. Minister that the amendment for the Parsi community is welcome. Therefore I demand that a uniform law should be formed which can be applicable to all.

[*English*]

SHRIMATI GEETA MUKHERJEE (Panskura): Thank you for giving me an opportunity to speak on the Bill as it stands. I support the Bill wholeheartedly. Since a lot of discussion has already taken place here and there, I do not want to go into the details. It is a Minor amendment. In this connection, I want to point out one thing to my friends on the other side of the House and on the other side of the House that the question of uniform civil code was first raised by the Nationalist organisation. It is an all India Women Conference where all of us once worked. There the question of uniform civil code was raised. We still stick to it.

MR. SPEAKER: Why do you not prepare a model uniform code and publish it?

SHRIMATI GEETA MUKHERJEE: I understand that it is a complicated question. My feeling is that we shall have to prepare for it.

MR. SPEAKER: You will find it very difficult to do it.

SHRIMATI GEETA MUKHERJEE: That is why it was not taken up so long. With the difficulties that are coming among women of different communities some time or the other, it has to be done. But without being either adventurous or too conservative.

SHRIMATI DIL KUMARI BHANDARI (Sikkim): I stand to support the Bill which seeks to amend the Indian Succession Act of 1925 which was already passed by Rajya Sabha. I would like to congratulate the hon. Minister and the Parsi community for this measure to amend the Indian Succession Act that is being taken to confer equal rights to women in the parental property.

Though I am also for a common civil code for all Indian citizens of the country I feel sad when I think of our sisters who are given equal rights and protection by laws, are still living in a situation which certainly cannot be said as a happy situation.

We do not lack good laws in this country; and our law makers have tried to confer equal rights to women and tried to plug all loopholes as and when required for this; but when it comes to implementation, then those people who have got so-called progressive ideas developed cold feet.

The declining sex ratio even in places where the socio-cultural roots are not attributable to this, needs serious investigation for reasons such as illiteracy, poverty, mortality and morbidity, etc.

Sir, though this is a different subject, this also relates to equal rights to women. In this country where women are discriminated against even before birth, they are being

eliminated before birth by the misuse of scientific innovations like foeticide. Therefore, this measure taken by the Government in bringing this Bill is certainly a welcome measure. But legislation alone is not enough. I would like to urge upon the Minister that it should be effectively implemented, not only in respect of the elite and educated people of the cosmopolitan cities but also for women who are living in the countryside or villages.

Before concluding I would like to urge upon the Government that they should realise the need to activate the non-governmental organisations and the government agencies to strengthen the basic legal framework under which today's Indian women live in the villages. They should be able to extend to help on legal aspects promptly and efficiently, as and when needed.

With these words, I congratulate the Minister and also the Parsi community for the Bill that is brought.

[Translation]

MR. SPEAKER: It is a very good Bill. It is meant for equal right for ladies and gentlemen.

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Speaker Sir, first of all I am thankful to Dinesh Goswami who introduced this Bill in Rajya Sabha and who is no more now. Then I want to offer my thanks to the Parsi community before I thank the Government. I offer my thanks to the Parsi community which has brought about a revolution and which has awakened the Government demanding from it equal rights for women. Now I am thankful to Kumarmangalamji who has brought this Bill, though a bit late.

Sir, I would like to make a suggestion that this Bill has been brought in Hindu community and after the enactment of law it gives us equal rights but the people, belonging to the high section of society have converted it into dowry system. As a rights, if the daughter is not given property, she should be given dowry. As a result, there were two

[Sh. Surya Narayan Yadav]

faces of law, good and bad. Therefore I heartily support this Bill but I suggest that this law should be given proper publicity so that the women in our society may awake and realise her right and is able to fight for her rights.

With these words, I conclude.

SHRI RAMASHRAY PRASHAD SINGH (Jahanabad): Mr. Speaker Sir, I fully support the Bill which has been brought here. The significant thing about it is that the Parsis have accepted it. We are thankful to them for it. Secondly, we are thankful to the Law Commission which has stated that there should be no difference between a son and a daughter. All these things are good. Just now the hon. Member has rightly said that previously the people used to think that the share of the daughter should be given to her in the form of dowry as she will go to some other house after her marriage. When the people continued to do so, this practice culminated into sorry state of affairs. Today the Bill which has been brought in the House, is in favour of women particularly widows. Earlier in Bihar when a woman became widow, she could not get anything for her living from her husband's property except petty amount for her maintenance but some days earlier the Supreme Court had given a decision relating to Bihar in which it was stated that if a woman became widow having nobody to look after her, then she would become the owner of her husband's entire property. Though the decision of the Supreme Court was applicable to Bihar but generally it is seen that the widows do not get the full share of their husband's property. With the result they have to face lot of difficulties in living.

Therefore I fully support the Indian Succession (Amendment) Bill which has been brought in the House. Since long the fight for equal rights for women was going on. Voices in this regard were being raised in this House. But the women were not given due honour. Now after the passage of this Bill, the women will be benefited and the

dowry system will come to an end. With these words, I support the Bill and thank you.

[English]

17.46 hrs.

SHRI M. V. V. S. MURTY (Visakhapatnam): Mr. Speaker, Sir, this is a laudable Bill. Though it is late, a right decision has been taken to redress some of the anomalies which are existing at the present stage.

The Parsi community, as a matter of fact, is a very advanced community in the society. It is very strange that such anomalies are existing so far to date.

I congratulate the Minister for bringing this Bill at least at this stage and I am sure that equal rights will be established and the Parsi community will become a part of the Indian Succession Act.

SHRI PALA K. M. MATHEW (Idukki): Mr. Speaker, Sir, I support and welcome this highly commendable Bill. And this Bill is meant to eliminate some discriminations in the Parsi community against women and also to provide daughters equal share of the property of their parents dying intestate.

Any step to ensure equal rights for women is most praiseworthy and highly desirable.

I would like to point out one aspect through you, Sir, which the honourable Minister may kindly take note of.

There are certain case law in the Indian Succession Act leading to conflicting decisions. One example is the obscurity regarding the applicability of the Act in certain areas of the country. In the former Trivancore Cochin area of Kerala, I would like to ask, whether the Christians are still governed by the Travancore Christian Succession Regulation of 1916 or the Indian Succession Act of 1925.

The Supreme Court has directed that

from 1951 onwards the Indian Succession Act 1925 is only applicable. Travancore Cochin and Madras High Courts have passed many judgements upholding the Travancore Cochin Regulation Act as applicable in their areas. If it is applied from 1951 onwards with retrospective effect, all the transactions made on the basis and trust of the High Court decisions and rulings and of the Kerala Law Will become invalid. Endless litigations regarding the transactions during the last 35 years will ruin the unity and perpetuity of the Christian families. The Christian families in Kerala with their strong stability and solidarity are supposed to be very well-knit families.

So, if this is applied with retrospective effect, this would shatter the State of the whole family. Therefore, I request the Minister, through you, Sir, to bring a legislation which will deal with the irregularity in this aspect.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTRY OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): I must at the outset thank all the hon. Members who have participated in the debate and for the support they have extended to this Bill.

Though the amendment is a very small one, it is a momentous one. It is momentous in the sense that even in a highly educated community there was a problem of discrimination which they themselves have come forward and sought that the discrimination should be removed.

Some Members especially the hon. Member from Pali, Justice Lodha, who, spoke, had gone a little further saying that why this is not being done with regard to other communities. But what is interesting is that this is not only limited to minorities but even in the majority community this problem does exist. Under the Hindu Succession Act, it is unfortunate that the surviving co-parcener is the person who really gets the property on survivorship. We cannot forget that situation. In certain States amendments have been

made. But on a national basis, it is possible only if a community comes forward as a whole. I think, one should take this opportunity to appeal to all communities, whether they are minorities or majority community, to come forward as community leaders and people belonging to those communities to insist upon the equal share is available to both men and women. It is important from that point of view.

Government has, as a policy, very clearly stated not only this time but often before that insofar as minorities are concerned, we will not amend their personal laws unless the communities themselves come forward and request because otherwise the minorities may feel that the guarantee of protection in the Constitution is being whittled by other means which is not fair. We are sure that as the time passes, they will come forward. But one thing is certain that before we criticise the minorities, it is necessary to look into what is the law in the majority community. That is the only point I wish to make for the moment.

Regarding the question of National Commission for Women, Girijaji raised this point very strongly. Though this is out of the purview of the Bill, I may tell that she is aware that there has been a statement from the Prime Minister's Office in this regard and lady MPs specially would like to meet the Prime Minister for its clarification. They will, I am sure, be able to discuss the Matter with him and clarify whatever doubts they have. I would not like to say more than that at the present moment.

With regard to uniform civil code and Article 44 of the Constitution, it is one of the guiding lights. It is not only a guiding light for the State but it is a Directive Principle of State Policy. But at the same time, I am sure, it is time that all of who participate in public life, bring it to the notice of all concerned that this is one of the cardinal Principles that are enshrined in our Directive Principles of State Policy which all should voluntarily accept and it is not a matter of imposing it on anybody. It is a welcome situation. But that can come about only when all communities

[Sh. Rangarajan Kumaramangalam]

Clause 6

come forward and say that this is what they want. Otherwise, instead of solving the problem, we might end up creating a communal crisis.

I would like to submit that the other issues that have been raised insofar as Section 118 of the Act is concerned, we have brought this amendment essentially on the request of the Parsi community. It would not be fair at all for us today to say no to them in any manner. There is an amendment here before us which will come up soon where an hon. Member has suggested that only the time limit be reduced from 12 months to six months and from six months to three months. But basically that is not the basis on which we brought the amendment. The Law Commission recommended it. The Parsi community demanded it. We have accepted it. I think, the House would normally respect the community's feeling which is being further strengthened by the law Commission.

I have nothing more to add. I would request that the House unanimously pass the Bill as presented to the House. The best values are always upheld.

MR. SPEAKER: The questions is :

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

The motion was adopted.

MR. SPEAKER: Now, the House will take up Clause-by-Clause consideration of the Bill.

The question is:

"That Clauses 2 to 5 stand Part of the Bill."

The motion was adopted.

Clauses 2 to 5 were Added to the Bill

MR. SPEAKER: There is an amendment to Clause 6 by Shri Girdhari Lai Bhargava. Are you moving?

SHRI GIRDHARI LAL BHARGAVA (Jaipur): I am not moving

MR. SPEAKER: The question is:

"That clause 6 stand part of the Bill.

The motion was adopted.

Clause 6 was Added to the Bill

MR. SPEAKER: The question is:

"That Clause 7 stand Part of the Bill."

The motion was adopted.

Clause 7 was Added to the Bill

MR. SPEAKER: The question is:

"That clause 1, The Enacting Formula and the Long Title Stand Part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were Added to the Bill

SHRI RANGARAJAN KUMARAMANGALAM: Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

MR. SPEAKER: what is the next item?

(Interruptions)

SHRI RANGARAJAN KUMARAMANGALAM: Sir, if the Opposition Members also want to complete the business today, we do not mind sitting.

SHRI SRIKANTA JENA: We can take it up tomorrow.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Sir, we are giving notices for matters to be raised during the Zero Hour and those notices are to be given before 10' O Clock. But, all the Members do not get an opportunity to speak.

MR. SPEAKER: That type of matter is not raised here. The matters relating to Legislature Secretariat are not raised here.

SHRI SRIBALLAV PANIGRAHI: Sir, I am not questioning anything. Those Members who could not raise some matters today, they should be given a chance on the following day. It is nothing to do with the Secretariat's functioning.

18.00 hrs

SHRI RANGARAJAN KUMARAMANGALAM: Sir, Shri Mukul

Wasnik has raised a point on the question of conflict of certain decisions with regard to two laws dealing with succession among Christians. There was a varied situation. I missed to answer on this point. I understand that this has been sorted out. I shall write to the hon. Member explaining in detail how the matter has been sorted out.

SHRI SRIBALLAV PANIGRAHI: I submit that on the matter of succession, the Procedure should be simplified with regard to issue of succession certificate. The present Procedure is a cumbersome one and it is costly and also time-consuming. Therefore, the people who are rendered helpless after the death of the head of the family, should be helped by the simplification of the procedure.

MR. SPEAKER: The House stands adjourned to re-assemble tomorrow at 11 A. M.

18.01 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 6, 1991/ Agrahayana 15, 1913 (Saka)