

LOK SABHA

**SYNOPSIS OF DEBATES
(Proceedings other than Questions & Answers)**

Thursday, December 27, 2018 / Pausha 6, 1940 (Saka)

RESIGNATION BY MEMBERS

HON. SPEAKER: I have to inform the House about the resignation tendered by the following five Members:-

1. Shri Manohar Utawal (Devas, Madhya Pradesh)
2. Shri Nagendra Singh (Khajuraho, Madhya Pradesh)
3. Dr. Raghu Sharma (Ajmer, Rajasthan)
4. Shri Tamradhwaj Sahu (Durg, Chhattisgarh)
5. Shri Harish Meena (Dausa, Rajasthan)

I have accepted their resignations.

SUBMISSIONS BY MEMBERS

(i) *Re: Martyrdom of two sons of Guru Gobind Singh Ji*

**THE MINISTER OF STATE IN THE MINISTRY OF ELECTRONICS
AND INFORMATION TECHNOLOGY (SHRI S.S. AHLUWALIA)**

responding to the issue raised by several hon. Members, said: Today, the whole India and the world is commemorating this martyrdom day. The two sons of Guru Saheb attained martyrdom in the battlefield and two younger Sahibzadas of seven and nine years of age respectively were bricked alive. I am of the opinion that this House should pay its respect to the martyrdom of Sahibzadas of the Sikh community or pass a condolence motion so that we can send a message across the world as to how the sons of Guru Gobind Singh Ji laid down their lives for the security, unity and integrity of the country.

Thereafter, the Speaker on behalf of the House made the following observation:-

HON'BLE SPEAKER: This is not a question of Sikh religion or any one religion. Two small children sacrificed their lives for the sake of the country. They laid down their lives with great valour and courage. So the whole country shares its sentiments on their martyrdom. The country just cannot afford to forget many such people that sacrificed their lives for the country. I am sure the House stands together in paying homage to the martyrs.

(ii) *Re: Referring the Muslim Women (Protection of Rights on Marriage) Bill, 2018 to the Joint Select Committee*

THE MINISTER OF RURAL DEVELOPMENT, MINISTER OF PANCHAYATI RAJ, MINISTER OF MINES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI NARENDRA SINGH TOMAR)

responding to the issue raised by several hon. Members, said: This Bill is very important. The entire House need to understand its importance. This Bill has already been discussed earlier. This Bill is not for politics rather it is related to providing justice to the women and addresses the suffering of millions of our sisters. Therefore, this issue needs to be discussed in detail.

***MATTERS UNDER RULE 377**

1. **SHRI MANSHUKHBHAI DHANJIBHAI VASAVA** laid a statement regarding need to take welfare measures for tribals.
2. **SHRI OM BIRLA** laid a statement regarding need to ensure procurement of agricultural produce from farmers at the Minimum Support Price.

* Laid on the Table as directed by the Speaker.

3. **DR. KIRIT SOMAIYA** laid a statement regarding augmentation of capacity of local trains on Central Railway, Mumbai.
4. **SHRI JANARDAN SINGH SIGRIWAL** laid a statement regarding need to declare public holiday for Chhath Puja.
5. **SHRI RAHUL KASWAN** laid a statement regarding need to release funds for construction of the sanctioned Sirsa-Churu, Nathusari-Udaipurwati and Dungargarh-Lohani National Highways.
6. **SHRI NARANBHAI KACHHADIA** laid a statement regarding need to allocate necessary funds for gauge conversion of Khijadiya-Amreli-Chalala-Dhari-Visavadar railway route.
7. **SHRI BHANU PRATAP SINGH VERMA** laid a statement regarding need to employ MGNREGA job card holders in development of Defence corridor Project in Bundelkhand region.
8. **KUNWAR BHARATENDRA SINGH** laid a statement regarding setting up of National Commission for men
9. **SHRI PRAHLAD SINGH PATEL** laid a statement regarding need to expand runway of Dhana Airport in Madhya Pradesh.
10. **SHRI KIRTI AZAD** laid a statement regarding need to improve passenger facilities at Darbhanga railway station.

11. **SHRI SUSHIL KUMAR SINGH** laid a statement regarding need to allocate funds for construction of Bihta-Aurangabad railway line project in Bihar.
12. **SHRI SUNIL KUMAR SINGH** laid a statement regarding need to set up a lac processing unit in Palamu district, Jharkhand.
13. **KUNWAR PUSHPENDRA SINGH CHANDEL** laid a statement regarding need to run a new train between Khajuraho and Puri.
14. **SHRIMATI JYOTI DHURVE** laid a statement regarding need to set up a rail coach repair factory in Betul district, Madhya Pradesh.
15. **SHRI ANTO ANTONY** laid a statement regarding judgement of Hon'ble Supreme Court on Sabarimala Shrine.
16. **SHRI RAJEEV SATAV** laid a statement regarding need to review the increase in amount towards school development fund charged from students of Navodaya Vidyalayas.
17. **SHRI KODIKUNNIL SURESH** laid a statement regarding problems faced by commuters of passenger trains in Kerala.
18. **SHRI T. RADHAKRISHNAN** laid a statement regarding problems faced by fire cracker industry in Tamil Nadu.
19. **SHRI S. R. VIJAYA KUMAR** laid a statement regarding need to rename Chennai Central Railway Station as MGR Railway Station.

20. **SHRIMATI APARUPA PODDAR** laid a statement regarding comprehensive planning to fight national disasters.
 21. **PROF. SAUGATA ROY** laid a statement regarding need to review decision to privatise six airports.
 22. **SHRIMATI PRATYUSHA RAJESHWARI SINGH** laid a statement regarding need to restore funding pattern of pre-matric scholarships for Scheduled Caste students in Odisha.
 23. **SHRI ARVIND SAWANT** laid a statement regarding need to implement uniform fee structure, dress code and syllabus in all the schools in the country.
 24. **SHRI JAYADEV GALLA** laid a statement regarding compensation to farmers of Andhra Pradesh affected by cyclone 'Pethai'.
 25. **SHRI A.P. JITHENDER REDDY** laid a statement regarding need to provide conducive court ambience for child victims.
 26. **SHRI NAGENDRA PRATAP SINGH PATEL** laid a statement regarding need to set up electric crematorium on the banks of river Ganga in Allahabad, Uttar Pradesh.
 27. **SHRIMATI SUPRIYA SADANAND SULE** laid a statement regarding revival of MSME sector.
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STATUTORY RESOLUTION

Re: Disapproval of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 (No. 7 of 2018)

And

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) BILL, 2018

SHRI N.K. PREMACHANDRAN moved that this House disapproves of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 (No. 7 of 2018) promulgated by the President on 19th September, 2018.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD) *moving the Motion for consideration of the Bill, said:*

Today's Bill is not against any faith or community. It is just for humanity and justice and for giving our sisters dignity, equality and justice. Our Government works with an open mind. There is no ill will against anyone in our mind. In this new Bill, we have made a provision that either the victim woman or her relatives can lodge an FIR. Secondly, provision for compounding has also been made. When this Bill was introduced in December, the Congress Party had supported it. They had not asked for any Select Committee at that time. Now, the Supreme Court has given its ruling and has termed triple talaq as unconstitutional asking the Parliament to enact a Bill in this regard. In more than 20 Islamic countries across

the world, triple talaq is regulated. India is a secular country then why this objection is being raised here? The concerns of the hon. Members and the society regarding misuse of FIR, scope for reconciliation and provision for bail have been taken care of through new provisions. When this Parliament could make a provision of capital punishment to ensure the dignity of women, then why should not this Parliament have a unified voice on triple talaq? The whole issue should not be politicized as it is related to the justice, dignity and respect of women.

SHRI N.K. PREMACHANDRAN *initiating said:* I strongly oppose both the Ordinance and the Bill relating to Muslim Women (Protection of Rights on Marriage) Bill, 2018 as they are against the basic principles of legislation and against the well-established Constitutional precedents and procedures. Both the issuance of the Ordinance and the introduction of the new Bill are not proper but with an ulterior motive to get political gains. The Supreme Court judges, who gave majority verdict, have not issued direction to the Parliament to make a law on it but it is the minority judgement which actually made it, and the Government is coming with a Bill on the basis of the observations made in the minority judgement. This Bill cannot be introduced again in this House nor the Government can promulgate an Ordinance on the ground that a similar Bill was passed by this House and transmitted to the Rajya Sabha. The Government cannot introduce the same or introduce a slightly modified Bill in the Lok Sabha when it is already

pending in the Rajya Sabha. According to Article 107, the situation when a Bill lapses is well enunciated. Therefore, introduction, consideration and passing of the Bill, which has already been passed by the Lok Sabha, is not proper. What is the urgency in issuing the Ordinance under Article 123? On 22nd August, 2017, the Supreme Court has pronounced the judgement and the enforcement of the judgement is not mandatory because it is a minority judgement. Clause 5 says that when a triple talaq is made, then the wife is entitled to get maintenance. How is it possible when the marriage is not over? When the husband is put in jail for three years, how will he be able to provide maintenance to the divorced woman? Clause 6 also says that when a triple talaq is made, the custody of the child will be with the mother. How can they claim that the custody of the child would be with the mother? Thus, clauses, 3,5 and 6 are inter-contradictory, they are unconstitutional. If the husband, wants to get the bail, the Muslim woman, against whom the talaq is pronounced, has to be heard. In case the woman delays her hearing, he shall not get the bail. A legislation starts on the basis of necessity and promulgation of an Ordinance starts on the basis of urgency. Here, in this case, no such demand is there because the hon. Supreme Court has already struck down the triple talaq as null and void. The Bill may be sent to the Joint Select Committee for close scrutiny.

KUMARI SUSHMITA DEV: Hon. Law Minister feels that he has met the objections which were raised by us on 22nd December, 2018. But those objections have not been met by the new amendments. The first thing we had said in the Lok Sabha when this Bill was first debated in 2017, we oppose a matter, which is clearly and purely a matter of civil jurisdiction, being criminalised. We had stated at that time that criminalisation of instant triple talaq goes against the very basis of the Supreme Court judgement in the case of Sayara Bano. Nowhere in that 300 page judgement has the court said that the instant triple talaq needs to be criminalised. It is not the first time that the Parliament is legislating on the rights of Muslim women. In 1986 when Shri Rajiv Gandhi was the Prime Minister of India, he introduced the Muslim Women (Protection of Rights on Divorce) Act. Today, this Government is giving nothing but a criminal case to the Muslim women in the name of empowerment. Today, there is no definition of subsistence. Even in the last occasion of Lok Sabha, we talked about the subsistence of Muslim women but this Government has not. I request the Law Minister to take a leaf from earlier legislation and define 'Subsistence'. In Islamic Law, a marriage is a contract just like in other laws. When a contract is broken, it is a civil wrong. But if a man pronounces instant triple talaq, it is a criminal offence. In every other religion, women has a right to file for divorce or she has to file for restitution of conjugal rights. What is different here is that, today, when it comes to a Muslim

male, the Government is criminalizing it. This Law is not about empowering a Muslim woman but penalizing a Muslim man. If this Government truly believes in empowerment of Muslim women, let this Bill go to the appropriate committee, listen to the stakeholders. We are the representatives of the people and we must listen to the people. I urge the Government to do the right thing to send it to the appropriate committee failing which this Bill should be withdrawn. We oppose the criminalization of triple talaq and we will support every subsistence right.

SHRIMATI MEENAKASHI LEKHI: Today, this Government is not only talking about women empowerment but women led empowerment. The active participation of women is being ensured in all the schemes being executed in the country. But there is an ill social custom prevailing in the society which is called instant triple talaq. The Hon. Supreme Court has given its judgement stating that the instant triple talaq is unconstitutional because it deprives women of their rights. This is also against the right to equality. It is being repeatedly stated that there is no criminality in the civil laws but the Section 125 which is being referred to is already criminalized in the country. As far as civil rights are concerned, if a person does not give sustenance amount to his mother and if a person does not give maintenance amount to his wife then criminalization happens. This Bill has been brought before this august House in a new form. Is it fair that a person is given the right to pronounce instant triple talaq to his wife and everything is over and done

with? Will it be proper for any society? Some people here are quoting the Shah Bano case of 1986, but they are grossly misquoting it. They have always done appeasement politics and have never pursued the politics of development. Islam says that divorce should never happen. All out efforts should be made to bring the reconciliation between the two. *Iddat* period be observed before the reconciliation because prophet Mohamad Sahib himself was against it. The *Surah* strongly urges people to observe God's regulations and guidance especially, the waiting period, housing and maintenance to reinforce it. Quran directs that subsistence amount should be given according to the status of the person. Our country has given recognition to three personal laws. Therefore, there cannot be any comparison because the social reality of each is different. This is possible only when we unanimously decide to bring the uniform civil code in the country. There were some ill customs in the earlier Arab society. The same ill customs crept into the followers of Islam while observing the customary laws. But there cannot be any other greater sin than continuing with them as the Quran itself was against them. If any person goes to the Supreme Court and seeks justice or exhorts the Parliament to enact a law, then I feel that we are duty bound to enact a suitable law. Hon. Supreme Court held the instant triple talaq as unconstitutional and *un-Islamic* on 22nd August. Hon'ble Supreme Court also decided that the right to life with dignity is the most important right. Our Government intends to abolish this ill

custom. As far as the All India Muslim Personal Law Board is concerned, their mandate is to fight for the rights of women but in this case it has been proved that instead of fighting for their rights they are there to act against them. The intention of this law is clear that it is punitive but also restorative and reformative. If the mistake occurs then there is ample scope for correction.

SHRI A. ANWHAR RAAJHAA: I had categorically stated even on 28th December, 2017 that our AIADMK would not support the Bill in the present form and would seek an amendment to this Bill. It is very unfortunate that the Union Government has brought minor changes in this very sensitive Bill and did not incorporate the very important amendments proposed by the AIADMK Party. We were asking for the omission of the Clause providing for the punishment of three years' imprisonment and fine. But the views of our Party has been totally neglected. The Bill, in its present form, is against the provisions of Sharia Law. Why is the husband punished with such a severity? This is unconstitutional and is against human rights and the principles of natural justice. Moreover, this Bill is against the national integration and communal harmony. Why only Muslim husbands are being targeted by the law? The Law cannot be selective to one religious group. Divorce practice exists not only in Muslims but also among Hindus, Christians, Sikhs and all other communities and nowhere it is considered a criminal offence. Besides, the Bill fails to answer who will take care of the

livelihood of women and their children for three years. Thus, in the name of gender justice, the fundamental rights guaranteed by the Indian Constitution are being attacked. Never in History was such a barbaric Bill drafted to harass Muslim men and destroy Muslim families. Therefore, on behalf of our Party, I strongly oppose this Bill and it should be referred to the Parliamentary Standing Committee for the correction and incorporating the views of our Party.

SHRI SUDIP BANDYOPADHYAY: The Muslim Women (Protection of Rights on Marriage) Bill, 2018 has come back again with some amendments now. What we said at the very beginning was that if this Bill had been sent once more to the Joint Select Committee, the situation could have been different. I say this because all the political parties are extending support to one part of the Bill which deals with rights of women. We are always in favour of the protection of women, be it married women or be it unmarried women. The Bill is moved to protect the rights of married Muslim women and to prohibit divorce by pronouncing talaq by their husbands. So, there cannot be any dispute about the need to protect married Muslim Women against such type of practice of divorce. But, at the same time we strongly oppose the imprisonment of three years for those husbands for some reasons. One, this is excessive, arbitrary and irrational according to us. What will happen to those women regarding their maintenance, if husbands go to jail? So, if this provision of imprisonment persists, then the said Bill will lead to injustice and

make a women's life deteriorate further. We, therefore, propose to send this Bill to the Joint Select Committee.

THE MINISTER OF MINORITY AFFAIRS(SHRI MUKHTAR ABBAS NAQVI): The erstwhile Congress Party Government legislated in this very House a law about three decades ago to overturn the judgment of the hon. Supreme Court in the Shah Bano case. Today, I would like to congratulate the hon. Prime Minister and the Union Law Minister for bringing such a Bill that will give effect to the Judgment of the Supreme Court pronounced for the protection of social and constitutional rights of Muslim women. At that time also the issue was deliberated very seriously and not only Shri Madhu Dandwate ji but also a number of hon. Members demanded for the elimination of this social evil. Unfortunately, the erstwhile Congress Government succumb to the pressure of some of the fanatics and legislated a law to overturn the decision of the Supreme Court instead of addressing to the said demands.

This issue is not connected with Islam or the religion. This is purely a social evil. When the idea of putting an end to the practice of *Sati* came, even then some people said that the practice of *Sati* was a religious practice and how it could be abolished. But, ultimately, that practice was abolished. The practice of child marriage was also abolished. It seems that some hon. Members are with the offenders and not with the victims. The practice of pronouncing instant Triple

Talaq has been banned in several Islamic countries. Last time, the Congress supported this Bill in this House but they did not support it in the Rajya Sabha. Muslim Personal Law Board is also taking this Bill very positively. Many *Ulemas* have also said that instant Triple Talaq is an offence but that has not stopped yet. This is a fact that Muslim women are subjected to injustice and atrocities even after the *Shah Bano case* and the *Sayara Bano case*. This Bill has been brought for this reason only that despite so much awareness, the crime against them continues. Sometimes, the offenders use *Fatwas*. These days, this has become a common practice to use *Fatwas*. Our country runs according to the Constitution and not as per *Shariyat*. Although, even in *Shariyat*, nowhere it is provided that the women will not get their rights. Today, we should unitedly use this historic opportunity. We have this historic opportunity to correct the wrong done in the past. Although, suggestions which are in the interest of justice, have been included in the Bill. We have to rise above the religion, region and politics in this fight for reform. We all want that Muslim women get their constitutional rights, security and justice. I request all the hon. Members to support this historic and important Bill and pass it. This will be in the interest of the country and the Muslim women.

SHRI RABINDRA KUMAR JENA: More men than women have spoken on the rights of women. Had this Government fulfilled its commitment to bring in 33 per cent reservation for women, possibly more women would have spoken for

their rights than men. This Triple Talaq Bill is being brought in Parliament pursuant to the Supreme Court judgment wherein the Supreme Court has requested Parliament to frame a law. Several Members have raised the issue for sending this Bill to a Joint Select Committee or the Standing Committee. Several predominantly Muslim countries have banned the practice of Triple Talaq. Hence, there is a need to ban such a draconian practice. This Bill is targeted at a particular religion and hence a question mark is put on the very constitutionality of the Bill. There is no safeguard to prevent its misuse. It is, therefore, arbitrary and violative of Articles 14 and 21 of the Constitution. Is there a need to bring in a law in respect of something which the Supreme Court has already resolved? There is no need to criminalise Triple Talaq. If the Bill is brought in its present form and implemented, it has full potential to backfire. Since the law makes the husband liable to pay for maintenance, how can the husband pay for maintenance when he is spending time in the jail? I do not think that this Bill can really pass the test of law. Three years' imprisonment is extremely disproportionate to this crime. My suggestion to the hon. Minister is to bring in a codified Muslim Personal Law governing all aspects of marriage and family. That will rather holistically sort out the problem instead of criminalising and penalising certain sections of the society. Let us bring in something by which we can create holistic gender parity and not create a situation which will create a gender disparity and imbalance in the society.

SHRI JAYADEV GALLA: There is no doubt that it is a historic Bill and it definitely helps the hapless Muslim women who cannot even challenge the talaq-e-biddat if you go by the Muslim Personal Law or Shariat. I request the hon. Minister to make necessary amendments in the Bill so that divorced women can lead a turbulence free life after talaq. I do not understand, when the Bill is already pending before the other House for its consideration, why the Government had to bring an Ordinance. The Government should focus more on protecting lives and rights of Muslims men and women. Everybody agrees that the issue of talaq is complex and a complicated one. Nikah is essentially a civil contract between the bridegroom and the bride laid down in the Nikah Nama. Whatever happens in Islam has to happen as per the *Sunnah* or the teachings, deeds or the sayings of the Prophet. But nowhere in the *Sunnah* has it been mentioned about the existing practice of pronouncing instant *triple talaq*. So, the demand of Muslim women for *talaq-e-sunnah* is genuine. Even many Islamic countries have either banned Triple Talaq or regulated it. Marriage is a civil contract and the Government is trying to make Triple Talaq a criminal offence. If a man beats his wife, let him be sent to jail. But if a man divorces his wife regardless of how he may do it, does he belong in jail? Is it a sin to divorce your wife? If husband is in jail, how will he continue to support his wife and how will he continue to pay subsistence to his wife? The Bill excludes Jammu and Kashmir from its purview. I demand that this should be

extended to J&K also. I oppose this Bill in its current form and I request you to refer this Bill to the Joint Select Committee.

SHRI ARVIND SAWANT: When we are talking about women justice then who will oppose it. Those Muslim women would be very happy for whom you have brought this Bill. There were many customs in Hindus also. Some of them were wrong. They have changed with time. Today, I would like to talk on this issue of delivering justice with regard to the triple talaq. The provision of reconciliation was not there earlier. Therefore, a provision has been made in the law that if you give talaq, you will be jailed for three years.

SHRI A.P. JITHENDER REDDY: Our TRS Party is committed to gender equality. We question the ruling Party's sincerity regarding the intention and timing of this Bill. It seems that under the pretext of protecting women's rights, the Government is breaching the trust established with the Minority Community. Reformation of religion is not the mandate of this House and the Government should refrain from interfering in one particular faith or community. This Bill makes triple talaq a criminal offence. This Bill is highly arbitrary and is in clear violation of Article 14 of the Indian Constitution which guarantees equality before law. Our party opposes any legislation including this Bill which is highly unconscionable. The House should take the approach of encouraging and supporting progressive voices of the community instead of penalising and

imprisoning people. We should introduce actual change in their lives. Therefore, our party believes that this Bill is misconceived.

SHRI MOHAMMAD SALIM: This Bill is totally unnecessary and uncalled for. Just one year ago, on 27th December we have had discussion and this Bill was passed. That time also we had opposed it. Our main objection was that a civil matter should not be criminalized. If the question is about gender justice then we always talk about gender justice and today also we are talking about this. Muslim women are part of the Muslim community. Muslims are part of this country. You do not do justice with country, if you do not mete out justice to the citizens of this country. Struggle to get rid of triple talaq has been going on for the last 50 years. The question is about equality. When we ask for equality, the Government keeps mum. We talk about equal rights. The Government is using this Bill as a political weapon, which is totally wrong. The nature is civil, why is the Government making it criminal one?

THE MINISTER OF TEXTILES(SHRIMATI SMRITI ZUBIN IRANI): The hon. Supreme Court has given a verdict earlier that if a woman is deserted by her husband for life, she must be provided maintenance. When the opposition had time why did they not declare *talaq-e-biddat* unlawful in this House? Today, to those people who say that what is the hurry to bring this Bill as the Supreme Court has already given a verdict, I would like to tell them that even

after the verdict of the Supreme Court, 477 sisters of the country have suffered from *talaq-e-biddat*. Some members said that this was a civil matter, why was it being seen as criminal matter? If dowry is given and taken, then there is no problem and it is a civil matter. What can a law do in this matter? Even then, this House deemed dowry as a crime and made a legislation. If someone has to cancel the contract, then it cannot be cancelled unilaterally. It can be cancelled on equal terms. Why this be seen as criminal offence? As per the history of the Islamic jurisprudence, *talaq-e-biddat* is a criminal act against women. The government has not moved this Bill with a political motive but for justice. The All India Muslim Personal Law Board had promised in the Supreme Court to issue an advisory, and despite that 477 cases of talaq have been reported in the country. That is why discussion on this Bill was urgently taken up to ensure justice to the Muslim Women.

SHRIMATI SUPRIYA SADANAND SULE: I congratulate the Minister for bringing this Bill. Nobody is against the social change. But, the Minister should make it clear that this is not political agenda and it is only social. I am not against what it is done. I am against the way it is done. A woman stays in her marriage even if the marriage is bad because of her commitment to her children. But, how marriage is going to be saved by putting a husband in jail? This is not for the women on top of the pyramid. It is for the women who are at the bottom of the

pyramid who are unaware of their rights. Empowering women financially and emotionally will really strengthen the cause. If the Government really wanted to bring it, it would have brought it by consensus. Instead of discussing *triple talaq*, get into the discussion on Women's Reservation Bill. I make a humble request to please re-think about it.

SHRI DHARMENDRA YADAV: I, on behalf of the Samajwadi Party, rise to protest against the penal provisions contained in the Bill. The hon. Minister has defended the introduction of the Bill by saying that it has been introduced on the orders of the Supreme Court. But the majority bench of the Supreme Court has only held it illegal and nowhere the bench has asked to enact a law in this regard. We, therefore, would like to request the Government to rethink over the provisions of the Bill. As far as the question of honour of women is concerned, I would like to appeal the Government of India to disburse pension to all the women in the country in the lines of the Samajwadi Pension Scheme which was introduced by our Government in Uttar Pradesh. I would also like to introduce the 1090 Scheme in the entire country as it had been introduced by our party in Uttar Pradesh. We, the Members of the Samajwadi Party, have always stood in favour of justice. We, the dalits, the backwards and the minorities are being discriminated against and this Government is a mute spectator. I once again request the Government to take this Bill back and come again with a better and amended Bill.

SHRIMATI RANJEET RANJAN: This Bill pertains to the institution of marriage. This issue has a bearing upon the women and their families. The Government is dragging the marital issues into the courts. How the Government is going to protect the women by enacting this law? It can be misused. As per the provisions of the Bill, the magistrate will decide about the quantum of compensation to be paid and about the custody of the children. But what the Government can do if the husband does not pay any amount saying that his wife has sent him into jail and he has lost his job. Whether the Government has made any provision to shelter the women. The Government should have read the *Quran* well before introducing the Bill. Then, the entire Muslim community would have accepted it. It is my considered view that this Bill should be referred to the Joint Parliamentary Committee and it should be introduced after amendment.

SHRI PREM SINGH CHANDUMAJRA: It is an important Bill and I have risen to speak in favour of this Bill. It is not right to look this Bill through the prism of any religion. This Bill has been drafted to right a wrong in the society. It is the duty of the Government and a requirement of the society also. A number of my colleagues have said that though the *triple talaq* is a bad practice and it must be ended but the Government has been angling for political benefits through this Bill. I fail to see their logic. If the Government does a good thing it must get the benefit also. Some Members have said that though the *triple talaq* is bad but the person

who has resorted to the *triple talaq* must not be given punishment. I would like to ask whether they are with the hunter or the hunted. There was a time when the women were not allowed to sit in any assembly. Shri Guru Nanak Devji raised voice in their favour and he said that the woman who gives birth even to the kings must not be discriminated against. Thus, he pioneered the reform movement in the society. Had he not raised his voice in favour of reforms, nothing would have happened. A number of NRIs come in Punjab, they solemnize marriages here and go back to their country after leaving the woman here. I wish that the property of such people should be attached. I would also like to request the Government to enact the *Anand Karaj* Act for Sikh society. The Government should teach our girls that the relationship between a husband and wife is not just a contract. If we teach them such good things, there will not be any single instance of divorce. I would request the Government to remove the word Sikh from the sub-clause 2 of Section B of Article 25.

SHRI DHARAM VIRA GANDHI: Today, I wish to put forward my perspective favouring neither treasury bench nor the opposition but on behalf of women. Inhuman, as well as sordid practices patterned on those prevailing in the medieval age must not be allowed to exist anymore and must be done away with sans delay. At the same time, I would like to submit that *triple talaq* must not be punishable offence. Besides, the Bill must stipulate a fixed time frame for

reconciliation and the amount of subsistence should also be provided therein. With these words, I support the Bill.

SHRI BADRUDDIN AJMAL: I oppose this Bill. This is an interference with Muslim Personal Law and Islamic Sheriat. I too am in agreement with the fact that *talaq-e-biddat* does not figure in Islam. *Triple talaq* has been quite disapproved of in Islam. My only submission is that this Bill needs to be subjected to meticulous scrutiny. The number of women falling prey to *triple talaq* is far less than being projected. One must look at their ratio. It is not so big an issue as is being projected. A lot more substantial issues are there waiting to seize our deserved attention and due indulgence which may go a long way in empowering Muslim women.

SHRI JAI PRAKASH NARAYAN YADAV: In Indian laws marriage is a civil law in all religions. Divorce and *Nikah* is a civil matter. It is very unfortunate to criminalise a civil matter. Today Proper provision for education, industries, resources, employment is warranted in respect of Muslim women. I oppose *Triple Talaq* Bill and reiterate my demand for the reference of this Bill to the Joint Select Committee.

SHRI E.T. MOHAMMAD BASHEER: I oppose this Bill. This is unconstitutional and ill motivated. The Supreme Court has set aside this. In a

report published this week itself, India has been ranked the most dangerous country in the world for women which has re-ignited the country's on-going debate over women safety. In a study released by Thomson Reuters Foundation, it has been collaborated that the incidences of sexual violence, lack of access to justice in a rape cases, child marriage, female foeticide and human trafficking is on the rise in India. India has outranked such countries as Syria, Afghanistan and countries like that. A lot of atrocities are taking place against minorities. The Government must take these facts into consideration.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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