

LOK SABHA

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

Thursday, July 25, 2019 / Shravana 3, 1941 (Saka)

THE INTER-STATE RIVER WATER DISPUTES (AMENDMENT) BILL, 2019

THE MINISTER OF JAL SHAKTI (SHRI GAJENDRA SINGH SHEKHAWAT) moved that leave be granted to introduce a Bill further to amend the Inter-State Water Disputes Act, 1956.

SHRI ADHIR RANJAN CHOWDHURY *opposing the motion for introduction of the Bill, said:* I am opposing the introduction of the Bill under rule 72 of the Rules of Procedure and Conduct of Business in the Lok Sabha. This Bill is not in consonance with the Constitution. The Government has not discussed the issue with the State Governments. That is why I oppose the introduction of this Bill.

SHRI BHARTRUHARI MAHTAB: As water is a State subject, the State Governments need to be consulted before preparation of this Bill but it has not been done. That is why, I oppose the introduction of this Bill.

* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

SHRI T.R. BAALU: The Government of Tamil Nadu is aggrieved of many disputes. Orders have been issued but all the orders are pending before the Supreme Court. The Central Government is just bringing everything overnight without consulting the State Governments.

SHRI GAJENDRA SINGH SHEKHAWAT *clarifying said:* Hon. Members have objected that the State Governments have not been consulted before introducing this Bill. No timeframe is fixed for the tribunals when those are set up and when their time limit is extended, it is extended indefinitely. There is no time limit even for the Government to execute the award passed by the tribunals. This Bill was first introduced in the year 2013 after due consultation with the State Governments. This was again introduced in 2017 and was referred to the Standing Committee but we are bringing it again before the House because the term of that Lok Sabha had ended.

The Bill was introduced.

THE REPEALING AND AMENDING BILL, 2019

**THE MINISTER OF LAW AND JUSTICE MINISTER OF
COMMUNICATIONS AND MINISTER OF ELECTRONICS AND
INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)**

moved that leave be granted to introduce a Bill to repeal certain enactments and to amend certain other enactments.

DR. SHASHI THAROOR *opposing the motion for introduction of the Bill said:* I oppose it because enough time has not been allowed to the MPs to have a look at the Bill. We need two working days to do our work. There is a pre-legislative consultative policy which has not been resorted to.

SHRI RAVI SHANKAR PRASAD *clarifying said:* One of the keen objectives of this Government is to repeal all the old Acts which are 100 years or 150 years old. Till date, we have repealed about 1458 Act. Today, 58 Acts are sought to be repealed by this Bill. We have also conveyed to the State Governments about 225 old Acts belong to the realm of the State Governments. As regards the objection of hon. Dr. Shashi Tharoor. I wish to convey to him that two days in advance the notice has been given. We are only introducing the Bill. When the time for debate will come, you can raise all the questions and I will be willing to answer them.

The Bill was introduced.

THE COMPANIES (AMENDMENT) BILL, 2019

THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS (SHRIMATI NIRMALA SITHARAMAN) moved that leave be granted to introduce a Bill further to amend the Companies Act, 2013.

PROF. SOUGATA RAY: *opposing the motion for introduction of the Bill said:* There was no prior notice about the introduction of this Bill. This is our right to oppose the introduction of the Bill. You please give a Ruling that the Minister may withdraw the Bill. The Bill should be re-circulated and we should be provided an opportunity to give a notice to oppose it tomorrow, thereafter the Bill may be introduced.

SHRI ADHIR RANJAN CHOWDHURY: I strongly oppose the introduction of the Bill. There is a rules and procedure of this House. The rights of the House is being encroached and there is interference time and again. There is a tradition to send the Bills in Standing Committee, Select Committee which are being passed. Do not pass the Bills in this manner.

SHRIMATI NIRMALA SITHARAMAN *clarifying said:* I want to draw the attention of all the hon. Members to the fact that on 2.11.2018, the Companies (Amendment) Ordinance was promulgated by the President of India. Then the House was not in Session. On the same subject, the second Ordinance was promulgated on 12th January, 2019. Now, therefore, this Bill is being introduced only because we are continuously moving from one Ordinance to the other. The

necessity for bringing this Bill now is only because the House has considered, passed and then sent this Bill to Rajya Sabha where it could not get cleared. Again an Ordinance was promulgated. So, it is just the same Bill. I am sure the Opposition will support.

The Bill was introduced

***MATTERS UNDER RULE 377**

1. **SHRI JANARDAN MISHRA** laid a statement regarding need to take steps for overall development of Musahar caste in Rewa parliamentary constituency, Madhya Pradesh.
2. **SHRI BHANU PRATAP SINGH VERMA** laid a statement regarding need to expedite doubling of railway line from Jhansi to Kanpur in Uttar Pradesh.
3. **SHRI RAM KRIPAL YADAV** laid a statement regarding need to relax qualifying marks for recruitment of Urdu teachers in Bihar.
4. **SHRI DEVAJI PATEL** laid a statement regarding alleged fraudulent scheme of Adarsh credit cooperative society.
5. **SHRI KHAGEN MURMU** laid a statement regarding need to renovate Maldaha Airport in West Bengal.

* Laid on the Table as directed by the Speaker/Chair.

6. **DR. SUJAY VIKHE PATIL** laid a statement regarding release of required funds to Maharashtra under PMAY-Urban.
7. **SHRI RAJU BISTA** laid a statement regarding talks with Gorkha representatives.
8. **SHRI SUNIL BABURAO MENDHE** laid a statement regarding need to establish a Rice Research Institute in Bhandara-Gondiya parliamentary constituency, Maharashtra.
9. **SHRI RAMCHARAN BOHRA** laid a statement regarding need to give recognition to Electropathy as a branch of medical science.
10. **SHRI AJAY NISHAD** laid a statement regarding need to provide appropriate compensation to people whose lands have been acquired for construction of NH-527C in Muzaffarpur parliamentary constituency, Bihar.
11. **SHRI SUNIL KUMAR SINGH** laid a statement regarding utilisation of funds allocated to District Mineral Foundation Trust.
12. **SHRI SUNIL KUMAR SINGH** laid a statement regarding participation of Members of Parliament in implementation of development schemes in LWE affected districts.
13. **DR. RAMAPATI RAM TRIPATHI** laid a statement regarding need to include Pawanagar in Uttar Pradesh under Swadesh Darshan Scheme.

14. **SHRI ASHOK MAHADEORAO NETE** laid a statement regarding need to develop historical temples in Gadchiroli-Chimur parliamentary constituency, Maharashtra as tourist places.
15. **SHRI NANDKUMAR SINGH CHAUHAN** laid a statement regarding need to ensure smooth implementation of Deen Dayal Upadhyay Gram Jyoti Yojana and Pradhan Mantri Awas Yojana in Burhanpur district, Madhya Pradesh.
16. **SHRI HIBI EDEN** laid a statement regarding change in the present education system.
17. **ADV. ADOOR PRAKASH** laid a statement regarding rail facilities in Attingal parliamentary constituency, Kerala.
18. **SUSHRI S. JOTHIMANI** laid a statement regarding construction of overbridges in Karur Parliamentary Constituency, Tamil Nadu.
19. **SHRI A. RAJA** laid a statement regarding addressing the problems of plantation labourers of Tami Nadu.
20. **SHRIMATI PRATIMA MONDAL** laid a statement regarding construction of railway platform shed at Canning railway station, West Bengal.
21. **SHRI SISIR KUMAR ADHIKARI** laid a statement regarding setting up of a Welfare Commission for Fishermen.

22. **SHRI SHRIRANG APPA BARNE** laid a statement regarding subsidy to farmers by the National Horticulture Board subsidy scheme.
 23. **SHRI BAIDYANATH PRASAD MAHTO** laid a statement regarding need to construct a level crossing at Bagaha in Valmiki Nagar parliamentary Constituency, Bihar.
 24. **SHRI CHANDRA SEKHAR SAHU** laid a statement regarding development of Ramayan circuit.
 25. **DR. G. RANJITH REDDY** laid a statement regarding setting up of National Prison Academy, Telangana.
 26. **DR. SHAFIQUR RAHMAN BARQ** laid a statement regarding need to construct railway line on Chandausi-Sambhal-Gajraula section in Uttar Pradesh.
 27. **SHRI NABA KUMAR SARANIA** laid a statement regarding problem of land erosion in Kokrajhar parliamentary constituency, Assam.
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STATUTORY RESOLUTION

Re: Disapproval of Muslim women (Protection of Rights on Marriage)

Ordinance, 2019 (No. 4 of 2019)

AND

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) BILL, 2019

SHRI N.K. PREMACHANDRAN moved that this House disapproves of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 (No. 4 of 2019) promulgated by the President on 21 February 2019.

THE MINISTER OF LAW AND JUSTICE MINISTER OF COMMUNICATIONS AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

moving the motion for consideration of the Bill said: The Bill to protect the rights of married Muslim Women and to prohibit divorce by pronouncing talaq by their husbands and to provide for matters connected therewith or incidental thereto, be taken into consideration. If more than 20 Islamic countries in the world have controlled triple talaq then why India, being a secular country, cannot do it? Justice for women has been the care philosophy of the Indian Constitution. This matter should not be looked at with political or religious glasses. It is a question of justice and humanity. This matter is neither political nor religious but one of women's justice, women's dignity and respect. Some apprehensions were

expressed when we had introduced it. Now, we have removed them. First apprehension was that if some outsider can give first information to trouble his neighbour. We found it reasonable and now we have made a provision that a case can be registered only when it will be filed by the victim or of her any relatives related to her marriage. Secondly, it was said that scope for compromise should be kept. Now that has also been taken care of. Thirdly, regarding bail, a magistrate can grant bail after hearing the victim's wife. These were the three safeguards which were discussed many times have now been included in this Bill. I would request the House to pass this Bill unanimously.

SHRI N. K. PREMACHANDRAN: I rise to oppose both the Ordinance and the Bill. If the Government is so pertinent and significant in promulgating an Ordinance and to make a legislation so as to protect the Muslim women in the country, then, mob lynching is also there in the country. Why is the Government not ready to initiate a legislation on mob lynching? This is with a clear political motive to target a particular community in the country. There is no doubt about it. Article 23 can be invoked only under extraordinary and compelling circumstances. But no such circumstances are prevailing in the country so as to promulgate this Ordinance. Consecutive promulgation of Ordinance is a fraud on the Constitution. So, this is a misuse of Constitutional provisions under article 123. The contents of the Ordinance and the Bill are against the interests of the Muslim men and women. The Supreme Court Judgement of 22nd August, 2017 says that an instantaneous

and irrevocable divorce given by a Muslim husband on his wife is null and void. Then, what is the need for a new law on Triple Talaq, when the hon. Supreme Court's verdict is the law of the land? Imposing the punishment of imprisonment for three years for divorce is not applicable to any other community. Why are you not imposing imprisonment for divorce in the Hindu or Christian community? The Bill is not intended to protect the rights of Muslim women but to harass the Muslim husband.

SHRI P. K. KUNHALIKUTTY: According to the hon. Minister this maybe a very genuine case and it is very beneficial to the Muslim community. But why is he not having even one consultation? If it is so beneficial for them, why is it not at all convincing to the major minority community of this country? As per the last Census, the percentage of divorce among Muslim communities is very minimal. No statistics establish your argument. So, what is the reason for you to bring this Bill? It is nothing but your political agenda. Since, you are having a convincing majority and the election is over, political agenda can be set aside. At least, the Government should have a reconsideration about that and withdraw the Bill.

SHRIMATI MEENAKASHI LEKHI: The thinking that religious law is immutable is wrong. People who think that religion will control every aspect of social life are wrong in their thinking and this is what needs to be corrected. When the Hindu Code Bill, which was a difficulty, was brought Ambedkarji had to resign

from the Congress. The Constitutional legislation is not for a particular community, it is for the people of India. This law is for all the citizens of India. A number of problems were faced and many controversies were created in enactment of that law. Despite all this, that law was enacted, the fruits of which we are enjoying today. Changes were brought in the society and women got their rights. There is only one religion of the country and that is the Constitution of India. Your religious rights are confined within your home only. Outside the home, the Constitution of India prevails. No area can be away from constitutional protection. Somebody was talking about Sharia courts that in Uttar Pradesh such courts exist and must continue to exist. How could a parallel judiciary exist in the country when judicial role is assigned to the Judiciary under the Constitution of India.

The Hindus were singled out, partly because they were the largest community, and also because there were vigorous reform movements among them. Mahatma Gandhi, in particular, had challenged the discriminations of caste and gender by seeking the abolition of untouchability and bringing women into public life. He has been instrumental in bringing changes in the society and the country. These laws have given us the right to be equal and these are the laws which can give right to those who have once been left out. Who were left out? The Muslim women were left out of the process of changes which happened in the Hindu society. To bring the changes, somebody has to initiate. Somebody has to show that political courage, which this Government has chosen to showcase. All of us need to

understand this aspect that women of this country are the biggest minority in this country. It is, therefore, incumbent upon us to secure justice for them. There are a number of persons in our country who want to mislead the society in the name of religion. We need not be swayed away by their rhetoric that such law will put Islam into jeopardy. If a number of laws have undergone changes, how can the same not be applied to the Islamic law in the same country? It is not the agenda of the BJP, it is the agenda of this nation.

DR. MOHAMMAD JAWED: I rise to oppose the introduction of this Bill. The instant Triple Talaq has already been declared unconstitutional by the Supreme Court and is therefore non est. As per this Bill, a Muslim man can be jailed for upto three years along with a fine. This provision has the potential to destroy a marriage because of a false complaint by a scheming relative. Besides, this Bill is in violation of Article 14 of the Constitution as it discriminates Muslim women and women of other religions. The Ordinance also provides for maintenance of the wife. But, if the husband is in jail, how will he be able to provide subsistence allowance? Even the Supreme Court, in the Triple Talaq Judgment, nowhere said that Triple Talaq should be a criminally punishable offence. This Bill is laid with a political intention to harass the Muslim community and to portray Islam, the religion of peace and equality, in bad light. If the present Government is serious and sincere towards Muslim women empowerment then it should come forward to address the issues of their

employment, education and technical skills and above all how will they be given representation in local bodies, State Assemblies and Parliament. Therefore, I oppose this Bill and request the Government to send this Bill to the Standing Committee for review and make laws for separated women of all communities, not just Muslims.

SHRIMATI KANIMOZHI: I rise to express my deep reservations, complete opposition and total disappointment with regard to the Muslim Women (Protection of Rights on Marriage) Bill, 2019. I begin by questioning as to why this Government is in such a hurry to bring this Bill. We are passing Bills here without enough representation of women. So, please pass the 33 per cent Women's Reservation Bill before the Government talks about women's rights. Have we even thought of bringing a Bill to end honour killings which happen in the name of caste and religion? Have we brought a law to punish people who indulge in mob lynching and mob violence in the name of religion? This is the need of the hour and there is an urgency to bring Bills to check such incidents. This law is short-sighted, discriminatory and divisive. When the Supreme Court in the Shayara Bano Vs. Union of India case has outlawed the *triple talaq*, *talaq-e-biddat*, then what is the need for this Government to bring this legislation? There are blatant deficiencies in this Bill. One is the penal provision in the present Bill under Section 4, which provides for an imprisonment of up to three years and a fine. What is more interesting is this. Section 79(c) of the Bill prescribes preconditions

for the bill, which are not in accordance with the legal principles of this country. I would also like to ask the Government that why it is only concerned about Muslim women in this country? Why it is not concerned about Hindu women or Christian women? Rather, I would say that our domestic violence laws are stronger than your Bill and they protect the Muslim women also. Let me know talk about rights of women, about their marital relationship. So, I would like to know about their stand on rape laws within a marriage? The statistics prove that there are more Hindu women abandoned in this country as against Muslim women. This Government is doing nothing for them. So, this Bill is brought entirely to target one community, one religion and we will not allow the minorities of this country to feel insecure.

SHRI SUDIP BANDYOPADHYAY: First of all, we want to say that we are totally in favour of empowerment of women in this country and all sections of women should be kept protected. There cannot be any dispute about the need to protect not only married Muslim women but unmarried Muslim women also. They need to be protected by triple talaq. According to us, divorce by triple talaq is a threat to social security and well-being of a society as a whole. We have some strong points against this Bill. Under this Bill, there is a provision for three years of imprisonment to husband. A man who is imprisoned cannot look after his family. So, the question of giving maintenance by the husband will be moot if the person is in jail. So, if this provision of imprisonment persists, then the said Bill

would lead to injustice and make a woman's life deteriorate further. We, therefore, propose that this Bill should be referred to a Joint Select Committee. We want to see that women problems are sorted out, whichever community they may belong to. The whole nation will feel satisfied that a disputed question pertaining to this Bill after long time has been sorted out very nicely. I hope this will be done and it will be accepted with unanimity.

SHRI P.V. MIDHUN REDDY: We are for the empowerment of women in each and every possible way. I would like to start up by saying that we strongly oppose this Bill in the present form. In August, 2017, the Supreme Court has clearly declared the pronouncing of Triple Talaq as unconstitutional. But there is no point in criminalising this offence and it does not carry out value and that too with a three years jail term is totally uncalled for. The procedure for the break-up of the marriage should also be civil in nature. It should not be criminalised. No country in the world penalises for the plain divorce. I think the Government should reconsider this. The Bill is discriminating in the sense that only Muslim men are penalised whereas the men of other religions are not penalised or no action is taken against them. So, I think the Government has to look into this. The law should be equal for all. We have existing laws which are there for all religions and no law should be based on a particular religion. There is also no clear mention of the economic, social and legal support for divorced women which they get when the husbands are in jail. We would like to know what support was given to those

families of men who are being jailed. If you see, various serious crimes are having much lesser jail terms. To sum it up, I want to tell the people of our State that we are understanding their concerns and they should not feel insecure and our Party is there with the minorities of the State.

THE MINISTER OF MINORITY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI) : Today, this Government is enacting this law to give effect to the verdict pertaining to the rights of Muslim women given by the hon. Supreme Court. This is not for the first time that we are making any law to bring reforms. Our country has been witness to such several moments when social evils and customs like that of Sati Pratha, child marriages have been abolished. It is the constitutional, cultural and democratic will power of the people of this country which has helped us to get rid of these social evils. Triple talaq is also one such social evil. Now, people are giving illogical arguments in support of this social evil as to who will take care of the divorced woman in the event of her husband's imprisonment. In this regard, I would like to submit that one should refrain from committing such offences which provide for imprisonment. So, issues associated with social reforms cannot be resolved on the basis of these illogical arguments. Today, we are bringing this Bill to confer social and constitutional rights to Muslim women. I would also like to say that our country is guided by the principles enshrined in the Constitution and not by any religion. In our Constitution, great emphasis has been given on gender equality and we cannot

afford to ignore it. Today, all the sections of the society, including the Muslims community, are standing with us on this reform. There are several countries which have banned it. Sudan put a ban on it in the year 1929. In the year 1956, our neighbouring country Pakistan banned it and Bangladesh has also stopped it. But, it took 70 years for us to end this abuse and social evil and when our Government intends to end it after 70 years, the Members of Opposition are raising questions. This has no relation with any religion or Islam. In the light of suggestions made by Members of the Opposition, a provision has been provided to make it bailable, a mechanism has been laid down for compromise and thirdly it has been made mandatory that only a blood related person can lodge the FIR. This Bill is our Constitutional commitment. This Bill is primarily meant to empower the Muslim women. I would, therefore, appeal to all hon. Members to support this Bill and also to pass this Bill.

SHRI VINAYAK BHAURAO RAUT: History is being created today which would figure in golden letters in the annals of our Parliament. Hon. Supreme Court has directed the Parliament in this matter twice in the past. Firstly, in Shah Bano case and now in Shayara Bano case. This is the difference of two Governments. This Government is competent enough to enact a law against the triple talaq to give freedom to our sisters in the country after 72 years of Independence. A sincere effort is being made to give justice to all Muslim sisters with a sense of duty, equity and equality. Therefore, the Government deserves our

kudos. Such a longstanding social evil needs to be removed through enactment of law and not through society. This was mandated by hon. Supreme Court and this must be the duty of the politicians.

SHRI RAJIV RANJAN SINGH ' LALAN': Our party, the Janta Dal United, does not support this Bill because we feel that this will cause mistrust in a section of a society. Husband-wife relationship is a mutual one. You cannot define a relationship between husband and wife by enacting a law. Let that community decide it and the Government should try its level best to create awareness among them. The Section 4 of this Bill is not in the larger interest of the people. I would, therefore, like to say that the JD(U) does not support it.

SHRI ANUBHAV MOHANTY: The Government has decided to support the Supreme Court Judgment through this Bill and this is an admirable cause. The hon. Law Minister has pointed out that more than 200 cases have come even after the Supreme Court's Judgment which is really alarming. It seeks to deter Muslim husbands from whimsically divorcing their wives. If passed, the Bill shall provide equality to women that the Constitution of India mandates and the hon. Supreme Court recommends. Marriage is a civil contract. We feel that divorce-related offences under it should not be criminalized unless they can be linked to domestic violence. The Act of triple Talaq will result in imprisonment upto three years for the husband, there is no clear provision as to how the incarcerated person will provide maintenance to the wife. The Bill should include a provision giving

women the option to ratify a marriage annulment and claim the maintenance under this Bill. Society today is moving towards decriminalizing certain things and improving inter-personal relationships. Section 377 has been decriminalized. So, let us think beyond party lines and political agendas.

KUNWAR DANISH ALI: I would like to say here that our party is the front runner in empowering the women. Hon. Minister told that this Bill has been brought in the light of a decision given by the Supreme Court. Hon. Supreme Court has already rejected the *triple talaq, talaq-e-biddat*. Now, nobody can exercise triple talaq in the country. There is a survey which says that the instances of triple talaq constitute even less than half percent. It is a matter of debate as to how many cases of *talaq-e-biddat* are there in the total number of cases of divorce. It is the stand of our party that the Government should not change a civil offence into a criminal offence.

SHRIMATI KIRRON KHER: Muslim women have so far had no say in the *talaq-e-biddat* practice of divorce in Muslim personal law. This Bill seeks to change that, and I extend full credit to this Government for taking heed of the issue. All the Muslim countries have imposed ban on the practice of instant triple Talaq. The Bharatiya Muslim Mahila Andolan conducted a national survey in 2015 and found that 92.1 per cent of Muslim women backed a total ban on oral or unilateral divorce. It is now time for India to take this step. I also support the Government's effort to criminalize a void verbal statement because it sends a

message that a wife is not a disposable commodity. We have to realize that this practice is an easy bail out for all other evils too, such as dowry, domestic violence or even infidelity. This Bill is about women's rights. Do not make it about religion. I would exhort the Minister to launch nationwide campaign and spread awareness about the practice of triple Talaq being null and void now for the uneducated Muslim women.

SHRI GAURAV GOGOI: The Supreme Court had pronounced the *talaq-e-biddat* as unconstitutional. A number of other judgments delivered by the various courts of our country are also there which have pronounced this practice as unconstitutional. But, there is not a single judgment where it has been said that the Government should make the *talaq-e-biddat* a criminal offence. It clearly demonstrates that the purpose of this Government is to demonize and penalize the Muslim men. The Government should have provided protection to the Muslim women by bringing them under the ambit of the Domestic Violence Act, 2005. We, therefore, demand that the Government should bring this Bill in a constitutionally appropriate manner.

SHRI SUNIL DATTATRAY TATKARE: The instant triple Talaq is not allowed in Islam. But the criminalization of Triple Tatalq is inappropriate. Since marriage under Islamic law is a civil contract, the Bill must follow the civil procedure. Moreover, the legislation should have included the offence under the ambit of the Domestic Violence Act. In this manner, women would receive many

more benefits which are not available under the current provisions. If the man of the house goes to jail, who will take the responsibility of his family. We, therefore, oppose the provision of punishment in this Bill.

SHRI ASADUDDIN OWAISI: I oppose this Bill. This Bill proposes to criminalize triple talaq. If a Muslim pronounces talaq three times at one and the same time, it is against women and a case will be instituted against him. Suppose he doesn't confess before the police and says that he said this just once, as per the practice prevailing in Islam that talaq occurs in three months. By making such provision the Government is equipping the male with an elbow room to harass women. That is why I am of the opinion that this law is against women. Secondly, if the husband is incarcerated, I wonder whether any husband would be able to pay subsistence allowance. This Bill has been brought in to disassociate the Muslims from their religion and sacrosanct practices.

SHRIMATI POONAM MAHAJAN: Marriage is a sacred institution. By entering into matrimonial alliance with a person, one is supposed to be with each other through thick and thin. The religion has to move forward in consonance with the changing paradigm of society. Social reforms have to be espoused to keep progressing. Prevention is always better than cure. In a way, the provisions contained in the Bill are of preventive nature. So, we must support it. This Bill has been brought for the sake of upholding the esteem of women and gender equality. It is not that the incidents of triple talaq are witnessed only among the

illiterate gentry. The fact remains that well educated women are also subjected to this evil practice. I am of the opinion that progress of women is a must for the progress of the nation. So, a law for equality is imperative.

ADV. A. M. ARIFF: I vehemently oppose the Bill. The Bill is discriminatory in nature. All the other religious marriage Acts deal with the cases under the Code of Civil Procedure but the triple talaq is being made a criminal offence. The plight of Muslim women is attributed more to their educational and social backwardness than triple talaq. The verdict of the hon. Supreme Court has rendered triple talaq null and void. So, there is no need to make a legislation on this count.

SHRI JAYADEV GALLA: In Shayara Bano versus the Union of India case the Supreme Court set aside the practice of Talaq-e-Biddat. Talaq-e-Biddat or instantaneous talaq being followed by some misogynistic Muslim men is not in consonance with the Quran. Many Islamic countries have either banned triple talaq or regulated it. According to the Bill, if a husband leaves his wife pronouncing triple talaq, he is punished with imprisonment for a term which may be extended to three years and a fine. I would like to ask the Government what if a Muslim man does not say triple talaq and abandons his wife? This aspect must seize the attention of the Government. Rules and laws should apply equally to everyone in this country irrespective of caste or religion one belongs to. The Government has made triple talaq a cognizable and non-bailable offence, subject to

scrutiny by Magistrate. On the one hand, the husband is expected to provide financial assistance to wife and children and, on the other hand, he is being forwarded to jail. This Bill seems to be discriminatory. Therefore, I oppose this Bill and urge the Government to withdraw it.

SHRIMATI APARAJITA SARANGI: I think all of us need to commend the efforts of the Government and the hon. Prime Minister for having shown the courage of come up with this kind of Bill. This has been debated upon and the suggestions that have been worthwhile have been incorporated. This Bill is a logical culmination of the verdict given by the hon. Supreme Court in Shayara Bano case on 22nd August, 2017. It very clearly held that *talak-e-biddat* violated constitutional morality. It is definitely a non-bailable offence, but there is conditional bail. Of course, there is the issue of allowance also. The *Shah Bano* case would not have happened had this Act there at that point of time. Of course, there is the issue of custody of children also. It is a great thing that the custody issue has also brought in here. In this Parliament, there have been legislation against dowry and sati, then what is the problem about this particular thing that we are talking about. I would just like to make a remark. When men are oppressed, it is a tragedy. But when women are oppressed, it is a tradition. This is not acceptable.

SHRI E. T. MOHAMMED BASHEER: I oppose this Bill. This Bill is unconstitutional. Many stories have been told here about Triple Talaq. Such

fabricates stories will not have life. I would like say that this is a clear violation of Article 25 of the Constitution which guarantees the freedom of faith. Divorces are taking place in different community. They are not arguing for criminal prosecution of the husbands in such other cases. Incident of mob lynching have increased four to five folds. Even the hon. Supreme Court has directed the Government to make an enactment to stop mob lynching and such other cases. The Government has not made any legislation. They are maintaining double standard. Their intention is to blackmail a particular community. I would like to tell you that the Government has an intention to keep the Muslims in fear complex. We will fight and defeat such kind of actions.

SHRI P. RAVEENDRANATH KUMAR: I would like to remind you that in Vedic period, women in our country were treated with good respect and honour. Women's status in the society had been deteriorated in the Middle Ages because of various bad practices against women in the society. I would say that this Bill in the commitment of this Government to give a equal power to the women in our society and give them opportunity to reach the highest position in social arena. This is not a matter of majority of minority. It is a matter of humanity.

***SHRI M SELVARAJ:** The Constitution of India provides equal rights and equality for the people of all religions. This Bill is aimed to target and to make a negative impact on the Muslim minorities. I support the cause that the women

* Original in Tamil

should be given equal status. The marriage laws should be common. The Government is not worried about other Marriage laws. The Government is not concerned about bringing a legislation to prevent honour killings. I want to stress that a special law should be legislated to check this menace. The national leaders instilled confidence among the minorities ensuring that their lives will be protected. In order to instill such a confidence in their minds, laws like these should not be implemented. I oppose this Bill.

SHRI HASNAIN MASOODI: This Bill offends the fundamental principles and ethos of the Constitution. The Supreme Court has already held triple talaq void and illegal and there is no need to have a separate law. The proposed Bill suffers from contradictions within and cannot achieve the intended objectives. None of us are in favour of triple talaq but the objection is that the pronouncement should not be made an offence. The Government should delete Section 4 from the proposed Bill. Besides, the burden is on the Muslim woman to prove that talaq has been pronounced which would be very difficult for her. Even if she proves, how will she ask for maintenance when the husband is in jail? Hence, this Bill is not going to serve any purpose and will not do any justice to Muslim Women.

***SHRI THOL THIRUMAAVALAVAN:** This Bill is unilateral, brought with an intention and against the Constitution of India. Freedom to every religion is envisaged in the Constitution of India, but this Bill is interfering in that religious

* Original in Tamil

freedom. This Bill is creating a situation by interfering into the personal law. I think that the intent of this law is to bring the Common Civil Code. I want to ask whether this Government will come forward to protect the Hindu women of this country? This law will destroy the Muslim families besides affecting their unity. I urge the hon. Minister to withdraw this Bill.

SHRI ABDUL KHALEQUE: Islam does not encourage triple talaq. I have a strong objection to Section 4 of this Bill. This Bill targets and penalizes only Muslim men on the issue of divorce. We oppose it. The Government should introduce and pass the Women Reservation Bill if it really wants to empower women. At present there is no Muslim member in this House. At least 2-4 Muslim women will definitely join this House as members after passing of this Bill. Triple Talaq Bill should be sent to the Select Committee as it makes the pronouncement punishable offence.

SHRIMATI LOCKET CHATTERJEE: This is a historic moment for all of us because this Bill will give Muslim women equality and a dignified life, which is their well-deserved right. There are various laws as Section 3 of the Dowry Prohibition Act, 1961, Section 498A of IPC and Section 17 of the Hindu Marriage Act, 1956 which prescribe imprisonment of the Hindu men. You are crying for the provision of imprisonment of the Muslim Men. It is a matter of oppression, exploitation and injustice. It is a tool to deprive the crores of Muslim sisters of their right to equality. The Muslim women need liberation not only from Triple

Talaq, but from crimes like polygamy and Halala also. The countries like Turkey, Pakistan, Bangladesh, Syria, Iraq, Sudan and Libia have freed their women from Triple Talaq. It is easy for anybody to just give up this issue, as has been done in the past. Now, the Government led by Shri Narendra Modiji is committed to discharge its duty. Five Muslim women including Ishrat Jahan are fighting against the issue of Triple Talaq. Ishrat Jahan is from West Bengal. The Muslim men are insulting Ishrat Jahan in West Bengal despite it is being ruled by a woman Chief Minister.

SUSHRI S. JOTHIMANI: The heart of the hon. Minister bleeds for our Muslim sisters against this injustice. I wish the same heart bled for our non-Muslim sisters, especially Hindus. I would like to know from the hon. Minister as to why he is differentiating between Muslim women and non-Muslim women. Why does the Government think non-Muslim women, especially Hindu women, are not going through any kind of marital dispute? This Government is brining this Bill only to suit its political agenda which intends to divide people on religious lines. Now, this Government is applying the same policy - divide and rule- policy amongst women as well. We, all the women, irrespective of religion, have been going through the oppression, subjugation, discrimination and sexual harassment which are both rape and marital rape. A law on marital rape has to be passed by this Parliament. I hope the hon. Minister will take initiative for that as well. I strongly believe that we have miles to go to fight for our justice together. We will

not get divided by the divisive agenda of this Bill or the ideology of the Government.

THE MINISTER OF LAW AND JUSTICE; MINISTER OF COMMUNICATIONS AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

replying said: There has been five and a half hour long very impressive discussion on this important subject in this House. I would like to thank all the hon. Members who participated in this discussion. Certain points have been raised repeatedly. It has been asked as to why this bill has been brought exclusively in the case of Muslims. This point has been raised by almost every hon. Member. It is only because since the practice of Triple Talaq is prevalent only in this community and in no other community. Had this practice been in some other communities, we would have taken action for them also. A number of changes were made in Hindu law after discussion in 1955. This very House passed it. These laws were passed by your government in 1955, for which I compliment you. If you have this type of history, why you started dithering in the Shah Bano case in 1986, when the Congress had a majority of 400 Members. Triple Talaq has been controlled in more than 20 Islamic countries. There should be legal provisions to lodge FIR and take legal action in this matter. Provision has been made that FIR can only be filed by victim women or their blood relatives or in-laws. Provision for compromise has also been made in the Bill. I would like to submit it very humbly that neither

Talaq-e-Hasan nor Talaq-e-Ahsan has been made criminal, only Talaq-e-Biddat has been made criminal. It has been done because Supreme Court has said that it is wrong and I would like to submit it that earlier Prophet Sahib had also said that it is wrong. We have repeatedly argued that it is not a matter of religion, worship, faith, belief, prayer or vote; instead, it is a matter of the honour and dignity of women and justice for women. It is being said that if Triple Talaq is made criminal, how would the maintenance amount be paid by the husband? Indian Penal Code applies to Hindus, it applies to all the citizens. If a Muslim husband is put in jail in dowry case, then this question is not raised how would he take care of his wife? The penal law is also a deterrent. Deterrent laws are required to check such practice. Matter of stake-holder was raised repeatedly. Who is the stakeholder? Are the women of this country not stake-holders? Are the Muslim women not stake-holders. The women of this country, the Muslim women have a lot of expectations from this House. I would like to say it again that it should not be politicised, because it is a matter of justice and humanity and I would like to appeal to the House to pass this Bill keeping in view this point.

The Resolution was negatived.

The Bill was passed.

EXTENSION OF SITTINGS OF LOK SABHA

THE MINISTER OF PARLIAMENTARY AFFAIRS; MINISTER OF COAL AND MINISTER OF MINES (SHRI PRALHAD JOSHI) Since the Government has more than 17 bills to be considered by this House, I request the House, through you, that the first session of 17th Lok Sabha may be extended up to the 7th August, 2019.

Thereafter, the Speaker made the following announcement:-

HON. SPEAKER: The first session of the 17th Lok Sabha is extended up to 7th August, 2019.

SNEHLATA SHRIVASTAVA
Secretary General

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

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