

Sixteenth Lok Sabha

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Title: Introduction of Muslim Women (Protection of Rights on Marriage) Bill, 2018.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): Madam Speaker, I beg to move for leave to introduce a 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.

HON. SPEAKER: Motion moved:

“That leave be granted to introduce a 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.”

... (*Interruptions*)

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): I wish to oppose the introduction of the Bill. ... (*Interruptions*). Madam Speaker, I wish to oppose the introduction of The Muslim Women (Protection of Rights on Marriage) Bill on four grounds. ... (*Interruptions*). The Bill conflates civil law with criminal law by criminalizing a wrong form of divorce and by criminalizing an act which is already legally null and void, post the decision of the Supreme Court of India in *Shayara Bano Vs. Union of India* 2017. ... (*Interruptions*).

Second, the Bill is an attempt in creating a class-specific legislation on the grounds of religion. Instead of focusing on the larger issue of mistreatment and desertion of wives and

dependents, which affects all communities, the Bill is couched in terms of a specific religion and therefore is in violation of Article 14 and Article 15 of the Constitution. ... (*Interruptions*)

Third, the Bill has no procedural safeguards to prevent its misuse. It is, therefore, manifestly arbitrary and in violation of Article 14 and Article 21 of the Constitution. ... (*Interruptions*).

Finally, the Parliament of India does not have the legislative competence to enact any law which is inconsistent with part III of the Constitution, in light of Article 13 (2) of the Constitution. ... (*Interruptions*).

So, I do believe that this Bill is a misconceived Bill. It should not be brought to the House. I do not believe, the Parliament has the competence to enact such a Bill; and so, I request you, Madam Speaker, to deny permission to introduce this Bill.

श्री रवि शंकर प्रसाद : अध्यक्ष महोदया, आपको मालूम है कि तीन तलाक बिल महिलाओं के प्रोटेक्शन के लिए लाया गया है। सुप्रीम कोर्ट ने निर्णय दिया है कि यह गलत है, गैर-कानूनी है और असंवैधानिक है। इसके बावजूद भी देश में धड़ल्ले से तीन तलाक दिया जा रहा था। हमारी मुस्लिम ख्वातीन परेशान थीं। एक बार में तलाक-तलाक-तलाक बोलकर शादी को तोड़ दिया जाया करता था। व्हाट्स-अप से तलाक, रोटी पकी नहीं मिली तो तलाक, इसलिए इस पर सोच-विचार करके कानून लाया गया है। इसमें पीनल प्रोविजन है और इसमें हमने सुधार भी किया है। यह देश के हित में है, संवैधानिक है और जो हमारी मुस्लिम समाज की पीड़ित महिलाएं हैं, उनकी चिंता करने के लिए यह बिल लाया गया है। इसलिए जो कुछ भी आपत्ति है, वह आपत्ति बिल्कुल बे-बुनियाद है। अतः मैं आपसे आग्रह करूँगा कि मुझे इस बिल को पेश करने की अनुमति प्रदान करें।

HON. SPEAKER: The question is:

"That leave be granted to introduce a 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."

The motion was adopted.

... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD: Madam, I introduce the Bill.

... (*Interruptions*)