

[Mr. Speaker]

So, both the views, the view of Shri Ranga and also that of Shri S. M. Banerjee will be conveyed to them; they are welcome to come there and convey their views personally to the Rules Committee. Anybody who is concerned with it may come and present his views.

SHRI MADHU LIMAYE : Very good.

SHRI S. M. BANERJEE : We thank you for this.

MR. SPEAKER : The meeting will be held before the 18th instant anyway.

— — —

12.37 hrs.

**CORRECTION OF ANSWER TO
S. Q. NO. 1413 RE : REFORM
IN MUSLIM PERSONAL
LAW**

SHRI KANWAR LAL GUPTA (Delhi Sadar) : Will you permit me to raise my point of order now ?

MR. SPEAKER : Yes, what is his point of order ? The statement has not yet come.

श्री मु० अ० खां (कासगंज) : अध्यक्ष महोदय, स्टेटमेंट से पहले प्वाइंट आफ़ ऑर्डर कैसे उठा सकते हैं ? स्टेटमेंट अभी आया नहीं ।

श्री कंवर लाल गुप्त : आप को मालूम नहीं है, कि स्टेटमेंट नियमों के मुताबिक़ आधा घण्टा पहले सर्कुलेट होता है ।

अध्यक्ष महोदय, जो स्टेटमेंट अभी ला मिनिस्टर साहब देने वाले हैं.....

MR. SPEAKER : It may be circulated, but it is not considered as made unless it is actually made in the House.

श्री कंवर लाल गुप्त : तो आप उन को पहले स्टेटमेंट दे डेने दीजिए, फिर मुझे इजाजत दीजिएगा ।

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA

MENON) : Mr. Speaker, Sir, While answering supplementaries to Starred Question No. 1413 on 5th May, 1970, Shri Kanwar Lal Gupta made a suggestion to constitute a Commission on behalf of the Government to consider reforms in the Muslim Personal Law with Shri M. Hidayatullah, Chief Justice of India, as Chairman. I made the remark in reply that the Hon'ble Member has made a good suggestion. The words "I will accept it" appearing thereafter in the proceedings of the day should read "I will examine it." This is further clarified by Shri Kanwar Lal Gupta when he subsequently stated : "I am glad that at least he has agreed to examine my suggestion."

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, अभी मंत्री महोदय ने जो बयान दिया है वह स्पीकर की डायरेक्शन नं० 16 है उसके अन्तर्गत दिया है । वह मैं पढ़ रहा हूँ :

"When a Minister wishes to correct any inaccuracy in the information which he has given in answer to a starred/short notice question or a supplementary question or in debate, the following procedure shall be followed, namely :—

अब एक तो इन्होंने कोई भी इन्फार्मेशन नहीं दी । ... (व्यवधान)... मुझे बोलने दीजिए दो मिनट । मेरा कहना यह है कि मैंने एक सजेसन दिया । मंत्री महोदय कहते हैं कि मैंने उस को कंसिडर करने के लिए कहा । मैंने यह नहीं कहा कि आई बिल ऐक्सेप्ट इट । तो 16 की जो डायरेक्शन है, उसके तहत यह नहीं आता है । इसके तहत वही चीज आती है, जिसमें मिनिस्टर साहब कोई इन्फार्मेशन दें और बाद में उस इन्फार्मेशन को ठीक करने की कोशिश करें । उन्होंने उस वक्त मेरी सजेसन को एक्सेप्ट किया था, कोई इन्फार्मेशन नहीं दी थी । इसलिए मेरा पहला एतराज यह है कि यह डायरेक्शन 16 के तहत नहीं आता है ।

दूसरा एतराज यह है कि अब ये कहते हैं—माइ बिल एक्जामिन इट—यह बात फैक्टु-

बली गलत है। उस वक्त इन्होंने कहा था—
आइ बिल एक्सेप्ट इट। उसके बाद मैंने कहा
था—आइ बांट टु कान्फ्रेचुलेट दी मिनिस्टर।
अध्यक्ष महोदय, ये दोनों बातें प्रोसीडिंज में
हैं। आप रिकार्ड देख लीजिए और चाहें तो
टेप-रिकार्ड में सुन लीजिए। अब ये प्रेशर के
कारण उस बात से बैंक-आउट करना चाहते हैं।

अध्यक्ष महोदय, अगर सरकार यह महसूस
करती है कि उनसे गलती हो गई है और वह
कुछ मुल्ला या मौलवियों के प्रेशर के कारण
बैंक-आउट करना चाहते हैं, इस अच्छे और
प्रोग्रेसिव स्टेप को नहीं लेना चाहते हैं तो यहां
आकर साफ साफ कहें कि हम से गलती हो गई
है, हम अपने स्टेटमेंट को बदलना चाहते हैं,
लेकिन करैक्शन के नाम से जो फंडुअल चीज
है, उसको बदलना, इस सदन की परम्परा के
खिलाफ है। मैं आप से प्रार्थना करूंगा कि आप
टेप-रिकार्ड देख लीजिये, रिपोर्ट देख लीजिए,
अगर दोनों में यह बात न हो तो मैं आप की
बात मान लूंगा। लेकिन इस तरह से मंत्री
महोदय अपनी बात से पीछे हटना चाहते हैं,
यह ठीक नहीं है। मैंने इनको कॉन्फ्रेचुलेट भी
किया था, लेकिन अब ये अपनी बात से बैंक-
आउट करने के लिए बैंक-डोर से रास्ता निकाल
रहे हैं। मैंने दो एतराज किए हैं—डाइरेक्शन 16
के तहत यह नहीं आता है और जो इन्होंने कहा
है, वह फंडुअली गलत है।

MR. SPEAKER : He has denied it.

श्री कंबर लाल गुप्त : अध्यक्ष महोदय,
इन्होंने अपने स्टेटमेंट में कहा है—“The hon.
member has made a good suggestion. I will
accept it.” ऐसा इन्होंने उस वक्त नहीं कहा
था। यह बात गलत है, आप टेप और रिकार्ड में
लीजिये।

श्री मु० अ० साँ : अध्यक्ष महोदय, मैंने भी
उस वक्त इस सवाल पर सप्लीमेन्ट्री किया
था.....

MR. SPEAKER : No debate will follow
on this.

श्री मु० अ० साँ : अध्यक्ष महोदय, मैंने उस
वक्त अपने सवाल में पूछा था—क्या ला मिनि-
स्टर साहब बतायेंगे कि वे मुसलमानों के परस-
नल-ला के मामले में जो कि उनके रिलीजम का
एक हिस्सा है, कोई इन्टर-फीरेंस करने की
कोशिश करेंगे ? ला मिनिस्टर साहब ने इसके
बारे में उस वक्त एंशोरेंस दी थी, आप चाहें तो
इसको भी रिकार्ड में देख सकते हैं.....
(अवधान).....हम कोई इन्टरफीरेंस नहीं
करेंगे—ऐसा उन्होंने कहा था। आप यह
रिकार्ड में देख लीजिये।

श्री बलराज मधोक (दक्षिण दिल्ली) : ये
प्रतिक्रियावादी बातें क्यों करते हैं। जो अच्छी
बात है उससे पीछे क्यों भागते हैं ?

SHRI EBRAHIM SULAIMAN SAIT
(Kozhikode) : I was not present here the
other day when this matter was discussed.
I would like to make it very clear to
Government that Government have no right
to interfere in the Muslim personal law
based on the Quran and Hadith as it is part
of their religion. We take strong objection
to any such move as interference with our
religion.

SHRI BALRAJ MADHOK : On a
point of order. This is a sovereign Parli-
ament elected by the entire people of this
country. It has the sovereign right to make
any law for the country. He speaks about
'Muslim personal law'. There is no
personal marriage law. It is civil law. This
Parliament has the right to make any law
about civil law matters. By saying that
we have no such right, he is challenging the
authority of this Parliament. We do not
accept this position.

MR. SPEAKER : This Direction is
very clear about it. This has been follow-

[MR. SPEAKER]

ed in the past also. In case a Minister makes a slip or something in a statement which he wants to correct, it has been allowed.

SHRI KANWAR LAL GUPTA : This is a factual mistake, not a slip. यह वैसिक पालिसी की बात है, आप रिकार्ड और टेप देख लीजिये।

SHRI RANGA (Srikakulam) : Let him say he has made a mistake and he would like it to be corrected or read like this.

SHRI BALRAJ MADHOK : Let him openly say so if they want to back out. Let him say, 'We said that. But we do not stand by it. We have had second thoughts as a result of pressure from Mullas and Moulvis. We would like to go back on what we said'. They have a right to go back on it, but they have no right to say that the facts are incorrect. You say that because of communal considerations, communal pressure, you are going back.

SHRI DATTATRAYA KUNTE (Kolaba) : The manner in which the Minister wants to take advantage of the rules is not correct, because if I make a statement today and tomorrow I find myself in a difficulty, I can come to the House under this particular rule to change it. That is what is prescribed under the rules. The rules prescribe only that if wrong information is given, he can correct it and give the correct information. He has made a statement, which I have also heard, he can always say that he is changing his position, but he cannot try to take advantage of this particular rule. It might be that he inadvertently made a wrong policy statement, but this is not the way to correct it.

SHRI TENNETI VISWANATHAN (Visakhapatnam) : He is giving information about the change of his mind, what is wrong?

SHRI BAL RAJ MADHOK : Let him admit that.

SHRI DATTATRAYA KUNTE : It cannot be allowed under the rules.

SHRI MORARJI DESAI (Surat) : Let him say that he has changed his mind, and

therefore he does not stick to that. That is all right.

SHRI GOVINDA MENON : My recollection is that I used the words "I will consider it", but if these are the words that fell from my lips, then it is a slip.

SHRI RABI RAY (Puri) : Were you not congratulated?

श्री कंबर लाल गुप्त : इस एगोरेंस का फायदा क्या है? अध्यक्ष महोदय, इस हाउस की कुछ परम्पराये हैं, कुछ सेविटटी है। बेरा कान्फिडेंस वापस दिजा दीजिए।

It is not a slip, it is a change. (*Interruptions*).

SHRI BAL RAJ MADHOK : They have surrendered to communalism, that is all.

MR. SPEAKER : After Morarjibhai's suggestion, he has come out with a clear expression. I think, in view of that, it is all right.

DR. SUSHILA NAYAR (Jhansi) : On a point of order.

SHRI RANJEET SINGH (Khalilabad)
rose—

MR. SPEAKER : I am considering it. Not now. It is not good to send me something when I am sitting here. There is some time limit fixed. Dr. Santosham.

DR. SUSHILA NAYAR : On a point of order.

MR. SPEAKER : I have passed on to the next item.

DR. SUSHILA NAYAR : I have been standing, wanting to raise a point of order. How can you deny me the opportunity? This is not right.

MR. SPEAKER : I cannot stand it every day. You always do it. Kindly do not do it.

DR. SUSHILA NAYAR : Mine is a very valid point of order.

MR. SPEAKER : I have already passed on to the next item.

DR. SUSHILA NAYAR : I have been standing here. You cannot deny the right of a Member to raise a point of order. How can you do that ? This is not fair. When we raise a point of order, you should hear. Mine is not an irrelevant point of order. All that I can do is to walk out in protest. It is very wrong and undemocratic. I have also been a Speaker.

DR. RAM SUBHAG SINGH (Buxar) : It is not that you do not allow anybody to raise a point of order. Sometimes you allow. Even today you allowed somebody to stand up and raise it. You should be uniform in your dealings.

SHRI C. M. KEDARIA (Mandvi) : Thus a point of order should always be ruled out, and nobody should be allowed to raise a point of order. In this way, it should not be according to the desire of the Members.

DR. RAM SUBHAG SINGH : Today you allowed Mr. Banerjee. He did not obtain your consent. If you start discriminating between Member and Member, we protest against this discrimination.

SHRI HEM BARUA (Mangaldai) : It is a point of order and you should hear the hon. Lady Member. Chivalry is part of the proceedings of this House, I suppose.

डा० सुशीला नयार : आपमेहरबा नी करके मेरा प्वाइंट आफ आर्डर सुन तो लीजिए ।

SHRI MORARJI DESAI : If a point of order is to be raised, how can it be prevented by the Speaker or anybody else ?

MR. SPEAKER : It can be raised before I passed on to the next question.

DR. RAM SUBHAG SINGH : When Mr. Banerjee raised a point of order, you allowed him even though what he said did not relate to the matter on the Order paper.

SHRI S. M. BANERJEE : I support that point of order.

SHRI CHENGALRAYA NAIDU (Chittoor) : By sitting there in that Chair, you are showing only discrimination.

MR. SPEAKER : I would have allowed her if I had not moved to the next item.

DR. SUSHILA NAYAR : I had been standing all along ; I did not have a big voice and I did not shout as some others do.

मेरा प्वाइंट आफ आर्डर यह है कि एक माननीय सदस्य ने कहा कि आप यहां पर मुस्लिम पर्सनल ला के बारे में कोई सवाल नहीं उठा सकते हैं । तो मैं आपनी रुलिंग चाहती हूँ—आप मुस्लिम ला बदलने के लिए कुछ करें या न करें, उससे कोई मतलब नहीं है—लेकिन आप जानते हैं कि और भी मुस्लिम देश हैं जैसे पाकिस्तान, टर्की इत्यादि जहाँ इस कानून से मुस्लिम बदला गया और बहुत से ऐसे कानून बन गए जो सोफास्ट मुस्लिम पर्सनल ला के विरुद्ध हैं जैसे कि मानोगोमीला तो क्या हिन्दुस्तान की पार्लमेन्ट को यह हक नहीं है कि उन चीजों के बारे में कानून बनाये जिसके बारे में पाकिस्तान, टर्की और कई और देश कानून बना चुके हैं ? आप करें या न करें, उससे मतलब नहीं है लेकिन यह हाउस कर सकता है या नहीं कर सकता है, यह मेरा सवाल है । आप रुलिंग दें ।

SHRI EBRAHIM SULAIMAN SAIT : We are not guided by what they do in Pakistan and other countries... (*Inter-ruption*).

MR. SPEAKER : I did not allow him ; he said something, in spite of that I did not allow him.

SHRI BAL RAJ MADHOK : As the speaker, the custodian of the rights of this House, we want to know what is your opinion. Can this Parliament handle this question or not ?

MR. SPEAKER : I cannot express an opinion on constitutional and legal matters ; I can express an opinion only on procedural matters.

SHRI BAL RAJ MADHOK : You must make it clear that what he said was wrong.

MR. SPEAKER : I did not allow him.

SHRI BAL RAJ MADHOK : He said what he wanted to say though you did not allow him. Therefore, it must be expunged.

AN HON. MEMBER : What is your ruling ?

MR. SPEAKER : It is not a point of order... (*Interruptions*). I am prepared to have a debate over it, whether it is a point of order or not. She had been a speaker herself, of a State Assembly. It is asking for a legal opinion on a legal question.

DR. SUSHILA NAYAR : Then what he said should also be expunged.

MR. SPEAKER : I do not want to show any disrespect to the lady Members ; but they should also show some respect to the Chair.

12.54 hrs.

UNIVERSITY GRANTS COMMISSION
(AMENDMENT) BILL ; AND
MOTION Re-REPORTS OF
UNIVERSITY GRANTS
COMMISSION—*Contd.*

DR. M. SANTOSHAM (Tiruchendur) : I made my observations yesterday in part. If I start speaking now, I may have to divide it into two parts again today because I shall have to continue after Lunch. May I therefore request you to adjourn now and assemble again at 2 O'clock.

MR. SPEAKER : If your time permits you may continue. You were on your legs yesterday and you can continue even after lunch.

श्री कंबर लाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, राइट्स के बारे में भी डिस्कशन होगा या नहीं... (व्यवधान)...

अध्यक्ष महोदय : कल होगा... (व्यवधान)
...आप लोगों को बड़ी गर्मी आ रही है, क्या किया जाये।... (व्यवधान)...

SHRI RANJEET SINGH (Khalilabad) : Sir, yesterday—

MR. SPEAKER : Let him speak now.

SHRI RANJEET SINGH : You said you would give me time.

MR. SPEAKER : No, no. I am examining it and I will try to accommodate.

SHRI RANJEET SINGH : More lives can be lost in this way ; it is a very serious matter.

MR. SPEAKER : If you treat it as a debate and if you insist, I cannot consider your request. I am asking the other hon. Member to speak on it. (*Interruptions*).

SEVERAL HON. MEMBERS : *rose*—

MR. SPEAKER : I think it requires extraordinary human powers for the Chair also to deal with such a House. Anybody gets up any time. God help this. One has to be a super-human being for occupying this Chair.

SHRI RANJEET SINGH *rose*—

MR. SPEAKER : I am not allowing you. You go on saying something while I am standing, and then again while I am sitting. What is this ? There is a procedure for it.

SHRI RANJEET SINGH : A breach of propriety has been committed by the Minister.

MR. SPEAKER : I will latter on consider it. You cannot get up abruptly.