

LOK SABHA DEBATES

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LOK SABHA

Tuesday, April 27, 1976/Vaisakha 7,
1898 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Muslim Personal Law

*542. SHRI B. S. BHAURA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have a proposal under consideration for reforming Muslim personal law; and

(b) if so, the salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): (a) No, Sir.

(b) Does not arise.

SHRI B. S. BHAURA: In view of the fact that a Supreme Court Judge has made some remarks in this regard that the time is ripe for a reform of the Muslim Personal Law, is the Minister aware of this remark of the Supreme Court Judge and if so, what is his reaction?

SHRI SHASHI BHUSHAN: What is the name of the Judge?

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SHRI B. S. BHAURA: Shri V. R. Krishna Iyer.

DR. V. A. SEYID MUHAMMAD: Which statement is the hon. Member referring to? I did not catch it.

SHRI B. S. BHAURA: This is the report:

"Mr. Krishna Iyer, Supreme Court Judge, is of the opinion that the time is now ripe for the reform of the Muslim personal law, particularly, for abolishing the polygamy and easy divorce for the male."

DR. V. A. SEYID MUHAMMAD: I am aware of it, but on the statement of a single Judge we do not change the laws

SHRI B. S. BHAURA: Even our hon. President said at Agra a few days back, while addressing the local unit of the Jamaet-e-Islami .

MR. SPEAKER: Order, please. It is better if you avoid reference to the President. It has been the practice. Please do not quote him.

SHRI DINEN BHATTACHARYYA: You do not mention the name

MR. SPEAKER: No, please. It is no use arguing about personal opinions.

SHRI B. S. BHAURA: Is the hon. Minister aware of the fact that some progressive sections of Muslims want a change whereas the other section opposes any change in the law? Also a large section of women is for this change. So, keeping in view that a large section of the progressive Muslims want a change in the law, are

you going to change the law? Moreover, family planning about which you are talking so much, how can you make it effective unless you change the law?

DR. V. A. SEYID MUHAMMAD: We are aware that some sections are for change, but, the consensus, to say, of the majority is against it.

SHRIMATI ROZA DESHPANDE: In this case, if the consensus is to be judged, then it has to be that of the women and not men because it concerns women. So, do you have any idea whether the majority of the Muslim women are not for this change in their law? I feel and I also know that thousands of Muslim women are in favour of such a change. They do not want that a Muslim man should marry four or five women. That creates a lot of problems. I think you understand it. It is better that you ask the Muslim women. Take their vote and then you will come to know whether they are in favour of this law or not. Do not simply go ahead keeping in view the consensus among Muslim men. I think you should adopt this method.

DR. V. A. SEYID MUHAMMAD: That is a suggestion for action.

SHRI PROBODH CHANDRA: May I know from the Government, if we apply radical changes about birth control in the case of non-Muslims and one section of the nation is allowed to have their say on the basis of personal law, will it not create communal sentiment?

DR. V. A. SEYID MUHAMMAD: Under certain circumstances, some kind of discrimination may be justified even under the Constitution.

SHRI D. N. TIWARY: In India there are many sets of personal laws—about marriage, etc. Can you tell me whether there are several types of laws—inheritance, family planning, marriage, etc.—anywhere in the

world? If not, why do you not follow the same principle here and adopt one law for everybody about inheritance, family planning, etc.?

DR. V. A. SEYID MUHAMMAD: It is not correct to assume that there is no difference in laws anywhere. For instance, in England among the Catholics, Protestants and Jews may have different personal laws.

SHRI D. N. TIWARY: He has not replied to the second part or the second point raised in my question.

MR. SPEAKER: What he has not replied is more eloquent.

Abolition of Teachers' Constituencies in Andhra Pradesh Legislative Council

*544. **SHRI P. NARASIMHA REDDY:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether any request has been made to Government of India by the State Government of Andhra Pradesh for taking necessary steps to abolish the teachers' constituencies and their representation in the Andhra Pradesh Legislative Council; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): (a) The Government of Andhra Pradesh had made a suggestion that teachers' constituencies in the Legislative Councils may be abolished.

(b) The Government of India are not in favour of abolition of teachers' constituencies in the Legislative Councils.

SHRI P. NARASIMHA REDDY: May I know from the Minister, what are the reasons urged by the State Government of Andhra Pradesh in support of this request?