

SHRI M.V. MYSURA REDDY: Sir, what about a Short Duration Discussion on this subject?  
...(Interruptions)...

MR. CHAIRMAN: No, I am afraid, this question is over.

#### Joint matrimonial property rights

\*124. SHRIMATI BRINDA KARAT: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether a law for joint matrimonial property rights has been formulated; and
- (b) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) No, Sir.

(b) At present, the joint matrimonial property rights are governed by respective personal laws. Provisions for settlement and disposal of joint matrimonial properties at the time of divorce have already been made in respective personal laws and in some cases, it is governed by customs and usages.

SHRIMATI BRINDA KARAT: Sir, I heard with great respect your comment to our colleague, Mysura Reddy when he said that the Minister is misleading the House, you said that you are going to strike it off the record. So, I am not going to make the same mistake of saying the Minister is misleading the House in this reply. But, certainly, Sir, I regret that the answer that he has given is certainly misleading the House. Because what he has said is. ...*(Interruptions)*...

MR. CHAIRMAN: What is your supplementary?

SHRIMATI BRINDA KARAT: Sir, I am just putting it. Sir, he has said in his answer 'joint matrimonial property rights are governed by respective personal laws'. In fact, Sir, India is one of the few countries which does not recognise joint matrimonial property rights. No personal law in India recognises the concept of joint matrimonial property rights, which is property acquired by either of the spouses or both the spouses together during the period of the subsistence of the marriage. Therefore, even 62 years after Independence, Indian women are denied this right under the community property regime. Therefore, since the very concept of joint matrimonial property does not find any place whatsoever in any personal law or in any secular law, except, Sir, in the State of Goa, where indirectly it is recognised, I want to ask the Minister whether he would kindly consider this demand which has been made by all national women's organisations for Indian women to have a right to that law.

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, I do agree that this is a very serious matter which has to be looked into. As you know very well, many of our laws, whether pre-independent enacted laws or thereafter, we find many a time they are all gender biased. There is a need to re-look all these things. But, I don't think I have misled you with the reply, but I have stated the position as on today. That does not mean that does not need to be re-examined. I can give the example of the Act No. 39 of 2005, which was passed by both the Houses, whereby the Land Reforms Act of Delhi, which says that the married girl child is not entitled whereas the brother can be entitled, brother's

children can be entitled, was amended. So, that kind of a distortion has been set-aside by the amendment Act No.39 of 2005. Just like that, I hail from a place of Aliya Santana Law of Inheritance. In this law also, no sooner the divorce takes place, no sooner the husband dies, the wife, along with her children, driven out of the husband's soil. Now, we have amended the Act. Ultimately, now it does not happen, and the property right will have to be given. But the question is that there are a number of personal laws governing it. This is a matter which has to be looked into. I think, the Government has to do it. I agree with the hon. Member that even after 62 years, we have not looked into that, and we are still governed by the pre-Independence laws which do not go with the letter and spirit of the Constitution of India.

SHRIMATI BRINDA KARAT: Sir, I am very grateful to the hon. Minister's extremely sympathetic answer. It is, of course, true that your distinguished predecessor had brought amendments to the Hindu Succession Act which makes the female also an equal coparcener, and we had all welcomed that. And, I think, even in that case, women's organisations had an important role to play.

Sir, my point is slightly different because this concept of joint matrimonial property is also linked to the unpaid work, which a woman is doing in the household, which is not recognised, there is no monetisation, and we do not want it also. In many Western countries there is a demand for household wages, we are not saying that, but what we are saying is that it is an archaic concept that only an earning member is the mainstay of that family. Without the woman's work in the family, that family cannot exist. Therefore, the concept is...

MR. CHAIRMAN: What is the question? ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: Sir, this is something of which the concept is not understood, Sir. ...*(Interruptions)*...

MR. CHAIRMAN: This is not a conceptual debate. ...*(Interruptions)*... You put your supplementary to the Question.

SHRIMATI BRINDA KARAT: Okay, Sir. I know that Mr. Minister will be sympathetic to my question. So, you talked about gender and justice reflected in different laws. I want a very specific answer on the issue of joint matrimonial property, which is not included in any law in India. Would you kindly setup a small Committee to look into the concrete recommendations, which have been made by the Status of the Women Committee Report in 1975, and by the Gujarat Government in its Gaurav Nari Niti which was passed in 2006? ...*(Interruptions)*... The Gujarat Government also made that recommendation. We have also, Sir, on behalf of women, given a very concrete report. Would you kindly give somebody in your Ministry the responsibility to go through these concrete recommendations in a time frame? Thank you, Sir.

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, the relationship between husband and wife is not 'Value' in terms of money in India. I do not think we will examine that, I do agree with the hon. Member that there is a strong case in what she says, but it is at a conceptual stage. Unfortunately,

neither the Law Commission nor the National Commission for Women ...*(Interruptions)*... I will have a re-look on that but according to our records, there is no such report from both of them. I think we need to make a reference to the Law Commission of India and also the National Commission for Women to examine this matter. I agree with the concept, this needs to be reconsidered but how we can conceptualise this thing by means of an Act, so that this kind of concept of joint matrimonial right of property is there. This has to be reconsidered.

SHRI M. VENKAIAH NAIDU: Sir, now the hon. Minister agrees that there are discrepancies and also discriminations or bias against women in many laws. Will the Government take steps now as he admitted after 62 years and all? Every one of us is sympathising with the women. What has happened to women is in everybody's knowledge. I do not want to make further comment on that. Will the Minister or his Government take steps to see that discrimination of any kind or gender bias is done away with in all the laws including personal laws? ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, I don't think we can generalise that. We need not generalise things. There are some sections of law, which I don't want to narrate because they are very sensitive, which, no doubt, are gender biased. That does not mean every law is discriminatory in nature. But as I have already given reply to the hon. Member, this is a matter, which we will definitely make a reference to the Law Commission of India and also the National Commission for Women.

**डा. प्रभा ठाकुर :** धन्यवाद, सभापति जी। माननीय सदस्या वृंदा कारत ने जो प्रश्न पूछा है, वह बहुत सामयिक है और उसकी आवश्यकता है। मुझे प्रसन्नता है कि माननीय विधि मंत्री जी का जवाब भी उसके प्रति संवेदनशीलता दिखाता है। सर, 10 जुलाई को मैंने इस सदन में मेरे एक Special Mention के माध्यम से यह बात उठायी थी कि पत्नी को पति की संपत्ति में बराबर की भागीदारी उसी प्रकार मिलनी चाहिए, जिस प्रकार की गोवा में वहां के कानून के तहत मिलती है। यह कानून होने से फायदा यह है कि वहां महिलाओं के प्रति घरेलू हिंसा, शोषण और उत्पीड़न का प्रतिशत बहुत कम है, लगभग न के बराबर है और वहां महिलाएं एक आर्थिक विश्वास के साथ जी रही हैं। इसलिए मैं माननीय मंत्री जी से यह जानना चाहूंगी कि गोवा में घरेलू महिलाओं की जो स्थिति है, उसका पूरा निरीक्षण करते हुए, उसकी जानकारी करते हुए और उसको समझते हुए क्या वह उसी व्यवस्था को देश की महिलाओं की स्थिति के संबंध में पूरे देश भर में लागू करने की कोई भावना रखते हैं, ताकि महिलाएं आर्थिक रूप से वाकई सशक्त हों और उनके उत्पीड़न में कमी आये? कहने को महिलाओं को अर्द्धांगिनी कहते हैं, दुःख-सुख की साथी कहते हैं। वे सचमुच में अर्द्धांगिनी बनें, वे दुःख की ही नहीं बल्कि सुख-संपत्ति की भी साथी बनें, इसके लिए ...*(व्यवधान)*...

**श्री सभापति :** आपने सवाल पूछ लिया।

**डा. प्रभा ठाकुर :** मैं माननीय मंत्री जी से यह जानना चाहती हूँ कि इस पर वह क्या विचार रखते हैं?

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, I think, I must have already answered this question. But, at the same time, there are States where the properties, the *khaataas* have been registered only in the wife's name. That concept is not unknown. That is a State law. Many a times, there are certain constraints and limitations for the Parliament to make law on some of these subjects which are the domain of the State Government. Anyway, we will examine this question.

SHRI M. RAMA JOIS: I want to know from the hon. Minister, since ancient times as far as rights of property to women is concerned, probably, ours is the only jurisprudence wherein the concept of sthreedhana has been recognised, i.e. exclusive property of women. Apart from that, as for a self acquired property, i.e. gains of learning where the husband acquires property out of gains of learning or wife may acquire out of gains of learning, they become their separate property. But there is no provision regarding jointly acquired properties. The question relate to joint matrimonial properties. So, there should be a classification of exclusive property of husband or wife individually acquired by their own gains of learning or profession, and, jointly acquired by husband and wife. These three types of properties are required to be classified. I want to know from the Minister whether there is any proposal to make this classification. As far as the rights of women are concerned, I can say that our ancient jurisprudence was the best. In some of the countries why is it treated as the property of the husband, which is never done in our country?

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, I think, the time has come when we have got to do away with this kind of exclusion and we need to have a holistic approach on the whole thing. Husband can always claim that this is my property, this is acquired by me, this is exclusive to me. They think that the wife does not inherit that or the wife does not contribute to that. I think, the days have come when we have to modernise our thinking, our mindset. There cannot be exclusiveness when they are in a family, when she belongs to that family. I think, this is a matter of detail. While we make a reference of all these questions to the Law Commission of India we will arrive at a holistic concept and policy. We will definitely make a reference and get the reply.

#### काले हिरणों का संरक्षण

\*125. श्री सत्यव्रत चतुर्वेदी: ††

श्री मोती लाल वोरा :

क्या पर्यावरण और वन मंत्री यह बताने की कृपा करेंगे कि:

(क) काले हिरणों के लिए देश में कुल कितने अभयारण्य हैं;

(ख) क्या राजस्थान में चुरू जिला स्थित ताल छापर अभयारण्य में 28 मई, 2009 को हुई भारी वर्षा के कारण दलदल में फँसकर 100 से भी अधिक काले हिरणों की मौत हो गई थी; और

(ग) यदि हाँ, तो क्या इस अभयारण्य में काले हिरणों की सुरक्षा के लिए कोई भावी-योजना बनाई जा रही है?

पर्यावरण और वन मंत्रालय के राज्य मंत्री (श्री जयराम रमेश): (क) से (ग) एक विवरण सदन के पटल पर रखा गया है।

#### विवरण

(क) देश में, विशेष रूप से काले हिरणों के संरक्षण के लिए एक राष्ट्रीय उद्यान और तीन अभयारण्य अधिसूचित किए गए हैं। इन संरक्षित क्षेत्रों के अलावा, काले हिरण अन्य राष्ट्रीय उद्यानों और अभयारण्यों में तथा संरक्षित क्षेत्रों के बाहर भी पाए जाते हैं।

(ख) राजस्थान राज्य सरकार से प्राप्त सूचना के अनुसार चुरू जिले के ताल छापर अभयारण्य में 28 मई से 31 मई, 2009 के बीच 75 काले हिरण भारी ओलावृष्टि के साथ तूफानी वर्षा से लगे आघात के कारण मर गए थे।

†† सभा में यह प्रश्न श्री सत्यव्रत चतुर्वेदी द्वारा पूछा गया।