

SHRI N. SANJIVA REDDY: The Chief Minister of Jammu and Kashmir represented to me that the Viscount service should be continued. I think it is being continued for the present. But if the traffic falls and there are no passengers, then, naturally we will have to take into consideration putting something else or stop it for a few days.

COMMON CIVIL CODE

*266. SHRI S. K. VAISHAMPAYAN: Will the Minister of LAW be pleased to refer to the answer given to Starred Question No. 704 in the Rajya Sabha on the 29th August, 1966, and state:

(a) whether Government have secured the views of the State Governments on the need for preparing a Common Civil Code applicable to all communities in India; and

(b) the States which have agreed to the proposal?

THE MINISTER OF STATE IN THE MINISTRY OF LAW (SHRI C. R. PATTABHI RAMAN): (a) and (b). So far, the State Governments of Assam, Mysore, Jammu and Kashmir and Nagaland and the Union Territory, Administrations of Dadra and Nagar Haveli and Goa, Daman and Diu have communicated their views. Replies from other State Governments are awaited. While the State Governments of Assam and Mysore and the Union territory Administrations of Dadra and Nagar Haveli and Goa, Daman and Diu are in favour of the proposal, the State Governments of Nagaland and Jammu and Kashmir are opposed to it.

SHRI S. K. VAISHAMPAYAN: May I know from the hon. Minister when this question was referred to the other States for their views and whether any time-limit has been fixed for sending their replies?

SHRI C. R. PATTABHI RAMAN: The House will remember the Starred Question No. 704. This relates to a common Civil Code and particularly I

in respect of polygamy among the Muslims. Starred Question No. 704 does answer that and there the Minister had stated that he was consulting not only the State Governments but also the leaders of all parties and groups in Parliament and several Members of Parliament. So, a list was actually prepared. If necessary, I will give other details but I do not think it is necessary at this stage.

SHRI S. K. VAISHAMPAYAN: May I know, Madam, why the Government is not taking early steps to see that such a Common Civil Code formulated and implemented also when there has been a firm demand from Muslim women's organisations?

SHRI G. S. PATHAK: There is opposition even from women and there is opposition from certain quarters ...

THE DEPUTY CHAIRMAN: He means women's organisations.

SHRIMATI SHYAM KUMARI KHAN: Question. There is no opposition from women.

THE DEPUTY CHAIRMAN: Let him finish, Mrs. Khan.

SHRI G. S. PATHAK: Therefore, the Government thought it best consult the various State Governments because it is a subject relating to the Concurrent List; the State Governments have also got the power to legislate. It is a convention that where a matter relates to the Concurrent List, the States are also consulted. We have also issued letters to a large number of Members of Parliament so that we may have their views also, and it is only on the receipt of their replies that we shall be able to make an assessment.

SHRI B. K. P. SINHA: Madam I am putting a limited question. We see that women's organisations object to a Common Civil Code. But in all the Muslim countries of the World excluding India, the law of monogamy operates. Even amongst Muslim societies and amongst Muslim women there has been a demand that the law

of monogamy, so far as the Muslims are concerned, should be applied to the Muslim society here. May I know, Madam, what is the attitude of the Government with regard to that? Secondly, the hon'ble Minister said that in matters in the Concurrent List the States are consulted. But they are merely consulted. It is not that then-views are decisive. The Constitution lays down that if in Concurrent matters there is a Central law and a State law, the Central law shall prevail.

SHRI G. S. PATHAK: Answering the second question first, I have never said that the Central Government will not consider the question after receiving the views from the State Governments. But the views of the State Governments have to be ascertained first as a matter of practice.

Now, in answer to the first question, through the Ministry of External Affairs we have sent communications to foreign countries in order to find out what is the exact position there with regard to the law on this point. I am not sure whether the hon'ble Member's information, as put generally by him, is quite correct.

श्री विमलकुमार मन्नालालजी चौरङ्गिया :

क्या मंत्री महोदय यह बतायेंगे कि कुछ स्टेट्स ने तो स्वीकृति दे दी है और नागालैंड और काश्मीर ने उसका विरोध किया है तो ऐसी स्थिति में यदि सारे देश में के लिए एक कानून आप अभी नहीं बना सकते हैं तो जिन स्टेट्स ने स्वीकृति दे दी है उनके लिए एक कानून बना करके और धीरे धीरे दूसरी स्टेट्स की सहमति भी प्राप्त करके उन पर उस कानून को अमलाई करने में क्या कोई कठिनाई है और यदि कठिनाई नहीं है तो क्या सरकार इस दिशा में आवश्यक कार्यवाही करेगी ?

श्री गोपालस्वरूप पाठक : सरकार की राय में यह जरूरी है कि बकाया राज्यों से भी राय आ जाय और तब उस वक्त यह सेंट्रल गवर्नमेंट तय करेगी कि सेंट्रल गवर्नमेंट

खुद कानून बनाये या कुछ राज्यों को यह राय दे कि वे अपने यहां कानून बना लें । मगर इतनी जल्दी इस मामले में नहीं हो सकती क्योंकि जब तक सब राज्यों की राय न आ जायगी तब तक कोई प्रापर असेसमेंट इस चीज का नहीं हो सकता ।

उपसभापति : कब तक राय आ जायगी ?

SHRIMATI SHYAM KUMARI KHAN: There are some laws of social legislation which have been passed by the Government of India by this Parliament and which can be applicable to those States that want to apply them. Why should the Common Civil Code not be introduced here on that basis?

SHRI G. S. PATHAK: Madam, about 85 per cent, of the population of India is governed on this question by a uniform law. But so far as the other percentage is concerned some people connected with that religion offered opposition to it. It is necessary, therefore, to ascertain the general opinion of the people in the country before any decision can be made about a legislation.

(Some hon'ble Members stood up in their seats.)

THE DEPUTY CHAIRMAN: It looks as if the whole House is for monogamy. Mr. Govindan Nair. ?

SHRI M. N. GOVINDAN NAIR: May I know, Sir, whether you have received representation from a section of the Muslims of India, whether men or women, that monogamy should be enforced among the Muslims?

SHRI G. S. PATHAK: I have not.

SHRI C. R. PATTABHI RAMAN: I had pointed out on the last occasion that there was a big demonstration of Muslim women in Poona wanting monogamy and against polygamy. All the details I had given. I had also stated with regard to the number of countries that have got such laws. A»

has been pointed out already, it is true, Madam, that there were a number of demonstrations specially in Bombay, Maharashtra and Nagpur.

SHRI G. S. PATHAK: I may be permitted to add that in Bombay there was a demonstration in favour of monogamy. In Poona there was some difficulty.

DR. SHRIMATI PHULRENU GUHA: May I know, Madam, whether it is not a fact that there was a great deal of opposition when the Hindu Code Bill was brought up in this Parliament but still at a later stage it could be passed? On that basis why should the Government not bring a Bill and, if necessary, at least educate the people and pass it?

SHRI G. S. PATHAK: In the case of the Hindu Code Bill how many years it took the Government to collect the views of the Hindu people throughout the country? It took a Very long time. However, a start has been made.

SHRI M. M. DHARIA: Madam, it is indeed strange that this issue should be by passed for several years. The Lok Sabha consists of the representatives of the people. They are the people who can definitely say regarding the wishes of the people. When the people's representatives are here, when there is a demand throughout the country that there should be a Common Civil Code, why should the Government not come forward to see to it that this progressive idea is implemented? May we know whether the Government is serious in implementing this progressive measure?

SHRI G. S. PATHAK: The Government is very serious and the Government expects that Members of Parliament will help it in this matter. Letters were received by Members of Parliament but I have been receiving conflicting views.

श्रीमती अनीस कदवाई : मिडम -
ऐसी کوئی آؤٹوائزشن : مسلم لہڈیز

مفونس کے سوا ہے ہی نہیں جس سے
کوئی لیٹر آیا ہو اور میرا خیال ہے کہ
جو ممبرس آف پارلیمنٹ کو لیٹر
بھیجے گئے ہوں ان کے بھی کوئی
ایک طرف کے جواب نہیں آئے ہیں -
اس لئے یہ کہنا کہ ہندو کوڈ بل سب
کے اوپر اپلائی ہوگا . . .

उत्सभापति : सवाल पूछो ।

श्रीमती अनीस कदवाई : आप के
पास कन आर्गनाइजेशन्स से लिटर आये हैं
जिनमें ऐसी मांग की गयी है कि जो
मैम्बर्स आफ पार्लियामेंट को लिटर भेजे गये
हैं उनके भी कोई एक तरह के जवाब नहीं
आए हैं । इसलिए यह कहना कि हिन्दू
कोड बिल सबके ऊपर अप्लाई होगा . . .

†[श्रीमती अनीस कदवाई : मेडम
ऐसी कोई आर्गनाइजेशन मुस्लिम लेडीज,
काँग्रेस के सिवाए है ही नहीं जिससे कोई
लेटर आया हो और मेरा ख्याल है कि जो
मैम्बर्स आफ पार्लियामेंट को लिटर भेजे गये
हैं उनके भी कोई एक तरह के जवाब नहीं
आए हैं । इसलिए यह कहना कि हिन्दू
कोड बिल सबके ऊपर अप्लाई होगा . . .]

उत्सभापति : सवाल पूछो ।

श्रीमती अनीस कदवाई : आपके
पास किन आर्गनाइजेशन्स से लिटर आए
हैं जिनमें ऐसी मांग की गई या सिर्फ लेडीज
काँग्रेस का लिटर आया है ?]

SHRI C. R. PATTABHI RAMAN: No Muslim organisation has replied.

(Some Hon. Members stood up in their seats.)

THE DEPUTY CHAIRMAN: We have taken ten minutes over this question, and we may have to wait for ten years.

SHRI P. N. SAPRU: In a matter like a Common Civil Code should there

be unanimity for bringing a Bill *be* fore Parliament?

SHRI G. S. PATHAK: This question does not arise because I never said that it is only in the case of unanimity that a law can be made.

SHRI BHUPESH GUPTA: You will have noted, Madam, that in the course of his reply the hon'ble Law Minister said that he was consulting the States. He said that he was consulting the people. He said that he was consulting Members of Parliament and, we are told, he is consulting the world through his Embassies. Is this how we pass legislation? If such consultation is going on on a world scale, I wonder whether he is consulting the planets in the cosmos. Perhaps he would do that if he had proper information. May I know, Madam, why the Parliament should not be in a position to communicate it, because the entire people of India are covered by the Lok Sabha constituencies, and we are here representing the States? Therefore why the responsibility should not be left to the Members of Lok Sabha, between them representing the entire people of India constituency wise, and also the Members of Rajya Sabha, between them representing the States and then, *on* the basis of majority, proceed to enact here and now the law? And am I to understand that it is such a proposition on which the Government cannot make up its mind without consultation, and on which we have no scientific and other guidance in order to legislate?

SHRI G. S. PATHAK: Madam, we are not consulting the people outside the country, and the letters have not been issued to any organisation except to the State Governments, and to some Members of Parliament.

SHRI P. N. SAPRU: Not to all Members of Parliament.

SHRI G. S. PATHAK: Yes, Madam, I have not issued to all the Members. To the Leaders and important Members I have issued.

THE DEPUTY CHAIRMAN: How do you decide on the category of important Members?

SHRI G. S. PATHAK: Anyway, to the Leaders and the Members of the Muslim section we have sent about fifty-two letters.

SHRI BHUPESH GUPTA: ~ How did you decide on fifty-two? Did you consult the Chairman or the Speaker?

SHRI G. S. PATHAK: Now so far the question of how we proceed is concerned, that question we will decide after the receipt of the replies to the letters and communications issued. It may be that at that time the question raised by Mr. Bhupesh Gupta might be considered, and it is possible I am not giving any undertaking or promise—it is possible that a Bill might be introduced after assessment of all this and then, after the introduction of the Bill, it may be circulated for eliciting opinion.

THE DEPUTY CHAIRMAN: Next question.

SHRI LOKANATH MISRA: On « question.

THE DEPUTY CHAIRMAN: I have called the next question.

SHRI D. L. SEN GUPTA: On « point of order, Madam.

THE DEPUTY CHAIRMAN: I have already called the next question.

FARE METERS FOR SCOOTERS IN DELHI

♦267. SHRI M. P. BHARGAVA: t SHRI D. THENGARI:

Will the Minister of TRANSPORT, AVIATION, SHIPPING AND TOURISM be pleased to state:

(a) whether any target date has been fixed by Government for owners of scooters in Delhi for fixing the fare meters;

†The question was actually asked on the floor of the House by Shri M. P. Bhargava.