

oblivious of the great moral and religious traditions of the country?

DR. K. L. SHRIMALI: We make a distinction between the inculcation of spiritual and moral values and direct religious instruction. When we wish to inculcate these moral and spiritual values, I do not think we are violating any provisions of the Constitution. In fact no education is worth its name if it does not inculcate moral and spiritual values, and I am only in agreement with the hon. Member that it is one of the functions of education to make the students realise their great cultural heritage.

SHRI P. N. SAPRU: Is Government aware of the fact that there are parents who object on conscientious grounds to giving religious education to their children?

DR. K. L. SHRIMALI: We are not imparting any religious instruction. As I said, we make a distinction between direct religious teaching and inculcation of moral and spiritual values.

SHRI B. K. P. SINHA: I could not understand one implication of the last question. Is it possible for a non-religious person to have conscience and have therefore conscientious objection?

SHRI P. N. SAPRU: My hon. friend should know . . .

MR. CHAIRMAN: Mr. Sapru, you have put the question. That will do. You need not answer him.

श्री देवकीनंदन नारायण : क्या शिक्षा मंत्रालय ने कभी रेलिजस ट्रेनिंग के सम्बन्ध में ला मंत्रालय को यह लिखा था कि उनकी राय इस सम्बन्ध में क्या है ?

डा० कालू लाल श्रीमाली : मुझे इस वक्त याद नहीं है। इसके बारे में अगर आप अलग प्रश्न भेजेंगे तो मैं पता कर के आपको बताऊंगा।

मुस्लिम स्वीय कानून में संशोधनों का सुझाव देने के लिये समिति की नियुक्ति

*१३४. श्री ए० बी० वाजपेयी : क्या विधि मंत्री २ मई, १९६३ को राज्य सभा में अतारांकित प्रश्न संख्या २९७ के दिये गये उत्तर को देखेंगे और यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उसके बाद सरकार ने मुस्लिम स्वीय कानून में संशोधनों का सुझाव देने के प्रयोजन से एक समिति नियुक्त करने का प्रस्ताव रद्द कर दिया है ; और

(ख) यदि हां, तो उसका क्या कारण है ?

†[APPOINTMENT OF COMMITTEE FOR SUGGESTING AMENDMENTS IN MUSLIM PERSONAL LAW

*134. SHRI A. B. VAJPAYEE: Will the Minister of LAW be pleased to refer to the answer given to Unstarred Question No. 297 in the Rajya Sabha on the 2nd May, 1963 and state:

(a) whether it is a fact that Government have since abandoned the proposal to appoint a committee for the purpose of suggesting amendments in the Muslim Personal Law; and

(b) if so, what is the reason therefor?]

विधि मंत्री (श्री ए० के० सेन) :

(क) अब समिति नियुक्त करने का विचार नहीं है।

(ख) ऐसा करना इस समय आवश्यक नहीं समझा जाता है।

†[THE MINISTER OF LAW (SHRI A. K. SEN): (a) It is not proposed to appoint a Committee now.

(b) It is not considered necessary at present.]

†[] English translation.

SHRI A. B. VAJPAYEE: According to the directive principles of the Constitution the Government is called upon to frame a common Civil Code. The Law Commission has also emphasized this aspect. May I know why this work of reforming Muslim Law and Christian Law is being delayed to the detriment of national integration?

SHRI A. K. SEN: So far as the common Civil Code is concerned, it comprises a vast field in which the personal laws of different communities may also be included. But so far as the rest of the field is concerned, apart from the personal law, we have more or less achieved a common law relating to property, a common law relating to civil procedure and various other matters. Even with regard to non-denominational marriages and other things, we have framed common laws. So far as the personal laws of different communities are concerned, the Hindu community which forms a majority has already come under one law. In regard to other communities which have special laws or personal laws, it has been our principle, from which I have no doubt hon. Members would not like us to deviate, that so far as the minority communities are concerned, the initiative for any reform must come from those communities. Take the Christian community. We have already in hand the question of Christian marriages. We have consulted elaborately the Christian communities everywhere and the Select Committee again is taking evidence on the point. So far as the Muslim community is concerned, we have no doubt that the initiative will come from the community itself very soon. Then the Government should act. It should not be made to appear that we are taking the initiative for the minority communities.

SHRI A. B. VAJPAYEE: May I know whether the hon. Law Minister is aware that large sections of the Muslim community are in favour of the proposed amendments and whether before arriving at a decision any effort

has been made to ascertain the wishes of the women folk?

SHRI A. K. SEN: If the majority wants it, let them have. I have no doubt that they will have it.

SHRI A. B. VAJPAYEE: What has been done to ascertain that the majority wants it or not? May I know whether, apart from receiving certain representations from orthodox and conservative sections of the society, any effort has been made to ascertain the wishes of the people?

SHRI A. K. SEN: The hon. Member will realise that so far as ascertaining the wishes of the minority communities or even of the majority community is concerned, there is no fixed procedure. This ascertainment takes place in various forms and shapes, for instance, representations made by representatives of parties and so on. When this informal procedure is gone through and the Government is in a position to judge whether the vast majority of the community wants a particular change, we shall certainly take the necessary steps. But it is not the policy of the Government to place itself in the position of the negotiator in regard to minority communities.

SHRI N. C. KASLIWAL: Is it not a fact that Muslim Personal Law, especially in the field of marriages, is much less advanced here than in other Muslim countries?

SHRI A. K. SEN: Comparison is always odious. 'Advance' is a relative term. Possibly, according to your notion something is more advanced; according to others something else is more advanced. The promiscuous form of mixing is regarded as very normal in various communities but we do not accept such a standard. I think such a comparison should better be avoided.

SHRI B. K. P. SINHA: Is it not a fact that many branches of Muslim Personal Law, especially the branch

dealing with marriage and divorce, have been reformed in many of the Muslim countries including Pakistan and Malaya? If so, why should not Government bring at least this branch of the Muslim Law in India in tune with the reforms made in other countries?

SHRI A. K. SEN: As I have said, the Government is not averse to bringing into effect any changes in social values as expressed by representative bodies or organisations.

SHRI M. H. SAMUEL: While the Government has considered that it is not the appropriate time to bring in any reforms in the Muslim Law, what was the compelling reason for bringing about changes in the Christian Marriage and Matrimonial Causes Bill which is now before the Select Committee?

SHRI A. K. SEN: Well, that shows that the Christian Community is much more alert with regard to changes. Possibly, it is their desire. The demand was almost universal in regard to the Christians, I may tell the hon. Member, because the old law relating to Christian marriages and so on was such—even the word 'native' was repulsive—that there was a universal desire among the Christians that there should be one code for them.

SHRI A. M. TARIQ: With reference to what the Law Minister said—that the initiative must come from the Muslims—well, I would like him to explain this word 'initiative'. And also may I remind him that reform is the duty of the Government, not of the community? May I also request . . .

MR. CHAIRMAN: No speech please.

SHRI A. M. TARIQ: My question is that reform is the duty of the Government. It was done in the other Muslim countries and the reforms came from the Government and no initiative came from any school of

thought. If so, what action does Government propose in this matter?

MR. CHAIRMAN: I think the Minister has explained the position fairly elaborately.

SHRI A. M. TARIQ: He said that the initiative should come. I would like to know from whom the initiative should come. For instance, I am initiating . . .

MR. CHAIRMAN: My impression is that he has fully explained the position.

SHRIMATI JAHANARA JAIPAL SINGH: The hon. Minister has said a little time ago that the people's wishes would be taken into consideration in regard to this Christian Marriages Bill. After the Joint Select Committee has reported, if we find that the majority of the Christians do not want any change, will the Government then drop the Bill?

SHRI A. K. SEN: I have no doubt that the Select Committee's recommendations will be adhered to. As I have always said, in regard to this matter the Government has no opinion of its own apart from the opinion that is ascertained by known methods of ascertainment.

SHRI B. K. P. SINHA: Sir, Government have expressed their point of view that the initiative should come from the community concerned. May I know since when the Government of India has developed this attitude? When the Hindu Law was thoroughly recast the initiative did not come from the organisations representing the Hindus. They all opposed the amendment of the law. Even now, amendments are being introduced without any initiative coming from them.

MR. CHAIRMAN: It is not a question, please.