

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause-by-Clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI V. KISHORE CHANDRA DEO: Sir, I beg to move: That the Bill be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, let us have further discussion on the Marriage Laws (Amendment) Bill, 2010. (*Interruptions*) The Anand Marriage (Amendment) Bill, 2012 is a non-controversial Bill. If the House agrees, we can take it up first, and, I think, no discussion is needed. (*Interruptions*) Okay, let us take up the Anand Marriage (Amendment) Bill, 2012. Hon. Minister to move the Bill.

The Anand Marriage (Amendment) Bill, 2012

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): Sir, I move:

“That the Bill further to amend the Anand Marriage Act, 1909, be taken into consideration.”

Sir, the hon. Members are fully aware of the purpose of bringing this Bill. It has a very positive and beneficial purpose. I do want to acknowledge that across the floor, everybody, in a very positive manner, has participated in this consensual approach to reach out to a community that, for many, many years...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Then, should we pass it without discussion?

SHRI SALMAN KHURSHEED: Sir, this is a small amendment but it is a very significant amendment for those who have been asking for it. I request the House to pass this Bill without further discussion.

The question was proposed.

सरदार सुखदेव सिंह ढिंडसा (पंजाब): धन्यवाद, उपसभाध्यक्ष महोदय। महोदय, मैं आनन्द विवाह (संशोधन) विधेयक, 2012 पर अपनी भाषा पंजाबी में बोलने के लिए इजाजत चाहता हूँ।

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): ठीक है, आप पंजाबी भाषा में बोलिए।

SARDAR SUKHDEV SINGH DHINDSA*: Chairman Sir I want your permission to speak on the Anand Marriage Act in my mother tongue Punjabi, I am thankful to you.

Firstly I am thankful to the law minister who has accepted the long pending demand of the Sikhs. I am especially thankful of the Hon'ble Prime Minister who after having got passed the bill from the cabinet has brought it today in the August House.

As law minister has said that it is a very small bill. This Act came into being in the year 1909 but the N.R.I's who are about 40 lakhs in number faced one major problem under the Act that when they wanted to get there marriage registered it was not done under The Anand Marriage Act. So when they went to embassies for Visa's for their spouses than they were questioned that in the passport the religion is mentioned as Sikh but the certificate of marriage is under the Hindu Marriage Act and so there visa application was rejected.

This demand for registering Sikh marriages has been pending for long and Sardar Tarlochan Singh who was a member of this August House had brought a Private members bill in this regard also. I am thankful of the Parliamentary Standing Committee of law and justice who under the chairmanship of Dr. Natchiappan had passed it unanimously in December 2007 with a recommendation that this amendment in the bill be accepted. I am thankful of all the sections who have accepted it and have chosen to unanimously pass it.

Lastly I want to put across to the law minister two three things that this issue was a smaller one and it got accepted put there are other bigger pending issues.

Shrimoni Akali Dal is a party representing the Sikhs but it is a Secular Party and also includes Hindus and Muslims as members who are M.L.A's and Ministers. But anywhere in the world if any Sikh faces problem he is represented by Shrimoni Alali Dal so it is called the Party of the Sikhs but it is a secular party.

I would not take extra time but I want to raise a major issue that one big demand of the Sikhs is about Article 25 of the Constitution I don't want to raise this matter now but as you are also from minority community and don't hesitate to take bold steps kindly think over this demand. Big agitations have been held against Article 25 in the past. The real issues of the Sikhs would be solved when Article 25 of the Constitution is amended. I request that in future kindly think over this long pending demand of the Sikhs, this is my demand from the Shrimoni Akali Dal, thank you Sir.

* English version of the original speech made in Punjabi.

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): श्री अविनाश राय खन्ना जी। सिर्फ दो मिनट।

श्री अविनाश राय खन्ना (पंजाब): सर, आज एक इतिहास रचने जा रहा है। मैं सिख इतिहास की दो-तीन बातों को यहां रखना चाहता हूं। जो गुरु ग्रन्थ साहिब है, हमने इसको लाइव गुरु माना है, क्योंकि अगर हम गुरु ग्रन्थ साहिब की formation को देखें, उसमें जो लिखा है, उसको देखें तो सभी पंथों, सभी ग्रन्थों और सभी महापुरुषों को बाणी को लेकर इस ग्रन्थ को तैयार किया गया है। जो सिख मैरिज होती हैं, वे इस ग्रन्थ की हाजिरी में होती हैं। यह मान्यता है कि मेरी मैरिज जो Sikh rites से हुई है, वह मेरे गुरु के सामने हुई है, इसलिए कई बार जो difficulties, जिनके बारे में ढिंडसा साहब ने बताया है, उनको मिटाने के लिए आनन्द कारज एक्ट में जो थोड़ी-सी अमेंडमेंट की गयी है, इसके लिए मैं बधाई देता हूं।

इसके लिए मुझे अपने माननीय प्रधान मंत्री जी से शिकवा भी है और गिला भी है। जब हमने अमृतसर में गुरुग्रन्थ साहिब के 400वें साल का दिवस मनाने की घोषणा की, तो प्रधान मंत्री जी वहां गये, लेकिन वहां इन्होंने पंजाब के बारे में कोई भी घोषणा नहीं की। हमने जब आनंदपुर साहिब में सिख हेरिटेज बनाया, तो वहां भी उनको बुलाया, लेकिन वहां ये नहीं आए। मैं कहता हूं कि जब देश को एक सिख होम मिनिस्टर मिला, तो पंजाबियों को एक खुशी थी, जब राष्ट्रपति मिले, तक भी खुशी थी और जब सिख प्रधान मंत्री आए, तक भी हमें बहुत खुशी हुई।..(व्यवधान).. लेकिन सर, जो sentiments हैं, उनकी भी थोड़ी respect करें। आज बहुत देर के बाद यह अमेंडमेंट आयी है, तो इसके लिए आप सब का धन्यवाद करता हूं, लेकिन आगे से जब भी ऐसे कार्यक्रम हों, तो ये हमारी रिक्वेस्ट से वहां जरूर आए। बहुत-बहुत धन्यवाद।

डा. एम.एस. गिल (पंजाब): सर, मैं बड़ी खुशी से इस बिल का समर्थन करता हूं। बात बड़ी सीधी-सादी है कि हम सब, जो पगड़ी वाले यहां बैठे हुए हैं, हमारी शादी गुरुद्वारे में ग्रन्थ साहिब के चार चक्कर लगा कर बीच में पंथियां पढ़ कर होती है। यह nineteenth century से हो रही है। सन् 1909 में इसी फेडरल पार्लियामेंट ने इसका छोटा-सा कानून बनाया और मान्यता दी। अब, आज के जमाने में एक दिक्कत आ गयी। हम बड़ी देर से यह कह रहे हैं कि आज के युग में authenticated certificate चाहिए, जिसे दुनिया मान ले, वह नहीं मिल रहा था और खास कर कहीं और जाकर लो, वह अच्छा नहीं लगता था। मुझे बहुत खुशी है कि सिखों का, पंजाबियों का, उनका-हमारा, सबका इकट्ठा जो थोड़ा गिला था, अर्ज थी, उसे आज आप सर्वसम्मति से पूरा कर रहे हैं। मुझे यह तसल्ली है कि आपने भी कह दिया और ऐसा ही होना चाहिए। इससे हमें थोड़ी-सी राहत मिल जाएगी, क्योंकि अगर इस रूल के अंतर्गत आप सर्टिफिकेट नहीं देंगे, तो उससे ले लेंगे, क्योंकि हम तो अपनी शादी का सर्टिफिकेट ले चुके। तो, ऐसी बात नहीं है, लेकिन यह चीज़ समझनी चाहिए। मैं सारी उम्र से खन्ना जी और ढिंडसा जी को जानता हूं और इनके साथ मेरे रिश्ते हैं।

उन पर यह ख्याल आया कि यार, कभी तो खुले दिल से थोड़ा धन्यवाद भी कर दो। पहले भी बहुत सरकारें रहीं, लेकिन यह नहीं हुआ। मैं भी देखता रहा हूं, मैं 2004 से यहां बैठा हूं, मैंने ऊपर-नीचे बहुत हाथ जोड़े, लेकिन नहीं हुआ। मैं आज बड़े स्पष्ट रूप में प्रधान

मंत्री, केबिनेट, खासकर सलमान खुर्शीद जी, आज के लॉ मिनिस्टर और हमारी कमेटी के जो श्री नाच्चीयप्न जी हैं, जिस कमेटी ने यह किया था, धन्यवाद करता हूँ।.....(व्यवधान) मैं जो कह रहा हूँ, मुझे कहने दीजिए। I think what I want to say. आज यह पास हो रहा है। हम इनका धन्यवाद करते हैं, आभारी हैं। यह आप मुफ्त में पंजाब को और सिखां को खुशी दे रहे हैं। बहुत मेहरबानी।

SHRI AVTAR SINGH KARIMPURI (Uttar Pradesh)*: Sir I with your permission, because this is an issue involving the Sikhs all over the, would wish to speak in my mother tongue Punjabi about The Anand Marriage amendment bill 2012. Which is welcomed by the Sikhs all over the world and we also welcome this. In the year 2007 the Parliamentary Standing Committee had unanimously recommended that the Government should immediately address the demands of the Sikhs after bringing in the Anand Marriage amendment bill. But despite the unanimous recommendation of Parliamentary Standing Committee the Government has staken this step after 5 long years. But despite this delay in taking this step it is a right step in the right direction. It has some weaknesses but we want it to be passed at this stage and in future as per the demands of the Sikhs steps should be taken i.

Amongst the Sikhs marriage is a very sacred ceremony in. Shri Guru Granth Sahab it is written that the relationship of husband and wife is not limited to being together but there should be trust, love and understanding amongst them, though they are two individuals but they should be one soul. Such should be the level of understanding amongst the married couples.

The beginning in this regard was made in the year 1909 and we have moved further in this direction in the year 2012. I while supporting this suggest that we should think on the weaknesses in this in the future.

Especially I thank Ms. Mayawati the National President of the Bahujan Samaj Party and leader of the Bahujan Samaj Party Parliamentary Board under whose presence I have been allowed to speak on this issue regarding the Sikh Community and I also thank her for the regard she has in her heart about the Sikh Community. (Ends)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay. Now, Shri Kanwar Deep Singh. Please take less than three minutes. (Interruptions) I told you that I will call you. There is an order. Your name is here. Now, Shri Kanwar Deep Singh. (Interruptions)

* English version of the original speech made in Punjabi.

श्री कनवर दीप सिंह (झारखंड): सर, हमें तीन मिनट में कुछ करने के लिए नहीं सिखाया जाता। Mr. Vice-Chairman, Sir, I am thankful to you for providing me this opportunity to speak on this Bill. I welcome the provisions of this Bill and I feel it addresses the main identity crisis amongst the Sikhs that while the wedding rituals were true to the Sikh religion, the certificate of registration was under the Hindu Marriage Act. I am also thankful to Shri Salman Khursheed, the Union Law Minister, who has very kindly agreed to the genuine demand of the Sikh minority community and has introduced this Bill.

Sir, the Sikh community has always stood with the nation. They have made maximum sacrifices for the freedom of the country. Even now it is Punjab which has been producing enough food grains to keep India free from famine.

I am personally aware that wherever a Sikh is settled in the world, he becomes a flag-bearer for India. The Sikh NRIs have attained quite high positions in many countries. The new Bill will be of great help particularly to Sikhs residing abroad, as they prefer organising weddings in India, but have difficult times convincing Governments abroad that though the Anand Karaj is a Sikh act, the marriage certificate is under the name of a different religion.

I am sorry to point out that this small demand of the Sikhs has come too late. Every community in India has a separate marriage law, but the Sikhs have been denied of their basic rights. Till today, they are given a certificate under the Hindu Marriage Act.

I am happy that the Indian Government headed by Dr. Manmohan Singh has realized it and to fulfill their small genuine demand, has brought forward this Bill in this House. We should support the Bill and pass it unanimously.

Sir, I must here add for the information of the hon. Members of this House, through you, that when Ms. Mamata Banerjee became the Chief Minister of West Bengal, she appointed a Sikh as Minister in her Cabinet. She also issued directions that the Punjabi language should be given the status of a second language along with other languages in the State.

When she was the Railway Minister, she started Sikh pilgrimage trains from various parts of the country. Ms. Mamata Banerjee has truly proven how the minorities are to be given help, not just by issuing statements but by taking proper actions.

I request the Government that the various other demands of the Sikhs should

also be accepted and all minorities should be given due respect and other facilities all over the country.

In the end, while thanking the Law Minister, I would say, “देर आयद दुरुस्त आयद” Thank you.

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): श्री बलविंदर सिंह भुंडर, तीन मिनट।

SHRI BALWINDER SINGH BHUNDER (Punjab)*: Chairman Sir firstly I want to withdraw the amendment I had moved as I don't want to pursue this amendment, Secondly I want to thank the Prime Minister and the concerned minister, third important point is that the Venkataramiah Chaliah Commission which had recommended that the word 'Sikh' which has been incorporated in the Explanation II to Article 25 of the Constitution be removed which has been a long pending demand of the Sikhs. I request this demand be also accepted. I am happy that after a long time without an agitation our small demand has been accepted and we are very happy and thank the whole house, the Law Minister and the Prime Minister. The Sikh Community thought it is small in numbers but has been known for its bravery all over the world.

Though we have our separate religion under “Sri Guru Granth Sahib ji”, separate appearance, separate culture and the traditions than why our demands are not being met if they have been considered and met in the case of Parsis and Jews; Muslims have their own separate code, and Hindus also have there own separate code then why the Sikhs have been clubbed with Hindus. While thanking I want to say that the Hon'ble Law Minister who also belongs to the Minority Community and is known for his kindness and large heart should look into our demands and extend this large-heartedness so that we get our due for the sacrifices we have made for the Country.

I request that this bill be passed tomorrow in the Lok Sabha so that this genuine long pending demand of the Sikh Community is met.

श्री नरेश अग्रवाल (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मैं माननीय मंत्री जी और माननीय लॉ मिनिस्टर को समाजवादी पार्टी की तरफ से बधाई देता हूँ कि सिख समाज की जो बहुत बड़ी समस्या थी, उसको सॉल्व करने के लिए आज वे यह अमेंडमेंट लाए। सर, उत्तर प्रदेश में लाखों की संख्या में सिख बसते हैं। वहां पर चुनावों में जिस तरह से सिख समाज ने समाजवादी पार्टी का साथ दिया, उसके लिए धन्यवाद देता हूँ। हमारी सरकार उत्तर प्रदेश में है। आपने सिखों की इस समस्या का समाधान किया है। हम सदन को विश्वास दिलाते हैं कि उत्तर प्रदेश में सिखों की अन्य जो समस्याएं होंगी, हमारी उत्तर प्रदेश की सरकार तत्काल उन समस्याओं का समाधान करेगी और सिख समाज का जो गौरव है, उसको बनाए रखेगी। इतना ही कहकर मैं आपको धन्यवाद देता हूँ।

* English version of the original speech made in Punjabi.

SHRI SALMAN KHURSHEED: Sir, I am grateful to all the hon. Member, and I do want to underscore this spirit of co-operation, understanding and sensitivity that is being displayed about each other's aspirations and concerns. मेरे सम्मानित साथी श्री जयराम रमेश जी ने मुझसे कहा है कि इस शुभ काम को हिन्दी भाषा में ही आगे बढ़ावा देना चाहिए इसलिए मैं अंग्रेजी छोड़कर आपको हिन्दी में ही संबोधित कर रहा हूँ। मैं सभी सम्मानित साथियों के प्रति आभार प्रकट करता हूँ, विशेषतः अपनी स्टैंडिंग कमेटी के प्रति आभार प्रकट करता हूँ कि उन्होंने इतनी दूरदर्शी और उदार सोच से आज हमें एक ऐसे काम को करने का अवसर दिया है, जिससे एक बात बड़ी स्पष्ट हो जाती है कि यह सरकार, माननीय प्रधान मंत्री जी मौजूद हैं, हमेशा हर उचित मांग को, हर समुदाय के, हर वर्ग के और हर क्षेत्र के लोगों को सहानुभूतिपूर्वक और पूरी उदारता के साथ सहयोग देने के लिए तत्पर रहती है, तैयार रहती है। सिर्फ एक निवेदन है कि कभी-कभी हम एक-दूसरे के बारे में शायद गलतफहमी में यह समझ बैठते हैं कि हमारी मांग अनुचित है, उचित नहीं है। जो भी मांग आती है, उस पर हमें संतुलित विचार करना चाहिए और हम लोग करेंगे। अगर आप समझते हैं कि इसके आगे भी कुछ संभव है तो हम बैठकर, एक-दूसरे से विस्तार से बात करके, संवाद करके, डायलॉग के माध्यम से आगे क्या कदम उठाए जा सकते हैं वे कदम उठाने के लिए हमेशा तैयार रहेंगे। मैं फिर से हाऊस को धन्यवाद देता हूँ और आपसे निवेदन करूंगा कि इस बिल को पारित किया जाए।

SHRI NARESH GUJRAL (Punjab): Sir, I would just take half-a-minute. Since this historic Bill is going to be passed now, I would like to mention this. Many Sikhs, who were married under the Anand Marriage Act, got the certificate under the Hindu Marriage Act. Many of them are settled abroad. They may wish to change their certificates. They have been married before, but they may now wish to change their certificate. So, kindly issue instructions to the Embassy that those Sikh families, which wish to change their certificate, may be allowed to do so.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, I put the motion to vote. The question is: ,

“That the Bill further to amend the Anand Marriage Act, 1909, be taken into consideration.”

The motion was adopted

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause-by-Clause consideration of the Bill.

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 3.

There are four amendments, Amendment (Nos.1 to 3) by Shri Balwinder Singh Bhunder and Amendment (No. 4) by the Minister. Mr. Bhunder, are you moving your amendments?

SHRI BALWINDER SINGH BHUNDER: No, Sir.

Clause 3—Insertion of new Section 6 (Registration of Marriages)

SHRI SALMAN KHURSHEED: Sir, I move:

“That at page 2, lines 16 and 17, the words and figure “the Registration of Births, Marriages and Deaths Act, 1969 or” be **deleted.**”

I would just like to say that this Amendment has become necessary because the Amendment relating to the Registration of Births, Marriages and Deaths Act, 1969, has been referred to the Standing Committee, and therefore, it will be inappropriate to have u-this included in the text of the Bill at this stage.

The question was put and the motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI SALMAN KHURSHEED: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

SHRI SALMAN KHURSHEED: Sir, I wanted to request the Foreign Minister to make the statement that whatever is necessary to make it convenient for Sikhs to get their certification will be done.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): He can do that later if he wants.

सरदार सुखदेव सिंह ढिंडसा: सर, क्या आप इस बिल को कल लोक सभा में ले जायेंगे?...*(व्यवधान)*...

The Marriage Laws (Amendment) Bill, 2010

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Hon. Members, we have completed the discussion on the Marriage Laws (Amendment) Bill, 2010. What remains was the reply by the Minister. Hon. Minister may now reply to the discussion.