

PK-HMS/1F/3.00

The House reassembled at three of the clock,

MR. DEPUTY CHAIRMAN in the Chair

.....

**SHRI B.K. HARIPRASAD:** Sir,....(Interruptions)..

**श्री भुवनेश्वर कालिता :** सर, महाराष्ट्र जल रहा है। ..(व्यवधान)..

**श्री वीर सिंह :** सर, दलितों पर अत्याचार हो रहा है ..(व्यवधान)..

**SHRI PRAMOD TIWARI:** Sir,.....(Interruptions)..

**MR. DEPUTY CHAIRMAN:** Please sit down. ....(Interruptions).. All of you resume your seats. ....(Interruptions).. All of you please resume your seats. ....(Interruptions)..

**विधि और न्याय मंत्री (श्री रवि शंकर प्रसाद) :** सर, तीन तलाक का बिल लिया जाए। ..(व्यवधान).. महिलाएं परेशान हैं ..(व्यवधान).. लोक सभा द्वारा पारित किए जाने के बाद भी महिलाओं को तीन तलाक दिया जा रहा है। ..(व्यवधान).. मैं इस हाउस के माध्यम से आप से अपील करूंगा कि इस बिल को लिया जाए।

**MR. DEPUTY CHAIRMAN:** Yes, I will take up.....(Interruptions)..आप लोग बैठिए। If all of you stand up, what do I do? ...(Interruptions)..

**श्री सतीश चन्द्र मिश्रा :** सर, दलितों पर अत्याचार हो रहा है। ..(व्यवधान)..

**MR. DEPUTY CHAIRMAN:** Misraji, I heard you. ..(Interruptions)..

**श्री वीर सिंह :** सर, दलितों को न्याय मिले ..(व्यवधान)..

**MR. DEPUTY CHAIRMAN:** What do I do if all of you stand up?  
..(Interruptions).. All of you are standing up and all of you are speaking together. ...(Interruptions).. When all of you are standing up and all of you are speaking together, what can I do? ...(Interruptions).. If all of you resume your seats and speak one by one.....(Interruptions)..

**SHRI PRAMOD TIWARI:** Sir,.....(Interruptions)..

**MR. DEPUTY CHAIRMAN:** What is this? ...(Interruptions).. We have to take up the Muslim Women (Protection of Rights on Marriage) Bill, 2017. ...(Interruptions).. This Bill is on the Agenda. ...(Interruptions).. We have to take it up. Please cooperate. ...(Interruptions).. Don't you want me to take it up? ...(Interruptions)..

**श्री रवि शंकर प्रसाद :** सर, इस बिल को रोकने के लिए जान बूझकर यह मुद्दा उठाया जा रहा है। .. महिलाओं के हित में यह कानून पारित करें। ..(व्यवधान).. सर, आज भी बहुत बड़ी संख्या में तीन तलाक दिया जा रहा है। ..(व्यवधान).. हमारा आरोप है कि जानबूझकर यह बिल पारित न हो, इसलिए ..(व्यवधान).. इस बिल को रोकने के लिए यह बात कही जा रही है। ..(व्यवधान)..

**MR. DEPUTY CHAIRMAN:** What are you doing? ...(Interruptions)..

**श्री अनुभव मोहंती :** सर, Calling Attention Motion लिया जाए। यह issue भी बहुत जरूरी है। ..(व्यवधान)..

**MR. DEPUTY CHAIRMAN:** I am ready to take it up. ....(Interruptions)..

What can I do? ....(Interruptions)..

**श्री जावेद अली खान :** सर, गंगा संरक्षण के विषय पर चर्चा कराई जाए। ..(व्यवधान)..

**جناب جاوید علی خان :** سر، گنگا سنرکشن کے وشئے پر چرچا کرائی جائے

---(مداخلت)---

**MR. DEPUTY CHAIRMAN:** What is your problem? One of you speak, please. ....(Interruptions).. Let me listen to the hon. LoP. ..(Interruptions)..

All of you take your seats. What is your problem? ....(Interruptions).. This

Bill is before me. I want to take up this Bill. What is your problem?

....(Interruptions).. All of you please resume your seats. ....(Interruptions)..

Misraji, please cooperate.

**नेता विरोधी दल (श्री गुलाम नबी आज़ाद) :** सर, ऑनरेबल लॉ मिनिस्टर ने बताया कि

जानबूझकर इस बिल के वक्त यह किया जा रहा है। मैं इस बात का पूरी तरह से खंडन

करता हूँ। मैं इसे खारिज करता हूँ। हम विपक्ष के लोग इस बिल की वजह से यह नहीं

कर रहे हैं। ..(व्यवधान)..

**قائد حزب اختلاف (جناب غلام نبی آزاد) :** سر، آنرہیل لاء منسٹر صاحب نے بتایا کہ جان

بوجہ کر اس بل کے وقت ہی کٹی جا رہا ہے۔ میں اس بات کا پوری طرح سے کھنڈن کرتا

ہوں۔ میں اسے خارج کرتا ہوں۔ ہم وپکش کے لوگ اس بل کی وجہ سے ہی نہیں کر رہے

ہیں۔---(مداخلت)---

**MR. DEPUTY CHAIRMAN:** Please sit down. ...(Interruptions)..

**SHRI GHULAM NABI AZAD:** Let me complete. ...(Interruptions).. Sir, please listen to me. ...(Interruptions).. Let me complete. ...(Interruptions)..

**श्री रवि शंकर प्रसाद :** सर, आप बिल को take up करिए। ..(व्यवधान)..

**श्री गुलाम नबी आज़ाद :** सर, हम सुबह से दलितों पर हो रहे अत्याचार के खिलाफ बोल रहे हैं। इस गवर्नमेंट में जो दलितों की बदहाली हुई है, वे जिस तरह से मारे जाते हैं, उनके खिलाफ यह लड़ाई लड़ रहे हैं। (1 जी/एएससी पर जारी)

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**श्री गुलाम नबी आज़ाद (क्रमागत) :** लेकिन ज्यों ही बिल आएगा, उसके लिए अपोजिशन की एक प्रक्रिया है और उस प्रक्रिया को हम पूरा करेंगे। मैं इस बात का खंडन करता हूँ कि जो सरकार की तरफ से कहा जाता है कि इसलिए आप करते हो। ....(व्यवधान).... क्योंकि यह सरकार एंटी दलित है। ...(व्यवधान).... बीजेपी की सरकार हमेशा एंटी दलित रही है। ....(व्यवधान).... जब भी हम दलित की बात करते हैं ...(व्यवधान)....

**جناب غلام نبی آزاد :** سر، ہم صبح سے دلتوں پر ہو رہے انٹلچر کے خلاف بول رہے ہیں۔ اس گورنمنٹ میں جو دلتوں کی بد حالی ہوئی ہے، وہ جس طرح سے مارے جاتے ہیں، ان کے خلاف ہی لڑائی لڑ رہے ہیں۔ لیکن جیوں ہی بل آئے گا، اس کے لئے اپوزیشن کی ایک پیکرٹی ہے اور اس پیکرٹی کو ہم پورا کریں گے۔ میں اس بات کا کھنڈن کرتا ہوں کہ جو سرکار کی طرف سے کہا جاتا ہے، کہ

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اس لئے آپ کرتے ہو --- (مداخلت) --- کہ یہ سرکار انٹنی دلت ہے --- (مداخلت) --- ہی جے بی۔ کی  
سرکار ہمیشہ انٹنی دلت رہی ہے --- (مداخلت) --- جب بھی ہم دلت کی بات کرتے ہی --- (مداخلت) ---

**MR. DEPUTY CHAIRMAN:** Hon. LoP, in that case, let me take up the Bill.

...(Interruptions)... Let me take up the Bill. ...(Interruptions)... Let me take  
up the Bill. ...(Interruptions)...

**श्री दिलीप कुमार तिकी :** सर, कॉलिंग अटेंशन ले लीजिए। ... (व्यवधान).....

**SHRI GHULAM NABI AZAD:** As and when ... ..(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Why don't we take up the Bill?

...(Interruptions)... All of you are speaking. One of you speak.  
...(Interruptions)... Please. ...(Interruptions)... Leader of the House.

**नेता सदन ( श्री अरुण जेटली ) :** उपसभापति जी, जो राज्यों के विषय हैं, वे राज्यों में  
जाते हैं, लेकिन एक महत्वपूर्ण विषय है ... (व्यवधान).....

**MR. DEPUTY CHAIRMAN:** No, please. Listen to him. ... (Interruptions)...

सुनिए, सुनिए। ... (व्यवधान)..... आप लोग सुनिए। आप नेता सदन को सुनिए।

... (व्यवधान)..... आप लोग बैठिए, सुनिए। ... (व्यवधान).....

**श्री अरुण जेटली :** मैं चाहूंगा कि ऑर्गनाइज्ड तरीके से महाराष्ट्र के अंदर हिंसा कराना  
और जिस तरह के भाषण दिए गए हैं ... (व्यवधान)..... जिस प्रकार देश में हिंसा  
भड़काने के भाषण दिए गए हैं ... (व्यवधान)..... एक बार उन भाषणों की ओर भी नेता  
प्रतिपक्ष गौर करें। ... (व्यवधान).....

**श्री वीर सिंह :** वहां पर दलित विरोधी ताकतों ने मिलकर काम किया है।...(व्यवधान).....

**श्री नरेश अग्रवाल :** पूरे देश के दलितों के ऊपर जो महाराष्ट्र में हुआ ...(व्यवधान)... यह महाराष्ट्र के दलितों की बात नहीं है, पूरे देश के दलितों का प्रश्न है।  
...(व्यवधान).....

**श्री वीर सिंह :** यह घटना नहीं होती .....(व्यवधान)... आरक्षण विरोधी लोग हैं...(व्यवधान).... दलित विरोधी लोग हैं। ...(व्यवधान)....ये उसको रोकना चाहते हैं।  
...(व्यवधान)....मान्यवर, हमारा इस पर नोटिस है। ...(व्यवधान)....

**MR. DEPUTY CHAIRMAN:** No, please. ...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** यह इतना महत्वपूर्ण विषय है...(व्यवधान)....

**MR. DEPUTY CHAIRMAN:** Please. ...(Interruptions)... What is this?  
...(Interruptions)... Why all of you stand up? ...(Interruptions)...

**श्री वीर सिंह :** ये उसका विरोध कर रहे हैं। ...(व्यवधान)....

**MR. DEPUTY CHAIRMAN:** If all of you stand up and shout like this, I have no other go than adjourning the House. ...(Interruptions)... I may have to do that. ...(Interruptions)... I may have to do that. ...(Interruptions)... So, I am sorry ... ...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** यह इतना महत्वपूर्ण विषय है कि इस पर चर्चा कराइए।  
...(व्यवधान)....

**श्री उपसभापति :** किसके बारे में? ...(व्यवधान)....

**श्री सतीश चन्द्र मिश्रा :** दलितों के विषय पर चर्चा कराइए। ...(व्यवधान)....हमने रूल 267 के अंतर्गत चर्चा कराने के लिए नोटिस दिया है।....(व्यवधान)...

**श्री उपसभापति :** मैं उसके बारे में बोल चुका हूँ। ....(व्यवधान)... रूल 267 के अंडर चर्चा नहीं हो सकती है।....(व्यवधान)...

**श्री सतीश चन्द्र मिश्रा :** जिस तरीके से ...(व्यवधान)...

**श्री उपसभापति :** रूल 267 के अंडर चर्चा नहीं हो सकती है।....(व्यवधान)...बिल ले सकते हैं। रूल 267 के अंडर चर्चा नहीं हो सकती है।....(व्यवधान)...बिल लेना है, तो ले सकते हैं, नहीं तो मैं हाउस एड्जॉर्न करूंगा। रूल 267 के अंडर चर्चा नहीं हो सकती है।....(व्यवधान)... अगर बिल लेना है, तो ले सकते हैं, नहीं तो मैं हाउस एड्जॉर्न करूंगा। ....(व्यवधान)... रूल 267 के अंडर चर्चा नहीं हो सकती है।....(व्यवधान)...

No, then I will have to adjourn. ...(Interruptions)... Unless you take your seats, I will have to adjourn. ...(Interruptions)...

**संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री विजय गोयल) :** सर, मैं सदन से अनुरोध करूंगा कि जो तीन तलाक का बिल है, यह बहुत महत्वपूर्ण है .....(व्यवधान)..... और इस समय लगा हुआ है। मुस्लिम महिलाओं के साथ जो ज्यादती हो रही है....(व्यवधान)... उसके बारे में सोचिए और उस बिल को पास होने दीजिए।

.....(व्यवधान)..... लोक सभा में आपने इसका समर्थन किया है .....(व्यवधान).....

और यहां आप इसका विरोध कर रहे हैं। .....(व्यवधान)..... अगर आप इस पर सेलेक्ट

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कमेटी में चर्चा करना चाहते हैं, .....(व्यवधान)..... महोदय, मैं एक महत्वपूर्ण बात कहना चाहता हूँ .....(व्यवधान)..... अगर विपक्ष सेलेक्ट कमेटी पर भी चर्चा करना चाहता हो, तो इस पर चर्चा कर सकता है। ...व्यवधान)....

**MR. DEPUTY CHAIRMAN:** Are you ready for the Bill? ...(Interruptions)... Please sit down. ...(Interruptions)... If you are ready for the Bill, I am here. Otherwise, I will adjourn. ...(Interruptions)...

**SHRI ANAND SHARMA:** We have a motion to move. ...(Interruptions)...

(Followed by 1h/SKC)

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**MR. DEPUTY CHAIRMAN:** No, no. I am saying, if you are ready for the Bill, I am here; otherwise, I will adjourn. ...(Interruptions)... Let me take up the Bill and call you. ...(Interruptions)...

**THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):**

Sir, I am ready to move the Bill. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** All right. ...(Interruptions)... No, no. ...(Interruptions)... Let me proceed. Now, The Muslim Women (Protection of Rights on Marriage) Bill, 2017. Shri Ravi Shankar Prasad ...(Interruptions)...

**SHRI DEREK O'BRIEN:** Sir, there are amendments. ...(Interruptions)...

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**SHRI SUKHENDU SEKHAR RAY:** Sir, there are amendments.  
...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Yes; there is time. ...(Interruptions)... I know that; there is time. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir, the motion... ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** I will allow you. ...(Interruptions)... आप लोग बैठिए। ...(व्यवधान)... आप लोग बैठिए। ...(Interruptions)... I will come to you. I will go by the rules only. आप बैठिए। ...(व्यवधान)... बैठिए, बैठिए।

Mr. Ravi Shankar Prasad, you may move the Bill. And then I would allow amendments. ...(Interruptions)...

**THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE)  
BILL, 2017**

**THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):**

Sir, I move:

That the Bill to protect the rights of married Muslim women and to prohibit divorce by pronouncing talaq by their husbands and to provide for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

Sir, this is a very important Bill, for the sake of ...(Interruptions)...

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**SHRI DEREK O' BRIEN:** No, Sir. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** I will allow you. ...(Interruptions)... I will allow you....(Interruptions)...

**SHRI RAVI SHANKAR PRASAD:** Sir, I have moved the motion for the consideration of the Bill. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Motion moved. ...(Interruptions)... I will allow you. Please, sit down. I will allow you. ...(Interruptions)... I will go by the rules. Why do you worry? ...(Interruptions)...

**SHRI SATISH CHANDRA MISRA:** Sir, has he moved the Bill? ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Yes. I allowed him to move the Bill. ...(Interruptions)... I called his name and he moved the motion. ...(Interruptions)... Now, there are two Amendments; (No. 1) by Shri Anand Sharma. ...(Interruptions)...

**SHRI RAVI SHANKAR PRASAD:** But, Sir, I have to make some statement. ...(Interruptions)... I have to make some statement about it. ...(Interruptions)... सर, यह हाउस का नॉर्म है कि जब कोई बिल मूव किया जाए, तो हमें स्टेटमेंट देनी चाहिए। ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** I will allow you. ...(Interruptions)...

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**SHRI DEREK O'BRIEN:** No, Sir. We wish to move the amendment.  
...(Interruptions)...

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI ANANTHKUMAR):**  
Sir, they should allow the Minister to speak. ...(Interruptions)... They cannot object.....(Interruptions)...

**MR. DEPUTY CHAIRMAN:** While moving the Bill, he can speak also.  
...(Interruptions)...

**SHRI SUKHENDU SEKHAR RAY:** Sir, I have a point of order.  
...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Yes, what is your point of order? What is the rule? ...(Interruptions)... Let me listen to the point of order.  
....(Interruptions)...

**SHRI SUKHENDU SEKHAR RAY:** Sir, my point of order relates to Rule 125 — 'Reference to Select Committee'. It says, "Any member may (if the Bill has not already been referred to a Joint Committee of the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the Council shall then apply." Now, please come to the rules originating in

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the Council. Please read Rule 121 — ‘Bills originating in and passed by House and transmitted to Council’. It says, “When a Bill originating in the House has been passed by the House and is transmitted to the Council, the Bill shall, as soon as may be, be laid on the Table.” Rule 122 - ‘Notice’ reads, “At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.” Then there is Rule 123 — ‘Motion for consideration’ and Rule 124 — ‘Discussion’ and then Rule 125 — ‘Reference to Select Committee’. Now, we have sought to move an amendment under Rule 125, referring the matter to the Select Committee. ...(Interruptions)...

Sir, we are not opposed to the Bill *per se*, but we think that the Bill is faulty and it requires suggestions from different stakeholders from across a cross-section of the society, particularly, to strengthen and protect the women. We also think that the matter should be referred to the Select Committee. So, this point should be decided upon first. It is only thereafter that the Bill should be taken up for consideration. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir, ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Are you on a point of order?

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**SHRI ANAND SHARMA:** Yes, Sir. I have given notice under Rule 70. Now, please hear me. What does the rule say? The rule is very clear. It says, “(1) On the day on which any motion referred to in rule 69 is made, or on any subsequent day to which the discussion thereof is postponed, the principles of the Bill and its provisions may be discussed generally; but the details of the Bill shall not be discussed further than is necessary to explain its principles.” ...(Interruptions)... Now, 2(a) is very important. It says, “(2) At this stage no amendments to the Bill may be moved, but (a) “if the member in charge” — here the Member in charge is the Minister — “moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.”

(CONTD. BY GSP/1J)

GSP-AKG/3.15/1J

**SHRI ANAND SHARMA (CONTD.):** Now, my notice has been circulated and I move the following motion.

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"That this House being strongly committed to women empowerment and women's rights refers the Muslim Women (Protection of Rights on Marriage) Bill, 2017, as passed by Lok Sabha, to a Select Committee of Rajya Sabha ... (Interruptions)...

**THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):**

Sir, I am not yielding. ...(Interruptions)... I have got the right to make my initial observation. ...(Interruptions)...

**SHRI ANAND SHARMA:** ...comprising of the following members for parliamentary scrutiny and to ensure to the Muslim women...  
...(Interruptions)...

**SHRI RAVI SHANKAR PRASAD:** I have got the right to make my observation. ...(Interruptions)...

**SHRI ANAND SHARMA:** ... and, safeguarding their interest and welfare.  
...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Please listen to me. ...(Interruptions)...

**SHRI RAVI SHANKAR PRASAD:** Mr. Deputy Chairman, Sir, before it is taken into consideration... ...(Interruptions)... मुझे बोलने का अधिकार है।  
...(व्यवधान)...

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**SHRI ANAND SHARMA:** Sir, the following Members may constitute the Select Committee. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Mr. Anand Sharma, please. ...(Interruptions)...

**SHRI ANAND SHARMA:** Smt. Renuka Chowdhury, Shri K. Rahman Khan, ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Let us go by rule. ...(Interruptions)...

**SHRI ANAND SHARMA:** Shri A. Navaneethakrishnan, Shri Derek O'Brien, Shri Javed Ali Khan, Shri Satish Chandra Misra. ... ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Anand Sharma ji, please. ...(Interruptions)...

**SHRI ANAND SHARMA:** Shri Tiruchi Siva, Shri Majeed Memon, Shri K.K. Ragesh, Shri C.M. Ramesh... ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** No, no. Please. ...(Interruptions)...

**SHRI ANAND SHARMA:** Shri Prasanna Acharya, Shrimati Misha Bharti, Shri Sanjiv Kumar, Shri D. Raja, Shri Abdul Wahab, and, Shri K.T.S. Tulsi. ...(Interruptions)... Sir, I move the motion. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** What is this? ...(Interruptions)... What do you wish to say?

**श्री रवि शंकर प्रसाद :** सर, यह बहुत ही ऐतिहासिक बिल है। ...(व्यवधान)... लोक सभा द्वारा पारित होने के बाद ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Please. I am hearing the Minister.

...(Interruptions)...

**श्री रवि शंकर प्रसाद:** हम यह बताना चाहेंगे कि सुप्रीम कोर्ट ने 22 अगस्त, 2017 को तीन तलाक को गैरकानूनी कहा, असंवैधानिक कहा ...(व्यवधान)... और दो जज, ...(व्यवधान)... जस्टिस खेहर, जो चीफ जस्टिस थे, ...(व्यवधान)... उन्होंने सदन से अपील की कि कृपा करके कानून पारित करिए, तब तक हम इस पर 6 महीने के लिए रोक लगाते हैं। ...(व्यवधान)...

**SHRI ANAND SHARMA:** Sir, the rule is that he cannot speak like this.

...(Interruptions)...

**श्री रवि शंकर प्रसाद:** एक जज ने कहा कि यह गलत है। ...(व्यवधान)... सर, मैं एक बात कहूँगा ...(व्यवधान)... लोक सभा द्वारा इसके पारित होने के बाद भी तीन तलाक दिया जा रहा है।

**SHRI ANAND SHARMA:** Sir, he cannot discuss the Bill. ...(Interruptions)...

This has to go through the legislative scrutiny. ...(Interruptions)...

**श्री रवि शंकर प्रसाद:** यह देखिए, ...(व्यवधान)... एक महिला ...(व्यवधान)... दहेज की माँग पूरी नहीं हुई, मुरादाबाद में , ...(व्यवधान)... उस व्यक्ति को 29 तारीख को बेल दे दी गई। ...(व्यवधान)...

**SHRI DEREK O'BRIEN:** Sir, what is going on? ...(Interruptions)... Please

go by the rule. ...(Interruptions)...

**श्री रवि शंकर प्रसाद:** एक महिला को 29 तारीख को तीन तलाक दिया गया है।

...(व्यवधान)... सर, यह बहुत जरूरी है। ...(व्यवधान)...

**THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD):** Sir, he can make speech only when it is settled ... ..(Interruptions)... He can make speech only when... ..(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Please listen to me. ...(Interruptions)...

**SHRI GHULAM NABI AZAD:** Let there be voting. ...(Interruptions)... Let us ascertain first whether it is going to the Select Committee or not. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Please. ...(Interruptions)... Hon. Members, please listen to me. Let me say something. ...(Interruptions)... I will explain it. ...(Interruptions)... Let me explain this.

**SHRI ANAND SHARMA:** He cannot speak now. ...(Interruptions)... Once he has moved... ..(Interruptions)... It is to be taken up....(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Let me explain the procedure. I will explain the procedure and how I am going to deal with it. ...(Interruptions)... Please listen. ...(Interruptions)... I think, there is some misunderstanding and that is the problem. ...(Interruptions)... As per the rule, ...(Interruptions)... Please. ...(Interruptions)... All of you, please listen to me. Bear with me.

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Give me some time. ...(Interruptions)... As per the rule, the Minister can be allowed to move the motion. So, I allowed him. As it has always been a practice and it is customary, while moving the Bill, the Minister, if he wants, can say a few words. ...(Interruptions)... Listen to me. Let me say. That is what I allowed.

**SHRI ANAND SHARMA:** Only when the Bill is... ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** That I know. Let me say something. I never said that the Minister will speak for one hour. But while moving the Bill, he has a right to say a few words, and, that is what I allowed. ...(Interruptions)... Please. ...(Interruptions)... I am on my legs. This is indiscipline. ...(Interruptions)... That is all. ...(Interruptions)...

After that, the rule which you mentioned, which Shri Sukhendu Sekhar Ray and Shri Anand Sharma mentioned, comes into play. That is after that, both the amendments ...(Interruptions)... There are two amendments, and, I will call one by one to move the amendment. ...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** सर, हमारे रूल 267 के नोटिस का क्या होगा? हम लोगों के मुद्दे का क्या हुआ? ...(व्यवधान)... इस बिल का introduction हो गया।  
...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** No, no. Let me complete. ...(Interruptions)...

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**श्री सतीश चन्द्र मिश्रा :** लेकिन हम लोगों के मुद्दे के ऊपर आपने चर्चा ही नहीं कराई।  
...(व्यवधान)... आप इस बिल के ऊपर चर्चा करा रहे हैं। ...(व्यवधान)...

**SHRI T.K. RANGARAJAN:** Sir, the Minister has already spoken.  
...(Interruptions)... The Bill is introduced. ...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** महाराष्ट्र के issue पर कोई चर्चा नहीं हो रही है।  
...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Misra ji, please. I already told you ...  
...(Interruptions)... Misra ji, I would request you to please.  
...(Interruptions)...

**SHRI TAPAN KUMAR SEN:** Sir, first of all, please... ...(Interruptions)...  
Then only, normalcy will come.

(followed by SK/1K)

SK-SCH/1K/3.20

**MR. DEPUTY CHAIRMAN:** Misraji, I concede your subject is very important and the House should give proper attention to that. I concede that. However, kindly note that I have already started with this Bill and if you have any grievance or complaint, you give another notice to the Chairman. I myself will speak to the Chairman. ..(Interruptions).. I myself will speak to

the Chairman, but allow us to proceed. We have already started. That is all what I am saying.

**SHRI SATISH CHANDRA MISRA:** Sir, kindly see the rule. He had the right to speak before he introduced the Bill. Once he has introduced the Bill, that right is gone. ..(Interruptions).. You see the rule. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** That is okay. ..(Interruptions).. That does not make any difference. ..(Interruptions)..

**SHRI SATISH CHANDRA MISRA:** Kindly see the rule. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** Don't go by technicalities. ..(Interruptions).. Let me say. ..(Interruptions)..

**SHRI SATISH CHANDRA MISRA:** Sir, kindly see the rule.

**MR. DEPUTY CHAIRMAN:** I know the rule. ..(Interruptions)..

**THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD):** He should have made the speech first and after that he should have introduced the Bill. ..(Interruptions)..

**SHRI SATISH CHANDRA MISRA:** That right is gone. ..(Interruptions)..

**SHRI ANAND SHARMA:** Sir, I seek your protection. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** I will allow you. ..(Interruptions).. Hon. LoP, you are a senior leader. Don't go by technicalities. Sometimes

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..(Interruptions).. No, no. Please. ..(Interruptions).. Let me complete.  
..(Interruptions)..

**SHRI GHULAM NABI AZAD:** We are dealing with this issue totally on technical grounds. ..(Interruptions).. We are being technical. They are being political. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** There are umpteen occasions ..(Interruptions).. If this is the way, I will adjourn the House. ..(Interruptions).. If this is the way, I will adjourn. ..(Interruptions).. Sit down. ..(Interruptions).. Please listen. Allow me to complete. ..(Interruptions).. There are umpteen occasions in the House when the Ministers move the Bill first and after that they speak or first they speak and after that they move the Bill. There are umpteen such occasions. There is no harm in that. Whatever he has said is on record. Now you can move your amendments, if you want. ..(Interruptions).. You can move your amendments. ..(Interruptions)..

**THE MINISTER OF TEXTILES (SHRIMATI SMRITI ZUBIN IRANI):** How can he move? ..(Interruptions).. He can move only after the Minister speaks. ..(Interruptions).. Allow the Minister to speak. ..(Interruptions)..

**THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):**

Mr. Deputy Chairman, Sir, give me some time. ..(Interruptions).. Give me some time. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** You have already spoken. ..(Interruptions)..

**श्री रवि शंकर प्रसाद :** सर, मैं बताना चाहता हूँ कि हम यह बिल क्यों चाहते हैं।... (व्यवधान)... हम यह इसलिए चाहते हैं कि सुप्रीम कोर्ट के फैसले के बाद भी तीन तलाक हो रहा है और लोक सभा से पारित होने के बाद भी तीन तलाक हो रहा है।  
... (व्यवधान)... सर, 27 तारीख को तीन तलाक दिया गया, 30 तारीख को तीन तलाक दिया गया।... (व्यवधान)... यह सदन खामोश क्यों रहे?... (व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Mr. Minister, I have called Mr. Anand Sharma.  
..(Interruptions)..

**श्री रवि शंकर प्रसाद :** हम चाहते हैं कि सभी लोग मुस्लिम समाज की महिलाओं और बेटियों के पक्ष में खड़े हों।... (व्यवधान)... मैं कांग्रेस पार्टी से यह अपील करूंगा कि आपने उस हाउस में इस बिल को सपोर्ट किया है, तो इस हाउस में ऐसा क्यों कर रहे हैं? ... (व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Mantriji, I have called Mr. Anand Sharma.  
..(Interruptions)..

**SHRI RAVI SHANKAR PRASAD:** Why is the Congress Party having double standards? ..(Interruptions)..

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**MR. DEPUTY CHAIRMAN:** You will get time. ..(Interruptions)..

**SHRI RAVI SHANKAR PRASAD:** Does the Congress Party stand for the rights of the women? I would like to know this. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** That's okay. ..(Interruptions).. Mr. Anand Sharma, did you move the motion? ..(Interruptions)..

**SHRI ANAND SHARMA:** Yes, I have moved. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** Is it on record? ..(Interruptions)..

**SHRI GHULAM NABI AZAD:** As long as his mike is off, how can it be recorded? ..(Interruptions)..

**SHRI ANAND SHARMA:** I am moving, Sir. ..(Interruptions)..

**MR. DEPUTY CHAIRMAN:** Okay, move the Resolution.

**SHRI ANAND SHARMA:** Sir, the Resolution for which I have given the notice is that this House being strongly committed to women empowerment and women rights refers the Muslim Women (Protection of Rights on Marriage) Bill, 2017, as passed by Lok Sabha, to a Select Committee of Rajya Sabha, comprising the following Members for Parliamentary scrutiny and to ensure complete justice for the Muslim women and safeguard their interest and welfare. The Members whom I propose for the Select Committee are: three from the INC, Shrimati Renuka Chowdhury, Shri K.

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Rahman Khan, Shri Vivek K. Tankha; from the AIADMK, Shri A. Navaneethakrishnan; from the All India Trinamool Congress, Shri Derek O'Brien; from the Samajwadi Party, Shri Javed Ali Khan; from BSP, Shri Satish Chandra Misra; from DMK, Shri Tiruchi Siva; from NCP, Shri Majeed Memon; from CPI (M), Shri K.K. Ragesh; from TDP, Shri C.M. Ramesh; from BJD, Shri Prasanna Acharya; from RJD, Shrimati Misha Bharti; from JMM, Shri Sanjiv Kumar; from CPI, Shri D. Raja; from IUML, Shri Abdul Wahab; and Nominated Member, Shri K.T.S. Tulsi.

The Select Committee Report be presented to the House in the first week of the Budget Session for the Bill to be taken up for further consideration and passing. And the BJP, the Government, may give its names.

(Followed by YSR/1L)

YSR-RPM/3.25/1L

**SHRI SUKHENDU SEKHAR RAY:** Sir, I beg to move:

That the Bill be referred to a Select Committee.

**THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY):** Sir, I have a serious objection to it both on merits and procedure which has been

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followed. Kindly turn to the rule cited by Mr. Anand Sharma under which he moved the amendment. It is Rule 70, sub-Rule (2)(a). Rule 70, sub-Rule (2)(a) is in Chapter IX. Chapter IX in the Rules of Procedure is 'Bills originating in Council'. This is not a Bill originating in the Council. It is a Bill, which originated in the House, that is the Lok Sabha, and has been transmitted to the Council. So, this is not the applicable rule. The applicable rule under the circumstances will be Rule 125. ...(Interruptions)... Rule 125 is, "Any member may (if the Bill has not already been referred to a Joint Committee of the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the Council shall then apply."

Now how do you move an amendment? You move an amendment under Rule 232. This amendment involves rights of each Member whether a Bill should be passed today or it should be discussed today or it should be referred to a Select Committee. This Bill has already been circulated two-three days in advance. Notice of an amendment to a motion shall be given at least one day before the day on which the motion is to be considered,

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unless the Chairman allows the amendment to be moved without such notice.

**SHRI T.K. RANGARAJAN:** This was allowed to be moved.

**MR. DEPUTY CHAIRMAN:** Let him speak. ...(Interruptions)... Listen to him. ...(Interruptions)...

**SHRI ARUN JAITLEY:** We are taken by surprise...(Interruptions)... The House is taken by surprise. When we all assemble here after 3 o'clock, a motion is suddenly submitted to us. ...(Interruptions)... This motion has not been given one day before. ...(Interruptions)... A new procedure is followed. ...(Interruptions)... And the motion has to be...(Interruptions)...

**SHRI ANAND SHARMA:** Sir, I should be given time to respond...(Interruptions)...

**SHRI ARUN JAITLEY:** Let me complete. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Let him complete. ...(Interruptions)...

**SHRI ARUN JAITLEY:** The motion has to be given at least 24 hours in advance. The motion has to have consent of all the Members who have agreed to be on the Committee. The procedure with regard to Committees in the House is that there is always a proportionate representation in accordance with the strength of all political parties. Suddenly you pick

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up...(Interruptions)... What is the kind of parliamentary practice that you are creating? ...(Interruptions)... You give a void motion and say that only Members representing a particular group will be on a Committee of Parliament. ...(Interruptions)... Tomorrow...(Interruptions)... What is the practice you are setting? ...(Interruptions)... Tomorrow, if Parliamentary Committees are appointed, in whichever House a party has a majority, everybody of that particular party will constitute hundred per cent of the Committee. ...(Interruptions)... This has never happened since 1952 in this Parliament. For the first time, breaking all parliamentary conventions and precedents ...(Interruptions)...

(Contd. by RL/1M)

-YSR/RL-PSV/3.30/1M

**SHRI ARUN JAITLEY (CONTD.):** ...an invalid motion is moved that everybody must represent a particular political group and all sections of the House not been represented on that Committee. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir,... ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** No, please, I will allow you. Let him complete. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir, this is very important.... ...(Interruptions)...

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**MR. DEPUTY CHAIRMAN:** Let him complete. ...(Interruptions)... Let him complete. ...(Interruptions)... He is raising a point of order. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir, ... ...(Interruptions)...

**SHRI ARUN JAITLEY:** You please have your say. ...(Interruptions)... I have never come across a motion, not submitted 24 hours in advance, which says, "It be referred to a Select Committee and I will give the names of the Members orally at the time when I move the motion." ...(Interruptions)...

**SHRI ANAND SHARMA:** Let the Chair give the ruling. ...(Interruptions)...

**SHRI ARUN JAITLEY:** So, the 24-hour time, you can condone it. ...(Interruptions)... But has the Chair said that I allow you to give the names of people orally in the House and just take the House by surprise at that moment and everybody should belong to only one political group. ...(Interruptions)... Sir, you have been in this House for long enough. Do you remember a single precedent where an invalid motion of this kind is given which has members representing a particular group. And, Sir, the reason why it should not be referred to a Select Committee, there is a good reason, why. This practice of instant divorce.... ...(Interruptions)...

**SHRI DEREK O'BRIEN:** Sir, why do we discuss the contents of the Bill?

...(Interruptions)...

**SHRI ARUN JAITLEY:** Yes, we can. ...(Interruptions)... We can discuss;

sorry. ...(Interruptions)...

**SHRI DEREK O'BRIEN:** Sir, this is on the book because...

...(Interruptions)...

**SHRI ARUN JAITLEY:** Sir, there is a good reason as to why it should not be

referred. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** He is the Leader of the House.

...(Interruptions)... He is the Leader of the House. ...(Interruptions

**SHRI DEREK O'BRIEN:** Sir, why? ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Listen to the Leader of the House.

...(Interruptions)... He is the Leader of the House. ...(Interruptions)... You

listen... ...(Interruptions)...

**संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री विजय गोयल):** सर, लीडर ऑफ दि हाउस

बोल रहे हैं... ...(व्यवधान)...

**SHRI DEREK O'BRIEN:** You cannot discuss the merits of the Bill.

...(Interruptions)...

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**SHRI ARUN JAITLEY:** Sir, I will only give an argument relevant for the purposes why it should not be referred to a Select Committee. ... (Interruptions)... I am not getting into the merits. ... (Interruptions)... What is the reason that this Bill has come about? ... (Interruptions)...

**SHRI DEREK O'BRIEN:** Sir,... ... (Interruptions)...

**MR. DEPUTY CHAIRMAN:** Because it is going to be considered. ... (Interruptions)...

**SHRI ARUN JAITLEY:** The reason this Bill has come about is that this practice of an instant divorce was declared to be unconstitutional. ... (Interruptions)...

**श्री प्रमोद तिवारी:** सर, जो आनन्द शर्मा जी ने ... (व्यवधान)...

**SHRI ANAND SHARMA:** Sir,... ... (Interruptions)...

**MR. DEPUTY CHAIRMAN:** Now, listen. ... (Interruptions)... You will be allowed to reply. ... (Interruptions)...

**SHRI ARUN JAITLEY:** Sir,... ... (Interruptions)...

**SHRI DEREK O' BRIEN:** Sir, point of order. ... (Interruptions)... Point of order. ... (Interruptions)...

**MR. DEPUTY CHAIRMAN:** I will allow you. ... (Interruptions)... Now, listen. ... (Interruptions)... Let it be over. ... (Interruptions)... Let the Leader of the

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House complete. ...(Interruptions)... I will allow your point of order.

...(Interruptions)... I will allow you.

**SHRI ANAND SHARMA:** He is going into the contents.....

...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** I will give the ruling. ...(Interruptions)... Why are

you worried? ...(Interruptions)... I will give the ruling. ...(Interruptions)... Let

the Leader of the House complete. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir,... ...(Interruptions)...

**SHRI ARUN JAITLEY:** Let the House apply its mind why it should not be

referred. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Only the LoH. ...(Interruptions)...

**SHRI ARUN JAITLEY:** There is nothing mechanical that Shri Anand Sharma

has moved the motion and it should be referred to a Select Committee.

Sorry. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir,... ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** No, please. ...(Interruptions)...

**SHRI ARUN JAITLEY:** The whole country is watching that in the other

House you supported the Bill and in this House, you are trying to derail the

Bill. ...(Interruptions)...

**SHRI DEREK O'BRIEN:** Sir, point of order. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Okay, now, sit down. ...(Interruptions)... Don't you want me to give the ruling?

**SHRI ARUN JAITLEY:** Let me complete, Sir. ...(Interruptions)... There is a good reason why I am saying this. ...(Interruptions)...

**श्री नीरज शेखर:** सर ...(व्यवधान)... Point of order है। ...(व्यवधान)...

**श्री जावेद अली खान:** सर ...(व्यवधान)... मैं कोई आरोप लगाना नहीं चाहता।  
...(व्यवधान)...

**جناب جاوید علی خان :** سر --- (مداخلت)--- می کوئی آروپ لگانا نمی چاہتا

--- (مداخلت)---

**SHRI DEREK O'BRIEN:** Sir, point of order. ...(Interruptions)... Point of order. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** No, please. ...(Interruptions)...

**SHRI ANAND SHARMA:** Sir,... ...(Interruptions)...

**SHRI DEREK O'BRIEN:** Sir, I have a point of order on this.  
...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Let me complete. He is the Leader of the House. ...(Interruptions)... He is the Leader of the House, I have to allow

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him. ...(Interruptions)... No, unless you allow some order...  
...(Interruptions)...

**SHRI ANAND SHARMA:** Sir,... ...(Interruptions)...

**श्री उपसभापति :** आनन्द शर्मा जी, बैठिए। ...(व्यवधान)... बैठिए, बैठिए।

...(व्यवधान)... आप बैठिए। ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Let me say. ...(Interruptions)... I will allow you.  
...(Interruptions)... I will allow you. ...(Interruptions)... Sit down.  
...(Interruptions)...

(CONTD. BY DC/1N)

-RL/DC-VNK/1N/3.35

**MR. DEPUTY CHAIRMAN (CONTD.):** Sit down. ...(Interruptions)... Sit  
down, please. ...(Interruptions)... I will adjourn. ...(Interruptions)... Sit  
down. ...(Interruptions)...

**कृषि एवं किसान कल्याण मंत्रालय में राज्य मंत्री (श्री परषोत्तम रुपाला) :** सर, लीडर  
आफ दि हाउस को बोलने नहीं देंगे, तो कैसे होगा?... (व्यवधान)... सर, लीडर ऑफ दि  
हाउस को बोलने नहीं दिया जा रहा है।... (व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Sit down, please. ...(Interruptions)... कृपया आप  
लोग बैठिए।... (व्यवधान)... Rupalaji, आप बैठिए। What is this?

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...(Interruptions)... You are a Minister. ...(Interruptions)... आप बैठिए। I will allow you. ...(Interruptions)...

**SHRI DEREK O'BRIEN:** No; I am on a point of order. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** I will allow you. Please. ...(Interruptions)... Hon. Members, ...(Interruptions)... कृपया आप लोग बैठिए। Why is the Treasury Bench making noise? Hon. Members, you should understand the position of the Chair. The hon. Leader of the House is speaking, I have allowed him. It is our duty to listen to that; number one. ...(Interruptions)... Number two; he has raised a point of order and it is me who have to reply to that. Why do you worry about that? I will give a ruling on that. ...(Interruptions)... Number three, if there are other points of order, I will allow. I have already noted requests for point of order from Shri Derek O'Brien, Shri Anand Sharma and Shri Naresh Agrawal, who always raise issues on points of order.

**SHRI NARESH AGRAWAL:** Sir. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Yes, I am allowing it. ...(Interruptions)... I will allow. ...(Interruptions)... But it is incumbent on the Members, it is our duty to listen to the Leader of the House, whatever he says. It may not be palatable to you or to anybody but you have to listen to that. That is the first

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thing. After that, I will allow Shri Derek O'Brien, Shri Anand Sharma, and then, I will give the ruling on what you and others have raised. If you want to cooperate like that, we will proceed; otherwise, I will adjourn now. I am not very particular; if no one is interested, why should the Chair alone be interested? LoH, did you complete? Please complete your point of view. It is his right and you have to listen to that.

**THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY):** Sir, I have made a point that a motion of this kind is invalid for the reason not having been circulated yesterday and giving the names of the Members not in consonance with the proportionate representation. This is a clear parliamentary practice and a precedent which has become a part of parliamentary law and then, Sir, the consent of the Members. Now, the reason why it should not be referred. Sir, when the practice was declared to be unconstitutional--this was on the 22<sup>nd</sup> of August, 2017, two of the judges who, otherwise, did not hold that practice to be unconstitutional but held it to be unfair, used their extraordinary power to suspend this practice for a period of six months, though, six months start from the 22<sup>nd</sup> of August and expire on the 22<sup>nd</sup> of February itself. And then they said and the language they used in para 199 of the Judgement is that we are now using our power

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under Article 142 suspending this practice for a period of six...(Interruptions)...

**SHRI DEREK O'BRIEN:** Not listening to our point of order...

**SHRI ARUN JAITLEY:** This is the reason why it should not be referred...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Listen to the Leader of the House. I will allow you. ...(Interruptions)...

**SHRI ARUN JAITLEY:** For a period of six months...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** You can reword it. Why do you worry?

**SHRI ARUN JAITLEY:** And the word they have used is, "We beseech all political parties. Therefore, within this period, you come out with an appropriate legislation to this effect." Hence, the fact remains that as far as those two opinions are concerned, suspend it for a period of six months. Therefore, there is an urgency that the country expects from Parliament and that urgency is that this practice is unlawful. Some people have come and said we will still defy the judgement and resort to this particular practice. Therefore, the Legislature must act with a sense of responsibility, act expeditiously and, therefore, what has been declared to be unconstitutional, give it a legislative shape. Now to say that we must continue to wait

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indefinitely because one political party, which supported it in the Lower House and has been making public statement that we support this Bill, is now, in this House, creating all kinds of obstacles ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Okay; all right. ...(Interruptions)...

**SHRI ARUN JAITLEY:** This has become a practice as far as that political party is concerned. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Now, Shri Derek O'Brien. Mr. Derek O'Brien, what is your point of order? ...(Interruptions)...

**SHRI ARUN JAITLEY:** Sir, I want a ruling from you. Is there any parliamentary practice that a committee of this kind, which excludes the entire ruling party and its allies, be ever constituted or has ever been constituted in this House? Please give a ruling and then hold this resolution to be...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Now, Shri Derek O'Brien.

(Followed by KGG/10)

KGG-NKR/3.40/10

**श्री सतीश चन्द्र मिश्रा :** आप यह भी पूछ लीजिए कि दलितों पर अत्याचार कब बंद करेंगे? ..(व्यवधान).. दलितों पर अत्याचार कब बंद होंगे? ..(व्यवधान)..

**श्री अरुण जेटली :** अभी सदन में जो भाषण किया गया, ..(व्यवधान).. वह रुक जाएगा। देश को तोड़ने की जो बात करते हैं, उनके साथ समझौता मत करिए।..(व्यवधान)..

**SHRI DEREK O BRIEN:** Sir, my point of order is, if you have admitted Rule 125, by virtue of admitting Rule 125, you have also gone past Rule 232. So, Rule 232 is not applicable; if you say that the one moved by Shri Sukhendu Sekhar Ray is in order, we should have a vote on this. We should have a division on this. We want this Bill. ...(Interruptions)...

**SHRIMATI SMRITI ZUBIN IRANI:** Why are you obstructing then? ...(Interruptions)..

**SHRI DEREK O BRIEN:** Have a vote on this. ...(Interruptions)... Whom have you consulted? Whom have you consulted in the Supreme Court? ...(Interruptions)... The Legislature will consult. You have to go by the rules. ...(Interruptions)... Have you spoken to the women in your own Government? ...(Interruptions)... Have a vote on this. We want this Bill. But, this is a faulty Bill. ...(Interruptions)...

**SHRI T.K. RANGARAJAN:** You may please give us an opportunity. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Mr. Anand Sharma, what is your point of order?

**SHRI ANAND SHARMA:** Sir, the hon. Leader of the House has referred to the notice given by me. I request the hon. Ministers that as we heard the Leader of the House, kindly don't interrupt. That is my request. What we are deliberating is a serious matter. ...(Interruptions)...

**विधि और न्याय मंत्री (श्री रवि शंकर प्रसाद) :** महोदय, इस बिल से महिलाओं की सुरक्षा, महिलाओं का सम्मान जुड़ा हुआ है। ..(व्यवधान).. खवातीन को सुरक्षा, महिलाओं को सम्मान दिलाना क्या गुनाह है ?...(व्यवधान).. आनन्द शर्मा जी बताएं, ..(व्यवधान).. क्या दूसरे सदन में इन्होंने इस बिल को सपोर्ट नहीं किया?...(व्यवधान)..

**SHRI ANAND SHARMA:** Sir, the Law Minister is interrupting me. ...(Interruptions)... आप सुनिए। ..(व्यवधान).. अभी जो नेता सदन ने कहा है, ..(व्यवधान).. बैठ जाइए। मुझे एक बात कहनी है। ..(व्यवधान).. जो प्रस्ताव सदन के सामने लाया हूँ, मेरे आरम्भिक शब्द स्पष्ट थे..(व्यवधान).. कि यह सदन महिलाओं के अधिकार का सम्मान करता है।..(व्यवधान).. हमने यह भी कहा है कि हम इस बिल का समर्थन करते हैं।..(व्यवधान).. हमने सत्ताधारी दल को नाम देने के लिए कहा है।..(व्यवधान)..

**MR. DEPUTY CHAIRMAN:** Please don't interrupt. The Treasury Benches may take their seats. ...(Interruptions)...

**SHRI ANAND SHARMA:** I have been very clear; the Leader of the House is wrong in saying that we are excluding the ruling party. Sir, please check the records. I have said that the names of the ruling party, the BJP and the NDA, may be given by the Government. So, we are not irresponsible. ... (Interruptions) ... Secondly, Sir, if you look at the 'Rajya Sabha At Work', this is within the right of the Chair ... (Interruptions) ... The ruling party is raising slogans. They are not allowing me to speak. ... (Interruptions) ...

**SHRI RAVI SHANKAR PRASAD:** Sir, just see what is going on. Let the country see this. हमारा मन्तव्य बिल्कुल साफ है। .. (व्यवधान) .. हम महिलाओं के सम्मान और सुरक्षा की बात करते हैं। .. (व्यवधान) .. सब कुछ रिकॉर्ड पर है। .. (व्यवधान) ..

**श्री आनन्द शर्मा :** महिला विरोधी तो आप हैं। .. (व्यवधान) .. महिला रिजर्वेशन बिल पास कीजिए। .. (व्यवधान) .. आज वह बिल कहां है ? पूछिए इनसे। .. (व्यवधान) .. हम सदन में लाये थे। इन्होंने साढ़े तीन साल तक क्यों नहीं किया ? .. (व्यवधान) .. यदि आपको महिलाओं की चिंता है तो उस बिल को सदन में लाओ। .. (व्यवधान) .. इसी सेशन में लाओ। .. (व्यवधान) .. Let them bring the Women's Reservation Bill since they are saying that they are the only champions. Please, for the empowerment of women, bring that Bill.

**श्री रवि शंकर प्रसाद** : शाह बानो के केस में जब सुप्रीम कोर्ट का फैसला आया,  
 ..(व्यवधान)..सब कुछ इनके सामने है। ..(व्यवधान).. इस देश की महिलाओं और  
 बेटियों को सम्मान देने का सवाल था।..(व्यवधान).. सब कुछ हमारे सामने  
 है।..(व्यवधान).. ( 1P/DS पर आगे)

KLS-DS/1P/3.45

**SHRI ANAND SHARMA:** Please follow the rules. ...(Interruptions)... Sir, I  
 also seek your ruling relating to this matter. ...(Interruptions)... I also seek  
 your ruling. ...(Interruptions)... One is that yesterday in the presence of the  
 Leader of the House, all the leaders of the political parties, the hon.  
 Chairman, the concerned Ministers and hon. Chair, this issue was  
 discussed in depth in the BAC and the Chairman had said that tomorrow  
 when it comes before the House, you bring the motion. ...(Interruptions)...  
 It is the Chairman, Sir. ...(Interruptions)... Check the record of the BAC.  
 ...(Interruptions)... Sir, this is unfair to say that we are not responsible and  
 only they are responsible. ...(Interruptions)... Second, we are not  
 opposing, we are supporting. ...(Interruptions)...

**THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY):** Did the Chairman  
 tell you to break the rules? ...(Interruptions)... Did the Chairman tell you

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finally bring the motion? ... (Interruptions)... You don't allow anything.  
...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Mr. Anand Sharma, ...(Interruptions)...

**SHRI ANAND SHARMA:** I will just complete in two sentences.  
...(Interruptions)... I also brought ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Both motions are allowed by the Chairman.  
...(Interruptions)... Mr. Anand Sharma, your both the motions are allowed  
by the Chairman. ...(Interruptions)... Both the motions are already allowed.  
...(Interruptions)...

**SHRI ANAND SHARMA:** Sir, I also want a ruling that when a Bill is brought  
before the Parliament and one House has already passed it, normally we  
send it to a Standing Committee or a Select Committee provided for under  
the rules. I think as a Legislature, it is the collective duty, a bounden duty, a  
Constitutional duty of all of us to ensure that any law which is enacted goes  
through legislative scrutiny so that any flaws or lacunae can be corrected.  
...(Interruptions)... Parliament cannot be a rubber stamp.  
...(Interruptions)...

**THE MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI  
SMRITI ZUBIN IRANI):** Is he challenging the wisdom of the other House?

**MR. DEPUTY CHAIRMAN:** I would tell you that there is no need of harping on this. ...(Interruptions)... The Chairman has allowed both the amendments. ...(Interruptions)...

**SHRI ANAND SHARMA:** I take the objection with respect. ...(Interruptions)... The hon. Leader of the House is a very eminent jurist. ...(Interruptions)... What he has spoken is a minority judgment. ...(Interruptions)... The majority judgment of the Constitution Bench has declared it as void. Even if it is 22<sup>nd</sup> of February, we have said ...(Interruptions)... We are very clear about it. ...(Interruptions)... It is the starting of January, not the end of January. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** I think both sides should sit together, discuss and come to an agreement rather than fighting here. ...(Interruptions)...

**SHRI ANAND SHARMA:** What you are doing is ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** Give some suggestions to quell. ...(Interruptions)...

**श्री नरेश अग्रवाल :** माननीय उपसभापति जी, अगर आप संविधान के आर्टिकल 80 और 81 को पढ़ें, तो पता चलता है कि दो सदनों की संरचना इसलिए की गई कि अगर कहीं एक सदन गलती करे, तो दूसरा सदन उसको ठीक कर ले। ...(व्यवधान)... यह आर्टिकल 80-81 में बिल्कुल साफ दिया हुआ है। इसीलिए राज्य सभा का गठन पहले

हुआ। ... (व्यवधान)... श्रीमन्, आप रूल 125 देखिए। ... (व्यवधान)... हम लोग महिला बिल के विरोधी नहीं हैं, लेकिन हमारा कहना है कि समाज के सभी वर्गों की महिलाओं को, चाहे वे हिन्दू हों, मुसलमान हों, सिख हों, ईसाई हों, उन सब महिलाओं के लिए एक कानून आना चाहिए। सिर्फ एक वर्ग की महिलाओं के लिए नहीं, बल्कि सभी वर्गों की महिलाओं के लिए कानून आना चाहिए। ... (व्यवधान)...

**MR. DEPUTY CHAIRMAN:** I have got your point. ... (Interruptions)... I have a suggestion.

**श्री नरेश अग्रवाल :** सर, रूल 125 में सेलेक्ट कमिटी का प्रोविजन इसीलिए रखा गया है। अगर एक सदन से कोई एक चीज पास होकर आ जाए, तो उसकी स्कूटनी करने के लिए रूल 125 का प्रावधान है और ये जो रूल 232 की बात कर रहे हैं, वह इसी के साथ में है। ... (व्यवधान)...

**श्री उपसभापति :** ठीक है।

**श्री नरेश अग्रवाल :** आपने accept कर लिया है। आप वोटिंग कराइए। ... (व्यवधान)... आप सेलेक्ट कमिटी के लिए वोटिंग कराइए। ... (व्यवधान)... हम सेलेक्ट कमिटी के लिए डिवीजन की माँग करते हैं। ... (व्यवधान)..

**MR. DEPUTY CHAIRMAN:** Amendments have already been accepted by the Chairman. ... (Interruptions)... Mr. Sibal. ... (Interruptions)... Yes, Mr. Kapil Sibal, you speak. ... (Interruptions)...

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**SHRI T.K. RANGARAJAN:** Please have Division on this. ...(Interruptions)...

(Followed by 1Q/SSS)

SSS-MCM/1Q/3.50

**MR. DEPUTY CHAIRMAN:** Please sit down. ...(Interruptions)... Yes, Shri Kapil Sibal. Is it a point of order? ...(Interruptions)...

**SHRI KAPIL SIBAL:** Sir, I want to clarify. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** It is very clear. ...(Interruptions)...

**SHRI KAPIL SIBAL:** Allow me to speak. ...(Interruptions)... Sir, I have great respect for the distinguished Leader of the House, but when he intervened, he referred to the judgement of the Supreme Court. I want to correct the record because I appeared in the case on behalf of the Muslim Personal Law Board and I wish to correct the record that what the Leader of the House said was in relation to the minority judgment. ....(Interruptions)... There were three judgments in the case... ....(Interruptions)... Three judgments were referred to by the Leader of the House.

**SHRIMATI SMRITI ZUBIN IRANI:** You sit against the rights of Muslim women. With what conscience do you sit in this House? ...(Interruptions)...

**SHRI RAVI SHANKAR PRASAD:** Mr. Kapil Sibal should not participate in this debate. He was the lawyer of the Muslim Personal Law Board in this case. ... (Interruptions)...

**SHRI KAPIL SIBAL:** It is minority judgment. The majority judgment probably holds the Triple Talaq... ... (Interruptions)... and the Leader of the House was wrong when he said that the period of six months has already been given. In fact, the judgment says that once the Bill has been introduced in any House, that period of six months will continue till such time as the Bill is passed. ... (Interruptions)...

**MR. DEPUTY CHAIRMAN:** Okay, that is fine. ... (Interruptions)...

**SHRI KAPIL SIBAL:** There is no urgency because the judgement itself says that the period of six months will continue... ... (Interruptions)...

**MR. DEPUTY CHAIRMAN:** He was the lawyer.

**SHRI KAPIL SIBAL:** We support this Bill, but we are against criminalization. ... (Interruptions)...

**MR. DEPUTY CHAIRMAN:** Should we proceed or should we adjourn? ... (Interruptions)...

**नेता विरोधी दल (श्री गुलाम नबी आज़ाद) :** सर, आप डिवीजन कराइए, इसको सेलेक्ट कमेटी में भेजने के लिए।....(व्यवधान).... आप डिवीजन कराइए....(व्यवधान).... हम

चाहते हैं कि यह सेलेक्ट कमेटी को जाए।....(व्यवधान).... आप डिविजन कराइए।.....(व्यवधान).....

قائد حزب اختلاف (جناب غلام نبی آزاد) : سر، آپ ڈویشن کرائیے، اس کو سلیکٹ کمیٹی میں بھیجنے کے لئے۔۔۔(مداخلت)۔۔۔ آپ ڈویشن کرائیے۔۔۔(مداخلت)۔۔۔ ہم چاہتے ہیں کہ یہ سلیکٹ کمیٹی کو جائے۔۔۔(مداخلت)۔۔۔ آپ ڈویشن کرائیے۔۔۔(مداخلت)۔۔۔

**MR. DEPUTY CHAIRMAN:** I told you that the amendments are in order. ... (Interruptions) ...

श्री गुलाम नबी आज़ाद : हम चाहते हैं कि यह सेलेक्ट कमेटी को जाए....(व्यवधान)....  
جناب غلام نبی آزاد : ہم چاہتے ہیں کہ سلیکٹ کمیٹی کو جائے۔۔۔(مداخلت)۔۔۔

**MR. DEPUTY CHAIRMAN:** There is no problem because Chairman has waived the technicality of not giving the amendment in advance. Therefore, both amendments are valid. ... (Interruptions) ... So I will have to adjourn. That is the only way. Otherwise, you tell me. ... (Interruptions) ...

**SHRI T. K. RANGARAJAN:** Sir, we want Division. ... (Interruptions) ...

**THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD):** Sir, don't adjourn. We want a Division. In democracy, majority prevails. In democracy, in this House, if majority does not prevail, then where will it prevail? Let us have Division. Decide by Division. Whosoever has the number or whichever group has the number, let the Division be in its favour. ... (Interruptions) ...

## Uncorrected/ Not for Publication-03.01.2018

**MR. DEPUTY CHAIRMAN:** I cannot conduct without order. I will have to adjourn. ...(Interruptions)... What do I do? ...(Interruptions)...

**श्री गुलाम नबी आज़ाद :** जब तक इस सदन में कोई निर्णय नहीं होता है, तो आप डिवीजन कराइए।....(व्यवधान)....

**جناب غلام نبی آزاد :** جب تک اس سدن میں کوئی فیصلہ نہیں ہوتا ہے، تو آپ ڈویژن کرائیے۔۔۔(مداخلت)۔۔۔

**MR. DEPUTY CHAIRMAN:** I cannot have Division when there is no order. Make them sit. What do I do? ...(Interruptions)...

**SHRI T. K. RANGARAJAN:** Sir, you see the Treasury Benches. ...(Interruptions)...

**MR. DEPUTY CHAIRMAN:** What can I do when there is no order? What can I do? I said that both amendments are valid, but what can I do? ...(Interruptions)...

(Contd. by NBR/1R)

-SSS/NBR-GS/1R/3.55

**MR. DEPUTY CHAIRMAN (CONTD.):** The House is adjourned till 11.00 a.m. tomorrow.

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The House then adjourned at fifty-five minutes past three of the clock till eleven of the clock on Thursday, the 4<sup>th</sup> January, 2018