

श्री सभापति : देखिए, माननीय सदस्य ने जब अपना वक्तव्य शुरू किया, जब पढ़ा था, उस समय आपने ऑब्जेक्शन क्यों नहीं किया ...(व्यवधान)...

श्रीमती सुषमा स्वराज : क्योंकि वे खत्म करते तो बोलते न ...(व्यवधान)... सर, हमको यह स्टेटमेंट बंटता नहीं है, उनके बोलने के तुरंत बाद हम खड़े हो गए ...(व्यवधान)...

श्री सभापति : आप मेरी बात सुन लीजिए। जिस समय उन्होंने अपना स्टेटमेंट शुरू किया ...(व्यवधान)... एक मिनट जिस समय उन्होंने स्टेटमेंट शुरू किया, उस समय उन्होंने कहा कि, "Under Rule 241 of the Rules of Procedure and Conduct of Business in the Council of States...", उस समय आपमें से किसी ने आपत्ति नहीं की ...(व्यवधान)... आपने कोई आपत्ति नहीं की ...(व्यवधान)...

श्रीमती सुषमा स्वराज : सर, उनके बैठते ही हमने आपत्ति की ...(व्यवधान)... या तो स्टेटमेंट बंटता, तो हम देखते ...(व्यवधान)... वे खड़े हुए, उनके बैठते ही हमने आपत्ति की ...(व्यवधान)...

श्री सभापति : इसका मतलब यह है कि अब आप हाउस को नहीं चलने देना चाहते हैं ...(व्यवधान)... एक मिनट बैठ जाइए, इसका मतलब यह है कि अब आप हाउस नहीं चलने देना चाहते हैं ...(व्यवधान)...

श्रीमती सुषमा स्वराज : सर, यह नहीं है, हमें जवाब चाहिए ...(व्यवधान)... हमें जवाब चाहिए ...(व्यवधान)...

श्री सभापति : मैं आगे का बिजनैस ले रहा हूँ ...(व्यवधान)...

श्रीमती सुषमा स्वराज : हमें जवाब चाहिए अपनी बात का...(व्यवधान)... We want answers to our questions ...(व्यवधान)...

MR. CHAIRMAN: We now take up the Protection of Women from Domestic Violence Bill, 2005.

श्रीमती सुषमा स्वराज : यह कैसे होगा ...(व्यवधान)... Sir, we want answers to our questions...(Interruptions)...

GOVERNMENT BILLS

The Protection of Women from Domestic Violence Bill, 2005 - Contd.

श्रीमती कांति सिंह : सभापति जी, हमारी सरकार महिलाओं को घरेलू हिंसा से बचाने के लिए एक विधेयक को अधिनियमित करने के लिए प्रतिबद्ध है... जिसका उल्लेख हमारे राष्ट्रीय न्यूनतम साझा कार्यक्रम में किया गया है... महिलाएं एवं बच्चे ...(व्यवधान)... हमारे संविधान तथा हमारे देश द्वारा समर्थित राष्ट्रीय और अंतर्राष्ट्रीय दस्तावेजों में महिलाओं को सभी क्षेत्रों में समानता और न्याय की गारंटी दी गई है ...(व्यवधान)...

MR. CHAIRMAN: Nothing will go on record. ...(Interruptions)...

श्रीमती कांति सिंह : सभापति जी, परिवार के भीतर महिलाओं के साथ होने वाली हिंसा, जो कई प्रकार की होती है ...(व्यवधान)... और जो महिलाओं की समानता के अधिकार को एक चुनौती है, इसको रोकने के एक उपाय के रूप में, एक अलग कानून बनाने की आवश्यकता एक लंबे अर्से से महसूस की जा रही थी, क्योंकि वर्तमान दंडात्मक कानून में ऐसा कोई प्रावधान नहीं था ...(व्यवधान)...

मैं सदन से अनुरोध करती हूँ कि इस बिल को पास किया जाए।

The question was proposed.

MR. CHAIRMAN: The motion has been moved. Any Member desiring to speak may do so. Shrimati Maya Singh. ...(Interruptions)... Shrimati Mohsina Kidwai. ...(Interruptions)...

श्रीमती मोहसिना किदवाई (छत्तीसगढ़) : सभापति महोदय, मैं इस बिल का समर्थन करती हूँ, लेकिन मुझे अफसोस है कि इतना important बिल, जिसके ऊपर बहस होनी चाहिए थी, यह इस तरह से पास हो रहा है...(व्यवधान)...

MR. CHAIRMAN: Shrimati Vanga Geetha. ...(Interruptions)... Ms. Pramila Bohidar. ...(Interruptions)... Shri R. S. Gavai ...(Interruptions)...

The question is:-

"That the Bill to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

We shall now take up clause-by-clause consideration of the Bill. ...(Interruptions)... In Clause 2, there is one amendment (No.1) by Shrimati Brinda Karat. ...(Interruptions)...

SHRIMATI JAYA BACHCHAN (Uttar Pradesh) : No, Sir. ...(Interruptions)... What is this? ...(Interruptions)... This is not the way. ...(Interruptions)...

SHRIMATI BRINDA KARAT (West Bengal) : It is very sad that an important Bill like this is being sabotaged by the ...(Interruptions)...

Clause 2 - Definitions

SHRIMATI BRINDA KARAT: Sir, I hope that the hon. Minister would give some assurance in this regard. ...(Interruptions)... Sir, I beg to move:

- (2) That at page 1, line 10, *after* the word "woman" the words "or child" be *inserted*.

The question was put and the motion was negated.

Clause 2 was added to the Bill.

Clauses 3 to 9 were added to the Bill.

...(Interruptions)...

MR. CHAIRMAN: In Clause 10, there are two amendments (Nos. 2 and 3) by Shrimati Brinda Karat. Are you moving it?

Clause 10 - Service Providers

SHRIMATI BRINDA KARAT : *...(Interruptions)...* Sir, it is a matter of concern, and I request the hon. Minister to give an assurance in this regard. *...(Interruptions)...*

Sir, I move:

- (3) That at page 5, lines 25 and 26 the words and figure "or a company registered under the Companies Act, 1956" be *deleted*.
- (4) That at page 5, line 25, *after* the words "being in force" the words "or whoever is working" be *inserted*.

...(Interruptions)...

The questions were put and the motions were negated.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

MR. CHAIRMAN: In Clause 12, there is one amendment (No.4) by Shrimati Brinda Karat. Are you moving the amendment?

Clause 12 - Application to Magistrate

SHRIMATI BRINDA KARAT : *...(Interruptions)...* Sir, I request the hon. Minister to give me an assurance in this regard. *...(Interruptions)...* Sir, I move:

- (5) That at page 6, line 20, *after* the words "service provider" the words "if available" be *inserted*.

The question was put and the motion was negated.

Clause 12 was added to the Bill.

...(Interruptions)...

Clauses 13 to 37 were added to the Bill.

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

श्रीमती कांति सिंह : महोदय, मैं प्रस्ताव करती हूँ कि इस विधेयक को पारित किया जाए।

The question was put and the motion was adopted.

...(Interruptions)...

श्री सभापति : सदन की कार्यवाही एक घंटे के लिए स्थगित की जाती है।

The House then adjourned at fifty minutes past two of the clock.

The House reassembled at fifty minutes past three of the clock,

MR. DEPUTY CHAIRMAN In the Chair.

SHRI THANGA TAMIL SELVAN (Tamil Nadu) : We want justice.
...(Interruptions)...

MR. DEPUTY CHAIRMAN: Don't shout. Don't shout. I am telling you 'don't shout'. Please sit down. *...(Interruptions)...* Please sit down. Please sit down. When I am standing, you please sit down. *...(Interruptions)...* Hon. Members, whenever you raise an issue, once the Chairman gives a ruling the matter ends.

SHRI N. JOTHI: No, it will not end. It will not end.

MR. DEPUTY CHAIRMAN: Please, Mr. Jothi, *...(Interruptions)...* Please, please, please *...(Interruptions)...* Mr. Jothi, you are a renowned advocate. I respect and you should also respect the Chair. *...(Interruptions)...*

SHRI N. JOTHI: I have great respect for you.

MR. DEPUTY CHAIRMAN: Please, please let me complete. You see, that does not happen in courts. It happens here. So, you must not take so much of liberty. *...(Interruptions)...* Please listen. Now, you go through the rulings and precedents. You may not agree with Chair's ruling. You may have reservations. *...(Interruptions)...* आप जरा खामोश रहिए। *...(व्यवधान)...* आप जरा खामोश रहिए। मैं बाद में आपको बोलने का चांस दूँगा, तब आप बोलिए। मैं यह कह रहा हूँ कि It is not in this stage. If you have to run this House, once a ruling is given, then that ruling is final and binding. That is the Parliamentary strength. That is the strength of the House. That is how the House should be run. Now, my appeal to the hon. Members is on this

matter that the hon. Chairman has given a ruling, and that is final ...*(Interruptions)*...

श्री दिग्विजय सिंह (झारखंड) : रिब्यू पेटिशन दिया है।

MR. DEPUTY CHAIRMAN: That is different. मैं यह मानता हूँ। आप चेयरमैन को रिब्यू पेटिशन दीजिए। I fully agree.

SHRI V. NARAYANASAMY: Unless and until...

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, please...
...*(Interruptions)*... Once the ruling is given ...*(Interruptions)*... Whether you agree or not, it is in the interest ...*(Interruptions)*...

SHRI N. JOTHI: I want to speak on this.

श्री उपसभापति : आप ऐसी बात करेंगे, तो मैं उसका जवाब नहीं दे सकता। रूलिंग बदली भी जा सकती है। रूलिंग बदलने के लिए आप चेयरमैन साहब से एक अपील कीजिए, मगर ...*(Interruptions)*... Please sit down.

SHRI N. JOTHI: Sir, please listen to me. Sir, it is not my intention or our intention to go against the ruling of the hon. Chairman. I have given two letters. The first letter is dated 24.8...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, how can he speak on the same subject? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, please, ...*(Interruptions)*... Mr. Narayanasamy, one minute. ...*(Interruptions)*...

SHRI N. JOTHI: You go out. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I want you to please cooperate. ...*(Interruptions)*... No, no, once he wants to say something, please cooperate.

SHRI N. JOTHI: Sir, I will be taking only two minutes. I will not take more than that.

MR. DEPUTY CHAIRMAN: Mr. Jothi, one minute. You are pleading before me. I have not given the ruling. The Chair has given the ruling.

SHRI N. JOTHI: It is the continuation of the Chair. ...*(Interruptions)*... You are continuing the Chair.

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

SHRI N. JOTHI: You are continuing. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: On that subject, the ruling is given and that ruling is over. I cannot revise the ruling.

SHRI N. JOTHI: Sir, you have given me one minute. Let me speak. Sir, why are we agitating? *(Interruptions)*

SHRI V. NARAYANASAMY: Sir, he cannot raise the same subject again...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, when the Chair wants to listen to a Member, you cannot stop the Chair...*(Interruptions)*...You need not question the Chair as to why is it listening to him...*(Interruptions)*...I have given him an opportunity. Let him plead. Then, you can say whatever you want to say...*(Interruptions)*...

SHRI V. NARAYANASAMY: He cannot raise the same subject again ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is for me to decide. The Chair has to decide whether that subject can be permitted or not ...*(Interruptions)*... Please bear with me...*(Interruptions)*...

SHRI N. JOTHI: Sir, in the majesty of democracy and for and on behalf of the people of India, I feel, I have a duty to serve the cause of the public. I have raised an issue of public importance on two occasions - one on 24th August, 2005, and another on 28th August, 2005. I have made a lot of things against the hon. Finance Minister.

MR. DEPUTY CHAIRMAN: Don't go into that...*(Interruptions)*...I am not allowing that. I am allowing you only to speak on the rule, nothing else and not on the subject...*(Interruptions)*...

SHRI N. JOTHI: Sir, the hon. Finance Minister has replied only to the first letter and he did not reply to the second letter. Now, under Rule 241, which deals with personal explanation...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, how can he raise this issue again? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, I am not listening to you...*(Interruptions)*...I am not listening to you...*(Interruptions)*...Please, Mr. Narayanasamy...*(Interruptions)*...I request the Parliamentary Affairs Minister to control him...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, I am on a point of order ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No point of order...*(Interruptions)*... Please...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, I am raising a point of order ...*(Interruptions)*...

SHRI N. JOTHI: First, you maintain order...*(Interruptions)*...First you maintain order...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will allow you...*(Interruptions)*... I will listen to you once I hear him...*(Interruptions)*...

श्री सुरेश पचौरी : उपसभापति जी, जब आपने एक विषय में कृपा-पूर्वक अपनी रूलिंग दे दी है, तो उसी विषय पर बारंबार फिर से डिस्कशन करना उचित नहीं लगता। ...*(व्यवधान)*...

श्री एस. एस. अहलुवालिया : जब तक कोई सोल्यूशन नहीं निकलता, बार-बार उसी पर चर्चा होगी। जब तक निष्कर्ष नहीं निकलेगा ...*(व्यवधान)*...

SHRI SURESH PACHOURI: Sir, this should not go on record ...*(Interruptions)*...

SHRI N. JOTHI: Sir, they want that we shut our eyes and close our ears...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, what is he saying?...*(Interruptions)*...

SHRI N. JOTHI: Sir, according to Mr. Pachouri, we should shut our eyes and close our ears.

MR. DEPUTY CHAIRMAN: I have made an appeal so that we can proceed with our Legislative Business. People of this country are watching us...*(Interruptions)*...

SHRI N. JOTHI: Sir, I am also saying the same thing...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: People of this country are watching us ...*(Interruptions)*... Everybody is watching us on television ...*(Interruptions)*... Now, we have to function exactly according to the rules and procedure that we have adopted ...*(Interruptions)*...

SHRI N. JOTHI: And also based on precedents...*(Interruptions)*...

श्री उपसभापति : देखिए, मुझे बात करने दीजिए। ...**(व्यवधान)**... यह अच्छी बात नहीं है, यह अच्छी परंपरा नहीं है। ...**(व्यवधान)**...

SHRI BALAVANT *alias* BAL APTE (Maharashtra) : Sir, you have given him an opportunity to speak. Why should the hon. Minister intervene? ...**(Interruptions)**...

SHRI S.S. AHLUWALIA: Sir, when the hon. Minister intervened, you have stopped him from speaking...**(Interruptions)**... Now, you are not allowing Mr. Jothi to speak...**(Interruptions)**... Let him submit his point ...**(Interruptions)**... Let him submit first...**(Interruptions)**...

श्री उपसभापति : मिस्टर अहलुवालिया जी, अगर आप चाहते हैं ...**(व्यवधान)**... प्लीज, अगर आप चाहते हैं कि कुछ नहीं हो, तो ठीक है। ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA: Sir, let him submit his point ...**(Interruptions)**...

MR. DEPUTY CHAIRMAN: I only made an appeal...**(Interruptions)**... It is nothing...**(Interruptions)**...

SHRI S.S. AHLUWALIA: Sir, first, let Mr. Jothi say what he wanted to say...**(Interruptions)**... Then, you give whatever ruling you wanted to give ...**(Interruptions)**...

SHRI N. JOTHI: Sir, in democracy, the Opposition has to be heard more ...**(Interruptions)**...

श्री उपसभापति : देखिए, अगर आप पाइंट ऑफ आर्डर रोज करते हैं, तो मैं सुनूंगा। अगर नहीं करते हैं, तो नहीं सुनूंगा। उन्होंने पाइंट ऑफ आर्डर रोज किया।

श्री एस. एस. अहलुवालिया : पाइंट ऑफ आर्डर रोज नहीं किया, सर।

श्री उपसभापति : किया। ...**(व्यवधान)**... अहलुवालिया साहब, ...**(व्यवधान)**... आप बैठिए, प्लीज। ...**(व्यवधान)**...

SHRI V. NARAYANASAMY: It is only a point of order ...**(Interruptions)**...

SHRI N. JOTHI: Mr. Deputy Chairman, Sir...

4.00 P.M.

MR. DEPUTY CHAIRMAN: One second. I agree that once a question is raised...*(Interruptions)*... रनिंग कमेंट्री जरूरी नहीं है। ...*(व्यवधान)*...

श्रीमती माया सिंह (मध्य प्रदेश) : उपसभापति जी, सत्ता पक्ष के लोग सुबह से हाऊस चलने नहीं दे रहे हैं। ...*(व्यवधान)*... जरूर उस पर सोचिए। हमें डोमेस्टिक वायोलेंस बिल पर बोलना था। हमारे बिना बोले हुए वह बिल पास कर दिया गया। ...*(व्यवधान)*... क्या सदन ऐसे चलेगा, उपसभापति जी? ...*(व्यवधान)*...

श्री उपसभापति : प्लीज, आप बैठिए।

श्रीमती माया सिंह : सर, हमें उस बिल पर बोलना था और बिना हमारे बोले ही आपने उसे पास कर दिया। ...*(व्यवधान)*... डोमेस्टिक वायोलेंस बिल ऐसे ही पास हो गया।

श्री उपसभापति : जरा आप बैठिए। ... माया जी, बैठिए आप। ...*(व्यवधान)*... अलका जी, आप भी बैठिए। ...*(व्यवधान)*... आप बैठिए। ...*(व्यवधान)*... आप बैठिए, बैठिए। ...*(व्यवधान)*...

श्रीमती माया सिंह : यह डेमोक्रेसी है क्या? ...*(व्यवधान)*...

श्री उपसभापति : देखिए, बहुत से मैम्बर्स को इस बात का दुख था कि आज पहला जो बिल पास हुआ, उस पर मैम्बर्स ने चर्चा करनी थी, लेकिन वह बिल ऐसे ही पास हो गया। इसलिए मैं अपील कर रहा हूँ कि दूसरा जो लेजिस्लेटिव बिजनेस है, उसमें जो भी विषय आप उठाना चाहते हैं, रूल्स के हिसाब से उठाइए। ऐसा भी होता है कि दो लोग साइड से कुछ व्यूज़ रखते हैं, उसके बाद चेयर को एक रूलिंग देनी पड़ती है ...*(व्यवधान)*...

श्री एस. एस. अहलुवालिया : ये लोग सीरियस नहीं हैं डिबेट के लिए। ...*(व्यवधान)*...

श्री उपसभापति : आप सुनने के लिए सीरियस नहीं हैं। ...*(व्यवधान)*...

SHRI N. JOTHI: Sir, our voice has been maimed.

श्री उपसभापति : ठीक है। I did my best to appeal to the House. But if the House is not willing, let's go according to the rules. ...*(Interruptions)*...

SHRI NILOTPAL BASU (West Bengal) : One minute please, Sir. ...*(Interruptions)*...

श्री उपसभापति : आप बैठिए। आप बैठिए, प्लीज़। ...*(व्यवधान)*... मैं बोलने दूंगा। ...*(व्यवधान)*...

SHRI NILOTPAL BASU: If you allow me, Sir...*(Interruptions)*...

श्रीमती सुषमा स्वराज : सर, इनको तो बोलने दीजिए। ...*(व्यवधान)*...

श्री उपसभापति : उन्होंने बोल दिया। ...*(व्यवधान)*...

श्री एस. एस. अहलुवालिया : क्या बोले हैं वे? ...*(व्यवधान)*... क्या बोले हैं वे? ...*(व्यवधान)*... बोलने नहीं दिया गया। ...*(व्यवधान)*...

श्री उपसभापति : आप बैठिए। आप बैठिए, मुझे बोलने दीजिए। ...*(व्यवधान)*... यशवंत सिन्हा जी, आप जरा बैठिए। ...*(व्यवधान)*...

SHRI N. JOTHI: Let me speak, Sir. ...*(Interruptions)*... Let me complete, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will give you an opportunity. ...*(Interruptions)*... Please take your seat. ...*(Interruptions)*... Please take your seat. ...*(Interruptions)*...

SHRI NILOTPAL BASU: Sir, I have a procedural question. ...*(Interruptions)*...

श्री उपसभापति : देखिए, इन्होंने कह दिया, दो ईश्यू मैंने रेज़ किए, मैंने सुन लिया, सब्जेक्ट के ऊपर। जब सब्जेक्ट के ऊपर वे रेज़ कर रहे हैं, तो उन्होंने सही ऑब्जेक्शन लिया। उन्होंने सही ऑब्जेक्शन ...*(व्यवधान)*...

श्री दिग्विजय सिंह : सर, वे हैं ही ऑब्जेक्शन के लिए, वे और किस काम के लिए हैं यहां? ...*(व्यवधान)*...

GOVERNMENT BILLS

The High Court and Supreme Court Judges

(Salaries and Conditions of Service) Amendment Bill, 2005

MR. DEPUTY CHAIRMAN: Now, we will take up the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2005.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): Sir, I move:

"That the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be taken into consideration."

...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I adjourn the House till 11.00 a.m. tomorrow.

The House then adjourned at three minutes past four of the clock till eleven of the clock on Tuesday, the 30th August, 2005.