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LOK SABHA

JOINT

COMMITTEE

of the

Houses to

Examine the

Question of the

Working of the

Dowry

Prohibition

Act, 1961

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Report

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LOK SABHA

JOINT COMMITTEE
OF THE
HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

REPORT

(Presented on 11 August, 1982)



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CORRIGENDA
to
Report of the Joint Committee of the House to examine the Question of the working of the Dowry Prohibition Act, 1961

Page 11, line 3 from bottom,
for 'punished' read 'punishment'

Page 44, marginal heading, line 8,
for 'before' read 'betro'

Page 62, marginal heading, line 8 from bottom,
for 'Dff ences' read 'Offences'

Page 66, line 4 frombottom,
for 'five thousand rupees, the words'
read 'three years or with fine which'

Page 84, line 8 from bottom,
(i) for 'Cognizance Criminal Procedure 1973 - of offences'
read ''Criminal Procedure 1973.'

(ii) Add marginal heading
'Cognizance of offences'

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JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

COMPOSITION OF THE COMMITTEE

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Usha Prakash Choudhari
*5. Shrimati Pramila Dandavate
6. Shrimati Suseela Gopalan
7. Shri Jagpal Singh
8. Shri Satyanarayan Jatiya
%9. Shrimati Kailash Pati
10. Shrimati Mohsina Kidwai
11. Shri Anantha Ramulu Mallu
12. Shrimati Sanyogita Rane
13. Shri K. P. Unnikrishnan
@14. Shri Jagan Nath Kaushal

Rajya Sabha

15. Shrimati Margaret Alva
16. Shrimati Premilabai Dajisaheb Chavan
17. Shrimati Usha Malhotra
18. Shrimati Kanak Mukherjee
19. Dr. (Shrimati) Sathiavani Muthu
20. Shrimati Manorma Pandey
21. Shri B. Satyanarayan Reddy

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*Nominated w. e. f. 26.3.1981 vice Shri C. Palaniappan resigned.

%Nominated w. e. f. 21.4.1982 vice Shrimati Sukhbuns Kaur resigned.

@Nominated w. e. f. 23.3.1982 vice Shri P. Shiv Shankar resigned.

SECRETARIAT

1. Shri H. G. Paranjpe—*Joint Secretary*
2. Shri S. D. Kaura—*Chief Legislative Committee Officer*
3. Shri T. E. Jagannathan—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shrimati V. S. Rama Devi—*Joint Secretary and Legislative Counsel.*
2. Shri B. R. Atre—*Deputy Legislative Counsel.*
3. Dr. Raghbir Singh—*Assistant Legislative Counsel.*
4. Shri S. M. Rai—*Assistant Draftsman (Official Languages Wing).*

REPORT OF THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

INTRODUCTION

I, the Chairman of the Joint Committee of the Houses, appointed to examine the question of the working of the Dowry Prohibition Act, 1961 and to suggest amendments which may be made in the law for dealing effectively with the evil of dowry system, having been authorised to submit the Report on their behalf, present their Report.

2. The Committee were appointed on a motion adopted in Lok Sabha on 19 December, 1980 and concurred in by the Rajya Sabha on 24 December, 1980 (APPENDICES I and II).

3. The Committee held 41 sittings in all.

4. The first sitting of the Committee was held on 29 January, 1981 to draw up their programme of work. The Committee decided to invite memoranda containing suggestions for amendments to the Dowry Prohibition Act, 1961 from the State Governments/Union Territory Administrations, Public Bodies, Women's and Voluntary Social Organisations, individuals, etc. by 18 February, 1981. The Committee also decided to hear oral evidence from the interested parties/individuals, etc. A Press Communique inviting memoranda and requests for oral evidence was accordingly issued on 30 January, 1981. As per decision of the Committee, All India Radio/*Doordarshan Kendra* were also requested to broadcast/telecast the contents of the Press Communique through all stations of All India Radio/*Doordarshan Kendras* respectively. In order to expedite and facilitate their task, the Committee also decided that a Questionnaire on the subject might be prepared.

5. At their Second Sitting held on 18 February, 1981, the Committee considered and approved the Questionnaire prepared by the Ministry of Law, Justice and Company Affairs. The Questionnaire was circulated to the Chief Secretaries of all State Governments/Union Territory Administrations, Women's and Voluntary Social Organisations, Members of Parliament and other interested Parties/individuals, etc. They were requested to send their replies to the Questionnaire by 14 March, 1981.

6. At the sitting held on 18 March, 1981, the Committee, on the suggestion of some members of the Committee, decided to extend

the time for receiving comments/suggestions for amendments to the Act up to 7 April, 1981. Accordingly as per decision of the Committee, a Press Communique was again issued on 18 March, 1981 for giving wide publicity through regional and language newspapers in the country for submission of memoranda, etc. by the said date. The All India Radio and the Doordarshan Kendra were also requested to broadcast and telecast the contents of the Press Communique through all Stations of All India Radio and Doordarshan Kendras respectively.

7. 288 Memoranda|representations containing views|comments|suggestions for amendments to the Dowry Prohibition Act, 1961 and 235 replies to the Questionnaire were received from various Women's and Voluntary Social Organisations, Bar Councils, Bar Associations, State Governments, State Social Welfare Boards, public bodies and individuals, etc.

8. The Committee, in order to acquaint themselves with the acute problem of the evils of dowry system prevailing in the country, to ascertain the facts and figures of the incidence of the system among different sections of the society and to hear the views of the cross-section of the society in the country particularly from those who were not in a position to come to Delhi, decided to undertake study visits to some selected places in the country. The Committee also decided to hold their formal sittings for the purpose of hearing oral evidence of the representatives of various Women's and Voluntary Social Organisations, State Governments, State Social Advisory Boards, Bar Councils, Bar Associations, other interested parties, individuals, etc. at different places in the country in different phases.

9. The Committee accordingly undertook study visits to Panaji, Pune, Bombay and Bangalore from 19 to 26 May, 1981 and heard the views of the representatives of various Women's and Voluntary Social Organisations and the State Governments/State Social Welfare Boards of Maharashtra, Karnataka and the Union Territory Administration of Goa, Daman and Diu.

10. The Committee also held their formal sittings at New Delhi (on 17 and 18 June, 1981 and again on 9 and 10 November, 1981); at Hyderabad, Guntur, Indore and Bhopal (from 14 to 21 July, 1981); at Patna (on 25 and 26 September, 1981); at Lucknow, Calcutta and Bhubaneswar (from 8 to 15 January, 1982); at Chandigarh (on 15 and 16 February, 1982); at Jaipur, Udaipur, Rajkot and Ahmedabad (from 31 May to 8 June, 1982) and heard the oral evidence of the

representatives of the respective State Governments/State Social-Welfare Boards, Bar Councils|Bar Associations, Women's and Voluntary Social Organisations, various other organisations, individuals, etc.

11. 617 Witnesses representing both officials and non-officials, *viz.* Women's and Voluntary Social Organisations, Bar Councils, Bar Associations, other organisations, individuals, etc. from cross-section of the society appeared before the Committee for tendering oral evidence.

12. The Report of the Committee was to be presented by 20 February, 1981. The Committee were granted four extensions of time for presentation of their Report—first on 19 February, 1981 up to 18 September, 1981; second on 20 August, 1981 up to 24 December, 1981; third on 1 December, 1981 up to 30 April, 1982 and fourth on 16 April, 1982 up to the last day of Winter Session, 1982.

13. At their sitting held on 1 February, 1982, the Committee decided that the evidence tendered before the Committee might be laid on the Table of both Houses of Parliament.

14. At their sittings held on 7 August and 2 December, 1981, the Committee held general discussion on the suggestions contained in the memoranda, replies to the Questionnaire and evidence tendered before the Committee *vis-a-vis* various sections of the Dowry Prohibition Act, 1961.

At their sittings held on 1, 2 and 3 February, 12 March, 14 April and 5 May, 1982, the Committee continued the general discussion on the various points made before them. The Committee, with a view to arrive at a consensus, also held discussion on the amendments given notice of by the members to various sections of the Act.

15. At their sitting held on 5 May, 1982, the Committee decided to appoint a Drafting Sub-Committee for the purpose of preparing the draft Report of the Committee and authorised the Chairman to nominate the members to the Sub-Committee. The Chairman nominated the following 7-member Drafting Sub-Committee on 11 June, 1982:

1. Shrimati Krishna Sahi—*Chairman*
2. Shrimati Pramila Dandavate
3. Shrimati Suseela Gopalan
4. Shrimati Mohsina Kidwai
5. Shrimati Sanyogita Rane

6. Shrimati Margaret Alva

7. Shri B. Satyanarayan Reddy.

16. The Drafting Sub-Committee submitted their Report to the Joint Committee on 6 August, 1982.

17. The Committee considered and adopted the Report at their sitting held on 6 August, 1982.

CHAPTER I

BACKGROUND

A. Origin of the Dowry System

1.1 The origin of the Dowry system is unbelievably modest with no hint of the vast potentialities displayed by it these days. The ancient marriage rites in the *vedic* period are associated with *Kanyadan* or the ceremony of giving away the bride. According to *Hindus shastras,* the meritorious act of *dan* or ritual gift is incomplete till the receiver is given a *dakshina,* So when a bride is given over to the bridegroom, he has to be given something in cash or kind which constitutes *varadakshina.* Thus *Kanyadan* became associated with *varadakshina, i.e.* the cash or gifts in kind by the parents or guardian of the bride to the bridegroom. This *varadakshina* or dowry in those days included ornaments and clothes, which the parents of the bride could afford and were given away as the property of the bride. This *varadakshina* was offered out of affection and did **not constitute any kind of** compulsion or consideration for the marriage. It was a voluntary practice without any coercive overtones. The *Dharmashastras* suggest that the maintenance (*vriti*) and ornaments (*abandhyam*) were the bride's property (*streedhana*) over which she enjoyed complete right and which would provide her financial protection in adverse times. The dowry system, as originally devised, provided post-marital security to an otherwise hapless (*abala*) bride. It appears to assume its present form with the degradation of the status of women in society. In course of time, the voluntary element in dowry has disappeared. The coercive element has slowly crept in and took deep roots in both the marriage ceremony and post-marital relationship. Thus, what was originally intended to be a token *Dakshina* for the bridegroom has now assumed enormous proportions and as a price for the alliance.

B. Genesis of Dowry Prohibition Act, 1961

(i) Work done by Social Reformers

1.2 The social reformers of the Nineteenth and early Twentieth centuries—beginning with Raja Rammohan Roy, Ranade, Karve, Ramabai, Ishwara Chandra Vidya Sagar, Mahatma Gandhi, Mahatma Jyotiba Phule and Dr. Babasaheb Ambedkar—had striven

hard for the abolition of various social evils including the evil of dowry system from which the Indian women suffered. Mahatma Gandhi laid special stress on the abolition of the evil of dowry system and said "There is no doubt the custom is heartless. The (dowry) system has to go. Marriage must cease to be a matter of arrangement made by parents for money."

However, the Society, because of its tradition mindedness and greed, has not yet fulfilled this cherished desire of Mahatma Gandhi and other social reformers. The Society, on the other hand, because of the change caused by modernisation, urbanisation and industrialisation, has fostered the frankensteinian growth of the dowry system instead of uprooting it.

(ii) *Sind Deti-Leti Act*, 1939

1.3 Long before India became independent, the then provincial Government of Sind passed an enactment known as "Sind Deti Leti Act, 1939" (Appendix III) with a view to deal effectively with the evils of dowry system. Even though the Act contained exhaustive provisions which, *inter alia*, prohibited giving and taking of dowry as part of contract of betrothal or marriage; prescribed limits for giving and taking of dowry as per specified list and provided punishment for contravention of the provisions of the Act, yet the enactment had neither any impact nor could create the desired effect.

(iii) *Dowry system in recent times*

1.4 During the last few decades India has witnessed the emergence of the evils of dowry system in a more acute form in almost all parts of the country practised by almost all sections of the society for which the socio-economic factors were responsible. Those in the higher strata of society, with both accounted and unaccounted wealth at their disposal, started giving costly gifts, ornaments and celebrating the marriages ostentatiously. Following them, the less well-to-do people also tried to catch up with the well-to-do sections of the society and started demanding dowry. The result was that the twin evils of dowry and ostentation started percolating down from the rich to the poor, and covered alike the literate and illiterate, towns and villages and this evil system engulfed almost all sections of the society irrespective of caste, creed and religion. The enactment of the Hindu Succession Act, 1956, which provides for equal share in the father's property to the daughters and sons but does not give right to the daughters to ask for partition of the dwelling-house, appears to have unintentionally contributed to the evils of the dowry system as the prospective in-laws, instead of claiming the share of their daughter-in-law in her father's property

after the marriage, prefer to demand the same in the form of dowry in the marriage.

(iv) *Pre-1961 Dowry Prohibition legislations passed by the State Governments of Bihar and Andhra Pradesh*

1.5 After independence, the State Governments of Bihar and Andhra Pradesh, faced with the acute problem of the dowry system in their respective States, enacted "The Bihar Dowry Restraint Act, 1950" (*Appendix IV*) and "The Andhra Pradesh Dowry Prohibition Act, 1958" (*Appendix V*), respectively, with the sole purpose of eradicating the practice of dowry system from their respective States.

1.6 The Bihar Dowry Restraint Act, 1950 defined "dowry" as anything paid or delivered *as consideration of a contract of any betrothal or marriage* and it also prescribed limit on the amount to be paid in cash or kind on different occasions but excluded voluntary marriage gifts. It also made the act of taking dowry punishable with simple imprisonment up to six months or fine up to the value of dowry or with both and the act of giving or abetting the taking or giving of dowry punishable with simple imprisonment up to one month or fine up to one thousand rupees or with both. The Act further provided that no prosecution in respect of any offence was to commence against any person without giving notice to show cause.

1.7 Similarly, the Andhra Pradesh Dowry Prohibition Act, 1958 defined "dowry" as any property or valuable security given or agreed to be given *as consideration for any betrothal or marriage*. It made the act of giving or taking of dowry as unlawful and any agreement in that regard as void. It had also made the act of giving or taking or abetting the giving or taking of dowry punishable with imprisonment up to six months or fine up to one thousand rupees or with both. It further provided that an offence under that Act would be tried by a First Class Magistrate *on a complaint* made within one year from the date of the offence.

1.8 Both these enactments failed to achieve the objectives for which they were enacted for they contained loopholes. In the first place, it was not possible to prove that any amount so paid or any property so given were "as consideration for the betrothal or marriage" and secondly because of the absence of any agency for initiating action on the contravention of the provisions of the said Acts as the bride's parents would not, in the interest of girl, prefer a complaint.

(v) *Introduction and passage of the Dowry Prohibition Bill, 1959.*

1.9 As the problem was assuming enormous proportions, it started agitating the minds of the people both outside and inside the State Legislatures and the Parliament. Right from the inception of First Lok Sabha, the matter was raised in the Parliament time and again and various proposals for restraining dowry were introduced in Parliament in the form of Private Members' Bills. During the course of discussion on a non-official Bill, sponsored by Shrimati Uma Nehru, M.P., in the Lok Sabha on 27 November, 1953, the then Minister of Law gave an assurance to the House that a Bill on the subject would be prepared in consultation with the State Governments. In pursuance of the assurance, a Bill was subsequently prepared and submitted for consideration of the Cabinet in the light of the views expressed by the State Governments. The Cabinet then decided that the proposal might be held in abeyance till the enactment of the Hindu Succession Act. After the enactment of the said Act in 1956, the Government felt that a separate legislation to prohibit dowry was not a matter of urgency. However, since the problem continued to increase by leaps and bounds, the issue was raised repeatedly by members in Parliament and certain Private Members' Bills on the subject were introduced in various State Legislatures as also in the Parliament. In view of the persistent nature of the problem and on account of pressure both at political and social levels, the Government finally decided to process the legislation. As a result, the Dowry Prohibition Bill, 1959, with the main object of eradicating the evils of dowry system, was introduced by the Government in the Lok Sabha on 24 April 1959 (*Appendix VI*). After some discussion, the Bill was referred to a Joint Committee of both Houses of Parliament in September, 1959 for examination and Report. The Joint Committee presented their Report with some amendments in the Bill (*Appendix VII*) on 19 November, 1959. When the Bill, as reported by the Joint Committee, was taken up for consideration in Lok Sabha, the Lok Sabha, in their wisdom, made an amendment in the Bill, as reported by the Joint Committee, by inserting Explanation I to clause 2 of the Bill so as to make it clear that *bona fide* gifts might not be deemed as dowry. However, when the Bill, as passed by Lok Sabha, was taken up for consideration in Rajya Sabha, the Rajya Sabha, in their wisdom, did not accept the aforesaid amendment to the Bill proposed by Lok Sabha. As the Houses (Lok Sabha and Rajya Sabha) finally disagreed as to the amendments to be made to the Bill in question, the Bill was considered at the Joint Sittings of both Houses of Parliament held on 6 and 9 May, 1961 and passed. The said Act, namely, the Dowry Prohibition Act, 1961 came into force from 1 July, 1961 (*Appendix VIII*).

C. Dowry Prohibition Legislations passed by State Governments after 1961

1.10 Even after the enactment of the Dowry Prohibition Act, 1961, the problem of dowry system, on account of diversity and variety of custom prevalent in different parts of the country, continued to grow in different ways and this has been engaging the attention of the Government for some years. In order to check the growth and to curb the evils of the system, the Central Government allowed the individual State Governments to process and carry out amendments in the Dowry Prohibition Act, 1961 in the light of local conditions. Accordingly, under Article 246(2) read with Artcle 254(2) of the Constitution of India, the Governments of Bihar, West Bengal, Orissa, Haryana, Himachal Pradesh and Punjab passed enactments amending the Dowry Prohibition Act, 1961 in their application to their respective States. The main important features of the amendments made by the State Governments to the Act are briefly indicated below:—

(i) *The Dowry Prohibition (Bihar Amendment) Act*, 1975 (*Appendix IX*)

1.11 The enactment substituted Sections 3, 4 and 8 of the Dowry Prohibition Act, 1961 by new Sections. These amendments provided for both imprisonment up to six months and fine up to five thousand rupees for giving, taking and demanding dowry and also made the offences under the Act as cognizable and non-bailable.

(ii) *The Dowry Prohibition (West Bengal Amendment) Act*, 1975 (*Appendix X*)

1.12 The amending Act amended Sections 3, 4 and 7 of the Dowry Prohibition Act, 1961. The amendments made the offences of giving, taking or demanding dowry punishable with a minimum imprisonment for three months which might extend to three years or a minimum fine of two thousand rupees which might extend to ten thousand rupees or with both. It also provided that previous sanction of the State Government for taking cognizance of an offence would not be necessary in case the complaint was preferred by an organisation for social welfare with five years' standing as might be specified by the State Government. It also inserted a new Section providing for penalty—for depriving of the rights and privileges of marriage by the husband on the ground of non-payment of dowry before, during or after marriage—of *minimum* three months' imprisonment which might extend to one year or a fine or minimum of two thousand

rupees which might extend to five thousand rupees *or* with both. The amendment further extended up to three years the time for making a complaint from the date of the offence.

(iii) *The Dowry Prohibition (Orissa Amendment) Act*, 1976
(*Appendix XI*)

1.13 Two new Sections 6A and 6B were inserted by way of amendments to the Dowry Prohibition Act, 1961 by this enactment which, *inter alia*, provided punishment of imprisonment up to one year or fine up to ten thousand rupees or both for denial by the husband of conjugal rights to his wife on the ground of non-receipt or receipt of insufficient dowry and authorised the court to direct payment of amount of fine or a portion thereof, if so imposed, to the wife as compensation. It also authorised the court to pass an order, on conviction of such person for the said offence, for payment of a monthly allowance up to five hundred rupees for the maintenance of his wife and prohibited the husband from transferring his assets till the disposal of the claim for maintenance, if preferred within the specified time-limit.

(iv) *The Dowry Prohibition (Haryana Amendment) Act*, 1976
(*Appendix XII*)

1.14 The enactment substituted Sections 2, 3, 4 and 7 of the Dowry Prohibition Act, 1961 by new Sections and also amended Section 6 thereof. The amending Act *inter alia*, defined "total marriage expenses" at or before the marriage on pre-marriage ceremonies, gifts by parents and other close relations, illuminations and prescribed a maximum limit of five thousand rupees therefor. It also prescribed the upper limit of twenty-five members for the marriage party and eleven members for the band. It further provided that any contravention of the provisions of the Act would be punishable with imprisonment up to six months *and* fine up to five thousand rupees. Similar punishment had also been provided for denial of conjugal rights to the wife on the ground of non-receipt or receipt of insufficient dowry and the court has been authorised to direct payment of fine, if so imposed, or a portion thereof to the wife as compensation. The other important features of the amending Act are—

(a) complaints might be filed by the parents or brother of the bride *or by a Gazetted Officer specially* authorised by the State Government for the purpose;

(b) enquiry would be made through a police officer of the rank of Deputy Superintendent of Police or above; and

(c) no woman would be called to the police station for the purpose of an enquiry.

(v) *The Dowry Prohibition (Himachal Pradesh Amendment) Act*, 1976 (*Appendix XIII*)

1.15 The amending enactment substituted Sections 3, 4, 7 and 8 of the Dowry Prohibition Act, 1961 by new Sections which provided, *inter alia*, deterrent punishment both of imprisonment up to one year *and* a fine of five thousand rupees for giving, taking and demanding dowry. It also provided punishment of imprisonment up to six months or fine up to five thousand rupees for the display of presents made at the time of marriage, giving anything on the occasion of '*Milni*' or any other ceremony performed in relation to betrothal or marriage and giving anything of the value of more than eleven rupees in the form of "*shagun*" at the time of "*Thaka*", betrothal or "*Tika*". Almost similar punishment was provided for depriving any party of the rights and privileges of marriage on the ground of non-payment of dowry. The amending Act further made the offences under the Act as cognisable, bailable and non-compoundable and authorised the courts to take cognizance of the offence only on a police report under Section 173 of the Code of Criminal Procedure, 1973, or on a complaint by the aggrieved party with the previous sanction of the District Magistrate of the area. A police officer, not below the rank of Deputy Superintendent of Police, was authorised to make investigations of the case.

(vi) *The Dowry Prohibition (Punjab Amendment) Act*, 1976 (*Appendix XIV*)

1.16 The amending enactment amended Sections 3, 4, 9 and substituted Sections 7 and 8 of the Dowry Prohibition Act, 1961. The amending Act made the offence of giving, taking or demanding dowry punishable with imprisonment for one year *and* a fine up to five thousand rupees. It also prohibited displaying of presents made at the time of marriage; taking of more than twenty five persons excluding minors and members of the band; giving anything costing more than eleven rupees in the form of "*Shagun*" at the time of "*Thaka*" betrothal or marriage; giving anything at the time of '*Milni*" or any other ceremony in relation to betrothal or marriage; serving of more than two principal meals (*viz.* Lunch/Dinner) and provided punishment for imprisonment up to six months or fine up to five thousand rupees or both for any contravention thereof. It also provided punished of imprisonment up to one year and fine up to five thousand rupees for denial of rights and privileges of marriage to the wife on the ground of non-payment of dowry or torture. The

amendment also made the offences under the Act as cognizable on a complaint made within one year by the aggrieved party, bailable and non-compoundable and provided for investigation by a police officer not below the rank of Deputy Superintendent of Police. The amendment further provided that no prosecution in respect of any offence committed under the Act could be instituted without the previous sanction of the District Magistrate.

D. Distinguishing features between the Dowry Prohibition Act, 1961 and the Dowry Prohibition legislations passed by State Governments after 1961

1.17 The main distinguishing features between the Dowry Prohibition Act, 1961 and the amendments thereto made by various State Governments in their application to their respective States are briefly indicated as under—

(i) *Definition of Dowry*—According to the Central Act, nothing is to be treated as 'dowry' unless it is shown to have been given '*as consideration for the marriage*' and no limit on the expenses on the marriage or any other ceremony has been prescribed.

Although the State Governments, who have amended the Central Act, of 1961, have not made any changes in the definition of dowry but—

(a) The Government of Haryana have prescribed a limit on the total expenses to be incurred on pre-marriage ceremonies and on the marriage ceremony including all arrangements therefor;

(b) the Governments of Punjab and Himachal Pradesh have prescribed a limit of eleven rupees to be given in the form of "*Shagun*" and prohibited anything being given at the time of "*Milni*";

(c) the Governments of Haryana, Punjab and Himachal Pradesh have prohibited display of any presents made at the time of marriage; and

(d) the Governments of Haryana and Punjab have also prescribed a limit on the number of members of a marriage party.

(*ii*) *Penalty for giving, taking and demanding dowry*

(1) According to the Central Act, the offences of giving, taking and demanding dowry are punishable with imprisonment up to six months or with fine up to five thousand rupees *or* with both.

The Government of Orissa have not made any change in this respect but—

(a) the Governments of Bihar and Haryana have made the offences punishable with imprisonment up to six months *and* a fine up to five thousand rupees;

(b) the Governments of Himachal Pradesh and Punjab have made such offences punishable with imprisonment up to one year *and* a fine up to five thousand rupees; and

(c) the Government of West Bengal have prescribed a *minimum* imprisonment of three months which may extend to three years *or* a *minimum* fine of two thousand rupees which may extend to ten thousand rupees.

(2) In the parent Act, it is provided that cognizance of an offence for demanding dowry cannot be taken by court except with the previous sanction of the State Government or an officer authorised in that behalf.

The Government of West Bengal have, however, provided that no such previous sanction is necessary for taking cognizance of an offence on a complaint made by an organisation for social welfare as may be specified by the State Government.

(iii) Penalty for depriving any party of the rights and privileges of marriage

Although the parent Act has no such provision but the Governments of West Bengal, Himachal Pradesh and Punjab have provided penalty of imprisonment or/and fine for depriving the rights and privileges of marriage, refusal to maintain or torturing by one party to the other party on the ground of non-payment of dowry before, during or after the marriage.

(iv) Penalty for denial of conjugal rights by the husband

In the Dowry Prohibition Act, 1961, there is no such provision but the Governments of Orissa and Haryana have provided penalty of imprisonment or/and fine for denial of conjugal rights by the husband on the ground of non-receipt or receipt of insufficient dowry. The courts have also been authorised to direct payment of the amount of fine, so imposed, or a portion thereof to the wife as compensation. The courts have further been authorised to make an order, on conviction of the husband, for payment of a monthly allowance for the maintenance of wife.

(v) *Offences*—The Central Act of 1961 has made the offences under the Act as non-cognizable bailable and non-compoundable. Whereas the Governments of Himachal Pradesh and Punjab have made the offences as cognizable, bailable and non-compoundable, the Government of Bihar have made them cognizable, non-bailable and non-compoundable.

E. Other steps taken by the Government to curb the evil of dowry system

1.18 The dowry system, despite the operation of the Dowry Prohibition Act, 1961, continued to grow throughout the country. As it was a social problem and the Central Legislation on the subject having proved ineffective, the Government took various other steps with a view to deal effectively with the problem and to curb the evils of the system.

1.19 In pursuance of the recommendations made by the 'Committee on the Status of Women in India' in their Report in December, 1974, the Government of India have amended the Central Government Civil Service (Conduct) Rules prohibiting the Government servants in giving or taking or abetting the giving or taking of dowry or demanding directly or indirectly any such dowry. Similar amendments have also been made by a number of State Governments in the Conduct Rules relating to their employees.

1.20 In the first place, the State Governments were allowed to amend the Dowry Prohibition Act, 1961 so as to make it more suitable to deal effectively with the evils of the system prevalent in their respective States. Accordingly, the State Governments of Bihar, West Bengal, Orissa, Haryana, Himachal Pradesh and Punjab have, under Article 246(2) read with Article 254(2) of the Constitution of India, amended the Central Act of 1961, as already explained in paragraphs 1.11 to 1.16. Some of the State Governments have, by way of these amendments, prescribed limit on marriage expenses and other ceremonies, prohibited display of presents and have provided stringent penalties for contravention of the provisions of the Act. Some of them have also provided severe punishments for depriving the wife of the rights and privileges of marriage and also denial of conjugal rights by the husband on the ground of non-payment or insufficient dowry.

1.21 The Government of India have also issued instructions to all the State Governments and Union Territory Administrations to make thorough and compulsory investigations by police officers not below the rank of Deputy Superintendent of Police, and to carry out post-mortem in all cases of married women dying in unnatural

circumstances during the first five years of their marriage. The State Governments have further been directed that disposal of bodies without post-mortem should not be permitted except with a 'no objection certificate' issued by the Police authorities.

In the Union Territory of Delhi, a decision has been taken that all cases of homicide resulting from alleged demands for dowry would be investigated by the homicide squad of the Crime Branch of Delhi Police. It has also been laid down that officers found negligent in any manner in handling such cases would be dealt with severely.

1.22 Anti-dowry publicity is being carried out by the Central Information media through Radio and Television programmes and the Directorate of Audo-visual publicity is involved in the programme of carrying substained campaign against the evils of dowry. The State Governments and Union Territory Administrations, the Central Social Welfare Board and the State Social Welfare Advisory Boards have also been requested to launch anti-dowry campaign so as to bring about attitudinal changes in the minds of public against this evil.

1.23 In the Union Territory of Delhi, the Directorate of Social Welfare has set up an anti-dowry cell for launching anti-dowry campaign. This cell also takes action on the representations received from victims of dowry disputes. The Crime Branch of Delhi Police has also set up a special cell to receive and investigate into complaints of deaths/suicides of women arising out of disputes about dowry.

F. Recent Developments and reference of the 1961-Act to the Joint Committee for Examination and Report

1.24 Despite the Central Act of 1961 and the State enactments in force and the various steps taken by the respective Central and State Governments from time to time to curb the evils of dowry system, the dowry system continued to grow unabated and it took alarming proportion in recent years resulting in many dowry deaths and murders of, and suicides by, a number of young married girls. These tragic incidents were adversely reported in the press. Many women's and voluntary social organisations were also greatly agitated over these events. These issues were also raised in Parliament in one form or the other. A Private Member's Bill was introduced by Shrimati Pramila Dandavate, M.P. on 13-6-1980 to deal effectively with the evils of dowry and was considered in Lok Sabha on 5 and 19 December, 1980. On 19 December, 1980, the Minister of Law,

Justice and Company Affairs moved a motion in Lok Sabha to the effect that the question of the working of the Dowry Prohibition Act, 1961 and the amendments which might be made in the law for dealing effectively with the evil of dowry system be referred to a Joint Committee of both the Houses for examination and Report. After the adoption of the said motion in Lok Sabha, Shrimati Pramila Dandavate withdrew her Bill on the subject by leave of the House on the same day.

G. Reasons for Failure of the Dowry Prohibition Act, 1961

1.25 The Committee note with great concern that despite the existence of the Central enactment as also the amending enactments passed by the various State Governments and the steps taken both by the Central and the State Governments, neither of them has been able to curb the social evil of dowry. The Central enactment brought into force with the ostensible purpose of curbing the evil, if not eradicating it, has singularly failed to achieve its objective. In spite of the rapid growth of the practice of dowry, there are practically no cases reported under the Act. The evil sought to be done away with by the Act has, on the other hand, increased by leaps and bounds and has now assumed grotesque and alarming proportions.

1.26 The Committee feel that so far as the working of the Dowry Prohibition Act, 1961 is concerned, there appear to be mainly two reasons which can be attributed for its failure in achieving the desired objective. First, the Act contains an Explanation under Section 2 which takes away the teeth of the law and nullifies the objective for which it was enacted as in terms of the said Explanation, the presents in the form of cash, ornaments, clothes and other articles are not to be deemed as dowry unless they are made "*as consideration for the marriage*" of the said parties. It is well nigh impossible to prove that the presents so made were 'as consideration for the marriage' for the obvious reason that the giver, *i.e.*, the parents or the guardian of the bride, would not, in the interest of the girl, say so. Secondly, the Act virtually lacks enforcement. The court, which is competent to try offences under the Act by virtue of Section 7(a), cannot take cognizance of any offence except on a complaint made within one year from the date of the offence. It is true that any person who is aware of the commission of the offence, and not necessarily the aggrieved party, can make a complaint under this provision, but rarely do the invitees at the wedding, who alone would have the knowledge of the commission of the offence, come forward to lodge a complaint. It is equally futile to expect even

the aggrieved party to set the law in motion since the bride's parents, who are usually the victims, would be reluctant and unwilling to make a complaint because of the fear that their daughter could be victimised for that. The Act did not, therefore, have the desired effect of even curbing the evil not to speak of its eradication.

1.27 It is also disconcerting to note that spread of education in the country has hardly had any liberalising influence on the minds of the people in respect of dowry. On the contrary, education has increased the demand for dowry both in rural as well as in the urban areas. The Committee are in full agreement with the observations made by the 'Committee on the Status of Women in India' in their Report to the effect that 'the educated youth is grossly insensitive to the evil of dowry and un-ashamedly contributes to its perpetuation.'

1.28 The Committee are aware that the existence of the dowry system is a social problem and the remedy therefor can be found by creating social awareness in the Society and that the evil cannot be eradicated unless social consciousness revolts against it every time and on every occasion. However, the Committee are reminded of the following observations made by late Pt. Jawahar Lal Nehru, the then Prime Minister, during the course of a debate on the Dowry Prohibition Bill at the Joint Sitting of both Houses of Parliament on 6 May, 1961:—

> "Legislation cannot be itself normally solve deep-rooted social problems. One has to approach them in other way too, but legislation is necessary and essential, so that it may give that push and have that educative factor as well as the legal sanctions behind it which help public opinion to be given a certain shape".

The Committee are also in agreement with the opinion expressed by the 'Committee on the Status of Women in India' in their Report to the effect that a stringent enforcement of the policy and purpose of the Act may serve to educate public opinion better.

1.29 The Committee have no doubt that if all the possible loopholes in the Act are plugged, its provisions are strictly implemented without fear or favour and deterrent punishment is provided for and imposed on law-breakers, there is no reason why this social legislation should not bring about the desired results. The Committee, at the same time, also feel that the necessity for social legislation should be widely publicised and public opinion properly educated with a view to ensure a reasonable and willing acceptance thereof by the society.

CHAPTER II

DOWRY SYSTEM IN VARIOUS PARTS OF THE COUNTRY

(a) Present position of the dowry system

2.1 Though dowry is an all-India phenomenon, there were some communities and groups in the country which were relatively free from the menace of this custom till a few decades back. Most muslim communities, the non-catholic christians outside Kerala and the Parsees did not have dowry as an essential part of the marriage ritual. The Nagar Brahmins of Gujarat, the Khatris of Uttar Pradesh and the Mathur Kayasthas did not have dowry as a custom. Many castes in Maharashtra also had no custom of dowry. But today even these communities have taken to dowry and look upon it as a prestige symbol.

2.2 The practice of dowry is rampant in Haryana, Punjab, Bihar, Rajasthan and Uttar Pradesh. *Dowry is practically practised among almost all the castes of the Hindus in all the States.* So do the Aggarwals and other Vaishya groups in the Hindi-speaking areas, the Rajputs and the Kayasthas and the landlords of Bihar and Uttar Pradesh. In the South, the Reddis, the Kammas, the Velmas, the traders and well-to-do Brahmins, the Vellallas, the Mudaliars, the Chettiars, Vaishyas, some Lingayat groups and the Christians (in Kerala) are known for their passion for big dowry.

2.3 In almost all States, all the highly placed people among Hindus practise dowry. It is equally prevalent, at present, among the Muslims and Christians. Among the Muslims, in many parts of the country, there is a custom of giving cash to the bridegroom (popularly called as Salami after the 'Nikah' ceremony and of giving clothes and jewellery to the bride by her parents who also bear the other expenses of the marriage. The Christians of Mangalore follow their pre-conversion custom of 'Kanyadan'. It is reported that in a State like Kerala with its high literacy rate and progressive outlook the prevailing high rates of dowry make marriages almost impossible for many Christian girls belonging to large families and induce them to join the nunneries or search desperately for jobs in other States. There is, in fact, no difference these days in the pattern and motives of conspicuous consumption and dowry, either religion-wise, region-wise or otherwise.

2.4 In many cases, black money and unaccounted earnings are playing a great role in encouraging this evil practice. It is now taking the form of a huge bribe to buy the daughters' future by arranging marriage alliances with highly placed bridegrooms belonging to families of high social and economic status. In the process, they raise the expectations of others in the marriage market, and the only sufferers are men of honest and moderate means who encounter unsurmountable difficulty in finding suitable matches even for their talented and beautiful daughters. Therefore, a distinct trend is noticeable among girls of middle class families in urban areas to take up clerical jobs or go for nursing profession or work as sales girls in order to earn and accumulate their dowry.

2.5. A situation has emerged in the Society wherein social status and prestige have come to be measured in accordance with the expenses incurred by the parents on the marriage of their daughter or son. Higher the dowry and other expenses incurred on the marriage of the girl, higher the prestige and status the family enjoys in the society. Dowry payments are taken as symbols of high social rank of the family and are not deemed as illegal or unethical nor seen with disapproval by the people in the society. People rather narrate the details of high dowry marriages with pride which induce other people to nurse a keen desire to get dowry in the marriages of their sons. Even the people, who have experienced the pinch of this evil system in the marriages of their daughters, remain keen to get dowry in the marriages of their sons. This is the most pernicious and tragic part of the dowry system.

2.6 At a time when more advanced societies are laying stress on human relationship as a foundation for marriage, the Indian Society is sinking deeper and deeper into institutionalised system of exploitation which is leading to an entirely commercial relationship between the kinsfolk of the young couple.

2.7 It is reported that there are well-defined grades of dowry for men in different trades and professions. For example, an I.A.S. or I.F.S. boy belonging to well-to-do communities, can easily expect in cash and kind a few lakhs of rupees. Business executives rank next. Engineers and Doctors are some what lower on the scale. This class of persons seems to expect that marriage would bring for the bridegroom not only a bride but also a car, refrigerator and radiogram, besides other expensive things, to set up a modern and luxurious house-hold. These groups serve as pace-setters and naturally influence those below them in the social hierarchy to practise this evil system.

Thus, even a peon or a clerk does not lag behind or hesitate in demanding such things as a bicycle, a transistor and a wrist watch. A scooter and a television set are common demands at the level of middle class families. In big cities, a demand for residential accommodation which has a high premium value often forms part of dowry.

2.8 In the rural areas, the situation is reported to be more distressing. The farmers are forced to sell their land, bullocks etc. which are the only means of livelihood, to evolve dowry funds for the marriage of their daughters. It is also reported that prevalence of dowry system is one of the reasons for rising rural indebtedness. The farmers borrow, year after year, from the money-lenders and Government Institutions by mortgaging their land or otherwise, at a very high rate of interest. It is estimated that a major portion of the borrowings by the farmers is spent on marriages and other social ceremonies and very little amount is spent on improvement and inputs of agriculture. As their agricultural output is not enough to pay off their debts, the debts go on increasing year after year with the result that the money-lenders ultimately take away the land of the borrowers. On account of these factors, the farmers are eventually rendered landless and their number is increasing.

(b) Dowry-deaths viz. **murders, suicides and burnings on account of dowry system ..**

2.9 In *Manusmriti*, the ancient scripture on Ethics by *Manu*, the ideal with regard to the status of women, placed before the Indian society, had been expressed in the following words:—

"यत्र नार्यस्तु पुजयन्तें, रमन्ते तत्रदेवता"

[Where women are worshipped, that place is the abode of Gods]

It is also truly said that one of the important indices of the level of civilization in any society is the extent of deference shown by it to women, the respect they evoke and the status they occupy. In ancient times, when the women in the Indian society were given the highest place of reverence, India, *i.e.*, *Bharatavarsha*, was considered to be the most civilized nation in the world.

2.10 However, it is most alarming and distressing to note that in the Indian society, where almost half of the population, *i.e.*,

women, who were once worshipped and highly respected, today find themselves tortured, harassed, abandoned, divorced, murdered and are forced to commit suicide on account of the evils of dowry system.

2.11 Despite the Dowry Prohibition Act, 1961, and the amendments to that Act, passed by various State Governments, being in force and several other measures taken both by the Central and State Governments with a view to deal effectively with the problem, statistics reveal numerous cases of married women being harassed, tortured, murdered, burnt and even forced to commit suicide on account of the evils of the dowry system.

2.12 The Report of the Suicide Enquiry Committee in Gujarat (May, 1960—April, 1964) noted that ninety per cent of suicides committed in Saurashtra were by women. It also reported that 867 women committed suicide owing to domestic unhappiness as against only 302 men for the same reason. The Committee further noted that one of the factors responsible for family tension leading to suicide especially of poor girls, was dowry and related customs. The girls had to suffer humiliation and taunts for not bringing handsome dowry in their marriage.

2.13 Despite all the measures taken by the Central and State Governments, statistics reveal numerous cases of dowry harassments and deaths. A survey conducted on the basis of incidents reported in the Press has shown that cases of wife burning tragedies increased from 670 in 1975 to 1676 in 1979—these figures do not include cases of suicide by newly married women. Out of the total number of cases of wife burning tragedies reported in 1979, 744 were from Uttar Pradesh; 364 from Maharashtra and 249 from Andhra Pradesh. There were 148 cases in Delhi, 98 in Rajasthan, 48 in West Bengal, 23 in Punjab and 2 cases each were reported from Tamil Nadu and Karnataka. In most of these cases, the parties involved were unwilling to invoke the provisions of the Dowry Prohibition Act, 1961.

2.14 During the year 1978, 35 incidents of dowry deaths were reported throughout the country. Out of these, only in 8 cases, the guilty persons could be convicted. In 1979, the incidents of dowry deaths in the country increased to 54, out of which there were only two convictions.

2.15 The cases of dowry deaths are increasing in Delhi as is evident from the following figures reported to the Delhi Police during the years 1980, 1981 and 1982 (so far):

Period	*Number of dowry death cases reported to the Police*
1 January to 30 June, 1980	9
1 January to 30 June, 1981	11
1 January to 30 June, 1982	19

2.16 The severity of the problem in different part of the country is also on the increase as is evident from the following figures of the reported incidents of dowry deaths of women during 1979, 1980 and 1981.

Name of the State	1979	1980	1981
Gujarat	--	1	2
Orissa	1	2	5
Uttar Pradesh	10	16	30

2.17 The Committee feel that, although the statistics given in the foregoing paragraphs are quite indicative of the enormity of the problem, there may be many more such cases which may not have appeared in the Press or reported to the Police. Since the problem of dowry system is now widespread throughout the country, there may also be thousands of unnoticed and unreported cases where married women are harassed, humiliated and tortured because of the inability of their parents to meet the dowry demands of their in-laws or their husbands.

(c) Impressions gathered by the Joint Committee

2.18 The Committee, during their study and examination of the working of the Dowry Prohibition Act, 1961 in relation to the dowry system prevalent throughout the country, had received various memoranda containing comments|suggestions and representations|complaints on the subject. The Committee had also visited several places in the country and heard the views of both officials and non-officials comprising representatives of various Women's and Voluntary Social Organisations, Bar Councils, Bar Associations and individuals representing almost all sections of the society,

2.19 All over India, the Committee have found that the system of dowry is on the increase and has penetrated into all strata of different communities and regions which did not practise it earlier. Its extent, *i.e.* quantum, depends on the socio-economic status of the parties involved and differs from region to region. What is deplorable in the case of dowry is its compulsive character and the resulting material transactions in actual consideration of the marriage.

2.20 The Committee have noted that in the continued relationship between the two families of the bride and the bridegroom, gift-giving characterises specific occasions of visits, festivals and ceremonies like those associated with marriage, child-birth, initiation etc. particularly in the first few years of marriage. It is a matter of general observation and experience that in such gift-giving, the bride's family is under compulsion and heavy pressure. These subsequent, expenses are often regarded as making up for the deficiencies in the initial giving of dowry and cause severe hardship to the girl's parents. In the first few years of marriage, in most of the cases, the girl's treatment in her husband's house is linked to these gifts. In actual practice one comes across so many cases of cruelty even long after the marriage arising chiefly out of almost insatiable demands made on the parents of the girl. Thus, "dowry" is not one isolated payment initially at the time of marriage but a series of gifts given over a period of time before and after the marriage. However, among the different ways of payment that constitute dowry, that which is given and taken at the time of marriage, is the most important and conspicuous in view of the fact that the system continues openly unabated even when the Act of 1961 specifically prohibits the taking of dowry.

2.21 The Committee have also noted that in many parts of India, the birth of a female child is considered as a matter of sorrow. A female child casts a shadow of tragedy over the whole family because of the dowry that will have to be given later and continues to haunt it till the wedding of the girl takes place and, quite often, till long after the wedding and sometimes till death brings peace to the tormented girl. The so-called equality of status and opportunity between the sexes guaranteed by the Constitution of India is, therefore, completely nullified by the social evil of the dowry system.

2.22 The religious and social philosophies in this country also emphasize the importance of human values. Greed for money is considered in our scriptures as one of the most serious offences against man and society. Yet it is the greed for money which is responsible for the emergence and continuance of the dowry

system. This glaring contradiction between precept and practice underlines our social hypocrisy which exists on a gigantic scale.

2.23 The Committee note with great concern that the spirit of dowry, as prevalent in the country, and the transactions involved in it, particularly at the upper middle class and the upper class levels, go against the goal of a socialistic pattern of society because their ostentatious behaviour tend to influence other socio-economic groups adversely. It is an undeniable fact that, excepting a few rich, all have to spend beyond their means where dowry is involved.

2.24 The Committee, during the course of their study of the problem, were informed that almost all sections of the society in the country felt bitterly about the ever-increasing burden of dowry. The limited means of the parents and the abnormal demands for dowry impose a great strain on the minds both of the parents as well as of the girls which at times leads to undesirable consequences.

2.25 Although dowry, on theoretical plane, is condemned by all in this country, in actual life most of them are parties to the vice. Thus, it has undeniably become one of the great social evils in the country. It has, in some cases, resulted in the murder of newly married girls, in some cases they have been burnt on this score and in other cases this evil and its resultant cruelty has driven them to suicide. In many cases it has resulted in the harassment, torture and maltreatment of brides by the in-laws after marriage including their despatch back to their parents' home for extracting more dowry and in a number of cases it has ruined the marital relationship and led to divorce. In some cases it has made it difficult for girls to find suitable matches and thus has compelled them to remain spinsters.

2.26 The Committee feel that the evils of the dowry system leading to murders, suicides, burnings—popularly known as 'dowry deaths'—harassment and torture of the newly married young girls throughout the country are creating a fear psychosis in India like the *mafia* in European countries. The Committee are of the view that the evils of the dowry system are, therefore, required to be attacked from all sides—socially, economically and legally—and appropriate measures for their removal need to be evolved.

2.27 The Committee feel very strongly that the best precursor of such social reforms is a change in social thinking, behaviour and creation of strong public opinion. Laws can prove effective only if they are backed by major sections of the society. Wide gulf or gap between social climate and the laws of the land results in frictions which are not good for the health of the community. Laws, no doubt

can be used as instruments for engineering social welfare and it is indeed the function of laws to satisfy the felt necessities of the time.

There is, however, a limit up to which laws can be ahead of community's thinking and climate. If laws move too much ahead they would have to cry halt or retrace their steps. If, however, laws remain static in an advancing society, they would, in that event lose their efficacy and utility because of their failure to keep pace with the march of time. Although interaction between law and social progress is inevitable, it is also essential to keep in view the need for harmony between social thinking and legal processes.

The Committee are also of the view that for any law to yield results and prove effective, two conditions need to be satisfied. There must be a favourable social climate in support of that law. Otherwise that law would remain no more than an embellishment of the statute book. The second requirement is the administrative will to enforce the said law. If the administrative willingness to implement that law is lacking, the law would prove to be no better than a dead letter.

CHAPTER III

RECOMMENDATIONS

3.1 The Committee, after examining the working of the provisions of the Dowry Prohibition Act, 1961, feel that the provisions contained therein are insufficient to deal effectively with the problem of dowry system prevailing in the country and to eradicate its evil in its entirety. The Committee realize that to suggest comprehensive changes would not strictly fall within the scope of the Act. But, considering the importance and urgency of the subject matter and keeping in view the long-range welfare of the womenfolk in general and the future brides in particular, the Committee have decided to make their recommendations in two parts—first, by way of specific amendments to the Dowry Prohibition Act, 1961; and the second in the form of general recommendations for consideration of the Government.

PART I

Amendments suggested to the Dowry Prohibition Act, 1961

3.2 The observations of the Committee with regard to the principal changes proposed in the Dowry Prohibition Act, 1961 are detailed in the succeeding paragraphs.

3.3 *Section* 2.—According to the definition of the term "dowry" given in this Section, any property or valuable security given or agreed to be given by one party whether parents or any other person to the other party at or before or after the marriage as consideration for the marriage is to be treated as dowry but it does not include dower or *mahr* in the case of persons to whom the Muslim Personal Law applies. By way of explanation it has been further clarified that the presents in the form of cash, ornaments, clothes and other articles are not to be deemed as dowry unless they are shown to have been given as consideration for the marriage.

3.4 The Committee feel that it is well-nigh impossible to prove that any property or valuable security given or the presents so made

were as 'consideration for the marriage' for the obvious and simple reason that the giver, *i.e.* the parents, who are usually the victims, would not, in the interests of girl, say so and would be reluctant and unwilling to set the law in motion because of the fear that their daughter could be victimised for that. This, the Committee feel, is one of the reasons why the Dowry Prohibition Act, 1961, although in operation for such a long time, failed to achieve its objectives. The Committee are aware that the omission of the aforesaid words would make the definition very wide and drastic. **The Committee have reluctantly arrived at the conclusion that those words should be omitted as without omitting them the provisions of the Act cannot be made to serve the purposes which they are intended to.**

3.5 The Committee examined the implications of the problem from different angles, *viz.* presents made to the bride; presents made to the bridegroom and his family members and other marriage expenses. The Committee are of the view that it is neither desirable to put a complete ban on the presents to be made to the bride nor does it seem reasonable to prescribe a standard ceiling thereon for different sections of the society for the reasons that it would neither be possible to implement it nor it would be acceptable to the society. Keeping in view the interests of the girl uppermost in mind and to ensure that the parents of the bride are also not put to any undue hardships, **the Committee are of the opinion that apart .from the right of inheritance or succession or any other property right to which the bride might be entitled to under any other law applicable to her or any other property rights under any agreement or right of the bride to "dower" or "mahr" under the personal law applicable to her, presents made voluntarily** i.e. **without compulsion or coercion either directly or indirectly to her by her parents, relatives, friends, etc. at or before or after the marriage in the form of cash, ornaments, clothes or other articles not exceeding in value twenty per cent of the income, during the year preceding the date of marriage, of the parents of the bride or other persons bearing the marriage expenses on the bride's side, or fifteen thousand rupees whichever is less, should not be deemed as dowry for the purposes of Section 3. The Committee also feel that presents made voluntarily to the bride by the bridegroom or parents or relatives of the bridegroom should not be treated as dowry for the purposes of Section 3 (taking dowry).**

The Committee are of the view that this limit is expected to be within the capacity of the parents and acceptable to the society.

3.6 The Committee are also of the opinion that in order to make it sure that the presents, in the form of cash, ornaments, clothes or other articles made to the bride at or before or after the marriage, are exclusively for the bride's benefit, they should be listed and registered in her name. Further, in the event of the bride's death under suspicious circumstances and without issues, such presents should be reverted to her parents, failing which to their heirs. If she dies leaving any issues behind, the presents should go to those issues. In the event of divorce, they should be reverted to her. The Committee are further of the opinion that in order to make the position of the bride more secure and to see that her presents are not misappropriated by her husband or her in-laws on one pretext or the other, such presents should neither be allowed to be transferred nor disposed of for a minimum period of five years from the date of marriage without the prior permission of the Family Court (by whatever name called) on an application made by her.

3.7 The Committee feel that the main problem in the dowry system prevailing in the country relates to the demands from bridegroom's side for presents in different forms and the expenditure on the performance of marriage ceremonies ostentatiously which result in great hardships being caused to the parents of the bride. In order to ensure that there is no element of compulsion from the side of the bridegroom for dowry and to curb the evil practice of ostentation in the marriage ceremonies, the Committee very strongly feel that in the circumstances prevailing in the country, a stage has come, where there is no remedy except to prescribe a ceiling on the presents to be made to the bridegroom or his family members and the total marriage expenses likely to be incurred on different occasions.

3.8 The Committee are of the opinion that in view of the prevailing economic conditions in the country and to ensure that no hardship is caused to the parents of the bride or other persons bearing the expenses of the marriage on the bride's side, presents made voluntarily i.e. without compulsion or coercion either directly or indirectly to the bridegroom or his relations at or before or after the marriage not exceeding in value three per cent of the income, during the year preceding the date of marriage, of the parents of the bride or other persons bearing the expenses of the marriage on the bride's side or two thousand rupees, whichever is less, should not be treated as dowry for the purposes of Section 3 (taking dowry).

3.9 The Committee are also of the opinion that incurring of marriage expenses on betrothal or any other ceremony connected

with marriage, decorations, illuminations, music, serving of food and other incidental matters exceeding seven per cent of the income, during the year preceding the date of marriage, of the parents of the bride or other persons bearing the marriage expenses on the bride's side or three thousand rupees, whichever is less, should be made punishable with imprisonment which may extend to three months and fine which may extend to five thousand rupees or twice the amount which has been incurred in excess of the limit, whichever is more.

3.10 *Section* 3.—Section 3 provides that giving or taking of dowry shall be punishable with imprisonment up to six months or with fine up to five thousand rupees or with both.

3.11 The Committee feel that the giver of the dowry, *i.e.* the parents should not be equated with those who take dowry. The giver of dowry is more a victim than a criminal. The parents do not give dowry out of their free will but are compelled to do so. Further, when both the giver and the taker are punishable, no giver can be expected to come forward to make a complaint.

3.12 The Committee are, therefore, of the opinion that only those who take or abet the taking of dowry should be punished and in order to curb the evils of the system, a deterrent punishment of imprisonment for a minimum period of six months extendable up to two years and a fine extendable up to ten thousand rupees or an amount equivalent to the amount taken as dowry, whichever is more, need to be provided. The Committee are also of the opinion that the court trying the offence might be allowed to exercise the discretion of imposing a sentence of imprisonment of less than six months for adequate and special reasons in deserving cases. By way of abundant caution, the Committee desire that it may be made clear that the giver of the dowry shall not be subjected to any punishment as an abetter.

3.13 *Section* 4.—Section 4 provides that if any person demands directly or indirectly from the parents of a bride or bridegroom any dowry, he shall be punishable with imprisonment up to six months or with fine up to five thousand rupees or with both. It also provides that no court shall take cognizance of any such offence except with the previous sanction of the State Government or such other officer as may be authorised for the purpose.

3.14 The Committee feel that the punishment for demanding dowry is quite inadequate and hence ineffective. The Committee

note with great concern that the demands for dowry in the country are on the increase and, as is evident from day-to-day newspaper reports, tend to create a fear psychosis in the minds of the young girls of marriageable age and their parents.

3.15 The Committee are, therefore, of the opinion that deterrent punishment for demanding dowry, on the same lines as has been proposed in the case of taking dowry, needs to be provided i.e., imprisonment for a minimum period of six months extendable up to two years and fine extendable up to ten thousand rupees. The Court also should be allowed to exercise the discretion of imposing a sentence of imprisonment of less than six months for adequate and special reasons in deserving cases. This, the Committee feel, would help in achieving the objectives to a great extent.

3.16 So far as provision relating to previous sanction of the State Government for taking cognizance of the offence is concerned, the Committee are of the view that this would cause delay and act as an obstacle in the prosecution of offenders and is, therefore, not necessary.

3.17 *New Sections 4A and 4B.*—During the course of their deliberations, the Joint Committee were time and again informed that apart from the specific forms of persecution, *viz.*, taking and demanding dowry, there are yet other forms of persecution, namely denial of conjugal rights by the husband and mental and physical torture of the bride by the husband or his parents and relations on the ground of non-receipt of dowry or insufficient dowry. This mental and physical torture of the girl after marriage makes her life miserable and leads to undesirable consequences.

3.18 Under the provisions contained in the Dowry Prohibition (Orissa Amendment) Act, 1976, denial of conjugal rights by the husband on the ground of non-receipt of dowry or insufficient dowry has been made punishable. According to these provisions, a person who denies conjugal rights to the wife on the ground that dowry has not been given or the dowry given is insufficient shall be imprisoned for a term which they extend to one year or fine which may extend to ten thousand rupees or with both. The court has been given the power to drop the proceedings on an undertaking given by the husband at any stage of the proceedings that he will not realise the dowry and would allow conjugal rights to the wife. In cases of the breach of the undertaking, the proceedings become automatically revived. The court has also been given the power to direct a portion of the fine for an offence under the Act to be paid

over to the wife as compensation. The court has also been further empowered to make provision for payment of monthly allowance for the maintenance of wife by the husband on his conviction.

3.19 The Committee are of the view that the denial of conjugal rights to the wife and infliction of mental or physical cruelty on her on the ground that dowry has not been given or that the dowry given is insufficient, should be made punishable with imprisonment extendable up to one year or fine extendable up to ten thousand rupees.

3.20 *Section* 6.—In accordance with the provisions contained in this Section, where any dowry is received by any person other than the bride and if that person fails to return it to the bride within one year—(i) after the date of marriage if it is received before marriage; (ii) after the date of receipt if it is received at the time of or after the marriage; and (iii) after attaining the age of eighteen years if it is received by a minor bride—that person is punishable with imprisonment up to six months or with fine up to five thousand rupees or with both. The Section also provides that in case the woman entitled to receive the said property dies before receiving it, the heirs of the woman are entitled to claim it from the person holding it for the time being.

3.21 Although taking and demanding dowry have been prohibited and made punishable under Sections 3 and 4 as also in the amendments now being proposed to these Sections, the Committee apprehend that in view of the nature and prevalence of the dowry system in the country, there is no likelihood of the provisions being complied with by all in letter and spirit. **The Committee feel that even though the provisions contained in the amendments being proposed to the Act are expected to take care of the violations, in those cases where dowry has been given and is held by any person other than the woman entitled to it that person should return it to her under all conditions mentioned in para 3.20 above, within three months of its receipt by him.**

3.22 The Committee also feel that in order to ensure that the dowry, which is essentially for the benefit of the girl, is not misappropriated by the person who is holding it for the time being, there should be a provision for deterrent punishment for any default in that behalf. **The Committee are, therefore, of the opinion that if the person holding the property does not return it within the stipulated time-limit, he should be punishable with imprisonment for a minimum period of six months extendable up to two years or with fine up to ten thousand rupees or with both.**

3.23 The Committee feel that the present provisions relating to devolvement of the said property to the heirs of the woman in cases where she dies before receiving it, should be made more explicit and such list of heirs should not include the husband of the woman. **The Committee are of the opinion that the property in such cases should go back to the parents failing which to their heirs if she dies without any issue and to the issues in case she dies leaving behind the issues. The Committee are further of the opinion that in cases where the woman dies under suspicious circumstances and the husband or in-laws are alleged to have murdered the woman or instigated such murder for dowry, the property inherited by the issues should be looked after by the guardian appointed by the court till they attain the age of majority.**

3.24 *Section* 7.—According to the provisions contained in this Section, no court inferior to that of a Presidency Magistrate or a Magistrate of the First Class is to try any offence and the cognizance of offences under the Act is to be taken by these courts only on a complaint made within one year from the date of offence.

3.25 The Committee feel that dowry offences, being of a delicate nature, should not be tried by ordinary courts. The Committee are of the view that, as in some foreign countries like U.S.A., Japan and Australia, Family Courts should be established to deal with family matters including the offences arising out of the violation of the Dowry Prohibition Act. These Family Courts, the Committee were informed, were functioning well in foreign countries and had an advantage over the ordinary courts as they had the assistance of specialists like sociologists, psychologists and social workers in considering any particular family problem. The Committee feel that family problems, being of a sensitive and delicate nature, require careful handling and a different kind of treatment. In such cases, the Committee feel, the procedure has to be much simpler, the atmosphere has also to be less formal and a certain amount of privacy is also necessary.

3.26 After the commencement of the Code of Criminal Procedure, 1973, the "Presidency Magistrates" and the "Magistrates of the First Class" are known as the "Metropolitan Magistrates" and the "Judicial Magistrates of the First Class" respectively. **The Committee desire that the nomenclature may be changed accordingly.**

3.27 The Committee are, therefore, of the opinion that offences under the Act should be tried only by the Family Courts. Till such time the Family Courts are established, the offences under the Act should be tried by any court not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class.

3.28 The Committee note that the offences under the Act being non-cognizable, the provisions envisage a complaint being preferred by the parents of the girl who had given the dowry. This, the Committee feel, is quite unrealistic to think that the parents of the girl would prefer a complaint against the interests of their daughter after the marriage. **The Committee are, therefore, of the opinion that apart from the parents and the relations of the girl, the police and registered social organisations should also be authorised to lodge a complaint. The Committee are further of the opinion that there need not be any time-limit for lodging a complaint as in many cases, the offences come to light after a long period of marriage when the continued harassment and torture of the woman compel her to expose her husband and her in-laws.**

3.29 *Section* 8.—According to the provisions contained in this Section, any offence under the Act is to be non-cognizable, bailable and non-compoundable.

3.30 The Committee feel that although they are in favour of the offences under the Act being made cognizable, there is an apprehension, that it may lead to some harassment particularly at the time of solemnization of marriage, as the police have powers to make arrests without warrant in such cases. **The Committee are, therefore, of the opinion that in order to ensure that no harassment is caused to the parties involved, the offences under the Act should be made cognizable subject to the condition that no arrest shall be made by the police officer without a warrant or an order of a Magistrate.**

3.31 The Committee are further of the opinion that where the parties involved agree to compromise on the complaint before the court, there should be no objection if it is done with the permission of the court. The offences under the Act should, therefore, be made compoundable, subject to the terms and conditions as the court may impose. In case of infringement of the terms and conditions, so imposed, the court may reopen the case on an application made therefor.

3.32 *New Section* 8*A*.—During the course of their deliberations, the Committee were informed that one of the reasons for failure of the Dowry Prohibition Act, 1961 in achieving its objectives is the absence of any enforcement machinery for the proper enforcement of its provisions or for providing necessary help to the dowry victims to prosecute their cases. The Committee are of the view that if some machinery, which can intervene, whenever necessary, is made available, it may help in averting a number of dowry tragedies and also in rendering necessary help to the dowry victims.

3.33 The Committee are, therefore, of the opinion that it should be made obligatory on the part of the State Governments to appoint Dowry Prohibition Officers for different local areas in their respective States. The Committee are of the view that it should be the duty of the Dowry Prohibition Officer to take appropriate action under the Act and the rules made thereunder for preventing contraventions of the Act, to collect evidence for the effective prosecution of persons contravening such provisions, to advise and render all possible help to persons subjected to demand for dowry and to discharge such other functions as might be assigned by the State Government. The State Government should also associate with each Dowry Prohibition Officer a non-official advisory body consisting of at least five social workers including women social workers well-known in the area within the jurisdiction of the officer for the purpose of advising and assisting him in the efficient performance of his functions. The State Government should also invest Dowry Prohibition Officer with such powers of a Police Officer as it might deem necessary for the purposes of the Act.

3.34 New Section 8B.—**The Committee are of the opinion that in order to assess and evaluate the working of the Act, both the Central and State Governments should prepare annual reports on the administration of the Act and lay it before each House of Parliament and the Legislative Assembly or each House of the State Legislature as the case may be, respectively.**

3.35 Section 9.—**The Committee desire that this Section which empowers the Central Government to make rules should be brought into conformity with the latest recommendations made by the Committee on Subordinate Legislation on the subject.**

3.36 New Section 9A.—**The Committee feel that provisions, similar to those of the Central Government relating to rule making power, should be made for the State Governments for carrying out**

the purposes of the Act since the State Governments administer the Act.

3.37 The Committee recommend very strongly that the Central Government, in view of the importance and urgency of this grave and burning problem of dowry, should introduce an amendment Bill incorporating the suggestions made above in the 1961 Act, or introduce a new Bill (repealing the 1961 Act) incorporating the aforesaid suggestions therein at an early date.

PART II

General Recommendations

3.38 The Joint Committee, with a view to acquaint themselves with various aspects of the problem of the dowry system prevailing in the country and to ascertain the views of the cross-section of the society for its eradication, received a large number of memoranda containing comments/suggestions and replies to the Questionnaire issued on the subject and visited various places throughout the country. During the course of these visits, the Committee had both formal and informal discussions with both officials and non-officials comprising the representatives of various Women's and Voluntary Social Organisations, Bar Councils, Bar Associations, individuals, etc.

3.39 During the course of their deliberations and examination of the Dowry Prohibition Act, 1961 including the amendments made to the Act by various State Governments, Committee were informed that apart from the evils of the dowry system prevalent in the country, there were other areas relating to the rights, status and economic conditions from which the Indian women suffer. Various suggestions were offered for the all round development of the women in the Indian Society.

3.40 The Committee, after examining the provisions of the Dowry Prohibition Act, 1961 including the amendments made by various State Governments, feel that although the provisions contained therein are insufficient to deal effectively with the problem of dowry system and other matters, to suggest comprehensive changes would not strictly fall within the scope of the Act. However, considering the importance and urgency of the subject-matter and keeping in view the long-range welfare of the women-folk in general and the future brides in particular, the Committee have decided to make certain general recommendations for consideration of the Government apart from specific suggestions made for amendment of the Dowry Prohibition Act, 1961.

3.41 The Committee are of the opinion that with a view to eradicate the evils of the dowry system prevalent in the Indian society and to ensure that the women in India regain their lost identity and occupy a respectable and dignified position in the society, some drastic measures other than those suggested by way of amendments to the 1961 Act need to be evolved. **The Committee, therefore, recommend that Government might consider the feasibility of regulating the following matters either by amending the existing legislations relevant to the subject matter or by processing suitable legislations, if necessary, or by issuing suitable instructions:—**

(1) Compulsory registration of marriages on the pattern of registration of births and deaths.

(2) Creation of social awareness for eradication of the evils or dowry system through all publicity media, viz. Radio, Television, Press, etc.

(3) Inclusion of educational material for the eradication of the evils of dowry system in the text-books from primary classes onwards.

(4) Encouragement for inter-caste marriages.

(5) Banning of pre-marriage ceremonies like 'Sagan', 'Thaka', "Tilak" etc.

(6) Restriction on the number of guests, meals, decorations, etc. at marriage ceremonies.

(7) Declaration by Government servants against giving or taking or demanding dowry.

(8) Provision for investigation of cases of giving or taking dowry under the Income-tax laws.

(9) Reservation of posts for women at various levels in the Central, State and Public undertakings services.

(10) Provision of free legal aid to dowry victims.

(11) Establishment of Family Courts.

(12) Prevention of daughters-in-law from visiting their parents ought to be declared as an offence.

(13) Provision of equal rights to sons and daughters in the inheritance and other related laws.

(14) Enactment of a common civil code for the country.

(15) In case of breakdown of marriage, the custody of a child or children to be given to the mother with maintenance allowance.

(16) Denial of conjugal rights by the husband on the ground of non-receipt of dowry or insufficient dowry to be declared as a ground for divorce.

(17) Persons convicted for any offence under the provisions of the Dowry Prohibition Act, 1961 to be disqualified for election to Parliament or State Legislatures or local bodies.

(18) Each Panchayat should report to the concerned Dowry Prohibition Officer about individual cases of dowry victims or generally about the working of the Act in its area.

(19) National Commission on Women with statutory powers to be set up both at Central and State levels.

3.42. *Section* 1.—Sub-section (2) of this Section of the Dowry Prohibition Act, 1961 provides that it extends to the whole of India except the State of Jammu and Kashmir.

3.43 The Committee feel that as the dowry system was being practised by all sections of the society throughout the country, the provisions of the Act should be made applicable to every citizen of India throughout the country including the State of Jammu & Kashmir. The Committee were informed that the provisions of the Act cannot be extended to the State unless the concerned entries of the Seventh Schedule to the Constitution are made applicable to that State.

3.44 The Committee are of the opinion that in order to eradicate the evils of dowry system prevailing in the country, it was essential that the provisions of the Act are extended to that State also. The Committee, therefore, recommend that Government might consider the feasibility of making the concerned entries applicable to that State so that the provisions of the Act could be extended to that State.

NEW DELHI;
August 10, 1982
Sravana 19, 1904 (*Saka*)

KRISHNA SAHI,
Chairman,
Joint Committee.

CHAPTER IV

MINUTES OF DISSENT

I

I agree with the Joint Committee's report except on one point *viz.* reservation of posts for women at various levels in the Central, State and Public Undertakings services. I suggest that the general recommendation made at serial number (9) of Part II of Chapter III on page 36 may be *substituted* by "(9) Earmark the amount both in the Central and State Governments' budgets as well as plan budget for creating more employment opportunities for women".

The provision of reservation for women in job and services, I think will create more confusions. Such a provision in my view, far from helping women, will lead to social tensions. Already reservations provided for certain sections necessary as they are upto a stage have led to social tensions. The reservation for women will lead to social tension of a different type.

I do agree that women's position in employment is very bad and that too only in unorganised sectors. Women in the organised sector form only 6 per cent of total women workforce in India and 11 per cent of the total workforce in the organised sector even after 35 years of independence. Women are being thrown out of employment due to modernisation and mechanisation. Protective legislations instead of protecting them have only resulted in throwing them out of employment. This position has to be changed. Only the political will of the Government will help to solve this problem. Instead of reservation, an earmarked amount in State and Central budgets as well as in the plan for creating more employment opportunities and providing more training facilities for technical skill for women will only help to improve the present position.

This is the reason for pressing my amendment.

SUSEELA GOPALAN

NEW DELHI;
August 9, 1982
Sravana 18, 1904 (*Saka*)

II

While generally agreeing about the broad recommendations of the Joint Committee of the Houses to examine the Question of the Working of the Dowry Prohibition Act, 1961, I would like to record my minute of dissent regarding one significant aspect.

The report has recommended a ceiling on the value of the presents made voluntarily without compulsion or coercion either directly or indirectly to the bride by the parents, relatives, friends, etc. to the tune of twenty per cent of the income during the year preceding to the date of marriage of the bride's parents or the person bearing expenses on the bride's side or Rs. 15,000, whichever is less. I would like this limit to be reduced to ten per cent of the annual income or Rupees ten thousand, whichever is less.

I would like a definite provision in the concerned law to make it obligatory to declare the share of the bride in the property and wealth of her parents till the date of the marriage and ensure that her claim on the property and wealth of her parents even after marriage is respected.

NEW DELHI;
August 9, 1982
Sravana 18, 1904 (*Saka*)

PRAMILA DANDAVATE

APPENDIX I

(*Vide* para 2 of the Introduction)

MOTION ADOPTED IN LOK SABHA ON FRIDAY, 19 DECEMBER, 1980 FOR APPOINTMENT OF A JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

———

"That the question of the working of the Dowry Prohibition Act, 1961, and the amendments which may be made in the law for dealing effectively with the evil of dowry system, be referred to a Joint Committee of the Houses for examination and report with instructions to report on the last day of the first week of the next session of Lok Sabha;

That the Committee shall consist of 21 Members, 14 from this House to be nominated by the Speaker and 7 from the Rajya Sabha to be nominated by the Chairman, Rajya Sabha;

That the Speaker shall nominate one of the members of the Committee to be its Chairman;

That in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

That in other respects, the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

That the House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House the names of 7 members nominated to the Joint Committee by the Chairman of the Rajya Sabha."

———

Nomination of members of Lok Sabha to the Joint Committee of the Houses to examine the question of the working of the Dowry Prohibition Act, 1961

In pursuance of the motion adopted by the House on 19th December, 1980, the Speaker has nominated the following members of

Lok Sabha to be members of the Joint Committee of the Houses to examine the question of the working of the Dowry Prohibition Act, 1961:—

1. Shrimati Krishna Sahi—*Chairman*
2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Usha Prakash Choudhari
5. Shrimati Suseela Gopalan
6. Shri Jagpal Singh
7. Shri Satyanarayan Jatiya
8. Shrimati Mohsina Kidwai
9. Shri Anantha Ramulu Mallu
10. Shri C. Palaniappan
11. Shrimati Sanyogita Rane
12. Shri P. Shiv Shankar
13. Shrimati Sukhbuns Kaur
14. Shri K. P. Unnikrishnan

[*Vide paragraph No.* 730 *of Lok Sabha Bulletin Part II dated* 15 *January*, 1981.]

APPENDIX II

(*Vide* para 2 of the Introduction)

MOTION ADOPTED IN RAJYA SABHA ON WEDNESDAY 24 DECEMBER, 1980 REG. JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses to examine and report on the question of the working of the Dowry Prohibition Act, 1961, and the amendments which may be made in the law for dealing effectively with the evil of dowry system, made in the motion adopted by the Lok Sabha at its sitting held on the 19th December, 1980, and communicated to this House, and authorises the Chairman to nominate seven Members of the Rajya Sabha to serve on the said Joint Committee."

Nomination of Members of Rajya Sabha to the Joint Committee of the Houses to examine the question of the working of the Dowry Prohibition Act, 1961

The Chairman, Rajya Sabha, has on the 26th December, 1980, nominated the following members of the Rajya Sabha to be Members of the Joint Committee of the Houses on the working of the Dowry Prohibition Act, 1961:—

1. Shrimati Usha Malhotra
2. Shrimati Manorma Pandey
3. Shrimati Premilabai Dajisaheb Chavan
4. Shrimati Kanak Mukherjee
5. Shrimati Margaret Alva
6. Shri B. Satyanarayan Reddy
7. Dr. (Smt.) Sathiavani Muthu

[*Vide paragraph No.* 731 *of Lok Sabha Bulletin Part II dated* 15 *January*, 1981.]

APPENDIX III

(*Vide* para 1.3 of the Report)

SIND ACT NO. XXI OF 1939

(First published, after having received the assent of the Governor, in the *Sind Government Gazette* on the 13th July, 1939).

An Act to prohibit payments made or agreed to be made as a part of the contract of betrothal or marriage and to restrict *Deti Leti* in the Province of Sind.

WHEREAS it is expedient to prohibit payments made or agreed to be made as a part of the contract of betrothal or marriage and to restrict *Deti Leti* in the Province of Sind. It is hereby enacted as follows:—

Short title, commencement and extent.

1. (1) This Act may be called the Sind Deti Leti Act, 1939.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

[1]. [(3) The provisions of this Act shall not apply to Mohammadans, Parisis, Christians and Jews.]

(4) The provisions of this Act shall not apply to Mohammadans.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "girl" means a female of any age;

(2) "marriage" means a marriage of persons to whom or to one of whom this Act applies;

(3) "payment" means a payment by or to a person betrothed or married or by or to a parent or any other relation or guardian of such person made or agreed to be made in connection with, or in consequence of, the betrothel or marriage and includes the giving of a gift or present in kind on any festival or auspicious day or on

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[1]Substituted by S. 2 of Sind Act I of 1940.

account of [2][—the] birth of a child or any ceremony in the families of the parents or relations of [2][the] bride or bridegroom; and

(4) "prescribed" means prescribed by rules made under this Act.

Giving and acceptance of payments as part of contract or before thal or marriage prohibited.

3. No person shall give or accept or agree to give or agree to accept any payment as a part of the contract of any betrothal or marriage.

No other payment to be given or received in excess of limits specified in list.

4. [3][without prejudice to the provisions of section 3, where a girl is betrothed or married, no person shall, at the time of or after such betrothal or marriage, give or accept any payment in excess of such limits as may be specified in a list (hereinafter called the list) made under this Act and applying to the family of such girl.]

(2) The provisions of this Act shall also be deemed to apply to all cases in which—

(a) the betrothal takes place before the commencement of this Act but the marriage is not solemnised until after such commencement;

(b) the marriage has been solemnised before the commencement of this Act.

(3) Nothing herein contained shall affect any payment made before the commencement of this Act and in computing the aggregate value of the payments authorised to be made under this section all such payments shall be excluded.

Contents of list.

5. The list shall contain particulars of the nature and number of @[the] maximum payments authorised there-

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[2]Inserted by s. 3, *ibid.*

[3]Substituted by s. 4 of Sind Act I of 1940.

@Inserted by and substituted by s. 5 of Sind Act I of 1940.

under and of the occasion on which and the persons to or by whom such payments shall be made;

@[Provided that the aggregate value of such payments shall not exceed—

(i) where the list is made by a Panchayat—

(a) as respects payments made from the date of betrothal until the expiry of two years from the date of marriage, Rs. 500;

(b) as respects payments made during the next three years, Rs. 50 per year; and

(c) as respects payments made thereafter, Rs. 25 per year;

(ii) where the list is made by the Provincial Government—

(a) as respects payments made from the date of betrothal until the expiry of two years from the date of marriage, Rs. 200;

(b) as respects payments made during the next three years, Rs. 20 per year; and

(c) as respects payments made thereafter, Rs. 10 per year].

6. A panchayat shall make the list in the prescribed manner and within the prescribed period and shall cause it to be registered in the prescribed manner.

[1][The list shall be binding upon every member of the panchayat so long as he continues to be such members and upon every member of his family dependent on him].

Explanation.—For the purpose of this Act, "Panchayat" means any combination or body of persons consisting of not less than fifty adult male members[2][***].

7. The Provincial Government shall make and publish the list in the prescribed manner and such list shall apply to— Persons to whom list made by provincial Government applies.

(a) person who are members of a panchayat if such panchayat has omitted to make the list or cause

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@Inserted by and substituted by s. 5 of Sind Act I of 1940.

[1]Substituted by S. 6 *ibid.*

[2]Omitted by S. 6 of Sind Act I of 1940.

the list to be registered in the manner and within the time prescribed by or under the Act;

(b) persons who are not members of a panchayat.

Punishment for contravening provisions of sections 3 and 4.

8. Whoever contravenes the provisions of section 3 or section 4 shall, on conviction, be punishable with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or the value of any payment made in contravention of section 3 or section 4 (as the case may be), whichever is greater, or with both:

Provided that no woman shall be sentenced to imprisonment.

Saving of rights by inheritance or testamentary dispositions.

9. Nothing contained in this Act shall after any right or interest obtained or acquired by inheritance or by virtue of any will or testamentary disposition.

Certain gifts and settlements to be void.

10. Notwithstanding anything contained in any law for the time being in force any gift or settlement, which is not a payment, made in favour of a girl within six months of her betrothal or before the expiry of two years from the date of her marriage shall be void.

Jurisdiction under this Act.

11. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1898, no court other than that of a Magistrate of the First Class specially empowered by the Provincial Government in this behalf shall take cognizance of or try any offence under this Act.

Cognizance of offence.

12. No court shall take cognizance of any offence under this Act unless the District Magistrate, within the local limits of whose jurisdiction such offence is alleged to have been committed, has, by order in writing, consented to the initiation of the proceedings.

Magistrate may dispense with personal attendance if accused is a woman

13. Notwithstanding anything contained in section 205 of the Code of Criminal Procedure, 1898, a Magistrate trying an offence under this Act, shall, if the accused is a woman and is defended by a pleader, upon the application of such accused, dispense with her personal attendance and permit her to appear by her pleader.

Power to take security from complainant.

14. (1) At any time after examining the complainant and before issuing process for compelling the attendance of the accused, the court shall, except for reasons to be recorded in writing, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898; and if such security is not furnished within such reasonable time as the court may fix, the complaint shall be dismissed.

(2) A bond taken under this section shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, and Chapter XLII of the Code shall apply accordingly.

Provincial Government may exempt certain panchayats from operation of this Act.

15. The Provincial Government may exempt any panchayat, the members of which according to the custom of their community their girls in marriage to persons having their domicile outside the Province of Sind, from the operation of all or any of the provisions of this Act.

Power to make rules.

16. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, if such rules may provide for—

(a) the manner in which and the time within which a panchayat shall make the list under section 6;

(b) the manner in which the person by whom [1][,] and the conditions on which a panchayat shall be registered;

(c) the making of the list under section 7 and the manner in which it shall be published; and

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[1]Inserted by s. 7 of Sind Act I of 1940.

(d) any other matter which may be prescribed.

(3) Rules made under this Act shall be published in the Official Gazette and shall be subject to the condition of previous publication.

(4) Rules made under this Act shall be laid on the table of the Sind Legislative Assembly during the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and such rules shall, after having been notified in the Official Gazette, be deemed to have been modified or rescinded accordingly.

APPENDIX IV

(*Vide* para 1.5 of the Report)

BIHAR ACT 25 OF 1950

(THE BIHAR DOWRY RESTRAINT ACT, 1950)

An Act to provide for restraining the taking or giving of dowry in marriage.

Whereas it is expedient to provide for restraining the taking or giving of dowry in marriages;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bihar Dowry Restraint Act, 1950. Short title, extent, commencement and application.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date as the State Government may, by notification appoint.

(4) The provisions of this Act shall in the first instance apply to Hindus, Jains and Sikhs but the State Government may, by notification, direct that all or any of the provisions of this Act shall apply to members of any other community except the Muslim community.

2. In this Act, unless there is anything repugnant in the subject or context, "dowry" means anything paid or delivered as consideration of a contract of any betrothal or marriage and includes— Definitions.

(i) tilak including chenka where the amount paid in cash or kind or both exceeds—two hundred and fifty-one rupees;

(ii) dahez including dwarpuja, milan or zadrah where the amount paid in cash or kind or both exceeds two hundred and fifty-one rupees; but does not include—

(a) Kanyanirakshan or mathjhaka,

(b) Stridhan or any other religious obligations enjoyed by the Hindus law or personal law applicable to the parties; or

(c) voluntary marriage gifts, such as ornaments to a bride and dresses to a bridegroom made at any time after the solemnisation of marriage.

Punishment for taking dowry.

3. Any person who takes dowry shall, on conviction, be punishable with simple imprisonment which may extend to six months or with fine which may extend to the amount or value of the dowry taken or with both.

Punishment for giving or abetting the taking or giving of dowry.

4. Any person who gives or abets the taking or giving of dowry shall, on conviction, be punishable with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

Trial of offences.

5. An offence under section 3 or 4 shall be non-cognizable and shall be triable by a Magistrate of the first class.

Prosecution not to commence against any person without notice to show cause.

6. No prosecution shall be commenced in respect of any offence punishable under this Act, unless the Court has given the person proceeded against a chance to show cause, within such time as may be specified in the notice why he should not be prosecuted.

APPENDIX V

(*Vide* para 1.5 of the Report)

ACT No. 1 OF 1958

An act to Prohibit Dowry in the State of Andhra Pradesh

Whereas it is expedient to provide for the prohibition of dowry as considerations for marriage and for other matters relating thereto.

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Andhra Pradesh Dowry Prohibition Act, 1958.

(2) It extends to the whole of the State.

(3) It shall come into force at once.

2. *Application of Act.*—This Act applies—

(a) to all persons including those domiciled in the State, whether the marriage is performed within or without the State;

(b) to parties to the marriage, if either of them is domiciled in the State;

(c) to all marriages performed in the State even if neither of the parties to such marriages is domiciled in the State.

Explanation.—For the purpose of this Act, the domicile of a person shall be determined in accordance with the provisions contained in sections 6 to 18 (both inclusive) of the Indian Succession Act, 1925 (Central Act XXXIX of 1925).

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "dowry" means any property or valuable security given or agreed to be given to one party to a marriage or to any other person on behalf of such party by the other party to a marriage

or by any other person on behalf of such other party either at such marriage or before or after such marriage as consideration for any betrothal or marriage between the said parties, but does not include Dower or Mahar in the case of persons to whom the Muslim Law applies.

Explanation.—The expression 'valuable security' shall have the meaning assigned to it in section 30 of the Indian Penal Code (Central Act XLV of 1860);

(b) "State" means the State of Andhra Pradesh.

4. *Giving or taking of dowry to be unlawful.*—(1) Notwithstanding any law, custom or usage to the contrary, the giving or taking of dowry shall be unlawful.

(2) Any agreement for the giving or taking of dowry or any transaction in that regard shall be void.

5. *Offences to be non-cognizable, bailable and non-compoundable.*—The offences under this Act shall be non-cognizable, bailable and non-compoundable.

6. *Cognizance of offences.*—No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act, except on a complaint made within one year from the date of the offence.

7. *Penalty for giving or taking or abetting the giving or taking of dowry.*—Whoever gives or takes dowry or abets the giving or taking of dowry shall be punishable with imprisonment not exceeding six months or with fine not exceeding one thousand rupees or with both.

8. *Power to make rules.*—(1) The State Government may, by notification in the Andhra Pradesh Gazette, make rules for carrying out all or any of the purposes of this Act.

(2) All rules made under this section shall be laid on the Table of the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment as that Assembly may make within fourteen days thereafter during the session in which they are so laid.

APPENDIX VI

(*Vide* para 1.9 of the Report)

Bill No. 33 of 1959

THE DOWRY PROHIBITION BILL, 1959

(*As introduced in Lok Sabha*)

A

BILL

to prohibit the giving or taking of dowry

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Dowry Prohibition Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

Definition of dowry.

2. In this Act, "dowry" means any property or valuable security given or agreed to be given to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party either at the marriage or before or after the marriage, as consideration for the betrothal or marriage of the said parties, but does not include—

(i) dower or mahar in the case of persons to whom the Muslim Personal Law (Shariat) applies; or

(ii) any presents made at the time of the marriage to either party to the marriage in the form of ornaments, clothes and other articles not exceeding two thousand rupees in value in the aggregate.

Explanation.—The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code. of 186

Penalty for giving or taking dowry.

3. If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Penalty for demanding dowry.

4. If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Agreement for giving or taking dowry to be void.

5. Any agreement for the giving or taking of dowry shall be void.

Dowry to be for the benefit of the wife or her heirs.

6. (1) Where, in contravention of the provisions of this Act, any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman within one year of the date of the marriage or, if the woman is a minor, within one year after she has attained the age of eighteen years, and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by sub-section (1) and within the time limited therefor, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; but such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1).

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.

(4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1898— Cognizance of offences.

(a) no court inferior to that of a magistrate of the first class shall try any offence punishable under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence.

8. Every offence under this Act shall be non-cognizable, bailable and non-compoundable. Offences to be non-cognizable, bailable, non-compoundable.

9. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) All rules made under this Act shall be laid before the State Legislature, as soon as may be, after they are made.

10. On the date on which this Act comes into force in the State of Andhra Pradesh or the State of Bihar, the Andhra Pradesh Dowry Prohibition Act, 1958 or, as the case may be, the Bihar Dowry Restraint Act, 1950, shall stand repealed. Andhra Pradesh Act 1 of 1958. Bihar Act 25 of 1950.

APPENDIX VII

(*Vide* para 1.9 of the Report)

Bill No. 33B of 1959

THE DOWRY PROHIBITION BILL, 1959

(As Reported by the Joint Committee)

(Words side-lined or under-lined indicate the amendments suggested by the Committee, asterisks indicate omissions)

A

BILL

to prohibit the giving or taking of dowry.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Dowry Prohibition Act, 1959. .. ..

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.***

Definition of "dowry".

2. In this Act, "dowry" means any property or valuable security given or agreed to be given, whether directly or indirectly to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party, either at the marriage or before or after the marriage, as consideration for the betrothal or marriage of the said parties, but does not include* dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies*.

* * * * *

Explanation.—The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code. of 1860

3. If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, and also with fine which may extend to five thousand rupees. * * Penalty for giving or taking dowry.

4. If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both. Penalty for demanding dowry.

5. Any agreement for the giving or taking of dowry shall be void. .. Agreement for giving or taking dowry to be void.

6. (1) Where** any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman—*** Dowry to be for the benefit of the wife or her heirs.

(a) if the dowry was received before marriage, within one year after the date of marriage; or

(b) if the dowry was received at the time of or after the marriage, within one year after the date of its receipt; or

(c) if the dowry was received when the woman was a minor within one year after she has attained the age of eighteen years;

and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by sub-section (1) and within the time limited therefor, he shall be punishable with imprisonment which may extend to six months, and also with fine which may extend to five thousand rupees;*** but such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1).

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of

woman shall be entitled to claim it from the person holding it for the time being.

(4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

Cognizance of offiences.

7. Nothwithstanding anything contained in the Code of Criminal Procedure, 1898,—

(a) no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence*** under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence;

(c) it shall be lawful for a presidency magistrate or a magistrate of the first class to pass any sentence authorised by this Act on any person convicted of an offence under this Act.

Offences to be non-cognizable, bailable and non-compoundable.

8. Every offence under this Act shall be non-cognizable, bailable and non-compoundable.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeals.

10. The Andhra Pradesh Dowry Prohibition Act, 1958**, and the Bihar Dowry Restraint Act, 1950, are hereby repealed.

Andhra Pradesh Act of 1958.

Bihar Act of 1950.

APPENDIX VIII

(*Vide* para 1.9 of the Report)

THE DOWRY PROHIBITION ACT, 1961

No. 28 OF 1961

[20th May, 1961]

An act to prohibit the giving or taking of dowry.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Dowry Prohibition Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definition of "dowry".

2. In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage, or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation I.— For the removal doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash,

ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

Explanation II.— The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code. 45 of 1860.

Penalty for giving or taking dowry.

3. If any person after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Penalty for demanding dowry.

4. If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both;

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf.

Agreement for giving or taking dowry to be void.

5. Any agreement for the giving or taking of dowry shall be void.

Dowry to be for the benefit of the wife or her heirs.

6. (1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman—

(a) if the dowry was received before marriage, within one year after the date of marriage; or

(b) if the dowry was received at the time of or after the marriage, within one year after the date of its receipt; or

(c) if the dowry was received when the woman was a minor within one year after she has attained the age of eighteen years;

and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by sub-section (1) and within the time limited therefor, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; but such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1).

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.

(4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

Cognizance of offences.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1898— 5 of 189

(a) no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence;

(c) it shall be lawful for a presidency magistrate or a magistrate of the first class to pass any sentence authorised by this Act on any person convicted of an offence under this Act.

Offences to be non-cognizable, bailable and non-compoundable.

8. Every offence under this Act shall be non-cognizable, bailable and non-compoundable.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree to making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeals.

10. The Andhra Pradesh Dowry Prohibition Act, 1958 and the Bihar Dowry Restraint Act, 1950, are hereby repealed.

Andhra Pradesh Act 1 of 1958.
Bihar Act 25 of 1950.

APPENDIX IX

(Vide para 1.11 of the Report)

[BIHAR ACT 4 of 1976]

THE DOWRY PROHIBITION (BIHAR AMENDMENT) ACT, 1975

AN

ACT

TO AMEND THE DOWRY PROHIBITION ACT, 1961, IN ITS APPLICATION TO THE STATE OF BIHAR

BE it enacted by the Legislature of the State of Bihar in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement—(1) This Act may be called the Dowry Prohibition (Bihar Amendment) Act, 1975.

(2) It shall come into force at once.

2. Substitution of new section for section 3 of Act XXVIII of 1961.—For section 3 of the Dowry Prohibition Act, 1961 (Act XXVIII of 1961) (hereinafter referred to as the said Act), the following section shall be substituted, namely:—

"3. Penalty for giving or taking dowry.—If any person after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months and with fine which may extend to five thousand rupees."

3. Substitution of new section for section 4 of Act XXVIII of 1961.— For section 4 of the said Act, the following section shall be substituted, namely:—

"4. Penalty for demanding dowry.—If any person, after the commencement of this Act, demands

directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months and with fine which may extend to five thousand rupees:

Provided that no Court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf."

4. Substitution of new section for section 7 of Act XXVIII of 1961. For section 7 of the said Act, the following section shall be substituted, namely:—

"7. Trial of offences.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act II of 1974) no Court inferior to that of a metropolitan magistrate or a judicial magistrate of the first class shall try any offence under this Act."

5. Substitution of new section for section 8 of Act XXVIII of 1961.—For section 8 of the said Act, the following section shall be substituted, namely:—

"8. Offences to be cognizable, non-bailable and non-compoundable.—Every offence under this Act shall be cognizable, non-bailable and non-compoundable."

Repeal and saving.—(1) The Dowry Prohibition (Bihar Amendment) Ordinance, 1975 (Bihar Ordinance No. 194 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

APPENDIX X

(*Vide* para 1.12 of the Report)

WEST BENGAL ACT XXXV OF 1975

THE DOWRY PROHIBITION (WEST BENGAL AMENDMENT) ACT, 1975

(Passed by the West Bengal Legislature)

[Assent of the President was first published in the Calcutta Gazette, Extraordinary of the 23rd September, 1975]

An Act to amend the Dowry Prohibition Act, 1961, in its application to West Bengal.

WHEREAS it is expedient to amend the Dowry Prohibition Act, 1961, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; 28 of 19

It is hereby enacted in the Twenty-Sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title.

1. This Act may be called the Dowry Prohibition (West Bengal Amendment) Act, 1975.

Application of the Act.

2. The Dowry Prohibition Act, 1961 (hereinafter referred to the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

Amendment of section 3 of Act 28 of 1961.

3. In Section 3 of the said Act, for the words "which may extend to six months or with fine which may extend to five thousand rupees", the words "which shall not be less than three months, but may extend to five thousand rupees", the words shall not be less than two thousand rupees, but may extend to ten thousand rupees" shall be substituted.

4. In section 4 of the said Act,— Amendment of section 4.

(a) after the words, "bride or bridegroom", the words "or from any other person" shall be inserted;

(b) for the words "which may extend to six months, or with fine which may extend to five thousand rupees", the words "which shall not be less than three months, but may extend to three years or with fine which shall not be less than two thousand rupees, but may extend to ten thousand rupees" shall be substituted;

(c) for the proviso, the following provisions shall be substituted, namely:

"Provided that no court shall take cognizance of any offence under this section except on a complaint made by any aggrieved party or his parents or by any other person with the previous sanction of the authority specified by the State Government in this behalf:

Provided further that no such previous sanction shall be necessary for taking cognizance on a complaint made by such organisation for social welfare with a minimum standing of five years as may be specified by the State Government by notification in the Official Gazette or by any person duly authorised by such organisation."

5. After section 4 of the said Act, the following section shall be inserted, namely: Insertion of new section 4A.

4A. (1) If after the marriage, any party to the marriage with or without assistance of his parents or guardians deprives the other party of the rights and privileges of marriage, or tortures or refuses to maintain the said other party for non-payment of dowry before, during or after marriage, he shall be punishable with imprisonment which shall not be less than three months, but may extend to "Penalty for depriving any party of the rights and privileges of marriage.

one year or with fine which shall not be less than two thousand rupees, but may extend to five thousand rupees, or with both.

(2) The provisions of this section shall be in addition to, and not in derogation of, any provisions on the subject contained in any other law for the time being in force".

Amendment of section 7.

6. In section 7 of the said Act,—

(a) for the words and figures "Code of Criminal Procedure 1898". The words and figures "Code of Criminal Procedure, 1973" shall be substituted; 5 of 1898 2 of 1974.

(b) for the words "presidency magistrate or a magistrate of the first class" in the two places where they occur, the words, "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted;

(c) in clause (b), for the words "one year from the date of the offence" the words "three years from the date of the offence" shall be substituted.

APPENDIX XI

(*Vide* para 1.13 of the Report)

THE DOWRY PROHIBITION ACT, 1961
(Act No. 28 of 1961)

(As modified upto the 31st January, 1976 in its application to the *State of Orissa*)

An Act to Prohibit the giving or taking of dowry.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Dowry Prohibition Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force[1] on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition of dowry.

2. In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

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[1]Came into force with effect from the 1st day of July, 1961 vide Gazette of India, Extraordinary, Pt. II, section 3, sub-section (ii), dated the 20th June, 1961 (No. 169).

Explanation I.—For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

Explanation II.—The expression "valuable security" has the same meaning as in section 30 of the Indian Panel Code. 45 of 1860

Penalty for giving or taking dowry.

3. If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Penalty for demanding dowry.

4. If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both:

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer[1] as the State Government may by general or special order, specify in this behalf.

Agreement for giving or taking dowry to be void.

5. Any agreement for the giving or taking of dowry shall be void.

Dowry to be for the benefit of the wife or her heirs.

6. (1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman—

(a) if the dowry was received before marriage, within one year after the date of marriage; or

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[1]District Magistrate of the State are authorised to accord sanction to prosecute persons accused of offences under section 4 of the said Act in their respective jurisdiction vide Orissa Gazette, Extraordinary, dated the 5th July, 1974 (No. 1056).

(b) if the dowry was received at the time of or after the marriage, within one year after the date of its receipt; or

(c) if the dowry was received when the woman was a minor, within one year after she has attained the age of eighteen years;

and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by sub-section (1) and within the time limited therefor, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both, but such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1).

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.

(4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

Penalty for denial of conjugal right by the husband.

[2]6-A. (1) If any person denies conjugal rights to his wife on the ground that dowry has not been given or on the ground that the dowry given is insufficient, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

(2) The Court trying an offence under this section may, at any stage of the proceedings, on the execution of a bond by the husband undertaking not to realise the dowry or any portion thereof, as the case may be, and to allow conjugal rights to the wife, drop the proceedings.

---

[2]Inserted by the Dowry Prohibition (Orissa Amendment) Act, 1976 (Orissa Act 1 of 1976) s. 2.

(3) Any proceedings dropped under sub-section (2) shall revive if the Court is satisfied, on an application made in that behalf by the wife, that the husband has failed to carry out the undertaking or has otherwise acted contrary to the terms of the bond, and thereupon the Court shall proceed with the case from the stage at which it was dropped:

Provided that no application under this sub-section shall be entertained if it is made after the expiry of three years from the date on which the proceedings were dropped.

(4) The Court may direct that the fine, if any, imposed under this section or such portion thereof as the Court deems proper, shall be paid to the wife as compensation.

Maintenance to be paid by husband on his conviction.

6-B. (1) On conviction of a person for an offence under section 6-A, the Court trying the offence may, on a claim made by his wife in that behalf within two months from the date of the order of conviction, order such person to make a monthly allowance for the maintenance of his wife at such monthly rate not exceeding five hundred rupees, as the Court deems proper:

Provided that no such order shall be made without giving the parties concerned a reasonable opportunity of being heard.

(2) In determining the monthly allowance under this section regard shall be had to—

(a) the position and status of the parties;

(b) the reasonable wants of the wife;

(c) the value of the wife's property and any income derived from such property, or from the wife's own earnings or from any other source; and

(d) the amount of compensation awarded under section 6-A.

(3) The maintenance allowance so ordered shall be a charge on the property, if any, of the husband, whether acquired before or after the date of the order.

(4) Where a complaint has been filed by the wife for an offence under section 6-A, the husband shall not transfer any of his assets till—

(a) where no claim for maintenance has been preferred under this section, the date of expiry of the period of limitation specified in sub-section (1) for filing such claim; and

(b) where such claim is preferred, the disposal of the claim.

(5) Notwithstanding anything contained in any other law, the wife may enforce any claim for maintenance against any property transferred by the husband in contravention of the provisions of sub-section (4) as if such transfer were null and void.

(6) The provisions contained in sub-section (3) of section 125 of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the recovery of the maintenance allowance ordered under this section.

5 of 1898.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1898,— Cognizance of offences.

(a) no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence;

(c) it shall be lawful for a presidency magistrate or a magistrate of the first class to pass any sentence authorised by this Act on any person convicted on an offence under this Act.

Offences to be non-cognizable, bailable and non-compoundable.

8. [1][Save as otherwise provided, every offence] under this Act shall be non-cognizable, bailable and non-compoundable.

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[1]Substituted by the Dowry Prohibition (Orissa Amendment) Act, 1976 (Orissa Act 1 of 1976), s. 3.

Power to make rules.

9.(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under the section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeals.

10. The Andhra Pradesh Dowry Prohibition Act, 1958 and the Bihar Dowry Restraint Act, 1950, are hereby repealed.

Andhra Pradesh Act 1 of 1958.

Bihar Act 25 of 1950.

APPENDIX XII

(*Vide* Para 1.14 of the Report)

Haryana Act No. 38 of 1976

THE DOWRY PROHIBITION (HARYANA AMENDMENT) ACT, 1976

AN

ACT

to amend the Dowry Prohibition Act, 1961, in its application to the State of Haryana

BE it enacted by the Legislature of the State of Haryana in the Twenty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Dowry Prohibition (Haryana Amendment) Act, 1976.

Substitution of sections 2, 3 and 4 of Parliament Act 28 of 1961.

2. For sections 2, 3 and 4 of the Dowry Prohibition Act, 1961 (hereinafter referred to as principal Act), the following sections shall be substituted, namely:—

"2. Definitions.—In this Act, unless the context otherwise requires,—

(i) "dowry" means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons, to whom the Muslim Personal Law (Shariat) applies.

Explanation I. For the removal of doubts it is hereby declared that any presents made at the time of marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

Explanation II. The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code (45 of 1860);

(ii) "marriage expenses" shall include expenses incurred directly or indirectly at or before the marriage on—

(a) Thakka, Sagai, Tikka, Shagan and Milini ceremonies;

(b) the gifts made by one party to a marriage to the other party to the marriage or by the parents, grand-parents and brothers of either party to a marriage, to either party to the marriage or the blood relations thereof;

(c) illuminations, food and the arrangements for serving food to the members of the marriage party and other expenses incidental thereto.

Explanation. For the removal of doubts, it is hereby declared that any gifts made by a person other than those specified in sub-clause (b), at the time of marriage to either party to the marriage shall not be deemed to be marriage expenses.

3. Bar of certain acts.—No person shall—

(a) give or take or abet the giving or taking of dowry;

(b) demand, directly or indirectly, from the parents or guardians or a bride or bridegroom, as the case may be, any dowry;

(c) incur marriage expenses the aggregate value whereof exceeds five thousand rupees;

(d) display any gifts made at or before the marriage in the form of cash, ornaments, clothes or other articles;

(e) take or carry in excess of—

(i) twenty-five members of the marriage party; and

(ii) eleven members of the band;

(f) deny conjugal rights to his wife on the ground that dowry has not been given or the dowry given is insufficient.

4. Penalty. (1) If any person contravenes any of the provisions of section 3, he shall be punishable with imprisonment which may extend to six months, and with fine which may extend to five thousand rupees.

(2) The court trying an offence under clause (f) of section 3 relating to conjugal rights may, at any stage of the proceedings, on the execution of a bond by the husband undertaking not to demand dowry and to allow conjugal rights to the wife, drop the proceedings.

(3) Any proceedings dropped under sub-section (2) shall revive if the court is satisfied, on an application made by the wife in this behalf, that the husband has failed to carry out the undertaking or has otherwise acted contrary to the terms of the bond and thereupon the court shall proceed with the case from the stage at which it was dropped:

Provided that no application under this sub-section shall be entertained if it is made after the expiry of a period of three years from the date on which the proceedings were dropped.

(4) The court may direct that the fine, if any, imposed for the contravention of clause (1) of section 3, or such portion thereof, as the court may deem proper, shall be paid to the wife."

Amendment of section 6 of Parliament Act 28 of 1961.

3. In sub-section (2) of section 6 of the Principal Act, for the words "or with fine which may extend to five thousand rupees, or with both", the words "and with fine which may extend to five thousand rupees" shall be substituted.

Substitution of section 7 of Parliament Act 28 of 1961

4. For section 7 of the principal Act, the following section shall be substituted, namely:

"7. Cognizance of offences. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974).—

(a) no court inferior to that of a judicial Magistrate of the first class shall try any offence under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made by any party to the marriage or her father, mother or brother or a Gazetted Officer specially authorised by the State Government in this behalf, within a period of one year from the date of the marriage;

(c) no court shall take cognizance of any such offence except with the previous sanction of the District Magistrate or of such officer as the State Government may, by general or special order, specify in this behalf;

(d) no enquiry shall be got made through any Police Officer below the rank of a Deputy Superintendent of Police;

(e) no woman shall be called to a Police Station for the purpose of an enquiry regarding any offence under this Act."

APPENDIX XIII

ACT No. 25 OF 1976

(*Vide* para 1.15 of the Report)

THE DOWRY PROHIBITION (HIMACHAL PRADESH AMENDMENT) ACT, 1976.

AN

ACT

to amend the Dowry Prohibition Act, 1961 (Central Act No. 28 of 1961), in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Dowry Prohibition (Himachal Pradesh Amendment) Act, 1976. Short title, extent and commencement.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

28 of 1961. 2. For section 3 of the Dowry Prohibition Act, 1961, in its application to the State of Himachal Pradesh (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— Substitution of section 3.

"3. Penalty for giving or taking dowry.—If any person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees."

3. For section 4 of the principal Act, the following section shall be substituted, namely:— Substitution of section 4.

"4. Penalty for demanding dowry.—If any person demands directly or indirectly, from the parents or guardian of a bride or a bridegroom or from

any other person, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees."

Insertion of sections 4-A and 4-B.

4. After section 4 of the principal Act, the following sections shall be inserted, namely:—

"4-A. Bar of certain Acts.—Any person who—

(i) displays any presents made at the time of marriage in the form of cash, ornaments, clothes or other articles; or

(ii) gives in the form of 'shagun' at the time of 'thaka', betrothal or 'tikka' anything the value of which exceeds eleven rupees; or

(iii) gives to the parents or any other relation of a party to the marriage anything on the occasion of 'milni' or any other ceremony performed in relation to betrothal or marriage;

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both.

4-B. Penalty for depriving any party of the rights and privileges of marriage.—(1) If after the marriage, any party to the marriage with or without assistance of any other person deprives the other party of the rights and privileges of marriage or tortures or refuses to maintain the said other party for non-payment of dowry before, during or after marriage, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.

(2) The provisions of this section shall be in addition to and not in derogation of any provision on the subject contained in any other law for the time being in force."

5. For section 7, of the principal Act, the following section shall be substituted, namely:— Substitution of section 7.

"7. Trial of offences—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) no court inferior to that of a Judicial Magistrate of the first class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act except that of offence under section 4-B, except on a police report or complaint made within one year of the marriage."

6. For section 8 of the principal Act, the following sections shall be substituted, namely:— Substitution of section 8.

"8. Offences to be cognizable, bailable and non-compoundable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), every offence under this Act shall be cognizable, bailable and non-compoundable.

8-A. Cognizance of offences.—No court shall take cognizance of any offence under this Act except on a police report under section 173 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) or a complaint, made by a person aggrieved by the offence: Provided that no police officer of the rank lower than that of the Deputy Superintendent of Police shall investigate any case registered under this Act:

Provided further that no court shall take cognizance of any offence under this Act except with the previous sanction of the District Magistrate, having jurisdiction in the area."

7. In section 9 of the principal Act,— Amendment of section 9.

(a) after the words "Central Government" occurring in sub-section (1) the words "or the State Government with the prior approval of the Central Government" shall be inserted;

(b) in sub-section (2) after the words "Every rule made" and before the words "under this section" the words "by the Central Government" shall be inserted;

(c) after sub-section (2), the following sub-section (3) shall be added, namely:—

"(3) Every rule made by the State Government under this section shall be laid, as soon as may be, after it is made, before the State Legislature while it is in session for a total period of not less than seven days, which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the sessions immediately following, the legislature requires any modification in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

APPENDIX XIV

(*Vide* para 1.16 of the Report)

PUNJAB ACT NO. 26 OF 1976

THE DOWRY PROHIBITION (PUNJAB AMENDMENT) ACT, 1976

AN

ACT

to amend the Dowry Prohibition Act, 1961, in its application to the State of Punjab

Be it enacted by the Legislature of the State of Punjab in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Dowry Prohibition (Punjab Amendment) Act, 1976. Short title.

2. In section 3 of the Dowry Prohibition Act, 1961, in its application to the State of Punjab (hereinafter referred to as the principal Act,) for the words "six months, or with fine which may extend to five thousand rupees", the words "one year, and fine which may extend to five thousand rupees" shall be substituted. Amendment of section 8 of Central Act 28 of 1961.

3. In section 4 of the principal Act— Amendment of section 4 of Central Act 28 of 1961.

(a) for the words "six months, or with fine which may extend to five thousand rupees", the words "one year and fine which may extend to five thousand rupees" shall be substituted; and

(b) the proviso shall be omitted.

4. After section 4 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 4-A and 4-B in Central Act 28 of 1961.

"4-A. Any person who—

Bar of certain acts.

(i) displays any presents made at the time of such marriage in the form of cash, ornaments, clothes or other articles, or

(ii) takes in a marriage party more than twenty-five persons exclusive of minors and the members of the band; or

(iii) gives in the form of sagan at the time of thaka, betrothal or marriage, anything the value of which exceeds eleven rupees; or

(iv) gives to the parents or any other relation of a party to the marriage anything on the occasion of 'milni' or any other ceremony performed in relation to betrothal or marriage; or

(v) serves to the marriage party more than two principal meals; shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

Explanation—In this section the expression "principal meal" means lunch or dinner.

Penalty for depriving any party of rights and privileges of marriage.

4-B Any party to the marriage who, after the marriage, deprives the other party of the rights and privileges of marriage, or tortures or refuses to maintain the said other party, for non-payment of dowry, and any person who assists such party in the commission of such offence, shall be punishable with imprisonment for a term which may extend to one year, and fine which may extend to five thousand rupees".

Substitution of section 7 of Central Act 28 of 1961.

5. For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. Notwithstanding anything contained in the Code of Cognizance Criminal Procedure 1973—of offences

(1) no court inferior to that of a Judicial Magistrate of the first class shall try any offence under this Act;

(2) No court shall take cognizance of any offence punishable under sections 3, 4 and 4-B except upon a complaint made within one

year from the date of the offence, by some person aggrieved by the offence:

Provided that—

(a) where such person is under the age of eighteen years, or is an idiot or a lunatic, or is from sickness or infirmity unable to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, some other person may, with the leave of the court, make a complaint on his or her behalf;

(b) where the person aggrieved by an offence is the wife, complaint may be made on her behalf by her father, mother, brother, sister or by her father's or mother's brother or sister; and

(3) every offence under section 4-A shall be cognizable:

Provided that no police officer below the rank of a Deputy Superintendent of Police shall investigate any offence punishable under this Act or make any arrest therefor."

6. For section 8 of the principal Act, the following section shall be substituted, namely:— Substitution of section 8 of Central Act 28 of 1961.

"8. Every offence under this Act shall be bailable and non-compoundable." Offences to be bailable and non-compoundable.

7. After section 8 of the principal Act, the following shall be inserted, namely:—

Institution of proceedings.

"8-A. No prosecution shall be instituted against any person in respect of any offence committed under this Act without the previous sanction of the District Magistrate or of such officer as the State Government may be special or general order appoint in this behalf".

Amendment of section 9 of Central Act 28 of 1961.

8. In section 9 of the principal Act—

(i) in sub-section (1), after the words "Central Government" the words "or the State Government"' shall be inserted;

(ii) in sub-section (2), after the words "every rule made" the words "by the Central Government" shall be inserted; and

(iii) after sub-section (2), the following sub-section shall be added namely:—

"(3) Every rule made under this section by the State Government shall, be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

C. B. (II) No. 334(

LOK SABHA

JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

EVIDENCE
(Vol. I)

LOK SABHA SECRETARIAT
NEW DELHI

July, 1982/*Asadha*, 1904 (*Saka*)
Price: *Rs.* 9.70

LOK SABHA SECRETARIAT

CORRIGENDA

to the record of Evidence (Vol. I) tendered before the Joint Committee of the Houses to examine the Question of the working of the Dowry Prohibition Act, 1961.

Cover Page, right hand top, after "C. B. (II) NO." add "334(I)"
Page 1, line 3, for 'COMITTEE" read "COMMITTEE"
Page 5, Col. 1, line 26, for 'less the society awakens to the evil' read 'holes are plugged though there will'
Page 8, Col.2 line 9 from bottom: for चाहिक read चाहिए
Page 13, Col.2, line 31: for 'figures our conscience will prick. In' read 'we have spent so much of money. If'
Page 21, Col.1, line 17: for 'whaever' read 'whatever'
Page 30, Col.2, line 18: for 'he' read 'the'
Page 41, Col.2, line 4 from bottom: for 'ambguously' read 'ambiguously'
Page 48, line 6: for 'Krishan' read 'Krishna'
Page 49, Col.2, line 16: for 'treatetd' read 'treated'
Page 59 Col.2, line 7 from bottom: for 'suecial' redd 'special'
Page 63, Col.2:
(i) line 10: for क्रयँन्ड read वायन्ड
(ii) line 14: for कमेटा का read केसिज़ को
Page 67, Col.2, line 16 from bottom: for 'Questionaire' read 'Questionnaire"
Page 75 Col.1, lines 32-33: for 'experiened' read 'experienced'
Page 80 Col.2, line 19 from bottom: for 'fo' read 'for'
Page 82, Col.2:
(i) line 3: for 'any' read 'and'
(ii) line 4: delete 'boy takes 40,000/- and says he'
Page 86 Col.1, lines 1-2 from bottom: delete 'The witnesses were called in and they took their seats'
Page 87 Col.1, line 19 from bottim: for 'tre' read 'the'
Page 94 Col.2, line 14 from bottom: for 'legislton' read 'legislation'
Page 102 Col.2, line 20 from bottom: for 'NAYYA'
read 'SHRI VIVLALA GOPALAKRISHNAYYA"
Page 106, line 1: for 'RENDERED' R read 'TENDERED'

P.T.O.

Page 107,

(i) line 2: for 'Paedeatrics' read 'Paediatrics'

(ii) delete lines 22-23

(iii) Col. 1, after line 36, add '(The witnesses were called in and they took their seats)'

Page 108 Col. 1, line 7 from bottom: for 'now' read 'no-'

Page 133, line 22: for 'Secreetary' read 'Secretary'

Page 138:

(i) Col. 1, line 25 from bottom: for वहज read वजह

(ii) Col. 2, line 19 from bottom: for नरह read तरह

Page 140 Col. 2, line 4 from bottom: for जगह read वजह

Page 141 Col. 1, line 14 from bottom: for 'cubersome' read 'cumbersome'

Page 145, line 11: for 'Jaityal' read 'Jatiya'

Page 147, Col. 1, line 22: for घी read धीरे

Page 151, Col. 1, line 17: for हकता read सकता

Page 152, Col. 2, line 28: delete किशोरी देवी जी

Page 154, Col. 1, line 9: for रह read रही

Page 162, Col. 2, line 6 from bottom: delete प्रतिनिधि

Page 167, Col. 2, line 15 from bottom: for 'look' read 'took'

Page 170, Col. 2, line 15: for 'cognizanie' read 'cognizance'

Page 173, Col. 1, line 6: for 'Smt. Mukul Jha Vire-Chairman'

read '1. Smt. Raj Kumari Budhraji'

Page 183, Col. 2, line 18 from bottom: for 'investigation' read 'investigating'

Page 195:

(i) line 2: for 'PROBITION" read 'PROHIBITION'

(ii) line 21: for 'MINSITRY' read 'MINISTRY'

Page 196 Col. 2, line 6 from bottom: for 'it' read 'is'

Page 203 Col. 1, line 22 for 'MARGARAT' read 'MARGARET'

Page 215 Col. 1, line 17 from bottom: for 'or' read 'of'

Page 216 Col. 2, lines 2-3: for 'cignisable' read 'cognizable'

Page 218, Col. 2, line 14: for 'SETHI' read 'SETH'

Page 219, Col. 1, line 21: for 'SETHI' read 'SETH'

Page 220, Col. 2, lines 3-4: for 'cognisable' read 'cognizable'

Page 227, Col. 2, line 8: for 'setling' read 'settling'

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JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

COMPOSITION OF THE COMMITTEE

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2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Usha Prakash Choudhari
*5. Shrimati Pramila Dandavate
6. Shrimati Suseela Gopalan
7. Shri Jagpal Singh
8. Shri Satyanarayan Jatiya
@9. Shrimati Kailash Pati
10. Shrimati Mohsina Kidwai
11. Shri Anantha Ramulu Mallu
12. Shrimati Sanyogita Rane
13. Shri K. P. Unnikrishnan
%14. Shri Jagan Nath Kaushal

Rajya Sabha

15. Shrimati Margaret Alva
16. Shrimati Premilabai Dajisaheb Chavan
17. Shrimati Usha Malhotra
18. Shrimati Kanak Mukherjee
19. Dr. (Shrimati) Sathiavani Muthu
20. Shrimati Manorma Pandey
21. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

Shri S. S. Chawla—*Senior Legislative Committee Officer*

Shri Ram Kishore—*Senior Legislative Committee Officer*

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4. Shri B. R. Atre—*Deputy Legislative Counsel*
5. Shri S. M. Rai—*Assistant Draftsman, Official Languages Wing*
6. Dr. Raghbir Singh—*Assistant Legislative Counsel*

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*Nominated w.e.f. 26-3-1981 *vice* Shri C. Palaniappan resigned.
@Nominated w.e.f. 21-4-1982 *vice* Shrimati Sukhbuns Kaur resigned.
%Nominated w.e.f. 23-3-1982 *vice* Shri P. Shiv Shankar resigned.

JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

WITNESSES EXAMINED

S. No.	Name of Association/Organisation/Individuals etc.	Date on which evidence was taken	Page No.
1	2	3	4
	NEW DELHI		
1.	CITIZEN ACTION (REGD.), NEW DELHI	17-6-81	1
	Spokesmen		
	1. Shri D. D. Diwan, Vice-President	,,	
	2. Shri T.U. Mehta, Retd. Chief Justice of Himachal Pradesh	,,	
	3. Dr. (Miss) Meera Agarwal, Advocate, Supreme Court	,,	
	4. Shrimati Sarla Moudgil, President, Nari Raksha Samiti Delhi	,,	
2.	INDIAN HOUSEWIVES FEDERATION, NEW DELHI	17-6-81	9
	Spokesmen		
	1. Shrimati Savitri Nigam, Ex-M.P. Founder President	,,	
	2. Shrimati Vimla Virmani	,,	
3.	ASSOCIATION FOR SOCIAL HEALTH IN INDIA, NEW DELHI	17-6-81	14
	Spokesmen		
	1. Dr. W. Mathur, Vice President	,,	
	2. Shrimati Shakuntala Lall, Secretary-General	,,	
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	5. Smt. Moturu Udayam, General Secretary, A.P. Mahila Sangam.	,,	
	6. Smt. Daya Devi, Retd. District Judge, representing Hyderabad Children Aid Society and All India Women's Conference.	,,	
	7. Dr. (Miss) P. Vakharia, Educationist	,,	
	8. Shri R. Ramananda Rao, President Indian Council of Social Welfare, Andhra Pradesh.	,,	

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	5. Smt. Malladi Subbamma, President, Mahilabhudaya Samiti .	,,	
	6. Smt. V. Kasi Ratnam, Writer	,,	
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	4. Prof. G.C. Subha Rao, Special Officer, Official Language, Legislative Wing. Sri Venkateswara University	,,	
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	8. Smt. D. Sujata, Director, Purna English Medium School, Guntur	,,	
	9. Smt. Kalyani, Lecturer, Guntur	,,	
	10. Smt. N. Manga Devi, Venkateswara Bala Kuteer, Guntur . .	,,	
	11. Smt. Vidya Ramanujam, ex-MLC	,,	
	12. Smt. Tejovati, Writer, Guntur	,,	
	13. Smt. Jupudi Hymavathi, Social Worker, Guntur . . .	,,	
	14. Smt. Tadikonda Vani Ranga Rao, Social Worker, Guntur . .	,,	
	15. Smt. Nalakutti Kamala Devi, President, Sarada Mahila Mandali, Bapatla	,,	
	16. Dr. K. Jaya Pradamba, Guntur	,,	
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	6. Smt. Nirmalarani Pottdar, Advocate	,,	
	7. Smt. Chotibai Tewari	,,	
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	5. Shri Bhola Nath Vyas, Dahej Mukti Yuva Sangharash, Patna Adarsh Sewa Ashram, Bihar	,,	
	6. Smt. Vaidehi Devi Editor Chitrectana (Hindi monthly)	,,	
	7. Smt. Jayanti Singh Rathore . . . . . Editor Chitretana	,,	
	8. Smt. Meera Devi ex M.L.A.	,,	
	9. Smt. Shymma Kumari ex M.L.A.	,,	
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JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Wednesday, the 17th June, 1981 from 11.00 to 13.30 hours and again from 15.00 to 17.30 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shrimati Pramila Dandavate
5. Shrimati Suseela Gopalan
6. Shri Satyanarayan Jatiya
7. Shrimati Mohsina Kidwai
8. Shri K. P. Unnikrishnan
9. Shri P. Shiv Shankar

Rajya Sabha

10. Shrimati Margaret Alva
11. Shrimati Premilabai Dajisaheb Chavan
12. Shrimati Kanak Mukherjee
13. Dr. (Shrimati) Sathiavani Muthu
14. Shrimati Manorma Pandey
15. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPARY AFFAIRS AND LEGISLATIVE COUNSEL

1. Smt. V. S. Rama Devi, *Joint Secretary and Legislative Counsel*
2. Shri B. R. Atre, *Deputy Legislative Counsel*
3. Dr Raghbir Singh, *Assistant Legislative Counsel*

WITNESSES EXAMINED

I. Citizen Action (Regd), New Delhi

Spokesmen :

1. Shri D. D. Diwan, Vice President
2. Shri T. U. Mehta, Retd. Chief Justice of Himachal Pradesh,
3. Shri H. Zaveri Retd. Principal, Law College, Jamnagar.
4. Dr. (Miss) Meera Agarwal, Advocate, Supreme Court.
5. Shrimati Sarla Moudgil, President, Nari Raksha Samiti, Delhi.

II. **Indian Housewives Federation, New Delhi**

Spokesmen :

1. Shrimati Savitri Nigam. Ex-M.P., Founder President
2. Shrimati Vimla Virmani
3. Shrimati Sushila Sharma

III. **Association for Social Health in India, New Delhi**

Spokesmen :

1. Dr. W. Mathur, Vice President
2. Shrimati Shakuntala Lall, Secretary-General
3. Shrimati Tej Khanna, Executive Committee Member

IV. **Co-ordination Committee of Working Women Delhi, New Delhi.**

Spokesmen :

1. Kumari R. Vaigai
2. Shrimati Promila Pandhe

V. **KARMIKA, Stree Sangharsh, New Delhi**

Spokesmen :

1. Shrimati Subhadra Butalia—President
2. Kumari Archana Sant.

VI. All India Co-ordination Committee of Working Women, New Delhi.

Spokesmen :

1. Shrimati Vimla Ranadive, Secretary
2. Shrimati Kitty Menon

VII. **All India Women's Conference, New Delhi.**

Spokesmen :

1. Shrimati Kunti Sondhi—President
2. Shrimati Urmila Kapur
3. Shrimati Sunanda Bhandare

I. Citizen Action (Regd.), New Delhi

Spokesmen:

(1) Shri D. D. Diwan, Vice-President.

(2) Shri T. U. Mehta, Retd. Chief Justice of Himachal Pradesh.

(3) Dr. (Miss) Meera Agarwal, Advocate, Supreme Court.

(4) Shrimati Sarla Moudgil, President, Nari Raksha Samiti, Delhi.

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Let us start our meeting. May I request Mr. D. D. Diwan to introduce his colleagues to the Committee?

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated

as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI D. D. DIWAN: We have already signed this pledge and we will certainly abide by it.

We have worked quite a bit in this anti-dowry field and have got some experience about it. Ours are dedicated workers to social causes. We have been handling all kinds of cases in regard to dowry. We have been trying to make them to come to a compromise. We have got cases settled outside the court also. Then we have got cases withdrawn from the court also. Somehow or the other the situation has deteriorated.

Now, we find that social pressure, or social control is vanishing. We, in our Citizen Action have seen all kinds of problems, we gave advice to people, and in that context we approach you to do something to ameliorate the conditions. And similarly the Citizens Advice Bureaus also render all kinds of advice in regard to domestic, legal and administrative problems to various individuals. We have also been coming across very tragic and heart-rending cases and we found that we could not do much. Of course, we did try and we still do try the social approach and then we go on to the legal aspects. We have got a very good talent bank in our organisations, of various experts, lawyers, administrators, sociologists and even psychiatrists whose services we call upon and they are all rendered freely and voluntarily to the people. But of course, with regard to the law, we cannot do much, and most of the hon. Members present here would also share this opinion that the social pressures, as I said before, are nearly extinct.

SHRI P. SHIV SHANKAR: If you please excuse my intervening, you please confine yourself to the subject matter. This Committee is concerned with the Dowry Prohibition. Can you make some concrete suggestions as to how the law can be changed in the larger interests of the society?

SHRI D. D. DIWAN: That I will hand over to Mr. Justice Mehta. We have discussed all these problems and we will make concrete suggestions. Mr. Justice Mehta will on behalf of Citizen Action offer some concrete suggestions.

SHRI P. SHIV SHANKAR: If you want to elaborate on any particular aspect of the problem, which you have not done in your Memorandum, you can do so. Or if you have not reacted to any other aspect, you can—give your reaction now.

SHRI D. D. DIWAN: Of course the problem is a very big one and we want to highlight some suggestions. But they will be put before you by Mr. Mehta. What I want to mention is, the law as it stands now, is almost being brought into contempt because of non-implementation. Our humble suggestion is that there should be stringent social pressures at work on the minds of the people to act in a particular manner. There are two driving forces for people—fear and temptation—the latter de-generating into bribery and corruption is already playing great havoc. The social pressures are non-existent today. The law has to be given some teeth and actually I feel that the terrorism of the law should be established so that people have a fear complex which should prevent them from doing wrong things. In these dowry cases, every day we find that the people or officers who are supposed to enforce the law indulge in mal-practices and somehow or other the people get away with it. Therefore, my only submission is that the law should be made more strict and the machinery which we have suggested earlier should be established. It should be implemented and some strict law-enforcement machinery has to be created in order to save the poor victims of these dowry crimes, if I can put it so.

SHRI P. SHIV SHANKAR: Are you giving any suggestions to arm the law with some teeth or as you say to terrorise the people? But, there is another aspect. In your Memorandum,

have you given any suggestions about the acceptability of the law by the society? No law has succeeded without the society accepting it. And so far as this particular law is concerned, it appears as though that the society has openly defied this law. Can you consider, if not today, tomorrow or day after, and give some suggestions where the language can be toned up in such a way that the social acceptability would also be there apart from terrorising or teething it whatever you call it in your own language? That is one aspect.

Another aspect is, the arm of the law is too long. But apart from that, for the society *per se* to accept it can you make any suggestions so that the law and the social acceptability both go together?

SHRI D. D. DIWAN: That of course, we are going to discuss subsequently. But I cannot spare the social pressures. I was the President of the Panchayat. We sent out a circular re: forsaking the premarriage ceremonies and asking them to sign, but very few people signed it! The laws have been executed in such a manner that nobody takes any notice of them. Social pressures have failed because of the weaknesses of the law. People know that they can get away with it.

SHRI P. SHIV SHANKAR: That may not be an answer to my question.

MR. CHAIRMAN: Yes, That is not the answer to the question.

SHRI D. D. DIWAN: We have discussed all this in our draft legislation put before you and it will clarify all the points that have been raised. Mr. Mehta will tell you now.

MR. T. U. MEHTA: Hon. Chairman, and hon. Members, a copy of the approved suggestion, which is in the form of a Bill couched in legal language has been circulated and it has been with you. I think so. But I want to draw your attention clause by clause and first of all, before doing that I would like to draw your attention to the fact that a particular point in the Act which is at present in force mentions about the definition of 'dowry'. It mentions the definition of 'dowry' and also in the explanation which is attached to it. I need not read it to you, but you know that the explanation specifically says that for removal of doubts, 'it is hereby declared that any presents made at the time of marriage to either party of the marriage in the form of cash shall not be deemed to be dowry within the meaning of this definition unless they are made as consideration for the marriage of the said parties'. This explanation which I have read is not there in our draft. It is found in the Act which is at present prevailing. In our opinion it is this explanation which is capable of all the loopholes. Because n sum and substance everything is given as a consideration, but it would not amount to dowry. We all know practically how things happen. Dowry is really given as consideration. Or, after this act, it is rarely given as a consideration, it is given as a gift and by the passage of time it assumes some social sanction, with the result that if someone who is financially powerful gives a huge dowry, his neighbour who is not equally powerful will also be induced to give. The social sanctions will have to be given more force.

SHRI P. SHIV SHANKAR: What do you mean by marriage gift?

SHRI T. U. MEHTA: On account of this particular nature of the drafting of the suggestions which you have made, two expressions were required to be statutorily defined. One is marriage gift and another is party to the marriage. Marriage gift upto the amount of Rs. 5000 is allowed. You will find the definition of marriage gift in sub-section (2) of Clause 2 in the proposals made by us. Explanation (1) substitutes the following:

> "....would include gifts given at the time of marriage...."

This is the wide definition given. But in order to plug the loopholes, the definition of gift which is given in anticipation of marriage or at the time of

marriage, is given in Explanation (2). In our view, if we want to plug the loopholes, marriage gift and marriage expenditure should be taken in a comprehensive manner.

SHRI P. SHIV SHANKAR: Supposing at the time of marriage of my daughter, 'x' who is a friend of mine comes and gives a gift, would it not come within the definition of marriage gift?

SHRI T. U. MEHTA: Yes, it will come.

SHRI P. SHIV SHANKAR: You take 'x' who is an ordinary person. If some friends come and give a little bit of gifts, would that be included in Rs. 5000?

SHRI T. U. MEHTA: Yes. A rich man can very well afford to have friends who can give the gift. The social legislation can never succeed unless the society awakens to the evil. When we are legislating, we have to take care to see that all possible loopless the society awakens to the evil. still remain some loopholes. All gifts are not prohibited. After all, marriage also is a limited gift.

SHRIMATI PRAMILA DANDAVATE: What do you mean by 'on account of marriage'?

SHRI T. U. MEHTA: These are emotional occasions. When the time passes, these emotions go away. But on account of marriage means the marriage having taken place.

SHRIMATI PRAMILA DANDAVATE: But after one year the dowry is still demanded in consideration of continuation of marriage.

SHRI T. U. MEHTA: If the phraseology of the wording is found wrong, that should be corrected. We want to say that gifts on account of marriage or at the time of marriage should be of limited nature. This is the only way of plugging the loopholes. Unless you curb the marriage expenses, you cannot effect any curb on the dowry system because dowry would then come by back-door through marriage expenses. What we find is that the richer a man, the greater being the accumulation of black-money, the greater is the show of vulgarity in marriage expenses. Many people ask: why do you prevent spending because spending gives impetus to so many industries? These persons are simply laymen in economics. The more you spend the greater is the demand. We know persons spending Rs. 20 on one invitation card and thousands of cards are distributed. The limited stock of costly paper is utilized. But that is only one instance. Then there is the decoration, parties, invitations, all these must be stopped if this country wants to go on the lines suggested by Gandhiji.

I emphasize another aspect. If we are sincere about prohibiting dowry, we should try to see that every loophole which can be conceived of is effectively plugged. The limitation on the marriage expenditure is one way of doing it. Otherwise, through the backdoor they would be giving dowry, it will persist and the whole object would be frustrated.

SHRIMATI KANAK MUKHERJEE: The provisions of this Bill are directed more against the poor people than the rich people. The rich people can afford to pay it. But the poor parents are taxed too much.

SHRI P. SHIV SHANKAR: So far as this amendment is concerned, he has suggested that the expenditure should be limited to Rs. 5,000. In the enunciation of that principle, he is referring to the rich people.

SHRI T. U. MEHTA: Whatever is done at the top percolates to the bottom. If my rich neighbour spends more in a marriage, I will also be tempted to do it, even though I cannot afford it. That is how social customs are formed. Now the marriage expense is Rs. 5,000 each for both bride and bridegroom; the presents also will be limited to Rs. 5000 for each. So, the total comes to Rs. 20,000. It is necessary to put some sort of curb on marriage expenditure.

In marriage expenses, the pre-marriage expense takes away a large portion it. It also consumes a good deal of wealth of the nation; so also post-ceremony expenditure. We have widened the scope of the "marriage expenses" to cover all that. But dowry is kept separate. To enforce it we have suggested the filing of returns, like the income-tax returns.

The expression "party to the marriage" has also been widened. Then we have suggested limitation of the expenditure to Rs. 5,000. We have further suggested that every party to the marriage shall maintain a full and complete record of the expenses incurred by him for the marriage and shall submit the return to the Registrar of Marriages within one month from the date of solemnisation of marriage. There are two important provisos here. One says that this section shall not apply to cases wherein the valuation of the marriage expenses or marriage gifts does not exceed Rs. 3,000. So, a small man is protected. Where such returns are not filed, the Registrar has the power to call for such returns. There is another proviso which says that the primary liability for filing the return is that of the bride and bridegroom. So, first of all, we have widened the definition and then we have limited it, so far as the practical operation is concerned. We have given you document in the form of a Bill. There are two clauses which were added after its being cyclostyled. I would like to draw your attention to these two clauses.

SHRI P. SHIV SHANKAR: You have behaved like a judge. 70 per cent of our population is illiterate. Still you expect that they should file a return. The manner in which provisos have been added, I do not think that will be acceptable to the Committee.

SHRI T. U. MEHTA: The villagers also undergo debts. Social acceptability can be only by education.

SHRI P. SHIV SHANKAR: You cannot expect a poor Harijan to file the return. The Registrar will harass them. That will be aweful. That is why I have said that you have behaved only like a judge. Excuse me for repeating it.

SHRI T. U. MEHTA: We have exempted the persons who spend below Rs. 3,000/- do not think that any Harijan would like to spend more than Rs. 3,000/-.

DR. (SHRIMATI) SATHIAVANI MUTHU: We are on the point of cruelty. Expenditure is incurred by parents and friends. Friends give gifts. I do not think all the gifts go to the girl. Anyway, we are concerned only with the dowry that goes to the girl and the way the demands are placed after marriage. These may not be in the form or name of dowry but are in the name of gifts. For instance, in Tamilnadu when the first child is born, the parents of the girl have to spend something for the boy and his parents. It depends upon the practice. We are considering only this point.

Instead of allowing to spend Rs. 3,000/- why not ban or prohibit the expenditure altogether? The girls have the right in property under Property Succession Act.

SHRI T. U. MEHTA: There is social sanction behind dowry. The function of the law is to prevent expenditure to a certain extent.

As I told earlier two clauses have been added.

SHRIMATI SUSEELA GOPALAN: Before you touch those clauses, I would like to know—will this ceiling of Rs. 3,000/- help the poorest?

SHRI T. U. MEHTA: We would be happy if the Committee may suggest that there should not be any expenditure on marriage.

We have suggested—

1. In case the death of a married woman takes place within five years after the solemnisation of the marriage, police investigation and enquiry should proceed on the basis that the death of the woman was due to non-payment of dowry by the bride's parents or guardians to the bridegroom or his parents or his guardians.

In the same investigation if it is found that the death was on account of suicide due to non-payment of dowry, the accused shall be charged and tried for the offence under Section 304.

2. The bridegroom, whose trial has taken place on account of death of his wife, shall not perform another marriage till such trial or appeal is disposed of. In case he performs such a marriage, it shall be null and void and he shall be punished with rigorous imprisonment for one year.

SHRI P. SHIV SHANKAR: Supposing he marries and that marriage is declared null and void, What would happen to the fate of the lady? Under the Act of 1954 monogamy has been introduced but still the marriages are taking place. That is the misfortune. According to law, it is void. But you know what is happning to those ladies? Be practical so far as the society is concerned.

SHRI T. U. MEHTA: There have been cases where the accused is alleged to have murdered his wife four times in order to earn dowry four times. To legitimise such marriages will frustrate the very objective of the Bill. If there is a lady who willingly goes to a person, knowing all these things..

SHRI P. SHIV SHANKAR: She is being bartered away. You talk of a lady going willingly to such a person. Where does the lady go willing?

SHRI T. U. MEHTA: In fact, this is the reality of life.

MR. CHAIRMAN: Mr. Mehta, I thank you very much. I think, all of you have finished. Is there anything else?

DR. (MISS) MEENA AGARWAL: The only thing that this Committee is ignoring is that they want acceptability of the society to the law. We are anticipating something from the society. The purpose of Parliament is to make only laws and see the result afterwards, what it is coming to. If it is penal law, if something is put before the society saying, if you do this or that, you will be punished, like the Indian Penal Code, the people will know that if they do that, they will be punished. Supposing a villager commits a murder, he will have to come to a court of law to defend punishment for murder. Similarly, if you have this kind of a penal law and, if anybody gives more dowry than what is prescribed by law, he will have to go to a court of law. The law should have penal provisions so that it may work in society and produce some result. We have to create such conditions in the society.

We are only suggesting certain things and making some suggestions. It is for the Parliament to decide what law they will make. These are only our suggestions and guidelines. You may give your kind attention to whatever suggestions have been made by us so that the dowry law may be a penal one and it should be so stringent that the people may think hundred times before doing anything, and that whenever they cross limits, they will be punished for that. It is a matter of social acceptability. If you allow them to do something, naturally, they may or may not do. But if the law is a stringent one, if it is a penal law, and it has prescribed certain limits, I feel certainly, the time will come when the people will think that it is an offence like other offences under the Indian Penal Code.

That is all I wanted to say.

SHRIMATI PRAMILA DANDAVATE: I want to ask only one question. In the implementation of the law, what role should be played by social organisation or what kind of a

machinery should be created with the help of social organisation in preventing this kind of a social evil, a social practice. I feel, only a law on the statute book is not going to help. The implementing machinery is also very important. What is your opinion on that ?

SHRI D. D. DIWAN: May I answer this question? We have seen in many countries that social welfare organisations of standing and repute are associated with the legal bodies. In effect, the citizen's advice bureaus abroad are consulted in regard to a legislation that is drafted. It is sent to them because they are very much exposed to the public through their daily dealings with the people who go to them for redress of their grievances and all kinds of problems. They have a sort of consultative status and they can give to the legislators all kind of help from their practical experience and also the case-work that they have done. So, I feel, if these social welfare organisations as well as the legislators could somehow get together, perhaps, a solution of the type that Mrs. Dandavate has in mind may be found.

श्रीमती सरला मोदगिल : यह जो हमारा 1961 का एक्ट है उसी पर सारा प्रोफार्मा भेजा गया है, उसी के आधार पर हम लीगल बे की तलाश कर रहे हैं, उसी एक्ट पर अमैंडमेंट या सजेशन्स मांगे जा रहे हैं। मैं कहती हूं कि 61 का जो ला है वह बिल्कुल यूजलेस है। इसके बारे में तो कोई डिसकस नहीं होना चाहिए। इस बारे में तो हमें इस ऐक्ट पर चल कर नहीं सोचना चाहिए क्योंकि भारतीय पद्धति में तलाक कानून आदि इतनी मदद नहीं करते।

जहां तक मेरिज रजिस्ट्रेशन का प्रश्न है, इसके बारे में रूरल एरियाज में भी कोई मुश्किल काम नहीं है। वहां के लोग आखिर मुकदमे लड़ने के लिए भी शहरों के बहुत चक्कर लगाते रहते हैं, थानों के चक्कर लगाते रहते हैं। ऐसे मामलों में वे क्यों नहीं शहरों में जा सकते हैं। मैं समझती हूं कि दहेज को कानूनी रूप से रोका जा सकता है अगर आप इसके लिए कोई मशीनरी गांवों में ही खड़ी कर दें तो।

श्री पी० शिव शंकर : क्या पंचायतों को यह पावर्स डेलीगेट की जा सकती हैं ?

श्रीमती सरला मोदगिल : हां यह हो सकता है। इसलिए रूरल एरियाज में भी यह होना कोई मुश्किल काम नहीं है। जब गांव वाले और टाइम पर अदालतों में खड़े हो सकते हैं तो शादी के लिए वे क्यों नहीं वहां जा सकते ? वे बरसों इस बात के लिए अदालतों के चक्कर लगाते रहते हैं कि कितना दहेज दिया था, कितना सामान दिया था और उसे वे कैसे लड़के वाले से वापस लें। इसलिए मैं चाहती हूं इसको कम्प्लीटली करना चाहिए। इससे रोजाना के बहुत से झगड़े बच जाएंगे। मेरिज के टाइम पर सब चीज डिक्लेअर की जानी चाहिए कि कितनी चीज लड़की वाले ने किस रूप में दी है, कितनी प्रापर्टी के रूप में दी है। इस से बहुत सारे झगड़े समाप्त हो जाएंगे। हसबेंड और वाइफ के बीच जो इन बातों से मनमुटाव होता है वह भी दूर हो जाएगा।

इसलिए मैं चाहती हूं कि रजिस्ट्रेशन आफ मेरिज होना चाहिए और उस टाइम पर ही यह डिक्लेअरेशन होना चाहिए कि कितना-कितना सामान किस किस रूप में दिया गया है। होता क्या है कि जो सामान शादियों में दिया जाता है उसके लिए कोई गवाह नहीं मिलता है। उसके बुरे कंसीक्वेंसिज होते हैं। लोगों को कोई एवीडेंस नहीं मिलती है। जिस आदमी ने दो लाख रुपये का सामान दिया उसको तो इतनी दिक्कत नहीं होती है लेकिन जिस गरीब

आदमी ने पांच सौ दिये हैं उस गरीब आदमी को तो वे पांच सौ रुपये वापस मिलने ही चाहिएं । अगर शादी के टाइम पर डिक्लेरेशन हो जाएगा तो इससे हमारी बहुत सी लीगल मुश्किलात हल हो जाएंगी ।

मेहता साहब ने कहा कि कोई भी सेकिंड मेरिज कर लेता है । उसमें यह होता है कि लड़की चुपचाप जा कर शादी कर लेती है लेकिन मैंने देखा है कि 99 परसेंट केसिज में सेकिंड मेरिज को मान लिया जाता है, सेकिंड वाइफ को भी मान लिया जाता है । मैं कहती हूं कि सेकिंड मेरिज नहीं होनी चाहिए । ऐसे केसिज के अन्दर एवीडेंस सोशल वर्कर्स को देनी पड़ती है । उनको सारे दिन टार्चर किया जाता है । उनका सबेरे से ले कर शाम तक खराब हो जाता है । यह एक तरह से सोशल वर्कर्स का पेनिशमेंट होता है । मैं चाहती हूं कि सोशल वर्कर्स की एवीडेंसिज को स्पेशली कंसीडर किया जाना चाहिए और उन्हें स्पेशल कंसीड्रेशन मिलना चाहिए । लीगली कोई ऐसी व्यवस्था होनी चाहिए कि उनका कम से कम समय इसके लिए लगे ।

'बायगेमी कानून' बहुविवाह में कुछ एमेंडमैन्टस होने चाहिए जिसमें बिगेमिस्ट को पकड़ना सरल हो । इरैट्रइवल ब्रेक डाउन आफ मैरिज एक्ट को बिल्कुल लागू नहीं करना चाहिये अन्यथा तलाक संबंधी तथा विवाद संबंधी और भी समस्यायें बढ़ जायेंगी । मैन्टेन्नेंस पद्धति को आसन बनाया जाए । कोरोनर्स ऐक्ट तुरन्त लागू हो जिससे पांच वर्ष के अन्तर्गत की विवाहिता की मृत्यु की जांच तुरन्त हो सके । डाउरी डेथ केसेज में चश्मदीद गवाहों को बहुत अधिक महत्व नहीं दिया जाना चाहिये । इन हत्या के मामलों की जांच पुलिस का बड़ा अफिसर ही करे तथा डाक्टरी जांच भी दो डाक्टरों द्वारा की जाए ।

एक चीज और है कि जितनी भी सोशल आर्गेनाइजेशन्स हैं जो मेहनत करती हैं, काम करती हैं, उनको लीगल पावर्स दें । अगर पहले कम्प्रोमाइज करने के लिये कुछ पावर्स दी जायें तो ठीक है । उसमें अगर काम हो जाये तो ठीक नहीं है तो फिर कोर्ट में भेजा जाये । उनको इतनी पावर्स जरूर मिलनी चाहियें कि वह उनको लड़के वालों को बुलाकर समझा सकें । जैसे पुलिस स्टेशन में अगर उनको बुलाया जाता है तो वह जाते हैं ।

MRS. MARGARET ALWA: Do you mean family courts?

श्रीमती सरला मोदगिल : फैमिली कोर्टस हम चाहते हैं, वहीं हम डिमांड करते हैं । पहले मामला फैमिली कोर्टस में आये । हम इस तरीके से 99 परसेंट प्राबलम्स साल्व कर लेते हैं ।

(The witnesses then withdrew)

II. Indian Housewives Federation New Delhi

Spokesmen:

(1) Shrimati Savitri Nigam, ex-M.P., Founder President

(2) Shrimati Vimla Virmani

(The witnesses were called in and they took their Seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI SAVITRI NIGAM: It is needless to repeat that this menace of dowry has taken the heaviest toll of many unfortunate young women and it is increasing all the more as many neo-rich have been born during the course of these 20 years because of all round progress. It is also very sad that of these cases which have been caught, the percentage of conviction has been even less than 5 or 8 per cent. Even in the case of burning to death, the bridegroom, before the case is decided finally, sometimes gets married again and before the case is heard, he also produces children. This sort of situation is really very alarming.

There is a feeling in the people that there is no desire on the part of the Government or the Police or any authority to stop such bride-burning or the ill-treatment which these young brides are given because they did not bring enough dowry desired by her parents-in-law.

There is also another very important factor to be considered. There is a mass of illiteracy prevailing about the Dowry Prohibition Act. Many people do not know at all that giving dowry or demanding dowry is an offence. Of course, amongst these people there are some who really are very greedy and are unscrupulous.....

MR. CHAIRMAN: Excuse my interruption. What you say we all know. What we would very much like are your suggestions. You know the time is short and your suggestions will give us a guideline. I hope you do realise what the Committee means and what is the purpose for which we have called you here. Your answers to the questionnaire are here. I will request you to give your suggestions. Your memorandum is here and we are all well acquainted with this evil.

श्रीमती विद्यावती चतुर्वेदी : मैं यह कहना चाहती थी कि क्वेश्चनायर तो भर कर आ गया है । अब बेहतर यह होगा कि उसको आधार पर हम लोगों को जो इन से जानकारी लेनी है वह इन से पूछ लें ।

सभापति महोदय : वह ठीक है, लेकिन पहले इनका नाम पुकारा गया है इसलिये कि वह अपने सजेशन्स थोड़े में एक दो मिनट के अंदर दे दें, फिर उसके बाद मेम्बर्स उनसे प्रश्न पूछ लें ।

SMT. SAVITRI NIGAM: I will only give the suggestions. In regard to mass illiteracy I would like to suggest that all social workers in social organisations of long standing should be given enough facilities, equipment and other literature to motivate people as far as the provisions of the amended Act are concerned.

The second suggestion is that every marriage should be registered and at the time of registration a list of gifts of both parties should be indicated so that if the marriage is broken the authorities should know as to what gifts were given.

The third suggestion is—as is indicated in the Bill—that non-official advisory board should be constituted.

Fourth, any un-natural death of the girl within a period of five years of marriage must be thoroughly examined on complaint.

Fifth, consultative status should be given to the social organisations of long

standing and workers of those organisations.

Sixth, bride-groom against whom a case is pending should not be allowed to get re-married unless the case is finally decided.

Seventh, all Government officials with post-graduate qualifications should give a declaration before joining the service that they would not take dowry. We made a survey of all those people who were involved in dowry cases and to our utter surprise we found that more than 65 per cent people are those people who are Government servants.

Our last suggestion is that the dowry limit of Rs. 12,000|- from both parties should also include all the expenditure and the number of guests should be limited to twenty-five only.

In brief these are some of the suggestions that we would like to make and we are ready to answer any question that the hon. Members of the Committee would like to ask us.

श्री सत्यनारायण जटिया : आपने अभी स्नातकों तथा डिग्री होल्डर्स के लिए जो सुझाव रखा है, मैं समझता हूं जो लोग पंचायत से लेकर लोक सभा तक चुनाव लड़ते हैं उसको भी इसमें शामिल किया जाना चाहिए । मैं समझता हूं पहले हम लोगों को सुधार लाने का प्रयत्न करना चाहिए, दूसरे लोग उसको बाद में करें । जो लोग पब्लिक लाइफ में आना चाहते हैं उनको ऐसी घोषणा करनी चाहिए कि वे दहेज नहीं लेंगे ।

रजिस्ट्रेशन के सम्बन्ध में जो बात कही गई है, पहले भी ऐसा सुझाव आ चुका है और इसके व्यवहारिक पहलू पर विचार किया जाना चाहिए लेकिन मैं यह जानना चाहूंगा कि गांवों तक किस प्रकार से इसको लागू किया जा सकेगा ।

श्रीमती सावित्री निगम : : जहां तक रजिस्ट्रेशन की बात है, मैं यह कहना चाहुंगा कि आजकल गांवों में भी पंचायतें हैं । वहां पंचायतों के लिए यह शर्त लगा देनी चाहिए कि रजिस्ट्रेशन के समय वहां पर दो बहनें जरूर मौजूद रहें । और गवाह भी मौजूद रहें । यहां शहरों में तो रजिस्ट्रेशन के लिए मैजिस्ट्रेट से टाइम लेना पड़ता है, वे डेट देते हैं तभी रजिस्ट्रेशन हो सकता है । इस सम्बन्ध में, चूंकि ला मिनिस्टर यहां पर बैठे हुए हैं, इसलिए मैं उनसे भी अनुरोध करना चाहूंगी कि इस विधि को सरल बनाया जाए । आज स्थिति यह है कि पहले नोटिस दी जाती है, फिर उसके बाद एक महीने की तारीख दी जाती है और फिर दूसरी तमाम फार्मेलिटीज होती हैं इसलिए इस व्यवस्था को बड़ा साधारण और सरल बनाया जाना चाहिए । देहातों में हमने जो रजिस्ट्रेशन करवाए हैं उसमें हमने देखा है कि उसमें बड़ी आसानी हो गयी है । सरपंच महोदय आ जाते हैं, एक प्रार्थना-पत्र देना होता है उसके बाद सब कुछ हो जाता है । वहां पर यह कोई कठिन काम नहीं है । दूसरी बात यह है कि जब आज डेथ, बर्थ-सभी के लिए रजिस्ट्रेशन की व्यवस्था हो चुकी है तो, इस मामले में जहां नारी का एक प्रकार से नया जीवन आरम्भ होता है, विवाह के बाद, वहां पर रजिस्ट्रेशन करवाने में कोई कठिनाई नहीं होनी चाहिए ।

श्रीमती विद्यावती चतुर्वेदी : अभी हम लोग दौरे पर गए थे तो गोआ में हमें एक नया अनुभव हुआ । आपने जो शादी में प्रत्येक पक्ष की ओर से अधिक से अधिक 6 हजार रुपए खर्च करने की बात रखी है वह गरीब आदमी हो या कोई लखपति हो, दोनों पर एक समान लागू होगा । यह तो टका सेर भाजी, टका सेर खाजा वाली बात लागू होगी । हो सकता है किसी की एक हजार भी खर्च करने की हैसियत न हो। जैसा मैं अभी कह रही थी, गोआ में सिविल मैरिज के समय, किसी लड़की का प्रापर्टी में जो हिस्सा होता है वह भी साथ ही साथ रजिस्टर कर दिया जाता है, उस लड़की के नाम । इस तरह से विभिन्न मजहबों की जो दीवारें हैं वह भी टूटती हैं । क्या आप इसको पसन्द करेंगी?

दूसरी बात मैं यह भी जानना चाहूंगी कि पंचायतों में रजिस्ट्रेशन के लिए क्या अलग से महिलायें रखी जायें या जो महिलायें चुनकर पंचायत में आती हैं वही रहेंगी। पंचायत में दो या कम से कम एक महिला चुनकर आती है, वही रहेगी या फिर आप अलग से महिलाओं को रखना चाहेंगी ?

श्रीमती सावित्री निगम : माननीय सदस्या, श्रीमती विद्यावती चतुर्वेदी जो का आभार प्रकट करते हुए मैं यह कहूंगी कि उन्होंने जो बातें बताई हैं, वे बहुत ही अच्छी हैं । अगर वैसा हो सके कि विवाह के समय ही अगर लड़की को अपने पिता से हिस्सा मिल सके और यह प्रैक्टिकल हो, तो उससे अच्छा कुछ नहीं हो सकता है; लेकिन आम तौर से ऐसा नहीं होता है और बहुत से लोग देना भी पसन्द नहीं करते हैं । प्रापर्टी का मोह माता-पिता को भी होता है, जब तक वे जीवित रहते हैं । प्रापर्टी में हिस्सा तो बहुत कम लोग देना चाहते हैं, यदि दे दें, तो बहुत ही अच्छा है । पहले दो हजार का सुझाव आया और यह कहा गया कि अमीर से अमीर व्यक्ति को इस में एक आदर्श रखना चाहिए । आम तौर पर जो डाऊरी बर्निंग केसेस होते हैं, वे लोअर-मिडिल क्लास में नहीं होते हैं । जिनकी इनकम दो सौ रुपए से कम है, उनमें हम लोगों को अब तक कोई ऐसा केस नहीं मिला है, क्योंकि दहेज की कु प्रथा का उनमें उसी तरह से प्रवेश नहीं हुआ है।

दूसरी बात जो माननीय सदस्या ने की है, वह भी बड़ी सोचने के लायक है और मैं उससे पूरी तरह से सहमत हूं।

SHRIMATI MARGARET ALVA: In your written answer, you have said that a person giving the dowry should be fined. That is your suggestion there. And also you have said in answer to another question that the person who is demanding dowry should be punished and fined so that the loss which the girl has suffered may be compensated. This is what you have stated. Taking these two answers together, it means this: One who is a parent of the girl is compelled to give some dowry for his daughter. Now, in case of complaint, he becomes liable to pay the fine, according to you. You say, he should pay the fine. Such a person who comes and makes a complaint saying that he has given some dowry, should also be punished.

SHRIMATI SAVITRI NIGAM: When the parent gives the dowry himself he will not complaint. Suppose something is brought to notice. Prescribed limit is Rs. 6,000. Now what happens is this. Some people give dowry for the purpose of 'showing -off'. He thinks some person has given Rs. 80,000 and why he cannot give Rs. one lakh. So, such types of 'showing-off' are indulged in by parents of girls. If anybody complaints he should be fined something.

Suppose he gives Rs. 2 lakhs in dowry and he is fined Rs. 20,000 there is no harm in that.

SHRIMATI MARGARET ALVA: You say fine is to be charged so that the fine is taken and given to the girl.

SHRIMATI SAVITRI NIGAM: The girl is married. She goes to her in-laws' house. Her in-laws and her husband ask her for more dowry. The girl brings up this complaint. The marriage is broken because of the demand of dowry. In that case bride-groom party will be fined. The girl has to live. She has made the complaint. She ought to be compensated in many ways. She must be given all protection and financial help.

SHRIMATI MARGARET ALVA: You are a mother and we are also aware of the position because we come across such cases. We know what it is. Do you think that our daughters who have gone into their in-laws houses will ever go boldly and complain? Do you think that she will go to court or go to the police?

SHRIMATI SAVITRI NIGAM: Sometimes she goes. We have got some practical experience in this regard. I can introduce to you a girl who has actually come to us saying that she is being harassed.

AN HON. MEMBER: The number is not much.

SHRIMATI MARGARET ALVA: What is your suggestion in this regard? People complain in desparation; the daughter is harassed. The only people who are interested in justice being done are the parents of the girls. But the parents will be fined according to your suggestion.

SHRIMATI SAVITRI NIGAM: You have not understood it. What I meant was this: We hear from many people saying that such and such persons have given one lakh or two lakhs and so on. There are such cases. Those cases are brought to the notice of our Social Organisations. They say, Rs. 2 lakhs have been given. In that case they should also be asked to pay fine.

SHRIMATI MARGARET ALVA: They come and make a complaint before social organisations. But have they come to the court? I don't think so.

SHRIMATI SAVITRI NIGAM: That is why I say, we should educate the people. The implementation of this Act is most difficult. That is why we have given to you some of our suggestions.

SHRIMATI (DR.) SATHIAVANI MUTHU: Education is another thing. Government has its own responsibility for doing it. Regarding expenditure, what you said now will be something like the Election expenditure. There is a limit for it. We have to spend money. The life of the girl is involved. We have to spend. I thing nobody is going to give you the correct amount he has spent.

SHRIMATI SAVITRI NIGAM: You are right. But my point is this. If you fix some limit like this, they will at least be afraid. Suppose we are asked to present an affidavit saying figures, our conscience will prick. In we think of filling in some wrong figures, our conscience will prick. In that way it will be some sort of check and there are many cases where people refused to sign wrong things. I am sure if the necessary provisions are made in the enactments, there will be some such fear in the minds of people.

SHRIMATI SUSEELA GOPALAN: Women have no property right. You say that some limit should be there. What is the position of the girl then? Will there be any objection from the minority community? Have you thought over that?

SHRIMATI SAVITRI NIGAM: This would be the ideal position; but we have to work for it. I am sure the minority communities will also accept it. I do not accept any idea that political parties lack the political will.

There are difficulties; we have to work hard and we have to see that these provisions are properly implemented. That is very important. Regarding your question, I would like to say that women always inherit equal share in property in many of our communities, amongst most of our people. Maybe, there are some others not governed by this; there may be different Acts. They get their share in that way. This evil of dowry may not be so acute in some other communities, as it is the case in the case of the Hindu community. All these factors are there. One has to go into these things. We have to educate the people.

SHRIMATI SUSEELA GOPALAN: In Kerala the women of the Christian community have got no property rights. What they get is only dowry.

SHRIMATI SAVITRI NIGAM: I can tell you that according to our findings the Kerala women are very advanced. Most of them are well educated and employed. Moreover, dowry problem is not so predominent in Kerala.

SHRIMATI SUSEELA GOPALAN: You are entirely wrong. The problem of dowry is increasing day by day.

SHRIMATI VIMLA VIRMANI: From my personal experience, as a social worker, I have a few points to make. Firstly, to cut down the marriage expenses, a huge consumption of electric power could be avoided by conducting the marriage ceremony during the day. Secondly, the bridegroom party brings thousands of people to the girl's house where they have to be fed and well looked after. This involves a huge expenditure. So, I would suggest that the number of persons attending the marriage ceremony from the bridegroom party should be fixed. Thirdly, second marriage should not be allowed to a man who has gone to the court for divorce. The social workers of the well established organisations which have been working for a long time, would be able to do the work earnestly and honestly if they are given some status, say something like consultative status, by which they can give some good suggestions because they go to the field and come into contact with the various kinds of people. Moreover some facilities should be given to the social workers because they are working purely on honorary basis. If some facilities are given to them, they can be very effective for the implementation of the Act.

SHRIMATI PRAMILA DANDAVATE: There was an incident occurred in Delhi. In Jahangirpuri, one girl was murdered for not doing some favour to her in-laws. Her in-laws wanted to get a water connection to his house. It is a question of an expenditure of one thousand rupees or so. The girl's father could not do it and therefore she was murdered. These things are happening in the resettlement colonies where very very poor people are living. I would like to know from you what kind of role these organisations can play to create an opinion against the dowry system.

SHRIMATI SAVITRI NIGAM: I would invite you all to attend a discussion on 4th July at 10.00 A.M. at I.I.T. Club where you would find what type of work we are doing. We are organising symposiums, seminars and meetings. The social workers go to the houses of those people whose daughters are getting married soon and persuade them not to yield to the demands made by the would-be in-laws of their daughters.

MR. CHAIRMAN: Thank you very much. You can withdraw.

..(The witnesses then withdrew)

III. Association for Social Health in India, New Delhi.

Spokesmen:

(1) Dr. W. Mathur-Vice-President

(2) Mrs. Shakuntala Lall—Secretary-General.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire thir evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : क्वेश्चनेयर का जो जवाब आप की तरफ से आया था, वह इस समिति के मेम्बरों को मिल चुका है । इस के अलावा अगर आप कोई विशेष बात कहना चाहते हैं, तो आप संक्षेप में इस कमेटी के सामने रख सकते हैं और जो सुझाव आप देना चाहें, वे कृपया दे दीजिए ।

डा० डब्ल्यू० माथुर : एक बात तो मैं यह कहना चाहता हूं कि आप का जो यह एक्ट है, इस का संशा अच्छे हैं और इस का बड़ा यूटालिटी है लेकिन क्लाज 2 के नीचे जो एक्सप्लानेशन दिया हुआ है, उस की वजह से सब कुछ नलीफाई हो जाता है । इस में यह लिखा हुआ है :

"For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties."

इस का मतलब यह होता है कि शादी के वक्त जो कुछ दिया जाता है, तो उस के बारे में यह समझा जाता है कि यह डाउरी नहीं है और इस तरह से जो एक्ट का संशा है, वह सारी की सारी खत्म हो जाती है । इसलिए इस क्लाज को डिलीट किया जाना चाहिए । क्लाज 3 में बहुत क्लियरली यह लिखा हुआ है :

"If any person after the commencement of this Act, gives or takes or abets in giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months. . . ."

पनिशमेंट तो प्रोवाइड किया गया है लेकिन उस वक्त जो दिया जाता है वह डाउरी नहीं समझा जाता है और उस से वह एगजैम्पट हो जाता है, तो it takes away the sting out of this Act.

श्रीमती विद्यावती चतुर्वेदी : जो चीज दी जाती है, वह गिफ्ट की तरह दी जाती है और गिफ्ट एक्ट में निकल जाती है, आप के कहने का मतलब यही है ?

डा० डब्ल्यू० माथुर : जी हां ।

सभापति महोदय : और कुछ आप को कहना है ?

डा० डब्ल्यू० माथुर : दूसरी बात मैं यह कहना चाहता हूं कि इस एक्ट के अन्दर कोई एन्फोर्सिंग सेशक्न नहीं है । इस वास्ते मेरा ख्याल यह है कि इस एक्ट को फोर्स में लाने के लिए एक प्रोहिबिशिन आफिसर जरूर होना चाहिए । He should be assisted by a group of social workers, so that the workers can bring these things to the notice of

the Prohibition Officer. He should have sufficient powers to make complaints and follow up.

SHRIMATI MARGARET ALVA: In your memorandum, you have suggested a limit of Rs. 10,000/- for dowry. whereas the other organizations have suggested Rs. 5000/- as the limit. What have you got to say?

DR. W. MATHUR: We have further considered this question in detail and we are of the opinion that there should be absolutely no dowry at all.

SHRIMATI KANAK MUKHERJEE: Who should be punished—giver or the taker?

DR. W. MATHUR: Obviously, the taker.

श्रीमती विद्यावती चतुर्वेदी : आप ने जो यह कहा है कि डाउरी बिल्कुल नहीं देनी चाहिए, आप की जो यह भावना है इस से मैं बिल्कुल सहमत हूं लेकिन लड़की के पास अपनी कोई प्रोपर्टी होनी चाहिए । लड़की को अगर कोई डाउरी नहीं दी जाती है, तो कुछ आर्थिक सहायता या दूसरी तरह की कोई सहायता उस को दी जाए, जो मुसीबत के वक्त उस के काम आ सकती है । क्या आप इस के बारे में बता सकते हैं कि किस तरह से उस को ऐसी सहायता मिल सकती है ?

डा० डब्ल्यू० माथुर : मैंने पहले बताया है कि जहां तक डाउरी का सवाल है, उस के हम खिलाफ हैं लेकिन लड़की को प्रेजेन्ट देने के खिलाफ नहीं । लड़की के पेरेन्ट्स कुछ प्रेजेन्ट्स एक्जक्लूसिवली लड़की को देना चाहें, तो दे सकते हैं लेकिन इन-लाज को नहीं दिये जाने चाहिएं ।

दूसरी बात यह है कि हमारे यहां जो इनहैरिटेंस एक्ट बना हुआ है, उसमें लड़की को भी अपने मां-बाप से इनहैरिटेंस के रूप में प्रोपर्टी मिल सकती है । कानून में उस को हक दिया हुआ है और वह उस को ले सकती है ।

श्रीमती विद्यावती चतुर्वेदी : यह जो आप ने हक की बात कही है, क्या किसी को अभी तक मिला है ?

डा० डब्ल्यू० माथुर : मिला है, हम ने दिलवाया है ।

श्रीमती विद्यावती चतुर्वेदी : उस को जो हिस्सा पिता की प्रोपर्टी में है, वह उस को मिलना चाहिए और दहेज नहीं दिया जाना चाहिए ?

डा० डब्ल्यू० माथुर : जरूर ।

श्री बी० सत्यनारायण रेड्डी : आप ने जो यह कहा कि डाउरी का सिस्टम नहीं होना चाहिए और मुकम्मल तौर पर इस को खत्म करना चाहिए, यह बहुत अच्छी बात आप ने कही है । मैं यह कहना चाहता हूं कि समाज की जो मौजूदा परिस्थिति है, समाज में जो गरीब से गरीब आदमी है, कानून बनाने से पहले, उस की जो परिस्थिति है, उस के बारे में सोच लेना चाहिए और पूरे तरीके से मश्विरा कर के कानून बनाना चाहिए । मैं आप को दिल्ली की बात बताता हूं । एक मेड सर्वेन्ट से मैंने इस के बारे में पूछा । वह बाहर गई हुई थी और एक महीने के बाद जब वह आई, तो उस से पता चला कि वह बच्ची की शादी के लिए गई थी । यहां पर बहुत से हरिजन हैं और दूसरे गरीब लोग हैं, जोकि बहुत कम वेजेज पाते हैं । जब मैंने उस से पूछा कि शादी में क्या दिया,

तो उस ने बताया कि एक बकरी दी और दो साड़ियां दीं, जो 400, 400 रुपये की थीं। इस तरह से मेरिज के कंसिड्रेशन में एक बकरी और दो साड़ी, उस ने दी, जोकि बहुत गरीब खानदान से है। बहुत थोड़े पैसों पर वे अपनी जिन्दगी गुजारते हैं लेकिन समाज के अन्दर एक रिवाज सा हो गया है कि कुछ दिया जाए। इस को कैसे दूर करेंगे। कानून बनाने से भी बकरी का देना नहीं रुकेगा। वह तो डाउरी में आएगा। बकरी बहुत छोटी थी, वे लड़की वालों के पास छोड़ आये और कह आये कि जब बड़ी हो जाए तो उसे बेच कर पैसा बना लें। यह चीज तो डाउरी में आती है। आप बताइये कि कैसे हम इस एक्ट में, कानून में तब्दीलियां करें जिससे कि इसे रोकने में मदद मिल सके।

डा० डब्ल्यू० माथुर : मैंने अर्ज किया था यदि लड़की को कुछ भी दिया जाता है, चाहे वह बकरी हो या बकरा हो, डाउरी में नहीं आता। लेकिन अगर लड़की के श्वसुर को कुछ दिया जाता है तो वह डाउरी में आता है। लड़की का बाप लड़की को खुशी से जो कुछ भी देना चाहे वह खुशी से दे लेकिन उसके लिए लड़के वालों की तरफ से डिमाण्ड नहीं होनी चाहिए। कुछ भी देने के लिए लड़की वाले को एन्फोर्स नहीं किया जाना चाहिए।

SHRI P. SHIV SHANKAR: If the parents of the girl give to the girl herself, say Rs. 10,000 or Rs. 20,000 or whatever it is, then you have no objection; that it would not come within the definition of dowry.

DR. W. MATHUR: That is not dowry. I am making the distinction between dowry and present.

SHRI P. SHIV SHANKAR: You mean dowry should be considered only when it is given to bridegroom or his parents?

DR. W. MATHUR: Yes.

SHRIMATI PRAMILA DANDAVATE: Mr. Mathur, you accept that parents would like to give something to the daughter; and whatever is given at the time of the marriage should belong to the daughter and not taken away to others in the family. And father is free to give any amount at the time of marriage. But would you suggest that there should be some kind of provision that whatever is being given to the daughter at the time of the marriage should be recorded, because nobody knows what has been given; and in case the marriage fails or in case the man wants to drive away his wife, all those things should go to her parents or to her.

DR. W. MATHUR: I do not know whether it is practicable or not. If it can be registered at that time, it would be very good. Money should be given by crossed cheque in daughter's name in her Bank account exclusively.

श्री सत्यनारायण जाटिया : शादी की रस्म के पहले एक और रस्म होती है जिसको तिलक कहा करते हैं। तिलक में भी, लगन में भी वह कैश देता है। यह शादी का ही एक हिस्सा है। यह चीज भी डाउरी में सम्मिलित होनी चाहिए। डाउरी देना या लेना एक परम्परा बन गयी है। अब डाउरी बलपूर्वक दी गयी है या खुशी से दी गयी है, इन दोनों को अलग-अलग करना बहुत कठिन है। डाउरी मन से दी गयी या नहीं इसको मालूम करने के लिए या इसको रोकने के लिए सोशल आरगे-

नाइजेंशंस लोगों को शिक्षित करने में एक प्रबल माध्यम बन सकती हैं। इस कानून को कैसे एन्फोर्स किया जाए, कैसे इसका इम्प्लीमेंटेशन किया जाए, इसके लिए आपके क्या सुझाव हैं? आप इस एक्ट में कौन-सी ऐसी चीज चाहते हैं जिनसे कि इसे लागू करने में मदद मिले। यह कानून सक्षमता से अमल में लाया जा सके, इसके लिए आपके क्या सुझाव हैं?

DR. W. MATHUR: Whatever is given to the members of the bridegroom's family before marriage, during marriage or after marriage should be considered as dowry. Whatever is given to the girl should be considered as present.

श्री सत्यनारायण जाटिया : आप कोई ऐसा प्रावधान इसमें चाहते हैं जिससे कि यह रुक सके?

SHRIMATI KANAK MUKHERJEE: He has said that gifts and presents should not be considered as dowry, but Section No. I Clause No. 2 should be deleted. But here he expresses the same thing that the present at the time of marriage in the form of cash should not be termed as dowry. It is the same thing.

SHRIMATI SHAKUNTALA LAL: Actually there should be a little more clarification between these two words —dowry, gifts and presents. Sometimes we give a particular thing and say this is present and the other thing which goes to the in-laws we call it dowry. Actually both the things—gifts and presents and whatever we name as dowry, it should be all one thing. Dowry means whatever we give to the girl as gifts. But here as Dr. Agarwal has said that since the girls are entitled to the property, if they do not get that, they should appeal. There we keep quiet. If we do not get anything from parents at the time of division of the property, then we have no right to be laud upon this. Dowry should include cash and presents to the girl, to the parents. everything whatever is given. There should be a uniform implementation in which poor, lower middle class, jhuggi dwellers, mansion residents, millionaires all are involved.

As far as the other thing is concerned, in Sections on Inheritence, where they are, entitled to everything they should be given. There should be remedy for it. Here we will find some loopholes. Somebody gives something under different sections and get away. Rich people can do this and get away with that, but the poor people will become victims.

SHRIMATI MARGARET ALVA: Mrs. Lal, in your replies you have said that whatever is given under presents, except to the daughter should be considered as dowry. But the term 'personal use' is a very wide term. You give a car and say it is for personal use; you give a house and say it is for personal use; you give a TV and say it is for personal use. You have given a very wide definition.

MR. CHAIRMAN: Is there any other Member who wants to put questions? Anyway, we are meeting after lunch also—at 3 p.m.

SHRIMATI PRAMILA DANDAVATE: There should be implementation. That is very important. There is nobody from the Delhi Administration before us.

MR. CHAIRMAN: Things are still being processed. They have just started. They will be coming next time.

We now disperse and will meet again at 3 p.m.

(The witnesses then withdrew).

(The Committee adjourned at 13.30 hours and reassembled at 15.00 hours.)

IV. Co-ordination Committee of Working Women, Delhi, New Delhi

Spokesman:

Miss R. Vaigai,

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence should be treated as public and is liable to be published, unless they specifically desire that all or any part of evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

We have received your reply to the questionnaire and it has been circulated to the members. If you want to make any fresh points or emphasise some particular aspect, you may do so.

MISS R. VAIGAI: The main reasons for the failure of the Act is the social set up. If you look at the history of the custom of dowry, centuries ago the matriarchal system was there. Then it was called *kanya shulk* instead of the girl, the boy gave it. Later on, the matriarchal system died and the patriarchel system started. At that stage, *kanya shulk* got transferred into *vara shulk*. In that social context, the female member had no right to property. It is only in the last century that the female members started having the right to property, given in the form of gift or by will. Even that she could enjoy only during her life time, after which it reverted to the male members of the family. So, it was limited ownership. It is only the Hindu Succession Act, 1956 and the other Acts later which gave female members almost equal rights in the family property.

The dowry system still continued becaust of social factors, the main reasons being that female members in the society are always considerd to be second degree human beings in every aspect of life, be it employment or household duties. Because of this set up, they were not able to realise their legal rights, even though they are available to them. Because of this reason, at the time of marriage dowry is given to the bride. Even though she is entitled as of right to get an equal share in the property, she is never given it on the ground that at the time of marriage an exorbitant dowry has been given. In most cases they do not ask for it also. So, this system is being perpetuated.

This dowry system is not very much prevalent in the lower strata of society, because they cannot afford to give it. It is mainly done by the upper strata, the elite, and it is copied by the middle class. That is why we see that most of the dowry cases are in the middle or upper classes. Since it is difficult to completely root it out, it is absolutely necessary that some limit should be put on the amount of dowry, even if it is given voluntarily.

That is absolutely important.

If you read our suggestion, we have said that it should be limited to 10 per cent of the annual income of the father.

The Act has failed because of the inclusion of the expression 'anything given as consideration of marriage'. It is impossible to prove. Nobody can prove that it was given as 'consideration'. If you ask anybody it will be told that it was given voluntarily and not in consideration of the marriage. This expression should be removed.

The giver should not be punished. The moment the parents lodge a complaint, they also become open to any prosecution.

It should be made cognisable, non-bailable and non-compoundable.

The Section which deals with the return of the dowry that has been given to the bride within one year of the receipt of dowry should also provide that after her death the dowry should go to the heirs of the bride. The husband should not be included in it.

Suitable amendment should be made in the Evidence Act. A Government servant should be asked to give an oath that he has not violated the provisions. Every year the Government servant should be asked to give an oath that the provisions of Dowry Act has not been violated by him.

All marriages should be compulsorily registered. At the time of registration the Registrar should ask the parties to declare that they are not violating the Dowry Act.

SHRIMATI KANAK MUKHERJEE: 10 per cent of the annual income of the father includes the expenses as well as dowry.

MISS R. VAIGAI: Yes.

SHRIMATI SUSEELA GOPALAN: What is your view about the property rights?

MISS R. VAIGAI: There are very few women who have no property right.

SHRIMATI PRAMILA DANDAVATE: You said that all marriages should be got registered. She has got equal right in the property. Do you feel that whatever is given to the daughter at the time of marriage, if it is less than her share in the property, she should be given the balance after the death of her parents?

In case of death of a woman if she has no issue the whole thing should go back to her parents. If she is thrown out of the House, whatever she has got from her parents should be given back to her.

MISS R. VAIGAI: Yes.

SHRIMATI PRAMILA DANDAVATE: Section 7 says that 'complaint should be made withine one year.'

MISS R. VAIGAI: That should be totally removed.

Some provision should be made on the lines similar to the 'Prevention of Corruption Act which is now applicable to the Government servants.

SHRI K. P. UNNIKRISHNAN: Should dowry part be included in the Prevention of Corruption Act?

MISS R. VAIGAI: In most cases it is difficult to pinpoint whether it has come as dowry. An individual can say that it is my property. Individuals should be asked to declare their assets periodically. Quantum of assets *vis-a-vis* income can be judged. If the assets are disproportionate, doubt can be cast on him that that came as dowry.

MR. CHAIRMAN: Thank you very much.

(The witnesses then withdrew)

V. Karmika, Strce Sangarsh, New Delhi

Spokesman:

Shrimati Subhadra Butalia—President

(The witness were called in and she took their seats)

MR. CHAIRMAN: I welcome you to the Committee. Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

You have replied to the Questionnaire. That has been circulated to

the members of the Commiftee. Apart from that, if there are any specific suggestion to make, you may do so.

SHRIMATI SUBHADRA BUTALIA: As regards your first requirement that the evidence will be treated as public, I have already given you a signed undertaking to that effect. I am also a free-lance journalist. Whatever transpires here, I reserve the right to publish...

MR. CHAIRMAN: You cannot do that till the Report of the Committee is laid on the Table of the House.

SHRIMATI SUBHADRA BUTALIA: Kindly clearify that. You have said that whaever evidence I give here will be treated as public.

MR. CHAIRMAN: Once it is placed before the Parliament, it becomes a public document. If you give publicity to that before the report is laid on the Table of the House, it will be a breach of privilege. It must be kept secret till the report is placed before Parliament.

SHRIMATI SUBHADRA BUTALIA: That is all right.

As regards the Dowry Amendment Bill, the Act already in existence reads 'Prohibition of Dowry'. while the Questionnaire which was cfrculated to us does not strive at prohibiting dowry but it strives at limiting dowry to a certain extent. I would like the Committee to make me a little more educated on this. Are we here to introduce an amendment which seeks to prohibit dowry or are we here to introduce an amendment which seeks to limit dowry to a certain extent?

MR. CHAIRMAN: It is, of course, to prohibit dowry.

SHRIMATI SUBHADRA BUTALIA: If it is to prohibit dowry, then the Questionnaire is not suited to the prohibition of dowry because it says, let us prescribe a minimum limit to what parents can give to their daughters. Our approach is that if we start with an assumption that it is the duty of parents of a girl to give dowry to parents of a boy, then we concede the basic principle of dowry.

DRAFTSMAN: There is some basic difference in understanding. Whatever parents give to their daughters will not be automatically termed as dowry. All this is very clear from the 1961 Act that if it is given as a consideration of marriage, only then it is called dowry. Even in the name of presents, the people are giving dowry and they are escaping. We want to book those people also.

SHRIMATI SUBHADRA BUTALIA: That is exactly our approach. Our reply to the Questionnaire must have been circulated to all the members of the Committee. We have questioned your basic premise on which you have circulated the Questionnaire. The Questionnarie asks: What is the minimum limit that you would advise us to fix which parents of a girl can give to parents of a boy?

DRAFTSMAN: At the time of marriage.

SHRIMATI SUBHADRA BUTALIA: First of all, when we talk of dowry, we are talking of something which parents of a girl give to parents of a boy. Under the 1961 Act itself, the definition of "Dowry" is two-fold. It says something which is given by parents of a girl and, at the same time, given by parents of a boy.

MR. CHAIRMAN: If you see the Explanation 1, it says:

"It is hereby declared that any presents made at the time of marriage to either party in the form of cash, ornaments, clothes or other articles shall not be deemed to be "dowry" within the meaning of the term "dowry".

SHRIMATI SUBHADRA BUTALIA: That is precisely what I am saying. First of all, you say, "either party". What does "either party" mean? To my knowledge either

party means parents of a girl or parents of a boy. Any gifts or presents given shall not be deemed as 'dowry'. If I give a television set to my daughter as a gift, I am giving dowry if it is given at the time of marriage. What the people are doing is, they are giving something in the name of gift and escaping the law itself. The Act itself is faulty. This is what we have said in our reply to the Questionnaire.

SHRI B. SATYANARAYAN REDDY: So far as the Explanation is concerned, she is right. We also raised the same objection. Whatever the definition of "Dowry" is given, in the name of gift, the people are giving it.

Do you mean to say that the Explanation to that Section should be deleted? What exactly is your amendment to the present Act so far as that Section is concerned?

MR. CHAIRMAN: That is why we have called you here. We want to have your suggestion as to what type of an amendment should be there. We all agree with what you say. What is your suggestion in regard to this?

SHRIMATI SUBHADRA BUTALIA: Our suggestion is already given in our reply to the Questionnaire and that is that we should cut down with one strike and say, no dowry, no gifts, nothing to be given at the time of marriage by either party.

MR. CHAIRMAN: Do you mean to say that when a girl goes to her husband's house, she will go as a beggar?

SHRIMATI SUBHADRA BUTALIA: Why?

MR. CHAIRMAN: Will society accept it? Will it be practicable?

SHRIMATI SUBHADRA BUTALIA: If we forget about society, what will happen? What has society done for the hundreds of girls who have been burnt to death? If we are to think about this sort of society, then we have to condemn our daughters to perpetual serfdom and suffering. I may give you my example. At the time of my marriage, only Rs. 50 were spent. Am I a beggar? I never became a beggar. If the husband is earning and if he is in a position to support his wife, he has no business to ask his wife's parents to give him a T.V. or a Refrigerator or a Scooter.

SHRI B. SATYANARAYAN REDDY: Suppose a person has got a daughter and a son and he has got sufficient money at his disposal. He would like to give something to his daughter at the time of marriage or before marriage or after marriage. In these circumstances, how are we to view these things in society?

SHRIMATI SUBHADRA BUTALIA: There are various occasions in life when parents can give gifts to their children. I do not say we should select only daughters for giving gifts and not sons. Both have an equal right. We should make clear-cut rigid and rigorous laws against the practice of dowry. The laws should in no way be lenient. Then only, it will be possible to put an end to dowry system. The dowry system leads to the harassment and murder of girls. Moreover, it becomes an established practice in the family. There will be no escape from it. Equal share of property needs to be given to all the Children. Otherwise, it leads to frustration, and bride-burning or murder will be the result. The Gurgaon case is only one of the many instances.

Of course, it does not in any way mean that a parent's freedom to give things to his children should be taken away. It is the sweet will and pleasure of a father to offer things to his children. He is at liberty to do so. There are hundreds of occasions on which a father can give hundreds of things to his children. But if the parents are forced and compelled to give property in any form for the purpose of marriage, it becomes a dowry and this evil practice gives

rise to bride-burning and unfortunately this has become the burning problem of the day and this practice should be prevented.

सभापति महोदया : कहीं ऐसा न होने लगे कि लड़के और लड़की की शादी ही न हो । लड़के वाले के माता-पिता वहीं लड़की खोजेंगे जिसके माता-पिता के पास 50 हजार रुपये हो, 75 हजार रुपये हों और उसके यहां ही शादी करेंगे । इस तरह से गरीब माता-पिताओं की लड़कियों की शादी होनी मुश्किल हो जाएगी ।

श्रीमती सुभद्रा बटालिया : अगर लड़कियों की शादी नहीं होगी तो लड़कों की भी शादी नहीं होगी । हमारे हिन्दुस्तान में 50 परसेंट पुरुष हैं और 50 परसेंट स्त्रियां हैं । अगर 40 परसेंट लड़कियां क्वारी रह जाती हैं तो 40 परसेंट लड़के भी क्वारे रह जाएंगे ।

मेरा तो यह प्रपोजल है कि जब लड़के और लड़की की शादी हो तो कम्पलसरीली शादी में खर्च न हो । अगर खर्च हो तो उसे रिकार्ड में लाया जाए । आजकल ब्लैक मनी के रूप में बहुत कुछ इधर-उधर होता है ।

Let us think in the terms that under the dowry system a lot of black money comes out. Let us make it compulsory to register marriages and for the parents of the boy and the girl to share the marriage expenses equally. Then at least we will be helping those people who are law-abiding, those people who want to take the support of law and then the practice of giving dowry will be stopped.

जो लोग रूल्स को वायलेट करते हैं वे तो करेंगे ही । अब फांसी की सजा देने पर भी लोग मर्डर करते हैं ।

We have to write them off. But we have to take into consideration those people who really need support.

(The witnesses then withdrew).

VI. All India Co-ordination Committee of Working Women, New Delhi.

Spokesmen

(1) Smt. Vimala Ranadive—Secretary

(2) Smt. Kitty Menon.

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we start, I have to point out that in accordance with the provisions contained in Direction 58 of the Directions by the Speaker, your evidence shall be treated as public and is liable to be published unless you specifically desire that all or any part of the evidence given by you should be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

The questionnaire has already been circulated to the members and the Committee would welcome any specific suggestions apart from the answers and the memoranda which you have sent.

SMT. VIMALA RANADIVE: At the outset, I would like to say that we do not appreciate the Code of Conduct which has been set with the questionnaire.

MR. CHAIRMAN: That has been given to us by the Lok Sabha Speaker.

SMT. VIMALA RANADIVE: It is given along with the questionnaire and we do not like it. It is old tradition of the British rule. I would like to protest against it.

MR. CHAIRMAN: Your protest has been noted.

SMT. VIMALA RANADIVE: Let me say that this dowry system has a deep social and economic root in the present society. It is mostly based on the patriarchal from where women is considered a second-rate citizen. Even though women have become partners in the society to increase prosperity, women are looked as inferior to men with no equal status and independent opinion of their own on any matter. In this situation, a women falls a victim to social practices of oppression like dowry and molestation by men. The unhappy part of this situation happens to be, woman's involuntary involvement in the present ideology. Therefore women are not yet conscious enough to fight back this evil system of dowry. In this situation, it will be wrong to hold only women responsible. Under the present feudal bourgeois property relation, male domination continues unabated, while the ruling classes are interested to continue the present set-up.

MR. CHAIRMAN: You are just reading a note. We want your suggestions. They must be precise for the purpose of making amendments. Please don't read the papers. You please give us some points.

SMT. VIMALA RANADIVE: These are the points.

MR. CHAIRMAN: I do not think so. Kindly suggest what more you want to add to the present Act.

SMT. VIMALA RANADIVE: Then let me tell you that a few years back a Study Group had visited the various villages and cities in our country. They have given some suggestions in the year 1980. They were published in all the newspapers. They gave the figures of dowry murders and dowry deaths which show that these tragedies are on the increase.

I, therefore, think that there is need for amending the present Act.

The Central Government had undertaken a comprehensive study of the dowry problems in different parts of the country and the report was published in 'Patriot" dated 4-8-1980. I think all the Members of Parliament are aware of this report.

MR. CHAIRMAN: Was the study undertaken by the Law Ministry?

SMT. VIMALA RANADIVE: The Central Government had undertaken the study.

MR. CHAIRMAN: The Home Ministry might have undertaken the study. We have to check it up.

MRS. VIMALA RANADIVE: Their suggestions are very important. They have declared that these dowry deaths and tragedies are taking place on a large scale. They discovered that there is lack of social awareness of the necessity of imparting education to women and that this has resulted in the lack of economic upliftment of women.

We would like to lay stress on these points before the Committee so that the amendment that are to be made to the Dowry Act may be good ones.

The main thing is about the Committees. We have suggested—and many other women's organization also have suggested—that the Special Courts or Committees, if they are formed, should be given the right to prosecute, they should be able to approach the victims in the hospital or wherever the incident has taken place. That will be in the interest of the victims. We would suggest that the women's organization should also be associated with these Special Court or Committees because so many women's organizations have taken up such cases, and some of the Members of Parliament here have participated in those demonstrations and meetings. It is good that this Joint Committee has been set up. It could have been set up even earlier. It was because of pressure from women's organizations that this Joint Committee has been set up. Therefore, it is very necessary that the women's organizations are associated with the Advisory Committees or Special Courts. In these Special

Courts or Advisory Committees, women's organizations should be represented also the public organizations which are recognised in those localities or villages or areas should be associated with these Committees. This is our main suggestion which may be accepted by the Joint Committee.

While discussing this Bill, one must also remember that generally, the two parties to the marriage act are treated on an equal footing. That should not be so. The giver and the taker should be dealt with separately. The taker of the dowry should be held mainly responsible and he should be severely punished. Leaving aside for a moment the people who are very rich—of course, there also dowry should not be taken—, we have to consider mainly those middle class and poor families who cannot afford to give dowry but are compelled by a number of compulsions to satisfy the insatiable greed of the bridegrooms and their parents. Therefore, those who are giving dowry and those who are taking dowry should not be treated on an equal footing. The persons who take dowry should be punished more severely...

SHRIMATI KANAK MUKHERJEE: Should the giver also be punished?

SHRIMATI VIMALA RANADIVE: The giver should not be punished because he is compelled to give. He is a poor person with six or seven daughters, and if he does not give, then the girls will remain unmarried. So, out of compulsions, he has to give. Therefore, the giver should not be dealt with on an equal footing with the taker.

MR. CHAIRMAN: Please conclude. There are other witnesses also waiting to give evidence.

SHRIMATI VIMALA RANADIVE: This is the last point. The present society is a class-based society, and because of their conduct, because of their attitude, because of male chauvinism, there is so much of delay in the prosecutions coming up. Women are the main people who have to suffer. Therefore, till the society changes, till that time, the women's organizations and all those who are interested in the cause of women must take up the question of dowry, rape and other things. Therefore, again I will say that the women's organizations should be associated with the Advisory Committees or Special Courts. Then only things can be dealt with in a proper light.

श्री सत्य नारायण जाटिया : आपने एक सुझाव दिया है कि सोशल आर्गेनाइजेशन्स के लोगों को इस काम में एसोसियेट करना चाहिये, पर उनका फंक्शन कैसे होगा ? मुझे पता है कुछ सोशल आर्गेनाइजेशन्स ने अच्छे काम किए हैं, पर उनका आउट-पुट अच्छा नहीं आया है । आप बताइये कि उसके लिए क्या प्रोसीजर तय कर सकते हैं ? कौनसी बातें ऐसी होंगी जिनसे वह काम कर सकेंगी । अच्छी आर्गेनाइजेशन्स कुछ काम कर सकें, इसके लिए आप सुझाव दीजिए ।

श्रीमती विमला रणदिवे : इस तरह के प्रोसीजर को तो सोचना पड़ेगा । इसके लिए जब टाइम आयेगा तो हम उस वक्त देखेंगे ।

SHRIMATI KITTY MENON: In the written memorandum which we have submitted, we have suggested that there should be a Special Officer for taking up the question of dowry cases and that he should be guided by a Committee in which the women's organizations should be represented. There should be some type of statutory authority given to this Committee. In fact, all the cases of dowry should be processed through this Committee and the Committee should have the right to launch prosecution. Once a case is brought to the notice of the Committee, the Committee should have the legal right to launch prosecution.

श्री सत्य नारायण जाटिया : जो सोशल आर्गेनाइजेशन्ज के लोग हैं, जिनका रिप्रेजैन्टेशन कमेटी में कर रहे हैं, उनको लीगल पावर्स दी जायें, यह कैसे संभव होगा ?

श्रीमती विमला रणदिवे : संभव के लिए अगर सोचेंगे तो जरूर संभव हो सकेगा । ऐसा क्यों नहीं हो सकता है ? जो सुझाव हमने आपके सामने रखे हैं, उसमें वीमैन आर्गेनाइजेशन्ज को इन्वौल्व करें जिससे यह मामला प्रापर तरीके से सौल्व हो ।

SHRIMATI PRAMILA DANDVATE: You also say that the offence should be made cognizable. But it has been our experience in a number of cases that, if you give authority to the police, they use their authority to harass people. So, in this case, would you like the authority or the statutory power to be given to the Committee with which the social organizations will be associated? And, without their consent, the police should not take any kind of action. Would you like to make this kind of a suggestion?

SHRIMATI VIMALA RANADIVE: I think so because I do not know the legal implications of what you are saying. But if it is in favour of women, I would say all right. We do not want to leave it to the Policeman. That is why we want women's organizations to be associated with the committee and the committee should be given some power. If it is an Advisory Committee, it can be ignored.

I would like to add one or two things. One is general and the other is legal.

SHRIMATI SUSEELA GOPALAN: There are some legal provisions for the Committee to act.

SHRIMATI VIMALA RANADIVE: One is the general one. When we are discussing a thing like the Dowry Act, as I was pointing out, dowry is not an isolated factor in society. We have to look at it in the larger social context. We would like this Committee to recommend in whatever way it is possible for it, that several other Acts must also be gone into—like the marriage Act and property act, so that they are suitably and comprehensively amended. Otherwise you cannot enforce Dowry Act.

In addition to this, I would like to raise the question whether this Committee could recommend something like a common civil code because there are sections of women who are not touched by any of these Acts—Muslim women, in particular—and, therefore, unless you have a common civil code, you cannot bring all women under the jurisdiction and scope of this Act. Now it cannot be a complete recommendation as such but it is a general recommendation which we would strongly urge that this Committee should discuss and take it and recommend to Parliament.

The third point is the one which was partly discussed here. That is with regard to implementation itself. Quite often these laws are passed and everybody then goes to sleep and the question of implementation gets left behind. That is why we precisely urge upon the committee that you should associate women's organisations in some way or the other in seeing to the implementation. It should not be purely advisory. These committees must have the legal right to intervene themselves. Otherwise it becomes impossible to see that the Dowry Act is implemented at all, because the victims or their families are too shy or too frightened to take this up. So somebody has to take it on their behalf.

Then, all marriages should be registered. At present they are not registered.

SHRIMATI SUSEELA GOPALAN: When you are demanding a common civil code, will there not be protests, particularly, from minority communities like Christians, Muslims and other sections?

SHRIMATI KITTY MENON: There will be protests even from the majority Community. But the point is that in a Bill which you are bringing forward, one has got to look to the interest of all women, regardless of whether some people are going to object or are not going to object. Even Muslim women may initially object but that is where the women organisations come in to convince them of the advantages they will get from such a Bill. I do not think that should be a reason for not bringing it.

Thank you.

MR. CHAIRMAN: Thank you.

(The witnesses then withdrew).

All India Women's Conference, New Delhi ..

Spokesman:

1. Smt. Urmila Kapur
2. Smt. Sunanda Bhandare

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

The memorandum received from you have already been circulated to the Members. Have you got anything else to say-

SHRIMATI URMILA KAPUR: I would like to make a few suggestions in addition to what we have stated already. In section 2 of the Act, where the definition of dowry is given, our suggestion is that explanation 1 should be deleted.

Then, in sub-clause (b) of section 2 after the words "at or before or after the marriage", the following need to be added:

"or in functions or occasions arising out of the marriages."

This suggestion is necessitated because expenses need not be incurred only at the time of marriage, even subsequently, on occasions like child birth, etc. a lot of expenditure has to be incurred. Therefore, there is necessity of this amendment or insertion. It would also include ceremonies pertaining to child birth or functions in the house of in-laws.

A ceiling should be put on the expenses which should be a maximum amount of Rs. 5000/- including the expenses of the entertainment of the bridegroom party. The expenses towards functions subsequent to the marriage should also bear a ceiling of maximum of Rs. 2000/-.

Sections 3 and 4 deal with penalty for giving or taking dowry. Section 4 deals with penalty for demanding dowry. These sections should be suitably amended to include as an offence also the acts of the husband or his relations or friends resulting in harassing the wife or her relations for purposes of extracting more dowry including treating her or her relations with mental or physical cruelty.

Further, sections 3 and 4 should be amended to provide a maximum punishment of 5 years rigorous imprisonment and fine not alternatively.

The fine should be maximum Rs. 25000/-. The minimum punishment should be 3 years R.I. and Rs. 10,000/- fine. The court would record reasons for imposing the lesser punishment.

The dowry amount which is prohibited under the Act should be confiscated and returned to the wife or her parents or in case where this is not possible, the said amount should go to a specially created fund which should be utilised for the purpose of rehabilitating dowry victims.

Section 7 needs further amendment so as to make the offence under the Act cognizable and non-balable.

In Section 6(1)(a), the time period instead of one year it should be at the time of marriage and in clause 6(1)(b), the time period should be three months.

Section 7—as we have stated, the offence should be made cognizable. There should be some summary procedure for dealing with such cases and during a prescribed period, the trial should be completed. We suggest that it should be 6 months.

We suggest that there should be only one appeal provided against the order of the trial court and the appellate court should not interfere on the question of sentence.

Further, Section 7 should be suitably amended so as to provide for the trial of the offences under the Act by a Special Court or a Magistrate.

We would like to make a few suggestions, which would mean insertion of new provisions in the Bill. Firstly, the dowry prohibition cells should be set up in each area, taluka-wise and in the urban areas ward-wise with a gazetted officer as the head of such cell. He shall be competent to receive complaints and enquire into the complaint by adopting such procedure as he thinks necessary. and he shall also take the assistance of a body which will be comprising of representatives of social welfare bodies in the area and persons of reputation of the area. The report of such a cell shall be a joint report comprising of this committee members. The Dowry Prohibition Cells may be empowered to take such steps as may be necessary for the safety of the victims of the Dowry. The Act should provide the maximum sentence in the case of offence committed. On this, Madam Chairman, we are very particular because of certain recent incidents that have happened where the highest officials also have committed offence. The Act should provide the maximum sentence in the case of officers, including Ministers etc. In their case the minimum sentence will not be awarded.

MR. CHAIRMAN: Any question from any Hon. Member?

SMT. KANAK MUKHERJEE: What is the amendment suggested? Whether both of them should be punished?

SMT. URMILA KAPUR: Yes, both will be punished.

SMT. SUNANDA BHANDARE: The other side is if you don't punish the man who gives the dowry, the people who do not disclose what dowry they have given, because they find it very difficult to marry their daughters, the problem will not be properly dealt with.

SMT. KANAK MUKHERJEE: Will it not be very difficult?

SMT. SUNANDA BHANDARE: It is difficult. We are all aware that it is a social evil and it will have to be dealt with on a different footing altogether.

The other suggestion which I want to make is that just as you file a return of expenses on elections under the Election Law, after the marriage a return of expenses should be filed compulsorily. Of course, theory is there that the return will be false, but that will be a deterrent.

SMT. KANAK MUKHERJEE: Under Section (vii) complaint may be made within one year and you have suggested it should be within three months.

SMT. SUNANDA BHANDARE: Suggestion made was under the old Act, if at all dowry is given or some money is paid to the bridegroom or the parents of the bridegroom, if the marriage fails then it has to be returned to the girl within a year. Our suggestion is that it should be returned within three months.

SMT. PRAMILA DANDAVATE: What we tutor our daughters is that you have to make your marriage successful. We find generally that no married woman would ever complain to the parents that she is harassed in the house. How she will complain within three months.

SMT. SUNANDA BHANDARE: The more she lives with them, the more she will suffer.

MR. CHAIRMAN: What is the amendment of Section (vii)?

SMT. SUNANDA BHANDARE: We have not suggested any amendment. Clause (B) does say no court should take cognisance of any offence except made within one year.

SMT. KANAK MUKHERJEE: There are no complaints, because within one year nobody has gone to make a complaint.

SMT. SUNANDA BHANDARE: I think there is substance and we should look into the social circumstnces of our society. This one year period is not very realistic. I would personally suggest that it should be minimum three years. But some limit will have to be kept You can't put it indefinitely, otherwise if there are matrimonial or other differences, the girl will take the advantage of this. We are looking at it today because woman is more opperessed and the man is not sufferer. But while new Act or law is made, both sides will have to be taken into account and the possibility of the girl misusing the provisions also will have to be taken into account.

SMT. PRAMILA DANDAVATE: All these things will have to be related. If money or anything else is given in consideration of the marriage that becomes an offence. But don't you think that anything in consideration of the marriage also should be taken as offence. Even today there is a case that after eleven years, they have started demanding.

SMT. SUNANADA BHANDARE: So, if one is so weak and succumbs to this sort of pressure after eleven years, then it is a rare case. As my friend has suggested, three year limit would be a reasonable limit.

SMT. PRAMILA DANDAVATE: She mentioned about ceremony and other things. Is it that that expenditure will also be within three years? Say, even after the child is born after three years and they are given ornaments and other things.

SMT. SUNANDA BHANDARE: That is a very rare case. Actually, the demand is mostly at the time of the marriage and within one or two years after marriage.

SMT. URMILA KAPUR: Section 7(b) further provides that the court is competent to take cognisance and may entertain a complaint even after this period, if there are satisfactory reasons for it. Empowering the court with those powers would take care of it. Ultimately the law would definitely have to take care of it looking into the situations that are obtaining in the country.

SMT. SUNANDA BHANDARE: I Referring to the question of Mrs. Dandavate, we have all accepted that

it is a social problem and such rare cases are bound to be there where there is lack of education particularly in the rural areas. So, the main thrust will have to be on education and the media can also play a very important role. I do not know what suggestions I can make to the Hon. Committee for making use of media for educating the masses regarding the dowry evil. I also suggest that in the school curriculum, certain things can be added, where by right from childhood, this concept is put into his head, *viz.* that taking or giving of dowry is an offence or a social evil, to which he should not succumb.

There are many ways of tackling it. My friend has suggested the amending of Section 4 regarding enhancement of sentence etc. There should be some sort of a summary trial. The delay in disposing of litigations is so much that by the time the trial comes to an end, the whole position might have changed. The woman might die; and the man might re-marry. There should be a trial, and provision only for one appeal. In that appeal, the appeal court should not be left with the option of interfering with the sentence. I have suggested an amendment, saying that the minimum sentence should be three years. Once the guilt is proved, the minimum sentence of three years should be imposed; and the appeal court should not reduce the sentence. The maximum sentence should be awarded, and the appeal court should not interfere with it. In every criminal case, this criterion should be there. There should be some restriction on vulgar display at the time of the marriage ceremonies, as also a Guest Control Order. Mrs. Dandavate might remember that in Bombay we had such an order, whereby we could not entertain more than 100 people; it was there in Delhi also. It was very strictly implemented.

श्री सत्यनारायण जाटिया : आपने यह बताया है कि अपील कोर्ट सजा कम नहीं कर सकेगी । अगर वह सजा कम नहीं कर सकेगी तो क्या करेगी ?

SMT. SUNANDA BHANDARE: To err is human. That is why an appeal should be there. If the man is convicted by the trial court, and an appeal is filed by the accused, the appellate court will go into the fact and see whether the conviction is correct or not. If the conviction is found to be correct, they should not reduce the sentence.

Actually, the whole languages of the 1961 Act is very bad. They used the word 'dowry' in every section.

SHRIMATI MARGARET ALVA: I think it is because it was drafted mostly by men.

SHRIMATI URMILA KAPUR: Should we send he suggestions in writing also?

MR. CHAIRMAN: Please do.

SHRIMATI MARGARET ALVA: Will you suggest the organizing of legal aid cells for this purpose?

SMT. SUNANDA BHANDARE: In our organization we have several such cells.

SHRIMATI URMILA KAPUR: I would agree with Mrs. Alva that if we have specific cells restricted to dowry cases, it would be better.

There is another point to be stressed. There are reports in papers that a lot of Government servants are also guilty, though receiving or demanding of dowry is a misconduct under the Conduct Rules. There is hardly a single case where a Government servant has been proceeded against, on this account. If, amongst Government servants, these rules are enforced and proper steps taken and brought to light, it would go a long way.

SHRIMATI PRAMILA DANDAVATE: The People's Representation Act can also be amended to say that those who are guilty in this respect will be debarred.

MR. CHAIRMAN: Thank you very much. You can now withdraw.

(The witnesses then withdrew)

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Thursday, the 18th June, 1981 from 11.00 to 13.30 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shrimati Pramila Dandavate
5. Shri Satyanarayan Jatiya
6. Shrimati Mohsina Kidwai
7. Shri P. Shiv Shankar

Rajya Sabha

8. Shrimati Margaret Alva
9. Shrimati Premilabai Dajisaheb Chavan
10. Shrimati Kanak Mukherjee
11. Dr. (Shrimati) Sathiavani Muthu
12. Shrimati Manorma Pandey
13. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

Shrimati V. S. Rama Devi, *Joint Secretary, Legislative Counsel*

Shri B. R. Atre, *Deputy Legislative Counsel*

Dr. Raghbir Singh, *Assistant Legislative Counsel*

WITNESSES EXAMINED

Spokesman

I. Shri S. W. Dhabe, M.P.
Rajya Sabha

Spokesman

II. Mr. Justice S. Rangarajan,
Chairman,
Monopolies & Restrictive Trade Practices Commission,
New Delhi.

III. Mahila Dakshita Samiti, Delhi

Spokesman

Kumari Rani Jethmalani

Spokesman

IV. Shrimati Nirmala Buch,
Joint Secretary,
Ministry of Social Welfare,
New Delhi.

(The witness was called in and he took his seat)

I. Shri S. W. Dhabe, M. P.. Rajya Sabha.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

Mr. Dhabe, I must thank you for the suggestions you had sent in and also the opinions expressed and for the cooperation. Only thing is this that whatever suggestions we are getting from you will not be given to the Press and now, please let us know what suggestions you are giving to the Committee.

SHRI S. W. DHABE: Thank you very much, Madam Chairman, for inviting me for giving evidence.

MR. CHAIRMAN: Your answers are available here and they have been circulated to the Members. If you want to supplement anything, please do so.

SHRI S. W. DHABE: The Dowry Act requires complete repealing. The evil of dowry also has been discussed by the Committee on the Status of Women. It has been observed in their report that the Dowry Prohibition Act of 1961 has singularly failed to achieve its purpose and that no case under the Act has been reported since its enactment. Now I would refer to the Act. The definition is self-defeating. The explanation given in the Bill is just the opposite of what is stated in the parent Act, My feeling is that this explanation should be deleted. Secondly if both the parties are held guilty, then nobody will come forward to file a complaint. So the person who receives the dowry should be held liable. The parents of the girl give dowry under duress. So the definition should not only be a wider one but there should be a distinction between the person giving dowry and the person receiving dowry. In order to make Section 3 effective there should be some machinery by which the woman or the parent can be able to file a complaint. Uptil now nobody has filed any prosecution or has come to give evidence. In Sections 3 and 4 'any person' has been mentioned. Any person means other than the parents. If the parents give dowry, then it is not punishable. This has to be clarified. Section 4 is very funny.

SHRIMATI MARGARET ALVA: Suppose the uncle gives the dowry on behalf of the parents will it not be considered as dowry under this Section?

SHRI S. W. DHABE: According to me, this excludes parents and guardians. 'Any person' means other than guardian and parents.

SHRI P. SHIV SHANKAR: Giving taking and abeting is covered by Section 3. Section 4 covers the demand. 'Any person' means any person whether it is the guardian or the parents. Section 4 takes care of those who demand dowry.

SHRI S. W. DHABE: If the parents are not there, sister may be there.

Section 6 legalises dowry. My first suggestion is that the registration of marriages should be made compulsory under the Hindu Marriage Act. It should be accompanied by the Schedule of expenses which should not exceed, according to me, more than Rs. 10,000/-.

MR. CHAIRMAN: Apart from the suggestions which you have given, which have already been circulated, if you have any more suggestions you can send them to us.

SHRI S. W. DHABE: I am not giving any suggestion, which is already included here.

Section 22 of the Hindu Marriages Act should be made applicable here and the proceedings should be *in camera*.

Under section 25 of the Hindu Succession Act, 1956 there is disqualification in the case of murder. In the case of suicide, persons who are responsible or found responsible should be disqualified from inheriting her property. It should devolve on her heirs and, in the absence of heirs, it should go to a fund which is constituted for the welfare of dowry victims.

Then, powers should be given to the persons concerned for direct prosecution. The principle in the West Bengal legislation should be accepted. A minimum punishment should be provided in the legislation itself. The schedule provides for an investigation agency, where the social workers can be associated. They can be asked to assist the investigation. That will go a long way in investigating the offences.

SHRI P. SHIV SHANKAR: You have referred to prosecution by the person concerned. It is not permissible. On the other hand if you say that the permission should not be there, then it will assume the position of a private complaint. We are thinking that a different agency should go into the investigation, and that agency should do the prosecution.

SHRI S. W. DHABE: With due respect, I do not agree with the provision here. The parents of the victim should have the right of prosecution.

SHRI P. SHIV SHANKAR: Prosecution cannot be done only by the State. The private party can only complain.

SHRI S. W. DHABE: I was suggesting that a private complaint should be allowed. Today it is prohibited.

SHRIMATI PRAMILA DANDAVATE: You have stated that every marriage should be compulsorily registered and that the expenses of that marriage should be recorded. But you have not stated that whatever is being given to the daughter or bride at the time of the marriage should be recorded.

SHRI S. W. DHABE: Any gift or presentation.

SHRIMATI PRAMILA DANDAVATE: Thirdly, whatever is given for the continuance of marriage, should that be included?

SHRI S. W. DHABE: But there should be some time limit. It should not be beyond five years.

SHRI B. SATYANARAYAN REDDY: What is your view about common civil code?

SHRI S. W. DHABE: It is not desirable.

SHRI B. SATYANARAYAN REDDY: Is it not desirable or not practicable?

SHRI S. W. DHABE: It is not practicable.

SHRI P. SHIV SHANKAR: You wanted that the evidence should be *in camera*. It is a social offence and the idea is to give as much of publicity as possible. If the proceedings are held *in camera* it may run counter to the very purpose of the legislation.

SHRI S. W. DHABE: Generally the victim is not ready to give evidence openly. This will give protection to the victim.

SHRI P. SHIV SHANKAR: Is it your view that the evidence of the victim or the girl should be *in camera* while the other evidence should be in public?

SHRI S. W. DHABE: Yes.

SHRI P. SHIV SHANKAR: Generally the victim dies.

The entire proceedings under Section 82 is *in camera*. Our idea is that social offence should not take place. That is why it is done publicly. To have the evidence of the victim *in camera* may not be possible.

SHRI S. W. DHABE: How many cases have been registered from 1961? People are not ready to give evidence.

SHRI P. SHIV SHANKAR: I do not think so. Perhaps the prosecution agency had not been discharging its duties properly. I do not say that the people have not got it registered. But I would say that there was no proper registration of the cases. We are reading day in and day out in the papers. Once complaint is filed, normally the investigation agency should take it up sincerely and prosecute the person concerned.

SHRI S. W. DHABE: The court can be given discretion in this regard. If the party demands, it should be *in camera*.

SHRI P. SHIV SHANKAR: You wanted to apply provision of Section 25 of the Hindu Succession Act. Do you feel it advisable?

SHRI S. W. DHABE: The substance of it should be made applicable. There should be social boycott. They should not be permitted to have the right to be elected. It may act as a deterrent.

There is an Anti-Dowry Front at Nagpur. They have been working for a long time. They like the Committee to visit Nagpur. They have already sent you their views also.

MR. CHAIRMAN: Thank you Mr. Dhabe.

(The witness then withdrew)

II. Mr. Justice S. Rangarajan, Chairman, Monopolies and Restrictive Trade Practices Commission, New Delhi.

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence should be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament." We have great pleasure in welcoming you here. We would like to have your suggestions.

MR. JUSTICE S. RANGARAJAN: My claim to say something is my interest in the subject apart from my being familiar with the law. I would like to say that legally there appears to be ways of making it fairly workable provided we are clear about certain objectives.

Therefore, I would like to talk of the objectives.

First of all, in a situation like ours which is exceedingly complicated and there are bound to be as many views on the subject as there are people or even more—we sometimes say, if there are eight economists, there are nine views on the subject—we must provide for competing claims, for the general unfortunate position of the lady despite the effort made to give her a right of share in the property of her parents.

I recall the days when it was discussed in 1948. I think, there was a broadcast where I participated and even at that time I wanted some of my sisters to consider whether the statute which is meant to be for the benefit of the lady may not also be worked against her. I seem to think now that my fears were well—founded. There is a great amount of difficulty arising by virtue of the need which parents of a girl feel in our situation to get her married, in the way in which they conceive would be the best suited for that particular girl. This is a consideration with which we must sympathise and we must also provided for it with certain limitations.

Assuming a person who has got a daughter is not able to offer certain gifts which are commonly expected, what will be situation? It is a very legitimate desire of the parents to feel that they must make some provision for the girl so that she may be able to live happily despite her not being "a marketable commodity"—I want it to be within quotes; it is not my expression. I am taking it as an extreme illustration. In such a situation, what do we do? It is only natural that the parents build up something for her in order to give her gifts at the time of marriage out of their love and affection for the girl.

I am coming to a point where one should not exploit this situation on the occasion of marriage. I want a clear dissociation in point of time, a point of time which you may consider reasonable, may be a year or two years—it is a matter of debate; I am talking only of the principle—both before marriage and after marriage. I do not want the marriage occasion to be used for exploitation, for bargaining and all that. This is what happens.

Another thing that usually happens is this. In the south, the people of the community from which I come tell the parents of the girl, "You are giving something to the girl and not to the boy." Now, these are the gifts which are meant to be enjoyed both by the boy and the girl together, say, for instance, a flat, a car, a refrigerator, furniture and things like that. whatever you may think of. Therefore, when you are finding a situation like this, so overladen with the potentiality of exploitation, you have to take adequate safeguards.

My quarrel with the existing Act is that the way in which it seems to bring in the idea of "in consideration of marriage" (i.e.) certain things being given, as a component of the definition of "dowry". Let me cite here the American experience in terms of the admissibility of "hearsay" in evidence. Right from '30s, the American Bar Association went about the question of making "hearsay" being admissible in evidence. Therefore, they merely said, in very simple terms, that "Hearsay" will not be admissible in evidence. But later on, in the light of their experience, they have built in more than about 150 exceptions. What I would, therefore, say is that "dowry" will include all kinds of gifts given at about the time of marriage which, according to me, will be about two years before and two years after marriage

and, then, by way of exceptions, you make provisions for giving of gifts which flow out of love and affection. In that case, you do not run into the difficulty of making definition of "dowry" un-workable. If it is the objective to prevent this kind of exploitation and also to make due allowance for the parents to express their love and affection, I think, both these things can be taken care of. I am merely indicating the approach to the problem. I volunteer myself for the purpose of drafting the definition and I am willing to sit with any Committee, I know it is really a difficult job.

SHRI P. SHIV SHANKAR: So far as the drafting of the definition is concerned, that will be based on experience. It will take time.

MR. JUSTICE S. RANGARAJAN: The experience is what we have already got.

SHRI P. SHIV SHANKAR: You do not know what is the limbo of future.

MR. JUSTICE S. RANGARAJAN: When I am talking about experience, we know the kind of working of this institution of marriage in various parts of the country.

SHRI P. SHIV SHANKAR: Would you kindly cite a few exceptions which are to be engrafted in the definition so that we may test it?

MR. JUSTICE S. RANGARAJAN: Suppose a person has started building up a fund for the girl much before the period of two years, say, from infancy. You can say, that will not be dowry.

SHRI P. SHIV SHANKAR: You have already said, two years before and two years after the marriage. According to your difinition, therefore, this will necessarily be carved out of the definition.

MR. JUSTICE S. RANGARAJAN: I am only giving the *modus operandi*. Suppose a person has some recurring deposits and transfers them to the girl. The payments will be made within two years of marriage also. But he has started doing it much earlier. You can say, that will not be dowry.

SHRI P. SHIV SHANKAR: In that way, everything will be an exception. Most of the people, middle-class and lower middle-class people, go on saving for rainy day and at an appropriate time, they spend the money for the purose of marriage.

MR. JUSTICE S. RANGARAJAN: This is where the confusion comes. We want the period to be earmarked. We are trying to have a definition which prevents such a confusion.

SHRI P. SHIV SHANKAR: What you say creates confusion. That is what is worrying me. You say that two years before and two years after the marriage, whatever is given, would not be construed as an exception to a general rule enunciated by you.

MR. JUSTICE S. RANGARAJAN: In other words whatever given to the girl within two years of the marriage, before and after, will be construed as dowry. These are the parameters within which we can operate the definition of 'dowry'.

SHRI P. SHIV SHANKAR: That is exactly where I put a question. what would be the specific cases where you would like them to be treated as an exception to a general rule which you were trying to enunciate?

MR. JUSTICE S. RANGARAJAN: The general rule is that there will be no payment within two years. What I am saying by way of an exception is the one which arises for the reason of the thing having been started as a kind of provision for the girl much before the period of two years.

MR. CHAIRMAN: In Bihar and U.P. also, when a girl is born, the parents start saving Rs. 2 or 3 and, when she grows up, they spend the

money at the time of marriage. 75 per cent of the people are living in villages and they are doing this. They are not literate. They do it for their daughters. What will happen to them?

MR. JUSTICE S. RANGARAJAN: That will not be dowry.

SHRIMATI MARGARET ALVA : There is one thing about which I am not clear, about what you say. Would you put the objective of the Act and this amendment to abolishing dowry altogether or to regulating or maybe diminishing this social evil? What would be, according to you, the objective of this whole exercise? From what you say, it looks like, you are trying to say that for "a non-salable commodity", you will have to make an exception and add some value to it to make it "a salable commodity", as if a girl is a commodity and you have to add value to it. You say that there may not be need to give any dowry if the girl happens to be beautiful. But, if the girl happens to be ugly, offer of dowry would be compulsory. It means that you are trying to suggest that dowry would have to be permitted to continue in some form or the other and that it cannot be abolished once for all.

MR. JUSTICE S. RANGARAJAN: First of all, let us go into the definition of dowry. In order to be able to define it, we have to understand what dowry means. If we call the property that is given to the husband as dowry, that is a different matter. But, if it masquerades as a gift to the wife but which in reality is for the benefit of the husband, then we cannot call it Stridhan. This point is often not clearly laid down and, therefore, we must have an objective. The objective is to reconcile the two claims. Leave alone the question of marketability. We will not go into that. We should not do anything to prevent the natural love flowing from the parents to the daughter. With all our good intentions, I think we should not do anything to spoil the natural love of the parents. If it is interpreted as exploitation and demand for dowry, then the argument of the parents would be that they are giving it to their daughter. The parents of the daughter would say that they have to make a provision for their daughter.

SHRI P. SHIV SHANKAR: Will you please make it clear whether you propound the theory of prohibition of dowry or of regulation of dowry?

MR. JUSTICE S. RANGARAJAN: I am saying that there should be regulation of dowry. But, whatever may be your conceptual understanding, unless you lay down the law clearly, it comes to nothing. The law should be clear-cut and it should be an exact reflection of our ideas.

SHRIMATI MARGARET ALVA: If we make an amendment to provide that every child would get an equal share of the father's property on his death, do you think that this in itself would help to eradicate this problem? You say that if the girl is made an equal partner in the father's property, there is no question of any provision being made for her at the time of marriage and that no dowry need be given. Do you feel that the provision which exist in some States that you cannot disinherit any child by will and that every child should automatically get a share in the father's property will abolish dowry system?

MR. JUSTICE S. RANGARAJAN: The people who have profited by this legislation are very few. As you say, giving a share of the property to the daughter is very necessary. But, first of all, there should be property to be shared. Dowry is an evil and it exists irrespctive if the fact whether a man is rich or poor. Even a pauper has to get money for the purpose of his daughter's marriage. I am sorry I am unable to agree with you that a mere provision of a share to the daughter in the father's property would solve the difficulties because by far the larger maximum number of people in our country do not have property.

SHRI P. SHIV SHANKAR: We have therefore, come to the conclusion that without dowry marriage cannot be performed and that we will have to do something to save the situation.

MR. JUSTICE S. RANGARAJAN: I am only saying that merely giving a share in the father's property will not make a dent on the problem of dowry. My approach to the problem is that dowry should be defined in the Act as a very necessary thing. I would like to go about in a different way. Let us see what is a dowry offence. The offence comes in when there is a demand for dowry. Expenditure beyond a particular limit or, whatever it is, will be an offence. But, on the other hand, you try to bring into the dowry offence, all sorts of concepts. I do not agree with the view that it should be made a cognisable offence because I do not want the policeman to come into the bedroom. This is one thing which I should like to say.

I would like you to increase the number of sources from which you can get complaints, like the voluntary agencies. You enlarge the sources from which information can be got.

I thank you for calling me to give my views. - will help you in drafting the laws to the extent possible.

SHRIMATI KANAK MUKHERJEE: The question is essentially connected with the position of woman in society. As regards protection to women, the men are to bear the burden of women whether with dowry or without dowry. If you look at it with this attitude, there can only be an appeal to the generosity of men to avoid dowry. At least gradually we should be able to reach a stage when women will be recognised as equal to men. That is why we insist on compulsory registration of marriage and we insist on economic independence and education of women and changing the entire social attitude towards the positon of women. At the same time, we have to develop a social awareness against this commercial trade between men and women. We want to get rid of this commercial attitude and this commercial element. If that is so, how is it that without making it a recognisable offence, the social awareness against dowry can be roused?

MR. JUSTICE S. RANGARAJAN: I am conscious of the fact that our Constitution does not merely give equal rights to women but, it goes even beyond that. Under Article 15 (3) of the Constitution, we can also make any beneficial kind of legislation. It will even surpass the kind of concept of mere equality by giving the same wages to women also. It should be done.

SHRI P. SHIV SHANKAR: Do you want the offence should be treated as cognisable?

MR. JUSTICE S. RANGARAJAN: No. I do not want it. Perhaps, with a view to prevent the cases of bride-burning, you want to make it cognisable. But, I may tell you that they are already cognisable offences. Even an attempt to commit sucide is a cognisable offence under the Criminal Procedure Code. If the police does not act, it is not the fault of the law.

SHRI P. SHIV SHANKAR: Under the Dowry Prohibition Act, when a demand for dowry is made, it is only a non-cognisable offence. Offences like killing do not fall within the Dowry Act. They are part of the general law for which provisions are already there.

Have you any suggestions to make on the amendments to the various provisions of the Act?

MR. JUSTICE S. RANGARAJAN: I would like to express my agreement with Mrs. Dandavate to have a Section 176A. She wants it in the amendment that she proposed of the Criminal Procedure Code. That is to say, in the case of any suspi-

cious death, a kind of inquest becomes compulsory. Section 176 of the Criminal Procedure Code deals only with the death in police custody. There must be a new section 176-A; I agree with that. But regarding certain other aspects of the Amendment, treating it as 'death', and so on, I do not agree because there is no need for this. You have got powers already under the law. Murder, attempt to murder, attempt to commit suicide, all these are cognizable offffences. There should, therefore, be no question of introducing a further element of dowry offence being cognizable. That would be unnecessary. To make a mere demand for dowry cognizable will be to bring the policeman into the bed-room. I do not want that to happen. That will be giving some more occasions to the police for misuse.

SHRI P. SHIV SHANKAR: Suppose an investigating agency is provided under the Act itself and that is different from the police and suppose it is made cognizable, what is your view. Individuals going and filing complaints might create complications.....

MR. JUSTICE S. RANGARAJAN: After all, what does 'cognizable' mean? A policeman can arrest without warrant. If a policeman can arrest without warrant, that brings in scope for mischief.

SHRI P. SHIV SHANKAR: I am saying that it could be removed from police to another agency.

MR. JUSTICE S. RANGARAJAN: Then it becomes non-cognizable. If you can provide an alternative machinery, you can.

SHRI P. SHIV SHANKAR: That is what I am saying.

MR. JUSTICE S. RANGARAJAN: Then do not call it 'cognizable'.

SHRI P. SHIV SHANKAR: The purpose will be the same.

MR. JUSTICE S. RANGARAJAN: You can adjust the burden. Section 103 of the Evidence Act permits you to do that. It says that the burden can be adjusted by law. The Dowry Act can adjust the burden.

SHRIMATI PRAMILA DANDAVATE: From whatever evidence you have given, we feel that you are in favour of regulating dowry and not prohibiting it totally. Your concern is that whatever is to be given to the daughter at the time of marriage or whatever has been accumulated by the parents to be given to the daughter should not be stopped. But there are suggestions that every marriage should be registered and whatever is to be given to the daughter should be recorded, it should belong to her and nobody can dispose of that; in case the marrige turns out to be a failure, all that has been given to her should go with her; and if she dies without an issue, all that she brought should go back to her parents. There are a number of things like this. What I say is this. You are trying to regulate by saying that whatever is given two years before the marriage or after the marriage is not dowry. Suppose the parents give their daughter something after two years. It will be dowry, but according to your definition, it will not be 'dowry'....

MR. JUSTICE S. RANGARAJAN: I am not talking about the registration part of it because that is a different thing. I am all for registration, I am all for disclosure of whatever is being given. But they are different considerations. What I am telling you is this: under the shape of regulating dowry or defining 'dowry', please do not prevent the natural flow of love and affection towards the children. By that you will be doing more harm than good.

DR. (SHRIMATI) SATHIAVANI MUTHU: You accept that love and affection should be for both boys and girls. In that case, when we demand presents from the girl's side why not demand from the boy's side also?

MR. JUSTICE S. RANGARAJAN: I am not allowing any 'demand' at all. There should be no demand.

DR. (SHRIMATI) SATHIAVANI MUTHU: In the beginning you have said that if the girl is ugly, more is given and all that. After all, the girl remains with her parents only upto 17 or 18 years. Then she has to spend the rest of her life in another man's house. What is the guarantee for the girl's happiness in that place? If you accept that something should be given from the side of the girl....

MR. JUSTICE S. RANGARAJAN: I have not talked about this at all. There is some misunderstanding.

DR. (SHRIMATI) SATHIAVANI MUTHU: Love and affection should be for both.

MR. JUSTICE S. RANGARAJAN: All I have been saying is that you should have no demand at all. I am not for 'demand' at all. Your question postulates that I am allowing demand on one side and not on the other. I am abolishing 'demand' altogether.

DR. (SHRIMATI) SATHIAVANI MUTHU: You agree that dowry should be given.

MR. JUSTICE S. RANGARAJAN: No. What do you call 'dowry'? 'Dowry' as such has no connotation at all.

SHRI P. SHIV SHANKAR: You said you believed only in regulation and not in prohibiting.

MR. JUSTICE S. RANGARAJAN: Even there, there is some misunderstanding. In order to say that you prohibit something, I must understand that. That is why I want to know what is 'dowry'.

MR. CHAIRMAN: Mr. Reddy wants to ask a question.

SHRI B. SATYANARAYAN REDDY: You might have gone through the Act. What is your opinion about the 'Explanation' under section 2?

MR. JUSTICE S. RANGARAJAN: That is the main thing. It is very difficult to prove. A man may say that he gave not 'as consideration' but out of love and affection....

SHRI B. SATYANARAYAN REDDY: Do you want to retain that?

MR. JUSTICE S. RANGARAJAN: No. It should go away lock, stock and barrel. I want a new Act to be enacted.

MR. CHAIRMAN: That is all. Thank you very much. (*The witness then withdrew*).

III. Mahila Dakshita Samiti, Delhi

Spokesman

Kumari Rani Jethmalani

(*The witness was called in and she took her seat*)

MR. CHAIRMAN: Kumari Rani Jethmalani, we welcome you to this Committee and we would be very happy to hear your views on the provisions contained in Dowry Prohibition Act, 1981. I wish to point out to you that under Direction 58 of the Speaker, the evidence which you will give, will be treated as public and it is liable to be published unless you specifically desire that all or any part of the evidence given by you is to be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to Members of Parliament. Within ten minutes, I would request you to make your concrete suggestions on the provisions contained in this Bill.

KUMARI RANI JETHMALANI: Madam, Chairman and Members of the Distinguished Committee, I am indeed deeply grateful to you for this opportunity which has been given to me to appear before your august Committee and to offer my views on this important piece of legislation. I have been asked to give my suggestions

and I wish to point out first of all that there is great need for making provisions in law which would act as a deterrent. Actually we should treat the whole issue on a war-footing. What is needed is a big change in the social attitude. What are the instruments of social change? Radical measures are needed and these should be incorporated in the Act; mere superficial changes will not do. Those will not serve the purpose. What has the law done so far? Has it really been effective? What has it done, to do away with this cancer in society? It has done nothing and we need very radical measures in this regard. What are the social attitudes which we see every day regarding the rights of women? Madam Chairman, we see this social attitude which treats women as uneconomic, as unproductive social beings. This is the fundamental social attitude which must be changed once for all. That is why it is stated that compensation is given by the parents at the time of marriage. We will have to treat the entire subject of giving of Dowry as a social evil, to be removed lock, stock and barrel. There should be definite provisions made for the reservation of jobs of women. They should not be treated as second-class citizens. Conferment of property right was done by the Hindu Succession Act of 1956 to improve the conditions of women, but the succession cases negate the very provision of the law. Some changes need to be made in the whole of the Objects and Reasons of the Act. Provisions of the Succession Act need to be changed. There is the Muslim Law; it has some such provision to the effect that property can be given to charities and so on and we have to see what salutary provisions can be introduced in the Hindu Succession Act. So, certain amounts of property will have to be given to women and this is a must and we should see what we can do to improve the property rights of women. And we should do in this particular Bill.

The objects give certain guidelines to Judges. It is the Judges, who maintain the law. It is they who nullify some of the provisions themselves! Therefore, it is my respectful submission, Madam Chairman, that we should very clearly lay down in the objects what are the objects which we really want to achieve.

Now, the point is this: What are we really trying to achieve? Are we trying to enact provisions merely on the question of regulation of dowry? What is the *quid pro quo*? Are we really treating it as a cancer, as a social evil, to be eradicated from the society in its totality? What are we doing to give dignity, respect and human rights to women? So, Madam, once we take up this sort of approach, and formulate the same in the principles of the Act, there can be no escape for the judges. I have come across one case. One of the judgments is now a *sub-judice* case in the Supreme Court. Therefore, I do not want to deal with this in detail. But I wish most respectfully to point out to you is this, that social legislation should imbibe the social change needed, the social atmosphere of the times. People in charge of implementation of these laws must always be aware of the great social awakening for eradication of these great social evils from the society. Women are being burnt every day. There are many cases which we come across every day. How are we to put an end to cases of husbands pouring kerosene on their views and putting them out? How to deal with these cases? We who feel the trauma and pain know the anguish of women. Match boxes are being lighted to put an end to their lives. You should know what the realities are. And we should introduce some strong wording in the objects of the Bill. These provisions must be made unequivocally and unambguously. I do feel that the definition of Dowry need no change. What is the meaning of 'consideration'? It is a *quid pro quo*. You make it condi-

tional upon payment of money. There is the sociological obliligation. it amounts to consideration, *quid pro quo*. I think that there is no need for change in regard to the concept of consideration. There I do not agree with Justice Rangarajan when he wanted change in the term 'consideration'. And what I do feel is that Section 2 of the Act makes this concept very clear. And if the Objects give certain clear guide lines I do not think there will be any confusion at all in the minds of any judge.

I now come to the next point and that is Explanation 1. Explanation 1 should be removed, which talks about presents given at the time of marriage. You introduce something in the definition of dowry. We have to put things clearly and precisely if we make the law really workable. Presents should be out-lawed completely. This is my submission. I must congratulate Smt. Pramila Dandavate for having taken so much pains in regard to this Bill which we are discussing today. We have to be responsive to the needs of social change. I think the amount of Rs. 1,000 will suffice for all purposes. We have to take a vow that we are not going to spend more than this amount for this purpose. All of us know that the inlaws extort money or things from the girl's side. To fulfill their wishes they borrow money or they take money on loan. For instance, we have servants' quarters around our house. The poor people living there borrow money at a very high rate of interest to meet the marriage expenses in their villages. I feel strongly that we should not celebrate the marriage with great pomp and show. The legislation should see to it that the celebrations conducted on a large scale are avoided completely. I think one thousand rupees are enough for the celebration of the marriage.

My other objection to the law is about Section 6 of the proposed Act. It ought to be completely taken away. To my mind, the whole thing is ridiculous and you cannot reduce the court to a bazar where immoral transactions are finding legitimacy. So, the whole section should go. This section should be scrapped completely. Moreover, the fine should go to the court. The property if at all has to be confiscated should not be given back to the girl or her parents because both the giver and the taker have to be penalised to create a social climate. Now, with regard to the Section 7, this should be made cognisable.

DR. (SHRIMATI) SATHIAVANI MUTHU: What is your opinion on the registration of the marriage?

KUMARI RANI JETHMALANI: I am all for registration of marriages. I welcome the registration of all marriages.

SHRIMATI MARGARET ALVA: You have said about equal rights for women. Now, do you want to make a blanket ban on anything being given during the marriage?

KUMARI RANI JETHMALANI: Section 2 of the proposed Act says about the presents being given during the marriage. I am not saying that the presents cannot be given. They can be given to the girl provided they are not going to the in-laws. You can give gifts to the girl. But it should not be made a consideration. It need not be given at the time of the marriage. It can be given any time after the marriage. You can give a gift to the girl and make a transaction which becomes her own property. I do not suggest that we should abolish gift being given to the girl. I am all for making the marriage law applicable to Hindu women. I am opposed to presents which are in the garb of dowry to the in-laws.

श्रीमती ऊषा प्रकाश चौधरी : आपने बताया है कि पुलिस डिपार्टमेंट और न्यायालय व्यवस्था के द्वारा इस कानून

को कार्यान्वित नहीं किया जा सकता है। इस स्थिति में स्पेशल कोर्ट या स्पेशल सेल का स्थापना के बारे में आपकी क्या राय है ?

KUMARI RANI JETHMALANI: I entirely agree that the present set up under the Act has completely failed. That is why I am all for the Social Organisations, and the Women's Organisations being given a statutory recognition. I think the Women's Organisations are doing much more than the Police agency. I do think that *locus standi* should be given to all Women's Organisations. Well-known social workers should be asked to handle this problem. I would say that under the present set up the Police have totally failed.

SHRIMATI KANAK MUKHERJEE: Now since ours is a secular State should we not have one common marriage law for all the communities including Muslims and other minorities?

KUMARI RANI JETHMALANI: The present Act has really made the Hindu law a uniform law. There is no remnant left at all in it. It is only the Hindu community which has allowed the social change. To my mind, in the Hindu Marriage Act of 1976, there is no Hindu law left out. It has become the secular law. There is no trace of old Hindu law at all. Marriage is no longer a sacrament. It can be easily dissolved at the will of either party. If you want to introduce a uniform civil code, please address this question to Mr. Shiv Shankar.

SHRI B. SATYANARAYAN REDDY: You have said that there is no need to have any change in the definition of dowry so far as Section 2 is concerned. If we have a uniform civil law, how would you say that it needs no change in the definition.

KUMARI RANI JETHMALANI: The 'Mahr' or 'dower' which is given to the muslim woman is given by her husband because Muslim Personal Law recognises that the muslims marriage is a contract. But the Hindu marriage is treated as a sacrament. In the case of muslims, if he wants to dissolve the marriage contract, the husband must give 'mahr' or 'dower'. As long as you have muslim personal law, you cannot do anything unless you change that law. Otherwise, Section 2—explanation with regard to 'mahr' or 'dower'—will have to remain in the Dowry Prohibition Act.

श्री सत्यनारायण जाटिया : ग्रामीण क्षेत्रों में सोर्स आफ इन्फार्मेशन क्या होगा? इस बारे में क्या व्यवस्था की जानी चाहिये ? इसके बारे में आपका क्या विचार है ?

दूसरे, दहेज के कांसेप्ट को तो हम मानते हैं; आप ने कहा कि इसे खत्म करना चाहिये तो दहेज का मोह छोड़ दिया जाय इस प्रकार की कोई आप की धारणा है क्या ?

कु० रानी जेठमलानी : इस के लिए आप के जैसे शिक्षित व्यक्ति हमें चाहिये जो गांवों में जा कर उन को यह बात बताएंगे कि हमें दहेज को आउट ला करना चाहिये ।

We do need education. There is need for mass literacy and the Ministry of Social Welfare should bring out some publications telling people that this is an evil. For this we will have to fall back on the social workers also. But ultimately, it will be the atmosphere which will bring about the change and people like you and me can certainly help in this.

श्रीमती विद्यावती चतुर्वेदी : शहरों में तो ठीक है, अदालतें हैं, सब कुछ है,

वहां रजिस्ट्रेशन हो जाएगा लेकिन देहातों में कौन सी ऐसी बाडी होगी या किस तरह की वह संस्थाएं होंगी जो शादी के रजिस्ट्रेशन के लिए उपयुक्त हो सकती है।

KUMARI RANI JETHMALANI: In the villages, you have got the Panchayats, taluka boards and the whole structure of public bodies over there. They can certainly do this job.

(The witness then withdrew)

(The witness was called in and she took her seat).

SMT. NIRMALA BUCH, Joint Secretary, Ministry of Social Welfare.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament." You would have gone through the Act, and would have perhaps seen the questionnaire also. We would welcome your suggestions.

SHRIMATI NIRMALA BUCH: I have a few suggestions to make. Firstly, in the definition of dowry, when we put a limit on the presents and other expenditure, there cannot be a fixed limit for the whole country. There can be a limit on all the expenditure on display and presents given at the time of marriage and which are to be considered as dowry, but what should be the quantum should be decided according to the local situation and suggestions received from various organisations.

Secondly, no legislation can help in curbing the problem of dowry unless there is a complete ban on the ostentatious marriages and display. It makes a chain reaction. Some people can afford to do it, others have to fall in line with them.

Any legislation can help only if there is a social change also. A social change can be assisted by legislation, but it cannot be brought about by legislation. Again, such legislation cannot be implemented with the help of the usual enforcement machinery like police because they have a different orientation. My suggestion is that for social laws which come in contact with inter-personal relationships should be dealt with in family courts, so that the needy woman can go to such courts for help and they do not go to the enforcement machinery who do not understand the social objectives of such legislations.

Earlier, there used to be the Guest Control Order because of which there was some limit on the number of persons attending the marriage. It did help people to avoid falling in line with others. There are two types of people; one who want to indulge in dowry because they want to do it, and other who are forced to do it. If there are restrictions on heavy illumination, the whole street being taken over, large number of guests etc. they would tell others that they do not want to violate the laws.

SHRIMATI MARGARET ALVA: What you mean to say is that if there are some sort of marriage regulations, like guest control order, not giving licences for extra electricity load for marriages etc., that would help in minimising the expenditure.

SHRIMATI NIRMALA BUCH: Yes. First, in the definition of dowry

all these things should be included. Secondly, regulations for illumination or the whole street being taken over for celebrations should be suitably changed.

श्रीमती विद्यावती चतुर्वेदी : आप ने बताया कि कानून ऐसा है कि पैसे वालों के पक्ष में चला जाता है और गरीब व्यक्ति कोई इसे साबित करना चाहे तो साबित नहीं कर पाता । तो ऐसे कानून में क्या संशोधन किया जाये, किस तरह से उस को बनाया जायें ताकि पैसे वाले के पक्ष में नहीं बल्कि असली न्याय जिस के पक्ष में जाना चाहिए उस के पक्ष में जायें ?

श्रीमती निर्मला बुच : इस के लिए एक तो जो इस तरह के जरूरतमंद लोग हैं उन को कानूनी सहायता दी जाय और दूसरे फेमिली कोर्टस् का सिस्टम तत्काल लागू किया जाय ।

श्रीमती विद्यावती चतुर्वेदी : आपने अभी यह कहा कि जबतक समाज तैयार न हो, अकेले कानून से सुधार नहीं लाया जा सकता । क्या आपकी राय यह है कि पहले समाज को तैयार किया जाए उसके बाद में कानून में संशोधन किया जाए या कानून के साथ-साथ समाज को भी तैयार किया जाए ?

श्रीमती निर्मला बुच : कानून सोशल चेंज में केवल सहायता कर सकता है, उसको कप्लीटली लागू नहीं कर सकता है इसलिए दोनों चीजें साथ-साथ ही करनी पड़ेंगी । कानून बनाने के साथ-साथ समाजसेवी लोगों को यह प्रयास करना पड़ेगा कि वे लोगों को समझायें कि डावरी गलत चीज है जिसको कि आजकल लोग नहीं समझते हैं ।

DR. (SMT.) SATHIAVANIMUTHU: If I am correct, a survey was made by the Department of Social Welfare in this area. You know the report. What are the observations and opinion drawn under it.

SMT. NIRMALA BUCH: Madam, we have commissioned studies on the problem of dowry. It also includes what are the perceptions of the people about dowry as to whether there is anything wrong in dowry. We have not yet received the report, but preliminary observations seem to suggest that the people do not have the feeling that there is something wrong in giving or accepting dowry. People feel if the demand for dowry is forced one, it is wrong, but if it is voluntarily given, it is not. Some people give dowry because others have given. It is emulation. Therefore, there has to be sanction against dowry voluntary or otherwise.

श्री सत्यनारायण जटिया : आपने यह कहा कि कानून को लागू करने के लिए जो वर्तमान सेटअप है, जो मशीनरी है वह पर्याप्त नहीं है तो क्या आप समझती है कि इसके लिए कोई अलग मशीनरी की आवश्यकता होगी ?

श्रीमती निर्मला बुच : मैंने कहा है कि कानून को केवल पुलिस की सहायता से एन्फोर्स करने से यह समस्या सुलझ नहीं सकती है क्योंकि यह एक सामाजिक समस्या है । पुलिस की सहायता से बजाए कोई समाज सेवी संथाओं की सहायता की जानी चाहिए क्योंकि वहां पर दोनों पक्ष खुलकर बातें कर सकेंगे ।

श्री सत्यनारायण जटिया : क्या कानून में सुधार करने से इसमें सहायता मिलेगी ?

श्रीमती निर्मला बुच : जी हां ; मिलेगी ।

SHRI P. SHIV SHANKAR: I would like to put a question. If the form of marriage is changed *i.e.* the manner in which the marriage is performed, ritual part of it, do you think there will be a change in the concept of demanding the dowry itself and people will not demand dowry? This is apart from the love marriage, because at one stage I was thinking love marriage would be a complete answer against dowry.

SMT. NIRMALA BUCH: I would put it this way. So far as the religious part of marriage is concerned, it does not lead to dowry. People say because it is Kanya Dan, that is why people give dowry. That is not so. I think trying to change the type of marriage will be an insurmountable task. I think the main form of marriage can be left as it is, but dowry can still be changed.

SHRI P. SHIV SHANKAR: That is perfectly alright. If form is changed would it change the psychology of the people?

SMT. NIRMALA BUCH: No, Sir. We are coming across people, even girls themselves who want dowry. It is really the perception of dowry being wrong, that is important and not the form of marriage.

SHRI P. SHIV SHANKAR: According to your Department, will love marriage be a complete answer?

SMT. NIRMALA BUCH: Sir, my department has not taken any view on this subject.

SHRI P. SHIV SHANKAR: That is why I say it would be food for your department because that comes under Social Welfare Department and you can study that.

SMT. NIRMALA BUCH: My Department has not studied it. But even in the countries where the system of self choice is there, there also these things accompany it. It is not a question of who chooses. In our system parents choose life partner; in other systems it is self-choice. I don't think that this will make the change.

SHRI P. SHIV SHANKAR: Next question that follows is, who is responsible for demanding dowry-whether it is elders or parties to the marriage itself?

SMT. NIRMALA BUCH: Sir, I am giving my individual reaction that it can be any of them. Quite often it is said the mother-in-law. It need not be mother-in-law; it can be daughter also. Quite often they say afterall I must have my share in the property. And they say there is nothing wrong in taking it.

SMT. PRAMILA DANDAVATE: I think by saying dowry we feel there is an element of compulsion *i.e.* something which is given to the bridegroom's side. I think if the world feels she has an equal right to the property there is nothing wrong whether it is given at the time of marriage or at the time of the death of the father. It is absolutely different. If the girl feels she should get something, I think it should not be related to dowry. I think it cannot be dowry as such. Dowry means it is given to the bridegroom's side and not to others.

SMT. NIRMALA BUCH: Just now I was giving perception about all the people who demand dowry or accept dowry and they can be mother-in-law, the father-in-law, bridegroom and the bride herself. So, as regards the second question, that is what share the girl takes or does not take it is independent of the marriage. Therefore. I would say whatever is to be given out of love and affection need not be linked with the process of marriage. Those who want to give out of love and affection should give at other times.

(The witness then withdrew).

सभापति महोदय : अब जो गवाहियां वगैरह लेनी थीं वह काम तो समाप्त हो गया ।

अभी एक आइटम पर आपकी राय लेनी है । कमेटी की रिपोर्ट देने में अभी

समय लगेगा । मैं समझती हूं आप लोगों की इसमें सहमति है कि लास्ट डे आफ दि विन्टर सेशन तक का टाइम मांग लिया जाए ।

कुछ माननीय सदस्य : ठीक है ।

सभापति महोदय : दूसरी बात यह है कि जो बाहर का प्रोग्राम बना है उसमें एक दिन की बढौतरी हो गई है ।

Now, I have an announcement to make. We were meeting in Hyderabad on the 13th. But since the hon. Minister is coming back on the 12th or 13th, we will assemble on the 12th or 13th, we will assemble at Hyderabad on the 14th. The revised programme will be issued by tomorrow. But the assembly will be at Hyderabad on 14th, forenoon; and dispersal will be at Bhopal on 21st, after the meeting.

Thank you.

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT. 1961.

Tuesday. the 14th July. 1981 *from* 10.00 *to* 13.30 *hours in Committee Room, Government Secretariat Building. Hyderabad*

PRESENT

Shrimati Krishan Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shrimati Pramila Dandavate
5. Shri Jagpal Singh
6. Shri Satyanarayan Jatiya
7. Shrimati Mohsina Kidwai
8. Shri Anantha Ramulu Mallu
9. Shri P.Shiv Shankar

Rajya Sabha

10. Dr. (Shrimati) Sathiavani Muthu
11. Shrimati Manorma Pandey
12. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Shrimati V. S. Rama Devi—*Joint Secretary and Legislative Counsel.*
2. Shri B. R. Atre—*Deputy Legislative Counsel.*

WITNESSES EXAMINED

I. (1) Shrimati Uma Devi Venkatraman Reddy. MLC
(2) Shrimati Samyukta Bullaih. M.L.C.

II. (1) Shri N. Narasimha Reddy, M.L.A.
(2) Shri V. Prasad Rao, ex-MP
(3) Smt. Prabhavathi Devi, President, Hyderabad District Federation of Mahiia Mandals Hyderabad.
(4) Smt. Mallu Swarajyam, M.L.A.
(5) Smt. Moturu Udayam, General Secretary, Andhra Pradesh Mahila Sangam.
(6) Smt. Daya Devi, Retd. District Judge—representing Hyderabad Children Aid Society and All India Women's Conference.

(7) Dr. (Miss) P. Vakharia, Educationist.
(8) Shri R. Ramananda Rao, President, Indian Council of Sociai Weifare, Andhra Pradesh.

III. Shri Ayyappa Reddy, Law Minister, Andhra Pradesh.

IV. Smt. Rita Seth, President, Andhra Pradesh Mahila Federation.

V. (1) Shri Koka Raghava Rao, Chairman, Bar Councii, Andhra Pradesh.
(2) Shri M. S. Prasad, President, A.P. Young Advocates Association.
(3) Smt. T. Lakshmikanthamma, M.L.C.
(4) Shri Machindra Rao, M.L.A.
(5) Smt. Malladi Subbamma, President, Mahila bhudaya Samiti.
(6) Smt. V. Kasi Ratnam, Writer.
(7) Smt. Ayesha Rishad, Executive Member, W.E.S.

Spokesmen:

(1) Smt. Uma Venkatraman Reddy MLC

(2) Smt. Samyukta Bulliah, MLC

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Let me first extend my hearty welcome to all of you. You know that the purpose for which we have all assembled here is to move deliberations on how to put an end to the evil of dowry which is so rampant in almost all parts of this country. Government is very much seized or the matter. Therefore, by a resolution, Parliament appointed a Joint Committee of Lok Sabha and Rajya Sabha to go into the matter in depth. We are fully aware of the fact that this problem, being a social one, cannot be fully solved by legislation alone. That may probably be the reasons why the Dowry Prohibition Act, 1961, has not been very successful. We have been going round the country to ascertain the views of various organisations and individuals as to how best we can tackle the problem. So far we have visited Goa, Poona, Bombay and Bangalore. Now we are here to elicit your opinion. As you know, a large number of cases are occurring every day in which the girls are either driven to commit suicide or burnt alive. The Government have, therefore, to do its best and all it can, with your cooperation and with your valuable suggestions.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence be treated as public and is liable to be published unless they specifically, desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treatetd as confidential such evidence is liable to be made available to the Members of Parliament."

SMT. UMA DEVI VENKATRAMAN REDDY: My opinion is that everybody is committing this offence of giving dowry. Even the Ministers are involved in giving dowry. Recently in Rajasthan marriages were performed just for the sake of money which they can get through dowry. This attitude of the people can be changed through mass media. We have to educate people through radio and television about the evils of dowry. That is very important. I do not think that we can solve the problem by mere legislation alone.

SHRI P. SHIV SHANKAR: What about the Act? I am more concerned about. it.

SMT. UMA DEVI VENKATRAMAN REDDY: In ancient times, dowry was

a form of presentation to the bride from her parents at the time of her marriage to send her happily to her husband's place. This was given with willingness and for their own satisfaction. But now it has become a custom and the parents are compelled to give presentations in the form of dowry in one form or another say in cash, kind. and jewellery. As a result it has become a social evil.

SHRI P. SHIV SHANKAR: That is all right. Kindly look Section 2, Definition of Dowry, which says:

'Any property or valuable security given or agreed to be given either directly or indirectly (a) by one party to a marriage to the other party to the marriage or (b) by the parents of either party to a marriage or by other person to either party to the marriage to any other person at or before or after the marriage as consideration for the marriage of the said party, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.'

Now, what changes do you suggest so that this law could become more effective to deal with the difficulties that are presently felt in the society? And in the Questionaire we have put a question, what should be the value of the presents etc. beyond which it should be treated as dowry? Have you any suggestion to make on that score also?

SMT. UMA DEVI VENKATRAMAN REDDY: No presentation should be given at, before or after the marriage. That kind of a law to some extent will have to be enforced.

SHRI B. SATYANARAYAN REDDY: There is an explanation to Section 2 about giving gifts by way of jewellery, cash. Do you mean it should be deleted?

SMT. UMA DEVI VENKATRAMAN REDDY: Yes. That should be avoided.

SHRI P. SHIV SHANKAR: Explanation 1: 'For removal of doubts, it is hereby declared that any present made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.'

Do you want this Explanation should be totally omitted?

SMT. UMA DEVI VENKATARAMAN REDDY: Only nominal things can be given i.e. the things which are useful for maintaining the house of the newly wed couple like utensils, furniture, but not jewellery, cash and other costly or decorative things.

SMT. PRAMILA DANDAVATE: In this Explanation 1, it is said that all these things are gifts. Because of this provision, dowry is given in kind and not in money. So, do you feel that nothing should be given at the time of the marriage or some ceiling should be there because you have said that utensils, furniture should be there.

SMT. UMA DEVI VENKATARAMAN REDDY: I want to put some ceiling.

SMT. PRAMILA DANDAVATE: Then even after marriage, there are a number of festivals and ceremonies and a number of things are demanded till the first child is born. Do you want that should be included in the prohibition of giving of presents?

SHRIMATI UMA DEVI VENKATARAMAN REDDY: There should be no compulsion or demand from the either side at the festivals, ceremonies or at the birth of the child. Whatever the parents can give with their willingness and according to their economic status should be allowed.

SHRIMATI PRAMILA DANDAVATE: How can you decide whether it is compulsion or not?

SHRIMATI UMA DEVI VENKATARAMAN REDDY: Suppose the parents have only one daughter and their economic status is sound, they can give anything they want.

SHRIMATI PRAMILA DANDAVATE: In Law you cannot include any

such thing that in the case of one it should be like that. Explanation 1 gives us categorical statement. Whether it should be there or it should be deleted?

श्री पी० शिवशंकर : य तो सोशल वर्कर है, ला के बारे में नहीं बोल सकेंगे ।

SHRIMATI UMA DEVI VENKATARAMAN REDDY: It is a custom in India that at the time of the birth of the child or at some other festivals parents have to give gifts to the daughter or in-laws. Since it is a custom in India, it should be modified.

SHRI B. SATYANARAYAN REDDY: At present there is a law prohibiting dowry. We want to make some amendment to it. So, I would like to ask you specifically whether you want any change in the present law i.e. Section 2, which gives the definition of dowry. Then there is an explanation to Section 2, which says, suppose if you give jewellery, cash or anything by way of gift that will not include as dowry. I would also like to know whether you like to delete this Explanation to Section 2 completely from the Act or would you like to add anything more to it? And you have said that if any thing is given by way of utensils, furniture that should be allowed. You also said there are customs in the country, say at the birth of the child or at the time of the marriage something is presented by the parents for love and affection. So, do you want these things should be included or prohibited in the Act, or do you want that all the children whether male or female should have equal right in the property? In that case these questions do not arise. Kindly give your firm opinion.

SHRIMATI UMA DEVI VENKATARAMAN REDDY: Male or female should have equal right in the property. Some progressive changes in the law relating to the woman's right are essential to eradicate the evils of dowry.

SHRI P. SHIV SHANKAR: Let me explain the position. Even as on today, in the Hindu Succession Act, you don't have the equal inherited property. There the girl does not have the equal share. But if it is a self-acquired property of the father, you have a share with the brothers. *inter se*. Of course the father can deprive a girl, boy or anybody by a will. In the case of ancestral property, you don't share it equally with brothers.

SHRIMATI UMA DEVI VENKATARAMAN REDDY: The girl should have a share even in the ancestral property.

SHRI P. SHIV SHANKAR: Under the Muslim law, the father cannot, by gift or will, dispose of more than one-third of the property. Will you say that the father should have no right to will away even his self-acquired property, or that even in that case, it should be pegged to one-third, half or quarter of the whole? Will you say that he should not have any right to will away his self-acquired property, but allow the law to take its own course?

SHRIMATI SAMYUKTA BULLAIAH: The law should be there.

SHRI P. SHIV SHANKAR: You want that the father's right to will away his property should be totally abolished.

SHRIMATI PRAMILA DANDAVATE: The right to have a will should be there.

SHRIMATI UMA DEVI VENKATARAMAN REDDY: Like the son, she should also be entitled to have an equal right.

श्री जगपाल सिंह : आपने जो कांशेसनस की बात कहीं है, मैं जानना चाहता हूं कि अभी तक हमारे समाज में औरतों का एक्सप्लायटेशन है और जितनी भी हिन्दू समाज की आर्गेनाइजेशन्स है वह इस बात को मानने के लिये तैयार नहीं

है कि जैसे मुस्लिम ला में है, हिन्दू समाज में भी लड़की का बराबर का हिस्सा हो । इसलिए मेरा सुझाव है कि इस पर आप आन्दोलन चलायें कि लड़की का बराबर का हिस्सा होना चाहिये, और जितना हिस्सा लड़की का होगा वह उसकी शादी के वक्त दे दें । इससे शायद झगड़ा खत्म हो जायें । अपने से बड़े आदमी के साथ जब कोई शादी करेगा तो यह समस्या दहेज की खड़ी होगी । इसलिए इस भावना को समाप्त करना चाहिए । यह समस्या मिडिल क्लास में बहुत है। इन्वेस्टीगेशन अफसर की जिम्मेदारी होनी चाहिये कि अगर केस कोर्ट से छुट गया तो उसके लिए वह जिम्मेदार होगा ।

सभापति महोदय : आप सवाल पूछिये ।

श्री जयपाल सिंह : मेरा सवाल यही है कि आप इस कांशेंसनैस को कैसे जागृत करना चाहते हैं ।

सभापति महोदय : यह तो ऐजूकेशन से ही हो सकता है, यह इन्होंने बताया ।

DR. (SHRIMATI) SATHIAVANI MUTHU: There is some provision even now for the girls to have a share in property.

SHRIMATI SAMYUKTA BULLAIAH: Not equal right.

DR. (SHRIMATI) SATHIAVANI MUTHU: One witness said that items like utensils, clothes and some others might be treated as presents. If so, what should be the upper limit for these presents? If that limit is exceeded, what action should law take? Secondly, when you give the right to girls in property, should dowry exist, or be abolished totally?

SHRIMATI SAMYUKTA BULLAIAH: Dowry should be abolished.

SHRI ANANTHA RAMULU MALLU: You have said that education may be used to deal with this social evil. Don't you think that at the village level, a committee consisting of representatives of all political parties should be constituted?

You also suggested something about property rights. In some States like Kerala, property right is given to women.

DR. (SHRIMATI) SATHIAVANI MUTHU: Do you think that if equal share in the property is given to women, that will solve the problem of dowry?

SHRIMATI UMA DEVI VENKATARAMAN REDDY: No. Nobody will give a share in the property to ladies.

SHRI ANANTHA RAMULU MALLU: Do you think that a Committee comprising the representatives of all political parties at the village-level will be able to solve the problem of dowry?

SHRIMATI UMA DEVI VENKATARAMAN REDDY: It will be good.

SHRI ANANTHA RAMULU MALLU: Do you think that it should be a voluntary Committee?

SHRIMATI UMA DEVI VENKATARAMAN REDDY: Representatives of political parties forming a committee should be set-up at the village-level, district level and at all levels. Representatives from private and statutory organisations should also be associated with it. It should be a combined Committee consisting of the Sarpanch and Government officers also.

SHRI ANANTHA RAMULU MALLU: Your suggestion is that the officers and the local representatives of voluntary organisations and some of the Gram Panchayats should form a Committee and find out the facts and, at the same time, educate the people.

SHRIMATI MANORMA PANDEY: I would like to know whether there should be any limit for the expenses of the marriage.

SHRIMATI UMA DEVI VENKATARAMAN REDDY: There should be a limit for the expenses of the marriage.

SHRIMATI MANORMA PANDEY: What should be the limit for the person who pays income-tax and who does not pay income-tax?

SHRI P. SHIV SHANKAR: Then, once you bring in the concept of social status, would it not be a case where problems would arise and is it not a case of discrimiantion? Some people draw Rs. 500/- and some draw Rs. 1,000/-. How can we put a fixed limit on marriage expenses? If the expenses are fixed according to the income group, then, what is wrong in giving dowry?

SHRIMATI UMA DEVI VENKATARAMAN REDDY: You can put a limit up to Rs. 5,000/- on marriage expenses.

SHRI P. SHIV SHANKAR: Would it be better that we should incorporate in the law itself a clause that social workers, politicians and others should totally boycott taking of the dowry? Supposing, we put a provision of that type, how would you react to it? What is your opinion about it? Do you think that such a provision be proper? Would it be workable?

SHRIMATI SAMYUKTA BULLAIAH: It will be good.

MR. CHAIRMAN: Do you want to suggest anything else apart from what you have mentioned in the questionnaire? Have you any material suggestion to make?

SHRIMATI SAMYUKTA BULLAIAH: An awakening should come about in the people. Dowry Prohibition Act of 1961 should be more effective. A special machinery should be provided. Without the machinery, this Act cannot be enforced. A severe punishment should be given to those people who commit the offence.

SHRI P. SHIV SHANKAR: How severe?

SHRIMATI SAMYUKTA BULLAIAH: Capital punishment should be given.

SHRI P. SHIV SHANKAR: One interesting feature has developed. Mrs. Samyukta Bullaiah has gone to the extent of saying that capital punishment must be provided for those who offer and take dowry? Is it practicable?

SHRIMATI SAMYUKTA BULLAIAH: Imprisonment plus fine should be there. It should be non-bailable.

SHRI P. SHIV SHANKAR: You may make it non-bailable, imprisonment and fine. Either of them alone is not effective.

SHRI B. SATYANARAYAN REDDY: Would you like to have registration of marriages?

SHRIMATI SAMYUKTA BULLAIAH: Yes.

(The witnesses then withdrew)

Spokesmen:

II. (1) Shri N. Narasimha Reddy, M.L.A.

(2) Shri V. Prasad Rao, ex-MP.

(3) Smt. Prabhavathi Devi, President, Hyderabad District Federation of Mahila Mandals, Hyderabad.

(4) Smt. Mallu Swarajyam, MLA.

(5) Smt. Moturu Udayam, General Secretary, Andhra Pradesh Mahila Sangam

(6) Smt. Daya Devi, Retd. District Judge, representing Hyderabad Children Aid Society and All India Women's Conference.

(7) Dr. (Miss) P. Vakharia, Educationist.

(8) Shri R. Ramananda Rao, President, Indian Council of Social Welfare, Andhra Pradesh.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear befor a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI N. NARASIMHA REDDY: This problem can be tackled only by arousing social conscience and social workers can help a great deal in this.

SHRI P. SHIV SHANKAR: In view of what you have stated, I would like to put one straight question. Is it your intention that in the Act itself, a provision should be made for arousing social conscience of the people?

SHRI N. NARASIMHA REDDY: What I say is that this evil is percolating from the upper class to the lower strata. The people who have more money, don't consider dowry a problem. They rather have an opportunity to convert their blackmoney into white. That is why there is competition. Generally the people emulate the richer persons and since they have desire to get best bridegroom for their daughters, that is why all these things are happening.

MR. CHAIRMAN: Kindly give some suggestions. Then the Committee would like to ask questions.

SHRI N. NARASIMHA REDDY: My first suggestion is that there should be a law banning all pomp and show starting right from the topmost politicians and businessmen. The law is a political eye-wash and it is not going to work. Even then the law should be there. I agree with Mrs. Bullaiah that there should be exemplary and immediate punishment. The disposal of the cases should be immediate. There should be local committees and not prohibition officers, as you have suggested, because they will again become centres of corruption. So, there should not be just one officer and they should be gazetted officers. They should work with voluntary organisations to bring the culprit to book.

SHRI B. SATYANARAYAN REDDY: The question before the Committee is the amendment in the present Act. What concrete suggestions would you like to give to amend the present Act?

SHRI N. NARASIMHA REDDY: I told you that all pomp and show should go. The share of the girl in the property of the parents should be ensured. This will also help minimise the problem of dowry. All the marriages by obligation should be registered.

SHRI V. PRASAD RAO: Madam Chairman, we all agree that this legislation has failed. When you say that the dowry problem has become such an evil that women are being put to death, you have to put a fundamental question as to why has it cropped up and why has it assumed such a proportion. It is partly because of tradition, partly because of history and above all because of the gross injustice that we have done to the women through legislation.

A little while ago, the Hon. Minister for Law had been telling about the Hindu Succession Act, but in 1956, when it was being discussed and when the question was raised to make woman a coparcener, to my surprise it was not carried through. Unfortunate-

ly, majority of the women voted against making the women coparcener.

SHRI V. PRASADA RAO: You can refer to the history of Parliament and of legislation relating to Hindu Succession Act. But we don't go in for a common Civil Code. We want to be guided by personal and parochial laws. Unless you tackle the problem of property rights of women, there is no point in making the law more complex or punitive.

SHRI P. SHIV SHANKAR: How do you want the question of women's property rights to be put in the law?

SHRI V. PRASADA RAO: There should be a common Indian Succession Act made applicable to all citizens, irrespective of caste, creed or anything—where a girl will be given an equal right in property *i.e.* as much as a boy. Why do you want a Hindu, Muslim or Christian Act? Why not adopt the Indian Succession Act which is already there and which is much more equitable? The Special Marriage Act is much more progressive than any other parochial Act. Why don't you call it the Indian Marriage Act and abolish all other parochial Acts and make it govern all citizens? The Indian Succession Act shall also be a common Act for all citizens. Then the question of dowry will not arise. If capital punishment is to be awarded, then dowry will go underground.

SHRI ANANTHA RAMULU MALLU: We want your valuable suggestions to amend the Act.

SHRI V. PRASADA RAO: I am not offering detailed suggestions, because they will become infructuous and ineffective. The same fate faced by the 1961 Act will be there for the amended Act also, unless you change the fundamental structure of property relations. Moreover, dowery is not a problem affecting the working masses.

SHRI P. SHIV SHANKAR: Do you want a change in women's property rights and want them on a uniform basis all over the country, so that once you go ahead with it, this Act will become unnecessary?

SHRI V. PRASADA RAO: This is also my opinion. For example, where 'Marumakkathayam' prevails, the dowry problem does not arise. You are here as a Committee to find out why this Act has signally failed, and what could be done about it. I feel that by amending this Act you cannot abolish dowry. It is better that Parliament initiates, as early as possible, a uniform *i.e.* common Civil Code embracing all these sections.

SHRI P. SHIV SHANKAR: You have been in politics for a long time. Is it your suggestion that we should go in for it when some sections of the society are not prepared to accept such a Code?

SHRI V. PRASADA RAO: This is a loaded question, for the simple reason that the Minister presumes so. But I refuse to believe that they are against it. Some vested intersts and some *Mullahs* are against it. Common people of any denomination are not against it. It is a wrong assumption to think that by pampering certain communal, vested interests we will be doing justice. It is not so.

SHRI P. SHIV SHANKAR: I leave it there.

MR. CHAIRMAN: Now Mrs. Prabhavati Devi.

SHRIMATI PRABHAVATI DEVI: It is not a ladies' problem, but a social one. (*In Telugu*).

SHRI P. SHIV SHANKAR: The witness says that because of the fact that ladies don't have property right, this evil persists in sociey. It is the middle class which suffers more—not the lower or richer ones.

SHRIMATI PRABHAVATI DEVI: Equal rights in property should be given to women as early as possible. That is my strong opinion. Only thereafter can we remove the dowry element in our society, by legislation.

SHRIMATI PRAMILA DANDAVATE: I entirely agree with you that there should be uniform civil code in India. It is the duty of all the political parties to come together and say that there should be one code. Do you feel that every marriage should be registered and at the same time, at the time of the marriage, whatever is given to the girl should also be registered and the in-laws of the girl should not have any right to dispose of whatever she gets?

SHRI P. SHIV SHANKAR: I think that question would not arise.

SHRI B. SATYANARAYAN REDDY: When the girl gets equal right in the property, this question does not arise.

SHRIMATI PRABHAVATI DEVI: Definitely.

SHRI V. PRASADA RAO: Dowry originated with the bringing by the woman at the time of marriage of the portion of her property and giving it to the husband. That is dowry irrespective of what is mentioned in the law. It is a gift given by the parents. That is the meaning of dowry. Once the property rights are delineated, then the question of dowry would not arise. All vulgarities should be cut down in marriages.

श्रीमती प्रभावती देवी : जब तक कानून के जरिए इस पर अमल नहीं करेंगे तब तक यह सफल नहीं होगा ।

श्री पी० शिव शंकर : किस किस्म की तबदीली आप चाहते हैं ?

श्रीमती प्रभावती देवी : पुरुषों और स्त्रियों को बराबर के प्रौपर्टी राइट्स होने चाहियें । कानून के अलावा कुछ ऐडवाइजरी कमेटी बना कर के लोगों को शिक्षित किया जायें । शादी का कम्पलसरी रजिस्ट्रेशन होना चाहिये ?

श्री पी० शिव शंकर : आपने कहा कि औरतों और मर्दों को बराबर का हिस्सा मिलना चाहिये । 1965 के कानून में बराबरी तो दी गई है जहां तक पिता की जायदाद का सवाल है । आप एक सोशल वर्कर की हैसियत से क्या यह समझती हैं कि औरतों में जागृति नहीं है कि वह अपना हिस्सा क्लेम करें पिता की जायदाद में ? क्या क्लेम नहीं करना चाहती ?

श्रीमती प्रभावती देवी : महिलाओं में ज्यादातर जागृति नहीं है । और अगर है तो डावरा सिस्टम रहने की वजह से उसमें फोर्स नहीं रहता है ।

श्री पी० शिव शंकर : अगर पिता अपना खुश से यह कहता है कि अपना बच्चों को रेफ्रीजरेटर दिया तो शादी के रजिस्ट्रेशन के साथ क्या आप यह समझते है कि यह जो चीजें बाप अपना बच्चा को देता है वह भी रजिस्ट्रेशन में शामिल रहें ?

श्रीमती प्रभावती देवी : जो भी शादी में मिले वह सब चीजें रजिस्टर होना चाहियें ।

श्री सत्यनारायण जटिया : आपने सुझाव दिया है कि पैत्रिक सम्पत्ति में दोनों का अधिकार हो लेकिन आप कहती हैं कि शिक्षा न होने के कारण लड़की अपना हिस्सा नहीं मांगती । कहीं ऐसा तो नहीं कि वह डरती हो अपना हिस्सा मांगने से कि ऐसा करने से उसके संबंध अपने भाईयों से कट जायेंगे ?

श्रीमती मल्लू स्वराज्यम : जागृती न होने के कारण ऐसा है ?

SMT. MALLU SWARAJYAM: The other point is that because unemploy-

ment is prevailing all over, the boys keen to get dowry and get themselves compensated through this process. Therefore, unemployment problem must be solved and security should be given to the boys for their employment.

Then there is no machinery for the implementation of the law. That is the main reason for the failure of the law itself. Therefore, from the Taluka level to the State level there should be an implementation machinery.

Dowry prohibition Officers should be there and majority of them should be ladies. In the discharge of their duties, they should be helped by the Advisory Committee of the women's organisations.

The maximum and minimum expenses to be incurred at the marriage should be determined and both the bridegroom and the bride side should equally meet them.

SHRIMATI MALLU SWARAJYAM: (*in Telugu*)

SHRI P. SHIV SHANKAR: She says that expenses by way of 'consideration', gifts etc. should be there only at the time of marriage. No further 'consideration' should be there subsequently; also, that punishment should be there for both the giver and the taker.

SHRIMATI PRAMILA DANDAVATE: A working girl is a living dowry, herself. She brings dowry every month.

इसी प्रकार से लड़कियों को जो हिस्सा मिलना है वह शादी के समय मिलना चाहिये या उसके पिता की मृत्यु के समय मिलना चाहिए ?

श्री सत्यनारायण रेड्डी : यह समस्या तब तक हल नहीं हो सकते, जब तक औरतों को बराबर का हिस्सा नहीं दिया जाता ।

SHRIMATI MALLU SWARAJYAM: (*In Telugu*)

SHRI P. SHIV SHANKAR: She says that there should be a reservation of jobs to the extent of half, for ladies; in which case this problem can be solved.

MR. CHAIRMAN: Thank you, Mrs. Swarajyam. Now Mrs. Udayam.

SHRIMATI MOTURU UDAYAM: (*In Telugu*)

(TRANSLATION DONE BY ANOTHER WITNESS): The witness says that the offence should be made cognizable, and the whole investigation machinery, as also the entire jury must be confined only to women.

MR. CHAIRMAN: It is not possible.

SHRIMATI MOTURU UDAYAM: (*in Telugu*).

TRANSLATION: When it is made cognizable, the identity whosoever complains about the matter, should not be divulged.

MR. CHAIRMAN: These are all in the memorandum given to us. Now Mrs. Daya Devi.

SHRIMATI DAYA DEVI: The penal provisions, *viz.* imprisonment for six months and fine, are not adequate. You should make them more deterrent. *viz.* by increasing imprisonment to one year, and fine to Rs. 5,000. If the money is returned, it should be paid back to the victim. We should limit marriage expenses.

SHRIMATI DAYA DEVI: दूसरा सुझाव है प्रापर्टी के बारे में । जो मां-बाप का पालन-पोषण करे, उसको कुछ ज्यादा हिस्सा मिलना चाहिए मां-बाप चाहें तो लड़की के पास भी रह सकते हैं ?

It should be non-bailable and compoundable, with the permission of the

court. Some people have said that the share of the girl in property should be given to her at the time of marriage. I don't agree. The property of the parent might increase subsequently and thus she will be the loser.

SHRI B. SATYANARAYAN REDDY: Are you in favour of a common Civil Code and compulsory registration of marriages?

SHRIMATI DAYA DEVI: A common Civil Code will not be practicable in the present context. They will not agree to adoption.

SHRI ANANTHA RAMULU MALLU: Women officers from women's voluntary organizations can function better as dowry prohibition officers at village and block levels. Do you agree?

SHRIMATI DAYA DEVI: Yes.

DR. (SHRIMATI) SATHIAVANI MUTHU: The boy takes a wife and takes dowry. Then if she dies and afterwards he gets married again, he again takes dowry. Like that it goes. In such a case, do you agree with the view that the dowry given by the first wife should be returned to her parents?

DR. (MISS) P. VAKHARIA: I do not think it is practicable.

DR. (SHRIMATI) SATHIAVANI MUTHU: Is it not reasonable for the parents to take back the dowry?

DR. (MISS) P. VAKHARIA: When we are introducing a provision for compounding by mutual consent, I think this question does not arise.

SHRI P. SHIV SHANKAR: She says that compounding should be there with the permission of the court.

SHRI R. RAMANANDA RAO: The Act itself has failed and I do not think any further amendment is going to make any impact But the Act should not be repealed. Let us hope that within a few years at least, consciousness among the people would come about.

SHRI P. SHIV SHANKAR: How best should it be done?

SHRI R. RAMANANDA RAO: It must be part of an integral social legislation. This is the point which has to be seriously considered.

SHRI P. SHIV SHANKAR: You said that it should be an integral part of other legislations. May I know your views as to what are the other legislations?

SHRI R. RAMANANDA RAO: For example, the Property Rights.

SHRI P. SHIV SHANKAR: I may explain to you that the lady does not get an equal share with males in the ancestral property.

SHRI R. RAMANANDA RAO: We are talking about the concept of dowry not in absolute terms. This is not a Committee to go into the civil law or property laws. But, I have my own views about property rights. With the abolition of zamindari system and delimiting the size of property, ultimately people have to rely on self-acquired property. It is my fundamental right to dispose of my property.

SHRI P. SHIV SHANKAR: I appreciate your point.

SHRI R. RAMANANDA RAO: Therefore, equal distribltion of the property is not the solution.

SHRI P. SHIV SHANKAR: You say that there should be no restriction on the disposal of one's property.

SHRI R. RAMANANDA RAO: We come to the social aspect. I think any father who has some property to dispose of, will certainly see that his daughter is endowed with certain money and decently married. We need not bother about such people. We are to bother about the people who have no money. All the unemployed are demanding dowry. The rich in our country are all right. The

poor are also equally all right. It is only the lower middle classes and the middle class people who are really hit by the dowry problem.

SHRI P. SHIV SHANKAR: You may be saying that it is the middle class that is very much affected. There is a saying that imitation is the best form of forgery. It will percolate to the lower classes and they also start indulging in such activities.

SHRI R. RAMANANDA RAO: The lower class people, the working class, start earning from early age. They do have the dignity of labour. They are employed and they have no problem. They are not worried about dowry.

You are making some reservations to certain classes in educational institutions and in Government posts. If it is made not on caste or community basis but on the basis of economic backwardness, then women get employment. When they get employment, dowry will not be demanded. Now-a-days people ask for job just to get married. That is the attitude of a majority of the middle class people who come and ask for employment. This is the present day trend.

Some other person suggested registration of marriages.

SHRI ANANTHA RAMULU MALLU: Let us not go into what other people have said. Let us come to the point. You say what you like to suggest.

SHRI R. RAMANANDA RAO: I also recommend registration of marriages. An integral social policy of registration serves dual purpose. It serves the purpose of identifying a marriage and of making a declaration in the registration form that no dowry has been given or will be given and, therefore, that itself will be a protection for future. It has been included in the suggested amendments. That declaration gives moral support for the persons in charge of enforcement of law.

SHRI P. SHIV SHANKAR: Do you thjnk that moral support by itself is sufficient?

SHRI RAMANANDA RAO: If we analyse why it has failed, then you may ask the same question i.e. who is complainant? The majority of the people do not complain. They should make a declaration that they would not take or give dowry.

SHRI P. SHIV SHANKAR: A declaration of this nature perceives that it is insufficient. Mere declaration of this type would be insufficient. How are you going to see its effectiveness?

SHRI RAMANANDA RAO: All these things are intended to make it appear that the things are becoming much more stringent.

SHRI P. SHIV SHANKAR: I may bring it to the notice of all the Members that during the Janata Regime, a declaration was asked by those either prospective Judges or the persons who were being appointed that they do not take liquor and that they will not take money. But I found everyone who has been taking liquor has said I have not taken liquor. They say I will not take and they take. If this is a situation with such an educated class, then I doubt its effectiveness.

We are now concerned with the law. It should be changed so that it is more effective.

SHRI R. RAMANANDA RAO: There should be registration of marriage. This will serve more than one purpose. I would like the offence to be cognisable and non-compoundable. I think the Vigilance Department of the Government can have a cell for the purpose. I don't think suecial cell is necessary, because already everywhere expenditure is mounting. The present machinery is quite enough. While I say the offence should be cognisable, I may add that the First Class Magistrate himself should be in a position

to file complaint. The sentence should be only imprisonment and not fine whatsoever. The idea again is that the Act should be deterrent. I am trying to make a paper tiger, more fierce. I want to make it like that because there may be some people who may be afraid of law.

As regards the enlargement of the scope of dowry and people bearing expenses and other things, I personally do not see anything wrong if people can possibly afford to do it. This, of course, can be controlled by bringing back expenditure tax.

SHRI P. SHIV SHANKAR: Supposing a direct petition is submitted to the Court. Do you want that Dowry Prohibition Officer machinery should be there for investigation or the party filing the application should itself or those supporting that petitioner should give the evidence?

SHRI R. RAMANANDA RAO: You are aware when direct petition goes, it is cognisable. There is a dual effect.

SHRI P. SHIV SHANKAR: You have introduced a new approach of filing petition directly.

DR. (MISS) P. VAKHARIA: We all know that legislation can only be a supporting measure. It can be effective only to the extent people want to obey it. In this respect, I feel, dowry system like any other social traditions and customs are very deep-rooted in our society. Merely legislating will not be effective, What is needed is raising the dignity of women primarily in our own house and not just saying that you have equal rights. You have to make her feel that she has equal rights and she is prepared to exercise those rights. In order to achieve the objective of giving women their sense of self-respect.infrastructure has to be built up to provide educational and economic opportunities for women—education that would lead to a change in social attitudes and enable a woman to earn her own living with self-respect and self-confidence.

So, women's education is essential. As a part of this legislation, will Government consider incorporating effective measures to achieve this, so that they can become economically independent, if necessary?

A lot of young girls are forced into this type of dowry marriages, because they have no other way of sustaining themselves. From the day a girl is born, she is considered as *paraya dhan*. The father does not want her, nor does the brother want to support her. She must be married off. Along with education, a change in social attitudes is also needed. Women herself is a dowry. The change in social attitude can be brought about in three ways: education of women, economic independence and her own social attitude. These things should be built into the law. As a supportive measure, Government should set aside financial resources to educate women.

SHRI P. SHIV SHANKAR: It may not be possible to do it within the ambit of this law. I agree Government can earmark some money for that purpose; but I am more concerned about the in-built mechanism of the law itself.

What are your views about a common civil code? As a person from the minority community, will you explain your attitude?

DR. (MISS) P. VAKHARIA: I can have no other view, except that women should have absolute equality in every respect.

SHRI P. SHIV SHANKAR: So, will a common civil code, cutting across personal laws, meet the situation, and be workable?

DR. (MISS) P. VAKHARIA: It cannot be made effective unless the

woman herself cooperates. I think today the woman is her own biggest enemy. I agree that a common civil code should be enacted immediately in respect of marriage, succession and adoption. We need it for some reasons—in addition to women's protection.

SHRI P. SHIV SHANKAR: Since we got complaints from *Anjuman* about these matters, I am putting this question to you. Anyway, thank you.

SHRIMATI PRAMILA DANDAVATE: Section 7 says that the complaint can be made only within one year of the committing of the offence. Is this one of the reasons for this Act being ineffective?

DR. (MISS) P. VAKHARIA: Having a time limit will not help, because each individual situation is different. If you have one year, that particular year may be very difficult from various points of view for the woman or her supporting family members, to make a complaint. I don't think we can have a time bar. But from the legal point of view, there is something to be said for it; otherwise, how long can you keep it open? Perhaps we can have it as three years during which period one expects certain changes. But it is difficult to answer. This argument can apply on both sides.

MR. CHAIRMAN: Thank you.

(The witnesses then withdrew)

III. Shri Ayyappa Reddy, Law Minister, Andhra Pradesh.

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

Now Mr. Ayyappa Reddy, Law Minister of Andhra Pradesh. Mr. Reddy, the Committee would like to have your valuable suggestions in the matter of dowry.

SHRI AYYAPPA REDDY: First, I want to draw the attention of the hon. Members to a startling report in "The Hindu" of date, according to which an officer fetches Rs. 2.4 lakhs in the marriage market.

An Officer of the Defence Services fetches a dowry of Rs. 2.40 lakhs. Jorhat Sabhas are held in places like Madhuban, Bihar, where thousands of marriages are performed just like public auctions where bridegrooms are selected and given dowry.

MR. CHAIRMAN: It is in Saurashtra.

SHRIMATI PRAMILA DANDAVATE: It is in Bihar. It is from your own State. It is from Madhuban.

MR. CHAIRMAN: The fair is being held in Madhuban. But the mela is called Saurashtra Mela. Anyhow, this is being discouraged now. Let us proceed further.

SHRI AYYAPPA REDDY: It is common knowledge that as soon as the I.A.S. and I.P.S. results are published, the selected boy goes into the marriage market. For doctors, engineers and foreign-returned people, the sky is the limit for dowry. If he is well-settled in America or U. K. he just comes here and takes the girl of his choice with the amount that he likes.

SHRI P. SHIV SHANKAR: We may not be able to frame rules for engineers and doctors who have settled

outside our country. What about the officers whom we are directly recruiting? Can we make some rules?

SHRI AYYAPPA REDDY: Government officials are governed by certain Conduct Rules.

SHRI P. SHIV SHANKAR: In fact, we have. If a person takes the dowry, action is taken even against the giver. Perhaps it could be made more effective.

SHRI AYYAPPA REDDY: The law should be such that we must be able to abide by it.

SHRI P. SHIV SHANKAR: Is it your intention that in the law we should make a provision that a Government employee should neither take nor give the dowry in which case it could be somewhat punishable?

SHRI AYYAPPA REDDY: There should be rigorous and deterrent type of punishment for such people.

SHRI ANANTHA RAMULU MALLU: Will it not be a discrimination in society?

SHRI AYYAPPA REDDY: In law, there is always a distinction between the man who is consciously committing the offence and the man who is ignorant of law. If this class of people commit these offences, then we must be very severe about giving punishment.

SHRI P. SHIV SHANKAR: There should be a reasonable classification.

SHRI AYYAPPA REDDY: Can we not broaden the provisions of law by bringing the income-tax assessees within the ambit of punishment by virtue of the law just as you are suggesting with reference to Government employees? We have to put a provision in the Income-tax Act for income-tax assessees. For income-tax purposes, they are very careful. They always show it as Stridhana. The right of a woman to have Stridhana cannot be denied.

SHRI P. SHIV SHANKAR: So far as Government employees are concerned, you can inflict the punishment of removal from service. But, the punishment to income-tax assessees in a particular manner and to non-income tax assessees in a different manner might attract the vice of discrimination.

SHRI AYYAPPA REDDY: The investigation and cognisance of the offence must not be given to the Police. It is better we give it to either the Social Welfare Department or the Women Welfare Department and appoint Anti-Dowry Officers. But the Welfare Officer at the distirct-level can also be empowered to take action under the Anti-dowry Act.

SHRI P. SHIV SHANKAR: I follow.

SHRI AYYAPPA REDDY: Police have got too many cases and very rarely they take cognisance of these offences. They must be entrusted to take Social Welfare Department or to the Women Welfare Department at the block-level and at the district-level. The district-level Women Welfare Officer must be empowered to file straight-away charge-sheet in these cases.

SHRI P. SHIV SHANKAR: We have suggested Dowry Prohibition Officers. If you think in terms of the Dowry Prohibition Officers apart from the police, do you want these officers to be within the ambit of Social Welfare Department?

SHRI AYYAPPA REDDY: They should be either in Social Welfare Department, or in the Women Welfare Department. Their status should also go up.

MR. CHAIRMAN: What should be their status?

SHRI AYYAPPA REDDY: They should be gazetted officers. Then we have also to change the rules of evidence. The burden of proof in such cases must be very light on the prosecution. Therefore, when a charge-sheet has been filed by any respectable per-

son, the burden of proof that the offence has not been committed should be on the accused. But we must take care that this procision does not become an instrument of harassment in the hands of unscrupulous officers in prosecuting an innocent person. Therefore, balance has to be struck.

SHRI ANANTHA RAMULU MALLU: If we have a committee at a block or village level to take up the cases, it will not serve any purpose, because there is possibility that they may harass the people, because the burden of proof you say should lie on the accused.

SHRI AYYAPPA REDDY: Where there is a responsible person, *prima facie* it must be taken that the affidavit is correct and then the burden should shift on the accused. Responsible person may be the girls father or the girl's mother.

SHRI P. SHIV SHANKAR: What are your views about making the offence cognisable to the extent it is within the ambit of the machinery you have suggested.

SHRI AYYAPPA REDDY: Definitely, it must be cognisable offence and there should be a special machinery or special investigating agency. Otherwise nobody will have the courage to come and file a complaint. And the period of limitation must be extended to two years. It must not be confined to one year only.

SHRI SATYANARAYAN JATIYA: How do you react if the limitation is extended to the period of the birth of the first child.

SHRI AYYAPPA REDDY: That can happen within ten months.

SHRI SATYANARAYAN JATIYA: It may depend on the couple.

SHRI AYYAPPA REDDY: Let us keep it two years.

श्री सत्यनारायण जटिया : जो इन्कम टैक्स पे करता है उसके बारे में भी कुछ विचार कर सकते हैं ?

श्री पि० शिव शंकर : कर सकते हैं। लेकिन आप सुझाव दीजिए कि क्या करना चाहिये ।

श्री सत्यनारायण जटिया : डिस्क्रिमिनेट इसलिए कर रहे हैं कि जो इन्कम टैक्स देता है उसके लिए यह जरूरी है? क्या उसको क्र यन्ड किया जा सकता है ?

श्री पि० शिव शंकर : नहीं किया जा सकता है ?

श्रीमती प्रमिला दंडवते : इन्कम टैक्स कमेटी का क्या छुट दी जा रही है ? वह स्पेशल बीयरर बौंड में भी पकड़ में नहीं आता, तो क्या डावरी के मामले में भी वह छूट जाए ?

SHRI AYYAPPA REDDY: special agency must be provided, not ordinary police.

SHRIMATI PRAMILA DANDAVATE: Do you feel that there should be legal status for the women's organisations in the cases of dowry? Otherwise it is very difficult to fight these cases.

SHRI AYYAPPA REDDY: Not only in these cases, but in rape cases also. Registered women Welfare societies should have the right to take up the cause. That will be the best agency.

SHRI P. SHIV SHANKAR: In the Hindu Marriage Act, we have left it to the States to frame the rules for the purpose of registration of marriages. Do you think that the Centre should frame the positive law or should it be left to the States for framing the rules?

SHRI AYYAPPA REDDY: Centre should itself frame the law so that there is uniformity throughout the country.

SHRI P. SHIV SHANKAR: Could the Registration of Marriage be left to the Panchayats or other village authorities?

SHRI AYYAPPA REDDY: Yes, every Panchayat must have a register of marriage and they must have right to register marriages.

SHRI P. SHIV SHANKAR: Some suggestions have come forth that along with the registration of marriage, whatever is given to the girl at the time of marriage, as it is done among the Muslims, a list of articles should be prepared and both the sides should sign it. Is it advisable and should it also be submitted at the time of registration of the marriage?

SHRI AYYAPPA REDDY: Of course, that would safeguard woman's right at a later stage. Whatever is given, is ear-marked only for the girl. It is not at all touched by the husband, so that if the marriage breaks, the girl is entitled to take it back with her. Even the income from that property or money is utilized only by the lady. It goes in succession to the girl only from the mother's side, and not to the boy. Does it require a little re-fashioning or a better approach?

SHRI AYYAPPA REDDY: That has developed on account of the custom prevailing in the agricultural communities in Guntur district.

SHRI P. SHIV SHANKAR: The Committee is visiting Guntur particularly for the purpose of trying to understand this aspect. Will you like to stipulate through the law that whatever is given, will go only to the lady and in succession, to the girls? It will be a *stree dhana* in a different form.

SHRI AYYAPPA REDDY: It is better to have it codified, i.e. to make a distinction between *stree dhana* and dowry.

SHRI P. SHIV SHANKAR: And there is a school of thought saying that whatever is given as dowry, should be the property of the women, and that the husband should not have any right to it.

SHRI AYYAPPA REDDY: Traditionally, it is at the time of marriage that uncles and other relatives come and give the property. In the name of prohibiting dowry, we should not infringe on that right.

SHRIMATI PRAMILA DANDAVATE: There is a differentiation to be made clearly between *stree dhana* and dowry.

SHRI P. SHIV SHANKAR: It should be incorporated in the law itself.

MR. CHAIRMAN: Thank you very much, Mr. Reddy. We have been benefited very much by your suggestions.

(The witness then withdrew)

(The witness was called in and she took her seat).

Spokesman:

Smt. Rita Seth, President, Andhra Pradesh Mahila Federation.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

Now, Mrs. Rita Seth, President, Andhra Pradesh Mahila Samithi.

SHRIMATI RITA SETH: We have submitted a memorandum, but would like to touch upon some points. We consider that the giving and taking of dowry should be made a cognizable offence. Secondly, the girl should get an equal right in the ancestral property. We belong to an organization which deals with many dowry cases—where the girl is burnt to death. We want that any case of death of a girl within five years of marriage, should be registered as a police case. If the parents or next of kin suspect anything, there should be a *post mortem*.

SHRI P. SHIV SHANKAR: If even five years of marriage she dies, and if the parents suspect that the death is caused by dowry, there should be a *post mortem*.

SHRIMATI RITA SETH: There should be police protection where there is harassment of the girl or of her family, for the sake of dowry. Taking and giving of dowry should be penalized under the Government Servants Conduct Rules, as done in the past.

We feel that the exhibition of wealth starts right at the top, and this should be stopped. In some marriages, a lot of money is spent on decorations, music, band and celebrations last even for one week. We have instances in this city where very highly placed people and MPs are invited. Over 2,000 guests come, and a sumptuous meal is given to every body. Simplicity must start with people who are supposed to be educated, and to represent people in Parliament, legislature and other fields.

SHRI P. SHIV SHANKAR: Do you say that in the law which we are going to amend, we should provide that at the time of marriages in the families of legislators, MPs and others, the money spent should be within a particular limit?

SHRIMATI RITA SETH: There was a guest control order in some parts of India.

SHRI P. SHIV SHANKAR: It was in force for some time in Andhra Pradesh.

SHRIMATI RITA SETH: I want a permanent guest control order. Exhibition of wealth should be stopped. We must also have family courts which would deal with various aspects of married life, custody of children and dowry. People do not go to the court for many reasons. But there are people who cannot simply afford it. We like to have free legal aid to economically poor people and family courts where a complaint can be filed or a civil court, whatever it is, and there should be a time-limit for disposal of cases.

MR. CHAIRMAN: Any person who would like to give memorandum is most welcome. The memorandum can be given now. But if any person wants to give later, then, the memorandum can be sent by post also.

(The witnesses then withdrew)

Spokesmen:

(1) Shri Koka Raghava Rao, Chairman, Bar Council, Andhra Pradesh.

(2) Shri M. S. Prasad, President, A. P. Young Advocates Association.

(3) Smt. T. Lakshmikanthamma, M.L.C.

(4) Shri Machindra Rao, M.L.A.

(5) Smt. Malladi Subbamma, President, Mahilabhudaya Samiti

(6) Smt. V. Kasi Ratnam, Writer.

(7) Smt. Ayesha Rishad, Executive Member, W.E.S.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

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shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI KOKA RAGHAVA RAO: Our State of Andhra Pradesh is a pioneer in the matter of initiating the law against dowry. The Dowry Prohibition Act was first passed in our State in the year, 1958, itself. The Central Act was passed later in 1961. The State Act was repealed on passing of the Central Act. But the Central Act is not effectively implemented. The dowry system has been continuing as usual in spite of these enactments. It is centuries old custom among several communities. One must make a complaint and the complaint ordinarily must be lodged by the party who paid the amount. But they are not daring enough to come to the court for fear of break-up of marital tie.

In my view, the change in the attitude of the people is more important and how it can be brought about is the question. Now in some communities if a boy is married without dowry, it will be felt that there is something wrong with the boy. Dowry has become a common practice. Only in cases of love marriages, second marriages or handicapped people, dowry is ignored. My opinion is that social service organisations must take up the cause to educate the people particularly the yongsters. The youngsters must take it as a challenge and we must impress upon the youngsters that it is an insult to take dowry. It is something like a commercial transaction. It is called Vara Vikrayam. We must bring them to such a position that they refuse to marry if there is dowry. Parents should educate the children not to take dowry.

Some incentives must be given when a boy is married without a dowry and some preference should be given to the boy in the matter of selections in Government service and in public sector undertakings. Then the parents also will be satisfied.

SHRIMATI PRAMILA DANDAVATE: On the one hand you say that incentives should be given to the boys who do not accept dowry. That means you accept the concept of dowry. On the other hand, you say that there should be prohibition of dowry. We feel that anybody who accepts dowry should be punished. It is a punishable offence. The basic concept of prohibition and total non-existence of dowry is denied by you when you say that incentives should be given to those who do not accept dowry.

SHRI KOKA RAGHAVA RAO: My point is that the dowry must be prohibited through a penal section in the Act. But the cases are not coming to the court. The case are not being taken cognizance because there is nobody to beil the cat by filing a complaint. People from the bride side will have to complain. They never come forward. What I am saying is apart from prohibiting dowry under the Act, there must be a change in the attitude of the people. For bringing about a change in the attitude of the people, incentives should be offered. But, I am not saying that there should not be prohibition of dowry.

DR. (SHRIMATI) SATHIAVANI MUTHU: Who should give the incentive? Is it the Government or some public sectior undertaking?

SHRI KOKA RAGHAVA RAO: The Government and Public Sector Undertakings should give the incentive.

DR. (SHRIMATI) SATHIAVANI MUTHU: How can the Government give incentives?

SHRI KOKA RAGHAVA RAO: Supposing a boy is working in the Secretariat, he can be given preference in the matter of selection or promotion.

DR. (SHRIMATI) SATHIAVANI MUTHU: When demanding dowry is itself an offence, how can the Government give an incentive to the boy?

MR. CHAIRMAN: You see, Mr. Rao has given his opinion. We cannot go on discussing. We will see what can be done later on.

SHRI M. S. PRASAD: It should be a cognisable offence, and the amount of gifts received from the bride's side should be limited. Whatever the limit, it should be reasonable. We have been seeing that a number of presents have been received with higher denominations from the guests. This has become the *modus operendi* of the people to get gifts to the people related or friends. Gifts received from them should also be considered as dowry.

As regards Section 3 and 4 of the dowry Prohibition Act, the punishment of imprisonment should be minimum of six months to one year and that should be compulsory. There should not be option for the Court to compound Rs. 5,000|- fine.

The concept of Stridhan is leading much to the form of dowry. We can abolish that and change the law of Inheritance. All girls should receive equal share in the property of the parents.

Inter-caste marriages are responsible for the continuance of dowry system. Inter-caste marriages will help control the evil of dowry.

The State Welfare Councils should take effective steps to reserve some posts for the couple who have inter-caste marriage. This will act as incentive. That will have dual effect. It will abolish caste system as well as dowry. To begin with 25 per cent of the posts in the Central Government and public undertakings should be reserved for the inter-caste married couples.

Those who get divorce within two or five years. should be deprived of these reserved jobs, because then there will be marriages of convenience and after some time there will be divorce. The percentage of reservations of posts for the inter-caste married couples should be increased by and by to go up as high as 75 per cent.

SMT. T. LAKSHMIKANTHAMMA: In 1958 when the Act was first enacted in Andhra Pradesh, before it was passed in Parliament, we were in the Assembly and we were the most vehement supporters of this bill to get it enacted. But now after so many years, we only find ourselves disillusioned, because there is so much of hypocrisy everywhere. When I say this, I am not going into the fundamentals of it as to what is the malady and what is the cure for it.

SHRI ANANTHA RAMULU MALLU: You have pointed out that this should be entrusted to voluntary organisations. Don't you think an officer with statutory power is also required to assist the committee to investigate these cases or to prosecute the accused in these cases?

SHRI KOKA RAGHAVA RAO: Of course, in the implementation of the Act, some body may be appointed, but how many will you have throughout the country? It will be a very big organisation. Only that aspect of it I want to take. Hardly any person can say with his hands on his heart that he has not taken or given dowry. At least in our State, it is a custom and practice. However much social organizations may try, even those who speak so loudly about it are not in a position to get out of it.

Through the Questionaire, we have been asked whether we have any suggestions relating to women's rights as regards inheritance etc. I think that is the fundamental point. Why should we discriminate a girl from a boy? If the girl is given equal property right all these problems will cease. Everybody will then know what property a marriageable girl has got.

Again, parents like to give their daughters to somebody who is more well placed. So, they promise something which they do not fulfil. It leads to bitter relations and to things like dowry deaths, burnong, discarding of

wives etc. We should bring about some rundamental changes in inheritance matter in the Hindu Succession Act. If Article 6 of the Hindu Succession Act is scrapped, it will give equal right to boys and girls.

Reforms like land reforms etc. are good by themselves. We all supported them; but the little concession given to women during Nehru's days has been taken away. The one argument that they put forward relates to sub-division and fragmentation. But why should we deprive the girls of the right, which the Constitution has given? When we talk of economic equality social status and economic status of a girl, we should not stand in the way of amending the Hindu Succession Act. This Dowry Act by itself will not be necessary then.

MR. CHAIRMAN: Kindly give some other concrete suggestions.

SHRIMATI T. LAKSHMIKANTHAMMA: There should be some percentage of jobs reserved for women. The next point is about rehabilitation of the discarded wives. It may be because of dowry, even if the husband leaves after there are 3 or 4 children. In Delhi, Mrs Roda Mistry is taking up cases of this nature. Will you give some special facilities for employment to such women or for bringing up these children?

MR. CHAIRMAN: How can it come under the Dowry Prohibition Act? It is a question of social reforms, so that other complications may not arise; but we are concerned here with the Act of 1961. Rehabilitation has got nothing to do with it.

SHRIMATI T. LAKSHMIKANTHAMMA: If we accept the basic position that a girl is equal to a boy, the girl need not be subjected to humiliation.

SHRI MACHINDRA RAO: Mere passing of a legislation will not help. The Central Act of 1961 is not being published in regional languages, and circulated in rural areas. The merits and de-merits of dowry should be explained not only in conferences but also at taluka and village levels. Seminars should be conducted in villages. College students should be given more literature on the evils of dowry. Educated persons should be given more of them. To educate rural masses, organizations like Lions Club, Rotary Club etc. should come forward. Government should appoint some *prachaaraks*. They should go from door to door and explain the provisions of this Act. They should be supervised by regional and zonal officers so that the latter can get the necessary information.

MR. CHAIRMAN: Thank you very much.

SHRIMATI MALLADI SUBBAMMA: The Dowry Prohibition Act is a total failure. In Andhra Pradesh, there are some fixed rates of dowries. If the boy is a B.A. the demand is Rs. 10,000/- if he is M.A. the demand is Rs. 15,000/- and so on. For a doctor, it is Rs. 1 lakh. It is a completely male dominated society where women are very much discriminated against. You should give some reservation to ladies in Panchayat Samitis and M.L.As and M.Ps and in all Associations. There should be 50% reservation to ladies. Then there will be no discrimination. 50% must be reserved to ladies in the mater of employment, education and everywhre. Otherwise there is no solution to the problem of dowry.

MR. CHAIRMAN: We have got women doctors in Bihar. But their fathers give dowry also. Even though she is already employed but still dowry is given.

SHRIMATI MALLADI SUBBAMMA: I suggest that it is better to dispense with the Dowry Prohibition Act because there is no solution to the problem of dowry.

MR. CHAIRMAN: Your suggestion will go to the Committee.

श्रीमती वि० काशि रत्नम : हमारे यहां आन्ध्र प्रदेश में वेल-प्लेस्ड लड़कों को काफी पसा डावरी के रूप में दिया जाता है जो कि ब्लैक मनी होता है। इसलिए जहां तक हो सके हमको ब्लक मनी जो डेवलप हो रहा है इसको खत्म करना चाहिये।

सभापति महोदय : उसके लिये आप सुझाव भेज दीजिएगा तो समिति अनुगृहीत होगी।

श्रीमतो वि० काशि रत्नम : असमानता के कारण ही डावरी चल रही है और इस असमानता को खत्म करके ही हम डावरी कुप्रथा को खत्म कर सकते है, वरना नहीं।

श्रीमती आयशा रिशाद : मेरा तो सिर्फ इतना ही कहना है कि औरतें ही डावरी की काल्प्रट है। ऐसे मुसलमानों में डावरी की इजाजत नहीं हैं, लेकिन फिर भी मांगने लगे है। इसलिये औरतों को अपने को बदलना होगा। लड़की का हक कम होना चाहिये। क्योंकि लड़की पर जब भी कोई मुसीबत पड़ती है तो भाई के यहां ही आती है। अगर दोनों को बराबर का हक दे देंगे तो फिर लड़की के लिये भाई के घर मुश्किल हो जायेगी। जो कानून आपने बनाये हैं उनका प्रचार भी हमको ही करना पड़ेगा।

सभापति महोदय : मुस्लिम और हिन्दू ला अलग अलग हों यह आपकी राय है ?

श्रीमती आयशा रिशाद : जी नहीं ; एक हो लॉ होना चाहिये।

(The witnesses then withdrew)

(Meeting then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Wednesday, the 15th July, 1981 from 09.30 to 11.30 hours in Committee Room, Government Secretariat Building, Hyderabad.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shrimati Pramila Dandavate
5. Shri Jagpal Singh
6. Shri Satyanarayan Jatiya
7. Shrimati Mohsina Kidwai
8. Shri Anantha Ramulu Mallu
9. Shrimati Sanyogita Rane
10. Shri K. P. Unnikrishnan
11. Shri P. Shiv Shankar

Rajya Sabha

12. Shrimati Margaret Alva
13. Shrimati Usha Malhotra
14. Dr. (Shrimati) Sathiavani Muthu
15. Shrimati Manorma Pandey
16. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

WITNESSES EXAMINED

Representatives of the State Government of Andhra Pradesh

Spokesmen :

I. (1) Shri G.R. Nair, Secretary, Labour Employment Nutrition & Technical Department.
(2) Shri G. Raghava Reddy, IPS, Assistant Inspector-General of Police.
(3) Shri M.N. Rao, Secretary, Law Department.
(4) Prof. C. G. Subba Rao, Special Officer, Official Language, Legis ative Wing, Sri Venkateswara University.

II. **Representatives of the Andhra Pradesh Social Welfare Board**

Spokesman :

Smt. Seetha Kamaraj—Vice-Chairman

Representatives of the State Government of Andhra Pradesh

Spokesmen:

(1) Shri G. R. Nair, Secretary, Labour Employment Nutrition and Technical Department.

(2) Shri G. Raghava Reddy, IPS, Asstt. Inspector-General of Police.

(3) Shri M. N. Rao, Secretary, Law Department.

(4) Prof. G. C. Subba Rao, Special Officer, Official Language, Legislative Wing, Sri Venkateswara University.

(*The witnesses were called in and they took their seats*).

MR. CHAIRMAN: Mr. Nair, please introduce yourself and your colleagues to the Committee.

SHRI G. R. NAIR: I am G.R. Nair. Secretary, Department of Labour, as also other Departments. I have with me here Mr. Raghava Reddy, Assistant Inspector General of Police. The IG is busy in the trouble-torn parts of the city. We also have Mr. S. Babu Rao, Deputy Secretary, Home Department. The Home Secretary is busy with law and order.

MR. CHAIRMAN: Let me first extend a hearty welcome to all of you. You know the purpose for which we have assembled. The evil of dowry is there in all the parts of the country. Government had, therefore, to take note of it. So, by a resolution Parliament has appointed a Joint Committee of Lok Sabha and Rajya Sabha to go into the matter in depth. This problem being a social one, it cannot be tackled by legislation alone. That is why the Dowry Prohibition Act, 1961 has not been very successful. We have been going round the country to ascertain the views of various organizations and individuals as to how we can tackle it. So far, we have visited Goa, Pune, Bombay and Bangalore. We are now here to elicit your opinion and to know what difficulties you had to face, especially at the official level.

How many of these cases are there in a year, i.e. of acts of dowry or of gift? How can this Act be implemented? Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

It would have been better, Mr. Nair if we had received your replies to our Questionnaire, because we could then have asked you questions, having them as the basis. Have you brought anything in writing?

SHRI G. R. NAIR: No.

SHRI B. SATYANARAYAN REDDY: You might have gone through the Act. What amendments would you like to suggest to it?

SHRI G. R. NAIR: Your question under-scores the deficiencies in this Act. It was enacted as early as 1961; and still dowry is given and taken, and dowry deaths occur. We have got very many statutes in the Statute Book. For example, there is the Suppression of Immoral Traffic Act. Of course, that is a cognizable offence. But this one is non-cognizable. But has legislation been able to suppress the former problem?

The achievements of any legislation depend upon the social mores. The mores and traditions that we have inherited are different. For example, I

come from a community which has a matriarchical system where there is no dowry at all. The women there inherit more than men. For instance, I have two sisters. The sisters have got their own children.

These two sisters and their children inherited equal portions of property. This is part of Hindu Code. It deals with property. But I have been in other parts of the country. Of course, for 20 years I have been here. I know the custom here. This legislation is over dowry. It is not cognizable. If it is a cognizable offence, it creates tremendous problems. It is very difficult to try non-cognizable cases since there will be some hitch somewhere. First of all, people do not venture to come to the court of law and complain. When I was Sub-Divisional Magistrate, I used to get these cases. But they were very few. Even if protection is given to the complainants the parents do not like to complain. I would say that we cannot eradicate dowry purely by statute. The Act has failed. Because it is not by statutes that the evil can be eradicated. You cannot enforce social reforms through pure legislation.

SHRI ANANTHA RAMULU MALLU: This matter has been discussed in detail in the Lok Sabha. It is only after discussion of this matter that this Committee has been called to suggest the amendment. Whether this Act is useful or not is not the question here. Let us come to the point and suggest ways and means how best we can amend the Act.

SHRIMATI USHA MALHOTRA: He said that this evil cannot be eliminated by pure legislation alone. That means he likes to suggest some other methods also besides legislation.

SHRI G. R. NAIR: You cannot eradicate dowry or any other social evil through pure legislation. There has to be social education and understaning. This tradition has to be changed. We have to take social realities into account. In many parts of the country, what happens is that the bride goes and stays with her in-laws and with the bride-groom. The husband and wife get out of the house just immediately after the marriage. What I have found is that the daughter-in-law is taken to the house of the bride-groom and the trouble starts saying that you have not brought this or that. I would suggest that as part of social reform the bride-groom must go to the bride's house after the marriage. I am not attacking the statute. I am saying that the statute is not enough to solve the problem.

MR. CHAIRMAN: What are your suggestions for amendment of the Act? The time is very short.

SHRI G. R. NAIR: I find that most of the questionnaire refers to the penal aspects of the statute like minimum punishment. The questions are such as this: Do you consider that the presents and gifts given form a portion of dowry etc.? I do not know whether we can make much headway in this manner. I doubt.

MR. CHAIRMAN: According to you, is there no need to amend any Section of the Act?

SHRI G. R. NAIR: I think that there should be a total revolution to eradicate this evil. I must be very specific about it.

SHRI G. RAGHAVA REDDY: I am the Assistant Inspector-General of Police representing Director General of Police. He is busy in law and order situation. What I am submitting to you is not evidence. It is my personal view. I request that it may not go on record and it may just be noted.

MR. CHAIRMAN: You are representing the Government. Your views cannot be personal. It must be on the record.

SHRI G. RAGHAVA REDDY: If it is taken in that perspective, I

may not be able to say anything. This questionnaire was given to me at 4.30 P.M. yesterday. I was not aware of this Committee prior to that.

SHRI B. SATYANARAYAN REDDY: At least he should have read the questionnaire.

SHRIMATI USHA MALHOTRA: Let us know his views.

SHRI B. SATYANARAYAN REDDY: He says that his views cannot be recorded.

SHRIMATI USHA MALHOTRA: They should be recorded.

SHRIMATI MARGARET ALVA: What is the objection to recording? Why should he object to recording of his views?

SHRIMATI PRAMILA DANDAVATE: Evidence before the Committee is to be recorded.

SHRIMATI RAMA DEVI (Ministry of Law): It can be recorded as his personal view.

SHRIMATI MARGARET ALVA: Why should it be personal? It has a bearing on the Government.

SHRIMATI PRAMILA DANDAVATE: On the basis of the present existing law, is it possible for the police to help the social organisations in catching the dowry offenders.

And if not what should be the provision in the Law for giving assistance?

SHRI G. RAGHAVA REDDY: Basically, the police does not come into the picture because it is a non-cognizable offence. Legally police cannot act.

SHRIMATI PRAMILA DANDAVATE: So, would you like this offence to be cognizable?

SHRI G. RAGHAVA REDDY: It is a very important and basic question. I don't think that by making the offence cognizable, we can tackle the law better or effectively. Basically, it is a social evil and it has to be taken in that perspective and also tackled in that way. Social organisations can play a more effective role in this. Education to the people about this evil. For example, *Sati*, was there 40-50 years ago. We did not make that offence cognizable so that every victim or every person connected with that is hauled up. It was by constant education, by raising the social conscience, by making the people know about the social evil, probably in 30-40 years, we have controlled it. Now it does not exist in the country practically. So, instead of making it a cognizable offence, social conscience should be aroused and education should be given. This work should be done through social organizations.

SHRIMATI MARGARET ALVA. You say that this evil cannot be fought by legislation because it is a social evil. And you spoke of the system of *Sati* in support of your argument. Experience is that if there had been no law and if a beginning through some kind of a deterrent posed by the law had not been there, then the evils like *Sati* and child marriages would never have been tackled in the country. I disagree with you on the point that *Sati* has been eradicated to some extent because of education. It is mostly the rural side where education is not so widespread, yet certain amount of fear is there and this has very well ceased.

Coming to police, you say you cannot interfere because it is a non-cognizable offence, but by making it cognizable you say it cannot help. Now tell me how police can help in this social problem? Generally, the position in the country is that even when the party goes to the police with a complaint and says the girl has been burnt, murdered, but because they have no evidence to give, there are no cases where conviction has been brought about. So, what role police can take or do you just sit back and say police cannot do anything in the matter?

SHRI P. SHIV SHANKAR: In order to supplement Mrs. Alva's question, perhaps I would add a little. You might have gone through our Questionnaire and also the original Act. As an eminent Police Officer what suggestion would you give us for the purpose of making the investigation more effective under the purview of this Act. I am more concerned with this so that investigation is made more meaningful and the action is taken in the proper perspective in view of the investigation.

SHRI G. RAGHAVA REDDY: Madam has put a complicated question and the Minister has made it more difficult for me. But to the extent it is possible I would elaborate.

To make the investigation more effective what should the Police do or what suggestion should we give is the question. Here is a case where giver gives the money willingly, taker takes the money willingly, I know it, I have celebrated my son's marriage and I have celeberated my daughter's marriage. Forgetting individual problems, our experience normally is that there is no dispute between the giver and the taker. The giver gives the money by raising debts, by undergoing lot of financial problems, mental agony and social difficulties even to the extent of creating problems for people who inherit his property and all that but never tells the people he has given it. If that is the case do you expect Madam that if I as a police officer go and say you have celeberated your daughter's marriage, you have given so much say two lakhs of rupees. He takes pride in saying that he has celebrated the marriage of his daughter, he has sold half of his property, and given two lakhs of rupees to his son-in-law, who is a doctor, and who is on way to the United States. But when I want to record his statement to tell me frankly, would he come to give evidence? He would refuse. So, when basically the giver does not want to give evidence to the Court irrespective of individual sentiments to the social evil involved can I record his statement and take him to the Court? Even assuming the man in dismay or distress may give a statement, but he may not sign it.

As a police officer, I go to the person who has given Rs. 2 lakhs as dowry. He has undergone a lot of difficulties and raised the money. But when I go to him as a police officer, he will be the first to say that he has not given it. Under Section 162 Cr.P.C., a statement is not signed. But the next day when he goes to the court he will say: "The police officer coerced me to giving the statement." With all my sincerity to tackle the evil, I am the first man to be attacked in the court.

SHRI G. R. NAIR: The hon. Member compared the legislation on 'Sati' with the legislation on dowry. These are not comparable. The death there can be treated as homicide. But in the case of dowry, you disturb the whole family. That is precisely the difference. The burning of the bridge is the aftermath. Dowry is before that.

SHRIMATI SANYOGITA RANE: Because of dowry, she is tortured.

SHRIMATI MARGARET ALVA: But not even two convictions have taken place in the whole country with regard to bride burning.

Dr. (Shrimati) Sathiavani Muthu: Can you not make it cognizable?

SHRI G. R. NAIR: If you make it coginzable, you will make ours a Police State. Police can then enter any house and say: "You have taken dowry. It can never be made cognizable.

SHRIMATI MANORMA PANDEY: Section 7(b) says: "No court shall take cognizance of any such offence, except on a complaint made within one year from the date of offence. "Instead, if we say that there should be a written complaint supported by an affidavit and signed by at least two persons, will that help us?

SHRI G. R. NAIR: A non-cognizable offence shall be one with a specific

meaning. In the case of adultery, the aggrieved person is specified. Here also, it is the same. He can go to the court of law. You make it a cognizable offence tomorrow; and I cannot imagine the terrible disturbance it would cause to various families. That is the reason why it has been made non-cognizable.

SHRI G. RAGHAVA REDDY: It can continue to be a non-cognizable offence, but the court may entrust the investigation to the police officer. You know our difficulties, from the legal point of view. Once it is made cognizable, automatically the police steps into the picture.

SHRI P. SHIV SHANKAR: Suppose we create machinery other than the police.....

SHRI G. RAGHAVA REDDY: Instead of making it cognizable, the court can entrust the investigation of cases of this type, under this Act, to the police. Secondly, social education and rousing of social consciousness may be resorted to. Thirdly, voluntary organizations can be entrusted with the powers of investigation. Where a registered, accredited social or voluntary organization comes forward, it can associate some people experienced in investigation and collection of evidence. If the evidence so collected is given to the court, probably there will be a better understanding between the court and the people who investigate the cases. If it is made cognizable, since there are multifarous duties entrusted to the police, the police may not be able to do justice in achieving the objectives of this Act.

SHRI P. SHIV SHANKAR: Having regard to the definition in the criminal law, it is the police which comes into the picture when we say that we will make it a cognizable offence.

MR. CHAIRMAN: Can we make it cognizable and entrust the case to the dowry prohibition officers, so that an application may be made to them. Whenever the prohibition officers come to know about an offence, they can swing into action, in association with other associations for the purpose of investigation. Police can be totally kept away.

SHRI G. RAGHAVA REDDY: It is a good and lofty suggestion; but when it is implemented, it will have a lot of complications, in the sense that where the prohibition officer is appointed by law, where an organization is accepted and a prohibition officer is associated with it—and also where that organization is empowered to take cognizance on a complaint given to that organization by the affected party—keeping the police totally away as in a non-cognizable offence, will be difficult. So many factors will come into play; and the organization may be misused.

SHRI P. SHIV SHANKAR: Do you rule out this difficulty, if the police is brought into action?

SHRI G. RAGHAVA REDDY: Even then this will happen.

SHRI G. R. NAIR: It is so, because what the prohibition officer will be doing is just policing.

SHRI P. SHIV SHANKAR: You don't have comprehension of what I say.

SHRI G. RAGHAVA REDDY: I do. All complaints should go to the court. That is my point.

All complaints should be taken up by the court. The first condition is that all complaints should invariably go to the court. Having taken cognizance, what the court has to do is the question. My suggestion is that instead of giving the powers to the police which I think is not necessary, the court can entrust to the enlisted organisations which will have the assistance of the Prohibition Officers to investigate, to collect the evidence and to place it before the court. It will have two facilities. One is if the court comes to the conclusion *prima*

facie on the complaint itself that it is either exaggerated or *mala fide*, the court can record this statement of the complainant and straightaway dismiss the case. Where the court having taken cognizance has come to the conclusion that there is some force in the complaint made, it can then entrust it to that accredited or enlisted organisation with specific instructions that the Prohibition Officer of that organisation alone should investigate and collect the evidence and place it before the court. The evidence collected will be given to the court and then the court will take the decision.

SHRI P. SHIV SHANKAR: Our idea is to prohibit the entire dowry system. For that, somebody must go and file a complaint so that the court might take cognizance. What happens is in many cases, as you yourself pointed out people will never go for the purpose of complaint. Then there is no question of eradication of the evil. Now it is only in cases where people are afflicted, that they go to the court. Therefore, we are interested in making it cognizable and referable only to the Prohibition Officer in which case the Prohibition Officers step into the shoes of the police. Once he knows that here is a case, then he goes there. He completes his investigation. We are also thinking in terms of placing the burden on the accused to prove that he is innocent in matters like this. The idea is that the Prohibition Officer steps into the shoes of the Invest'gating Officer by virtue of taking cognizance. We are making it cognizable under the law to enable the Prohibition Officer to take cognizance on his own. If he investigates and brings the case before the court, will it not be a step forward in the eradication of the evil?

SHRI G. RAGHAVA REDDY: I suggest that all complaints should go to the court. What the Hon. Minister contemplates is that the complaint can be given to the Prohibition Officer who takes cognizance of it. Our experience has been that wherever such powers are conferred, they are liable to be misused.

SHRI G. R. NAIR: You are making it cognizable. Whether you call him Prohibition Officer or Police Officer, you are making it cognizable. This is my point.

SHRI G. RAGHAVA REDDY: The affected party let us say, is a girl of 20 years who is married to a boy who is teasing her because she has not brought dowry. Is the girl to go to the court of the Prohibition Officer.

SHRI P. SHIV SHANKAR: Not necessary. *Suo motu* is also there.

SHRI G. RAGHAVA REDDY: Now the girl is affected. Either the girl or the Police has to make a complaint. Somebody has to bell the cat. The question is: Should it be given to the Prohibition Officer who is competent under the law to take cognizance or she herself has to file a complaint before the court? I think that in order to have a little control and to make the law more effective and meaningful, it is better that the case goes to the court and the court takes up the case.

SHRI P. SHIV SHANKAR: In which case, many people do not come forward.

SHRI G. RAGHAVA REDDY: In either case, a complaint has to be filed.

SHRI P. SHIV SHANKAR: My daughter's marriage takes place. I am giving dowry even though none of us are interested in giving dowry.

SHRI G. RAGHAVA REDDY: That has become a common feature.

SHRI P. SHIV SHANKAR: Then it is not a case of eradication of the evil. Then why this Act at all? This social evil has got to be eradicated. If you say that a complaint has to be filed and it should be taken to the

court, then the purpose will be defeated for the simple reason that where there is an agreement between the parties, the question of complaint does not arise and the evil persists. To fight against this evil we are contemplating to make a legislation. But, it would be indirectly frustrated.

SHRI G. RAGHAVA REDDY: That would mean the Organisational and Prohibition Officers will cover all marriages, collect intelligence as Police does, keep a secret watch and take into account the assets and liabilities of each individual.

SHRI P. SHIV SHANKAR: So far as the Prohibition Officers are concerned, they might become unbridled horses but that could be so even with the police or any person who is entrusted with the authority. An amount of risk has to be necessarily taken in a matter like this. It is a question of policy. I am only asking you how you would as a Police Officer react to the investigating process. We will take the policy decision. But how would you decide? Do you think that the investigation would be defective?

SHRI G. RAGHAVA REDDY: It will be defective. In 90 per cent of the cases, give and take are there. The evidence will not come. Will the court believe the evidence of the Police Officers?

SHRI P. SHIV SHANKAR: That is exactly what I am saying. We are going to place the onus to prove innocence on the accused, assuming that the whole concept of the evidence has to be changed. It is a risk. It is a question of policy. Whether we have to take the risk or not, is a matter for the Government to decide.

SHRIMATI USHA MALHOTRA: I would like to ask this question. Since we have this Dowry Prohibition Act, the safeguards against all those victims exist in the law itself. But, nothing seems to work. It is not an effective instrument. The amendment that you have suggested by way of an improvement of machinery, I feel, leaves out the most important part, that is, what happens to the victims or those parties who suffer so long as the case is pending in the court. Would you suggest special courts or what courts to try such cases because in our society we have innibitions against the courts as such and that is acting as an obstruction to cases coming to courts? I would like to know your opinion in this regard.

SHRI G. RAGHAVA REDDY: As far as Courts are concerned, I cannot say.

SHRI P. SHIV SHANKAR: If I paraphrase the question, whether the constitution of family courts will be proper for the purpose of disposal of cases and also whether there will be improvement in the machinery by including the police officers? At what level do you want to include the police officers and from what level do you want to start constituting all this? What should be the safeguards for the victim also during the pendency of the case?

SHRI G. RAGHAVA REDDY: As regards police, we come into the picture for the purpose of investigation. As for as its congnizance is concerned, it is a policy matter.

SHRI P. SHIV SHANKAR: But still we are thinking whether it should be given to Police or to the Dowry Prohibition Officers.

SHRI G. RAGHAVA REDDY: You can make it cognizable and give it to the Dowry Prohibition Officers. As far as police is concerned, I feel it should not be given to them.

SHRI M. N. RAO: One problem we are likely to face in the matter of investigation when it is entrusted to and outside agency is that if the giver and taker do not cooperate then there is no evidence could be relied upon. Suppose, the wife says that her husband did not take any money as dowry, nor did her father give. Then the Court cannot decide the case against the husband on the basis of the outside evidence of the investigating agency. So

unless there is cooperation from the party which is aggrieved—the father of the bride or the bride herself—my own fear is that we may not be in a position to effectively impiement this.

Secondly, the evil of dowry has its foundation in money and the Law of inheritence has something to do with it. Suppose, in regard to the disposition rights of individuals we bring in a legislation that every daughter should have a minimum share in the property both inherited and self-acquired and that the daughter should also be given the right to demand partition and separable possession, it will go a long way in eradicating this evil of dowry.

As regards special courts, it is always better to appoint women to run those courts so far as dowry cases are concerned.

SHRI G. R. NAIR: We have to change the Law of Inheritence. Now, the moment the money is given to the Girl and she is married, she has nothing to do with her parent's property. She does not get anything more. And the money goes to the bridegroom, father-in-law and mother-in-law.

SHRI P. SHIV SHANKAR: A little different question would arise. As far the law of Inheritence as on today is concerned, in the self-acquired property of father or mother, the girl has equal share. Notwithstanding, the law, do you agree that even in the case of coparcenery property, the girl should also get equal share?

SHRI M. N. RAO: So far as the self-acquired property is concerned, by disposition a person can give it away to the person of his choice. But by law there should be a definite share of the daughter in the self-acquired property of her parents.

SHRIMATI USHA MALHOTRA: Supposing, if they kill the bride then the property can go back to the parents?

SHRI M. N. RAO: That is an vil of sophistication.

SHRI P. SHIV SHANKAR: Would you like to go that far as to depriving the person of his right of disposing of his property?

SHRI M. N. RAO: Yes, if it is without testament there is no problem. So far as testamentary disposition is concerned, we can limit the right to disposition, excluding the right of the girl.

SHRI P. SHIV SHANKAR: Testamentary disposition will be during the life time of the person. Do you want to deprive him wholly of the disposition of the property right either by way of gift or testimony disposition or other laws. So, disposition in whatever form will have to be prohibited and what would be its implications?

SHRI M. N. RAO: My own submission is that the relevant time would be the marriage of the daughter for her claiming the share in the property.

SHRI P. SHIV SHANKAR: But claiming the right is on the death of the father.

SHRI M. N. RAO: The difficulty is supposing a person dies at the age of 80 and his daughter was married long back. That means she will be suffering humiliation of not bringing dowry. Therefore, the problem is at what point of time should we crystalise the right of the daughter. Today I perform the marriage of the daughter; tomorrow I may be pennyless or may be later on I required property. Perhaps one of the two courses would be a possible course. One could be you should totally prohibit to the extent of testamentary disposition. Perhaps the befter course would be to give option to the daughter to seek partition either at the time of her marriage or at a later specified period. In any event, there should be a law restricting Testamentary disposition if we want to eradicate the evil of Dowry. That can be one point. In that case, so far as the present is concerned, if it is self-acquired property, you can say you can gift or sell it; but the prohibition is only to the extent of testamentary disposition. The other approach could be to see what prevails in the Muslim Law. Under it, even by gift or will you can-

not dispose of more than one-third. Perhaps these two courses would help. But this will create problems at the time of marriage, if carving out of a share is demanded. This will be a burden on the father, because he is celebrating the marriage and spending money. In a matriarchical society, you face a different problem. In a Mitakshara family, this difficulty will arise.

We are not very clear on this matter. But all the Members would like to express the wish that she should get the share, by right, in the property. But we have the Khamma community in Andhra. At the time of marriage, they give certain things. They treat them to be *stree dhana* of the girl. Will it be better? There is no question of the husband having any claim on it, on separation. On the death of the woman, the whole thing goes back to the girl's side, if she did not have any children. Apart from *stree dhana* dowry also becomes part of it. It goes back to the girl's side, if there is no child.

SHRI M. N. RAO: I do not have any idea about it.

SHRI G. RAGHAVA REDDY: That seems to be quite helpful.

SHRIMATI SANYOGITA RANE: But if he likes the son-in-law, he will give it to him.

SHRI B. SATYANARAYAN REDDY: You are a police officer. How many cases did you come across, of even complaints during this period under this Act?

SHRI G. RAGHAVA REDDY: At the very outset, I had said that the police did not come into the picture.

SHRI B. SATYANARAYAN REDDY: They may have gone to the police, or to the court.

SHRI M. N. RAO: The statistics may not be available with him.

SHRI P. SHIV SHANKAR: My Ministry has supplied the statistics about such cases.

SHRI G. RAGHAVA REDDY: We have not dealt with any case.

DR. (SHRIMATI) SATHIAVANI MUTHU: Mr. Nair, you have 'Marumakkaththayam' in your family. Will you go in for the total prohibition of dowry?

SHRI G. R. NAIR: Yes. It is obvious that if the property is there, it is not immediately divided at the time of marriage. There is no dialogue or arithmetic as to how much exactly should be given. For instance, I have got two children. My wife and two children get three shares, and her brother gets one share. He has also got one child. But speaking generally, I made it clear that we cannot do policing on these cases. You cannot legislate in respect of dowry or eradicate it through legislation. It is a statute like many other statutes. However, there has to be a social revolution.

SHRI P. SHIV SHANKAR: I entirely agree. Ultimately, you have to develop the social consciousness of people on this. But merely because by law we are not going to eradicate it wholly, we cannot rest on our oars.

SHRI G. R. NAIR: I agree. Since the majority of people of this country follow the patriarchical system of inheritance, you cannot rest on your oars. That is why I drew a distinction between 'Sati' and dowry. Of course, we have made it a penal law and an offence. It is not homicide. Secondly, it is after the event, i.e. in the case of 'Sati'. But here, we are prohibiting the giving and taking of dowry. We have to make an in-depth study.

SHRI P. SHIV SHANKAR: It is not that easy. That is why we are trying to seek clarifications.

SHRI G. R. NAIR: I still hold that (a) you cannot make it a cognisable offence; and (b) if you appoint a prohibition officer, he will done the mantle of the police officer. Policing is a function. Anybody can do it. For instance, you go and report to the prohibition officer. He is a police officer

at the level of investigation etc. That is why Mr. Raghava Reddy has been saying that it should go before the forum of the court. That is why the law is there, but the evil continues to flourish. I have worked in the coastal, areas. I do not know whether the property goes back to the parents in the case of the Khamma community living there.

SHRI G. R. NAIR: It is codified in the Hindu Code Bill.

SHRI P. SHIV SHANKAR: Do you think that the people feel indignified in giving a complaint and that there should be protection for such people who complain?

SHRIMATI PRAMILA DANDAVATE: There must be a uniform civil code.

SHRI K. P. UNNIKRISHNAN: For your information, this Act has been repealed unfortunately. Agitation is going on. The Kerala Assembly repealed about 57 Acts at one stroke. They included this also. There was one Viswanatha Iyer Commission which recommended that we should go back to the national mainstream. Now, an agitation is going on. Unfortunately, it is not on the statute.

SHRI G. R. NAIR: We are still safe. That is why, I was giving my personal example. I know this property will go to my children. It is inalienable.

SHRI P. SHIV SHANKAR: That is why, I am asking Mr. Nair about the indignity of it.

SHRI G. R. NAIR: I do not feel any indignity about it. It all depends on the mental climate, on the mental attitude. We do not feel any indignity. I cannot sell my property. I have no right. My wife also cannot sell the property. She has no legal right. We cannot afford to squander away our property. The property will be in the name of children. Don't you think that this will act as a good safeguard for the welfare of women and children?

SHRI P. SHIV SHANKAR: I entirely agree.

SHRIMATI MARGARET ALVA: Why to discuss at the customs prevailing in Kerala now? We have to talk about the conditions prevailing in Andhra Pradesh now.

SHRI G. R. NAIR: That is the system prevailing in Kerala. That is why, I say that naturally our minds should be attuned to that concept. We cannot comprehend another system. We are attuned to this concept. The children inherit the property.

SHRIMATI MARGARET ALVA: There is a large Muslim population in Hyderabad. What about the Muslims in Andhra Pradesh? I would like to know if there is any convention or local law which prevails in this State as far as Muslim community is concerned because there is lot of Muslim population in Andhra Pradesh.

SHRI P. SHIV SHANKAR: Muslims are governed by their law. There are no conventions at all anywhere in the country. They are governed by the Shriata law. In other countries they have but not in our country.

SHRI G. RAGHAVA REDDY: From the point of view of investigation, when the case is entrusted to the Prohibition Officer either by the court or *suo motu* by the officer himself by virtue of taking congnisance, is it be possible that the witness should be made to sign this statement? It will place lot of difficulties fo him if he is asked to record the statement without signature and to take it to the court. Police does not take signatures on the statements recorded during investigation.

But the Prohibition Officer may not be able to justify that he has recorded the statement, on the evidence given by the witness. In the circumstances, it could be thought that the Prohibition Officer takes the signature of the witness because he is not a Police Officer.

PROF. G. C. SUBBA RAO: Any complaint made is taken up by the Railway Protection Force. As an Exception to Rule 162 of the Cr.P.C., in the peculiar circumstances of the case the Committee can consider that the

statement can be recorded under signature provided he is not a Police Officer.

In the 2nd Section, you will find the draftsman has made an effort to draw a distinction between the words "Stridhan" and "Dowry". In that effort which is certainly successful, some difficulties have arisen in the way of enforcement of the Act. What is the definition of "Stridhan"? The entire subject hinges upon this. The words used by the draftsman are: If it is in consideration of the marriage, then, it will be dowry and if it is not in consideration of the marriage, it will be Stridhan. So every time an effort is made to enforce this Act, an argument is advanced that it is not in consideration of the marriage that I have given the money. It is only Stridhan. A provision should be incorporated in this Section that if the amount is above a certin limit, presumption will be drawn that it is dowry. It is a presumption which is made on account of the expenditure incurred in conection with marriage. The expenditure clause in the Marriage Act will enable us to say that this is something different from what is contemplated by the Act, if the expenditure exceeds the limit. A ceiling can be fixed.

With regard to the enforcement machinery, I suggested when I was Chairman of the Sub-Committee on Social Legislation that family courts could be entrusted rather than the Police in regard to all the matters connected with social Legislation. This is a piece of social legislation. That is the essential meaning of this social legislation. We have no doubt that we have certain penal provisions. Deterrent provisions should be there. So far as enforcement is concerned, there are difficulties if we entrust it to the police. That has already been elaborated by the friends. If it is given to the family court with its jurisdiction, many problems in this connection can be solved.

To tackle this problem a multi-dimensional approach is required. We will not succeed in achieving the object merely by amending the Act. Other sections of the law will also have to be amended.

Registration of marriages may be a difficult task, but still that is absolutely necessary.

SHRI P. SHIV SHANKAR: What should be the expenditure in marriage?

PROF. G. C. SUBBA RAO: You may rely on the Mohammadan Law. It can be considered as a good enough standard.

SHRI P. SHIV SHANKAR: Supposing we totally prohibit testimony disposition, would the society revolt against this step?

PROF. G. C. SUBBA RAO: Now that the right to property is no longer a fundamental right, we have the legislative power to do it.

SHRI P. SHIV SHANKAR: How would the society react?

PROF. G. C. SUBBA RAO: Reaction of the society will be adverse.

SHRI G. R. NAIR: There can be a sort of unpleasentness, since you are curbing the freedom of a person, who has earned his property, of his right to dispose of the way he likes. But I don't think you are going to have any massive social revolution.

(The witnesses then withdrew)

II Representatives of Andhra Pradesh Social Welfare Broad).

Spokesman:

SHRIMATI SEETHA KAMARAJ.—Vice-Chairman.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as pubiic and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament." Any suggestion apart from the memorandum you have given.

SHRIMATI SEETHA KAMARAJ: Marriage should be registered with the local authorities at all levels.

Licence from the local authorities should be obtained for the celebration of the marriage. This will help the authorities to notice how the celebration is going on.

The marriage should entirely be a family affair. When the marriage has been registered, there is no difficulty in safeguarding the right of the bride and bridegroom.

We should encourage inter-caste marriages by providing special opportunities in employment as an incentive.

Well known, reputed and non-political organisations should be entrusted with the job in the local committees and family courts.

Every lady should make it a point that if she knows that somebody is giving dowry, then they have to point out to the Prohibition Officer or to the court without any fear. Every lady herself should decide that she should not under any circumstances give dowry or gift to her child if it becomes a bargain. Employment opportunities should be created for the girls who are victims of dowry.

Some of the points are common. I have attended many Muslim marriages. A boy takes Rs. 40,000/- any says he boy takes Rs. 40,000/- and says he will give Rs. 10,000/- as *mehar*. At the time of divorce, he returns only Rs. 10,000/- I don't advocate Muslim law being adopted among Hindus. On the other hand, there should be a secular law for the whole country. Among Christians, the girl does not get anything.

SHRIMATI SANYOGITA RANE: In our area, we get it.

SHRIMATI SEETHA KAMARAJ: Involving voluntary organizations is all right, but there is a tendency on the part of the Government to shirk its responsibility and say: "Let the voluntary organizations do this. We cannot implement it because we have so many difficulties." If Government, with all its machinery, cannot enforce a law, how can voluntary organizations which are mostly one man shows, do it? How am I expected to go before the law-courts? Tomorrow, somebody else may do it to me. I also have a family and children. But Government officers can take some precautions.

You might have heard about the Arabs and their marriages with minor girls. These marriages are done by fake Mullahs. Registration by a secular organization will be good.

MR. CHAIRMAN: Thank you very much.

(The witnesses then withdrew)

MR. CHAIRMAN: The Committee now want to place on record their warm appreciation of the services rendered to them by the State Government of Andhra Pradesh in the holding of their meetings in the Committee Room, Department of Finance, State Secretariat Building, Hyderabad.

The Committee want to place on record their warm appreciation of the valuable assistance rendered to them by the Director of Woman and Child

Welfare, in particular and the entire team of her officers, for conducting the sittings of the Committee and for looking after the comforts of Members during their stay at Hyderabad.

SHRI G. R. NAIR: Thank you, Mr. Chairman. On behalf of the Government of Andhra Pradesh, I express my thanks for the exciting dialogue which we had. It is a very interesting and meeting is now over.

MR. CHAIRMAN: Thank you. The meeting is now over

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Thursday, the 16th July, 1981 *from* 10.00 *to* 13.25 *hours in the Meeting Hall, Zila Parishad Building, Guntur.*

PRESENT

Shrimati Krishna Sahi – *Chairman*

MEMBERS

LOK SABHA

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shrimati Pramila Dandavate
5. Shri Jagpal Singh
6. Shri Satyanarayan Jatiya
7. Shrimati Mohsina Kidwai
8. Shri Anantha Ramulu Mallu
9. Shrimati Sanyogita Rane
10. Shri K. P. Unnikrishnan
11. Shri P. Shiv Shankar

RAJYA SABHA

12. Shrimati Margaret Alva
13. Shrimati Usha Malhotra
14. Dr. (Shrimati) Sathiavani Muthu
15. Shrimati Manorma Pandey
16. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S.D. Kaura – *Chief Legislative Committee Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Shrimati V.S. Rama Devi, *Joint Secretary and Legislative Counsel.*
2. Shri B. R. Atre, *Deputy Legislative Counsel.*

WITNESSES EXAMINED

Spokesman

I. Smt. M. Sulochana Devi, Secretary, Mahila Mandali Federation, Guntur.

II. (1) Shri K.L. Narasimham, Senior Member of the Local Bar, Guntur.
(2) Smt. Sethupathi, Guntur.
(3) Shri Peddi Venkateswara Rao, Advocate, Guntur.
(4) Shri K. Krishna Kishore, Advocate, Guntur.

(5) Shri P. Venkata Rao, President, Bar Association, Guntur
(6) Smt. L. Adilakshmi, Principa', Ravindra College, Guntur.
(7) Smt. Sushila Mahanti, Lecturer, Guntur
(8) Smt. D. Sujata, Director, Purna English Medium School, Guntur
(9) Smt. Kalyani, Lecturer, Guntur
(10) Smt. N. Manga Devi, Venkateswara Bala Kuteer, Guntur
(11) Smt. Vidya Ramanujam, ex-MLC
(12) Smt. Tejovati Writer, Guntur
(13) Smt. Jupudi Hymavathi, Social Worker, Guntur
(14) Smt. Tadikonda Vani Ranga Rao, Social Worker, Guntur
(15) Smt. Nalakutti Kama'a Devi, President, Sarada Mahila Mandali, Bapatla
(16) Dr. K. Jaya Pradamba, Guntur
(17) Smt. Nanapuri Raj Kumari, Guntur

III. (1) Shri G. Srimannarayana, Retd. Principal, Nidubrolu
(2) Shri Vivlala Gopalakrishnayya, Ex-MLA
(3) Shri Kula Rao

IV. (1) Dr. M.D.V. Ramana Rao, Secretary, Thinkers' Forum, Guntur
(2) Smt. S. Swaranalata, President, Mahila Mandali, Guntur
(3) Dr. R. Srinivasacharya, President, Rotary Club, Guntur.

(The witness was called in and she took her heat).

Smt. Sulochana Devi—Secretary, Mahila Mandali Federation, Guntur.

(The witness called in and she took her seat).

MR. CHAIRMAN: Let me first extend to you all my hearty welcome. You know the purpose of our assembling here. The evil of dowry is rampant in all parts of the country. We have to take note of it. A large number of cases are coming up every day wherein girls are either driven to commit suicide or alleged to have been killed. The Government have, therefore, constituted a Joint Committee of Lok Sabha and Rajya Sabha to go into the matter in depth. We are fully aware that this problem, being a social one, cannot be entirely tackled by legislation alone. That is why, the Dowry Prohibition Act, 1961, has not been proving successful. We have been going round the country to ascertain the views of various organisations and individuals, and to take their suggestions as to how best we can tackle this problem. So far we have visited Goa, Poona, Bombay, Bangalore and Hyderabad and now we are here, to elecit your opinion so that the Committee, may have your valuable suggestions and that can be useful for the society and for all sections of the people.

It will be better if you introduce yourselves to the Members of the Committee and I call upon Mrs. Sulochana Devi, an Advocate who has come to represent the Bar Association.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire tathat all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

MRS. SULOCHANA DEVI: I belong to Guntur district. I am also Secretary of the Women's Federation here and of the Mahila Federation. I would like to say a few words.

MR. CHAIRMAN: Have you brought anything in writing, any Momorandum?

MRS. SULOCHANA DEVI: No.

MR. CHAIRMAN: The time is very short. We have to hear 36 witnesses. You have to say your points within 5 minutes. If you have anything in writing, you can send it to the Committee later on. You must be precise in your suggestions and observations because we do not have much time.

SHRIMATI SULOCHANA DEVI: There should be a firm understanding where the marriage has to be performed, that expenses are to be shared equally by both the parties. This will eliminate undue expenditure. Sense of equality and self-reliance in the girl can bring about changes in the life and character of the girl. This should be inculcated in the child right from the beginning.

There should be encouragement to the intercaste and inter-State marriages. Such marriages have been perfectly successful. Main emphasis should be laid on social education and the evil of dowry. Evil of dowry can be eradicated if equal property rights are ensured to the girl.

SHRI B. SATYANARAYANA REDDY: I think you might have gone through the present Act of 1961. The Committee wants to have amendment in the present Act. In your view what are the provisions that should be deleted and what are the other provisions that you would like to add in the present Act?

SHRIMATI SULOCHANA DEVI: I would say there should be equal property right, equal education and above all equal kind of upbrining.

SHRI B. SATYANARAYAN REDDY: Are you in favour of compulsory registration of the marriage?

SHRIMATI SULOCHANA DEVI: Yes.

(The witness then withdrew)

(The witnesses were called in and they took their seats).

(1) Shri K. L. Narsimham, Senior Member of Local Bar, Guntur.

(2) Smt. Sethupathi, Guntur.

(3) Shri Peddi Venkateswara Rao, Advocate, Guntur.

(4) Shri K. Krishna Kishore, Advocate, Guntur.

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(16) Dr. K. Jaya Pradamba, Guntur.

(17) Smt. Nanapuri Raj Kumari, Guntur.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

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desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI K. L. NARASIMHAM: Notwithstanding the fact that the Dowry Prohibition Act has been introduced in the Statute Book in July 1961, the impact of it on the people is very much less and it is being observed more in its breach than compliance. That is a very sorry state of affair.

The first point I urge before you is that the definition of the word 'dowry' is rather very very difficult to interpret. Here comes the creative genius of the lawyer. The word dowry is defined as money being given in consideration of the marriage either at the time of marriage or before the marriage or before or after the marriage. That would mean if anything is filed for the purpose of dowry, the prosecution has to establish that it was in consideration of the marriage. It does not include presents. My suggestion to you is that dowry should mean only in consideration of the marriage, any amount paid either at wedding—gifts or presents or whatever it may be it should be for the purpose of the marriage. Therefore, the definition of the word dowry must be extended to all tre presents also.

As regards the question whether there should be a ceiling on marriage expenses, there is no use in such definitions that in excess of a particular amount it should be considered as dowry.

Then if you make it a cognizable offence, the police will become master of the situation. Any police constable or sub-inspector will come and thereaten to disturb the wedding ceremonies. Even if you say police cannot arrest a person in such cases without a warrant, do you believe any magistrate can refuse to give a warrant when a constable says here is a case of going to give dowry. Therefore, there is no use in making it a congizable offence. Magistrates dealing with such cases should be first class Magistrates because he will consider merits and demerits, but still you are giving scope for unnecessary harassment in the wedding ceremony. If you want to make the provisions more stiff, as mentioned in your questionnaire, the result will be suppression. What you are trying to suppress will again come up, just as there is no use issuing prohibitory order or curfew orders whether there is rioting. The moment curfew is removed, there is eruption. We should appoint a Let the parents of the present Let the partents of the present generation i.e. those who have got sons and daughters and who have to receive and pay, say: "We do not want either to pay or to receive." Once the present generation does this, the younger generation will follow suit.

Secondly, we should give a free hand to the present generation of youngsters to choose their husbands and wives—and to have inter-caste marriage also. Once we do this, in course of time there will be no place for dowry.

Very recently I visited USA and found that teenagers there have got freedom to date until they marry, i.e. to select their own husbands and wives. There is no dowry there. This should be encouraged in all the developing countries. Let there be no arranged marriages.

SHRI SATYANARAYAN JATIYA: Would you like to include the gifts given at the time of marriage in *stree dhana*?

SHRI K. L. NARASIMHAM: Once you say that gifts are excluded, you are again shielding the parents. What you stop by the front door will come in by the backdoor. There should not be anything but a regis-

tration of the marriage. The couple can go to the Registrar's office under either of the Marriage Acts.

SHRI B. SATYANARAYAN REDDY: If anything is given as a gift at the time of marriage, it is excluded from dowry under an explanation to the definition given in the Act. Do you want this to be omitted?

SHRI K. L. NARASIMHAM: Yes.

SHRI B. SATYANARAYAN REDDY: Are you in favour of equal rights to women in property?

SHRI K. L. NARASIMHAM: We need not bother about it now, because there is the Hindu Succession Act passed in 1956, under which sons, daughters and the wife are entitled to equal rights. There is no question of giving equal rights to the daughters now. Only when the father dies will the question of rights come in. Unless you change the Hindu succession law regarding joint families, there is no question of your giving equal rights. You must abolish the joint family system, if you want to improve the working of the Dowry Prohibition Act. A Bill has to be passed regarding the rights of members of the joint family. Under Hindu Succession Act, a daughter gets property only at the time of death of the father.

SHRI B. SATYANARAYAN REDDY: Are you in favour of compulsory registration of marriages?

SHRI K. L. NARASIMHAM: Whether it is an arranged or compulsorily registered marriage, it does not matter much. The quarrelling wife or husband should not be able to go to the court and say that they were not married.

SHRIMATI PRAMILA DANDAVATE: When we say that every marriage should be registered, it is not necessary that it should be done only at the Registrar's office. It can be done even at the gram panchayat or zilla parishad. At the time of marriage, if whatever is given to the daughter as *stree dhana* is also recorded and registered, do you think it will help to safeguard the interests of the daughter?

SHRI K. L. NARASIMHAM: Registration at the panchayat level is of no consequence, because you must again amend the Hindu Marriage Act saying that the marriages must be registered there. So, you are going towards the Mohammedan law provisions wherein you have got the marriage certificate given by a Quazi who maintains a register. Each register will show the names, mahr etc. I don't subscribe to the view that it can be registered at the panchayat level.

SHRIMATI PRAMILA DANDAVATE: Are you in favour of compulsory registration of marriages?

SHRI K. L. NARASIMHAM: No.

SHRIMATI PARMILA DANDAVATE: You say that if the offence is made congnizable, Police harassment will be caused. Don't you think that congnizance will be taken only if the complaint is lodged either by a Social Body or by a Prohibition Officer who will verify whether the complaints is true or not beforehand and whether the basic truth is there? Don't you think that it is possible to safeguard the people from the harassment of the Police?

SHRI K. L. NARASIMHAM: I am only saying that it is just unnecessary to make it cognizable. It should be reformative. As you know, in developing countries it is reformation that is required.

MR. CHAIRMAN: I now request Shrimati Sethupathi to say something apart from the suggestions and opinions which have been expressed by others. I hope that there will no repetition

SHRIMATI SETHUPATHI: I am in favour of compulsory registration of marriages.

I have to say that no amount of legislation can eradicate this evil. There must be social consciousness and there must be group gatherings especially parent Associations for discussion.

Girls should be educated and jobs should be given for unmarried girls. Job provision is very necessary to eradicate this evil.

SHRI PEDDI VENKATESWARA RAO: I am Public Prosecutor. I suggest that Government should think of giving some financial assistance to the newly married couple which will make them economically sound and then the husband and in-laws do not demand dowry. It may just be on the lines of family planning incentives and the incentives which are given for inter-caste marriages.

There is no danger even if the dowry is made a congnizable offence so that before any prosecution can be successfully launched, some confirmation from the District Magistrate may be made necessary. No offence can be taken cognizance of unless it is sanctioned by some authority which should be constituted under the Act. The definition of dowry will be adequate if it takes within its fold all types of presents, gifts and cash.

In order to equalise the rights of the women for a share of the parental property, daughter should be given the right by birth along with the son. That will give her economic self-reliance.

SHRI K. KRISHNA KISHORE: I have been working as an Advocate here for the last 14 years. I submit that this social evil cannot be eradicated by legislation alone. Even though there was Child Marriages Act, it could not put an end to child marriages. It was actually brought about by bringing about social consciousness among the people. In the same way, the youth organisations should come up and educate the people about the evil of dowry. Those who marry without dowry, should be given incentive in the form of reservation of jobs.

There should be a separate establishment for investigation on congnizance of these offences. That establishment should be given limited power so that they are able to investigate at a particular platform without harassing the people.

Unless there is a *prima facie* case, a warrant should not be given by the Magistrate. Then there will be no harassment.

Thirdly, in the definition of dowry or of gifts whether in cash, ornaments or clothes, a ceiling should be put, say Rs. 25,000/-.

SHRI P. VENKATA RAO: Dowry evil cannot be remedied overnight. This has got to be done over a period of several years, if not decades. Only the social measures can help us in eradicating this evil.

The present provisions of the Act are more than enough. I am not for making the provisions more stringent. It is enough if we are in a position to enforce the provisions of the present Act.

Equal rights to the sons and daughters in property and in all other aspects will perhaps do a lot to eradicate the dowry evil.

There should be a wing which should go to the villages and other places and educate them and impress upon them the evils of dowry.

Dowry Prohibition Officers, specially drawn from the women folk, can go a long way to help eradicating this problem.

I am not in favour of making the offence cognizable, because will nilly there will be harassment by the police.

Registration of marriage should be compulsory, otherwise we do not have the idea of how the marriages are conducted.

SHRIMATI USHA MALHOTRA: Why has the legislation failed?. Is it because of the insufficient machinery that is there to implement or a defective sort of formulation of the Act? I am asking this because you have ruled out the legislation part. You have just stated that social organisations should have social education campaign. That will go hand in hand. How do you feel about the Act? Is it insufficient?

SHRI P. VENKATA RAO: Provisions of the Act are more than enough. Merely making it more stringent will not help at all. Enforcement of the present Act would go a long way in dealing with the problem.

SHRIMATI USHA MALHOTRA: How would you look to the machinery part of it?

SHRI P. VENKATA RAO: That is left to the legislators. It is for them to devise the machinery. We can create a cell in the Government to deal with the offence of the dowry cases.

SHRI ANANTHA RAMULU MALLU: You were referring to the equal rights for the women. In the Hindu Act provisions have been made. What do you think about minorities and Muslims and others?

SHRI K. L. NARASIMHAM: I would think Dowry Prohibition Act being a Central Act, includes all Hindus Muslims and Christians. Therefore, if you give equal right to son and daughter, then you must amend all laws.

SHRI ANANTHA RAMULU MALLU: Don't you think a common law is needed?

SHRI K. L. NARASIMHAM: Yes, in fact attempt should be for a unified Act for all Indians. Therefore, we should first try to make a uniform law in property rights for all persons irrespective of religion. Neither the Act nor the machinery is responsible for the defects in its implementation. It is the lack of determination in the minds of people which is responsible. Unless you educate the present day parents, there is absolutely no use having any number of stricter measures.

SHRI K. P. UNNIKRISHNAN: You have experience in the Bar. Have there been many cases of dowry deaths, harassment etc. under this Act? Suppose there have been such cases, but they have not come to the court; what is the reason for it, socially speaking? Secondly, do you differentiate between the concepts of dowry and *stree dhana*?

SHRI K. L. NARASIMHAM: According to my knowledge, there are no cases in South India, under this Act so far. The reason is that when one man says that he did not give, and the other man says that he did not receive, how can a third person say anything else? 'Consideration' means that two parties had agreed to do something. Cases are very few. Two days ago, there was a case reported in Vijayawada.

SHRIMATI MARGARET ALVA: Mr. Rao, as a representative of the bar association, were you involved in the registration of the marriages?

SHRI PEDDI VENKATESWARA RAO: Yes.

SHRIMATI MARGARET ALVA: There is a custom in certain parts of the country under which dowry is given to the girl at the time of marriage. It is registered along with the fact of marriage, indicating what has been given to the girl. If the girl die without leaving any children, the amount specified goes back to the parents of the girl. The husband's family does not have any claim to this amount. What is your reaction to the inclusion of this provision in the present Act? How will the communities in Andhra react to it?

SHRI PEDDI VENKATESWARA RAO: It would be quite all right in Andhra Pradesh .

DR. (SHRIMATI) SATHIAVANI MUTHU: The chairman of the bar

association said that even the girls had rights in the property of the parents. It is true only in the case of self-acquired property. The father may or may not give. What will happen to the girls who suffer from dowry demand?

SHRI PEDDI VENKATESWARA RAO: In the case of self--acquired property of the father, the daughter also gets a right, in normal circumstances. If so, however, deprives the daughter of any portion of it, there is no remedy except to suffer.

MR. CHAIRMAN: Thank you very much. Now we will hear Mrs. Lakshmi and Mrs. Sujata.

SHRIMATI MARGARET ALVA: All our meetings are supposed to be confidential. But this appears to be a public meeting There is a huge crowd, and everybody can come and take notes, including Press reporters.

MR. CHAIRMAN: I have already requested the officers here to make the people sit in the other room. There are no Press people here now.

SHRI P. SHIV SHANKAR: All those who are connected with education may come before us now, so that we can talk to them all together.

SHRIMATI L. ADILAKSHMI: The definition of Dowry as given in the Act has many loopholes. It only defines dowry as money given in consideration of marriage. In order to escape the punishment under the said Act, dowry is given to the parties under the guise of presents. This defeats the very purpose of the Act. Allowing presents and not allowing money is a contradiction in terms. If the purpose of the Act is defeated, nothing can be enforced on the defaulting people. The Act should be clearly defined and should also clearly state that even presents come under dowry and people accepting them will be punished by the Act. To reduce or eradicate the evils of dowry system, I offer the following suggestions:—

(1) The daughter in the family should be given equal property right as the sons so that the daughter has something to fall back upon in case of any eventuality.

(2) Inter-caste marriages should be encouraged. They should be given employment opportunities within a specified period. Mere promises will not help. If not, they should be given cash remuneration in order to enable them to embark upon any occupation to make a living.

(3) Love marriages should not be rejected by elders. Any rejection will result in suicides.

(4) Youth should be educated on the evils of the dowry system.

(5) The 5-point programme enunciated by Shri Sanjay Gandhi should be implemented.

(6) Parents who spend lot of money on the education of their sons feel that they can realise the entire amount including interest in the form of dowry. So, the education system which is at present running on commercial basis should be controlled by the Government. There should be legislation banning huge expenditure on education. Capitation fee should be abolished.

(7) There should be ceiling on marriage expenses. Local Councillors and Sarpanches should be made to help the Government in this regard.

SHRIMATI SUSHILA MAHANTI: The evil of dowry is more rampant among the middle-class families. It should be voluntarily agreed upon by both the parties not to take dowry. Then there will be no problem.

I suggest that incentives should be given for inter-caste marriages in the form of cash for the lower-middle

class families and weaker sections. Job assurance should be given to couples.

An equal share in the property by Constitution, if not by birth should be given to the girl of the family. If there is no provision by birth, let there be a constitutional provision for equal rights for the property.

Dowry is to be made a cognisable offence and the Police should be empowered to arrest the offenders and take them to the court of law.

Dowry is an evil and it should be abolished.

Women's Organisations, as authorised Bodies, are to be formed at taluk-level and at district-level and it should consist of voluntary organisation members, ladies, elite of the town, councillors, and Assembly Members and people from all walks of life. Each Member should be made responsible.. There should be a uniformity in marriage law irrespective of religion and that the uniform marriage law should be implemented.

It is the responsibility of the present day youths to take up this task of eradicating this social evil. They should take a vow that they will not accept dowry.

SHRIMATI D. SUJATA: The Legislation may have a very less effect because of non-cooperation of the people. This social evil can only be tackled if there is high literacy among the women.

Fifty per cent of the jobs should be reserved for the ladies as has been done in the case of Scheduled Castes and Scheduled Tribes and backward communities. Had the men been more considerate to women, this thing would not have developed at all. Therefore, women have to be ensured higher economic status and taught sense of self-dependence, only then she can say that the people who want dowry can go to hell.

SHRIMATI KALYANI: There should be radical change in our outlook towards the social problems. Women should be given equal share in ancestral as well as parents' property. Though I don't say that men must be deprived of the jobs, but more facilities and higher priority for jobs must be provided to women so that she is ensured economic equality. This will help eradicate this social disease.

SHRI P. SHIV SHANKAR: We take this opportunity to request you to explain the custom that prevails in the Kamma community. Then the Members would like to put questions to you.

SHRIMATI KALYANI: This community comprises both of rich and very poor people. The problem is mainly among the middle and lower middle class families. They want to get an engineer or doctor as bridegroom and the rate ranges between one and a half lakhs to three lakhs of rupees or even more. This is not an exaggeration. In some cases the rate is even Rs. 10 lakhs. To have a better bridegroom for his daughter, the

father even goes out of the way. Even though he may not afford, yet he may get loans for the purpose. But that is not the end of it. After the marriage there are demands by means of some presentations. Then at the time of the birth of the child, she must be brought home and the child must be given some jewellery and she has to be sent back to her husband's house with so many gifts. This is the burden which the father cannot bear.

In the Questionnaire there is a point, whether the person who gives dowry should be punished. I say no. I say this, because father cannot see his daughter remaining unmarried. It is also a biological need. And if a person is unable to get his daughter married at a proper age, he will be mocked at by his society. There will be social boycott, which is worse than the physical punishment. Therefore, he may get a loan, go out of the way so that his daughter is married and he has self-respect in the society.

To eradicate this evil, I suggest that there must be radical outlook and economic independence to the women and that facilities for jobs should be provided to them.

SHRIMATI D. SUJATA: More than anything else, moral inequality should go, *i.e.*, what is good to man is also good to woman. I think its implied meaning can be understood by everyone. Then legalised abortion is also a suggestion.

SHRIMATI N. MANGA DEVI: In our textbooks you will find drinking and untouchability, as also so many other things mentioned under the head 'Social Evils'. I think dowry can also be included in it. This concept should be explained and taught properly to the students.

MR. CHAIRMAN: Now Mrs. Vidya Ramanujam, ex-MLC.

SHRIMATI VIDYA RAMANUJAM: Most of the points have been covered by my friends here. But I would add that for any legislation to be implemented properly, enforcement is very much necessary. propaganda shoud be done through ladies. There should be conferences held for this purpose specially in villages, with a view to enlightening the minds of ladies on dowry and child marriages.

The reason for non-implementation of the Act lies in defects in legislation as also in its enforcement. We are suggesting imprisonment and fine, as punishment. Regarding punishment, I say that only imprisonment should be there, and not fine—because a man or a family which is prepared to invest a lot of money and give it as dowry and celebrate the marriage, is naturally able to pay the fine—whatever the amount may be. Imprisonment may be the best thing, so that people have some fear.

Regarding ceiling on expenses on marriage, we may stipulate that between Rs. 10,000 and Rs. 15,000 may be permitted as marriage expenses. This will be only for the marriage day. Presents on other occasions like the birth of a child, presents of a saree etc. by the parents of the girl need not be covered under this.

The suggestion that this offence should be made non-bailable, is a good one. When the girl's people complain to the State Government, some voluntary organizations or court, or file a case, naturally there will be a lot of harassment of the girl, from her husband's side—may be from the husband also. In that case, what security can we offer to her? This should be considered. The court should not allow the husband to divorce the wife. Secondly, she should not be ill-treat-

ed. She should be looked after only in the husband's house, not be sent to the father's house.

The State Government should take steps for eradicating this evil. Separate courts should be created to try all these cases. Suppose the State Government is prepared to have some officers to deal with such cases, they should file such cases. The magistrate concerned should try only these cases. The enforcement of this legislation and the one on child marriages can be done best only by such special courts.

SHRI B. SATYANARAYAN REDDY: It was suggested by a witness that the offence should be made cognizable, and also that the police must be given more powers in this regard. Don't you think that if this is done, the lives of the people in the family will be turned into a hell?

SHRIMATI SUSHILA MAHANTI: The police are more concerned about the law and order problem. That is why there is no person available to attend to these cases. The police can go and warn the parents of the boy. Later, they can entrust the case to the court. I don't want harassment. After the case is taken up by the police, the judiciary should deal with it. The police should act as liasion officers.

SHRI B. SATYANARAYAN REDDY: It has been said that legislation has not been effective, because of non-cooperation from the people.

MRS. D. SUJATA: People must be educated through movies about putting an end to this evil.

SHRI B. SATYANARAYAN REDDY: Are you against legislation?

MRS. D. SUJATA: Legislation will not help. People must be educated about the evil.

SHRIMATI PRAMILA DANDAVATE: You said that the parents who can give so much of dowry, can even pay the fine also and, therefore, there should be only imprisonment. I would like to ask you if the fine is made double the amount of dowry that is given and if the parents of the girl are exempted from punishment and if the taker of the dowry is only made to pay the fine because the girl cannot complain and if the amount recovered is given back to the bride's parents, would it be acceptable to you?

SHRIMATI VIDYA RAMANUJAM: Punishment should be the same for the people who take and who give dowry. But the problem is that the dowry is being given without making any complaint. So it cannot be detected.

SHRI K. P. UNNIKRISHNAN: I understand from what you said that the practice of dowry is very prevalent and more confined to one particular community. If that is your social experience, could you tell me whether there has been any movement against dowry in this region? If not, why so?

Did the voluntary organisations take any interest in the matter?

SHRIMATI KALYANI: They have not taken up the matter seriously because of the fear that it will lead to dissolution of the marital ties and to the break-up of the marriage. The point is that neither the voluntary organisation nor the legislton on the subject is able to eradicate dowry system.

SHRIMATI USHA MALHOTRA: To whom the dowry goes actually? Does the husband claim it entirely? In case the bride dies, what happens to that? Does it go back or remain with the in-laws?

SHRIMATI KALYANI: Before the marriage itself, an agreement will be arrived at by both the parties that some amount of money must be given to the parents of the boy in advance

There is no question of getting back the money that is given as dowry. Before the marriage itself, some amount is given to the bride-groom.

SHRIMATI USHA MALHOTRA: Will there be any legal document for the money paid?

SHRIMATI KALYANI: It is just an oral arrangement.

SHRIMATI MARGARET ALVA: Is dowry given if the girl is educated?

SHRIMATI KALYANI: Yes.

SHRIMATI USHA MALHOTRA: Would you like the marriage to be registered or not?

SHRIMATI KALYANI: Most of the marriages are not registered here but are performed according to Vedic infituals.

SHRI ANANTHA RAMULU MALLU: Do you think that the offence should be cognizable and women officers should be appointed to investgate the cases?

SHRIMATI KALYANI: It must be made cognizable. This must be referred to the court of law.

SHRI ANANTHA RAMULU MALLU: Do you think that there should be Special Courts or the Sessions Courts would do?

SHRIMATI KALYANI: There should be Special Courts.

SHRI ANANTHA RAMULU MALLU: Questionnaire suggested that Dowry Prohibition Officer should be appointed at the Government-level. How do you feel about it?

SHRI ANANTHA RAMULA MALLU: Do you feel that voluntary organisations at block level will serve any purpose?

SHRIMATI KALYANI: Taking and giving of dowry is done unofficially. It is not on paper. And the father voluntarily giving dowry will not come before the Court of law to break the marriage of his daughter. Law must understand this problem.

SHRI P. SHIV SHANKAR: I would like to have one or two clarifications. In reply to the question asked by Mrs. Malhotra, you said before the marriage there is an agreement and certain amount is given. Thereafter at the time of the marriage dowry is given and it goes to the girl herself. So far as the first part is concerned viz. payments made to the parents, I take it is appropriated by them. Then the dowry is given at the time of the marriage to the girl. What happens to that? Has the husband or her in-laws any control over that also?

SHRIMATI KALYANI: The father-in-law has control over the property in many cases.

SHRI P. SHIV SHANKAR: How is the succession of the amount is determined? Do you mean to say that daughter-in-law is totally deprived of that?

SHRIMATI KALYANI: At times it is done.

SHRIMATI D. SUJATA: At least part of the property will be in girl's name.

SHRI P. SHIV SHANKAR: I understand from the discussions that at the time of the marriage, dowry is given in the Kammas community. That particular dowry goes to the girl only. Nobody has any say in that.

SHRIMATI D. SUJATA: That was there in olden days. But the trend has changed now. Many in-laws are preferring to take it away.

SHRI P. SHIV SHANKAR: Therefore, there is no complete control of the girl herself on the property. But you said control is to the extent of half of the property..

The customary law amongst the Kammas is that the property given as dowry at the time of the marriage, after the death of the bride it goes to the daughter's side, not to anybody else. Supposing she dies without chil-

dren, it reverts back to the parents. Members are keen to understand the customary law so that they could know the implications of it and it could be thought of in what best manner this can be eradicated and the Act is strengthened only in favour of the ladies. But we have not been able to get proper enlightenment on that.

I may further ask you if some of you can enlighten us on this customary law.

SHRIMATI N. MANGA DEVI: If death is soon after the marriage, I think the parents claim the amount back. Else it automatically goes to the husband and the parents cannot claim it back.

SHRI P. SHIV SHANKAR: How soon is the question?

SHRIMATI N. MANGA DEVI: Before the child birth. May be a year. I cannot say it definitely. There is a peculiar system in the community. Half of the property is in the hands of the bride. She is very secure in status. In other communities the whole amount rests with the boys parents. Therefore, I would say that in the Kamma community the girl is more privileged than the girls in other communities.

SHRIMATI KALYANI: I would request you to consider how best you can enact the law giving equal right to women with men.

SHRI P. SHIV SHANKAR: Under the 1956 Act, you are entitled to equal share in the self-acquired property of father or mother.

SHRIMATI KALYANI: But that is not strictly enforced. And if we demand anything, we will become enemies of our parents and brothers.

SHRI P. SHIV SHANKAR: It is the moral obligation on the part of the parents that property is equally given.

SHRI SATYANARAYAN JATIYA: Have you got any programme for the abolition of dowry?

SHRIMATI MARGARET ALVA: We can ask this question from the other witnesses.

MR. CHAIRMAN: Thank you very much, Mrs Ramanujam and others. I now invite Mrs. Tejovati and others to come before us.

SHRIMATI TEJOVATI: I have got a few suggestions to eradicate this social evil. This problem arises mainly due to economic and social factors. First of all, the woman must have a rightful share in the parents' property. Girls should be given free education, even at the collegiate level. Much dowry is not demanded from well-educated and employed women. We should increase the number of jobs given to ladies, so that self-reliant, self-dependent women need not depend on their in-laws or husbands. They can come out, if something goes wrong, and stand on their own feet.

It is better to establish a cell to see that the enforcement of the law is strictly done—not under the police, but under women's welfare organizations. I also want some incentives to be given to persons who marry without dowry.

SHRIMATI JUPUDI HYMAVATHI: The legislation is defective. The definition of the word 'dowry' has to be extended to include any demand made before or after marriage, for at least a priod of five years. The offence should be made cognizable. Defects in enforcement are also there. Obtaining sanction of the Government before prosecution will be highly effective. Imprisonment should not be an alternative to fine. The dowry paid should be collected as part of the fine and paid back to the party which paid it earlier, according to the discretion of the court.

SHRIMATI TADIKONDA VANI RANGA RAO: (in Telugu)

TRANSLATION (BY ANOTHER WITNESS): The evil is there not only

in the Khamma community. In recent years, it has spread to the Brahmin community also.

SHRIMATI TADIKONDA VANI RANGA RAO: Each and every custom is linked with a religious practice. Among the Khammas in Andhra Pradesh, a boy is a social commodity, to speculate upon.

SHRIMATI TEJOVATI: The amount of dowry should be confiscated by Government.

SHRIMATI NALAKUTTY KAMALA DEVI: It is an established fact that dowry is given in marriages. All parents want to get their daughter married, but the problem arises because of the demand and offering of dowry. A legislation should be enacted that every marriage has to be registered. The needless expenditure on both sides at the time of the marriage has to be discouraged.

DR. K. JAYA PRADAMBA: There should be social awakening among the people. Some special measures have to be taken to improve the economic condition of the girls. To eradicate this evil of dowry, unemployment has to be eradicated. The dowry is an evil mostly prevalent among the middle class people and not among the rich or poor. Since the middle-class people cannot go beyond a limit, but they are compelled by circumstances or otherwise, there is complication.

MR. CHAIRMAN: The Committee would like to have your suggestions in writing. Now please let the Members ask some questions.

SHRIMATI MARGARET ALVA: Our experience has been that the greatest problem in the case of dowry is mother-in-law. I am sure you have both male and female children and you must have got them married. While talking in terms of educating the public, I would like to know from you what would be your suggestion to deal with this problem at the mother-in-law level. I ask this because women are at the back of this problem whether it is the question of dowry or burning of brides.

DR. K. JAYA PRADAMBA: As mother-in-law I have not taken even a pie.

SHRIMATI MARGARET ALVA: I am talking in general terms about how do you feel that this problem should be tackled?

DR. K. JAYA PRADAMBA: For that there has to be education at every level. I agree that the girl is deliberately killed for the purpose of appropriating the money and for going ahead for another marriage.

SHRI P. SHIV SHANKAR: As a doctor, have you come across any cases of atrocities on the married girls *vis-a-vis* the dowry?

DR. K. JAYA PRADAMBA: Regarding dowry there may be so many atrocities, but people don't come out in public.

SHRI P. SHIV SHANKAR: Have you come across cases of burning or suicide?

DR. K. JAYA PRADAMBA: I have seen some people committing suicide.

SHRI P. SHIV SHANKAR: Between 1970—81 how many cases of this type you may have treated in Guntur?

DR. K. JAYA PRADAMBA: Not many. Here in this part not much.

SHRI P. SHIV SHANKAR: Could there be two dozens, three dozens or five cases in ten years?

DR. K. JAYA PRADAMBA: May be.

SHRI P. SHIV SHANKAR: In recent times do you find the trend of atrocities is increasing as a result of which brides are committing suicides?

DR. K. JAYA PRADAMBA: In papers we are seeing it is more, but not in this part, I think.

SHRI B. SATYANARAYAN REDDY: I want to know the number of cases in Guntur District.

DR. K. JAYA PRADAMBA: I don't think we have many cases here.

SHRI P. SHIV SHANKAR: You are a doctor. That is why I was trying to know if you could specify even in ten years how many cases you came across.

DR. K. JAYA PRADAMBA: People generally don't report such cases.

SHRIMATI NANAPURI RAJA KUMARI: (*In Telugu*) As a married woman, as a house-wife and as a person who has arranged several mariages, I would like to speak about this problem. I would like to submit before you the shortcomings of the law as well as the suggestions about the implementation and how the punishment should be infiicted and how it should be actually implemented.

SHRI P. SHIV SHANKAR: Her contention is that the law will not be very effective. What is more important is arousing public consciousness against dowry.

SHRIMATI NANAPURI RAJKUMARI: (*In Telugu*)

SHRI B. SATYANARAYAN REDDY: Her emphasis is on arousing consciousness not only among the general public, but also among boys and girls eligible for marriage. She wants to give some more suggestions.

MR. CHAIRMAN: I am sorry we don't have much time. I thank the witness very much.

SHRI B. SATYANARAYAN REDDY: I have an objection. You have not permitted her to give some concrete suggestions.

MR. CHAIRMAN: More than half-an-hour's time has been taken for introduction and other things. We have to distribute the time available to us. We have to finish at 1.30 p.m. Now the next witness.

SHRI B SATYANARAYAN REDDY: What has been done is not correct.

(*The witness then withdrew*).

III. (1) Shri G. Srimannarayana, Retd. Principal, Nidubrolu

(2) Shri Vivlala Gopalakrishnayya, Ex-MLA.

(3) Shri Kula Rao.

(*The witnesses were called in and they took their seats*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI G. SRIMANNARAYANA: The Dowry Prohibition Act, 1961 has signally failed, because dowry is not so much of an evil.

SHRI P. SHIV SHANKAR: He wants to speak in favour of dowry itself.

SHRI G. SRIMANNARAYANA: The dowry system is not an evil. It came into force to do justice to women. It was meant to provide something to her or to her future family. The girl should, in practice, get at least an equal share in her father's property before dowry is abolished.

In India, marriages are arranged. Love marriages are an exception. Parents want their daughters to be married to educated and well-settled youths having good family connections. Likewise, the parents of bridegrooms want beautiful, educated girls from respectable families. If dowry is abolished, some of the girls who are not educated or are ugly, or are un-

employed will not get married. Secondly, dowry must be viewed as the share of the girl from her father's property for her family. The girl goes into another family, and she wants to take something from her father's family. Dowry is not an evil at all, so long as equal property rights are not given to women. I don't understand how the ladies and the members of this Committee say that dowry is an evil, unless they can compel the fathers to give equal if not higher shares to girls from the ancestral property. If the dowry system is also abolished, the girl will not have anything at all. If she is going to the other family without any economic background because naturally she is treated as an unequal partner. She is said to be their second citizen because she is not having any property at all.

SHRI B. SATYANARAYAN REDDY: You want dowry to continue. What objection have you if equal rights are given in the property to both boys and girls?

SHRI G. SRIMANNARAYANA: I have no objection. In that case, no dowry is necessary.

SHRI B. SATYANARAYAN REDDY: Is dowry considered as Stridhan or as a gift in Kamma community?

SHRI G. SRIMANNARAYANA: In Kamma community, dowries are very high. They have property. At present, it is considered neither as Stridhan nor as gift because the Dowry Act has resulted in something which is very unfavourable to the girls. They are not able to claim the property after the marriage because this is being done in the black-market.

DR. (SHRIMATI) SATHIAVANI MUTHU: There is a provision in the Act for the property of the girl. They can go to the court of law.

SHRI G. SRIMANNARAYANA: It is possible if the girl goes to the court and demands her father's property.

DR. (SHRIMATI) SATHIAVANI MUTHU: Of course, she should go.

SHRI G. SRIMANNARAYANA: It is not possible.

DR. (SHRIMATI) SATHIAVANI MUTHU: When she has the legal right, she should go to the court and get it.

SHRI G. SRIMANNARAYANA: In Andhra Pradesh, it is not the practice to give a share in the father's property to the girls. The sons only get the share.

DR. (SHRIMATI) SATHIAVANI MUTHU: That is why, this confusion has arisen.

SHRI G. SRIMANNARAYANA: If property is equally distributed among boys and girls, the dowry system will automatically go.

DR. (SHRIMATI) SATHIAVANI MUTHU: So you are in favour of total abolition of this dowry, if the daughter has equal right in the share of the property.

SHRI G. SRIMANNARAYANA: Yes.

SHRI K. P. UNNIKRISHNAN: In Kamma community, among the upper-class and middle-class families dowry is prevalent. What will be the proportion of this community?

SHRI G. SRIMANNARAYANA: It is only 5 per cent.

SHRI K. P. UNNIKRISHNAN: What happens to the rest of the 95 per cent?

SHRI G. SRIMANNARAYANA: In the case of rich families, there is no difficulty of dowry at all.

SHRI K. P. UNNIKRISHNAN: I am asking about the poorer classes.

SHRI G. SRIMANNARAYANA: In their case, there is no question of dowry at all. They marry within their own limit. The girl is prepared to marry uneducated man.

The middle-class families want engineers and doctors. Therefore, they want dowry.

SHRI K. P. UNNIKRISHNAN: In Kamma community, what will be the percentage of people who can perform marriages without dowry?

SHRI G. SRIMANNARAYANA: Something like more than 50 per cent. There are many Kamma families who are not having any property at all.

SHRI P. SHIV SHANKAR: There are voices of dissent from the ladies sitting behind.

SHRI G. SRIMANNARAYANA: All right. Say 20 per cent. It is not a question of percentage. What I say is that when the family is not having any property, there is no question of dowry at all.

SHRIMATI MARGARET ALVA: We appreciate this point.

SHRIMATI PRAMILA DANDAVATE: I appreciate your concern for the girls. You want to protect them. Let me tell you that there is a difference between Stridhan and dowry. Dowry is extracted from the parents whether they are capable of giving anything in the marriage or not. They are compelled to give even by selling property or by borrowing. This is the case with the girls who can get something from the father. For the parents who have no property we want to go a step further and prohibit the parents of the girls who are not in a position to give from giving anything as dowry to their daughters. We want to have a comprehensive Bill which gives protection from harassment caused by dowry.

But, Stridhan belongs to the girls. Dowry is not considered to belong to the girl.

Now my specific question to you is how do you differentiate between Stridhan and dowry? Stridhana, Dowry, Presents, Jewellery are all sophisticated words. By whatever name we call it, in fact we are giving these to the girl.

SHRI ANANTHA RAMULU MALLU: This Committee has come here to obtain the views of the Hon. Members to amend the Dowry Prohibition Act and on the Dowry. You also should know that there is a clear definition of Stridhana, which is quite different from the dowry definition. Are you in favour of abolition of Stridhana or dowry?

SHRI G. SRIMANNARAYANA: After the Act of 1961, all the transactions regarding dowry have gone underground. Nobody is distinguishing these things. All these things are in black-market. All this has come about because of this Act of 1961.

SHRIMATI MARGARET ALVA: It is not that we are objecting to a share being given to the daughters equally with the sons of the father's property. What I say is that if father has got Rs. 10 lakhs and is prerared to share equally among ten children and gives Rs. 1/- lakh at the time of marriage of his daughter, I would not call it dowry. We are talking of a man who has not got money, who is not able to give Rs. 10,000 to the bridegroom. That is why we call it injustice to the families of these girls, because of these demands. If you are so concerned about the girls and their protection, then what do you think about this kind of precondition that this must be given for the girl's marriage, otherwise she cannot be married?

SHRI G. SRIMANNARAYANA: Generally people take into consideration property, beauty, family connections, education of the girl. If her parents want to marry their daughters to doctors, lawyers, engineers, Class-I employees, then she must have all these things.

SHRIMATI MARGARAT ALVA: Would you say then that if girl is

very pretty and very well educated, then the boy should pay her to marry her?

SHRI G. SRIMANNARAYANA: Previously about 70—80 years back, we used to have Kanyasootan, where the bridegroom was to pay to the girl.

SHRIMATI MARGARET ALVA: While I appreciate your sentiments for the daughters, at the same time I find that concern for them is also missing. You must be reading in papers dowry deaths as we attribute them to. Till such time these things like implementation of equal property rights are effected, what do you recommend for the women's protection? Or should we let the girls die?

SHRI G. SRIMANNARAYANA: The cases that you have mentioned, will be one in thousand. In this part all of us are married people and we are having happy families.

SHRI P. SHIV SHANKAR: How do you know?

SHRI G. SRIMANNARAYANA: If dowry system is abolished my sons will be having still more advantage than the girls, because the property which I have been given to girls will go to them.

SHRI P. SHIV SHANKAR: You have the view that the Dowry Prohibition Act cannot be enforced. And until it is enforced, the system of giving dowry should be continued. Now for the purpose of enforcing this Act, you say that the girl should be aware that she has equal right to the property of her father, and that she should be given equal share in the property. One suggestion that has come is that the social conscience of the people should be aroused for the purpose of the girls knowing that under the Law they have a right to the equal share and that they should point it out and get it. The other suggestion which has also come is that in the curriculam itself this part of it should be included so that the awareness is there right from the childhood that the girl has equal share in the property of the father. Can you give us any more suggestion by virtue of which the girl's claim to the property of the father and mother could become more effective?

SHRI G. SRIMANNARAYANA: I agree with you that the girls should get equal share. In the dowry system the girl is not given equal share. Section 6 of the Act says that dowry must belong to the girl, but there are cases where dowry is given to the father-in-law, husband, mother-in-law. So you have to ensure that the dowry is given to the girl.

MR. CHAIRMAN: Now Mr. Vivlala Gopalakrishnayya.

SHRI P. SHIV SHANKAR: Mr. Gopalakrishnayya has been a legislator of long standing in Andhra Pradesh. He has been a great social worker in these parts. He had been the chairman of many committees including the Official Language Commission. He is one of the most seasoned politicians of this State.

SHRI VIVLALA GOPALAKRISHNAYYA: I am very grateful to the Committee for asking me to come before it. We have been the pioneers in the matter of the Dowry Abolition Act since 1956. After a Bill introduced by our friend Mr. Pantulu was passed here, the Central Government took up the issue and brought the 1961 Act into being.

The main point is that when we introduced the Bill, the question before us was how to curb dowry. Dowry is not *stree dhana*. In *stree dhana*, the lady will be having obsolute, *i.e.* at least conventional right. In dowry she has no right. Under dowry, the son-in-law is entitled to ask his wife to ask for presents repeatedly. Mr. Srimannarayana said that it was more prevalent among moneyed people; but our society works with money as the cen-

tral point, and nothing else. The party is punished if money is made the consideration for marriage, *i.e.* if he says: "Only if the other party gives dowry, I will marry." If the land is given in her name, she has got the right. Even then, unless the wife transfers the land into his name, he will torture and even murder her.

We tried from 1956 to 1961. Shri Kaleeswara Rao went to many villages. Ladies also worked there. But there is one difficulty, *viz.* the split personality of the mother. When she is the mother of the girl, she says: "My daughter should be married without dowry." But at the time of her son's marriage, she wants a lot of dowry. The daughter-in-law is also a mother-in-law. But when she becomes a mother-in-law, she forgets her earlier status.

The Act must be there. But an Act dealing with social problems will never work, without a social base and a social awareness. I am glad that your committee has created some consciousness. But I am not sure you are going to achieve everything that you want to. You should remember that property right is most important. When the husband throws her out, what is her fate? If this problem is not solved, all our words will be empty ones.

We have to think of alternatives, *i.e.* providing security to women who are driven out—after dowry is abolished. There is another angle. When a boy wants to marry a girl without dowry, his family and the society look at him with suspicion. There are so many cases where the boy wants to marry without dowry; but he ultimately says: 'My father does not agree to my marrying without dowry." You must create an organization to help such boys.

One Kanchanambal helped women who were pregnant. There must be many such persons available to help such girls.

It may be said that the daughters have got the right. But have we got the right to go to the court on matters affecting a large number of people in society? Unless political leaders take an oath that their children will not take dowry, that system will not stop. In fact, political leaders are patronizing and receiving dowry. Society does not consist of Kamma families alone. There are Brahmin families and other families also. But to-day even among Harijans and other communities it has become a big problem.

Section 7(b) of the Act has no teeth at all. It says:

> "No court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence".

There are two aspects to it. One: the father-in-law or mother-in-law is not prepared to send his son-in-law to jail.

MR. CHAIRMAN: Please be precise. Please give some concrete suggestions and then we can have your views in writing in detail. Members may also like to put questions.

NAYYA: Equal share in the property must be there.

This Bill is an ordinary Bill. If you want to effectively implement it, the political organisations must go to the root of it and do propaganda. That is why, I suggest that you should create consciousness in the people. Mere legislation will not do. We must create social awareness.

SHRI B. SATYANARAYAN REDDY: You might have got the present Act. There is a definition of dowry and there is also an Explanation to it. Will you like to retain the Section 2 and the Explanation or you want any deletion in the Act?

SHRI VIVLALA GOPALAKRISHNAYYA: Whether that Section is retained or deleted, I think that the

Act cannot be implemented effectively.

SHRI B. SATYANARAYAN REDDY: Do you think that the offence should be made cognizable?

SHRI VIVLALA GOPOLAKRISHNAYYA: I believe that society will not allow it.

DR. (SHRIMATI) SATHIAVANI MUTHU: What is your opinion about marriage expenditure?

SHRI VIVLALA GOPALAKRISHNAYYA: It is taken as a prestige issue and more money is spent on marriage expenditure.

SHRIMATI PRAMILA DANDAVATE: As you are a legislator and you said that politicians are representatives of the people, I would like to ask you, whether along with the Prohibition of Dowry Act, you feel that the Representation of the Peoples Act should also be amended. There is a Conduct Rule for the Government servants that they cannot accept dowry. Do you feel that a candidate who accepts dowry should be disqualified from his Constituency or his election should be void?

SHRI VIVLALA GOPALAKRISHNAYYA: The Service Rules say that nobody can take dowry. But, we are exempting everywhere. Then where is the question for the Assembly Members Conduct Rules? These are social and moral laws.

SHRI KULA RAO: At the time of marriage the bride and bridegroom must declare their wealth.

Registration of marriages should be compulsory. The Act must be very strictly implemented.

If dowry is given, it should go to the Government and the Government should act as a trustee and see how the dowry is to be distributed to the family, for future benefit.

(*The witnesses then withdrew*)

(IV) Dr. M. D. V. Ramanna, Rao, Secretary, Thinkers' Forum, Guntur.

(2) Smt. S. Swarnalata, President, Mahila Mandali, Guntur.

(3) Dr. R. Srinivasacharya, President, Rotary Club, Guntur.

The witnesses were called in and they took their Seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

DR. M. D. V. RAMANNA RAO: We fundamentally feel that dowry system is a social and economic evil and nothing much can be done by means of a legislation. Already legislation is there for many years and it has not been able to do anything. Though in the Dowry Prohibition Act right from the definition to the other points, there are definite points, still we feel that the Act is very much vague. Fundamentally dowry by definition is said to be something agreed upon by both the parties. My point is that this particular agreement is in between the two parties and these two parties are willingly not complaining to the police. That has been going on for many years. Even if we change the Act further, nothing will come out of it, because dowry is an agreement between the two parties—bride and bridegroom and their parents. Then even if both the parties approach the court of law, nothing can be done.

Dowry Prohibition Officer is a good suggestion and we agree that he can be helpful to some extent.

Fundamentally there is a reason for this problem. Indian women in States like Andhra Pradesh, Karnataka particularly are very much backward. The boy to whom the woman is married is the earning member of the Family and he inherits the property. She has not got anything. Since the boy is an earning member and the woman is not, he demands price.

SHRI B. SATYANARAYANA REDDY: Are you in favour of dowry?

DR. M. D. V. RAMANNA RAO: No, we are here for the abolition of dowry.

MR. CHAIRMAN: What is your Association doing? What type of conditions do you want to create to fight the evil of dowry?

DR. M. D. V. RAMANNA RAO: This evil is not very much rampant in cases where both the partners are earning. When the bride also inherits the property according to the enforcement of the law, naturally this problem may be a little cut down.

Our concrete suggestion is that free education must be given to girls. In fact education to girls should be given on a war footing. She at least must have the basic education. Then there must be job reservation for the girls as is the case for Scheduled Castes and Scheduled Tribes and other backward communities.

SHRIMATI S. SWARANALATA: I am giving only two suggestions. There should be ceiling on costly gifts at the time of marriage.

Second suggestion is that if a woman is sent out of her husbands house, she should have certain right over her husband's property.

DR. R. SRINIVASACHARYA: In the society it is not felt at all by anybody that such an Act is there. When an Act is not felt by the society, its implementation is quite impossible.

The presentations that are being given at the time of marriage or in consideration of the marriage are called dowry. The problem about dowry arises when condition is put that such and such amount is to be given at the time of the marriage in consideration of the marriage.

Thirdly the limit about the expenditure cannot be stipulated because it depends on the financial capacity of the party. For some it is a menace of course, because they cannot afford it. That is why it has become an evil. For a poor man even an amount of Rs. 51 is a burden.

In that case it becomes dowry, but it may be a simple present in the case of persons whose financial capacity is very high. While implementing this Act, women prohibition officers may be appointed at all levels. At the taluka level there must be an advisory committee. The members of that committee should be from voluntary service organizations like Mahila Mandal, Rotary Club and Lions Club.

SHRI ANANTHA RAMULU MALLU: There are women welfare officers at block level. Can they be entrusted with this work?

DR R. SRINIVASACHARYA: They can be taken into confidence. They must be in the advisory committee.

SHRIMATI MOHSINA KIDWAI: In the Rotary Club, are you doing something to mobilize public opinion against this social evil?

DR. SRINIVASACHARYA: That can be done. Some seminars to eradicate this social evil can be conducted, and our members can take an oath not to take dowry. But now there is no exclusive programme for this purpose.

SHRI ANANTHA RAMULU MALLU: Dr. Ramanna, your Thinkers' For-

um can do some work. Some young boys from Pune are doing it.

DR. M. D. V. RAMANNA RAO: That is one of our ideas. We are going to take up such a programme.

MR. CHAIRMAN: Thank you all for your suggestions.

(The witnesses then withdrew)

MR. CHAIRMAN: The Committee now want to place on record their warm appreciation of the valuable assistance rendered to them by the State Government of Andhra Pradesh, and especially the authorities at Guntur in holding the meeting here at the Zilla Parishad office.

The Committee also want to place on record their warm appreciation of the valuable assistance rendered by the Collectors of Vijayawada and Guntur and the local authorities for extending all facilities during their stay at Guntur and for conducting the sittings.

The Committee also want to place on record their warm appreciation of the valuable assistance rendered by the Director of Women and Child Welfare, in particular, and the entire team of her officers for assisting this Committee and helping in the conduct of the sittings of the Committee and for looking after the comforts of the Members of the Committee during their stay at Guntur.

Thank you. The meeting is now over.

(The Committee then adjourned)

RECORD OF EVIDENCE RENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Saturday, the 18th July, 1981 *from* 15.00 *to* 17.30 *hours in Meeting Hall, Residency Building, Indore.*

PRESENT

Shrimati Krishna Sahi— *Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shri Jagpal Singh
5. Shri Satyanarayan Jatiya
6. Shrimati Sanyogita Rane

Rajya Sabha

7. Dr. (Shrimati) Sathiavani Muthu
8. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Shrimati V. S. Rama Devi, *Joint Secretary and Legislative Counsel.*
2. Shri B.R. Atre, *Deputy Legislative Counsel.*
3. Dr. Raghbir Singh, *Assistant Legislative Counsel.*

WITNESSES EXAMINED

I. (1) Shri A.M. Mathur, Advocate General
(2) Shri A.P. Maru, Vice-President
(3) Shri P. K. Saxena, Representative Bar Association
(4) Shri B.L. Gupta, ,,
(5) Shri P. K. Shukla ,,
(6) Shri Jagdish Chandra Laad, Advocate, Executive Member of Indore Bar Association.
(7) Shri D.D. Vyas, Advocate.

II. (1) Shri Ram Chandra Agarwal, ex-MLA
(2) Ch. Faizullah, Advocate, ex-MLA
(3) Shri V. C. Patel, M.L.A. (Indore)
(4) Shri Madhukar Marmat, ex-MLA

III. (1) Shri Rameshwar Soni
(2) Shri Kripa Shankar Shukla
(3) Shri Shankar Prasad Dubey
(4) Dr. Anna Apte, Indore
(5) Shri S.R. Varma

IV. (1) Dr. K.P. Pothan. Head of Department. Sociology. Christian College. Indore.
(2) Dr. S.D. Singh. Head of Department of Paedeatrics. M.G.M. College. Indore.
(3) Shri G.G. Kasliwal. Professor of Law.
(4) Prof. S.K. Gogne. Government Arts & Commerce. College
(5) Miss. Ranjana Sabarwal. Indore School of Social Works.

V. (1) Smt. Shanta Behn Patel.
(2) Smt. Pushpa Devi Juneja
(3) Smt. Florence Jacob
(4) Dr. Santosh Govindi. Kasturba Gram
(5) Smt. (Dr.) M.K. Lokre. All India Women's Association
(6) Smt. Nirmalarani Pottdar. Advocate
(7) Smt. Chotibai Tewari
(8) Dr. Hirabaibordia, Social Worker

VI. (1) Smt. Indumati Jain. President M.P. State Social Welfare Board.
(2) Smt. Krishna Agarwal, Member & Ex-Member. Central Social Welfare Board
(3) Smt. Pramila Mohite. Kasturba Mahila Udyog Shiksha Mandal. Dhar

VII. (1) Smt. Shakuntala Bai Lad
(2) Smt. Chandrakant Mittal

VIII. (1) Dr. Anna Apte, Indore
(2) Shri S.R.Varma, Social Worker.

Spokesmen:

(The witnesses were called in and they took their seats)

I (1) Shri A.M. Mathur, Advocate General

(2) Shri A.P. Maru, Vice-president

(3) Shri P.K. Saxena, Representative Bar Association

(4) Shri B.L. Gupta, Representative Bar Association

(5) Shri P.K. Shukla, Representative Bar Association

(6) Shri Jagdish Chandra Laad, Advocate, Executive Member of Indore Bar Association

(7) Shri D.D. Vyas, Advocate

MR. CHAIRMAN: Let me first extend my hearty welcome to all of you. You know that the purpose why we have all assembled here is that the evil of dowry is so rampant in almost of all the parts of this country that the Government takes note of it. Therefore, by a resolution Parliament has appointed a joint Committee of Lok Sabha and Rajya Sabha to go into the depth of the matter. We are fully aware that this problem being social one, it cannot be entirely tackled by legislation. That is why, the Dowry Prohibition Act, 1961, has not been very successful. We have been going round the country to ascertain the views of various organisations and individuals as to how we can tackle this problem. So far, we have visited Goa, Poona, Bombay, Bangalore, Hyderabad and Guntur and now we have come to Indore. Now we are here to elicit your opinion.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence,

the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

We are very happy to meet you all lawyers. We hope that we will be very much benefitted. The time is short. In this short time, we want to have your valuable suggestions and your opinions. My only request is that no repetition of the points should be made. If you have anything in writing, the Committee would welcome it and would go through it later on. The evidence you give will be beneficial to the Committee.

MR. A. M. MATHUR: The evil of dowry is a social problem. I feel that prohibition of dowry is necessary. The legislation about the dowry prohibition has proved ineffective.

To fight this evil, we have to educate the public at large about the evils of dowry.

We have also to tackle this evil at the society level, caste-wise, subcaste-wise. From these social groups we have to take out very conscious people and take their help in educating the people in their community. For example, in the Mathur community, we do not have any dowry. I was married, my sister was married and I have atended a number of marriage in my community, but nowwhere have I come across any bridegroom ever demanding a copper coin. There is a booklet in our community, which has been there for the last 75 years. It prescribes that this will be the expenditure on marriage for the bride side and this will be on the bridegroom side. In the old days it was something like Rs. 76|- for the bridegroom and Rs. 72|- for the bride. If one particular group can behave in this manner on account of social consciousness among them, why can't the social organisations in other subcastes like Agarwal try earnestly and honestly? They openly and publicly say that dowry should be prohibited and then have an underhand dealing. Therefore, if the various sub-groups, sub-castes in the society are made conscious of this and leaders of those sub-castes, castes take the lead, I think the problem can be solved. We have the example of Mahatma Gandhi. He said that drinking is bad and hundred of thousands followed him. At that time there was a wave and good many people gave it up. Therefore, legislation alone will not help. A wave has to be brought about in the sub-castes and subgroups

Coming to Legislation, I would say it is necessary so that deterrent is there. Dowry is not only the problem among the Hindus, it is also a problem in other religious groups like Muslims, Christians. Therefore, the Legislation should be such that it affects the whole of society irrespective of religion. Then the Legislation besides being a deterrent should also be flexible. The maximum sentence should be seven years and minimum six months' imprisonment, but it should be at the discretion of the court that if it feels circumstances were such, it may condone the imprisonment and impose fine. I say this because the evil of dowry is prevalent in whole of the society. Therefore, the legislation with its severety will shake the whole of society. The flexibility of the legislation will absorb the stresses and strains at some places. The Judicial Magistrate being the chief of the judiciary in the district should have discretion to impose punishment or impose fine instead of punishment with the reasons recorded in writing.

Now, your suggestion for Dowry Prohibition Officers means there should be a separate machinery for the enforcement of this Act. That means you are prepared for the entire team of subordinates like inspectors, sub-inspectors, head constables, constables, otherwise investigation will be difficult. Then you will have to go in for special power and sanction for your newly created department. All these procedural things will involve delay in bringing the culprit to book. And if there are delays, the legislation will not act as a deterrent. I would, therefore suggest that the offence should be made cognisable. It should be bailable and compoundable.

Under the Act giving of dowry is also an offence, as taking of dowry is. I think giving of dowry is a compulsion, because one is forced to give it. Nobody would ordinarily like to take loan and then give dowry. Therefore, one who takes dowry, is an offender for abetment of such things. Therefore, for the giver the punishment should be less whereas those who abet and those who take dowry should be given greater punishment.

श्री ए० पी० मारू : पहला सुझाव तो यह है कि डावरी प्रोहिविशन ऐक्ट के अन्दर एक अमेंडमेंट होना चाहिये । सेक्शन 6 सब-क्लाज (3) में "हायर्स" की जगह "पेरेन्ट्स" शब्द होना चाहिये, क्योंकि डावरी की प्रोबलम्स शादी के 1, 2 साल के अन्दर ही होती हैं ।

दूसरा सुझाव यह है कि 2 साल के बीच में जिनकी डैथ होती है शादी के बाद में उसके बारे में उनके पेरेन्ट्स को कुछ रिलीफ मिलना चाहिये खासकर उन केसेज में जहां अननैचुरल डैथ्स होती हैं । हस्बैंड साइड की प्रापर्टी पर कुछ फोर्स किया जायेगा तो उनको डर रहेगा और ऐसी घटनायें कम होंगी । इसलिए यह एक प्रकार से चैक हो सकता है ।

शादी के एक्सपेंडिचर के बारे में कहना मुश्किल है । जिस तरह से इलेक्शन ऐक्सपेंसैज की सीमा होते हुये भी किसी को डिस्क्वालीफाई नहीं कर पाए उसी तरह से शादी के खर्च की सीमा का पालन होना मुश्किल लगता है । महिला शाखाओं को इसके विरोध में पिकेटिंग करनी चाहिये।

It may be maximum three years. We may have one month as the minimum sentence and the discretion can be given to the court to change it into a fine.

SHRI P. K. SAXENA: The in-charge of the investigation machinery should not be below the rank of Deputy Superintendent of Police just as in the case of Prevention of Corruption Act. If possible, we should enlist the services of headmasters and principals of educational institutions and other women. There should be an amendment to Section 97 of the Cr. P.C. in relation to dowry. If there is harassment of a girl or a particular person due to the non-giving of sufficient amount of dowry, it is the usual complaint that the parents are not allowed to meet the victim. Under Section 97 of Cr.P.C., the magistrate has got the power—where detention is involved. Till now, this power is not used for the parents of the girl who is in the custody of the husband. So, it should be possible for the magistrate to issue a search warrant in favour of the parents. Parents should be able to meet the girl, particularly with the aid of the magistrate. For that purpose, there should be an amendment.

Next: the offence should not be made cognizable, because the intervention of the police will disturb family harmony. So, police intervention, directly, is not permissible, intervention under the orders of a magistrate can be there. The complainant can only be the victim, her parents or any person who is compelled to part with dowry. It should be initiated by any one of them. First the wife, then her brothers and subsequently the sisters should take some action. In the end, the Collector may issue a show cause notice (for

reasons to be recorded in writing) and then if he wants to launch a prosecution, he can do it on his own.

The definition of 'dowry' is defective. At present, it does not include cash. It should. There should be a ceiling on presents. Presents beyond a certain level should not be allowed. They should be included in dowry and they should be consistent with the economic status of the parents. They should be related to their income-tax returns.

The expenditure made on the occasion of the marriage party should be limited to the extent to which a Government servant would normally spend. Any excess should be considered as part of the dowry. Also, there should be a limitation period of five years for the dowry offences. These things do not appear soon, but take time, say 3 or 4 years. Thereafter, the bickerings between husband and wife might arise, not because of dowry but of other reasons. For 2 or 3 years, presents which are extracted on various other counts also should be included in dowry. There can be a ceiling provided for quantum of presents. That way, we can solve the problem.

The minimum punishment theory should not be accepted. If imprisonment is provided for, judges tend to soften it. It should be fine or imprisonment. This limit on fine should be removed. Whatever fine is imposed, one half of it should go to the machinery established for the purpose of eradicating dowry and the other half given to the parents who have suffered. The fine can be any amount which the magistrate or court feels to be correct.

The machinery for enforcement should not be appointed at a lower level. It is a delicate matter. Since we have put the subject of marriage under the district magistrate, this matter should also be put under him.

Lastly, there should be a provision made, in the Hindu Marriage Act, that if there is constant pressure on account of non-payment of sufficient dowry, it should be made a ground for divorce. If divorce is granted, there should be a further restriction. There should be a prohibition on re-marriage of such persons *i.e.* those who have divorced their spouses in this manner.

श्री जे० पी० मारू : कोई भी कानून बना दिया जाए या किसी भी मशीनरी को बैठा दिया जाए, लोग हर जगह रास्ता निकाल ही लेते हैं । इस कार्य में 3–4 महिलाओं को भी साथ में लेना चाहिये और उनको प्रोत्साहन देना चाहिये । मेरा ख्याल है कि महिलायें ज्यादा प्रभावशाली होंगी ।

SHRI B. L. GUPTA: The Bania community sqeeze money mostly in Tilak or engagement. If complete restriction on dowry is put, nobody will send Tilak. Then the problem will be solved. Tilak is anticipated dowry. Tilak is to be put an end to.

श्री जे० पी० मारू : तिलक के समय जो धन दिया जाता है, इस पर अगर रोक लगाई जाए तो समस्या काफी हद तक हल हो सकती है ।

श्रीमती विद्यावती चतुर्वेदी : अग्रवालों में जो सामहिक विवाह हो रहे हैं, आप जानते है कि उनमें दहेज नहीं लिया जाता ?

श्री जे० पी० मारू वहां पर लोग शो नहीं करते हैं और पहले या बाद में दहेज दिया जाता है ।

श्री पी० के० शक्ल : इसके लिए एक अलग से अधिकारी की नियुक्त की जानी चाहिये जो तत्काल कार्यवाही कर सके। इस अपराध को नान बेलेबल और नान-कम्पाउन्डेबल माना जाना चाहिये । इसी प्रकार से दहेज की राशि जप्त करके

लड़की वालों को वापिस दी जानी चाहिये और संबंधियों को दंडित किया जाना चाहिये ।

श्री डी० डी० व्यास : मेरा एक ही सुझाव है कि तिलक या शादी की रस्में एक अधिकारी की उपस्थिति में होनी चाहियें और इसके लिए उस अधिकारी को सूचना मिलनी चाहिये । यदि कोई बिना सूचना दिए कोई भी काम करता है तो उसके खिलाफ कार्यवाही की जानी चाहिये । सूचना देने की जिम्मेदारी लड़के वालों की होनी चाहिये ।

श्रीमती विद्यावती चतुर्वेदी : क्या आप मानते कि जो आफीसर नियक्त किया जाएगा, उसको लोग अपनी ओर नहीं मिला लेंगे ?

श्री डी० डी० व्यास : मशीनरी के प्रति इस प्रकार अविश्वास किया जाएगा तो फिर कोई भी कार्य करना मुश्किल हो जाएगा ।

श्री जगदीश चन्द्र लाड़ : दहेज अधिनियम तभी प्रभावकारी हो सकेगा जब दहेज को हम स्वयं रोकेंगें । अक्सर दहेज की जानकारी शादी के बाद मिल पाती है और वर पक्ष और वधु पक्ष दोनों इसको छिपाए रहते हैं कि वर-वधू का जीवन दुखी हो जाएगा, इसलिए इसकी सूचना नहीं मिल पाती है । इसलिए मेरा सुझावहै कि शादियों को रजिस्टर्ड किया जाना चाहिये और उसी समय उनसे शपथ-पत्र भरवाया जाना चाहिये कि वे इस शादी में कोई लेन देन नहीं कर रहे हैं । वधु-पक्ष की ओर से स्पष्ट किया जाना चाहिये कि हमारे ऊपर कोई दबाव नहीं दिया जा रहा है । इसके अलावा एक समिति बनाई जानी चाहिये, जिसमें शासकीय अधिकारी, राजनीतिक कार्यकर्ता और सामाजिक कार्य-कर्ता होने चाहिए । क्वेश्चन नम्बर 10 के बारे में निवेदन है कि जो समपीड़न वाली बात है इसको सेपरेट आफेंस बनाया जाय विवाह विच्छेद के लिए, क्योंकि यह भी दहेज मांगने की गरज से रोक दिया जाता है ।

सीमा निर्धारित कर दें कि विवाह में इतनी राशि से अधिक खर्च नहीं होगा । ऐच्छिक का कोई प्रावधान न रखा जाए ।

SHRI SATYANARAYAN REDDY: Mr. Mathur, you have said there is no dowry system in your community. You have also said that there is a booklet in your community which stipulates expenses to be incurred by either side. Can you provide the booklet to the Committee?

SHRI A. M. MATHUR: It is the elder people who possess it, I will have to get the booklet from them and then I can give.

SHRI SATYANARAYAN REDDY: It will help us to know the fact. You said the offence should be made cognisable. That way do you like to give more powers to the police? Don't you think in that case Police will make your house a hell.

SHRI A. M. MATHUR: I am aware of that problem. But in non-cognizable offence cases, wherever a complaint is filed in a court, it takes a very long time for its disposal. Then every time the complainant has to be present otherwise the complaint is dismissed. There is more harassment to the complainant than to the accused. The accused can ask exemption from the Court, but the complainant is not exempted. Everyday the bride has to come, the bride-room will take exemption from appearing in the Court.

SHRI SATYANARAYAN REDDY: Instead of giving power to the Police, isn't it better to give more powers to the Judicial Magistrate?

SHRI A. M| MATHUR: The question is whether it should be a complaint case. In that case complaint is filed, evidence is recorded, then summons are issued. It takes a very long time. Bride has to come every time and the accused knows that he is exempted and this goes on for years together.

श्री जगपाल सिंह: जो लड़कियां शादी के बाद दहेज के दबाव में आकर सुसाइड करती हैं तो जो दहेज की लालच में ऐसे परेशान करते हैं लम्बें अर्से तक इसको रोकने के लिए कानून में क्या प्रोवीजन होना चाहिये ? सुसाइड तो उसने कर लिया लेकिन जिनके दबाव में आकर लड़की ऐसा करती है उनके लिए क्या सजा की व्यवस्था होनी चाहिये ?

श्री ए० एम० माथुर: 10 साल की सजा होनी चाहिये ।

श्री सत्यनारायण जटिया: इसको किस प्रकार का आफेंस मानना चाहेंगे आप, अबेटमेंट और कांसप्रेसी ?

SHRI A. M. MATHUR: I have said in my answer to the Questionnaire that those who abet and those who conspire, the two should be punished and the punishment should be three years and the minimum should be three months.

SHRI SATYANARAYAN JATIYA: What should be the ceiling on expenditure?

SHRI A. M. MATHUR: During Emergency I attended a marriage in my own relations in Delhi. Practically half the relations did not turn up. Everybody in the house was scared. The grand mother said where is the horse, the band? You don't have too much of lighting. She was told we do not want to land into jail. Marriage was performed with simplicity. We went to the bride's place in small number. They offered food made out of potatoes and nothing else. The idea of going to jail was deterrent for the participants also. Everybody was scared.

SHRI SATYANARAYAN REDDY: Do you need such a situation?

SHRI A. M. MATHUR: It is for the Members to judge.

Now as to the question of ceiling on expenditure. the ceiling should be according to the price index.

श्रीमती ऊषा प्रकाश चौधरी: : इस कुप्रथा को रोकने के लिए महिलाओं को सामने आना चाहिये । क्या इसमें और संस्थायें काम कर सकती हैं ? बलात्कार के खिलाफ कानून है लेकिन फिर भी कैसे दर्ज नहीं होते, उनको न्याय नहीं मिलत, इमप्लीमेंटेशन में काफी दिक्कत है । इसलिए इस कानून के साथ-साथ दूसरे कानून भी बनने चाहियें तभी यह कानून प्रभावी हो सकेगा । इसलिए लड़के और लड़की को प्रोपर्टी में समान अधिकार मिलना चाहिये, शादी का कोमन कोड होना चाहिये । इस बारे में आपकी क्या राय है ?

श्री ए० एम० माथुर: मैं चाहता हूं इसमें महिलाऐं ही नहीं बल्कि समाज की पुरुष वर्ग भी साथ दें । इसमें चाहे सामाजिक संस्थायें हों, वार एसोसिएशन हों, सभी को सहयोग करना चाहिये और इस बुराई को दूर करना चाहिये ।

मेरा सुझाव है कि सम्पत्ति में पुत्र और पुत्री का समान अधिकार होना चाहिए ।

श्री सत्यनारायण जटिया: यह कानून तो पहले से ही है लेकिन प्रभावी नहीं हो पाया है ।

श्रीमती विद्यावती चतुर्वेदी: इस तरह से जो घटनायें हम रोज देखते हैं, इतनी

मौतें होती हैं, तो इस तरह का कोई सुझाव दीजिए जिससे कि ये घटनायें न हो सकें।

श्री ए० एम० माथर : डायवर्स ला को लिबरल किया जाना चाहिये। प्रापर्टी में उसको हिस्सा मिलना चाहिये और एक समय निश्चित किया जाना चाहिये, यदि उस अवधि में लड़की की अस्वाभाविक मृत्यु हो जाती है तो वह संपत्ति उसके माता-पिता को वापिस लौटा दी जानी चाहिये। मेरे ख्याल से इससे कुछ फायदा हो सकता है।

DR. (SHRIMATI) SATHIAVANI MUTHU: Most of the questions and answers were in Hindi. I could not follow. This morning I read a news item in Hindustan Times that specially in this State, more than 2,000 murders and 15,000 suicides have taken place. Will you forward your views on this matter in writing? Are the people here conscious of the evil of dowry? Why not tell the Government that a total prohibition is necessary, instead of giving a deterrent punishment?

SHRI A. M. MATHUR: Compulsory registration of marriage should be there. After all, when a marriage is performed, it is a social gathering. These days, relatives of girls and grooms rarely go to one another's place. But when there are marriages, relations come, say, from Kerala to Delhi to attend them. We come to know of relations only at the time of marriage. But the whole thing should be voluntary, and not extraction. It should not be in consideration of marriage. After all, in every marriage some expenditure has to be there.

Mr CHAIRMAN: Thank you very much.

SHRI A. M. MATHUR: On behalf of my colleagues, I thank the Chairman and members of the Committee for coming to Indore and hearing our view point.

(The witnesses then withdrew).

MR. CHAIRMAN: Now the next group of witnesses viz. Mr. Ramachandra Agarwal, ex-MLA and others.

II. (1) Shri Ram Chandra Agarwal, ex-MLA.

(2) Ch. Faizullah, Advocate, ex-MLA.

(3) Shri V. C. Patel, M.L.A. (Indore).

(4) Shri Madhukar Marmat, ex-MLA.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before you start, I may point out to you that in accordance with the provisions contained in Direction 58 of the Directions by the Speaker, your evidence shall be treated as public and is liable to be published, unless you specifically desire that all or any part of your evidence shall be treated as confidential. Even though you might desire your evidence to be treated as confidential, it is likely to be made available to Members of Parliament. Please also note that your evidence here should not be made available to the Press till our report is presented to Parliament.

[सभापति महोदय द्वारा अध्यक्ष महोदय का निर्देश पढ़कर सुनाया गया]

श्री रामचन्द्र अग्रवाल : मेरा सुझाव है कि यदि सामूहिक-विवाहों को प्रोत्साहन दिया जाए तो इससे काफी लाभ हो सकता है। पिछले दिनों हमने कई प्रयोग किए हैं। इससे छोटे और मध्यम वर्ग को काफी लाभ होता है और आडंबरों पर जो खर्च होता है, उससे बचा जा सकता है।

इस प्रकार के विवाहों को राजनीतिक, सामाजिक और शासकीय स्तर पर प्रोत्साहित किया जाना चाहिये । ऐसे बच्चों को शासकीय नौकरियों में भी प्रोत्साहन दिया जाना चाहिये जिससे इस ओर लोगों की दिलचस्पी बढ़े । इसी प्रकार से इसका प्रचार होना चाहिये, शासकीय स्तर पर न्यूजरील इत्यादि तैयार की जानी चाहिये ताकि इन पुरानी प्रथाओं को कमजोर किया जा सके ।

चौधरी फैंजूला : मेरा सुझाव है कि मौजूदा एक्ट का सख्ती से पालन किया जाना चाहिये ।

मेरा दूसरा सुझाव है कि सामूहिक विवाहों को पूरे जोर-शोर से प्रोत्साहित किया जाना चाहिये । इसी प्रकार से सबके लिए समान नियम बनाया जाना चाहिये, मुस्लिम समाज को इन नियमों से अलग नहीं रखना चाहिये ।

श्री वी० सी० पटेल : पिछड़े इलाकों में इस बात के लिए विशेष प्रचार किया जाना चाहिये और इस प्रथा की बुराइयों को बताना चाहिये । गांव-गांव में जाकर इसकी पब्लिसिटी की जानी चहिये ।

इसी प्रकार सामूहिक विवाहों को प्रोत्साहित किया जाना चाहिये । शासन की ओर से ऐसे विवाहों पर धनराशि भी दी जानी चाहिये ।

श्री मधुकर मरमत : अनुसूचित जातियों और जनजातियों में यह प्रथा नहीं है, जिनका मैं प्रतिनिधित्व करता हूं, लेकिन और लोगों की देखा-देखी वे भी अब आडम्बर करने की कोशिश करते हैं । इसलिए मेरा सुझाव है कि इन आडम्बरों पर शासन द्वारा सख्ती से कार्यवाही की जानी चाहिये ।

इसी प्रकार से अन्तरजातीय विवाहों में दहेज का लैन-देन होते बहुत कम ही देखा गया है, इसलिए इन शादियों को प्रोत्साहित किया जाना चाहिये ।

इस कार्य के लिए राजनीतिक और समाज सुधारक लोगों को आगे आना चाहिये । जब तक इस स्तर पर दहेज समाप्त नहीं होगा, दूसरे स्थानों पर भी समाप्त नहीं हो सकता ।

इसी प्रकार से आने वाली पीढ़ी को अभी से इसकी शिक्षा दी जानी चाहिये और उसके दिलो-दिमाग में इसके प्रति जागृति पैदा की जानी चाहिए ।

(The witnesses then withdrew)

III. (1) Shri Rameshwar Soni.

(2) Shri Kripa Shankar Shukla.

(3) Shri Shankar Prasad Dubey.

(4) Dr. Anna Apte, Indore.

(5) Shri S. R. Varma.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : माननीय सोनी जी, मैं आपको यह बता दूं कि जो भी बातें आप समिति के सामने कहेंगे उनको गोपनीय रखा जाता है और प्रेस को नहीं दिया जाता है ।

श्री रामेश्वर सोनी : आपके क्वेश्चनेयर का जवाब यहां के एडवोकेट्स बैठकर बनायेंगे और समिति को भेज देंगे ।

किसी भी सामाजिक कुरीति के बारे में लोगों में चेतना पैदा करने के लिए यह आवश्यक है कि उसके लिए अशासकीय सदस्यों की जिला स्तर पर ऐसी मंडली बनायें जो आम लोगों को बताये कि दहेज का उन्मूलन क्यों आवश्यक है ।

निगरानी के लिए अधिकारियों को जिम्मेदारी देने के बजाय ज्यादा उचित होगा कि जिला स्तर पर 5 सदस्य ही उसको देखें और शासन का ध्यान उस ओर दिलायें । अधिकारी तन्त्र को ज्यादा जिम्मेदारी देने की बजाय सामाजिक कार्यकर्ताओं को ज्यादा जिम्मेदारी दी जाये।

श्री कृपा शंकर शुक्ला : दहेज प्रथा को रोकने के लिए सामूहिक विवाहों और अन्तरजातीय विवाह को प्राथमिकता दी जाये और जो सजावट वगैरह में ज्यादा खर्चा होता है उसको सीमित किया जाये ताकि कम आय वाले लोगों में जो ऐसी चीजों को देखकर ग्लानि होती है वह समाप्त हो । बरातें कम हों । शादी कराने में जो मीडिएटर्स होते हैं वह जिलाधीश को सूचित करें कि हमने यह शादी तय करायी है ताकि जब भी उस लड़की पर कोई मुसीबत हो तो जो मध्यस्थता करने वाला है वह भी उसके लिए जिम्मेदार बनाया जा सके ।

श्री सत्यनारायण जटिया : कितनी मितव्ययिता हो एक आदर्श विवाह के लिए ?

श्री कृपा शंकर शुक्ला : 10,000 रु० ।

श्री शंकर प्रसाद दुबे : हमारे कान्यकुब्ज समाज में फलदान के समय ही पैसा ले लेते हैं । इसलिए शादी के 5 साल पहले और 5 साल बाद तक जो भी पैसा लिया जाये वह डायरी में शामिल किया जाये ।

(The witnesses then withdrew)

MR. CHAIRMAN: We now invite Dr. Pothan and his friends to give evidence.

IV. (1) Dr. K. P. Pothan, Head of Department, Sociology, Christian College, Indore.

(2) Dr. S. D. Singh, Head of Department of Paedeatrics, M.G.M. College, Indore.

(3) Shri G. G. Kasliwal, Professor of Law.

(4) Prof. S. K. Gogne, Government Arts and Commerce College.

(5) Miss. Ranjana Sabarwal, Indore School of Social Works.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however; be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

DR. K. P. POTHAN: We feel that with greater education among women and social awakening, this problem will vanish. But the law should be made more effective. Marriages must be registered. There should be economic independence of women. More and more semi-arranged marriages or

love marriages, instead of traditional marriages should be there. Again, along with answering removal of dowry, stability of marriage and families should not be overlooked. The institution of family should also be strengthened, because we don't want chaos.

DR. S. D. SINGH: Not being a legal person, I have looked at this problem from the social point of view. In my opinion, dowry is an equivalent of bribery. Both should be punished.

Social research on this aspect of dowry must be carried out throughout the country. It will help us in bringing about social awakening and also in bringing to light the methods adopted by people indulging in this practice. Remedial measures can then be considered at the social level which will help the court, and the law.

MR. CHAIRMAN: Please pass on your written answers to our questionnaire.

डा० जो० जो० कासलोवाल : मेरा निवेदन यह है कि कानून से इसको वन्द नहीं किया जा सकता । कोई भी पिता यदि लड़की को देना चाहे तो उसको किसी हालत में आप वन्द नहीं कर सकते शादी से पहले । जब आत्म सम्मान की भावना समाज में जागेगी तभी दहेज प्रथा वन्द होगी । प्रेम विवाह एक आदर्श हैं और दहेज उन्मूलन का एक ही अवश्यम्भावी उपाय है ।

MR. CHAIRMAN: I would like to know the views of the teachers in schools and Universities especially on how the evil of dowry can be eradicated.

DR. S. D. SINGH: It is very difficult to eradicate this problem which is deep-rooted in society from centuries. Teachers cannot do anything. All that they can do is to place an ideal before the students. Teachers should have love marriages and should not take dowry and thus set an example to others. My marriage was a love marriage. If my students do likewise, it will be good. They should regard it as a model that we have placed before the students. We place nice ideals before the youngsters.

PROF. S. K. GOGNE: I entirely agree with Dr. Singh.

MISS RANJANA SABARWAL: I have decided not get married because of the problem of dowry. You cannot bring about a change with legislation. If you want to have legislation, then you should have a deterrent Act. That is to say, you should be strict about it at the implementation level. Something concrete should be done. This law which we have had has been totally ineffective. How much money can the parents give and get their daughters married? When a marriage is settled, Government should step in and see that it is performed without any dowry. It is mainly the Government which has to take the initiative and probe into the matters whether dowry is given or not. You cannot expect the bride to eradicate the dowry. It is the Government which has to do it.

The girl should not be in need of looking to the parents to perform her marriage. Marriage satisfies the emotional need. Parents' financial inability should never be allowed to be a cause for its non-fulfilment.

DR. (SHRIMATI) SATHIAVANI MUTHU: Therefore, what machinery would you expect the Government to bring up?

MISS RANJANA SABARWAL: There is no way except that this Act should be strictly enforced. At the time of marriage itself, this Act should step in and see that there is no dowry. Nobody else can do it.

DR. (SHRIMATI) SATHIAVANI MUTHU: Do you want some Social Welfare Organisation to do it?

MISS RANJANA SABARWAL: Some Government machinery should be there.

श्री सत्यनारायण रेड्डी: आप समझते हैं कि लव-मैरिज से समस्या हल हो जाएगी, लेकिन उसके भी कुछ लिमिटेशंस हैं। लव-मैरिज हर आदमी पसंद नहीं करता। लव-मैरिज तभी होती है जब लड़का और लड़की दोनों चाहें। आपकी बात भी ठीक है कि शिक्षा का विस्तार किया जाना चाहिये, समाज में सुधार लाना चाहिये। लेकिन इसके साथ-साथ इस अपराध में कमी लाने के लिए कानून में क्या संशोधन करने चाहिये, इसके बारे में आपका क्या सुझाव है?

DR. S. D. SINGH: Actually it is not the doctor or the engineer or the qualified person who asks for dowry. It is the parents of boy and the girl who want to exchange this money. When they can have love marriage whether the youngsters are educated or uneducated, the parents are, of course, taken into confidence and there will be no question of dowry.

DR. K. P. POTHAN: I think nobody is punished under the Act till now.

SHRI B. SATYANARAYAN REDDY: It is true that the present Act could not be effectively implemented. The Committee likes to collect the views as to what are the methods by which we can make it more effective and then implement the law.

MISS RANJANA SABARWAL: You should put a Clause in the Hindu Marriage Act that where dowry is taken, the marriage will be null and void.

श्री सत्यनारायण जटिया : आपके अनुसार लव-मैरिज आदर्श बन सकती है, तो ऐसा कौन सा तरीका अपनाया जाए, जिससे लोग इसकी तरफ आकर्षित हों।

डा० जी० जी० कासलीवाल : हमारा समाज जाति-प्रथा से ग्रस्त है, ज्यादातर, निरक्षर लोग हैं। इस के लिए शिक्षा ही एक उपाय है, जिससे हमारी बहुत सी बीमारियों का इलाज हो सकता है। शिक्षा से आत्म-सम्मान की भावना जागेगी और मानवता की भावना आएगी और प्रेम-विवाह भी होने लगेंगे।

श्रीमती संयोगिता राणे : आपने कहा कि शिक्षा देने से फर्क पड़ेगा, लेकिन हम तो समझते हैं कि ज्यादा शिक्षित लोग ही इस प्रथा से ग्रस्त हैं।

DR. (SHRIMATI) SATHIAVANI MUTHU: The educated doctors and engineers are demanding dowry. Why not we educate these boys about the evil of dowry? In many cases, they just put the blame on the parents and take dowry.

DR. S. D. SINGH: It might be true in some cases. Educated people want to bargain on money matters before marriage. With love marriage, money becomes null and void. Love is essential to eradicate dowry.

DR. (SHRIMATI) SATHIAVANI MUTHU: The question is if the boys also take to bargain.

DR. S. D. SINGH: Well, there may be some exceptions. But when love marriage is there, I am very sure they do not bargain for money. It is mostly the parents who bargain.

DR. (SHRIMATI) SATHIAVANI MUTHU: Are you for total prohibition of dowry or for any deterrent punishment for this.

DR. S. D. SINGH: You cannot give deterrent punishment in this country. Even if you ask anybody if he would like to punish the couple's parents, their answer will be in the negative.

There is a suggestion that we should have a Dowry Prohibition Officer. My

personal view is wherever there are money anti-corruption inspectors, and anti-dowry inspectors, there will be more corrruption. If we have social agencies, public vigilance organisations, who can go at the spot they should be deputed for the purpose. They should be sincere and honest. Only such agencies will be successful.

SHRI B. SATYANARAYAN REDDY: Kindly tell us whether there is any need for any legislation or not. If there is a need, what concrete suggestions would you like to be included in the Legislation?

DR. S. D. SINGH: There is a need for it and the need is that it should be enforced rigorously.

(The witnesses then withdrew)

सभापति महोदय : मैं आप सभी सोशल वर्कर्स का स्वागत करती हुं । आप पहले कृपया अपना परिचय दे दें ।

V. (1) Smt. Shanta Behn Patel

(2) Smt. Pushpa Devi Juneja

(3) Smt. Florence Jacob

(4) Dr. Santosh Govindi, Kasturba Gram

(5) Dr. (Smt.) M. K. Lokre, All India Women's Conference

(6) Smt. Nirmalarani Pottdar, Advocate

(7) Smt. Chotibai Dhulari

(8) Dr. Hirabaibordia, Social Worker

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : मैं आप सबका स्वागत करती हूं और चाहती हूं कि आप संक्षेप में सुझाव दें । क्या आपने क्वेश्चनेयर का जवाब दे दिया है ?

श्रीमती शान्ता बेन पटेल : जी, हां।

सभापति महोदय : पूर्व इसके कि आप साक्ष्य दें मैं आपका ध्यान स्पीकर के डायरेक्शन 58 की ओर आकर्षित करती हूं। जो भी गवाही आप दे रही हैं उसको गोपनीय रखा जाय और प्रेस को न दिया जाय जब तक कि समिति अपना प्रतिवेदन संसद को प्रस्तुत न कर दे ।

श्रीमती शांता बेन पटेल : दहेज पहले पंच फैसला करते थे जो समाज के लोगों को मान्य होता था । इसलिए यह जिम्मेदारी समाज के मुखिया पर होनी चाहिये, जिसको पंच कहते हैं, उन पर जिम्मेदारी डाली जाय । इससे हो सकता है कि कुछ सुधार हो ।

श्रीमती शांता बेन पटेल : इस प्रथा के निवारण के लिए सामाजिक स्तर पर एक

समिति का गठन किया जाना चाहिये। इस समिति को बात लोग ज्यादा मानेंगे, क्योंकि उन्हें समाज में ही रहना है।

मेरा दूसरा सुझाव है कि इसके लिए एक राशि निश्चित की जानी चाहिये, उससे अधिक कोई व्यय न करे।

श्रीमती पुष्पा देवी जुनेजा : हम भी श्रीमती पटेल के सुझावों से सहमत हैं।

श्रीमती फ्लोरेंस जाकेब : इसके बारे में एक समिति गठित की जानी चाहिये, जो एक वैचारिक क्रांति लाने का काम करे। हमारे यहां क्रिश्चियंस में दहेज प्रथा नहीं है। हमारे सभी राजनैतिक नेताओं और बड़े लोगों को एक वातावरण तैयार करना चाहिये जिससे बाकी लोगों में भी जागृति आए। कानून के साथ-साथ ये कार्य भी होने चाहियें। सभी के लिए एक ही सिविल कोर्ट होना चाहिये, चाहे हिन्दू हों, मुस्लम हों, या क्रिश्चियन हों।

श्रीमती संतोष गोविन्दी : फिजुल-खर्ची पर पाबन्दी लगाई जानी चाहिये और इसके लिए नवयुवकों-युवतियों को सामने आना चाहिये। इन कार्यों में सरकार को भी सहायता करनी चाहिये।

जो लोग दहेज विरोधी कार्य कर रहे हैं, उनको प्रोत्साहित किया जाना चाहिये।

DR. (Smt.) M. K. LOKRE: For fixing the limit of expenditure, you should have some slabs, as for Income-tax. There should be some basis. For people having income below income-tax liability there should be this limit. If the girl goes to the court, she will not easily be acceptable in her in-laws' family. There should be measure to send the girl back to her parent's home or to social organizations. Only then will it be possible for the girl concerned to lead a happy life thereafter, and not to take to wrong ways. Mr. Mittal has given his suggestions, which I have included in my submission.

मैंने जो प्रश्नावली भरकर दी है, उसी में एक नोट अलग से लगा दिया है, उसी में अपने सुझाव दे दिए हैं।

सभापति महोदय : ठीक है।

श्रीमती निर्मला रानी पोदार : प्रश्नावली मैं बाद में भरकर भिजवा दूंगी।

ऐक्ट में व्यवस्था है कि अगर कोई शिकायत करेगा तो कार्यवाही की जाएगी। मेरे खयाल से शिकायत ऐसे मामले में कोई नहीं करता, क्योंकि घर उजड़ने का डर होता है।

मेरा सुझाव है कि जिस प्रकार से केरल में होता है, शादी के समय ही लड़की को जो कुछ देना है, दे देते हैं, वैसे कानूनों से ज्यादा फायदा होने वाला नहीं है।

श्रीमती छोटा बाई तिवारी : इस बारे में मेरा एक ही सुझाव है कि इस ओर सामाजिक कार्यकर्ताओं को आगे आना चाहिए और समाज में जागृति पैदा की जानी चाहिये।

श्रीमती हीरा बाई बोडिया : शादियों का रजिट्रेशन किया जाना चाहिये, जिस प्रकार से बच्चों का होता है।

श्रीमती शांता बेन पटेल : रजिस्ट्रेशन के समय पति-पत्नी और उनके माता-पिता से इस प्रकार का प्रतिज्ञा-पत्र और भरवाया जाना चाहिये कि न दहेज लेंगे और न देंगे।

श्रीमती विद्यावती चतुर्वेदी : गोवा में सब शादियां रजिस्टर होती हैं और लड़का और लड़की को प्रौपर्टी समान रूप से दे दी जाती है और वह भी रजिस्टर होती है। तो क्या आप सोचती हैं कि ऐसा यहां भी होने से कुछ राहत मिलेगी ?

श्रीमती शांता बेन पटेल : मैं इससे सहमत हूं।

श्रीमती ऊषा चौधरी : मध्य प्रदेश में कौन से समाज में सबसे ज्यादा दहेज ली जाती है ? क्या ज्यादा पैसे के कारण ऐसा होता है ? या अशिक्षा के कारण ? और क्या आप यह भी मानती हैं कि मैरिज ऐक्सपेंसेज कम होने चाहियें।

साक्षी : मैरिज खर्च के बारे में कोई बंधन नहीं होना चाहिये। अगर कोई डिमांड करता है तो वह जुर्म है। साथ ही मेरा सुझाव है कि दिन में शादी होनी चाहिये।

सभापति महोदय : यह आपका अच्छा सुझाव है।

श्रीमती फ्लोरेंस जाकेब : ब्राह्मण और अग्रवाल समाज में ज्यादा दहेज ली जाती है और ऐसा इसलिये होता है कि उनके पास पैसा है।

श्रीमती विद्यावती चतुर्वेद्री : कौन सा रास्ता अपनाया जाये जिससे लड़कियों के मर्डर्स रुक सकें ?

श्रीमती फ्लोरेंस जाकेब : प्राइमरी एजूकेशन से दहेज विरोधी वातावरण बनाना चाहिये।

श्रीमती विद्यावती चतुर्वेदी : जो प्रॉपर्टी लड़की को देते हैं अगर वह मर जाती है तो उस पापर्टी को लड़की के मां बाप को लौटा दिया जाय और पति को (न दिया जाय, क्या ऐसा होने से ऐसे केसेज कम होंगे ?

श्रीमती फ्लोरेंस जाकेब : जी हां, वह अच्छा सुझाव है।

(The witnesses then withdrew)

(राज्य समाज कल्याण बोर्ड की अध्यक्षा, श्रीमती इन्दुमती जैन तथा अन्य दो सदस्य श्रीमती कृष्ण बेन अग्रवाल और प्रमिला बेन मोहिते साक्ष्य देने के लिये आये।)

सभापति महोदय : आप सब का स्वागत है। एक बात आपको बता दूं कि आपकी गवाही गोपनीय है और इसको प्रैस को नहीं दिया जायेगा जब तक कि समिति की रिपोर्ट पार्लियामेंट में पेश न हो जाय।

VI. (1) Smt. Indumati Jain, President M. P. State Social Welfare Advisory Board.

(2) Smt. Krishna Agarwal, Member & Ex-Member, Central Social Welfare Board.

(3) Smt. Pramila Mohite, Kasturba Mahila Udyog Shiksha Mandal, Dhar

(The witness were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire all or any part of the evidence given by them is to be treated as confidential. It shall

however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती इन्दुमती जैन : हम आपका अहिल्या की नगरी में स्वागत करते हैं।

शारदा ऐक्ट 1920 में बना लेकिन इसका इमप्लीमेंटेशन नहीं हो पाया है ऐसा ही दहेज के बारे में हैं। दहेज विरोधी नियम को असली जामा नहीं पहनाया जाता है। इसलिये इसके लिये यदि शासकीय और अशासकीय लोगों का तथा सामाजिक क्षेत्र में काम करने वाली बहनों का सहयोग लें तो अच्छा रहेगा।

SHRIMATI KRISHNA AGARWAL: This Act should be taken into consideration in view of the other Acts available in the country, for example, the Inheritance Act of the Hindu Code Bill and the Child Marriage Act etc.

श्रीमती प्रमिला मोहिते : हम कृष्णा बहन की बात से सहमत हैं। दहेज प्रथा काफी महिलाओं को नुक्सान पहुंचा रही है। कानून अमल में नहीं आ रहा है इसलिए इसको और सख्त बनाया जाना चाहिए, सख्त सजाओं का प्रावधान भी किया जाना चाहिए।

SHRIMATI KRISHNA AGARWAL: In view of the fact that women's education is increasing and the marriage age has also been increased, my submission is that this Act should be inter-related with other related Acts. When the equal inheritance right is available to the women, it should be seen that it is implemented as such and then it will automatically give an end to the problem of dowry. Women also should take advantage of the Inheritence Act instead of having Dowry.

We should make use of the village panchayats to implement this Act. Very rarely will it be possible for the Prohibition Officer or the Police to go to the villages and find out the cases which may be prosecuted. Similarly, the village Panchayats should be given power for the prosecution and implementation of the fact. We should also involve important men in the community and castes for the purpose because most of the marriage ceremonies and functions are performed with their consent. Of course, the Police will be at our disposal to make a real background, but it is they who have to create a background in the community itself. If these Community Panchayats check the dowry system and they are given the power to implement this Act, they will be helpful to us than anybody else.

In regard to punishment, community action will be much more deterrent than even fine or imprisonment.

There should be more and more education of girls. Its advantage will be that she will be made aware of the existance of the Act. Then if the girl is educated, and since the bridegroom's families also want to take educated girls, demand for dowry will not be there.

I agree with the suggestion for Dowry Prohibition Officers, but if these officers are women, there will be more sympathy for the implementation of the Act.

It is not only the mother-in-laws who demand dowry, but it is father-in-laws who manages dowry and who does not come to the forefront. So, I would suggest that there should be more social consciousness created against the dowry. Main emphasis should be to make women more capable in all aspects so that they are accepted without dowry coupled with the steps which will make the Act more effective in implementation.

JOINT SECRETARY (LAW MINISTRY): What do you mean by community Panchayat?

SHRIMATI KRISHNA AGARWAL: Just like Vaishya Panchayat etc.

JOINT SECRETARY (LAW MINISTRY): Don't you think by associating Panchayats you are creating caste system?

SHRIMATI KRISHNA AGARWAL: These caste communities will play their own role. The marriages are not even performed without the head of the Panchayat giving them permission. So, when it is prevalent in our country, we have to take care that these Panchayats also come with us, otherwise we will have opposition of these groups and the Act will not be implemented in this particular field.

(The witnesses then withdrew)

VII. (1) Smt. Shakuntala Bai Lad

(2) Smt. Chandrakant Mittal

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

[सभापति महोदय द्वारा अध्यक्ष महोदय का निर्देश पढ़कर सुनाया गया]

श्रीमती शकुंतलाबाई लाड़ : यह प्रथा बंद होनी चाहिए और इसके लिए एक समिति गठित की जानी चाहिए जो इन मामलों की जांच करे।

अगर लड़की की अस्वाभाविक मौत होती है तो सब कुछ उसके माता-पिता को वापिस लौटाया जाना चाहिए।

बाल-विवाह पर रोक लगाई जाए।

सभापति महोदय : उसके लिए तो शारदा एक्ट बना हुआ है। लेकिन उसका इंप्लीमेंटेशन नहीं हो पाता है तो क्या किया जाए।

श्रीमती शकुंतलाबाई लाड़ : अगर बाल-विवाह न रुक सके तो कम से कम गौने पर रोक लगाई जाए।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि दहेज उसके माता-पिता को वापिस कर देना चाहिए, तो कैसे याद रहेगा कि क्या-क्या चीज दी गई थी।

श्रीमती शकुंतलाबाई लाड़ : इसके लिए शादी के समय लिस्ट बनाई जानी चाहिए। उसी लिस्ट के अनुसार दहेज वापिस किया जा सकता है।

श्री चन्द्रकांत मित्तल : हिन्दू विवाह के अंतर्गत विवाह एक संस्कार है, इसलिए इसमें दहेज का प्रश्न ही उपस्थित नहीं होता। कानून के द्वारा इस प्रथा को समाप्त नहीं किया जा सकता बल्कि सामाजिक स्तर पर ही इस समस्या को सुलझाया जा सकता है।

(The witnesses then withdrew)

VIII (1) Dr. Anna Apte, Indore

(2) Shri S. R. Varma, Social Worker.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the

witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

डा० अन्ना आपटे : यह जो हम लोगों को प्रश्नावली वितरित की गई है और सुझाव मांगे जा रहे हैं, यह क्षेत्र बहुत ही सीमित है। बाकी देश में भी बड़े-बड़े विद्वान पड़े हुए हैं। इसलिए मेरा सुझाव है कि देश के कोने-कोने में प्रश्नावली भेजी जानी चाहिए और सुझाव एकत्रित किए जाने चाहिए। इससे अधिक लाभ होगा।

श्री एस० आर० वर्मा : लड़की को जब सताया जाता है तो उसके पास उस समय कोई गवाह नहीं होता। जो उसकी गवाही दे सके। इसलिए मेरा सुझाव है कि लड़की के बयानों को महत्वपूर्ण माना जाना चाहिए और इस मामले को पुलिस हस्तक्षेपीय बनाया जाना चाहिए।

कुछ मामलों में लड़की या लड़के को गलत-फहमी भी हो सकती है, फिर भी लड़की के बयानों को महत्वपूर्ण माना जाना चाहिए। इसके लिए श्रद्धेय लोगों की समिति बनाई जानी चाहिए, जो उनका फैसला करे।

इस अपराध को पुलिस हस्तक्षेपीय अपराध माना जाना चाहिए।

(The witnesses then withdrew)

MR. CHAIRMAN: The Committee likes to thank all officers who have given evidence and all the people belonging to Social Welfare Organisations who have taken the trouble to come before the Committee to give evidence.

The Committee then adjourned.

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Monday, the 20th July, 1981 *from* 10.00 *to* 12.00 *hours in Committee Room, Government Secretariat Building, Bhopal.*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shri Jagpal Singh
5. Shrimati Sanyogita Rane
6. Shri K. P. Unnikrishnan

Rajya Sabha

7. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Shrimati V. S. Rama Devi. *Joint Secretary and Legislative Counsel*
2. Shri B. R. Atre, *Deputy Legislative Counsel*
3. Dr. Raghbir Singh, *Assistant Legislative Counsel*

WITNESSES EXAMINED

I. Lala Mulk Raj, Social Worker, Chairman, Bal Niketan, Bhopal.

II. Shri D. P. Aggarwal, Deputy Secretary, Law Department, Govt. of Madhya Pradesh, Bhopal.

III. (1) Shri Abbas Ali—President
(2) Shri V.P. Singh—Vice-President
} Qalamkar Parishad, Shastri Nagar, Bhopal

(The witness was called in and he took his seat)

I.Lala Mulk Raj, social worker, *Chairman, Bal Niketan, Bhopal.*

(The witness was called in and he took his seat).

सभापति महोदय : मैं साथी महोदय से निवेदन करूंगी कि वह अपना परिचय दे दें ।

लाला मुल्क राज : मेरा नाम मुल्क राज है, मैं भोपाल का रहने वाला हूं और यहां कई आनरेरी ओहदों पर रहा हूं। पिछली सरकार में मंत्री भी रहा । 10 वर्ष तक भोपाल का म्यूनिसिपल चेयरमैन भी रहा, मैजिस्ट्रेट और स्पेशल मैजिस्ट्रेट भी रहा। यहां बाल निकेतन संस्था को मैं चलाता हूं

जिसका मैं चेयरमन हूं। यह संस्था 1926 से कायम है, और मैंने ही कायम की है।

18 वर्ष तक यहां बच्चों को पालते हैं और उसके बाद दूसरी जगह भेज देते हैं। सरकारी संस्था ग्वालियर में है जो उन बच्चों को हायर सेकेन्डरी कराकर और अच्छी ट्रेनिंग देकर नौकरी में भेज देती है। यह मैं लड़कियों के बारे में आपको बता रहा हूं। इसी तरह बाल मन्दिर हैं जिसमें आठवीं क्लास तक पढ़ाई होती है। इसी तरह से लड़कों को पढ़ाते हैं और उनको ट्रेनिंग देते हैं।

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, by explained to the witnesses that even though they might desire their evidence to be treatd as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय: आप जैसे सम्भ्रान्त व्यक्ति साक्ष्य देने आये हैं इससे हमें पूर्ण आशा और विश्वास है कि आपके सुझाव समिति के लिये लाभ दायक होंगे। डावरी प्रोहिबीशन ऐक्ट 1961 का बना हुआ है लेकिन यह कारगर नहीं हो सका, इसका कार्यान्वयन नहीं हो सका, आम जनता पर इसका प्रभाव नहीं पड़ा। इसको देखते हुए और साथ ही जो हमारे देश में सभी प्रान्तों में है, कुछ को छोड़ कर, दहेज को ले कर समस्यायें उठ खड़ी हुई हैं और इसका विकृत रूप एक अभिशाप बन चुका है। सामाजिक व्यवस्था छिन्न भिन्न हो रही है और संसार में हमारी छवि धूमिल हो रही है। इन सब को ध्यान में रखते हुए सरकार को चिन्ता है और सरकार चाहती है कि इस कानून में संशोधन किये जायें जो प्रभावशाली हों और उनका इमप्लीमेंटेशन हो जिससे समाज में नई जागृति हो। हम आपके सुझावों से लाभान्वित होना चाहते हैं। जो बातें आप कहेंगे वह समाचार-पत्रों में नहीं जानी चाहिये क्योंकि यह गोपनीय है और तब तक गोपनीय रखी जाती हैं जब तक संसद में समिति का प्रतिवदन उपस्थापित न हो जाय।

लाला मुल्क राज: मैं आपका शुक्र गुजार हूं कि आपने मुझे इस काबिल समझा कि अपनी बातें आपके सामने रख सकूं। दहेज प्रथा हिन्दुस्तान में इतनी बुरी हो गई है कि कितनी ही लड़कियां इसकी भेंट चढ़ गई हैं, खानदान उजड़ गये हैं। ऐसा क्यों होता है, इसका क्या इलाज है? जब हम स्वतंत्र नहीं थे और लड़की का बाप की जायदाद में हक नहीं था इसलिए उसको जाते हुए कुछ न कुछ दिया जाता था, और सब को दिखा कर देते थे। हर चीज दिखाई जाती थी। लेकिन उसके बाद क्या हुआ कि लोगों में हवश फैल गई और लोगों का चरित्र खत्म हो गया और लोगों ने यह नहीं समझा कि हमारा धर्म क्या है। तभी यह कानून 1961 में बना। कानून से भी चीजें जब ठीक नहीं होतीं, दहेज का मुश्किल से पता चलता है और जब केस हो जाते हैं तब पता चलता है। लड़की क्यों मर गई? ससुराल वाले उसको तंग करते थे इसलिये पति और उसके परिवार के लोगों ने मिल कर उसको जला दिया।

लाला मुल्क राज : आज इतनी हत्याएं हो रही हैं, इतनी दुर्घटनायें हो रही हैं, मेर खयाल से कानून के साथ-साथ देश भर में इसके खिलाफ आवाज उठाई जानी चाहिए। सन् 61 के कानून में काफी संशोधन की जरूरत है।

इस कुप्रथा के खिलाफ हर जगह प्रचार किया जाना चाहिये। सिनेमा इत्यादि में स्लाइड्स दिखाई जानी चाहिए।

लड़के-लड़कियों में बिना दहेज के शादी करने की भावना पैदा होनी चाहिए यह तभी हो सकती है जब शुरु से उनको इस प्रकार की शिक्षा दी जाए। हायर-सेकेण्डरी परीक्षा के समय उनसे एक शपथ-पत्र भरवाया जाना चाहिये कि वे दहेज नहीं लेंगे और न दहेज देंगे। जिस घर में दहेज लिया या दिया जायेगा, उस घर में विवाह नहीं करेंगे।

इस बारे में सोशल-वर्कर्स को आम सभाओं का आयोजन करना चाहिए।

हर जिला-स्तर पर इसके लिये समितियां बनाई जाएं, जिसकी अध्यक्षता कलेक्टर करें। इस समिति में सोशल-वर्कर्स को भी रखा जाना चाहिए।

आज जब कोई दुर्घटना हो जाती है तो उसके बाद हमको पता चलता है कि यह दुर्घटना दहेज की वजह से हुई है, जबकि इससे पहले पता चलना चाहिये। इसके लिये लड़की के ब्यान को महत्वपूर्ण माना जाना चाहिए। इससे कुछ लोग गलत फायदा भी उठा सकते हैं, लेकिन कम से कम ऐसे लोगों के मन में डर तो पैदा होगा। डर के बिना कोई सरकार नहीं चल सकती।

एक चीज और है कि हर शादी का रजिस्ट्रेशन होना चाहिये और रजिस्ट्रेशन के समय ही इन लोगों से शपथ-पत्र भरवा लेना चाहिये कि दहेज नहीं लेंगे और न ही देंगे।

दहेज प्रथा को रोकने के लिये हम सब को कार्य करना चाहिए। ऐसे सेवकों की आवश्यकता है जो वाकई में इस क्षेत्र में काम करने वाले हों।

इन मामलों को देखरेख के लिये स्त्रियों को नियुक्त किया जाना चाहिये, क्योंकि पुरानी मान्यता है कि स्त्रियां दहेज नहीं लेती।

शपथ-पत्र से कोई खास फायदा नहीं होगा, लेकिन फिर भी कुछ न कुछ अंकुश तो लगेगा ही।

श्रीमती संयोगिता राणे : शादियों के रजिस्ट्रेशन की परंपरा हमारे यहां गोवा में है और शादी के समय लड़की को प्रापर्टी में बराबर का हक दिया जाता है। अगर मैरिज रजिस्टर्ड नहीं होगी तो लड़की को हस्बैंड की प्रापर्टी में इक्वल राइट नहीं होगा। इसलिये लोग एक माह पहले ही रजिस्ट्रेशन करवा लेते हैं। जो कुछ लड़की को देते हैं उसका रजिस्ट्रेशन भी होता है और लड़की से लिखवा लिया जाता है कि इसके बाद उसका फादर की प्रापर्टी पर कोई अधिकार नहीं है।

लाला मुल्क राज : चूंकि लड़की का हक बाप की जायदाद पर नहीं है, इसीलिये उसको कुछ दे दिया जाता है, लेकिन अब तो समान-अधिकार हैं।

श्रीमती संयोगिता राणे : प्यार से हर मां बाप देना चाहता है, मगर ससुराल वाले माँग करते हैं। अब जो लड़की

को शादी में दे देंगे उसके बाद लड़की को इक्वल राइट्स होने चाहियें कि नहीं ?

लाला मुल्क राज : इक्वल राइट्स तो रहने चाहिये, वह तो खत्म नहीं होने चाहियें। लड़की को उसी तरह से दें जिस तरह से पहले दिया जाता था। 10, 15 परसेंट लड़की की शादी में जाता है, पूरा तो जाता नहीं। इसलिये राइट्स तो पहने चाहियें। लेकिन दहेज को मार्केट न बनायें और इस कुप्रथा को समाज रोक सकता है।

श्रीमती संयोगिता राणे : इस तरह से लड़को को डबल हिस्सा मिल जाता है शादी में भी दिया जाय और इक्वल राइट भी इसका रहे।

लाला मुल्क राज : शादी में जो मंगलसूत्र या बर्तन दिये जाते हैं वह कोई देना नहीं है। रजिस्ट्रेशन होगा तो वह लिखेगा कि मैंने कोई रकम बतौर डावरी के नहीं दी है या नहीं ली है। इससे काफी चैक हो जायेगा।

श्रीमती संयोगिता राणे : स्त्री धन जो लड़की को दिया जायगा उस पर उसी का हक रहेगा, लड़के का नहीं।

लाला मुल्क राज : जी हां।

श्री सत्य नारायण रेड्डी : आपके अनुसार एक रजिस्ट्रेशन और दूसरा ऐफिडेविट होगा। ऐफिडेविट खाली प्रचार के लिये होगा, उसको कानूनी जामा नहीं पहनाया जायेगा।

लाला मुल्क राज : उनको हायर सेकेण्डरी का सर्टिफिकेट तब मिले जब ऐफिडेविट हो।

श्री सत्यनारायण रेड्डी : क्या आप कानून में दर्ज कराना चाहेंगे कि जो दहेज लेगा या मांगेगा उसको सरकारी नौकरी नहीं दी जाएगी। ऐसी कानूनी पाबन्दी के बारे में आपकी क्या राय है ?

लाला मुल्क राज : कानूनी शक्ल होनी चाहिये। लेकिन साबित करना होगा। इसका दुरूपयोग हो सकता है।

श्री जगपाल सिंह : लड़की के अधिकार की बात आपने कही है कि उसको रहना चाहिये और शादी के वक्त दहेज भी देना चाहिये।

लाला मुल्क राज : दहेज नहीं, बल्कि जो रस्मी चीजें दी जाती हैं।

श्री जगपाल सिंह : इस पर आप कोई सीमा लगाना चाहेंगे ?

लाला मुल्क राज : उस पर कोई सीमा नहीं है। हर आदमी अपनी हैसियत के हिसाब से देता है।

श्री जगपाल सिंह : लड़की को प्रौपर्टी में अधिकार भी बराबर होगा और रस्मन दी जाने वाली चीजों पर कोई सीमा नहीं होगी। तो क्या इससे भाई और बहन में झगड़ा नहीं होगा ? फिर जहां जा रही है वहां भी उसका शेयर होगा।

लाला मुल्क राज : लड़की आती भी है, जाती भी है। अब उसमें क्या फर्क रहा। अन्त में मैं आपका बहुत शुक्रगुजार हूं और ईश्वर से प्रार्थना करता हूं कि जो मिशन आपने उठाया है उसमें ईश्वर आपको सफल करे।

(The witness then withdrew)

(The witness was called in and he took his seat)

II. Shri D. P. Aggarwal Deputy Secretary, Law Department Govt. of Madhya Pradesh, Bhopal.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which read as follows:

58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री डी० पी० अग्रवाल (उप सचिव ; विधि विभाग) : यह प्रथा सबसे अधिक हिन्दू समाज में है और इसके लिये जो एक्ट बना था वह इस आशा से बना था कि यह कुप्रथा समाप्त हो जायेगी, लेकिन इससे हम इस प्रथा को समाप्त नहीं कर पाए हैं। इस अधिनियम में कुछ कमियां हैं, इनके बारे में आपका ध्यान दिलाना चाहता हूं ।

सबसे पहले देखिए धारा--3, इसमें हमने दहेज लेने वाले और दहेज देने वाले--दोनों को ही दोषी बनाया है। यह चीज ठीक नहीं है ।

दूसरी धारा--8 में आपने प्रावीजन रखा है--इसमें आपने इसको नान-काग्नीजेबल आफेंस माना है । यह भी ठीक नहीं है ।

तीसरा इसमें सजा इतनी रखी जानी चाहिये जिससे लोगों के मन में डर रहे कि अगर कहीं पकड़े गए तो इतनी सजा हो जाएगी। एक सामान्य आदमी डरेगा। इसी प्रकार से इस अपराध को बेलेबिल माना जाना चाहिए।

श्री डी० पी० अग्रवाल : इसको बेलेबिल रहना चाहिये और काग्नीजेबिल नहीं बनाना चाहिये वर्ना पुलिस कभी भी घर में घुस सकती है ।

सभापति महोदय : सजा कड़ी होनी चाहिये। तो क्या सजा होनी चाहिये जिससे उसका प्रभाव पड़े ?

श्री डी० पी० अग्रवाल : अलग अलग काम के लिये पनिशमेंट होना चाहिये । धारा (6) में प्रावधान है कि यदि डावरी दूसरे व्यक्ति के पास है तो वह डावरी लड़की को वापस करनी चाहिये । मगर धारा (2) में डावरी को डिफाइन किया है और धारा (3) में डावरी को आफेंस डिक्लेयर किया है । तो डावरी गिवर को वापस जानी चाहिये । लड़की या लड़के को नहीं जानी चाहिये ।

श्री जगपाल सिंह : डावरी की समस्या प्रतिस्पर्धा के कारण है । तो जो अपनी मर्जी से देता है उसका दूसरे लोगों पर इम्पैक्ट होता है और डावरी देने की प्रक्रिया को प्रोत्साहित करता है। तो मर्जी से डावरी देने वालों को रोकने के लिये क्या करना चाहिये But both giver and taker should not be treated equally.

श्री डी० पी० अग्रवाल : डावरी की डेफीनीशन में पैन्सरीया नहीं है। तो जो डेफीनीशन डावरी की धारा (2) में है वह तो गुनाह है और इसलिये धारा (4) में फंस जायेगा । और जो डिमांड करने पर देता है वह धारा (3) में फंस जायेगा इसलिये सोशल क्राइम होने से अमीर को भी रोका जा सकेगा ।

अंतिम लैकुना यह है कि शादी के बाद जो लड़कियों को दुख दिये जाते हैं, जैसा कि समाचार-पत्रों में भी आता है कि लड़की जल कर मर गई, तो पोस्ट-मैरिज वाकयात के लिये कोई स्पेसिफिक प्रोवीजन डावरी ऐक्ट में नहीं किया है। इसका भी प्रोवीजन डाल सकें तो वह भी डैटरेंट हो सकेगा।

आखिरी बात यह है कि यह अधिनियम केन्द्रीय है। कानकरेंट सबजेक्ट होने की वजह से हमारी स्टेट ने भी लिया था। हमारे राज्य के ला कमीशन ने इस पर विचार किया और उन्होंने अपनी रिपोर्ट दी, अमेंडमेंट्स दी डावरी ऐक्ट की शक्ल में। वह बिल के रूप में जब हमारे पास आया तो ला डिपार्टमेंट ने उसको विधान सभा की टेबिल पर रख दिया, और परीक्षण करने के बाद हमने यह चाहा था कि केन्द्रीय विधि आयोग का परामर्श मिले। तो ला कमीशन के थ्रू ला मिनिस्ट्री को हम ने भेजा। वहां से हमें जवाब मिला कि इसको थ्रू ला मिनिस्ट्री नहीं देखती है, बल्कि होम मिनिस्ट्री कन्सर्न्ड मिनिस्ट्री है। फिर हमने होम मिनिस्ट्री को भेजा है। कल हमारे प्रदेश के ला कमीशन के लोग आपके सामने आयेंगे। जो अमेंडमेंट हम करना चाहते हैं उनका उस बिल में समावेश है। हालांकि कई संशोधनों से मैं व्यक्तिगत रूप से सहमत नहीं हूं।

ऐसा प्रतीत होता है कि कंसीडरेशन वर्ड उस ऐक्ट में और जो कांट्रेक्ट ऐक्ट में डिफाइंड है कहीं उससे कनफ्लिक्ट न हो।

क्लाज (2) को देखने से पता चलता है कि इसमें ये सिर्फ शब्द ही बदलना चाहते हैं। मेरे ख्याल से सिम्पलीफिकेशन के लिये ऐसा किया गया है।

इसी प्रकार से इसमें यह भी स्पष्ट नहीं है कि क्या यह केवल हिन्दुओं के लिये है।

रजिस्ट्रेशन का प्रोवीजन हिन्दू मैरिज एक्ट में है, लेकिन लोग कराते नहीं हैं।

इसी प्रकार से सेक्शन (3) में सजा 6 माह से बढ़ाकर एक साल कर दी गई है और जुर्माना 10 हजार कर दिया गया है। सेक्शन (4) में भी सजा बढ़ाई गई है।

सभापति महोदय : आप जहां-जहां सहमत नहीं है, वह आप बतलाइये।

श्री डी० पी० अग्रवाल : इसमें पेज 3 में क्लाज (5) में सेक्सन 6 (ए) नया जोड़ रहे हैं। इसमें इस तरह का प्रोवीजन होना चाहिये कि दहेज पिता को लौटाया जाए। इसी प्रकार से कैश प्रेजेंट्स जो आते हैं वे भी पिता के लिये आते हैं, ये भी पिता को ही मिलने चाहिए। पैर पूजा के वक्त भी लोग देते हैं। मगर पेरेन्ट्स के दोस्त वर माला के समय प्रेजेन्ट्स देते हैं। अपने धर्म के अनुसार देखें तो लड़की के पैर पूजते समय परिवार के लोग देते हैं। तो जब तक प्रेजेन्ट्स डिफाइन न हों तब तक मुश्किल होगा।

सभापति महोदय : मध्य प्रदेश डावरी प्रौहिबीशन (संशोधन) बिल की धारा 6 (ए) के प्रोवीजन की ओर भी श्री अग्रवाल का ध्यान आकर्षित करते हुए सभापति ने कहा कि जब शादी की उम्र 18 साल हो गई तो माइनर का कोई सवाल ही नहीं रहता। इसलिए इस प्रोवीजन की क्या जरुरत है?

श्री डी० पी० अग्रवाल : यह मैं कल ला कमीशन के मेम्बर के नोटिस में ले आऊंगा ताकि इसका क्लिरफिकेशन हो जाय । वैसे सभापति महोदय का पौंइट बड़ा रेलीवेंट है ।

श्री सत्यनारायण रेड्डी : मेरी राय में यह प्रोवीजन बेकार है ।

श्री डी० पी० अग्रवाल : इसी तरह हमारे प्रदेश के बिल पृष्ठ 5 धारा 6 (सी) में समिति कांस्टीट्यूशन की बात कही गई है । इसमें लिखा है कि 15 व्यक्तियों की समिति होगी । मेरा विचार है कि जितने ज्यादा सदस्य होंगे उतना ही मीटिंग बुलाने में दिक्कत होगी । इसलिये छोटी कमेटी होनी चाहिये, केवल 4, 5 आदमियों की कमेटी हो । इसी तरह से जिला सोशल वैलफेयर आफिसर इस समिति में की फिगर है जो इनवेस्टीगेट करेगा । इस कार्य के लिये लीगल सैंक्शन होनी चाहिये । इसी तरह से पृष्ठ 7 धारा 6 का आशय यह है कि केवल कमेटी ही शिकायत लौज कर सकती है या कोई पर्सन अथोराइज्ड बाई दी कमेटी । इसका मतलब यह है कि आप लड़की के पिता को डिबार कर रहे हैं । उसको भी शिकायत करने का अधिकार होना चाहिये, साथ ही इस समिति को भी आथोराइज किया जाय कामप्लेंट लाज करने के लिये ।

You are debarring the girl, her father or any other person from making the complaint. That third man will not come forward. The girl herself and father will not come forward to make the complaint.

श्री सत्यनारायण रेड्डी : मैं जानना चाहता हूं कि जो गहने या कैश इत्यादि दिया जायेगा, क्या आप उसको डावरि नहीं मानेंगे । इसकी कोई सीमा होनी चाहिये या नहीं ? कैश तो एक लाख रुपया भी दिया जा सकता है ।

श्री डी० पी० अग्रवाल : मेरा पर्सनल ओपीनियन है कि सीलिंग पासिबल नहीं है । यदि मान लीजिये आपने 100 रुपये तक भी सीलिंग कर दी तो गरीब आदमी को तो उसमें भी नुकसान हो जायेगा 100 रुपया उसको खर्च करना ही होगा । उसके लिये फोर्स किया जा सकता है ।

Are you not indirectly making the poor man pay?

SHRI B. SATYANARAYAN REDDY: Is it not possible to completely do away with the Explanation itself.

ऐसे तो कोई एक रुपया भी देगा तो यह भी डावरि हो जायेगा । गरीब आदमी के लिये तो 50 रुपये भी बहुत हो जाएगा । इसलिये सीलिंग नहीं होनी चाहिये

सोशल एजूकेशन होनी चाहिये । डावरि देना-लेना जुर्म है, इस बात का काफी प्रचार किया जाना चाहिये ।

श्री जगपाल सिंह : लड़की अगर आत्महत्या कर लेती है तो क्या अबेटमेंट का जुर्म होना चाहिये या नहीं ?

श्री डी० पी० अग्रवाल : मेरे ख्याल से यह आवश्यक नहीं है । इसके लिये अलग से प्रावधान है । हरास्मेंट आदि के लिये प्रावधान है ।

श्रीमती ऊषा प्रकाश चौधरी : दहेज के बारे में शिकायत करने कोई नहीं जाता, इसके बारे में आपका क्या सुझाव है, ताकि मामले का पता लग सके । दूसरा मेरा सवाल यह है कि यदि कोई मर्डर

हो जाता है तो वर्षों तक न्याय नही मिल पाता । इसके सरलीकरण के लिये क्या किया जाना चाहिये ।

श्रीमती ऊषा प्रकाश चौधरी : हमारे यहां महाराष्ट्र में आरवी में शादी के 15 दिन बाद ही लड़की की हत्या हो गई । लड़की पक्ष के रिश्तेदार जांच की मांग कर रहे हैं लेकिन लड़के पक्ष के लोग राजनीतिक प्रभाव डाल रहें है कि जांच नहीं होनी चाहिये। ऐसी हालत में आपकी क्या राय है कि पुलिस को कहां तक अधिकार होना चाहिये ?

श्री डी० पी० अग्रवाल : हमने अपने बिल में प्रावधान किया है कि जो कमेटी रहेगी उसको कमप्लेन्ट करने का अधिकार रहेगा । और कमेटी पर मेलिशस दावा न हो सके उसके लिये प्रावधान किया है कि समिति द्वारा किया गया कार्य क्वेश्चन नहीं होगा । जिस दिन सेशन्स कोर्ट में चालान आता है तो 60 दिन के अंदर उसका फैसला हो कर जजमेंट हो जाता है ।

श्री जगपाल सिंह : आपके बिल में पेरेन्ट्स को छोड़ दिया गया है कि वह शिकायत नही कर सकते हैं, इससे आप सहमत हैं ?

श्री डी० पी० अग्रवाल : इसीलिये मैंने पहले कहा कि मैं इससे सहमत नहीं हूं । पेरेन्ट्स को शिकायत करने का अधिकार रहना चाहिये ।

(The witness then withdrew)

III. (1) Shri Abbass Ali—President, Qalamkar Parishad, Bhopal.

(2) Shri V. P. Singh—Vice-President.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : मैं आप दोनों का स्वागत करती हूं । आपका ध्यान स्पीकर महोदय के डायरेक्शन्स की ओर आकर्षित करती हूं । आप जो भी यह कहेंगे वह गोपनीय है और प्रेस में नहीं दिया जायगा जब तक कि समिति का प्रतिवेदन सभा पटल पर प्रस्तुत न हो जाय ।

दहेज प्रथा के बारे में जो आपके मुख्य-मुख्य सुझाव हों वह दे दें ।

श्री अब्बास अली : जो हमारा छपा हुआ मैमो रेन्डम है वह हम समिति को दे रहे हैं ।

श्री वी० पी० सिंह : कानून की असफलता का मुख्य कारण जनता का असहयोग है । इसके लिए जनता में चेतना और स्वाभिमान जगाना चाहिये ।

सभापति महोदय : कैसे इसको जगाया जाय ?

श्री अब्बास अली : हमारी परिषद् ने 1974 में मूवमेंट शुरू था और छोटी-छोटी गोष्ठियां करके, कल्चरल

प्रोग्राम, कवि सम्मेलन और ड्रामा कर के लोगों को दहेज की बुराइयों को बताया । हमारी परिषद ने एक मैरिज ब्यूरो भी बनाया है जिसमें रजिस्ट्रेशन करना शुरू किया । जो लड़के, लड़कियां हमारे मूवमेंट में शामिल होना चाहते हैं उनका हमने रजिस्ट्रेशन किया और करीब तीन दर्जन स्वजातीय शादियां करायीं । राजगढ़ में एक अर्न्तजातीय विवाह भी करवाया ।

श्री बी० पी० सिंह : सामाजिक संस्थाओं का सहयोग सामाजिक चेतना के लिये जरूरी है । दहेज दूर करने के लिये कानून को सख्त करने से कोई काम नहीं चलेगा । लेकिन जनता का सहयोग बहुत जरूरी है । इसलिये हमारा व्यक्तिगत सुझाव है कि पुरानी स्वयम्वर की परम्परा होनी चाहिये । एक जगह सब को आमंत्रित किया जाये और हर युवक युवती अपना जीवन साथी चुनें ।

सभापति महोदय : क्या आज के युग में यह संभव है ?

श्री बी० पी० सिंह : हमने यह प्रयोग किया है और सफल हुआ है । जो युवक-युवतियां दहेज के विरुद्ध हैं और विवाह योग्य हैं उनको एक स्थान पर बुलाया जाता है और उनके बारे में पूरी जानकारी दी जाती है । इसके बाद लड़का-लड़की एक दूसरे को पसंद करते हैं । इस तरह के कार्य हमारे विचार से ज्यादा कारगर सिद्ध हो सकते हैं ।

इसके साथ-साथ डिस्ट्रिक्ट और ब्लाक लेवल पर शासकीय और अशासकीय लोगों की एक समिति होनी चाहिए जो इस क्षेत्र में कार्य करे ।

श्री सत्य नारायण रेड्डी : मैं यह पूछना चाहता हूं कि कानून जो बनाया जाय वह सबके लिए एक होना चाहिए या अलग-अलग धर्मों के लिए अलग अलग कानून होना चाहिए ।

श्री अब्बास अली : हमारे और हमारी संस्था के ख्याल से तो एक ही कानून होना चाहिए, लेकिन इसके बारे में धार्मिक संस्थाओं के लोग, मजहब के लोग ज्यादा सही बता पाएंगे ।

सभापति महोदय : मैं एक क्लेरीफिकेशन चाहूंगी । आपने स्वयंवर पद्धति के बारे में कहा हैं तो क्या उसमें मुस्लिम लड़कियां पर्दे से बाहर आकर वर का चयन करेंगी ?

श्री बी० पी० सिंह : व्यवस्था सब के लिए समान होगी वैसे यह व्यवस्था हिन्दू परिवारों को दृष्टिगत रखते हुए बनाई गई है, मुस्लिम परिवारों को दृष्टिगत रखते हुए नहीं बनाई गई ।

श्री सत्य नारायण रेड्डी : जो शादियां आपने करवाई हैं, उनमें तो सब जातियों के लोग होंगे ।

श्री बी० पी० सिंह : जी हां । अन्तरजातीय विवाह भी हुए हैं ।

(The witness then withdrew)

(तत्पश्चात् समिति की कार्यवाही अगले न के लिये स्थगित हो गई) ।

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT. 1961

Tuesday, the 21st July, 1981 *from* 10.00 *to* 11.45 *hours in Committee Room Government Secretariat Building, Bhopal*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shri Jagpal Singh
5. Shri Satyanarayan Jatiya
6. Shrimati Sanyogita Rane
7. Shri K.P. Unnikrishnan

Rajya Sabha

8. Shrimati Margaret Alva
9. Shri Satyanarayan Reddy

SECRETARIAT

Shri S. D. Kaura—*Chief Legislative Committee Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Shrimati V. S. Rama Devi, *Joint Sercetary and Legislative Counsel*
2. Shri B. R. Atre. *Deputy Legislaitve Counsel*
3. Dr. Raghbir Singh. *Assistant Legislative Counsel.*

WITNESSES EXAMINED

Government of Madhya Pradesh, Bhopal

Spokesmen

I. (1) Shri Hiresh Chandra, Director, Medico Legal Institute, Medical College, Bhopal.
(2) Shri S. L. Varma, Member, Law Commission. Bhopal
(3) Shri B. P. Dube, Inspector General of Police, Bhopal
(4) Shri R. N. Vaidya, Director, Social Welfare, Bhopal
(5) Shri S. N. Johri, Law Secretary, Govt. of M.P. Bhopal
(6) Shri D. G. Bhave, Secretary to Govt. Social Welfare Department, Bhopal

II. (1) Smt. Sunila Badalkar, Bhopal
(2) Smt. Shoba Sharma, Member, Bhartiya Janata Party Mahila Morcha, Bhopal
(3) Smt. Kusum Jain, Chairman. Jawar Bal Mandir, Bhopal.

I. Government of Madhya Pradesh, Bhopal.

Spokesmen:

(1) Shri Hiresh Chandra, Director, Medical Legal Institute, Medical College, Bhopal.

(2) Shri S. L. Varma, Member, Law Commission, Bhopal.

(3) Shri B P. Dube, Inspector General of Police, Bhopal.

(4) Shri R. N. Vaidya, Director, Social Welfare, Bhopal.

(5) S. N. Johri, Law Secretary, Government of Madhya Pradesh, Bhopal.

(6) Shri D. G. Bhave, Secretary to Government Social Welfare Department, Bhopal.

(The witnesses were called in and they took their seats).

सभापति महोदय : मैं आप सब का हार्दिक स्वागत करती हूं कि समिति के सामने आप सुझाव देने के लिये आये । हमें आशा है कि हमारी समिति आपके सुझावों से लाभान्वित होगी ।

डावरी प्रोहिबीशन ऐक्ट का प्रभाव नहीं हो सका इसलिये सरकार को गहरी चिन्ता हुई, इसके विकृत रूप को देखते हुए सरकार ने निर्णय लिया कि 1961 के बने कानून का किस तरह से संशोधन किया जाये जिससे यह प्रभावकारी हो सके और आये दिन जो हत्यायें हो रही हैं वे रुक सकें ।

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI HIRESH CHANDRA: There are only three slides to be projected, and they give only statistical analysis. The slides show some salient points which may not come out in your dis-discussions anywhere.

श्री एस० एल० वर्मा : जो भी सुझाव देने के थे वह प्रश्नावली में हैं और ला कमीशन में हमने इस पर विचार किया था। 1979 में इसका बहुत हल्ला हो रहा था देश में तो हमनें ला कमीशन में विचार किया था । इसके बारे में एक रिपोर्ट ला कमीशन द्वारा तैयार की गई, जिसे शासन ने केन्द्र शासन की ओर भेजा है । उस पर क्या कार्यवाही हुई, इसकी जानकारी मुझे नहीं है। जो कुछ सुझाव हैं वे सब इस रिपोर्ट में आ गए हैं और इसकी प्रतियां आपको भेज दी गई हैं । इसके अतिरिक्त मुझे कुछ नहीं कहना हैं ।

मैं केवल इतना ही कहना चाहुंगा कि इस प्रकार की समस्या कानून से हल हो सकती है, इसके बारे में मुझे शक है ।

सभापति महोदय : इसमें आपने लास्ट में 18 साल के बारे में लिखा है और सेक्शन 6(ए) में भी इसके बारे में बताय गया है तो जब शादी की उम्र ही 18 साल होगी तो फिर इस क्लाज की क्या जरूरत हैं ।

श्री एस० एल० वर्मा : कानून में कहीं ऐसा नहीं है कि ऐसी शादी गैर-कानूनी मानी जाएगी । ऐसी शादी वर्जित है लेकिन गैर-कानूनी नहीं है ।

SHRIMATI MARGARET ALVA: According to you, there is a distinction between dowry and presents. Do you like a limit to be fixed on the value of the presents to be given?

SHRI S. L. VARMA: It will not be workable. You may prescribe some limit but it will remain a dead letter.

सभापति महोदय : इसमें आपने बताया है कि जो प्रेजेंट्स दिए जाते हैं, बाद में जब उनकी आपस में न बने तो उसको लौटा दिया जाए, लेकिन जब यह दहेज के अंतर्गत आ गया तो लौटाने का प्रश्न ही नहीं उठता ।

श्री एस० एल० वर्मा : जहां तक मैं समझा हूं, यह इसलिए है कि डाउरि वर्जित है लेकिन प्रेजेंट्स वर्जित नहीं है । 6(ए) में दिया गया है कि डाउरि वह चीज हैं जो शादी को पक्का करने के लिए दी जाती है । उपहार डाउरि का अंग नहीं हैं । डाउरि तभी होगी जब उसकी डिमांड होगी ।

SHRIMATI MARGARET ALVA: In which case, why don't you agree with me that anything given as a gift is also to be regarded as dowry?

SHRI S. L. VARMA: Then I can say that I did not demand. They gave it in the name of gift. It is a perpetuation of the dowry system. Therefore, I say that you cannot eradicate this by law. You may have any number of laws. Dowry can never be eradicated. Dowry is a sort of traditional item in Hindu marriage though it does not exist among the Muslims or Christians or among the lowest strata of society.

SHRIMATI SANYOGITA RANE: Christians give dowry.

SHRIMATI MARGARET ALVA: I would not say that Christian marriages do not take into consideration this kind of gifts. It may not be in the same form.

SHRI S. L. VARMA: Demand of dowry is an extortion. According to the Indian customs, normally a daughter does not have a right in father's property. Hence, probably the demand for dowry.

SHRIMATI MARGARET ALVA: Do you think that giving equal share to all children in father's property would make it more meaningful and would eliminate the problem?

SHRI S. L. VARMA: I heartily agree with you.

श्रीमती विद्यावती चतुर्वेदी : : पैर पूजा में रिश्तेदार काफी भेंट देते हैं जो न दहेज में है और न गिफ्ट में है । तो इसको किस में शामिल किया जाये ?

श्री एस० एल० वर्मा : इसको गिफ्ट में आना चाहिये ।

श्रीमती ऊषा प्रकाश चौधरी : क्या स्त्री धन और दहेज में फर्क रखा जाए ?

श्री एस० एल० वर्मा : दोनों में क्या फर्क है मैं इसके बारे में अधिक ज्ञान नहीं रखता । लेकिन स्त्री धन अलग होता है उस पर उसका पूरा हक होना चाहिये। लेकिन दहेज के भाग दो हो सकते हैं, यह जरूरी नहीं है कि लड़की को ही दिया जाये । उसमें लड़के को भी दे सकते हैं ।

SHRI B. P. DUBE: Mr. Dutta told us that the questionnaire is not to be sent because replies to questions are to be heard by you.

MR. CHAIRMAN: No. You please sign it and give it to us if you have brought with you or you can send it by post.

SHRI B. P. DUBE: I will send it by post. The offences under this Act were non-cognisable earlier and so no action has been taken in respect of giving or taking dowry as such.

SHRIMATI MARGARET ALVA: Whether incidents of harassment of brides from your experience in the Police Department is a common feature or is it very rare feature?

SHRI B. P. DUBE: It is not a common feature, but we receive stray complaints like this. If any act is found to be within the ambit of cognisable offence, we take action.

SHRIMATI MARGARET ALVA: This is not cognisable offence at the moment. But when a complaint is made then you are required to take action.

SHRI B. P. DUBE: Police can take action only if a cognisable offence is committed.

SHRIMATI MARGARET ALVA: If a complaint comes to you that the girl has been beaten or threatened in advance, do you do anything by way of seeing that some action is taken against those people or as normally happens after the bride has been killed, then a caes of homicide is made?

SHRI B. P. DUBE: A non-cognisable offence can also be investigated after obtaining sanction from the Magistrate. In fact, there is no complaint of that type on record. There were six cases of murder reported during the last five years, which could be ascribed to the element of not giving of dowry and we prosecuted six cases.

SHRIMATI MARGARET ALVA: What was the result?

SHRI B. P. DUBE: Three cases are *Sub Judice* and in three cases there were acquitals.

SHRI SATYANARAYAN REDDY: Have you gone through the present Act?

SHRI B. P. DUBE: The present Act does not mark it cognisable at all.

SHRI SATYANARAYAN REDDY: Would you like it to be made cognisable?

SHRI B. P. DUBE: Unless the offence is cognisable our jurisdiction cannot be invoked.

SHRI SATYANARAYAN REDDY: Don't you think if this is made cognisable, police will harass the people and every house they will make hell?

SHRI B. P. DUBE: What I want to say is that policy decision has to be taken from the beginning. I would not put it in such general term as you have done. There may be cases of excesses or misuse of authority, but as the Laws have conferred jurisdiction on the police to register and investigate cases under various Acts, this also can be tried and if large-scale misuse is found later on the law can be amended.

SHRI SATYANARAYAN REDDY: Should the offence be non-bailable?

SHRI B. P. DUBE: Yes, if the offences are made cognisable, they should also be made non-bailable.

MR. CHAIRMAN: Please try to send answers to the Questionnaire within a week.

SHRI HIRESH CHANDRA: You see the statistics of burn cases which have been classified age-group-wise and marital status-wise. You will see the incidence of such cases is concentrated on age group between 16—20 and 20—30 and where the females are married. This is the statistics of 1979. In 1979, we had the statistics relating to unmarried women. As against that, in the 16—21 age group, one is unmarried, and 9 are married. In 1981,

we have got a huge number of deaths. Police history is very simple, which indicates 'stove burst', 'fire' etc. But why is it that in the 16—25 age group *i.e.* with the recently married ladies. the stove should be so angry? I tried to analyse the group and to bring out the details, in the next Table. If you take up the age groups from 15 to 36 and above, you find more concentration in the age group 21—25. We have got, 17, 16, 23 and 24 married women in that age group. The next group deals with the post-mortem of burn cases. There are three age groups. The two asterisks are in the topmost columns, as far as frequency of burns are concerned.

The next one is about the marital status of the female. The division is between unmarried and married ladies.

We now come to the females burnt, community-wise. 20 were children—under male; whereas out of the remaining 79, Hindus accounted for 69, Muslims 3 and Christian 1. In fact, there are three possibilities: accident, homicide or suicide. No doubt, accidents, homicides and suicides are there. But why is this concentrated in the 16—25 age group—neither below nor above? There are possibilities. A lady has come into a new house. She is not in a position to express herself. She is so cornered, that she commits suicide; or there is murder or homicide. It is not possible to say, in burn cases, that there is no murder. It is difficult for an investigating officer to decide. On the basis of verification and revision of the post-mortem reports, we have gone to the court, and told the court that such-and-such a case was a murder. A spot examination will decide whether it is a homicide, suicide or murder. These diagrams clearly indicate that there is something wrong among Hindus—where accidents, homicides and suicides are very common. Homicides are also involved. It is very difficult to convince the court that it is a case of homicide. But we have evolved a method by which we could convince the courts to some extent. I had cases on record to show what were homicides, suicides and accidents respectively. We have done this work after a thorough examination. One reason is maladjustment in a family. Sexually, the male and the female may not be compatible. The female thinks that it is not worthwhile living. Secondly, accident is very rare. In that case, the age groups before and after 16—25 years have to be considered. The third reason is dowry. There is some dissatisfaction between the marriage partners where the male partner takes an active part towards his parents, and girl is alone and feels it is necessary to commit suicide. In Madhya Pradesh, our total comes to about 40 cases. In a majority of them, challans have been issued and convictions obtained. Conviction has been obtained in murder cases. I always say that dowry must be taken into account where middle, lower middle and upper middle classes are involved. It is not so in the lower income group. In the middle income group, there is give and take. In the lower middle income group, this give and take raises a huge hue and cry. The lady commits suicide. Dowry has to be seen as an urban phenomenon, or as a village one, where the village has got about 15,000 persons in the marriage age group. In Rajasthan, mostly Brahmin and Marwaris are involved in dowry cases. I have analysed the cases. They are the ones where death has taken place. There are instances where within two hours of marriage it has happened.

I suggest that when burning cases come, an independent body should be there to assist the police. The police should not be given complete charge of the situation and made to feel that they are the masters of the place. They can convert it into homicide, accident or suicide.

पुलिस की रिपोर्ट में हमेशा तीन ही बातें बताई जाती हैं। पहली यह कि चुल्हे

से आग लग गई, दूसरी यह कि स्टोव फट गया और तीसरी यह कि चूहे ने दिया गिरा दिया ।

I said: "All right; I will go to the spot and see whether the stove burst." I went. The stove was not there. It had not burst. The girl should be left independently with the medical officer immediately when she is in a position to say anything about the circumstances in which it all happened. I went into a case in which a young girl of 14 was involved. She made a statement to the police-wallah, who writes in Hindi:

धोखे से आग लग गई थी । जबकि उसने हमारे सामने कहा था कि मेरे ऊपर सास ने गर्म-गर्म मूंगफली का तेल डाल दिया था ।

श्री हीरेश चन्द्र : पुलिस को कहा जाता है कि खाना बना रही थी चूल्हे से आग लग गई, या स्टोव फट गया । मैंने कहा मैं देखूंगा स्टोव फटा है कि नहीं। लेकिन स्टोव देखने को नहीं मिला । लड़की का कहना है कि उसके ऊपर सास ने गरम गरम मूंगफली का तेल डाल दिया । तो दो स्टेटमेंट होने की वहज से केस कमजोर पड़ जाता है। मेरा विचार है कि :

The dying declaration should be recorded by an independent authority. It should be a clinical history. The dying declaration of the doctor should be recorded and should be taken as the valid dying declaration.

SHRIMATI MARGARET ALVA : There has been a recommendation or a Circular from the Home Ministry of the Central Government that when these dowry deaths occur of young brides within five years of the marriage, a special investigation should be carried out to ascertain the reasons. Post-mortem is compulsory in all such cases.

SHRI HIRESH CHANDRA : I will give you the history and genesis of this Circular. Madhya Pradesh was the first State in issuing Circulars on this subject. In 1975 a Circular was issued that when a young girl dies within two to three years of marriage, two doctors should perform post-mortem. The doctors should have at least ten years experience. The investigation should be done thoroughly. It is on the basis of the Circular of the Madhya Pradesh Government that the Home Ministry issued that Circular.

श्री आर० एन० बैद्य : पहली बात तो यह है कि आज के कानून में डावरी डैथ्स के बारे में कोई व्यवस्था नहीं है। 1961 के कानून में इस तरह के हैरासमेंट और डैथ्स के विरूद्ध कार्यवाही करने के लिये कोई व्यवस्था नहीं है। अगर किसी महिला के साथ अत्याचार होता है तो वह किस से कहे। मेरा सुझाव है कि प्रत्येक न्यायालय को केस का कागनोजेंस लेना चाहिये जैसे ही महिला द्वारा कोई कमप्लेन्ट की जाती है। न्यायालय अगर उचित समझे तो उस महिला के पति को नौटिस दे कर सुन सकेगा ; वह सीधा पुलिस को कहेगा कि केस दर्ज करे और उसकी जांच करे ; अथवा न्यायालय अगर चाहे तो एक अलग समिति का इस काम के लिये नियुक्त करेगा जिसमें 5 सदस्य होंगे । प्रत्येक जिले में इस तरह की दहेज विरोधी समितियां बनायी जानी चाहिये । उनमें से 3 सदस्य कोर्ट चुनेगा । यह समिति स्थायी नहीं होनी चाहिए क्योंकि इससे वैस्टेड इंटरेस्ट पैदा हो जाते हैं। व्यवस्था यह होनी चाहिये कि उन समितियों में से 3 सदस्य न्यायालय चुने और दो सदस्य पक्षकार अपने आप नियुक्त करे। हमारे गांव में अगर ब्राह्मण को बहू शिकायत करती है तो न्यायालय को देखना पड़ेगा कि उसकी जाति, स्टेटस और ट्रेडीशन्स क्या हैं और उसके अनुसार समिति बने वही जांच करे।

दूसरी बात यह कि इस प्रकार की जो समिति बनाई जाय उसको इन्वेस्टीगेशन की पावर्स दी जाये। केवल पूछताछ से काम नहीं चलेगा। इसलिये कोर्ट को पावर देनी पड़ेगी उस कमेटी को जो जांच कर सके। और 5 सदस्यों में से 3 महिलायें होना जरूरी हैं । जांच के लिये विशेष अधिकारी

की जरूरत नहीं है क्योंकि अधिकारी अपनी पदोन्नति पर कहीं और चला जायेगा । सोशल वेलफेयर डिपार्टमेंट के अधिकारी को कोर्ट समिति का कन्वीनर बनाये ।

कानून में एक बात से मैं पूर्णतः सहमत हूं कि दहेज की परिभाषा में गिफ्ट्स को नहीं जोड़ना चाहिये । हिन्दु विवाह में जब शादी तय होती है तो उसको फलदान कहा जाता है, उस समय लड़के के परिवार वालों को कुछ दिया जाता है। फिर दरवाजे पर जब बारात आती है तब देते है, फिर पैर पूजा के समय देते हैं। इसके बाद में बारात विदा के समय दहेज नाम से देते हैं। जो कन्यादान और पैर पूजने के समय दिया जाता है वह स्त्री धन है। राधवाचरी ने कहा है कि हिन्दू कानून में महिला और पुरुष के समान अधिकार हैं लेकिन व्यवहार में कोई भी पुत्री झगड़ा नहीं करती है। अगर हम अपनी परम्परा रखना चाहते है तो विदेशी परम्परा यहां नहीं ला सकते । संयुक्त परिवार इस देश की बहू अच्छी व्यवस्था है । इसलिये संयुक्त परिवार बनाये रखना चहिये और उसमें इस प्रकार का बटवारा नहीं कर सकते। मेरी राय में स्त्री धन की कोई सीमा हम नहीं बांध सकते संयुक्त परिवार में क्योंकि यह परिवार की आर्थिक स्थिति पर निर्भर करता है। इसी तरह उन प्रेजेन्ट्स की भी कोई सीमा नहीं बांध सकते जो दूसरे लोग देते हैं क्योंकि वह हमारे आपसी व्यवहार पर डिपेंड करता है। सोशल रिफार्म के जरिये हम भावना पैदा कर सकते हैं कि बहुत ज्यादा दिखावा और फिजूल-खर्ची शादो में नहीं होनी चाहिये। प्रेजेन्ट्स को डाउरि से मुक्त रखना पड़ेगा। इसकी सीमा भी नहीं बांध सकते । डाउरि तभी बनती है जब उसे मांगा जाये, ऐसा विधान में है।

अभी सजा का जो प्रावधान है उसमें एक वर्ष की सजा और जुर्माना है। जुर्माने की सीमा बढ़ाई जा सकती है, जुर्माने की सीमा न रखी जाये। जिस हिसाब से दहेज दिया जाये उसी हिसाब से फाइन होना चाहिये।

हमारे समाज में तिलक से लेकर बारात के विदा होने तक मैरिज मानते हैं और उसके बाद रिसेप्शन होता है रिसेप्शन में जो प्रेजेन्ट्स दिये जाते है वे दहेज नहीं हैं।

Therefore in the Act instead of saying 'presents at the time of marriage', it should be 'Presents before or after the marriage or in connection with the marriage.

यह जो डाउरि दी गई है, यदि यह निर्णय हो कि डाउरि लौटाई जाये तो व्यवस्था यह है कि लड़की को लौटाई जाये तो लडकी तो उसी परिवार का अंग बन जाती है। अतः यह डाउरि लड़की के पिता को लौटाई जानी चाहिये।

इसी प्रकार से अभी डाउरि देने वाले को भी उतनी ही सजा का प्रावधान है। उसे तो पहले ही सजा मिल चुकी होती है, इसलिये यह उचित नहीं है। निश्चित रूप से उसको कम सजा का प्रावधान होना चाहिये।

मध्य प्रदेश शासन द्वारा सामूहिक विवाहों को प्रोत्साहन देने के लिये ऐसे समारोहों के अवसर पर कुछ राशि वित-रित की जाती है, इस तरह के कार्य करने से लाभ हो सकता है। इसी प्रकार से लाइट इत्यादि की व्यवस्था भी सरकार द्वारा की जानी चाहिये, जिसमें खर्चे में काफी बचत की जा सकती है।

अभी यह व्यवस्था है कि विवाह के एक साल बाद तक कागनीजेंस लिया जा सकता है, मेरे ख्याल से यह अवधि 3 साल होनी चाहिये।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि प्रेजेन्ट्स को कोई सीमा तय नहीं की जानी चाहिये तो इससे तो समस्या हल नहीं होगी। इसी प्रकार लड़की को प्रापर्टी में हिस्सा देने से सामूहिक परिवारों में काफी दिक्कत पैदा हो जायेगी। ऐसी परिस्थितियों में इन दुर्घटनाओं को कैसे रोका जाये।

श्री आर० एन० वैद्य : मैंने यह नहीं कहा कि दहेज न रोका जाये, मैंने यह कहा है कि प्रेजेंट्स को सीमा न रखी जाये।

श्रीमती विद्यावती चतुर्वेदी : प्रेजेंट्स के नाम पर दहेज दिया जायेगा कोई एक लाख रुपये का हीरो का हार भी दे सकता है।

श्री आर० एन० वैद्य : इसको हम रोक नहीं सकते। अगर रोकेंगे तो उससे लाभ नहीं होगा। इससे बड़े परिवारों को कठिनाई हो जायेगी।

श्रीमती विद्यावती चतुर्वेदी : गोवा में शादी के रजिस्ट्रेशन के समय उसको दी जाने वाली संपत्ति का रजिस्ट्रेशन भी हो जाता है। आवश्यक नहीं है कि अचल संपत्ति ही दी जाये, उसके स्थान पर पैसा भी दिया जा सकता है। वहां पर कोई बात आड़े नहीं आई और इस तरह की दुर्घटनाएं भी नहीं हो रही हैं। क्या आप इस तरह की बात हमारे यहां पसंद करेंगे?

श्री आर० एन० वैद्य : मेरे ख्याल से यह अपने-अपने यहां की परंपरायें हैं।

श्री एस० एन० जौहरी (शाहपुर) : मैं कमेंटी का ज्यादा समय नहीं लूंगा। कुछ बातें व्यक्तिगत रूप से कहना चाहूंगा।

हिन्दुओं में दहेज इसलिये शुरू हुआ, क्योंकि लड़कियों को प्रापर्टी में हिस्सा नहीं दिया जाता था, लेकिन आज कानूनन लड़कियों को बराबर का अधिकार संपत्ति में है, इसलिये दहेज प्रथा का कोई औचित्य नहीं है। ये परंपराएं एक दिन टूटेंगी और इनका टूटना ही समाज के हित में है। अब जब लड़कियों का हिस्सा हो गया है तब इस परम्परा के रहने का कोई औचित्य नहीं है। मैरिज एक्सपेंसेज की सीलिंग करना सम्भव नहीं है।

सजा का प्रावधान उसके लिये रख रहे हैं जिसको डाउरी मिले। लेकिन जब शादी के बाद दोनों घर एक हो गये फिर लड़के के पिता को सजा दें तो लड़की की अपनी सुसराल में क्या स्थिति होगी इसका अनुमान आप सहज में लगा सकते हैं। इसी तरह से अगर डाउरी देने वाले को भी सजा दी जाये तो वह भी ठीक नहीं रहेगा। कहने का मतलब यह है कि दोनों हालत में मैट्रिमोनियल रिलेशनशिप को डिस्टर्ब नहीं करना चाहिये। इस दृष्टि से हमें विचार करना चाहिये।

डाउरी ऐक्ट के पहले उसकी प्रक्रिया को गम्भीर बनाना चाहिये। अगर हमें मालूम हो कि किसी ने मांग की या निगोशियेट कर रहा है उस जगह पर हमें नियंत्रण करना चाहिये। डाउरी का दूसरा पहलू यह भी है कि अगर लड़की कुरूप है तो पिता डावरी के बल पर उसके अच्छी जगह विवाह कर सकता है इस दृष्टि से भी आपको विचार करना चाहिये।

श्रीमती विद्यावती चतुर्वेदी : इसका दूसरा पहलू यह भी है कि अच्छी लड़की डाउरी न होने की जगह से बिना शादी के रह जाती है।

श्री एस० एन० जौहरी : जी हां, आपका कहना ठीक है।

डाउरी प्रौहोबीशन ऐक्ट की ड्राफ्टिंग में कुछ कमियां हैं जैसे क्लाज (2) में पेरेन्ट्स और (4) में गार्जियन शब्द इस्तेमाल किया है। तो दोनों जगह एक ही शब्द होना चाहिये।

SHRIMATI MARGARET ALVA : That would also mean that a girl who is poor can marry a boy who is poor, and still be happy.

SHRI S. N. JOHRI : In Section 2 it is mentioned "before or after marriage". What is its meaning? We can understand the word 'before'. But does "after" mean the entire life after marriage? The word 'after' must be restricted to some extent.

SHRIMATI MARGARET ALVA : Do you mean to say that after five years if it is asked, it will not mean dowry ?

SHRI S. N. JOHRI : But there should be some correlation with the period. Time should be defined.

SHRIMATI MARGARET ALVA : In many communities, the custom is that at the time of every birth there are demands. But it falls under the term harassment of the girl as a result of marriage. It should be included under that head.

SHRI S. N. JOHRI : We have said that the prosecution shall be with the previous sanction of the State Government. It is a cubersome process and will take months, if not years. The authority on the spot, viz. the Collector can handle it. Why bring in the State Government in connection with a crime which has been committed at a far-off place ?

SHRI S. N. JOHRI: If you bring in that Clause defining dowry as the money which is given for the purpose of marriage, then, how is it possible to establish the case? You can introduce it in the law. But how to prove it? If you do not make any distinction between gifts and dowry, dowry will be given in the form of gifts. These aspects have to be taken into consideration while you define dowry. The definition for dowry as given in the Act is not comprehensive and adequate. I do not think it will serve the purpose.

There is a provision in Section 6 that the property given shall be taken away from the husband and that will become Stridhan and all that. There is at present no provision in law to make a specific declaration to restore and to preserve and to take good care of Stridhan, which is misused, squandered or taken away by husband. A specific provision to this effect should be made now.

श्रीमती उषा प्रकाश चौधरी : आपने कहा कि कानून में इंप्लीमेंटेशन के दिक्कत आती है, लेकिन मेरे ख्याल से इससे एक वातावरण अवश्य तैयार होता है, जैसे छुआछूत कानून के बारे में हुआ। इस कानून के अच्छे परिणाम हुए थे।

श्री डि० जि० भावे : मैं यह नहीं कह रहा हूं कि कानून नहीं बनाना चाहिये बल्कि इसे इफेक्टिव बनाने के लिये कोई फार्मूला तैयार किया जाना चाहिये। अभी इसमें प्रैक्टिकली कई डिफीकल्टीज हैं।

श्रीमती विद्यावती चतुर्वेदी : अभी बैद्य जी ने बताया कि सामूहिक विवाहों से लाभ हो सकता है। क्या ऐसे विवाहों में गुप्त रूप से लेन-देन नहीं किया जाता ?

श्री डि० जि० भावे : इसकी जानकारी तो हमें नहीं है, लेकिन जो बात आप कह रही है, उसकी संभावना है।

श्रीमती विद्यावती चतुर्वेदी : जिस प्रकार से आप लोगों के यहां महाराष्ट्र में सजावट इत्यादि पर जो भी खर्चा आता

है, उसे वर-वधू पक्ष द्वारा आधा आधा बांट लिया जाता है, इससे खर्च में काफी कमी आती है। तो इस प्रकार की व्यवस्था क्या लाभकारी हो सकती है।

श्री डि० जि० भावे : ऐसी व्यवस्था होनी चाहिये।

SHRIMATI MARGARET ALVA: The custom among the Christians is to share expenses equally. That is no problem. You seem to be more in favour of preventive action than curative. But the question here is that there will be some attempts to break the marriage by some anti-social people. This kind of harassment can also create problems. Don't you think that these very preventive legal provisions could create problems?

SHRI D. G. BHAVE: They could be checked up and controlled.

ये दहेज दे रहे हैं इसलिये इनकी लड़की से शादी की, हमारी लड़की से नहीं कर रहे हैं। इस तरह की शिकायतें भी लोग कर सकते हैं। ये शिकायतें झूठी भी हो सकती हैं।

SHRIMATI MARGARET ALVA: What about the problem of killing of brides which seems to be insoluble?

SHRI D. G. BHAVE: Killing is a fact. That is a different matter altogether.

श्रीमती विद्यावती चतुर्वेदी : लोग यह भी कह सकते हैं कि हमें इनकी लड़की पसंद नहीं थी या कुण्डली नहीं मिली, इसलिये ये लोग हमको बदनाम कर रहे हैं।

SHRIMATI MARGARET ALVA: Would you be in favour of any special courts or family courts to deal with the dowry offences which could be taken out of this whole atmosphere of breaking up of family? In family courts there is a closed door atmosphere and a solution could be found. There is a committee of four or five people who help find a solution rather than find the culprit. Don't you think such family courts would help better?

DR. D. G. BHAVE: Such Courts may not be necessary. Just as in some cases we have a provision that before the case starts, there is an attempt to have it compromised. Some such provision may be added.

(The witnesses then withdraw)

II. (1) Smt. Sunila Badalkar, Bhopal.

(2) Smt. Shoba Sharma, Member, Bharatiya Janata Party Mahila Morcha, Bhopal.

(3) Smt. Kusum Jain, Chairman, Jawar Bal Mandir, Bhopal.

(The witnesses were called in and they took their seats)

सभापति महोदय : मै श्रीमती सुनीला बादलकर, श्रीमती शोभा शर्मा, श्रीमती मिथलेश वाशने और श्रीमती सावित्री वर्मा जी, आप सब का स्वागत करती हूं साथ ही आपका ध्यान इस ओर आकर्षित करती हूं कि जो भी आप यहां बोलेंगी उसको प्रेस को नहीं देना है जब तक कि समिति अपना प्रतिवेदन सभा पटल पर उपस्थपित न कर दे।

अब आप सूक्ष्म में अपने सुझाव दे दीजिये आपके अनुसार दहेज को रोकने के लिये क्या उपाय किये जायें। दूसरे दहेज लेने के बाद जो महिलाओं को सताया जाता है उसको कैसे रोका जाय और क्या सजा होनी चाहिये ?

MR. CHAIRMAN: Before we proceed, may I drawn your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती सुनीला बादलकर : जितने बड़े बड़े पैसे वाले लोग हैं वह दहेज का प्रदर्शन करते है, जिसको रोकना चाहिये क्योंकि इसका बुरा प्रभाव मध्यम श्रेणी के लोगों पर पड़ता है।

जितनी महिलाये ह उसको जागृत करना चाहिये और सरकार और महिलाओं को मिल कर कोई कदम उठाना चाहिये।

श्रीमती शोभा शर्मा : दहेज मांगता कौन है लड़के का पिता या लड़का। इनको तय करना चाहिये कि दहेज नहीं लेंगे कोई डिमान्ड नहीं होनी चाहिये दहेज की।

श्रीमती विद्यावती चतुर्वेदी : यह तो कानून में है इसको कैसे रोका जाये ?

श्रीमती शोभा शर्मा : इस पर सख्ती होनी चाहिये।

श्रीमती मारग्रेट अल्वा : आपका अनुभव क्या है कि जो लड़कियां नौकरी करती हैं उनसे भी दहेज मांगा जाता है।

श्रीमती शोभा शर्मा : मांगा जाता है। 2-4 जातियों में तो बहुत अधिक दहेज दिया जाता है।

श्रीमती मारग्रेट अल्वा : कमाने वाली लड़कियों से कम दहेज लिया जाना चाहिये, इस तरह की बात होनी चाहिये ?

श्रीमती शोभा शर्मा : जी हां, होनी चाहिये।

श्रीमती कुसुम जैन : मेरा सुझाव यह है कि इसके लिये अधिक से अधिक प्रचार-प्रसार की आवश्यकता है।

श्रीमती मारग्रेट अल्वा : आप जैन है, आपके यहां तो बहुत ज्यादा दहेज लिया जाता है। आप अपने समाज में इसके लिये क्या कार्य कर रही हैं।

श्रीमती कुसुम जैन : काम चल रहा है। सामूहिक विवाहों को प्रोत्साहन दिया जा रहा है और मात्र 21-21 रुपये में शादी हो जाती है इसमें दहेज नहीं लिया जाता। अभी हाल ही में 58 सामूहिक विवाह किये गये हैं। वैसे जैनियों में दहेज प्रथा काफी है, लेकिन हमारा प्रयास यही है कि इस प्रथा को समाप्त किया जाये। हमारे धर्म में भी कही ऐसा नहीं लिखा है कि दहेज लिया जाये।

आज इस प्रथा को बढ़ावा देने में सिनेमा का भारी हाथ है। उसमें इस तरह की शान शौकत दिखाई जाती है कि आज का नवयुवक उसी प्रकार बनना चाहता है। सिनेमा आदर्शवादी होने चाहिये।

श्रीमती विद्यावती चतुर्वेदी : क्या आप उचित समझती है कि बजाय दहेज देने के और शो करने के मैरिज रजिस्टर हो और लड़की का जो हिस्सा बनता हो उसका

भी रजिस्ट्रेशन करा दिया जाये और जो लड़की को दिया जाये वह लड़की का ही हो अगर लड़की मर जाती है तो उसके बच्चे को मिले, और अगर उसके बच्चा न हो तो वह उसके मां बाप को लौटा दिया जाये। अगर ऐसा हो जाये तो कुछ कुछ अत्याचार कम हो सकते है?

श्रीमती कुसुम जैन : मैरिज रजिस्टर होनी चाहिये, और शो में जो खर्च किया जाता है उसको कर्ब करना चाहिये। पेरेन्टस की जायदाद में जो लड़की का हिस्सा निश्चित कर दें तो मेरी राय में बहुत झगड़े हो सकते है, भाई बहन का प्रेम कम हो सकता है क्योंकि उसको अपने पति का भी हिस्सा मिल रहा है।

श्री सत्य नारायण जटिया : सामाजिक सुधार जरूरी है और इसके लिये यदि सब जाति के लोग कुछ ऐसा कर लें कि हमें ऐसे लोगों की मान्यता नहीं देंगे तो क्या इसका अच्छा प्रभाव पड़ेगा? और सामूहिक विवाह के बारे में आपकी क्या राय है?

श्रीमती कुसुम जैन : आजकल सामूहिक विवाह कई समाजों में हो रहे हैं। लेकिन मैं इसको सही नहीं मानती कि किसी कम्युनिटी विशेष को इसकी अनुमति दी जाये। कुछ शिविर सरकार की तरफ आर्गेनाइज हो जायें ताकि जो अपने बच्चो की शादी करवाना चाहते हैं और बिना दहेज के शादी करवा सकेंगे तो यह प्रयास सफल हो सकता है।

सभापति महोदय : मैं समिति की ओर से अपनी ओर से समिति की बैठकें सुचारू रूप से आयोजित करने के लिये मध्य प्रदेश सरकार को धन्यवाद देतीं हूं।

(तत्पश्चात समिति की कार्यवाही भोपाल में स्थगित हो गई)।

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Friday, the 25th September. 1981 *from* 15.00 *to* 18.00 *hours in Library Hall, Bihar Vidhan Sabha Building, Patna.*

PRESENT

Shrimati Krishna Sahi—*Chiarman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shri Satyanarayan JaityaI
5. Shrimati Mohsina Kidwai
6. Shri Anantha Ramulu Mallu
7. Shrimati Sanyogita Rane

Rajya Sabha

8. Shrimati Manorma Pandey
9. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S.S. Chawla—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMAPNY AFFAIRS AND LEGISLATIVE COUNSEL

Shri B.R. Atre—*Deputy Legislative Counsel.*

WITNESSES EXAMINED

I. (1) Dr. Ram Raj Prasad Singh, M.L.A. Bihar, 216. MIG Flats, Kankerbagh, Patna.
(2) Shri Ramashray Prasad Singh, Minister of Parliamentary Affairs & Industry Government of Bihar, Patna.

II. (1) Smt. Kishori Devi
(2) Smt. Sumita Choudhary
(3) Smt. Nidhi Srivastava
(4) Smt. Indira Prasad
(5) Smt. Bharati Kumar
(6) Km. Kiran Ghai
(7) Smt. Prabhawati Sinha
(8) Smt. Sharda Singh
(9) Smt. Manorama Bawa
(10) Smt. Atma Prasad
(11) Smt. Krishna Bala Kshatriya
(12) Smt. Uma Sinha
(13) Smt. Maya Prasad

(14) Smt. Premlata Prakash
(15) Smt. Kum Kum Ved Sen
(16) Smt. Usha Rani Singh
(17) Smt. Aruna Sinha

III. (1) Smt. Kamala Subramaniam
(2) Smt. Indu Sinha
(3) Smt. Savita Gupta

IV. (1) Shri Ram Dayal Prasad
(2) Shri Nabin Kumar Sinha, Advocate
(3) Kumari Putul Rani

(The witnesses were called in and they took their seats)

I. 1. Dr. Ram Raj Prasad Singh, M.L.A., Bihar, 216, MIG Flats, Kankerbagh, Patna.

2. Shri Ramashray Prasad Singh, Minister for Parliamentary Affairs and Industry Government of Bihar, Patna.

सभापति महोदया : यह समिति आप सभी का हार्दिक अभिनन्दन करती है । हमें बहुत प्रसन्नता है, खुशी है कि आप लोगों के जो भी सुझाव आयेंगे, उनसे हम सब लाभान्वित होंगे ।

मैं अब अपनी समिति के सदस्यों से आपका परिचय कराती हूं और आपसे भी अनुरोध करती हूं कि आप भी अपना परिचय माननीय सदस्यों को दें । फिर एक-एक कर के जो अपने सुझाव देना चाहेंगे, देंगे और यदि माननीय सदस्य उनसे कुछ पूछना चाहेंगे तो वह पूछेंगे ।

डा० राम राज प्रसाद सिंह : चेयरमैन साहिबा, पार्लियामेंट की कमेटी के सदस्यगण,

सभापति महोदया : इससे पहले की आप अपनी बात कहें, मैं यहां पर यह कहना चाहती हूं कि कोई भी अखबार वाले हों या फोटो लेने वाले हो वह सब अपना काम समाप्त कर के तुरन्त यहां से चले जायें । इसके अलावा कोई भी व्यक्ति, जो कि अपनी साक्ष्य नहीं देंगे, या ऐसे कोई पदाधिकारी जो विधान-सभा से संबंधित नहीं हैं, वह भी चले जायें । ऐसे व्यक्ति जो हमारी राज्य सरकार के मंत्री हैं वह रह सकते हैं, बाकी और जो कोई यहां पर हैं, जिनका इस समिति से कोई सम्बन्ध नहीं है, वह इस कमेटी की कार्यवाही के समय यहां नहीं रहने की कृपा करेंगे ।

Dowry Prohibition Act, 1961, which was primarily meant to prohibit the giving or taking of Dowry has failed to achieve its objective. Parents of marriagable daughters have been compelled to give dowry to prospective bridegrooms. A large number of cases are appearing everyday where newly-wed girls are committing suicide or burnt alive. The Government has, therefore, constituted a Joint Committee of the two Houses of Parliament to examine the question of the working of the Dowry Prohibition Act, 1961 with a view to effectively end the dowry system. The Committee would, therefore, welcome suggestions from you to plug loopholes in the existing Act.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is

liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however. be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

डा० रामराज प्रसाद सिंह : चेयरमैन साहिबा, मैं इसे अपना सौभाग्य समझता हूं कि डाउरी के प्रतिशेष के सम्बन्ध में साक्ष्य देने के लिये आपने मुझे मौका दिया है । मैं इसके लिये आपको धन्यवाद देता हूं ।

आप लोग यहां ऐसे प्रान्त से आये हैं, जहां डाउरी का प्रश्न कई वर्षों से उठ खड़ा है । यद्यपि मेरे विचार से डाउरी सिस्टम पहले बंगाल में था और जब रेलें चलीं, तो रेल में चढ़कर यह सिस्टम धी-धीरे बिहार और उत्तर प्रदेश में पहुंच गया । 1857 के बाद ही हमारे हिन्दुस्तान में जब रेलें चलीं, ईस्ट इंडिया रेलवे की रेल चली तब से यह डाउरी सिस्टम चला है । पहले यह सिस्टम बंगाल के कुछ कुलीन लोगों में था । श्री शरत चन्द्र और बंकिम चंद्र चटर्जी के समय में दहेज का सस्टिम बहुत ज्यादा था, वैसी ही बात बिहार में भी हुई और आज भी यह खूब चल रहा है।

ऐसा लगता है कि हर वर्ष इसमें बहुत बढ़ोतरी होती जा रही है और इन्फलेशन की तरह इसमें 15 से 20 प्रतिशत की बढ़ोतरी हुई है । जितना दहेज गत वर्षों में था उससे ज्यादा ही 1980 में हुआ और 1981 व 1982 में दहेज और भी बढ़ता जायेगा । इसको रोकने के जो कानून बनने वाले हैं, उनमें हमारे हिसाब से जितनी सख्ती होनी चाहिये, वह नहीं है । खासतौर से आप देखेंगे कि आज ऐसी परिस्थिति है जिसमें इसका भी ग्रोथ-रेट बहुत बढ़ गया है, हम समझते हैं कि समय आयेगा कि हमारे सोशल सांइटिस्ट्स इस ग्रोथ-रेट को भी नाप कर देख सकेंगे कि यह कितना बढ़ा है ।

जब आप इसका आठवां आर्टिकल देखेंगे तो इसमें लिखा है--

"Every offence under this Act shall be non-cognizable, bailable and non-compoundable."

This section should be substituted namely—

"Every offence under this Act shall be cognizable, non-abailable and non-compoundable."

हमारे हिसाब से हमारे जो कानून अब तक के बने हुए हैं वे इतने निर्जीव हो गए हैं कि उनके अन्तर्गत कोई खास बात नहीं हो सकती है। जैसे शारदा एक्ट है, हिन्दू मेरिज एक्ट है, इन प्रावधान के अन्तर्गत कुछ किया ही नहीं जा सकता । अखबारों में जो निकल जाता है तभी हम लोग कुछ करने पर विवश हो जाते हैं और तभी कुछ संभव हो पाता है ।

मैं चाहूंगा कि इस अपराध को नान-बेलेबल, कागनिजिबल आफेंस बनाया जाए। अगर थाना इसका कागनिजेन्स लेता है और यह नानबेलेबल होता है तभी इसका कुछ इफेक्ट हो सकता है वरना इसका कोई इफेक्ट नहीं होगा ।

यह मैं इसलिए कह रहा हूं कि जो डोअरी लेने वाले लोग हैं वे कुलीन लोग हैं, वे प्रभावशाली लोग हैं । चाहे वे सरकार में हों या सरकार के बाहर हों, शासकगण हों, बड़े-बड़े कांट्रेक्टर हों. डाक्टर्स हों, इंजीनियर्स हों, ये बड़े बड़े

लोग ही इस काम को सब से ज्यादा करते हैं । दूसरे शब्दों में व्हाइट कालर क्रिमनल्स ही इस काम को ज्यादा करते हैं और इन्हीं पर देश में बहुत कम केस चलाये जाते हैं । इसलिए मैं चाहूंगा कि यह कमेटी इस सब पर विचार करे और इसको कागनिजिबल और नानबेलेबल बनाए । उसमें स्ट्रिजेंट प्रावधान होने चाहिए जिससे कि डोअरी लेने का अपराध करने वाले को लगे कि वह दोषी है । बिना उसको दोषी बनाए इस कानून से कोई लाभ होने वाला नहीं है ।

सभापति महोदया : बिहार सरकार ने 1975 में नानबेलेबल, नानकम्पाउण्डेबल और कागनिजिबल आफेंस बनाया था । उसके बारे में आपका क्या कहना है ?

डा० रामराज प्रसाद सिंह : बिहार सरकार ने जो बनाया था, उसे आल इंडिया बेसिस पर बनाया जाना चाहिए। मैं अभी चार शादियों के बारे मे बताता हूं । इनमें से एक में मैं भी गया था । ये चार केस मैंने पुलिस को दिये थे । एक शादी में दहेज न देने के कारण वधू को डंडे से मार-मार कर मार दिया। ये केस इसी साल मई और जून के हैं । बिहार में इस तरह के केसिज के लिए एक अलग से एस० पी० हैं लेकिन दहेज विरोध के लिए जितनी मदद की उनसे अपेक्षा की जाती है वह उनसे नहीं मिलती है ।

सभापति महोदया : यह जो विधेयक बनाया है, इसके बारे में कुछ सुझाव दें ।

डा० रामराज प्रसाद सिंह : मैंने यह बताया था कि इस तरह का एक विधेयक बिहार सरकार ने बनाया था और इस बारे में स्टेप्स भी लिये थे जिनकी प्रशंसा बहुत हुई थी और उसकी चर्चा भी बहुत हुई थी ।

अब प्रश्न यह है कि दहेज क्या है? कौन लोग इस के लिये अपराधी माने जा सकते हैं ? इस सम्बन्ध में मेरा यह कहना है कि स्थिति के अनुसार दहेज की जो मात्रा तय की जाये, चाहे वह एक हजार रुपये हो, दो हजार रुपये हो, स्कूटर हो, गाड़ी हो, उसके न मिलने के कारण जो अपराध होते हैं, जैसे लड़की को सताया जाता है, यह अपराध है और जो ऐसा करते हैं उन के विरुद्ध कागनिजेन्स लेना चाहिये । इस को रोकने के लिये मेरी एक अनुशंसा यह है कि मैरीजेज का रजिस्ट्रेशन किया जाना चाहिये । आज जो विवाह होते हैं उन का रजिस्ट्रेशन नहीं होता है । मैं कई वर्षों से इस निश्चित राय का रहा हूं कि भारत सरकार को मैरिज रजिस्ट्रेशन का प्रावधान एक्ट में करना चाहिये । पिछले दिनों दिल्ली में "फेमिली प्लानिंग एण्ड इकानामिक डवेलपमेन्ट" विषय को लेकर दिल्ली में एक मीटिंग हुई थी । उस में भी मैंने यह सुझाव दिया था कि जितनी भी शादियां हों, उन का रजिस्ट्रेशन अनिवार्य रूप से हो । जिस तरह से जन्म और मृत्यु का रजिस्ट्रेशन अनिवार्य रूप से होता है तथा उस के द्वारा जनसंख्या के वाइटल-स्टेटिस्टिक्स प्राप्त होते हैं उसी तरह से विवाह का रजिस्ट्रेशन होने से विवाहों की संख्या की जानकारी मिल सकेगी । इस में आप कोई मामूली फीस भी रख सकते हैं । रजिस्ट्रेशन फार्म में एक कालम यह होना चाहिये कि विवाह में दहेज लिया गया है या नहीं । जिस केस में कोई शंका हो तो उस में कानूनी तौर पर साक्ष्य भी लिया जा सकता है । इस प्रकार से साक्ष्य से यह मालूम किया जा सकता है कि उस ने सचमुच दहेज लिया या नहीं । इस प्रकार की पावर इस कानून

में होनी चाहिये जिस से पता लगे सकेगा कि कितनी शादियां हुई, उन में कितने रुपये का दहेज लिया गया या नहीं लिया गया ।

इस प्रकार के रजिस्ट्रेशन से फैमिली प्लानिंग के काम में भी मदद मिल सकेगी। हमारे सोशल वर्कर्स नव-दम्पत्ति को फैमिली-प्लानिंग की सलाह दे सकेंगे जिस का अवश्य लाभ होगा । इस सम्बन्ध में पार्लियामेन्ट अपने कानून में संशोधन करे ताकि सारे देश में विवाहों का रजिस्ट्रेशन आरम्भ हो सके और यह भी मालूम हो सके कि दहेज लिया गया है या नहीं, यदि लिया गया है तो कितना दहेज लिया गया है ।

विवाहों में बहुत बड़ी धनराशि सजावट और भोज पर खर्च की जाती है, 500–700 यहां तक कि 1000 लोगों को भी खिलाया जाता है ऐसा देखा गया है कि इस तरह की सजावट और भोज पर 50 हजार रुपये तक खर्च हो जाता है । इस पर भी रोक लगाई जानी चाहिये । दहेज के साथ-साथ हमें इस फिजूलखर्ची पर रोक लगाने के लिये अपने कानून में संशोधन करना चाहिये । इन सारी बातों को हम काग्निजिबल और नान-बेलेबिल बनाये तो इस का समाज पर अच्छा प्रभाव पड़ेगा और इस सामाजिक कुरीति को रोकने में मदद मिल सकेगी । इतना कह कर मैं अपनी बात को समाप्त करता हूं ।

श्रीमती प्रमिला दण्डवते : बिहार में जो कानून बनाया गया है, वह काग-निजिबिल आफेन्स है । हमारी कमेटी के यह जानना चाहते हैं कि इस कानून का यहां पर क्या असर पड़ा ? क्या ऐसा नहीं है कि पुलिस को किसी भी शादी में इन्टरफोअरेंस करने का अधिकार मिल गया, काग्निजिबल आफेन्स होने की वजह से उन को किसी भी शादी में हैरेस करने का अधिकार मिल गया है ? इस में ऐसा भी हो सकता है कि कोई व्यक्ति पोलिटीकल आधार पर किसी व्यक्ति की शिकायत कर के उस को परेशानी में डाल सकता है । इस तरह की बात को रोकने के सम्बन्ध में आप को क्या कहना है ।

डा० रामराज प्रसाद सिंह : हां, मुझे इस पर भी कुछ कहना चाहिये था, मैं भूल गया था । अब आप ने इस पर सवाल पूछ कर जो मेरी मदद की है, इस के लिये आप को धन्यवाद देता हूं ।

इस कानून को बिहार में एमर्जेन्सी के समय लागू किया गया था और बिहार पर इस का बहुत अच्छा असर हुआ । वे व्हाइट-कालर्ड-क्रिमल्ज जो दहेज लेते और देते थे, उन में उन दिनों डर समा गया था, लेकिन इसका परिणाम हम लोगों को 1977 के इलेक्शन में भुगतना पड़ा । एमर्जेन्सी के काल में इस कानून का बहुत अच्छा असर पड़ा, लोगों में इस कुरीति के प्रति एक प्रकार का आतंक फैल गया था, लेकिन उस के बाद देश में जो घटनायें घटीं और जिस तरह की पार्टी की सरकार बनी, उस में ढिलाई आ गई । यदि वह सिलसिला उस समय चलता रहता तो मुझे पूर्ण विश्वास था कि यह प्रथा किसी हद तक रुक गई होती . . .

श्रीमती प्रमिला दण्डवते : क्या आप फिर से एमर्जेन्सी चाहते हैं ? कानून के बारे में आप को आब्जैक्टिव बोलना चाहिये था, एमर्जेन्सी के बारे में नहीं कहना चाहिये था ।

डा० राम राज प्रसाद सिंह : दहेज को रोकने के लिये मैं एमर्जेन्सी जरूर

चाहता हूं । ऐसी एमर्जेन्सी जिस से दहेज प्रथा रुक सके, उस में कोई हर्ज नहीं है ।

मैं यह भी चाहता हूं कि ऐसी संस्था बनाई जाये जिस को इस क्षेत्र में काम करने का अधिकार दिया जाये, जो जनता में सोशल-कान्शसनेस पैदा करे कि दहेज लेना और देना गलत है, यह काम नहीं होना चाहिये ।

श्री रामाश्रय प्रसाद सिंह : सभापति महोदया, मैं साक्ष्य देने तो नहीं आया था, लेकिन एक बात कहना चाहता हूं—श्रीमती दण्डवते जी ने जो प्रश्न पूछा है और हमारे मित्र विधान सभा के सदस्य ने जो जवाब दिया है, मैं उस में केवल एक लाइन जोड़ना चाहता हूं । हमारे मित्र ने जो एमर्जेन्सी की बात कही थी वह बड़े मौजू ढंग से कही थी और इस लिये कही थी कि बिहार सरकार ने सब से पहले इस पर कार्यवाही की थी और अपने कानून को कागनीजिबल और कम्पाउण्डेबिल बनाया था । लेकिन एमर्जेन्सी के दौरान जिस तरह का कुचक्र हम लोगों के साथ किया गया, उस का नतीजा हम को भुगतना पड़ा, लेकिन इस बात से इन्कार नहीं किया जा सकता कि बिहार सरकार ने उस को पूरी मुस्तैदी के साथ लागू किया और उस में सफलता भी मिली थी । लेकिन हमारी इस कार्यवाही के खिलाफ फैमिली प्लानिंग के साथ इस मामले को भी एक मुद्दा बनाया गया और यह उन लोगों ने किया जो आज देश के लिये बड़ा प्रेम दिखला रहे हैं... (व्यवधान)...

मैं यही कहना चाहता हूं कि ये दोनों मुद्दे जो देश के हित में थे, उन को मिस-अण्डरस्टैण्ड किया गया । मैं इस बात को मानता हूं कि इस बार जो सरकार बनी है, वह इस सारी चीज को, जिस ताकत के साथ उस वक्त इम्प्लीमेन्ट किया गया, उस ताकत से इम्प्लीमेन्ट नहीं कर सकी है, लेकिन अब हम इस काम को जरूर करेंगे ।

श्रीमती प्रमिला दण्डवते : यह कोई पोलिटिकल पार्टी का सवाल नहीं है, एमर्जेन्सी की बात नहीं है।

श्री रामाश्रय प्रसाद सिंह : हम ने भी किसी पार्टी की चर्चा नहीं की है । अगर आप को कोई आपत्ति है तो मैं उस पंक्ति को विद्ड्रा कर लेता हूं ।

श्रीमती प्रमिला दण्डवते : मैंने तो यह पूछा था कि एमर्जेन्सी के पहले जयप्रकाश नारायण जी के नेतृत्व में यह काम हुआ था कि दहेज नहीं लेना चाहिये । आप को यहां आब्जक्टिवली बोलना चाहिये था, पोलिटीकल स्पीच नहीं देनी चाहिये थी ।

श्री रामाश्रय प्रसाद सिंह : मैंने पोलिटीकल नहीं कहा है, आब्जेक्टिवली कहा है अगर मिसिज दण्डवते को इस पर एतराज है तो मैं इसको विदड्रा कर लेता हूं ।

श्रीमती प्रमिला दण्डवते : आपने कहा कि एमर्जेन्सी की घटना एक बहुत बड़ी घटना थी, यह पोलिटीकल स्पीच नहीं है तो क्या है ?

श्री रामाश्रय प्रसाद सिंह : जिस पर आप की आपत्ति है उसको मैंने विदड्रा कर लिया है। किन्तु मैंने तथ्य कहा है।

SHRI ANANTHA RAMULU MALLU: She has rightly pointed out whether you deserved emergency or not.

डा० रामराज प्रसाद सिंह : मेरा कहना यह है कि जब तक बोएज कालेज रहेंगे, वीमेंस कालेज रहेंगे, यह दहेज नहीं

रुकेगा । जब तक देश में को-एजूकेशन नहीं होगा तब तक दहेज नहीं रुकेगा यह बहुत जरूरी है कि प्रेम विवाह हों ।

श्रीमती मनोरमा पांडे : मैं शादी में होने वाले खर्चे के सम्बन्ध में एक दो बातें जानना चाहूंगी । ये जो व्हाइट कालर लोगों में दहेज चलता है और विवाहों में खर्चे होते हैं क्या उनके लिए कोई लिमिट लगायी जा सकती है ? क्या आप सुझाव के रूप में बताना चाहेंगे कि इस बिल में कोई ऐसी क्लाज रखी जा सकती है जिसमें यह रखा जा सकता हो कि विवाह में इतना खर्च किया जा सकता है इससे अधिक नहीं ? यदि हां तो आपके विचार में कितनी रकम रखना आइडियल होगा ? आप के विचार में एक मेरिज में कितना खर्च करना आइडियल हो हकता है ?

डा० रामराज प्रसाद सिंह : मैं तो यह समझता हूं कि दो माला एक धोती, और एक चद्दर पर जितना खर्च हो वही आइडियल होगा । इससे भी अधिक अगर आप रखना चाहें तो यह कर सकते हैं कि एक महीने की आमदनी से अधिक न हो।

मैंने जो व्हाइट कालर की बात कही है, उसमें यह कहा है, कि जैसे-जैसे किसी का ओहदा बढ़ता गया, वैसे-वैसे उसका दहेज का रेट भी बढ़ता जाता है । एक आई० पी० एस० और आई० ए० एस० बहुत अधिक दहेज मांगता है । यह दहेज की प्रथा व्हाइट कालर्ड लोगों में बहुत अधिक है और यह प्रथा अब गांवों में आउन कालर्ड लोगों में भी फैलती जा रही है । अभी तक ज्यादा तर बड़े-बड़े आफिसर लोग, पोलिटिशियंस, डाक्टर्स, इंजीनियर्स लोग ही अधिक दहेज लेते थे, उन्हीं में यह दहेज चलता था, लेकिन अब नीचे के लोगों में भी यह फैलता जा रहा है ।

सभापति महोदय : मैं निवदन करूंगी कि संक्षेप में ही अपने सुझाव दें ।

श्रीमती मोहसिना किदवई : हम एक्ट के बारे में बात कर रहे हैं, मैं समझती हूं कि यह बहुत पुरानी बीमारी है समाज की । मैं आप से पूछना चाहती हूं कि आपकी राय में कानून से ही क्या इतनी पुरानी बीमारी दूर हो सकती है या इसके लिये माहौल, वातावरण बनाना चाहिये ताकि समाज यह समझे कि यह चीज बुरी है ? जब तक समाज यह बात नहीं समझेगा, क्या आप समझते हैं कि यह बीमारी दूर हो जायेगी ? समाज में कांशसनैस पैदा करने के लिये क्या कानून से यह बीमारी दूर हो सकती है ?

डा० रामराज प्रसाद सिंह : सिर्फ कानून से कुछ होता नहीं है, लेकिन कांशसनैस जगाना बहुत जरूरी है । इसके लिये कोई संस्था होनी चाहिये, जिसे इस काम को लेना चाहिये ।

श्री रामाश्रय प्रसाद सिंह : मिनिस्टर आफ पार्लियामेंटरी अफयर्स, बिहार : मोहसिना जी ने जो प्रश्न किया है, वह महत्वपूर्ण है, उनकी बात से हम सहमत हैं कि सोशल एजूकेशन का प्रावधान किया जाना चाहिये ।

श्री सत्यनारायण रेड्डी : इस एक्ट को हम अमैंड करने जा रहे हैं, इसकी धारा 2 के एक्सप्लेनेशन के बारे में आपका क्या विचार है ? उस एक्सप्लेनेशन को रखा जाये या नहीं ?

डा० रामराज प्रताप सिंह : उसको डिलीट कर देना चाहिये ।

श्री सत्यनारायण रेड्डी : जो दहेज की प्रथा चल रही है, इसमें हर पिता अपनी लड़की को देना चाहता है, चाहे एक रुपया

हो या एक लाख रुपया हो, वह अपनी हैसियत से देना चाहता है और वह शादी के समय जेवर, बर्तन या पैसे के रूप में देना चाहता है। क्या आप इस एक्ट में कोई चीज ऐसी रखना चाहते हैं जिससे कोई चीज न दी जा सके, या यह चाहते हैं कि खानदान की जो प्रापर्टी है उसको बच्चों में लड़के और लड़की में बराबर बंटवारा हो ?

डा० राम राज प्रसाद सिंह : इस समस्या के बारें में हमारा जवाब बहुत लम्बा हो जायेगा, लेकिन हम शार्ट में यही कहना चाहते है कि पिता की यदि अपनी बेटी को देने की शक्ति हो वह बेंटी के नाम से दे सकते है, लेकिन जबर्दस्ती जो मांग की जाती है या हो जाती है वह नहीं होनी चाहिये। यह आम तौर पर मालूम हो जाता है कि जब जबर्दस्ती से काम होता है या टर्म्स क्या होते हैं।

सभापति महोदय : यह वालन्टरी होना चाहिये ?

डा० राम राज प्रसाद सिंह: वालन्टरी तो कितना ही दे दें, लेकिन जो प्रावधान किया जा रहा है इसमें तो गड़बढ़ी होगी।

(The witnesses then withdrew)

II. 1. Smt. Kishori Devi.
2. Smt. Sumita Choudhary.
3. Smt. Nidhi Srivastava.
4. Smt. Indira Prasad.
5. Smt. Bharati Kumar.
6. Km. Kiran Ghaj.
7. Smt. Prabhawati Sinha.
8. Smt. Sharda Singh.
9. Smt. Manorama Bawa.
10. Smt. Atma Prasad.
11. Smt. Krishna Bala Kshatriya.
12. Smt. Uma Sinha.
13. Smt. Maya Prasad.
14. Smt. Premlata Prakash.
15. Smt. Kum Kum Ved Sen.
16. Smt. Usha Rani Singh.
17. Smt. Aruna Sinha.

(The witnesses were called and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Direction by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

किशोरी देवी जी : मैं एक बात यह कहना चाहूंगी कि जितने सुझाव आये हैं, वह सब आपने सुने हैं; जो प्रश्न हम लोगों की तरफ से गये हैं, वह भी आपने देखे होंगे। उनके लिखित जवाब अगर आप लायी हों तो दे दीजिये और अगर कोई नई बात कहनी हो तो कह लीजिये, नहीं तो हमारे सस्दय जो आपसे प्रश्न पूछेंगे, उनके उत्तर और अपने सुझाव संक्षिप्त में कह दीजिये।

श्रीमती किशोरी देवी : माननीय सभापति महोदया, सम्मानित सदस्यगण ; आज हम महिलायें इसके लिये काफी गौरवान्वित हैं कि समाज में दहेज की प्रथा के अभिशाप को मिटाने के लिये हम सब महिलाएं एकत्रित हुई है। इस बात के लिये

भी हम गौरवान्वित महसूस कर रहे हैं कि हमारे माननीय संसद् सदस्य इसमें प्रयत्नशील हैं।

हमारी इस समिति का मात्र उद्देश्य यह है कि 1961 में जो दहेज के संबंध में कानून बना है, उसका कार्यान्वियन नहीं हो रहा है, इसमें क्या संशोधन करना चाहिये? हम लोगों को मात्र इन्हीं उपबन्धों पर बातचीत करनी चाहिये। इस बारे में जो कानून बनाते हैं, उसको तो हमारे कानून वेत्ता देखेंगे कि इसमें क्या होना चाहिये, लेकिन मैं तो अपनी बातें सभी उपबन्धों पर लिखित रूप में भी दे चुकी हूं।

धारा 2 में जो एक्सप्लेनेशन की बात कही गई है, मैं समझती हूं कि यह दहेज के मामले में अधूरी डैफीनिशन है। कानून के माध्यम से जो हमें सफलता मिलनी चाहिये थी वह अभी तक नहीं मिली है। इस एक्सप्लेनेशन में फ्रीडम दिया गया है कि जो भी कैश, ओरनामेंट्स किसी भी पार्टी की तरफ से दिया जाए वह फ्री दिया जा सकता है। इतना ही इसमें रखा गया है जब तक वह मैरिज के लिए नैगोसियेशन में कंसीडर न हो।

हम एक ही समाज में रहने वाले हैं, आज दहेज घर-घर में फैला हुआ है। जो दहेज दिया जाता है, वह बहुत ही गुप्त रूप से रखा जाता है। आज कोई भी मां-बाप समाज के सामने प्रत्यक्ष रूप से नहीं दिखलाता है कि हमने क्या दिया है। इतना जरूर हुआ है कि जब से कानून आया है, दहेज छिपे रूप में दिया और लिया जाने लगा है। इस बारे में कोई एवीडेंस भी नहीं मिलता है, जिससे इस कानून को सफलता मिले। जो एवीडेंस होते भी हैं, उन को सिक्योरिटी का कोई प्रावधान नहीं है, इसलिए इसको छिपाकर रखने की प्रवृत्ति लोगों में होती है।

सभी लोग अपने पुत्र और पुत्री को सुखी देखना चाहते हैं, उनको भय बना रहता है कि अगर हम दहेज के विषय में दूसरों को बता देंगे तो हमें भी दहेज के बिना लड़के-लड़की का जीवन सुखी नहीं रहेगा। मैं समझती हूं कि इससे भी सफलता हमको इसमें नहीं मिलती है।

सभापति महोदया: आपका सुझाव क्या है?

श्रीमती किशोरी देवी: मेरा सुझाव यह है कि स्वेच्छा से जो कुछ भी दिया जाये, वह एक तीसरी पार्टी के सामने हस्ताक्षर करवा कर के दिया जाये और वह व्यक्ति ऐसे हों जो कि गैजेटेड आफिसर हों जो सबको ईमानदारी के साथ देखें।

एक भावना यह भी होती है कि थोड़ा-बहुत तिलक देकर समाज में सम्मान पा लेते हैं। मां-बाप अपनी इच्छा से भी देते हैं शादी के बाद भी देते रहते हैं वे यह सोचते हैं कि अब बेटी दूसरे की सम्पति हो गई है, वह सुख से रहे। इसलिए मैं चाहती हूं कि जो भी रुपया या दहेज दिया जाए वह लड़की के नाम से दिया जाए। रुपया भी लड़की के नाम से दिया जाना चाहिये। प्रापर्टी पर लड़के और लड़की का समानाधिकार होना चाहिये। लड़की को जो प्रापर्टी राइट कानून में दिया गया है वह प्रावधान भी क्रियान्वित नहीं हो रहा है।

हमारे बिहार में या तो लोग अमीर हैं या बहुत ही गरीब हैं। अमीर लोग शादियों में लाखों रुपया खर्च कर सकते हैं लेकिन जो गरीब हैं वे पैसा खर्च करने में बहुत ही मुश्किल का सामना करते हैं इसलिए हमारा सुझाव है कि हम लोकल लेवल पर इस काम के लिए एक कमेटी बना दें। आज जो लाखों, करोड़ो रुपया

देने की प्रथा चल रही है और जिसकी वजह से हमारे गरीब भाईयों को बड़ी मुसीबत का सामना करना पड़ रहा है उसमें यह कमेटी उन गरीब लोगों की मदद करे।

हमारे राज्य बिहार में जो कानून इस सम्बन्ध में बना हुआ हैं उसको लेकर भी सरकार काफी तत्परता से काम नहीं कर रह है। इसमें मैं समझती हूं कि हमारे लोगों में इस बारे में जागरूकता पैदा की जानी चाहिये। हमारी जो आगे आने वाली पीढ़ी है उसको इस सम्बन्ध में भलीभांति समझाया जाना चाहिये उन्हें इस बात की शिक्षा दी जानी चाहिये और बताया जाना चाहिये कि दहेज प्रथा की क्या बुराइयां है। उन्हे दहेज की बुराई के विषय में प्राइमरी शिक्षा से पढाया जाना चाहिये जिससे कि उनके माइन्ड पर यह बैठ सके की दहेज बुरी चीज है। यदि इस चीज का प्रावधान किया जाये तो हमारी आगे आने वाली पीढ़ी इस बुराई को समझेगी और इससे दहेज प्रथा समाप्त करने में काफी मदद मिलेगी।

SHRI ANANTHA RAMULU MALLU: You have given a good number of valuable suggestions to us. We are very thankful to you. Don't you think it is reasonable and if you give property rights to the ladies, it will solve the problem of dowry?

श्रीमती किशोरी देवी : मैं समझती हूं कि 70–80 प्रतिशत समाधान हो जायेगा।

SHRI ANANTHA RAMULU MALLU: You have suggested to constitute a Committee at village level to fix up the ceiling. Don't you think it reasonable to constitute voluntary organisations constituting of women particularly at the village level to help catch the culprits.

श्रीमती किशोरी देवी : अगर ऐसा किया जा सकता है तो बहुत अच्छा रहेगा।

SHRI ANANTHA RAMULU MALLU: You have said that the offence should be made cognisable. and many of the organisations have made representations that police are not coming forward and are not helping the common man. So, they prefer to have a separate agency to investigate this sort of act. Don't you consider there is a need to appoint a Dowry Prohibition Officer other than the police, who can initiate the proceedings, because the common man is not in a position to approach the police?

श्रीमती किशोरी देवी : यह चीज भी की जा सकती है। वे बाहर के आदमी हो, लोकल आदमी न हों।

श्री सत्यनारायण जटिया : आपने बताया कि पढाई लिखाई की वजह से भी बुराई आ गई है।

श्रीमती किशोरी देवी : मैंने यह कहा था कि मानसिक तौर पर दहेज के बारे में शिक्षा नहीं दी जाती है।

श्री सत्यनारायण जटिया : जैसा कि बताया गया कि आई० पी० एस० और आई० ए० एस० अधिकारियों का डोअरी रेट अधिक है। इसका अर्थ यह है कि जो अधिक पढा लिखा है और अधिक धन अर्जित करता है वह अधिक डोअरी मांगता है। अब प्रश्न यह आता है कि क्या इन्कम के आधार पर इस पर सीलिंग लगायी जाये और लगायी जाये तो क्या सीलिंग हो? यह तो बड़ा मुश्किल होगा कि इनकम के आधार पर इसमें दहेज को सीलिंग रखी जाये। अगर आप यह चाहती हैं तो इस सम्बन्ध में अपना सुझाव दीजिए।

श्रीमती किशोरी देवी : हमें लड़के और लड़की की सम्पत्ति में और आजीविका में बराबर के अधिकार देने चाहियें; इससे भी इस समस्या का बहुत कुछ समाधान हो सकता है।

श्री सत्यनारायण जटिया : क्या आप दहेज की सीलिंग वार्षिक आय के आधार पर या मासिक आय के आधार पर रखना चाहेंगी ?

श्रीमती किशोरी देवी : वार्षिक आय के आधार पर इसे किया जाये।

श्रीमती विद्यावती चतुर्वेदी : आपने बहुत अच्छे सुझाव दिये हैं। आपने एक सुझाव दिया है कि जो सम्पत्ति हो वह लड़की के नाम से रजिस्टर्ड हो। क्या आप यह महसूस नहीं करती हैं कि सम्पत्ति के पीछे बहुत ही मर्डर होते हैं? मर्डर करने वाला यह सोचता है कि इसका मर्डर कर दो ताकि उसकी सम्पत्ति मर्डर करने वाले के पास आ जाये। क्या आप यह भी पसंद करेंगी कि जिस लड़की की शादी कर दी जाती है, अगर उसकी मृत्यु हो जाए तो अगर उसके कोई सन्तान नहीं है उस दिशा में उसके नाम सम्पत्ति उसके माता-पिता को मिले, पति को नहीं मिले ?

श्रीमती किशोरी देवी : ऐसा किया जा सकता है।

श्रीमती विद्यावती चतुर्वेदी : दूसरे, मैं यह पूछना चाहती हूं कि दहेज को सब बुरा मानते हैं, बहुत से ऐसे लोग हैं जिनके पास प्रापर्टी नहीं है, रोज मजदूरी करते हैं रोज खाते-कमाते हैं, उनके पास लड़की को देने के लिए कुछ नहीं है, उनकी लड़की के पास मुसीबत पड़ने पर कोई सम्पत्ति भी नहीं हो सकती है, उनके लिये क्या इंतजाम किया जाये, उनके लिए किस तरह से सम्पत्ति का समाधान किया जाए ?

श्रीमती किशोरी देवी : इसके लिये मैंने लोक कमेटी बनाने का सुझाव दिया है। वह कमेटी डिसाईड करे कि उनके लिए क्या किया जाये।

श्रीमती विद्यावती चतुर्वेदी : आज जो समाज में चिन्तन है, क्या वह उस कमेटी में नहीं आएगा, क्योंकि उस कमेटी में भी तो लोग समाज से ही आयेंगे ?

श्रीमती किशोरी देवी : उसमें हम लोग भी तो आयेंगे जोकि इस प्रकार से सोचने वाले लोग हैं।

सभापति महोदया : अच्छा, आपका बहुत-बहुत धन्यवाद।

श्रीमती सुमिता चौधरी : सभापति महोदया, इस कानून में सबसे बड़ी गल्ती यह है कि प्रीवेन्शन आफ डावरी का क्लेरिफिकेशन होना चाहिए, गिफ्ट्स को इसमें छोड़ दिया गया है इसलिये इसको क्लेरिफाई करना चाहिये। आज यह होता है कि लड़के का बाप सारी चीजें दूसरों के नाम से ले लेता है और कहता है कि यह गिफ्ट्स में मिला है, इसलिए डावरी नहीं है।

डावरी पर सीलिंग लागू होनी चाहियें, जिसमें शादी का खर्च तथा जो सामान गिफ्ट्स के रूप में दिया जाता है उसको भी जोड़ा जाना चाहिये। यदि सीलिंग से ज्यादा इन सब चीजों में खर्च किया जाता है तो उस सामान को पूरा का पूरा जो डावरी में मिला है, फोरफीट किया जाना चाहिये।

एन्टरटेनमेन्ट के खर्च पर रेस्ट्रिक्शन होनी चाहियें। सीलिंग का आधार क्या होगा ? इसके लिये फैमिली की इन्कम को दृष्टि में रखकर तय किया जाना चाहिये। जहां तक इस कानून के नान-कागनीजिबिल और नान-कम्पाउडेबिल की बात है – मैं इसको नान-कागनिजिबिल रखने के पक्ष में हूं। कागनिजिबिल रखने से पुलिस द्वारा हैरेस किये जाने की गुंजाइश रहेगी। समाज में हमारा यह अनुभव रहा है कि जब भी पुलिस के पास अधिकार रहा है पुलिस ने हमेशा हैरेस करने की कोशिश की है। यहां भी पुलिस पैसे वाले लोगों के घर शादी के समय पहुंच जायेगी और कहेगी कि पैसा दो, नहीं तो गिरफ्तार करेंगे। इसलिये मेरा अनुरोध है कि इस को वैलेबिल रखा जाये। नान-कम्पाउण्डेबिल मैं इसलिये चाहती हूं कि कम्पाउण्डेबिल होने से लड़की के पिता पर दबाव पड़ेगा और लड़की का पिता इस डर से कि लड़की के लिये शान्ति और सुरक्षा नहीं रहेगी, संधि करने को तैयार हो जायेगा।

इस कानून में ऐसा प्रावधान है कि बिना सरकार की स्वीकृति के कागनीजेन्स नहीं लिया जा सकता है। मेरा सुझाव है कि इस प्रावधान को निकाल देना चाहिये क्योंकि इससे स्पीडी ट्रायल में रुकावट पैदा होगी। अधिक समय लगने से दूसरी पार्टी को एविडेन्स खत्म कराने में सहायता मिलेगी। हम चाहते हैं कि आफेण्डर्स के खिलाफ स्पीडी ट्रायल हो सके। इसलिये इसमें परमीशन वाला क्लाज नहीं होना चाहिये।

डावरी प्रोहिबिशन आफिसर बहाल किया जाये, जो पुलिस के साथ मिल कर काम करे। इस काम में सोशल आर्गेनिजेशन्ज की मदद ली जानी चाहिये। अगर वह अकेले काम करेंगे या पुलिस के साथ मिलकर काम करेंगे तो उनको भी हैरेसमेंट या करप्शन में शरीक हो जाने की गुंजाइश रहेगी, लेकिन सोशल आर्गेनिजेशन के रहने से यह गुंजाइश कम हो जायेगी।

जो लोग इस कानून की अवहेलना की सूचना को दबाने या छुपाने की कोशिश करें उनको सजा दी जानी चाहिये, लेकिन जो इसकी सूचना दें उनको इनाम दिया जाना चाहिये। इस तरह की सूचना मिलने पर जो डावरी कन्फिस्केट की जाय, उसमें से ही सूचना तथा सबूत देने वाले को इनाम दिया जा सकता है।

Law is not an end in itself.

कोई भी कानून बनाया जाये, यदि उसको सख्ती से लागू नहीं किया जायेगा, तो उसका सन्तोषजनक परिणाम नहीं निकल सकता। इस बुराई के उन्मूलन का एक मूल सुझाव यह है कि लड़कियों में जागरूकता पैदा की जाये, उनको आर्थिक रूप से अपने पैरों पर खड़े होने दिया जाये, जिससे कि होने वाले पति पर उनकी निर्भरता समाप्त हो सके। यदि वह अपने पैरों पर खड़ी हो सकेंगी तो मां-बाप पर भी उनका बोझ कम हो जायेगा। इस उद्देश्य की इस तरह से पूर्ति हो सकती है कि नौकरियों में उनकी संख्या के अनुपात से स्थान सुरक्षित किये जायें।

सभापति महोदया : आपने वास्तव में बहुत अच्छे सुझाव दिये हैं, आपको बहुत धन्यवाद। अब यदि कोई माननीय सदस्य प्रश्न पूछना चाहे तो पूछ सकते हैं।

श्रीमती प्रमिला दण्डवते : आप इसको खत्म करने के पक्ष में हैं या इसको कम करने के पक्ष में हैं।

श्रीमती सुमिता चौधरी : मैं तो यह चाहती हूं कि सीलिंग से अधिक नहीं

दिया जाना चाहिये। मान लीजिये–अगर मेरे पास प्रापर्टी है और मैं लड़की को देना चाहूंगी तो कानून मुझे ऐसा करने से नहीं रोक सकता है किन्तु सीलिंग से अधिक शादी के एक वर्ष पूर्व से लेकर पांच वर्ष बाद तक की अवधि में देने पर प्रतिबन्ध होना चाहिये।

श्रीमती प्रमिला दण्डवते : स्त्रीधन और डावरी में क्या फर्क है ?

श्रीमती सुमिता चौधरी : डावरी के आधार पर नहीं दिया जाना चाहिये। इसीलिये मैंने सुझाव दिया है कि पेरेन्ट्स का ब्यान होना चाहिये कि शादी के एक साल पहले और शादी के पांच साल बाद तक क्या दिया गया है।

श्री मती सुमिता चौधरी : शादी के एक साल पहले और शादी के एक साल बाद तक लड़के के नाम से इसलिए नहीं देंगे कि 1 साल में बच्चे पैदा हो जायेंगे तो यह डाउरी वाली बात नहीं रह जायेगी। 5 साल के बाद अगर कोई चीज दगे तो वह डाउरी नहीं रहेगी।

SHRIMATI NIDHI SRIVASTAV: I beg to differ with my colleague. She has just now spoken that the offence should be non-cognisable. I insist that it should be cognizable non-bailable and non-compoundable. In the present prevailing situation, the Government has got only one machinery to help it enforce its laws and that is the Police. And until and unless the Police is armed with sufficient power, I don't think it will be able to take any action independently. And if the law is to depend on the mercy of the common people it will never be successful in its implementation. The evil can be prevented with the help of the police and we have to straighten the process in the prevailing conditions. So, I think the provision should be made cognisable, non-bailable and non-compoundable.

Secondly, in the IPC and the Cr. P.C. for any grave offence, grave punishment has been prescribed. Therefore, I would suggest that Dowry should be considered as a grave crime and there should be severe punishment and serious procedures should be prescribed for it. Only then it will be effective. I give the example of Sati Pratha. Raja Ram Mohan Roy raised a voice against it, but it became effective only when William Bentinck took serious action against it, and made laws against it. Therefore, until and unless there is an effective law, no social evil can be eradicated. Legislation plays a very important role. Since, it is a grave crime and a big social evil, for its eradication an effective legislation is needed.

श्रीमती इंदिरा प्रसाद : हमारें यहां जो शादी होती है, उसमें रिलीजस सेंक्टिटी भी है और पब्लिक एवोडेंस बहुत बड़ी चीज होती है। इसी कारण बहुत सारे लोगों को इक्ट्ठा करते हैं, इसमें सोशल एवोडेंस भी होते हैं, शादी के अवसर पर पम्प एंड शो इस लिये करते हैं कि समाज में इज्जत हो, आदर हो। अगर इस को सिम्पल बनाया जाये और इस में पब्लिक एवोडेंस इत्यादि जो लेने की चेष्टा करते हैं, वह न किया जाये तो ठीक हो सकता है।

सोशल एवोडेंस की बात को कट-आफ करें और इसे दूसरे ढंग से इफैक्टिव बना सकते हैं। सोशल मोरेलिटी से इसे करनी चाहिए। कितने भी नियम आप बनायें, उसमें मस्ट की बात है। कम्पलसरी की बात है अगर उसके

इम्पलीमेंटेशन के लिये इंडीविजुवल फ्रीडम की सेंस को बढ़ावा देंगे तो इसको कैसे करेंगे । यह देखने की बात है ।

अगर हम फ्री महसूस करते हैं तब हमारी रिस्पोंसेबिलीटी आती है कि क्या करें । इंडीविजुवल फ्रीडम को इन्वाइट करना है ।

सभापति महोदया : इसका एक्ट से संबंध नहीं है, इसे आप लिख कर भेज दें, हम उसे देख लेंगे । श्रीमती भारती कुमार ।

श्रीमती भारती कुमार : दहेज प्रथा को रोकने के लिये कानून सीमित पक्ष है । इसके अलावा मैं और बातों की तरफ ध्यान दिलाना चाहती हूं । दहेज की प्रथा हमारे समाज की एक आदत बन गई है, इस लिये इसके रूट-काज को हमें उसके सैंटर से ही खत्म करना है । दहेज के लिये कितने भी प्रतिबन्ध लगायें लेकिन उससे उसका परमानेंट सोल्यूशन नहीं होगा यह तब तक समाप्त नहीं होगा जब तक हमारी मनोवृति समाप्त नहीं होगी ।

हमारे समाज में आज कल दहेज देने की प्रवृत्ति को बढ़ावा देने के लिये कुछ ऐसी चीजें हो रही हैं, जो इस में सहायक हो रही हैं । हमारी कुछ गवर्नमेंट एजेंन्सीज हैं, जैसे नैशनलाइज्ड बैंक हैं, वह अखबारों में एडवर्टाइजमेंट देते हैं कि अपनी लड़की की शादी के लिये एकाउन्ट खोल लीजिये, दूसरी तरफ एडवर्टाईजमेंट आता है कि लड़के की एजुकेशन के लिये एकाउन्ट खोल दीजिये यह एडवर्टाईजमेंट मां-बाप को इन्करेज करते हैं कि लड़की के पैदा होते ही बैंकों में एकाउन्ट खोलकर धन जमा करना शुरू कर दें ताकि दहेज देते समय शादी के समय परेशानी न हो । मेरा सजेशन है कि इस तरह के जितने भी एडवर्टाइजमैंट्स हैं और दूसरे एन्करेजमैंट्स हैं उनको बन्द करना चाहिए । धन जमा करने के जो साधन बनाये हैं जैसे प्रावीडेंट फंड वगैरा हैं, उनको भी बन्द करना चाहिए ताकि दहेज देने के लिये पैसा ही लोगों के पास न हो, तब मां-बाप पर इस प्रथा के खिलाफ कुठाराघात होगा ।

मैं यह भी कहना चाहती हूं कि यह जो सारा सिस्टम दहेज प्रथा का है, वह हमारी अर्थ-शास्त्र की नीति "डिमांड और सप्लाई" पर आधारित है । जैसे हमारे यहां समाज में एजिबलि, एम्पलाइड; बैचलर लड़कों की संख्या कम है, शादी योग्य सुघड़ लड़कियों की संख्या ज्यादा है । जो एम्लायड बैचलर्स हैं, उनकी शार्ट-सप्लाई होने की वजह से उन को ब्लैक में खरीदा जाता है । मेरा सजैशन है कि सब लोगों के लिये अधिक से अधिक जाब-ओरिएन्टेड प्रोग्राम होना चाहिए । लोगों को इम्पलायमेंट दी जानी चाहिए ताकि डिमांड और सप्लाई का बैलेंस हो सके ।

मिस किरण घई : अध्यक्ष महोदया, दहेज प्रतिषेध समिति के सामने हम साक्ष्य देने जा रहे हैं कि इस एक्ट में क्या परिवर्तन होने चाहिए । इस संबंध में मेरा कहना है कि कोई भी सामाजिक परिवर्तन कानून के द्वारा नहीं होता है । कानून की भूमिका उसमें सहायक सिद्ध हो सकती है, निर्णायक नहीं हो सकती है । इसलिये जो भी हम सामाजिक कानून बनायें वह समाजोन्मुख होना चाहिए । समाज के अन्दर से जब इस प्रकार की भावनायें उभर कर आती हैं तो उस कानून का महत्व बढ़ जाता है क्योंकि उस पर लोगों का विश्वास होता है, लोग उस पर अमल करते हैं ।

इस वास्ते हमें दहेज प्रथा के विरुद्ध एक व्यापक अभियान चलाना चाहिए ।

यह अभियान हम साहित्य, नाटक और चित्रों के माध्यम से चला सकते हैं । ये हमारे समाज के सशक्त प्रचार माध्यम हैं और इन के द्वारा हम समाज में जागरुकता उत्पन्न कर सकते हैं । इनकी इस कार्य में महत्वपूर्ण भूमिका हो सकती है । हम ऐसे प्लेट फार्म बनायें जिनके द्वारा हम समाज में आदर्श विवाह करायें । समाज में जो तथाकथित व्हाइट कालर लोग विवाह करते हैं उनको भी सामाजिक विवाह के प्रदर्शन के द्वारा हम इस ओर आकर्षित कर सकते हैं, उनमें भी इस प्रकार की सामाजिक भावना पनपा सकते हैं ।

सामाजिक संगठनों द्वारा दहेज लेने वालों से सम्पर्क करके उन्हें निरुत्साहित किया जाना चाहिए और उन्हें कंडेम करना चाहिए । सामाजिक संगठनों को अपनी तरफ से सामूहिक आदर्श विवाह कराने चाहिए । अगर हम कानून के द्वारा यह काम करेंगे तो यह समाज को हरेस करने का एक साधन बन जायेगा जिस प्रकार से प्रोहिबिशन के बारे में होता है । जिस प्रकार से प्रोहिबिशन के मामले में वोलेन्ट्री आरगेनाइजेशन्स से मदद ली जाती है उसी प्रकार से इस मामले में भी ली जा सकती है ।

SHRI ANANTHA RAMULU MALLU: What is the machinery that you are suggesting for implementing it effectively? What is the work that the voluntary organisations have turned out uptill now?

कुमारी किरण घई : मैंने सजेशन दिया है कि वोलेन्ट्री आरगेनाइजेशन्स में समाज के लोग ही हो सकते हैं । सहायक के रूप में उनका भी अपना महत्व है ।

श्रीमती विद्यावती चतुर्वेदी : मुझे भी 30--35 साल समाज में कार्य करते हो गये हैं । क्या आप समझती हैं कि इतनी बड़ी अवधि में किसी में चेतना जागी है, कोई सुधरा है ? वास्तव में जो सो रहा है उसे तो जगाया जा सकता है, लेकिन जो आंख मूंद कर पड़ा है उसे नहीं जगाया जा सकता है ।

कुमारी किरण घई : चेतना जागती है । उसका बहुत महत्व है ।

श्रीमती प्रभावती सिंह : दहेज प्रथा को समाप्त करने का प्रश्न बहुत महत्वपूर्ण है । शुरूआत में जब लड़की की शादी होती थी तो लड़की के माता पिता अपनी लड़की को सुखी रखने के लिये स्वेच्छा से बहुत सी चीजें देते थे लेकिन अब उनके लिये देना कम्पलसरी बना दिया गया है । अब रुपया देना भी कम्पलसरी कर दिया गया है ।

समाज में दो तरह से सामाजिक परिवर्तन लाये जा सकते हैं । एक तो कानून के माध्यम से और दूसरा जागृति ला कर के, सोशल कांसेन्शस ला कर के । जैसा अभी कहा गया है मैं उससे सहमत हूं कि इस समस्या का समाधान समाज में जागृति ला कर अधिक हो सकता है । शासन तो हेल्पफुल हो सकता है । हमें पब्लिक ओपिनियन क्रियेट करनी होगी । कई तरह से इस समस्या को लोगों के सामने रखना होगा । इस बुराई को जोर-शोर से लोगों के सामने उठाना होगा । इस काम में रेडियों, टेलीविजन शिक्षण संस्थायें और सभी पोलिटिकल पार्टीज भी सहायक हो सकती हैं ।

हम देखते हैं कि रेडियो में कुछ समस्याओं के संबंध में सलोगन्स दिये जाते हैं । मेरा सुझाव है कि इस सिलसिले में भी रेडियों से स्लोगन दिये जायें । अखबारों में हम देखते हैं कि अगर

कोई महिला दहेज की बुराई के कारण पीड़ित है, वह जला दी गई है तो उस में बहुत छोटे छोटे अक्षरों में किसी कालम में छप जाता है। दूसरे या तीसरे पेज पर समाचार छप जाता है । मेरा सुझाव है कि ऐसे समाचार बोल्ड लेटर्स में समाचारों में छपें और समाचार पत्रों में मुख पृष्ठ पर छपें जिससे कि लोगों में इस बुराई के प्रति भावना जागे और सरकार भी सचेष्ट हो ।

श्रीमती संयोगिता राणे : क्या आपके विचार में मैरिज कम्पलसरीली रजिस्टर्ड होनी चाहिए ? हमारे गोआ में मैरिज कम्पलसरीली रजिस्टर्ड की जाती है । वहां इस प्रकार का कानून है । जब मरिज रजिस्टर्ड हो जाती है तो लड़की को प्रोपर्टी राइट भी जाता है । लड़की के मरने के बाद उस प्रोपर्टी का राईट या तो उसके बच्चों को जाता है या फिर उसके पेरेन्ट्स को वापस चला जाता है । इस तरह से वहां इक्वुअल राईट्स हैं । आपको इस बारे में क्या कहना है । जब दहेज में भी उसको कुछ नहीं दें और इक्वल राईट्स भी नहीं देंगे तो उसे कुछ भी नहीं मिलेगा । क्या मैरिज का रजिस्ट्रेशन कम्पलसरी होना चाहिए । उस को ईक्वल राईट प्रापर्टी में मिलना चाहिए या नहीं ?

श्रीमती प्रभावति सिन्हा : जरूर मिलना चाहिए ।

श्रीमती संयोगिता राणे : कितना मिला है , वह काफी नहीं है क्योंकि लड़की मां-बाप के घर से दूसरे घर जाती है, इस लिये वहां भी उसका हक होता है ।

श्रीमती प्रभावती सिन्हा : यह बात ठीक है --ऐसा जरूर होना चाहिए ।

श्रीमती संयोगिता राणे : हमारे यहां महाराष्ट्र में ऐसा होता है कि जो शादी होती है उसमें लड़का और लड़की वालों की तरफ के लोग विटनेस होते हैं, जो लड़की को दिया जाता है वह सब लिखा जाता है इस लिये कि बाद में कोई तकरार न कर सकें, इसी लिये हमारे यहां रेंशमेंट कम होता है ।

श्रीमती प्रमिला दंडवते : बहुत से लोग शादी के समय कुछ नहीं मांगते, लेकिन शादी के दो-चार साल बाद मांगते हैं। बच्चा होने के बाद भी मांग शुरू हो जाती है--इस को रोकने के लिये आप क्या सुझाव देना चाहती हैं, क्या इस तरह की मांग को पूरा करने के लिये जो दिया जाय उसको आप डाउरी समझते हैं ?

श्रीमती प्रभावति सिन्हा : इस को मैं डाउरी नहीं समझती हूं । वास्तव में लोगों के अन्दर ग्रीड भरी हुई है । सभी फेमिलीज इस तरह से नहीं करती है । जो इस तरह से मांगते हैं यह उन के चरित्र को प्रकट करता है ।

SHRI ANANTHA RAMULU MALLU: On the name of Stridhan, a lot of amount is being given to the ladies. Do you think the practice of Stridhan should continue?

SHRIMATI PRABHAVATI SINHA: I think it should be continued and some gifts must be allowed. But there should be no compulsion.

SHRIMATI SHARADA SINGH: Our children should be educated right from the school stage to understand that this dowry system in the society is really an evil and it is only with this change in mental attitude we can eradicate this evil.

SHRIMATI MANORAMA BAWA: My suggestion is that public servants as well as the politicians should not have elaborate wedding parties and pomp and show at their children's

wedding ceremonies. If they morally restrain themselves in this matter and socially boycott such receptions and weddings and encourage people not to attend such marriages, this will have a salutary effect.

Secondly ceiling on gifts and expenses on weddings should be according to the economic status of the family.

Then marriage should be registered. At the time of the registration a declaration should be made that they have not given or accepted dowry or gifts.

श्रीमती आत्मा प्रसाद : सभापति महोदय, यहां पर अनेक प्रकार के सुझाव दिये गये हैं । मेरा पहला सुझाव यह है कि इस में 6 महीने का इम्प्रीजनमेंट होना चाहिए या फाइन कर के छोड दिया जाय---ऐसा इस कानून में प्रावधान किया गया है, मैं चाहती हूं कि इम्प्रीजन्ट जरूर हो और एक साल का हो तो ज्यादा अच्छा होगा । प्रायः यह देखा गया है कि जो लोग डाउरी लेते हैं---उन में लडके का बाप या लडकी का बाप पकडा जाता है लडका साफ निकल जाता है । इस कानून में लडका या लड़की का बाप कवर होता है, लडेके को कुछ नहीं होता है, मैं चाहती हूं कि लड़के को भी एक साल की सजा दी जाय जिस से उसके मन में भी भय हो कि अगर हम डाउरी लेंगे तो हम को भी सजा होगी और कलंक लग जायेगा । आज लडकों की भी यह भावना हो गयी है कि मेहनत कम करना चाहते हैं और चाहते हैं कि इस तरह से ज्यादा से ज्यादा चीजें उन को मिल जायें जोकि वे अपनी जाब से हासिल नहीं कर सकते हैं ।

दूसरा सुझाव---इस में लड़को को भी प्रोटेस्ट करना चाहिए । जो लड़का सरेआम बिक रहा है उस से शादी न करें मैं मानती हूं इस में लड़कियों को थोड़ी दीकत होगी, उन की शादी नहीं होगी तो समाज में उनकी उपेक्षा की दृष्टि से देखा जायेगा । मैं ऐसा महसूस करती हूं कि शादी नहीं होगी तो न सही, लेकिन इस से अन्य लड़कियों का आत्मबल बढेगा और जब ऐसे बहुत से मामले होंगे तो लड़कों के अन्दर भी यह भय पैदा होगा कि हम कुंवारे रह जायेंगे ।

श्रीमती सोहसोना किदवई : हमारी फैमिलीज में लड़कों को ज्यादा प्यार किया जाता है और लड़कियों को कम क्योंकि लोग ऐसा महसूस करते हैं कि लड़कियों को तो दूसरें घर में जाना है । हमारे हिन्दुस्तान में लड़के को सब कुछ समझा जाता है । लड़की को कुछ नहीं । समाज की इस भावना को मिटाने के लिये आप क्या सुझाव देना चाहती हैं । ?

श्रीमती आत्मा प्रसाद : शुरू से ही हमारे समाज में यह ध्येय रहा है कि औरतें ही औरतों की दुश्मन होती हैं । इस तरह के बहुत सारे आरोप हमारे पास आये हैं । यदि सच पूछिये तो मर्द लोग तो अपने आफिस में बैठते हैं, काम धंधे में लगे रहते हैं, यदि कोई बात दहेज वगैरह के बारे में उनसे होती है तो वह कहते हैं कि घर से पूछकर आते हैं, तब बतायेंगे । दहेज के बारे में औरतें ही मर्दों को कहती हैं कि तुम यह करो । बहुत सारी बातें होती हैं जो कि औरतों के मन में होती हैं, जब बहु घर में आती है तो सारी चीजें श्वसुर देखने नहीं जाते हैं, बल्कि उन चीजों को सास देखती हैं और उनके मन में यह रहता है कि यह चीज नहीं आई, जो कि आनी चाहिये थी ।

इसलिये यह शिक्षा तो औरतों को दी जानी चाहिये, बच्चों को दी जानी

चाहिये कि दहेज नहीं लिया जाये । यदि किसी लड़के वाले का फोन आता है तो लड़कियों को और बच्चों को फोन रिसीव नहीं करने दिया जाता, समझा जाता है कि कोई गड़बड़ी न कर दे । हर औरत के मन में ज्यादा भावना होती है कि वह अपने लड़के की शादी में दहेज ले । जिस तरह औरतें यह सोचती हैं कि हमारी बहु आयेगी तो क्या दहेज लायेगी, उनको यह भी सोचना चाहिये कि लड़की की शादी में भी दहेज देना पड़ेगा, वह दूसरे घर जायेगी तो क्या किया जायेगा ? अगर सब लोग अपने ऊपर बात को डालकर सोचें तो यह ठीक हो सकता है ।

पहले लड़की को फोन पर बात नहीं करने दिया जाता था, लेकिन अब कुछ प्रथा बदली है, फोन आता है तो कहा जाता है कि तुम फोन कर दो । औरतें ही अपने हसबैंडस को प्रैशर देती हैं कि बैंक से रुपया लाओ, प्रावीडैंड फंड से लाओ और दहेज दो, क्योंकि देना जरूरी है । इस प्रवृत्ति पर रोक लगनी चाहिये ।

श्रीमती विद्यावती चतुर्वेदी : स्त्री जाति आर्थिक तौर पर मर्द के ऊपर बहुत डिपेंड करती है, यदि उसकी आर्थिक स्थिति मजबूत हो तो वह स्वयं अपने पैरों पर खड़ी हो सकती हैं और खुद अपना भरण-पोषण कर सकेगी । वह दूसरे के ऊपर डिपैंड नहीं करेगी, इस बारे में आप क्या महसूस करती हैं ?

अगर लड़की शिक्षित हो जाती है, पढ़-लिख ले तो वह नौकरी करके अपनी आर्थिक स्थिति मजबूत कर सकती है, ऐसी स्थिति में उसे डाक्टर और इंजीनियर लड़के मिल जायेंगे और लड़की भी अपने पैरों पर खड़ी होगी, आत्म निर्भर होगी तो दहेज के लिये उसे तंग भी नहीं किया जा सकेगा, इस बारे में आपकी क्या राय है ?

अगर ऐसा हो तो क्या आपकी राय में उनके आत्मनिर्भर बनने से इस समस्या का कुछ हल हो सकता है ?

श्रीमती आत्मा प्रसाद : आपने बिल्कुल ठीक कहा, आत्म-निर्भर बनने पर कोई भी वजह नहीं रहेगी । लड़के के और लड़के के परिवार वालों के मन में भी यह रहेगा कि बहुत ही कमाने वाली बहु आ रही है, इससे ठीक होगा । अगर वह आत्म निर्भर बनें तो अपने पैरों पर खड़ी हो सकती हैं, इससे इस समस्या के हल में काफी मदद हो सकती है ।

श्रीमती प्रमिला दण्डवते : इस कानून में एक सैक्शन सजा के बारे में है । आपको क्या लगता है कि डाउरी देने वाला या डाउरी लेने वाला दोनों ही जिम्मेदार हैं, दोनों को सजा होनी चाहिये ? देने वाला तो मजबूर होकर देता है क्योंकि उसे लड़की की शादी करनी है । बहुत से लोगों से हमने कहा कि वादा करो कि लड़की की शादी में दहेज नहीं दोगे, तो उन्होंने कहा कि लड़की की शादी में नहीं देंगे, यह वादा नहीं करते । आप क्या सोचती हैं कि कानून में दहेज लेने वाला और देने वाला, दोनों को ही सजा होनी चाहिये या लेने वाले को ही ?

श्रीमती आत्मा प्रसाद : दोनों को ही सजा होनी चाहिये ।

श्रीमती प्रमिला दण्डवते : प्रतिनिधि, पियूपल रिप्रेजेन्टेटिव एक्ट में ऐसा सुझाव होना चाहिये कि अगर कोई प्रतिनिधि अपने लड़के की शादी में दहेज लेता है तो वह मामला कोर्ट में जा सकता है और वह शादी कैंसिल होनी

चाहिये, इस बारे में आपको क्या राय है ?

श्रीमती आत्मा प्रसाद : ऐसा है कि दोनों को ही सजा होनी चाहिये । दहेज देने वाला और लेने वाला, दोनों ही दोषी होते हैं । आज स्थिति यह है कि लड़की वाला कहता है कि आई० ए० एस० लड़का ही लेंगे और यह खुद लड़के वाले के पास जाता है कि एक लाख लगायेंगे, डेढ़ लाख लगायेंगे । जिसके पास खुद ही देने वाला आता है, वह डिमांड क्यों करेंगे ? इसलिये देने वाला और लेने वाला दोनों दोषी हैं, दोनों को ही सजा होनी चाहिये ।

श्रीमती कृष्ण बाला क्षत्रीया : मेरा सुझाव है कि कानून के साथ सामाजिक क्रांति होनी चाहिये और युवक-युवतियां यदि आगे बढ़ती हैं तो उन को भी सम्मानित किया जाये ।

श्रीमती उमा सिन्हा : आपकी प्रश्नावली मुझे कल मिली है, उससे जो बातें उठी हैं, उसी के कुछ उपबन्धों पर मैं अपने विचार रखूंगी । पहली बात यह है कि डाउरी एक सोशल ईविल है । इसका अभी तक समाधान इसलिये नहीं कर सके हैं कि इसके अब तक कानूनी उपाय ढूंढते रहे हैं । यह ऐसी समस्या है जो दोनों पक्षों की सहमति से होती है और उसको क्राइम के बराबर मानते हैं ।

अगर कोई मर्डर करता है, तो एक पक्ष करता है वह दोषी होता है, दूसरा पक्ष निर्दोष होता है, लेकिन डाउरी के मामले में दोनों पक्ष दोषी होते हैं, इसलिये इसका समाधान कानून से नहीं कर सकते हैं, चाहे कानून में फाइन को बढ़ावा दें या इम्प्रीजनमेंट को बढ़ावा दें, इससे कोई फर्क नहीं पड़ता है ।

यह समस्या भिन्न-भिन्न सामाजिक स्तरों पर भिन्न-भिन्न रूप धारण किये हुए है और यह एफलुएन्ट सोसाइटी में धनी लोगों के बीच में है । इसलिये इसका समाधान इस बात को ध्यान में रखकर ढूंढना चाहिये ।

विवाह में जो भी धन खर्च होता है, चाहे वह माता-पिता द्वारा गिफ्टस में दिया गया हो या भोजन वगैरह पर खर्च हुआ हो, वह टोटल एक्सपैंडीचर आफ मैरिज डाउरी ट्रीट किया जाना चाहिये ।

रजिस्ट्रेशन सब शादियों के लिये कम्पलसरी होना चाहिये । रजिस्ट्रेशन के समय माता-पिता डिक्लेयर करें कि उन्होंने डाउरी में क्या क्या दिया है ।

इन सारी चीजों को हमें गिफ्ट टैक्स में भी ले आना चाहिये । तभी हम इसकी सीलिंग को भी कंट्रोल कर सकेंगे । अभी जो 5,000 रुपये सीलिंग गिफ्ट टैक्स का है, हो सकता है कि बाद में इसमें संशोधन हो ।

जहां तक हमारी नालेज है, 4 वर्ष तक हम जितने भी गिफ्ट देते हैं उनको क्युमुलेटिव रूप में रखकर उस पर टैक्स लगाया जाये । एक साल के बाद, दो साल के बाद, दिवाली या दशहरे के अवसर पर मांगते हैं, उस समस्या का समाधान भी हो सकता है । उस चीज को भी हम कानून में ले आएं । शहरों में जो बहुत खर्च किया जाता है वह कालेधन के रूप में खर्च किया जाता है । इस बारे में भी हम कानून बनाएं ।

सभापति महोदया : आपका तात्पर्य है कि पोम्प एण्ड शो को कम किया जाए ?

श्रीमती उमा सिंहा : जितना पैसा खर्च हो वह अर्जित धन से हो, ब्लैक मनी का न

हो । ब्लेक मनी का प्रावधान इसमें लाया जाए ।

अभी जो दहेज के सम्बन्ध में सजा मिलती है वह दहेज लेने वाले को मिलती है । प्रश्न यह उठाया गया है कि देने वाले को भी सजा दी जा सकती है या नहीं । मेरा कहना यह है कि जब लेने वाले को दी जाती है तो देने वाले को भी दी जानी चाहिए । अत: लेने और देने वाले दोनों के लिए सजा का प्रावधान होना चाहिए । अब अगर जिसके लिए दहेज लिया जाता है, उसके लिए भी इसमें प्रावधान किया जाए तो उस युवक पर जो कि नौकरी पर जाता है, या बिजनस पर जाता है, कलंक आएगा और यह उस पर बहुत लांग लास्टिंग इफेक्ट होगा । इसका युवक विरोध करेंगे । इसलिए भी युवक डोअरी नहीं लेने देंगे ।

लास्ट प्वाइंट मेरा यह है कि जब तक हम एक सोशल चेंज नहीं लाएंगे तब तक इसमें अधिक सफलता नही मिलेगी । अब घूस का प्रश्न है, घूस अन्दर से भी ली जाती है और बाहर से भी ली जाती है । ऐसी तरह से दहेज के बारे में होगा । इसलिये ये सारी चीजें हमें साथ ले कर चलनी होंगी , तभी इसका हम समाधान कर पायेंगे ।

श्रीमती माया प्रसाद : मुझे एक-दो बातें कहनी हैं । जहां तक आपके इस एक्ट का सवाल है, इस एक्ट के लिमिटेड फंक्शन हैं । इसमें हम एक दो और अहम चीज सेक्शन दो में एड करना चाहेंगे । इसमें जो डोअरी का प्रावधान किया है उसको हम लिबरेलाइज करना चाहेंगे । लड़की के माता-पिता जो अपनी लड़की को स्वेच्छा से देना चाहें उसमें रुकावट नहीं डाली जानी चाहिए । अगर वह स्वयं दे सकते हैं तो उन्हें देने दिया जाए । हां इसका रजिस्ट्रेशन होना जरूरी है । अब सोशल फंक्शन और मेरिज दो हजार में तो नहीं हो सकेगी ।

दूसरी बात यह है कि लड़की मेरिज के बाद अपने फादर की प्रापर्टी में जो उसका राइट है उसको वह साथ ले कर जाएगी । राईट आफ प्रापर्टी के अन्दर जो उसको अधिकार है उसका इमप्लीमेन्टेशन होना चाहिए । लड़की की मृत्यु के बाद अगर लड़की की इच्छा यह रही हो कि उसकी प्रापर्टी उसके पति को जाए तो उसे जानी चाहिए अन्यथा उसकी प्रापर्टी उसके माता-पिता को वापस लौटा दी जाए । इस से भी डोअरी को कम करने में मदद मिलेगी । जब हम लड़कियों को पढ़ा-लिखा रहे हैं उसके स्टेटस की डिमाण्ड कर रहे हैं तब ऐसे स्ट्रोंग कानून बनाना ठीक नहीं होगा ।

दूसरी चीज यह है कि गवर्नमेंट सर्वेंट्स के जो कंडेक्ट रूल्स हैं उनको सख्त किया जाना चाहिए जिससे कि गवर्नमेंट सर्वेंट्स डोअरी नहीं ले सकें । डोअरी की बुराई उन्हीं से ज्यादा बढ़ती है । यही मेरे सुझाव हैं ।

सभापति महोदया : आपका बहुत बहुत धन्यवाद ।

श्रीमती प्रेमलता प्रकाश : इस समस्या के सम्बन्ध में मेरे केवल दो ही सुझाव हैं । एक तो मेरा यह सुझाव है कि इन्टर कास्ट मेरिज होने चाहिएं । इसकी फेसिलिटीज समाज द्वारा प्रोवाइड की जानी चाहिए इससे भी दहेज की बुराई को रोकने में मदद मिलेगी ।

दूसरे लड़के और लड़कियों को शिक्षित किया जाना चाहिए और दहेज की बुराई के प्रति उनके मस्तिष्क में बिठाया जाना चाहिए ।

सभापति महोदया : बहुत बहुत धन्यवाद ।

श्रीमती कुमकुम बेदसेन : मैं कहना चाहूंगी कि सब शिक्षित लोगों को घर घर में जा कर इस मसले पर लोगों का ब्रेन वाश करना चाहिए । जातिवाद का नाश होना चाहिए । युवा पीढ़ी में यह आन्दोलन चलाया जाना चाहिए । पुलिस इस चीज़ को नहीं हटा सकती है । युवा पीढ़ी ही इसको दूर कर सकती है ।

श्रीमती ऊषा रानी सिंह : आदरणीय अध्यक्ष महोदया तथा माननीय सदस्यगण, यहां पर बहुत सारी बातें कही गई हैं तथा जो प्रश्नावली मेरे पास आई थी, उस का मैंने उत्तर दे दिया है, इसलिये मुझे विशेष कुछ नहीं कहना है केवल दो-तीन बातें ही कहना चाहूंगी । क्षमा करेंगे, चूंकि मैं साहित्य की विद्यार्थी हूं, इसलिये कुछ साहित्यिक ढंग से ही कहूंगी . . .

सभापति महोदया : आप साहित्यिक ढंग से ज़रूर कहें लेकिन प्वाइन्टस इस से सम्बन्धित होने चाहियें ।

श्रीमती ऊषा रानी सिंह : मैं समझती हूं कि आप का कानून और संस्कार एक माली की तरह हैं, जिन की कैंची इतनी तेज़ होनी चाहिये कि जो कुरीतियां हैं वे उन को सही ढंग से तराश सकें और उनके परिणामस्वरूप समाज में विकास के सुन्दर फूल खिल सकें । अभी तक जो बातें हुई हैं--मैं यह समझती हूं कि उन में प्रत्यक्ष या अप्रत्यक्ष रूप से दहेज को प्रश्रय दिया गया है । मैं ऐसा महसूस करती हूं कि विवाह के सन्दर्भ में किसी भी प्रकार के लेन-देन की बात गलत है क्योंकि जो भी उपहार दिये जायेंगे, परोक्ष रूप से या अप्रत्यक्ष रूप से, उन से यह कुरीति फलती-फूलती रहेगी । कोई आदमी ऊपर से तो कहेगा कि उसे ज़रूरत नहीं है लेकिन भीतर से वह सब कुछ लेना चाहेगा । इस लिये मेरा सुझाव है कि तीन वर्ष तक किसी भी प्रकार के उपहार देने पर रोक लगा देनी चाहिये ।

सभापति महोदया : आप कह रही हैं कि उपहार देने पर बिलकुल रोक लगा दी जाय ?

श्रीमती ऊषा रानी सिंह : कोई भी अभिभावक अपने बच्चे को प्रेमवश देना चाहते हैं, लेकिन मैं चाहती हूं कि यह जो भावना है इस पर प्रतिबन्ध होना चाहिये और दो-तीन वर्षों तक कुछ भी नहीं दिया जाना चाहिये । उस के बाद लड़की अपने परिवार में अपने लिये स्थान बना लेती है, पति के साथ उस का भावनात्मक सम्बन्ध स्थापित हो जाता है और ऐसी स्थिति में यदि बाद में किसी भ्रान्त धारणा के कारण या मजबूरी के कारण कोई बात होती है तो उस का पति उस की रक्षा कर सकता है और वह स्वयं भी अपनी रक्षा कर सकता है ।

जहां तक लड़के का सम्बन्ध है--उस को जो भी सजा दी जाये, लेकिन उसके साथ-साथ उसे किसी भी सरकारी या गैर-सरकारी पद से वंचित किया जाये तथा वंचित रखा जाये । पदासीन व्यक्ति यदि दहेज लेता है तो निश्चित रूप से उसे उसी दिन से कार्यमुक्त कर दिया जाये । विवाह रजिस्ट्री के द्वारा होना चाहिये । जहां तक रजिस्ट्री का प्रश्न है इस में एक दिक्कत पैदा होती है । विशेष दिनों में विवाह रखे जाते हैं, उन दिनों में रजिस्ट्रेशन के लिये कचहरियों में भीड़ बहुत बढ़ जायेगी, इस भीड़ भाड़ को कैसे रोका जाये--मेरा सुझाव है कि कुछ वरीय वकील लोगों को इस काम के लिये पावर दे कर अधिकृत किया जाये जिस से वे इस काम को करा सकें । इस काम के लिये आप न्यूनतम रजिस्ट्रेशन फीस रख सकते हैं ताकि आर्थिक रूप से दबे हुए परिवारों पर ज्यादा बोझ न पड़ सके ।

एक प्रश्न यह पूछा गया है कि इस काम को सामाजिक मान्यता कैसे मिले ? समाज में इस कानून को प्रभावी बनाने के लिये थोड़ा ड्रास्टिक होना होगा । शहरी क्षेत्र में, कारपोरेशन स्तर पर तथा ग्रामीण क्षेत्र में पंचायत स्तर पर विजिलेंस कोटिज का गठन होना चाहिये । उसमें ऐसे लोगों को लिया जाना चाहिये जो कास्ट-क्रीड से ऊपर उठे हुए और ड्यूटिफुल लोग हों । इस विषय को राष्ट्रीय एकता के सन्दर्भ में देखना चाहिये--इस लिये सरकार की ओर से सी० आई० डी० विभाग की देखरेख में इस काम को किया जाना चाहिये ।

सभापति महोदया : बिहार में तो बहुत सालों से सी० आई० डी० विभाग इस काम को करता आ रहा है । मेरे स्वर्गीय पति स्वयं इस विभाग में थे ।

श्रीमती ऊषा रानी सिंह : शहरी क्षेत्र में कार्पोरेशन स्तर तक और ग्रामीण क्षेत्र में पंचायत स्तर तक विवाह-केन्द्रों की स्थापना होनी चाहिये । इस कुरीति के मूल में यह बात है कि स्त्री को आज समाज में दूसरा दर्जा दिया जाता है, जब कि लड़कियां न केवल एम० ए०, पी० एच० डी० बन रही हैं बल्कि इंजीनियर, डाक्टर और वकील बन रही हैं, फिर भी दहेज से मुक्ति नहीं होती है । इस लिये मेरा सुझाव है कि मैरिज ब्यूरो टाइप की कोई संस्था होनी चाहिये जहां एम्प्लायमेंट एक्सचेंज की तरह विवाह योग्य लड़कों तथा लड़कियों का रजिस्ट्रेशन होना चाहिये ।

सामूहिक विवाह को प्रोत्साहन दिया जाना चाहिये, बल्कि बड़ाई से इस का पालन होना चाहिये, ऊंचे तथा निम्न प्रकार के सभी लोग अनिवार्य रूप से वहां जा कर विवाह करें ।

सभापति महोदया : आप के सुझाव बहुत अच्छे हैं । धन्यवाद ।

श्रीमती अरूणा सिन्हा : इस समय जो प्रश्न उठा है, वह बहुत सामयिक है । मैं ऐसा समझती हूं कि दहेज प्रथा का उन्मूलन करना बहुत आसान नहीं है, यह रोग ला-इलाज हो चुका है, इस लिये कानून द्वारा यह रोग खत्म नहीं किया जा सकता है । क्या ऐसा कोई उदाहरण है कि कानून द्वारा किसी भी ऐसी चीज की रोकथाम करने में आप समर्थ हुए हैं ? इस तरह के कानून को बने हुए आज 20 वर्ष हो चुके हैं, आप बतलाइये, कहां तक इस में सफलता मिली है ? मैं ऐसा समझती हूं कि इस के लिये सामाजिक जागरण बहुत जरुरी है । आज हमारे आकाशवाणी से परिवार नियोजन सम्बन्धी बातें गांव-गांव तक पहुंचाई जाती हैं । हमारे देश की अधिकांश जनता गांवों में रहती है । यह कुरीति ज्यादातर उच्च वर्ग के लोगों में है, जो निम्नवर्ग के हैं उन में यह कुरीति नहीं है । मेरा परिवेश ग्रामीण रहा है, इस लिये मैं बतला सकती हूं कि गांवों में निम्नवर्ग में आज भी बेटे वाला ज्यादा खर्च करता है, बनिस्बत बेटी वाले के । जो मध्यम वर्ग और उच्च वर्ग के परिवार हैं उन में यह दोष अधिक है । अब प्रश्न यह है कि कैसे इस को दूर किया जाये । कानून का मुंह बन्द करने के लिये उस के पास बहुतेरे रास्ते हैं । बहुत सी ऐसी बातें हैं जो कानून द्वारा बंधी हुई हैं, लेकिन शतप्रतिशत सफलता फिर भी नहीं मिली है और न मिलने की सम्भावना है । इस लिये यदि आधी सफलता भी मिल जाये तो मेरी दृष्टि में वह काफी सफलता होगी ।

मेरा सुझाव यह है कि खास तौर से लोगों में जागरूकता फैलायी जाये और

यह आकाशवाणी के माध्यम से हो सकती है। जिस तरीके से परिवार नियोजन की बात आपने घर-घर तक पहुंचाई है, अगर 100 में से 10 व्यक्ति भी परिवार नियोजन कराते हैं तो उससे सफलता मिलती है, उसी तरह से इसमें भी सफलता मिल सकती है ।

गांवों में लोग अखबार पढ़ते नहीं हैं इसलिये अगर इस बारे में विवाह मंचों द्वारा और आकाशवाणी के द्वारा ग्रामीण क्षेत्रों के लिये प्रचार किया जाये तो काफी लाभ हो सकता है ।

साथ ही साथ जो अच्छा प्रचार करते हैं और लोगों को परिवार नियोजन कराने पर इन्सेंटिव दिया जाता है, इन्क्रीमेंट दी जाती है, वही इन्क्रीमेंट वगैरा इस कार्य के लिये भी दी जाया करे ।

मेरा यह भी सुझाव है कि मैरिज का रजिस्ट्रेशन भी होना चाहिये ।

(The witnesses then withdrew)

III. 1. Smt. Kamala Subramaniam

2. Smt. Indu Sinha

3. Smt. Savita Gupta

(The witnesses were called in and they look their seats)

MR. CHAIRMAN: Dowry Prohibition Act, 1961, which was primarily meant to prohibit giving or taking of dowry has failled to achieve its objective. Parents of marriagable daughters have been compelled to give dowry to prospective bridegrooms. A large number of cases are appearing everyday where newly-wed girls are commiting suicide or burnt alive. The Government has, therefore, constituted a joint Committee of the two Houses of Parliament to examine the question of the working of the Dowry Prohibition Act, 1961 with a view to effectively end dowry system. The Committee, would, therefore, welcome suggestions from you to plug loopholes in the existing Act.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI KAMALA SUBRAMANIAM: We agree that dowry has to be wiped out, but the legislation has been inadequate and that there has been a half-hearted implementation.

As a first measure to contain dowry, we should have compulsory registration of marriages.

Secondly, the word given should be deleted from the definition and the penalty clause. Therefore, definition of dowry should read thus:

"In this Act, dowry means any property or valuable security agreed or demanded to be taken either directly or indirectly:

(a) by the bridegroom; or

(b) by parents, guardians or any other person belonging to the bridegroom's party at or before or after the marriage."

I want that word 'giver' to be deleted.

Section 3 should read: Panelty for taking dowry:—

"If any person after the commencement of this Act takes or abets

the taking of dowry, he shall be punishable with imprisonment which will be extended to six months with fine equivalent to the dowry in the case of the taker and in the case of the abettor fine, which may extend to five thousand rupees."

In Section 4, Proviso, we would like to add just one point, that the prior consent of the girl in writing should be taken before taking cognizance of any offence under this Section.

Section 6 should read thus:

"If the Dowry was received when the woman was minor, immediately on the date, she attains the age of 18 years and pending such transfer a person shall hold it in trust for the benefit of the woman. Immediately on the date she attains majority, she should be given."

Section 8 should read:

"The Offence will be cognizable, non-bailable and non-compound able."

Now about implementation of the legislation.

(1) Family courts should be appointed without delay to try these offences incamera and disposed of without any delay.

(2) Police and the Anti-Dowry Cell should quickly investigate complaints or offences brought to their notice and register cases.

(3) All the laws concerning marriage, dowry, property, dowry deaths, women and children's laws or any other measures that we take for welfare of women should be grouped together and consolidated in one form so that it is easy to refer to relevant sections both in the IPC and CRPC.

Dowry deaths should be treated as murder as defined in the IPC and the principle of common intention should be extended to include mother-in-law, father-in-law, husband, brother-in-law or any relative residing in the same house at the time the crime has been committed and all should be treated equally guilty of the crime.

MR. CHAIRMAN: That is already there in the IPC.

SHRIMATI KAMALA SUBRAMANIAM: That is why, I am saying that the principle of common intention should be included in this Act. We should treat them all as part of the common conspiracy.

The time limit for complaint of demanding or taking dowry should not be fixed at one year because the girl may try to adjust in the new home and may be too young at the time of marriage to fully realise the implications of the dowry or its demands and the commanding power which it confers on her in-laws. If at any time the girl or woman complaints about dowry and harassment due to non-fulfilment of demands, the court should consider and award the requisite punishment on the guilty party.

Property laws should be amended to give equal rights to women in property ancestral or individual earning. Hindu property laws regarding ancestral property must specify that there will henceforth be no ancestral property and once divided among heirs the property becomes the sole individual property of the incumbent.

Income Tax laws should be strictly enforced and all such dowry transactions should be treated severely with heavy tax levy.

Divorce should not be granted if a man demands divorce because of infatuation for a younger girl at an advanced age leaving the middle aged or old wife and children in the lurch. A lifelong companionship and hopes of comfort in old age are destroyed in one stroke for the wife. We should take action against prominent citizens like film stars, politicians, executives, judges, lawayers, policemen, etc. who break the law. Only then can the

common man have any faith and confidence in the laws and their enforcement.

SHRIMATI PROMILA DANDAVATE: Do you think that Explanation I should be included in the new Act?

SHRIMATI KAMALA SUBRAMANIAM: There is a limit placed to that.

सभापति महोदय : आप वकील हैं, इस लिये हम आप से ला-प्वाइन्टस जान । चाहते हैं जो हमारी ज्यादा मदद करे ।

श्रीमती इन्दू सिन्हा : हम सैक्शन 2 में चेन्ज चाहते हैं--हम चाहते हैं कि यह फिक्श कर दिया जाये कि यह लिमिट होगी । वैसे मैंने सब बातें आप को लिख कर दे दी हैं ।

हिन्दू सकस्शन एक्ट जो 1956 में बना उस में पिता की प्रापर्टी में लड़की को भी हक दिया गया है...

सभापति महोदय : आप अपनी बात दो-दो मिनट में कहिये ।

श्रीमती इन्दू सिन्हा : मैं यही कह रही थी कि उस एक्ट में यह प्रावीजन है कि पिता की प्रापर्टी में लड़के तथा लड़की दोनों को हिस्सा दिया गया है ।

In Explanation of Section 2, maximum should be fixed as to what would be the amount in cash.

Then Girls have been given right in the fathers property and not in the ancestral property. I have explained everything in my suggestion that there must be a change in the Hindu Succession Act. A girl should be given equal share in the ancestral as well as in the facther's property.

SHRIMATI SAVITA GUPTA: I want to enhance the penalty. Penalty is not stringent. It should be more stringent. It should be punishable with imprisonment at least for one year with a fine at least of Rs. 5,000/-. There should not be any time limit for filing complaints. It happens quite often that when the bridegroom passes some examination which brightens his prospects, he demands more dowry.

The offence should be cognisable, non-bailable and non-compoundable.

Remedial measures at the implementation level I suggest should be:

(1) Special courts to try cases concerning ritual and social crimes committed to women like dowry, divorce, rape etc. with statutory provisions of compulsory inclusion of women judges in such courts;

(2) Special vigilance Cells mainly manned by women to detect and conduct such cases should be set up.

(3) Lady law officers and lawyers at various courts specially at the level of higher courts should be there to look after these cases.

(4) There should be appointment of women judges and lady law officers at reasonable number to check masculine bias of judiciary.

(5) Civil marriage should be made compulsory and ritual marriage optional. There should be three months' notice before the Registration.

(6) Negotiated marriages should be discouraged inter-cast marriages should be encouraged.

(7) Acceptance of dowry should deprive the bridegroom the right to Government job.

(8) At all levels of education articles against dowry and ritualistic evils should be included in the text.

(9) Religious conventions should be called to discuss and preach anti-dowry character of Vedic culture.

(10) Special awards should be given

on the following works of art against dowry:

Film, literature, painting, drama and journalistic coverage.

Unless and until the last straw in the wind takes place in the form of burning, drowning poisioning or desertion, the day-to-day misuse of mal treatment is not revealed or reported, the best safeguard or law against the dowry will be the improvement in overall standard of education of women by which they can stand on their own feet.

(The witnesses then withdrew)

IV. 1. Shri Ram Dayal Prasad

2. Shri Nabin Kumar Sinha, Advocate

3. Kumari Putul Rani

(The witnesses were called in and they look their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions of the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री रामदयाल प्रसाद : यह सोशल ईविल है, इस का निवारण कानून के द्वारा नहीं हो सकता है । जब तक हम लोगों का नेशनल करेक्टर नहीं बनेगा, तब तक कुछ नहीं होगा । इस लिये मेरा सुझाव है कि जिस तरह से बर्थ और डथ का रजिस्ट्रेशन अनिवार्य रूप से होता है उसी तरह से मैरिजिज का भी रजिस्ट्रेशन होना चाहिये ।

एक कमेटी बनाई जाये जो सर्टिफिकेट दे कि अमुक शादी बिना डावरी के, बिना तिलक के हुई है । इस कमेटी के दो मेम्बर चुने हुए मुखिया और सरपंच हों तथा दूसरे दो मेम्बर वे हों जो मुखिया और सरपंच के चुनाव में हार गये हों । ये चारों मिल कर इस काम को करें ।

दूसरी चीज आजकल हम क्या देखते हैं कि कंपीटीशन होते हैं । तिलक लेना लोग इज्जत समझते हैं । इंजीनियर, डाक्टर या जितने भी बड़े लोग तिलक मांगने वाले होते हैं वह पम्प एंड शो करते हैं, उसमें मिनिमम और मैक्सिमम फिक्स कर दिया जाये जो कि सब की राय में आया हो ।

तिलक और दहेज न लेने का प्रचार अच्छे प्रचारकों और ईमानदार वर्करों द्वारा कालेजों, स्कूलों में किया जाना चाहिये ।

SHRI NABIN KUMAR SINHA: This Act is called Dowry Prohibition Act 1961, It should be called Dowry Abolition Act, 1981. In section 3, the word 'giving' should be abolished. It should be 'Penalty for taking dowry'. In section 4, after 'he', 'she' should also be added. It should be he/she.

In section 7—cognizanie offence—the period mentioned is one year. It is not possible to give evidence on an incident which happened one year before. Therefore, it should be reduced to six months.

In section 8, the offences should be made non-cognizable, non-bailable and non-compoundable.

In this Act, a section should be inserted namely. If there is evidence against a person for murdering or torturing his wife for dowry in order to re-marry second time, he should not be allowed to re-marry.

कुमारी पुतुल रानी : तिलक प्रतिषेध कानून, 1961 के अनुसार तिलक की परिभाषा उचित नहीं है । माता-पिता द्वारा खुशी से देना इसे अप्रत्यक्ष रूप से जड़ बनाता है । अतिरिक्त देने एक तरह का तिलक ही है ।

दहेज लेने वाले को सजा एवं दंड शुल्क तथा देने वाले को दंड शुल्क अन-बेलेबल होना चाहिये । दंड-शुल्क डाउरी की रकम के बराबर होना चाहिये ।

इन्वैस्टीगेशन के बाद आवश्यकतानुसार कोर्ट की अनुमति या बिना अनुमति से कार्यवाही होनी चाहिये । यह केस के स्वभाव पर निर्भर करेगी । विशेष आफिसर को सैंक्शन का पावर होना चाहिये । पनिशमेंट के लिये प्रूफ का वेट नहीं किया जाना चाहिये ।

(The witnesses then withdrew)

The Committee then adjourned

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Saturday the 26th September, 1981 *from* 1100 *to* 1310 *hours and again from* 1500 *to* 1600 *hours in Library Hall, Bihar Vidhan Sabha Building, Patna.*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Pramila Dandavate
5. Shri Jagpal Singh
6. Shri Satyanarayan Jatiya
7. Shrimati Mohsina Kidwai
8. Shri Anantha Ramulu Mallu
9. Shrimati Sanyogita Rane

Rajya Sabha

10. Shrimati Manorama Pandey
11. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri S.S. Chawla—*Senior Legislative Committee Officer.*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

Shri B.R. Atre—*Deputy Legislative Counsel.*

WITNESSES EXAMINED

I. Shri Radha Raman,
ex-Advocate General, Bihar, Patna.
West Boring Canal Road, Patna—1

II. Shri Rajo Singh,

Minister of State for Parliamentary Affairs,
Government of Bihar, Patna

III. **Government of Bihar, Patna**

Spokesmen

(1) Shri R.N. Dash, Commissioner & Secretary, Home Department.
(2) Shri Balbir Jha, DIG (CID)
(3) Smt. Manjri Jaruhar, S.P. Anti-Dowry Cell.
(4) Shri Kailashpati, Additional I.G. (CID)

IV. Shri K.P. Verma,
Advocate-General,
Bihar, Patna.

V. State Social Welfare Board, Bihar Patna

Spokesmen:

Smt. Mukul Jha, Vice-Chairman, State Social Welfare Board.

Smt. Mukul Jha, Vire-Chairman, Surakhsha Samiti Vidyalaya, Patna.

2. Smt. Prem Devi Goyal, Mahila Vikas Samiti, Patna.
3. Smt. Tara Gupta, M.L.A., Patna.
4. Shri Ajit Sallar, M.L.A., Road-6, Q. 1, R—Blosk, Patna.
5. Shri Bhola Nath Vyas, Dahej Mukti Yuva Sangharsh, Patna Adarsh Sewa Ashram, Bihar.
6. Smt. Vaidehi Devi, Editor, Chitretna, Hindi Monthly.
7. Smt. Jayanti Singh Rattore, Editor, Chitretna.
8. Smt. Meera Devi, Ex-M.L.A.
9. Smt. Shyama Kumari Ex-MLA.

(The witnesses were called in and they took their seats).

I. Shri Radharaman ex-Advocate General, Bihar, Patna, West Boring Canal Road, Patna-1.

MR. CHAIRMAN: While welcoming you for giving evidence before the Committee, I may inform you that the Dowry Prohibition Act, 1961, which was primarily meant to prohibit the giving or taking of dowry has failed to achieve its objective. Parents of marriageable daughters are being compelled to offer and give dowry to prospective bridegrooms. A large number of cases are occuring every week wherein newly wedded girls are either driven to commit suicide or alleged to have been burnt alive. The Government have, therefore, constituted a joint committee of the two Houses of Parliament to examine the question of the working of the Dowry Prohibition Act, 1961 with a view to deal effectively with the ailments of dowry system. The Committee would, therefore, welcome suggestions from you to plug loopholes in the existing Act.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

अभी हमारे सामने श्री राधारमण जी आये हुए हैं और पदाधिकारी भी हमारे सामने में हैं। हम सब से पहले राधारमण जी का साक्ष्य लेंगे। बारह बजे हमारे सामने एडवोकेट जनरल आएंगे।

राधारमण जी बिहार राज्य के एक गणमान्य अधिवक्ता हैं। मुझे आशा है कि समिति उनके सुझावों से लाभांवित होगी।

श्री राधारमण : सब से पहले मैं आप सब लोगों को धन्यवाद दूंगा कि आपने हमें सब से पहले बोलने का मौका दिया।

सभापति महोदया : चूंकि हमारे पास समय कम है, इसलिए मैं चाहूंगी कि आप दस मिनट में ही अपने सारे सुझाव समिति के सामने प्रस्तुत कर दें।

श्री राधारमण : बिहार राज्य में कानून की तरफ से इस विषय में जितने भी प्रयास हुए हैं उनमें इतना फेल्योर कानून का नहीं रहा है जितना फेल्योर पब्लिक इंस्ट्रमेंट का रहा है। कानून तब तक फूटफुल नहीं होगा जब तक कि सोशल कान्सेशनस नहीं होगा। आप कितने ही अच्छे कानून बना लें उस दिशा में तब तक पूरा काम नहीं हो सकता जब तक कि समाज साथ न दे। डाउरी प्रोहिबिशन एक्ट हमारे यहां है और हम सब समझते हैं कि डाउरी लेना या देना सोशल इविल है।

जो केवल कानून से दूर नहीं किया जा सकता। जब तक जनमत तैयार नहीं किया जायगा, तब तक यह नहीं होगा।

मैं आप की इजाजत से एक एक्सट्रा लीगल सुझाव देना चाहता हूं। यह सुझाव मैं बहुत लाचार हो कर दे रहा हूं--वालन्ट्री आर्गेनिजेशन्ज के जरिये एक कमाण्डोज का ग्रुप तैयार होना चाहिये। जहां पता लगे कि दहेज वाली शादी हो रही है, तो ये कमाण्डोज बिना किसी वायलेंस के उस शादी को डिस्टर्ब करें।

I do not know how it will be implemented. But I feel that laws are not perfect. People have been observing it more in its breach than in its observance. There should be a group of commando who can disturb marriage processions. I feel that the public will give a silent approval to such a disturbance. This will be a very effective check and guide to those who lavishily spend by taking money from the brides parents. I think this is essentially a social evil for which public opinion has to be organised very effectively and voluntary organisations can do a lot in this direction.

About ceiling on expenses, the original provision in the Bill provides for Rs. 2000/-. My suggestion is that it should be retained as it is. This limit should be both for dowry and marriage expenses. In fact, if the law could make a provision that there should be compulsory registration of all marriages before an official, a major part of the evil could be removed. If they want to do satpati, they can do it at home without any demonstration of their wealth. I have also suggested that one official should exclusively be entrusted with this work just like the Director of Prosecution for giving legal aid to the victims of dowry. Legal Aid Committee should also be consituted.

SHRI ANANTHA RAMULLU MALLU: If a share in the property is given to the woman, will it not solve the problem?

SHRI RADHA RAMAN: It is already there in the Act, but it has not solved the problem. They are not getting the share in actual practice.

श्री सत्यनारायण रेड्डी: सेक्शन 2 में डाऊरी की जो डेफिनीशन दी गई है, उस के बारे में आप की क्या राय है ? क्या उस को इसी तरह से रखा जाए या आप उस में कोई परिवर्तन चाहते हैं ?

श्री राधा रमण : इस में दो हजार रुपये की लिमिट इन्ट्रोडयूस कर दी जाय।

श्री सत्यनारायण रेड्डी : आप की राय में मैक्सिमम दो हजार रुपये होना चाहिये ?

श्री राधा रमण : हमारे यहां लोग कुछ प्रेजेन्ट्स भी देते हैं, चूंकि यह एक सामाजिक परम्परा है।

श्री सत्यनारायण रेड्डी : इसी लिये पूछ रहा हूं कि आप ने जो दो हजार रुपये कहा क्या इस में प्रेजेन्ट्स और शादी का खर्च सब शामिल होगा ?

श्री राधारमण : दो हजार रुपये प्रेजेन्ट्स के लिये और दो हजार रुपये शादी का खर्च होना चाहिये।

श्री सत्य नारायण रेड्डी : आप चाहते हैं कि दो हजार रुपये से ज्यादा के प्रेजेन्ट्स न हों और दो हजार रुपये से ज्यादा शादी में खर्च न हो।

श्री राधा रमण : मैं ऐसा इस लिये कह रहा हूं कि हमारे यहां प्रेजेन्ट्स बहुत दिये जाते हैं, अगर कोई लिमिट फिक्स कर दी जायेगी तो ठीक रहेगा। बहुत से करीबी रिश्तेदार जो नहीं दे सकते हैं, उन को भी कम्पीटीशन में देना पड़ता है। किसी ने 5 हजार का दिया तो दूसरे को जो नहीं दे सकता है बाध्य हो कर देना पड़ता है।

SHRI ANANTHA RAMULLU MALLU: In your reply to the questionnaire you have stated that there should be Dowry Prohibition Officer to investigate this particular problem. Do you feel it is nece-

ssary that Dowry Prohibition Officer can alone do the job?

SHRI RADHA RAMAN: That is why I qualified that this should be assisted by voluntary organisations.

श्री सत्य नारायण जटिया : आपने कहा कि जहां यह दहेज दिया जा रहा हो या तिलक हो रहा हो वहां किसी वालेन्टियरी आर्गेनाइजेशन के द्वारा पैकेटिंग होना चाहिये, या सत्याग्रह होना चाहिये ताकि यह काम न हो सके। प्रैक्टिकली यह कैसे व्यावहारिक और संभव होगा ?

श्री राधा रमण : कानून से डिफिकल्ट होगा, व्यवहार से कुछ नहीं होगा। क्योंकि उसमें जो जनता है उसका समर्थन मिलेगा। बिहार में बहुत से प्रोसेशन चलते हैं।

श्री सत्य नारायण जटिया : पंप एंड शो नहीं होना चाहिये--जैसे इलैक्ट्रिसिटी की कंजम्पशन करते हैं, पावर शार्टेज है, लोड शैडिंग हो रहा है, ऐसी स्थिति में जो विद्युत सप्लाई करने की एजेन्सी है क्या वह इसको चैक करे ?

श्री राधा रमण : जरूर करे, करना चाहिये।

श्रीमती प्रमिला दंडवते : एक्सप्लेनेशन 2 के बारे में आपने कहा कि लिमिट होनी चाहिये, लेकिन एक्सपीरिएंस यह है कि शादी के समय जो दहेज आयेगा, उसके अलावा शादी के बाद मांगें शुरू होती हैं और जो हरेसमैंट होता है, बच्चे होने पर मांग होती है, और गिफ्ट दिये जाते हैं, क्या गिफ्ट का सम्बन्ध शादी के ही कंटीन्युशन में ट्रीट किया जाये ? आपको यह नहीं लगता है कि यह कंसीडरेशन का सवाल है ? वालेन्टरी आर्गेनाइजेशन्स विद्-आउट एनी पावर क्या कर सकेंगी ? वह लड़की को वापिस भेज देंगे, क्या यह चीज नहीं है ?

श्री राधा रमण : कानून से इस पर कोई बन्धन नहीं लगा सकते, संभव नहीं है। बिहार में कहा जाता है कि तिलक नहीं लेंगे लेकिन भीतर-भीतर सब करते हैं। यह कानून से संभव नहीं है।

सभापति महोदय : बिहार में ही नहीं, यह सब जगह चल रहा है।

श्रीमती मोहसिना किदवई : कानून को हम लोग और ज्यादा सख्त बनाना चाहते हैं जिससे डर जरूर पैदा हो कि हमें सजा भुगतनी पड़ेगी तो क्या कानून को सख्त बनाया जाये ? क्या वालेन्टरी आर्गेनाइजेशन्स कुछ कर सकेंगी ? क्या उनको एक्सट्रा पावर्स होनी चाहिये कि जब मैरिज में जायें, शादी हो रही हो तब जायें ? ऐसी स्थिति में जिस लड़की की शादी हो रही है उसकी फेट क्या होगी ?

श्री राधा रमण : ऐसी स्थिति में लड़की के पेरेन्ट्स तो खुश होने चाहियें।

श्री जगपाल सिंह : वालेन्टरी आर्गेनाइजेशन की जो बात आपने कही है इसमें गवर्नमेंट की जो कंडीशन्स होंगी, उनमें आपस में कोई कंट्राडिक्टरी बात पैदा न हो, इसके लिये क्या करना चाहिये ?

श्री राधा रमण : यह परसनली डिसक्शन की बात होगी।

श्री जगपाल सिंह : इसको इम्प्लीमेंट करने के लिये सोशल आर्गेनाइजेशन के क्या तरीके होंगे ?

श्री राधा रमण : उनको भी मुकदमे का अधिकार दिया जाये।

श्री जगपाल सिंह : किसी की डिफरेन्ट नेचर हुई तो उसमें क्या करेंगे ?

श्री राधा रमण : यह लीगल नहीं होगा, उसमें मुकदमा कमजोर हो जायेगा।

SHRI ANANTHA RAMULLU MALLU: It was mentioned here in the Act that no court shall have to take cognisance of any offence under this section except with the previous

consent of the State Government. Do you think it is necessary to acquire prior sanction of the Government?

SHRI RADHA RAMAN: I have requested that prior sanction of the Government should be there.

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि वालेन्टरी आर्गेनाइज़ेशन्स इस चीज़ में हस्तक्षेप करें, क्या आप यह महसूस नहीं करते हैं कि वालेन्टरी आर्गेनाइज़ेशन में कभी व्यक्तिगत रंजिश भी हो सकती हैं ? अगर हम उनको अधिकार दे दें तो वह मुकदमा चलाकर या शादी रोककर अपनी पुरानी रंजिश का बदला नहीं ले सकती हैं और उसका इफैक्ट सही शादी पर भी पड़ सकता है ?

श्री राधा रमण : उसका खतरा तो है।

(The witnesses then withdrew)

II. Shri Rajo Singh, Minister of State for Parliamentary Affairs, Government of Bihar.

(The witness was called in and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री राजो सिंह : अध्यक्षा जी, आपको जानकारी होगी कि बिहार की जो जनसंख्या है उसका 70 प्रतिशत भाग बिहार में ऐसे वर्गों का है जिसमें दहेज चल ही नहीं सकता है । जैसे हरिजन वर्ग है, पिछड़ा वर्ग है और भी गांवों में रहने वाले लोग हैं। इनमें दहेज की बात है ही नहीं । हमारे मध्यम वर्ग के लोग हैं जिनमें यह प्रथा सब से अधिक है। हमारे समाज में जो आधे पढ़े-लिखे लोग हैं, पूरे शिक्षित नहीं हैं उनमें भी यह बुराई बहुत अधिक नहीं है । लेकिन समाज में जो पढ़े-लिखे लोग हैं, आई०ए०एस० हैं, आई०पी०एस० हैं, जिनका स्ट्रेचर बहुत बड़ा है उनमें यह बुराई सब से अधिक है। इस तरह से समाज का जो अच्छा वर्ग कहा जा सकता है जो कि पूरी जनसंख्या का तीस प्रतिशत है उसमें हमें इस बुराई को चेक करना है । पहले दहेज व्यवस्था इतनी नहीं थी ।

हमें इस के लिए कानून बनाने के साथ साथ समाज में व्यवस्था भी करनी होगी, पुरानी व्यवस्था को बदलना होगा, पुराने मान-दंडों को बदलना होगा । समाज में कई ऐसे प्रश्न हैं जिनसे व्यक्ति के सम्मान को चोट पहुंचती है । मान लीजिए हम किसी एक परिवार में रहते हैं, अगर हम अपनी लड़की को दहेज नहीं दे रहे हैं तो हमारे समाज वाले, हमारे रिश्तेदार यह समझेंगे कि दहेज देने की हैसियत रखते हुए भी ये स्वेच्छा से दहेज नहीं देना चाहते हैं । इसके साथ दूसरा प्रश्न यह भी है कि मान लीजिए कि हमारे पास सम्पत्ति है, हमारे एक लड़का है और एक लड़की है तो हम अपनी सम्पत्ति से लड़के को तो दें लेकिन उसमें से लड़की को न दें तो यह लड़की के लिए उचित नहीं होगा । हम इसमें यही चाहते हैं कि स्वेच्छा से जो देना चाहे, वह दे । उसमें वह रेडियो देना चाहे, वह दे, कार देना चाहे, वह दे, सोना दे ।

श्रीमती विद्यावती चतुर्वेदी : स्वेच्छा की बात जब हम करेंगे तो जबर्दस्ती भी तो हो जाती है ।

श्री राजो सिंह : लोग जबर्दस्ती लेते हैं, देते नहीं हैं। लेने वाले कहते हैं कि हमको इतना रुपया दीजिए। हमारे जो पदाधिकारी यहां बैठे हैं वे इस बात को जानते हैं। हमने बिहार में 1975 में कानून बनाया था। लेकिन व्यावहारिक बात है, इसको जो मेम्बर आफ पार्लियामेंट हैं, जो माननीय सदस्य यहां आये हैं वे भी इस बात को जानते होंगे कि लोग जबर्दस्ती लेते हैं। हम लोग अगर कुछ देना चाहें तो उसको जबर्दस्ती नहीं कह सकते। आप सभी का शादी, विवाह से वास्ता पड़ा होगा, आप लोगों का भी गांवों से किसी-न-किसी रूप से ताल्लुक पड़ा होगा कि लोग स्वेच्छा से भी अपनी लड़की को देना चाहते हैं। उसको आप जबर्दस्ती नहीं कह सकते। अगर कोई कहे कि हमें इतना रुपया दो तो उसके लिए आप कानून बना सकते हैं।

महात्मा गांधी ने आन्दोलन चलाया था कि हमें शराब नहीं पीनी चाहिए। हम लोगों और सामाजिक कार्यकर्ताओं ने उस पर अमल किया और स्वेच्छा से अमल किया। फिर भी कुछ परसेंट लोग रहे होंगे जिन्होंने उस पर अमल न किया हो। इसी तरह से जो लोग डाक्टर हैं, इंजीनियर हैं, वे लोग ही जबर्दस्ती दहेज देने के लिए कहते हैं। ऐसे लोगों पर आप कड़ाई कीजिए। ऐसे लोगों की मांग भी ज्यादा होती है। हम सर्विस में भी ऐसे नियम बना दें कि जब हम सर्विस में आ रहे हैं तो सर्विस ज्वाएन करने के समय ऐसी प्रतिज्ञा लें कि हम दहेज नहीं लेंगे। हमारी सभापति महोदया हैं, श्रीमती कृष्णा शाही। इनके लड़के भी आई०पी०एस० हैं लेकिन इन्होंने दहेज नहीं लिया।

मेरा कहना यही है कि यह सारे वर्गों के लिए कानून नहीं बनना चाहिए, बड़े वर्ग के लिए बनना चाहिए।

श्री सत्य नारायण रेड्डी : जिनके पास प्रापर्टी है, धन है, अगर उनके लिए यह कर दिया जाए कि वे अपनी लड़की को उसका हिस्सा देंगे तो क्या इससे उन लोगों पर असर नहीं पड़ेगा जिनके पास यह नहीं है ?

श्री राजो सिंह : लड़की को प्रापर्टी का हिस्सा देने का प्रावधान कहां तक कारगर हो सकेगा, यह कहना कठिन है।

सभापति महोदय : मैं एक सवाल करना चाहूंगी। क्या आप मुसलमान और अन्य सभी भाइयों के लिए एक-सा कानून बनाया जाना पसंद करेंगे ?

श्री राजो सिंह : एक ही कानून बनना चाहिए।

श्रीमती प्रमिला दंडवते : 1956 में जो एक्ट पास हुआ था, उसमें लड़की को प्रापर्टी राइट दिया गया था। लेकिन उसमें कमी आ गयी है। इस डोअरी प्रोहिबिशन एक्ट का कहना है कि लड़की को कुछ नहीं दिया जाए, प्रापर्टी राइट दिया जाए। क्या आपने अपने प्रांत में इस तरह का कोई मूमेंट चलाया है कि लड़की को उसका प्रापर्टी राइट मिले ? आप तो पोलिटिकल लोग हैं, क्या आपने ऐसा किया है ?

श्री राजो सिंह : हम कोशिश करेंगे आप हमें ऐसा कानून दीजिए। जो आप हम से कहिए, वह हम कर सकते हैं। अभी तो आप कानून बनाने के लिए आये हैं।

अभी अध्यक्षा जी ने पूछा था, मैं चाहता हूं कि सारे हिन्दुस्तान के लिए और सभी भाइयों के लिए एक-सा कानून बने।

श्री जगपाल सिंह : आपने जो स्वेच्छा से दहेज देने की बात कही है, वह कानून की परिधि में कैसे आयेगी ?

श्री राजो सिंह : आप जबर्दस्ती दहेज मांगने वालों की बात को हटा दीजिए।

सभापति महोदया : अच्छा, बहुत-बहुत धन्यवाद ।

(The witnesses then withdrew)

III. Government of Bihar, Patna

Spokesmen:

(1) Shri R. N. Dash, Commissioner & Secretary, Home Department

(2) Shri Balbir Jha, DIG (CID)

(3) Smt. Manjri Jaruhar, S.P. Anti-Dowry Cell.

(4) Shri Kailashpati, Additional I.G. (CID)

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदया : आप को बहुत धन्यवाद। आप के सुझावों से समिति बहुत लाभान्वित होगी। अब हम जो सरकारी अधिकारी आये हुए हैं उन के विचार सुनना चाहेंगे ।

श्री आर० एन० दास : माननीय सभापति महोदया, हम लोग इस समिति के बहुत आभारी है, आप ने हमें इस महत्वपूर्ण समस्या पर अपने विचार प्रकट करने के लिये यहां बुलाया है। राज्य सरकार की इच्छा तो यह थी कि हमारे मुख्य सचिव और आरक्षी महानिरीक्षक जो कि हमारी सरकार के सब से बड़े अधिकारी हैं, स्वयं यहां उपस्थित हो कर राज्य सरकार का प्रतिनिधित्व करते किन्तु कुछ महत्वपूर्ण कार्य में उन को रांची जाना पड़ा, इसलिये यहां उपस्थित नहीं हो सके हैं। मैं उन की ओर से समिति से माफी मांगता हूं ।

हम लोग आप से यह माफी भी मांगना चाहते हैं कि जो समिति की ओर से क्वेश्चनेअर भेजा गया था, उस का उत्तर देने में थोड़ा विलम्ब हुआ है।

आप जानते ही हैं कि डावरी के विरुद्ध केन्द्रीय सरकार का कानून होते हुए भी राज्य सरकार ने अपना अलग से एक कानून बनाया जिस से जाहिर होता है कि हम लोग इस काम के लिये कितने व्यग्र और व्याकुल हैं कि इस को शीघ्र से शीघ्र इम्प्लीमेन्ट किया जाये। हम लोगों ने एन्टी डावरी सेल अलग से बनाया है और महिलाओं के विरुद्ध जब भी कोई अत्याचार होता है और उसकी शिकायत आती है तो हम कार्यवाही करते है ।

सभापति महोदय : आप का क्वेश्चनेअर का जवाब, जब हम लोग यहां के लिये चलने वाले थे, उस के दो तीन दिन पहले आया था, इस लिये समिति ने उसे अभी नहीं देखा है।

श्री आर० एन० दास : हमारी सरकार ने ऐसा महसूस किया कि डावरी से सम्बन्धित जो भी अत्याचार होते हैं उन के रूप बदलते जा रहे है, इसलिये इस के स्कोप को बढ़ा कर महिलाओं पर जितने प्रकार के अत्याचार होते है, सभी प्रकार के अत्याचारों को इस में शामिल किया गया है। जब से इस कानून के इम्प्लीमेन्टेशन को शुरूआत हुई, हमारे पास अधिकारियों

की कमी के बावजूद, यहां पर एक इम्प्रेशन कायम किया गया कि सरकार डावरी को समाप्त करने के लिये तत्पर है। हन ने इस के लिये अलग से एन्टी डावरी सेल बनाया है और बहुत संख्या में हन लोगों के सामने ऐसी शिकायतें आ रही हैं, जिन का इन्वेस्टीगेशन बहुत जोरदार ढंग से हो रहा है। कुछ कान्विक्शन्ज भी हो चुकी हैं और बहुत से मामले अभी भी पेण्डिन हैं।

अब मैं डावरी से सम्बन्धित तीन समस्याओं की ओर समिति का ध्यान आकर्षित करना चाहता हूं। पहली समस्या तो यह है कि शादी के लिये डावरी मांगी गई और डावरी दी भी गई—ऐसी स्थिति में किसी भी पार्टी की ओर से शिकायत प्राप्त नहीं होती है। इसलिये इस प्रकार के मामलों को पस्तू करना बहुत कठिन हो जाता है।

दूसरे प्रकार की समस्या है जहां डावरी मांगी गई, लेकिन दी नहीं गई। उस के कारण शादी नहीं हुई। इस प्रकार की शिकायतें हन लोगों के पास काफी आने लगी हैं जिस से हन यह महसूस करते हैं कि इस सम्बन्ध में सोशल अवेअरनेस शुरू हो गया है। हन इस तरह के केसेज में तुरन्त कार्यवाही करते हैं।

तीसरी समस्या यह है कि डावरी मांगी गई या नहीं मांगी गई, दी गई या नहीं दी गई, परन्तु शादी हो गई और शादी होने के बाद ग्रूम की तरफ से ब्राइड को तंग किया गया। तुम डावरी नहीं लाई या कम लाई इस प्रकार की शिकायतें हन लोगों के सामने आ रही है। लेकिन अन्य प्रान्तों से हन लोगों को जो सूचनायें मिली हैं कि इस के कारण ब्राइड की हत्या कर दी गई या कोई अन्य अत्याचार किया गया, इस प्रकार की शिकायतें अन्य प्रान्तों की तुलना से हमारे राज्य में बहुत कम हैं और हन लोगों को आशा है कि जैसे-जैसे अवेअरनेस का विकास होगा, इस प्रकार की शिकायतें हमारे यहां नहीं आयेंगी।

इस सम्बन्ध में हन लोगों के कुछ सुझाव हैं जिन्हें मैं संक्षिप्त ढंग से उपस्थित करूंगा। मुख्यतः तो यह एक सामाजिक समस्या है। बहुत सी समस्यायें ऐसी होती हैं जिन का कानून होते हुए भी निराकरण नहीं होता तथा उन के निराकरण में अनेक प्रकार की कठिनाइयां सामने आती हैं। जैसे-जैसे समाज में अवेअरनेस बढ़ेगी उस के साथ साथ वे धीरे-धीरे खत्म होंगी। लेकिन हन लोगों को एक चीज आज ध्यान में रखनी चाहिये पहले गरीबों में डावरी मांगने या देने की प्रथा नहीं थी, लेकिन अब हन देख रहे हैं कि यह गरीबों के अन्दर भी शुरू हो रही है। विशेषकर जब लड़का कमाने लगता है, कोई नौकरी कर लेता है, चपरासी बन जाता है या कोई दुकान खोल लेता है तो वह भी विवाह के अवसर पर ट्रांजिस्टर मांगने लगता है। इस प्रकार की चीज अब शुरू हो गई है, इस लिये यह कह देना कि आम तौर पर गरीबों में डावरी की समस्या नहीं है, ऐसी बात नहीं है। हन लोगों का प्रथम सजैशन यह होगा कि डावरी एक्ट का स्कोप बढ़ा दिया जाये। केवल डावरी देना, लेना और मांगना तक ही यह डावरी एक्ट सीमित है। हन चाहते है कि जो कैनक-टेड मैटर्स हैं, जैसे डाउरी न देने के कारण परेशान करना, इनको भी इनमें बढ़ा दिया जाये। डाउरी में जो डायरेक्टली और इन-डायरेक्टली मांगा जाता है, खर्चा किया जाता है, उसके ऊपर भी कन्ट्रोल किया जाये।

सभापति महोदया : हम जानना चाहते हैं कि क्या प्रावधान किया जाये ?

श्री आर० एन० दास : हम लोगों के सामने सबसे पहली समस्या यह है कि डाउरी का डिफेंरशियेट कैसे हो। ब्राइड अगर दूसरे घर जायेगी तो अपने साथ कुछ सामान तो ले ही जायेगी, जैसे साड़ी है, जेवर है, घड़ी है। यह चीजें तो वह ले ही जाती है। कुछ ब्राइड्स अपने साथ इंडोविजुअल सामान भी ले जाती है जैसे ट्राजिस्टर है, कैसेट है। दूसरे चीजों में बिस्तर प्रेजेन्ट होता है। कुछ रिवाज बन गया है कि प्रेजेन्ट तो मिलेगा ही। कुछ प्रेजेन्ट का ब्राइड का अपने साथ ले जाने का चलन है।

इसके अलावा पैसा मांगा जाता है, स्कूटर और दूसरी चीजें मांगी जाती हैं। डाउरी की डैफीनिशन में इन चीजों का जब तक स्पष्टीकरण नहीं दिया जायगा तब तक यह सब चीजें लड़की अपनी शादी में ले जायेगी। इस दृष्टि से हम लोगों का यूनैनिमस सजैशन यह है कि डाउरी का डैफिनीशन क्वान्टीटिव होना चाहिये, क्वालिटेटिव नहीं।

एक सजैशन हमने दिया है कि 1000 रुपये तक सीमित रखा जाये। मेरा व्यक्तिगत विचार है कि उसको 1,000 रुपये न कर के....

सभापति महोदया : अपने विचार बाद में रखिये, अभी आप सरकार का विचार बताइये। अपनी बात बाद में कहिये।

श्री आर० एन० दास : सरकार का सुझाव यह है कि 1,000 रुपये लिमिट रखी जाये।

दूसरा सुझाव यह है कि मैरिज के एक्सपैंडीचर पर रोक लगाई जाये, ज्यादा से ज्यादा 5,000 रुपये।

तीसरा हम लोगों का सुझाव यह है कि जिस प्रकार जन्म और मृत्यु की सूचना लिखवाना परिवार के लोगों की जिम्मेदारी है, उसी प्रकार मैरिज के बारे में भी स्पष्ट रूप से सूचना देनी चाहिये। इसके लिये पंचायत लैवल पर मुखिया को सूचना देने के लिये कानूनी रूप से जिम्मेदार ठहराया जाना चाहिये।

एक सुझाव यह है कि मैरिज का रिपोर्टिंग कम्पलसरी होना चाहिये। जैसे सरकारी कर्मचारी अपनी सम्पत्ति का स्टेटमेंट देता है, उसे गोपनीय रखा जाता है, उसी प्रकार शादी के बाद जो सामान आता है, उसका भी स्टेटमेंट दिया जाना चाहिये कि क्या-क्या उपहार आये हैं।

एक सुझाव यह भी है कि इस तरह का तरीका बनाना चाहिये कि जिनके बारे में इस प्रकार की शिकायत होती है, उनको चार्जशीट किया जाये और उनको सरकारी काम नहीं मिलना चाहिये। पब्लिक सैक्टर में काम नहीं मिलना चाहिये।

पनिशमेंट भी जो 5 हजार रुपये और 6 महीने की सजा रखी है, यह बहुत कम है। जब 6 महीने की सजा मिलती है तो देखा गया है कि 2 महीने सजा ही रह जाती है। दो-तिहाई सजा का पीरियड ऐसे ही समाप्त हो जाता है। सजा को बढ़ाया जाना चाहिये इसको कम-से-कम 1 साल करना चाहिये और यह कम-से-कम मिनिमम पनिशमेंट होना चाहिये।

हमारे इस अंतिम सजैशन को गोपनीय रखा जाये क्योंकि सरकारी मशीनरी में बहुत तरह के कर्मचारी और पदाधिकारी हैं। जो इंसपैक्शन करते हैं उसमें निम्न स्तर के लोग होते हैं। लो-पेड पुलिस कर्मचारी की जगह आफिसर इंचार्ज पुलिस स्टेशन के लैवल का आदमी होना चाहिये। क्योंकि लो-पेड

कर्मचारी एमेनेबल टू करप्शन हैं। इस तरह की शिकायतें आई हैं कि जब वह मैरिज में जाते हैं तो वह कहते हैं कि हम लोगों को सैटिस्फाई किया जाये कि डाउरी नहीं दिया है। इसके लिये वह लोग रिश्वत लेते हैं। हमारा निवेदन है कि इंवैस्टीगेशन और पावर आफ अरेस्ट डी० एस० पी० के नीचे नहीं होना चाहिये।

श्री बलबीर झा : जब से बिहार में एंटी डाउरी सैल एस्टेब्लिश हुआ है, तब से हम लोगों ने 212 केस 1976 में, 44 केस 1977 में, 26 केस 1978 में और 19 केस 1979 में, 15 केस 1980 में और 1981 में अब तक 36 केस डाउरी प्राहिबीशन एक्ट के मातहत इंस्टीट्यूट किये हैं। During the investigation we found that the dowry cases are reported only when marriage negotiations break-down or when the girl dies. Very seldom do we receive cases where the girl is being tortured. With the setting up of these cells, we have now started getting more and more petitions. Of 76 cases, already six cases have been disposed of by the court and convictions, including imprisonment and fine have been secured in three of them. In spite of shortage of staff at our disposal, we have been trying to do as much as we can and we have gone to the Government for expanding the Staff because we have a proposal to expand our scope to take up more cases.

Now about the steps we have taken so far.

Talks have been arrested at various educational institutions to make them aware of the existence of the Dowry Cell where complaints could be lodged. This is publicised in the newspapers as well as through cinema slides shown in all the cinema halls throughout the State. At the last Republic Day Function at Delhi, our Anti-Dowry Tableau got the first prize. It is also advertised in the papers that the public can submit petitions to the S.P. of the area.

Now I will enumerate the difficulties that we face while investigating the dowry cases.

Firstly, the people are not coming forward to give evidence that dowry has passed hands. We found that only two types of people come forward if at all. One is the socially educated who want to do something and the other of course, are the victims.

Secondly, the cases are reported after the girl is killed. This creates difficulties in prosecution and disposal of the cases. Body disposed of brings about difficulties in disposing of the case.

In the Act, definition of Dowry should be made more broad-based. Demand of dowry or taking of dowry or presents etc. even after the marriage should be made punishable.

Punishment should be three years' imprisonment and a fine of seven thousand rupees both for giving taking as well as for demanding dowry.

The period of cognisance should be increased to five years after the marriage to make the hands of law longer to catch the culprits.

Our experience is that there are some people in the society who want to dispose of their black money through this. Such people should be identified and legal action should be taken against them.

Vice of dowry and evil consequences of it should form part of the curriculam in school education. It will go a long way to create people's awareness about this evil.

Public and social institutions should also take up the cause of prohibition of dowry.

Reward should be given for encouraging those who report the cases of dowry passing hands.

All cases relating to dowry should be investigated by Police officers not below the rank of DSP.

If a girl dies within five years of her marriage in a suspicious circumstances, all the gifts should be returned to her parents.

In all the cases of death of a woman within ten years of her marriage, her body should not be disposed of and that it should be examined by two doctors.

SHRI ANANTHA RAMULU MALLU: You said that the Government servants should be debarred from service if they accept dowry. Don't you think it is a discrimination? Afterall, they are also citizens of India and there should not be one clause for Government Servants alone. You have also said that not less than the rank of DSP shall have to enquire into the case. Now delay has become a common problem even at the lower level. So, do you feel a common man will be in a position to approach the DSP to get the matter enquired?

Thirdly you have said that in the case of death of a married woman within ten years of her marriage, her body should not be disposed of without post-mortem examination and that it shuld be done by two doctors. I do not think the present society, which does not allow post-mortem of any body even in normal times will agree to this.

SHRI BALBIR JHA: As regards your first point, the Government Servants are subjected to so many restrictions which are not insisted upon in the case of the public. For instance we are supposed to give property statements. Normally dowry is taken mostly by the person who is in employment.

As regards the second point, the case will be registered in the Police Station, but we have suggested this to see that the policeman does not run and start arresting the bridegroom from the marriage pandal. So, this power of investigation, including the power of arrest must be controlled at least by somebody who is one step above.

श्री जगपाल सिंह: इस कानून को जल्द-से-जल्द लागू करने के लिये आप क्या तरीका सोच रहे हैं ?

श्रीमती संयोगिता राने : मैरिज रजिस्ट्रेशन की बात कही गई है। लेकिन एंसेस्ट्रल प्रापर्टी में लड़की को राइट देने की जो बात कही गई है उसके बारे में आप क्या कहना चाहते हैं?

श्री आर० एन० दास : कानून के अनुसार एंसेस्ट्रल प्रापर्टी में लड़की का राइट है, लेकिन रिवाज नहीं है, आम-तौर पर लड़कियां एंसेस्ट्रल प्रापर्टी में अपना शेअर नहीं लेती हैं ।

श्रीमती संयोगिता राने : लेकिन वह उसको कम्पलसेरिली मिलना चाहिये। क्या उसका ईक्वल राइट होना चाहिये ?

सभापति महोदय : इनके पूछने का मतलब है---क्या उसका ईक्वल राइट होना चाहिये ?

श्री आर० एन० दास : ज़रूर होना चाहिये।

श्रीमती प्रमिला दंडवते : सेन्ट्रल गवर्नमेन्ट के कानून में यह नान-कागनिजिबिल, बेलेबिल और कम्पाउण्डेबिल आफेन्स है, फिर भी आपने अपना अलग से कानून बनाया। उसके बाद आप ने इम्प्लीमेंटेशन

के लिये डावरी सेल बनाया। अभी जैसा आपके मिनिस्टर साहब कह रहे थे कि इतना होते हुए भी डावरी का रिवाज बढ़ रहा है, उसमें 15फीसदी की बढ़ोतरी हुई है। मैं जानना चाहती हूं इस बढ़ोतरी को दृष्टि में रखते हुए आप वालन्ट्री आर्गेनाइजेशन्ज को कौन सा अधिकार देना चाहते हैं जिससे कि वे आप की इस बुराई को चेक करने मे ज्यादा मदद कर सकें?

श्री आर० एन० दाश : मेरा विचार है कि राज्य स्तर पर जो इस्टेब्लिशड वालंट्री आर्गेनाइजेशन्ज हैं, जैसे स्टेट सोशल वेलफेअर बोर्ड है, दूसरी सस्थायें हैं उनके आदमियों को इस काम में लगाया जाय और उनके अधीन दूसरी मशरूम आर्गेनाइजेशन्ज से काम लिया जाय।

सभापति महोदय : आप उन को कौन सा अधिकार देना चाहते हैं? उनको क्या पावर्स दी जायें?

श्री आर० एन० दाश : कलैक्शन आफ इन्फार्मेशन। वे हम को इस तरह की सूचनायें दें।

श्रीमती प्रमिला दण्डवते : आपके यहां केसेज़ में बढ़ोतरी क्यों हुई?

श्री आर० एन० दाश : इकानामिक रीजन्ज हैं। यह एक समाजिक समस्या है। गरीब लड़के पहले कुछ नहीं मांगते थे, अब वे भी मांगने लगे हैं।

श्रीमती मोहसीना किदवई : अभी आपने बताया था कि आपके सामने कुछ प्रैक्टिकल डिफिकल्टीज आती हैं खास तौर से इन्वेस्टीगेशन के मामले में। आपने सुझाव दिया कि इस को पांच साल से बढ़ा कर सात साल कर दिया जाय, लेकिन इस सुझाव से जो आप को प्रैक्टिकल डिफिकल्टी है, वह दूर होने वाली नहीं है। लैक-आफ़-एविडेंस की वजह से बाडी डिस्पोज़ आफ़ करने के बाद कोई सबूत नहीं मिलता है जिससे आपके इन्वेस्टीगेशन में मदद मिल सके। ऐसे मामलों में इन्वेस्टीगेशन ही सारी चीजों का आधार है। ऐसी सूरत में आप इस कानून को कैसे अच्छी तरह से इम्प्लीमेन्ट कर सकते हैं—क्या इस के बारे में आप कुछ कहना चाहते हैं?

श्री बलबीर झा : हम लोगों का हर जिले में "वाचर" होगा, इसमें वालंट्री आर्गेनाइजेशन्स का रोल होगा, वाचर पर हम कन्ट्रोल रखेंगे। वाचर एक प्रकार से सी० आई० डी० का आदमी होगा।

श्री आर० एन० दाश : इन्फार्मेशन कोई भी दे सकता है, लेकिन एक्शन इन का विभाग लेगा ताकि हेरेसमेन्ट न हों।

SHRIMATI MANJRI JARUHAR: We have been investigation into the dowry cases. The main difficulty that we face is that we do not get evidence. Even the girl does not come forward to give evidence. I suggest that if we are not able to collect enough evidence in a case and the girl gives an affidavit that she has been harassed by her in-laws, that should be accepted as evidence. The trial should be held *in camera*.

Voluntary organisations should only be geared to educate the public and not to give evidence or to register specific cases, because this will lead to mis-handling and all kind of malpractices. They should go to the villages and educate the public.

When I joined this Cell, there was hardly any work because people were not aware of this Cell. I decided to reach the grass root level so that the people know that there is an anti-dowry cell. Once we had put this advertisement and cinema slides in cinema halls, we started getting 30 to 40 petitions every month.

There should be summary trial. The definition of dowry has to be changed. Even ten years after the marriage has taken place, the demand for dowry continues. So, the Act has to be made specific and not vague.

श्रीमती विद्यावती चतुर्वेदी : आपने बताया कि 10 साल तक भी लोग मांगते हैं। अगर शादी की डैफीनीशन में यह रख दिया जाये तो क्या आप महसूस करती हैं कि 10 साल के बाद लोग नहीं मांगेंगे ? क्या आप इस बात को पसन्द करेंगी कि औरत की मां के यहां से जो भी जबर्दस्ती मंगाया जाये, चाहे वह कभी हो वह डावरी में आना चाहिये और उस पर रोक होनी चाहिये।

श्रीमती मंजरी जरुहार : 10 साल का हमारा सजैश्चन है। And if you include beyond ten years, most certainly, it is welcome.

श्री सत्य नारायण जटिया : हमारा सबमिशन यह है कि 1976 में आपने 104 केस चार्जशीट के सबमिट किये और 1981 में एक केस चार्जशीट का सबमिट किया। यह सब इन इफैक्टिव होने के कारण क्या हैं ?

SHRIMATI MANJRI JARUHAR: Cases are still under investigation. They are not closed. So we cannot give you the number of chargesheet just now.

श्री सत्य नारायण जटिया : 1976 में 104 चार्जशीट हुए हैं, हर साल डावरी बढ़ती है, शादियां बढ़ी हैं ;

श्रीमती मंजरी जरुहार : 212 केसेज भी तो हुए हैं।

श्री सत्य नारायण जटिया : मेरा कहना यह है कि आपके यहां भी कानून है, सैन्ट्रल का भी कोई न कोई लैजिस्लेशन आ जायेगा, लेकिन जो उत्साह कम हुआ है यह जो केसेज में आपके यहां कमी हुई है, उसका कारण बताइये ?

SHRI BALBIR JHA: 1976 was the Emergency year. More cases were received and more cases were dealt with.

श्री सत्य नारायण जटिया: 1981 में एक केस हो जायेगा, इसका कारण क्या है ?

श्री बलबीर झा : चार्जशीट एक का हुआ है, केसेज तो बहुत हुए हैं ?

श्रीमती विद्यावती चतुर्वेदी : मैं यह जानना चाहती हूं कि यह बताइये कि या तो केस हुए नहीं अगर हुए, तो हमारी एफीशियेन्सी कम रही या लोगों को आपके पास केस लाने में डर लगने लगा, क्योंकि आप पूरा संरक्षण नहीं दे पा रहे हैं ?

श्री बलबीर झा : डावरी देने वाले कुछ डर भी गये हैं।

श्री सत्य नारायण रेड्डी : अब तक जो आपके पास डाउरी की शिकायतें हुई हैं वह ज्यादातर किस सोसाइटी से संबंधित लोग हैं। ज्यादा पैसे वाले हैं या मिडिल क्लास के हैं ? क्या वह यह चाहते है कि उनके जो इन-लाज हैं, उनको कड़ी से कड़ी सजा दी जाये, या क्या चाहते हैं ?

श्रीमती मंजरी जरुहार : बहुत पैसे वाले लोग भी आये हैं, मारवाड़ी परिवार के आये, लड़की को मार दिया गया, ऐसे केस भी आये। बहुत गरीब आदमी भी आये, जिनसे 200 रुपये मांगे गये थे जो पेरेन्ट्स लड़की के आते हैं। generally they want relief for the girls. This intention is never to punish the in-laws unless the girl is dead.

श्री कैलासपति : मुकदमे में काग्नीजैंस नहीं ली जा सकती जब तक सैंक्शन न हो। अगर सैंक्शन का प्रावधान हटा दिया जाये तो शायद ट्रायल पहले हो जाये, फैसला पहले हो जाये। हमने सजेश्चन दिया है कि इंस्पैक्टर के नीचे का आदमी इंवैस्टीगेशन न करे।

श्रीमती विद्यावती चतुर्वेदी : क्या आप पसन्द करेंगे कि स्पेशल कोर्ट्स हों।

सभापति महोदय : आप स्पैसेफिक बतायें कि क्या डी० एस० पी० के नीचे नहीं जाना चाहिये ?

श्री आर० एन० दाश : डी० एस० पी० के नीचे नहीं हो, लेकिन कोर्ट की विशेष इजाजत लेकर स्पेशल परमीशन से इंस्पैक्टर जाये।

श्रीमती विद्यावती चतुर्वेदी : देहात में जो केस हो रहे हैं, उनमें तो शादी भी हो जायेगी, और फिर भी इन्वैस्टीगेशन इस तरह से नहीं हो सकेगा ?

श्री आर० एन० दाश : थाने में केस रजिस्टर होगा।

श्रीमती विद्यावती चतुर्वेदी : क्या आपके पास इतने साधन हैं, इतना स्टाफ है कि आप इसके लिये सक्षम होंगे ? इतने सारे केस होते हुए क्या डी० एस० पी० लैवल पर यह सब काम हो सकेगा ?

श्री कैलासपति : प्रीजम्पशन कोर्ट का यह रहता है, ब्रिटिश ला जुरिस्टप्रुडेंस में कि एक्यूज्ड इन्नोसैंट है जब तक अपराध प्रूव न हो जाये। प्रोटेक्शन आफ सिविल राइट्स एक्ट में भी ऐसा प्रीजम्पशन है कि कोर्ट, पुलिस के द्वारा कोई चार्जशीट होगा तो तुरन्त केस डिसाइड होगा। ऐसा ही प्रावधान दहेज कानून में होना चाहिये और समरी ट्रायल होने का प्रावधान होना चाहिये।

SHRIMATI PRAMILA DANDAVATE: The Union Home Minister has issued one circular that if wife dies within seven year under suspicious circumstances, it should be investigated as murder or there should be post-mortem by two doctors and that the body should not be disposed of without the consent of the parents of the girl. Yours is an active State. I would like to know what action has been taken so far in this direction?

श्री कैलाशपति : उसमें हम लोगों ने, अगर किसी महिला का मर्डर हो जाता है तो उस केस में पोस्ट-मार्टम का सर्टिफिकेट दो डाक्टरों से लिया जाए उस बात को मान लिया हैं और सरकार से अनुरोध किया हैं कि इस प्रकार का आदेश निर्गत करने का कष्ट करें।

(The witnesses then withdrew)

IV. SHRI K. P. VERMA: Advocate General, Bihar, Patna.

(The witness was called in and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence,

the Chairman shall make it clear to the witnesses that their evidence will be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI K. P. VARMA: The law has been in force for the last 20 years. But my feeling is that the problem is increasing and the law has not been found to be effective. Therefore, I am of the opinion that we must go for a revolutionary change. My opinion readily formed, will not be of much help. Therefore, we have to go to the root of the problem and we have to eradicate the causes of this. It is a very peculiar circumstance that a creative girl is given in a family for service and for this a consideration is charged. This cannot be found in any society anywhere in the world. What are the causes? We all know that there is a huge gathering at the time of marriage. Then there is decoration, lighting, fire works, band, pomp and show, transport, dinner, etc., in every marriage. From where will a man bring the money to spend? These things are required neither under the Hindu Marriage Law now under the Muslim Law nor under the Christian Law. The simple requirement of the marriage is a simple ceremony before the nature in the presence of a few witnesses. This is the simple legal way of marriage. Then why should be society be so extravagant? I, therefore, suggest that the procession should be banned on the occasion of any marriage. The arrangement of extra light, fireworks, pomp and show should also be banned. No dinner should be allowed for more than 50 persons on one occasion. We all know that we arrange dinners on four occasions at least, two from this side and two from that side. I have seen simple marriages in the Soviet Union. Their way of performing marriages has attracted me much. There is a marriage house where marriages are performed according to rligious ceremony by the padris. Here, I do not suggest any legislation regarding place of marriage. But we cannot afford to enjoy a marriage for three days. We should make out some legislation that the marriage must be performed in one day. That is one of the root causes of dowry.

Even though in our country because of the efforts of Jawaharlal Nehru, we have got the law in favour of the girl to have share in the property of the father or the grand-father; what is happening is that no father or grand-father, I must confess, is ready to give the share to the girl. This is a peculiar situation.

MR. CHAIRMAN: May I request you to give your suggestions for the amendment of this Act, in writing?

SHRI K. P. VARMA: My first suggestion is that the procession of the Barat, lighting, dinner should be banned.

Regarding the share of the girl, I have already given the background that the law is there, but it is not being implemented. It is now advocated that the girl is not willing to take the share. This is not the position. At least in the Hindu Society as soon as the establishment of the son is separated from the father, he gets his share by virtue of law. Why this share is not enforced at the time of the separation of the girl at her marriage? Let us make the law that the share of the girl must be separated at the time of her separation i.e., when she is married. If we are not giving the share, the girl has no economic source to depend upon.

The next suggestion is that the value of the girl, who is going to be married, must be made through different laws. Now, the boy is working and the girl is not working. So, she is unwanted so far as economic problem is concerned. She is not taking the share of her own. Therefore, there should be some job reservation for the girl. When she has a job, she will be respected in the society as well as by her husband and by her in-law's family.

सभापति महोदया : आप हम को अपने प्वाइन्ट्स लिख कर दे दें, जब दिसम्बर में हम अपनी रिपोर्ट सबमिट करेंगे तब उन से मदद ले लेंगे ।

SHRI K. P. VARMA: These are the points. If you like I will give you in writing.

I think I am out of the track. I have got full faith that these remedial provisions will not be of any use. So kindly excuse me of being a little fast. I will give my suggestions in writing.

The other two suggestions are related to the prohibition we should make for the leaders of the society. I am of the view that this corruption is travelling by following each other. Therefore, we must make certain laws relating to the qualifications of the MPs, Members of the Legislative Assemblies and Members of Bar and others and they will have to follow first the provisions made in the Act and the rules. Otherwise they will be disqualified.

सभापति महोदया : आप अपने सुझाव लिखित भेज दें । यदि ता० 12 या 13 अक्तूबर से पहले हमें प्राप्त हो जायें तो हम आप के अनुगृहीत होंगे ।

(The witness then withdrew)

V. State Social Welfare Board, Bihar, Patna.

(The witness was called in and she took her seat).

Smt. Mukul Jha, Vice-Chairman. State Social Welfare Board.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI MUKUL JHA: I feel that each girl from the beginning should be taught that she has to develop her career first. If she is financially independent, she does not have to depend on any one for finance after her marriage.

सभापति महोदया : सोशल वेलफेअर बोर्ड की चेयरमैन इसलिये नहीं आ सकी हैं, क्योंकि वे बीमार हैं । आप बोर्ड की वाइस चेअरमैन हैं । इस सम्बन्ध में उन का जो अनुभव है वह हमें बतला रही है। मेरा सुझाव है कि आप हमें प्वान्ट्स में बतला दीजिये ।

श्रीमती मुकुल झा : मुझे यही कहना है कि लड़की को प्रारम्भ से ही अपने पैरों पर खड़ा करने का प्रयास किया जाना चाहिये ताकि शादी के बाद आर्थिक दृष्टि से उस की निर्भरता समाप्त हो जाये ।

आज विवाहों में, खास कर बारातों में, लिकर सर्व करने की प्रथा शुरू हो गई है। बहुत से लोग जो डावरी नहीं मांगते हैं, वे कहते हैं कि हमारे बरातियों को बढ़िया होटल में ठहराया जाये और लिकर सर्व की जाये।मेरा सुझाव है कि लिकर सर्व करना बन्द किया जाये।

मेरा दूसरा सुझाव यह है कि जहां डावरी मांगी जाती है, लडकी के साथ इस आधार पर मारपीट की जाती है, वहां पर डाईवोर्स का जो ला है उस को थोड़ा सिम्प्लीफाई करने की जरूरत है। डाइवोर्स के लिये जो समय रखा जाता है उस को थोड़ा कम करने की जरूरत है। ज्यादा समय होने की वजह से बहुत दिक्कत होती है लड़कियों को तरह तरह से परेशान किया जाता है।

सभापति महोदया : आप चाहती है कि मजबूत कानून बनाया जाये।

श्रीमती मुकुल झा : जी हां। यदि कानून मजबूत होगा तो लड़कियों को ऐसे मामलों में डाइवोर्स लेने में मदद मिल सकेगी।

सभापति महोदया : धन्यवाद।

श्रीमती विद्यावती चतुर्वेदी : : आप सोशल वैलफेयर बोर्ड की वाइस चेंयरमैन हैं आप अपने सोशल वैलफेयर बोर्ड की तरफ से इस दहेज के विरोध में क्या कार्य कर रही हैं? उसमें कितनी प्रगति मिली, कितने केस आये, उनमें आपने क्या किया ?

श्रीमती मुकुल झा : जहां तक सोशल वैलफेयर बोर्ड का सवाल है, इसके लिये कोई केस रजिस्टर नहीं दिया है। काम यह करते है, अपने लैवल पर जब जाते हैं।

सभापति महोदया : आप लिखकर दे दीजिये।

(The witnesses then withdrew

(The Committee then adjourned at 13.10 hours and reassembled at 15.00 hours.

VI. 1. Smt. Raj Kumari Budhraji. Suraksha Samittee Vidyalaya, Patna.

2. Smt. Prem Devi Goyal, Mahila Vikas Samiti, Patna.

3. Smt. Tara Gupta, M.L.A., Patna.

4. Shri Ajit Sallar, M.L.A., Road-6, Q. 1, R-Block, Patna.

5. Shri Bhola Nath Vyas, Dahej Mukti Yuva Sangharsh, Vatna Adarsh Sewa Ashram, Bihar .

6. Smt. Vaidehi Devi, Editor, Chitretana Hindi Monthly.

7. Smt. Jayanti Singh Rathore. Editor Chitretana.

8. Smt. Meera Devi, Ex-MLA.

9. Smt. Shyama Kumari, Ex-MLA.

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदया : बहनों तथा भाइयों, मैं आज सबों का संसद् की संयुक्त समिति के समक्ष उपस्थित हो कर अपने विचार एवं साक्ष्य देने हेतु स्वागत करती हूं। इस के साथ ही मैं आप सबों को यह भी बताना चाहूंगी कि दहेज प्रतिषेध अधिनियम, 1961 जो प्रारम्भ में दहेज लेने तथा देने की परिपाटी को बंद करने के उद्देश्य से बनाया गया था वह अपने उद्देश्य की पूर्ति करने में असफल रहा।

विवाह योग्य पुत्रियों के माता-पिता को शादी हेतु लड़कों के अभिभावक को दहेज देने के लिए उत्प्रेरित किया जाता है । आजकल प्रतिदिन अनेकों संख्या में नवविवाहित बालिका आत्महत्या की तरफ बढ़ रही हैं और जिन्दा जल रही हैं ।

इन्हीं सब कारणों की वजह से सरकार ने संसद् के दोनों सदनों की संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्य कलाप की जांच हेतु गठित की है, जो इसके दोष का पता लगायेगी ।

अतः यह समिति अधिनियम के ऐब एवं दोष को दूर करने के उद्देश्य से आप सबों के सुझाव का स्वागत करती है ।

(सभापति महोदया ने अध्यक्ष महोदय के निदेश पढ़ कर सुनाए)

दूसरे मेरा कहना यह है कि हम यहां आपके भाषण सुनने नहीं आए हैं, आपके सुझाव जानने आए हैं । हम इस विधेयक में कहां और कैसे सुधार करें जिससे कि यह अधिक से अधिक प्रभावशाली बन सके। इस सम्बन्ध में आप अपने-अपने संक्षेप में सुझाव प्रस्तुत करें ।

आपके साक्ष्य सुनने से पहले मैं इस समिति के माननीय सदस्यगण का आपसे परिचय कराना चाहूंगी ।

(सभापति महोदया ने परिचय कराया)

श्रीमती राजकुमारी बुधराजी : सभापति महोदया, यह बहुत प्रसन्नता की बात है कि भारत सरकार ने दहेज प्रथा के प्रतिबन्ध को और अधिक सख्त बनाने का प्रयास किया है, परन्तु इस कुरीति की जड़ें इतनी मजबूत हैं कि उखाड़ने से भी नहीं उखड़ती हैं । आज माता-पिता को अपनी कन्या के विवाह के लिये धन जुटाने के वास्ते विवश हो कर भ्रष्टाचार, बेईमानी, रिश्वतखोरी, चोरी, तस्करी का रास्ता अपनाना पड़ रहा है, जिसका सीधा प्रभाव आवश्यक वस्तुओं के अभाव, दुर्भिक्ष और मुद्रास्फीति पर पड़ता है । दहेज के अभाव में लड़की अयोग्य वर को सौंप दी जाती है और इस प्रकार का बेमेल विवाह बहुत दिनों तक टिकाऊ साबित नहीं होता । भाग्य से यदि योग्य वर मिल जाय तो सास, श्वसुर और नन्दों की कलह लड़की की जान ले लेती है । ऐसे रीति-रिवाज जो स्त्रीवर्ग के लिये कष्टप्रद हैं उन्हें नष्ट करने का हर सम्भव प्रयत्न करना चाहिये । इसे कानून द्वारा ही समाप्त नहीं किया जा सकता, इस के लिये सामाजिक चेतना और जागृति आवश्यक है । इस दिशा में युद्ध स्तर पर सामाजिक क्रान्ति का आह्वान किया जाय जिस का नेतृत्व युवावर्ग पर हो । गांव-गांव में, नगर-नगर में सामाजिक संस्थाओं द्वारा सभाओं का आयोजन हो तथा अपढ़ व्यक्तियों एवं रूढ़ीवादी प्रवृत्ति के व्यक्तियों को दहेज के दुष्परिणामों से व्यापक रूप से परिचित कराया जाय । दहेज लेने और देने के लिये जो दण्ड रखा गया है उस को और ज्यादा कठोर बनाया जाये । दहेज विरोधी कानून का सख्ती से पालन किया जाय और अपराधी को कड़ा दण्ड देने की व्यवस्था हो । कन्या शिक्षा पर माता-पिता अधिक ध्यान दें और अपने पैरों पर खड़ा होने योग्य, आत्म-निर्भर बनाने का प्रयास करें ।

मैं यह भी चाहती हूं कि अन्तरजातीय विवाह को प्रोत्साहित किया जाय जिस से योग्य वर मिलने में कठिनाई न हो ।

प्रेम विवाह को प्रोत्साहन दिया जाय, परन्तु माता-पिता के परामर्श और पथ-प्रदर्शन पर हो । सामूहिक विवाह की योजना बनाई जाय जिस में गरीब और अमीर सभी वर्गों की कन्याओं के विवाह हों ।

जहां दहेज लेने और देने के समाचार मिलें वहां सामाजिक संस्थायें और युवा वर्ग पिकेटिंग का मार्ग ग्रहण करे और उस विवाह को सम्पन्न न होने दे जब तक कि ली हुई धनराशि वापस न हो जाय । देश के युवक-युवतियों को अपने विवाह में दहेज न लेने तथा देने की शपथ लेनी चाहिये । अनावश्यक साज-सज्जा के खर्च को बचाने का प्रयास किया जाय तथा विवाह का कार्यक्रम दिन में ही सम्पन्न किया जाय । निमन्त्रण पत्रों पर "दहेज-रहित संस्कार" लिखा रहना अनिवार्य होना चाहिये । विवाह की धनराशि पर कन्या का अधिकार होना चाहिये ।

इस नियम का उल्लंघन करने वाले व्यक्ति को सरकारी सेवा, चुनाव लड़ने तथा कोई भी महत्वपूर्ण पद धारण करने से वंचित किया जाना चाहिये । विवाह में दिये गये उपहारों का मूल्य किसी खास सीमा से अधिक नहीं होना चाहिये, अन्यथा वह दहेज समझा जाना चाहिये । मेरी दृष्टि में उपहारों का मूल्य 1000 रुपये और विवाह का सम्पूर्ण खर्च 5000 रुपये से अधिक न हो । विशेष अवसरों पर, खास तौर पर त्यौहार के बहाने उपहार लेने की प्रथा को कानूनन बन्द किया जाय । उल्लंघन करने वाले को कारावास तथा जुर्माना दोनों सजायें होनी चाहिये ।

यदि इन विचारों को अपनाया गया तो मैं विश्वास के साथ कह सकती हूं कि यह प्रथा हमारे समाज में से शीघ्र समाप्त हो जायेगी ।

श्रीमती प्रेम देवी गोयल : सभापति महोदय, चूंकि समय बहुत कम है, इस लिये मैं अपने विचारों को लिख कर आप के पास भेज दूंगी ।

सभापति महोदय : ठीक है आप लिख कर भेज दीजीयेगा ।

श्रीमती वैदेही देवी : सभापति महोदय, मेरा सुझाव यह है कि जो हक घर में देवर और पति का होता है, उतना ही हक लड़की का भी उस परिवार की प्रापर्टी में होना चाहिये । अगर लड़की को परिवार में तंग किया जाय, वह किसी भी प्रकार से अस्वाभाविक मौत मरती है तो उस की पूरी जांच होनी चाहिये तथा उस परिवार की सम्पति में जो उस का हक है वह किसी गरीब संस्था को या महिलाओं की शादी कराने वाली संस्थाओं को या लड़की के पिता पक्ष में उस के भाई या पिता को दिया जाना चाहिये ।

यदि सरकार इस सुझाव का कड़ाई से पालन करे तो मेरा ऐसा विश्वास है कि इस के उन्मूलन में बहुत सहायता मिल सकती है । सम्पत्ति के छीने जाने के भय से अस्वाभाविक मौत नहीं हो पायेगी तथा दहेज दिया जाना भी बन्द हो जायगा ।

मुझे इतना ही निवेदन करना था ।

श्रीमती जयन्तीसिंह राठौर : सभापति महोदय, जहां तक दहेज प्रथा का प्रश्न है, इस के दूर करने में हम बहनें ही अधिक से अधिक योगदान कर सकती हैं। इस के लिये देश की महिलाओं को जागृत करना होगा । आज ब्लैक-मार्केटिंग के पैसे से दहेज लिया और दिया जाता है । साधारण लोगों के पास इतना पैसा नहीं होता है, पैसे वाले लोग ही

लड़के को खरीदते हैं । हमारे यहां आई० ए० एस० लड़के की कीमत डेढ़ लाख से दो लाख रुपये है, जिस को खरीदने की हिम्मत ब्लैक मार्केटियर ही कर सकता है और यही कारण है कि यह बढ़ता जा रहा है ।

हमारे विचार से पैसे की हविस बढ़ती जा रही है और इन लोगों की देखा-देखी जो दूसरे लोग हैं, वे भी कहते हैं कि जब हमारी बहिन के लिये हम ने इतना दिया है तो हम भी क्यों न लें । इस लिये इस ब्लैक मार्केटिंग की रोकथाम बहुत जरुरी है ।

महलिाओं को अधिक से अधिक शिक्षित करना चाहिये ताकि एक शिक्षित महिला के रूप में वह अपने घर के संस्कारों को बदल सके और साथ ही साथ अपने पति को व्यर्थ के खर्चे को रोकने की सलाह दे सके । अगर हमारी सरकार ठीक समझे तो शादी को नेशनलाइज कर दे तथा एक संस्था इस काम को कन्डक्ट करे । उस संस्था में सभी विवाह योग्य लड़के तथा लड़कियों की लिस्ट तैयार हो, जिस में उन की योग्यता, हाइट तथा अन्य सभी विवरण दिये जायें तथा जसा लड़का या लड़की चाहिये उस का विवरण भी दिया जाय । इस काम के लिये कोई मिनीमम फीस लगाई जाय जिस को दोनों पक्ष अदा करें और वह संस्था उन की शादी की व्यवस्था करे । इस संस्था को दोनों पक्षों के इन्वाइटीज की लिस्ट दे दी जाय और वह संस्था उन को इन्वाइट कर के स्वयं सामूहिक विवाह का आयोजन करे । विवाह के अवसर पर सब लोगों को एक-एक पैकेट मिठाई का दे कर विदा कर दिया जाय ।

विवाह के बाद जब बहू घर में आए तथा बाद में परिवार के लोग उस को तंग करें या कोई जवान औरत मरे तो उस की लाश को कम से कम 48 घन्टे तक जलाने न दिया जाय, जब तक कि उस की पूरी एन्कवायरी न हो जाय । उस घर के लोगों को नान-बेलेबिल वारन्ट के द्वारा गिरफ्तार कर के जेल में डाल दिया जाय और 6 महीने तक जेल में पड़ा रहने दिया जाय । यदि इसमें सख्ती की जायगी तो इस तरह की अस्वाभाविक मौतें समाप्त हो जायेंगी ।

जो दहेज हम लड़की को देते हैं यह सोच कर देते हैं कि वह उस के बुरे दिनों में काम आयेगा । अगर लड़की मर जाती है तो वह उसके मां-बाप को वापस दिया जाना चाहिये । इस विषय में सरकार ने कानून तो बनाया है कि लड़की को अपने बाप की सम्पत्ति में अधिकार है लेकिन उस का पालन नहीं होता है । जिस तरह से लड़कों को कोई दावा दाखिल किये बिना बाप की सम्पत्ति में अधिकार मिल जाता है, उस तरह से लड़की को नहीं मिलता है । भाई पर यह प्रतिबन्ध होना चाहिये कि बिना बहिन की सहमति के वह प्रापर्टी बेच नहीं सकता है । जो भी चाहे जमीन का छोटा सा टुकड़ा ही क्यों न हो, लेकिन इतनी सुरक्षा उस लड़की को मिलनी चाहिये ।

लड़की की शिक्षा कम से कम ग्रैजुएशन होनी चाहिये । उसके पास डिप्लोमा या डिग्री जरूर होनी चाहिये ताकि वह समझे कि अगर मर्द उसको खिलायेगा नहीं तो वह अपनी रोटी-रोजी खुद कमा सकती है । जब तक औरत आर्थिक रूप से समर्थ नही होगी, तब तक कुछ नहीं हो सकता है, और हमारे यह सारे सुझाव ऐसे ही रह जायेंगे । कानून कागज में रह जाते हैं,उनका इम्पलीमेंटेशन नहीं होता है । इसलिये सोशल संस्थाओं को

और गवर्नमेंट को संस्थाओं को कड़ी निगरानी करनी चाहिये ।

श्रीमती तारा गुप्ता : आप दहेज प्रथा के बारे में जितनी बातचीत कर रहे हैं, उसका एक अर्थ यह है कि दहेज अधिक से अधिक दिया जा रहा है, उसकी वजह से सारी परेशानियां लड़कियों के मां-बाप को हो रही हैं ।

दहेज का एक पक्ष यह भी है, जो कि न केवल बिहार में है, अपितु सारे भारतवर्ष में है कि कुछ लड़कियां ऐसी भी अभागी होता हैं, जिनको दहेज देना नसीब नहीं होता बल्कि लड़के वालों को तरफ से पैसा लेकर लड़कियों को बेच दिया जाता है । उन लड़कियों के बारे में भी हमारा सोचना जरूरी है । मेरा सुझाव है कि शादी के समय में उसका निर्णय होना चाहिये । जो हम दहेज के रूप में न देकर दूसरे रूप में दे देंगे, उसको भी नहीं रोक सकते हैं । यह इतनी जटिल समस्या है कि इसको आसानी से रोका नहीं जा सकता है ।

इस बात की व्यवस्था तो की ही जानी चाहिये कि ऐसी स्थिति में लड़की को कम से कम 5 साड़ियां और कुछ सामान तो दिया ही जाना चाहिये । बहुत गरीब तबके की लड़कियां भी यदि हों तो उन्हें भी कम से कम मारकीन की 5 साड़ी अवश्य मिलनी चाहियें । इसके बारे में छोटा सा प्रावधान जरूर बनना चाहिये ।

बाद में लेने देने को कोई नहीं रोक सकता । दोनों पक्ष के लिये जारी होना चाहिये कि कम-से-कम इतना देना जरूरी है ।

श्री अजीत कुमार : मैं यह कहना चाहता हूं कि दहेज हम लोगों के लिये बड़ा प्राबलम है । इसमें ज्यादातर मिडिल क्लास, अपर मिडिल क्लास और लोअर मिडिल क्लास के लोग आते हैं । हम ऐसी भी एक्जैंपल दे सकते हैं कि दहेज की खातिर मां-बाप को प्रापर्टी बन्धक रखकर राशि जुटानी पड़ती है और इस तरह से उन्होंने दहेज दिया है । प्रश्न यह है कि हम दहेज देते क्यों हैं ?

आज हमारी सोसाइटी में हमारी बहिनें हमारे लिये प्राबलम हैं । अगर कोई लड़की मैट्रिक, बी० ए० या बी०एस० सी० पास हो तो कालेज के बाद उसको 3, 3, और 4, 4 महीने अन-एम्पलायड बैठना पड़ता है । बहिनों को काम देने का अधिकार नहीं है । उसको कोई काम मिलेगा इस बात की कोई गारंटी नहीं है । हम चाहेंगे कि दहेज के नियमों में इस बात को जोड़ा जाना चाहिये कि हमारी बहिनों को काम पाने का अधिकार मिले । पढ़ने लिखने के बाद उनको एम्प्लायमेंट मिलनी चाहिये, जिससे वह इंडिपेंडेन्ट हों ।

दूसरा प्वाइन्ट यह है कि पेरेन्ट्स की प्रापर्टी में लड़की का भी अधिकार होना चाहिये ।

श्री भोला नाथ व्यास : दहेज की समस्या को पूरी तरह देखा गया है, आखिर में एक ही प्रश्न हमारे सामने है कि दहेज दें क्यों ? यह प्रश्न लेने वाले से पूछा जाये या देने वाले से पूछा जाये ।

दहेज या तो लिया जाता है, न हीं तो दिया जाता है, दूसरा सवाल बीच में नहीं आता है । यह एक जन्जीर है ।

श्रीमती विद्यावती चतुर्वेदी : यह जन्जीर कैसे तोड़ी जाये यह बताइये ? इसके लिये क्या कानून बनाया जाये ?

श्री भोला नाथ व्यास : जो हमारे समाज में शिक्षित हो जाता है उसका दहेज भी बढ़ जाता है । दहेज रोकने के लिए मेरा सुझाव है कि जो हम अपने लड़के-लड़कियों को डिग्रियां प्रदान करते हैं, सर्टिफिकेट प्रदान करते हैं, उनके साथ साथ उन्हें हम केरियर सर्टिफिकेट भी दें कि उसने बिना दहेज के विवाह किया है, आदर्श विवाह किया है । जो दहेज लेते और देते हैं ऐसे विवाहों को काला विवाह नाम दिया जाना चाहिए ।

जब तक हम अपने युवकों में इस बुराई के प्रति जागृति पैदा नहीं करेंगे तब तक यह समस्या दूर नहीं होगी । इसलिए एक तो हम अपने युवकों को केरियर सर्टिफिकेट दें । दूसरे मेरिज कमेटी बनाएं। वह कमेटी दहेज मांगने वालों को निरुत्साहित करे, उनमें ऐसी भावना भरे जिससे कि वे दहेज न मांगें । हमने जिला स्तर पर यह कमेटी बनायी है । अब हम गांव-गांव घूम कर भी लोगों को सुझाव देंगे और उन्हें जागृत करेंगे । इस प्रकार भी इस बुराई को दूर करने में हमें लोगों का सहयोग मिलना शुरू हो जाएगा । लोग यह जान जाएंगे कि यह सही नहीं है और लोग सही रास्ते पर आ जाएंगे ।

श्रीमती मीरा देवी : दहेज के सम्बन्ध में हमको यह कहना है कि गार्जियन लोग जो शादी करने जाते हैं, जब तक वे तैयार नहीं होंगे कि दहेज न लें, तब तक इस विषय में कुछ नहीं हो सकता है । हमें गार्जियन को सुधारना होगा । जब तक हम अपने आप को नहीं सुधारते तब तक हम आगे नहीं बढ़ सकते । हम प्रयास करते रहेंगे लेकिन आगे नहीं बढ़ पायेंगे ।

डा० राजेन्द्र कुमारी वाजपेयी : यह प्रयास कैसे हो, यही हम जानना चाहते हैं ?

श्रीमती मीरा देवी : दहेज प्रथा बहुत पुरानी है । इसके लिए हमें समाज में प्रयास करना होगा ।

श्रीमति श्याम कुमारी : अध्यक्षा जी, दहेज प्रथा बहुत पुरानी है । पहले यह बिहार में बहुत अधिक थी लेकिन अब यह बिहार के बाहर भी फैलती जा रही है ।

हमारे बिहार के साउथ बिहार में आदिवासी क्षेत्रों में भी यह प्रथा है लेकिन वहां इसका दूसरा रूप है । वहां बचपन से लड़की को पालपोस कर बड़ा किया जाता है पढ़ाया-लिखाया जाता है। वहां पर लड़के वाले लड़की वाले को दहेज देते हैं ।

नार्थ बिहार में लड़की वाले को दहेज देना पड़ता है । हमें इसके लिए लोगों को जागरूक करना पड़ेगा । हमें पंचायत लेवल तक लोगों को जागरूक करना पड़ेगा । केवल कानून बना कर यह समस्या हल नहीं होगी। इसलिए आप इस बिल में लोगों में जागृति फैलाने की बात भी रखिये ।

सभापति महोदया : बहुत बहुत धन्यवाद ।

अब बैठक की कार्यवाही समाप्त की जाती है ।

The Committee place on record their warm appreciation of the excellent arrangements made and for

the valuable assistance rendered to them by the Speaker, Bihar Vidhan Sabha, the Secretary, officers and staff members of the Bihar Vidhan Sabha Sachivalaya in holding their sittings in the Vidhan Sabha Bhavan end making their stay comfortable at Patna.

The Committee also place on record their warm appreciation of the courtesy and hospitality extended to them by the Speaker, Bihar Vidhan Sabha, Chairman, Bihar Vidhan Parishad and the Government of Bihar during their stay.

(The witnesses then withdrew)

(The Committee then adjourned).

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSE TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROBITION ACT. 1961

Monday, the 9th November, 1981 *from* 1125 *to* 1330 *hours and again from* 1510 *to* 1700 *hours in Committee Room* 'B' *Parliament House Annexe, New De.hi.*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Usha Prakash Choudhari
4. Shrimati Mohsina Kidwai
5. Shrimati Sanyogita Rane

Rajya Sabha

6. Shrimati Margaret Alva
7. Shrimati Usha Malhotra
8. Shrimati Kanak Mukherjee
9. Dr. (Smt.) Sathiavani Muthu
10. Shri B. Satyanarayan Reddy

LOK SABHA SECRETARIAT

Shri Ram Kishore—*Senior Legislative Committee Officer*

REPRESENTATIVES OF THE MINSITRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Smt. V.S. Rama Devi—*Joint Secretary and Legislative Counsel.*
2. Shri B.R. Atre—*Deputy Legislative Counsel.*
3. Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

1. Representatives of Delhi Administration

(1) Shri S.D. Srivasta va—Chief Secretary
(2) Shri D.K. Das Secretary (Home)
(3) Shri Lokeshwar Prasad—Secretary (Law and Judicial)
(4) Shri P.S. Bhinder—Commissioner of Police
(5) Smt. Kiran Bedi—Deputy Commissioner of Police

II. Smt. Kapla Hingorani.
Advocate, Supreme Court.

III. Mr. Justice Leila Seth,
Judge, High Court of Delhi,
New Delhi.

(The witnesses were called in and they took their seats)

Representatives of Delhi Administration, Delhi

(1) Shri S. D. Srivastava, Chief Secretary

(2) Shri D. K. Das, Secretary (Home)

(3) Shri Lokeshwar Prasad, Secretary (Law & Judicial)

(4) Shri P. S. Bhinder, Commissioner of Police

(5) Smt. Kiran Bedi, Deputy Commissioner of Police

MR. Chairman: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

MR. CHAIRMAN: In addition to your replies if you want to make any suggestion, you can do so.

SHRI S. D. SRIVASTAVA: The views of the Delhi Administration as such on this matter with specfic reference to the working of the Dowry Prohibition Act, have been given in the replies to the questionnaire which has already been submitted. The major difficulty that we in the administration have been facing in the implementation of this Act relates to the lack of sufficiently strong public opinion which would help bringing cases of this nature to the notice of the administration and investigating and enforcement agencies. Dowry prohibition is on par with and faces the same kind of difficulties which are being faced by any similar social legislation of this kind, be it restriction on child marriage, abolition of untouchability, giving right to property and succession of property to women and things like that. In our view this whole thing has to be viewed in the perspective of the traditional social moves of the Hindu society and Hindu community. As we have stressed, legislation by itself is not likely to prove as effective as we would like it to be unless public opinion becomes stronger and public opinion lays emphasis on the prohibition and eradication of this social evil.

We have the experience of eradication of the sati evil, eradication of child marriages, eradication of untouchability and other similar evils. Therefore, the success of the administration in enforcing dowry prohibition would come only in so far as public opinion against this becomes stronger and this in turn would depend upon the spread of education, on the success of programmes of women education and on the success in eradicating other evils like those of caste and so on.

As far as the enforcement of the Act is concerned, the legislation as present is very weak and deficient from the point of view of investigation and bringing it to the court. These offences are non-cognisable. There have to be complaints before any action can be taken and then prosecution has to be sanctioned by the State Government and punishment prescribed. This is not as deterrent as it ought to be.

We also feel that the definition of "dowry" in the present legislation it to some extent deficient, because it all revolves round property or cash given as consideration for marriage. This is an extremely difficult thing to prove. Therefore, our view is that

this definition would perhaps need to be widened and made a little more comprehensive in the sense that all property, cash or other things given on demand by the bridegroom, or his parents or family, irrespective of whether it is for the consideration of marriage, as long as it is occasioned by the marriage, it ought to come within the definition of "dowry", even if the actual giving of it precedes or follows marriage. Of course, some reasonable period of time has to be allowed so that the effect of it is not whittled down.

As far as enforcement is concerned, apart from police, powers may also be given to other agencies, as happens in the case of certain other types of offences like food adulteration, where enforcement powers have been given to other agencies and other departments.

In relation to a social evil like dowry, enforcement can perhaps be entrusted to officers of a department specially created for dealing with such social problems. We have suggested the establishment of the Dowry Prohibition Commissioner with adequate staff under him at various levels. But this Department need not confine itself only to dowry; it may also take into account other problems relating to women, like child marriages or other offences relating to family life. Such social defence mechanisms or agencies can be created. In fact, some time ago a Judge of the Supreme Court had suggested that an experiment could be made with the establishment of Neighbourhood Councils consisting of representatives of the Government, as well as non-officials, who would try to settle these problems, as far as possible, amicably by contacting the concerned parties and by trying to resolve these difficulties. I am suggesting this because the entire object of our effort including the legislative effort, is to maintain the dignity and the sanctity of the family the dignity and the sanctity of marriage as an institution. While the law has to be made more effective, while the punishment has to be made more deterrent, at the same time, an effort has also to be made at the voluntary level in order to ensure that resort to law is minimised and is taken only as a last stage after other stages of solution and adjustment have been made.

SHRI P. S. BHINDER: The most important thing is to understand the psychology of the Indian girl, how she behaves even under very difficult conditions. We have had a case where a girl was actually murdered by her husband. She made a statement "no, it was an accident"; she was all the time hoping that, if she survived, her marriage will be a success. Ultimately, she died. No girl is willing to come forward and make a complaint before anybody that either dowry was demanded or that she was being ill-treated for non-payment of it. She waits for the day when she is respected in her in-laws' family, which day unfortunately never comes. This is a great difficulty for the police investigating officer. There has to be some social organisation where the girl can go for assistance; or the organisation can approach the girl and find out her troubles, the conditions in which she lives. So far as making provisions in the Bill for this purpose is concerned, I do not know how it can be done.

SHRI D. K. DAS: Apart from the stringent provisions which we are providing in the Anti-Dowry Act, a pre-condition to any such legislation is that there should be a strong anti-dowry movement in the country. When we go back to history, there is reference to the prohibition of *sati* and child marriage. We have also seen the movement which preceded widow re-marriage. Here, those stalwarts like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar themselves propagated the various considerations for which they wanted the sati to be abolished and the widows should be re-married etc. etc. If you look back to the past couple of decades, this dowry has become a big social problem in India. Probably the reason is that

those who have a lot of money want to give dowry very blatantly. Those who can give dowry get special esteem in the society, they are considered to be very important persons of the society. How they got the money, that is a secondary thing. Even if a smuggler can offer a few lakhs of rupees as dowry for marrying his daughter, he earns social esteem. So, dowry as well as conspicuous spending on marriage are twin evils. Anybody who gives dowry does not give it silently. So, if we can create a social disapproval of the conspicuous giving of dowry, it will be good. People who can give will give, and those who cannot give, their grooms also expect some dowry, if not the same quantum, at least something very respectful. This is the feeling. About 25 yars ago we had a colleague coming from Andhra at the Indian Academy of Administration, Mussoorie. When he was taking the IAS examination he was working as a Research Assistant in some organisation. Then he succeeded in the examination and joined the IAS. For a year we lived with him in that Academy, every time in his personal conversations he was repenting saying 'Had I married now, I would have got dowry of Rs. 3 lakhs'.

We all come from different States. In certain States dowry has become almost an evil. In West Bengal two of our IAS colleagues married, one married the tea magnet's daughter and the other coal magnet's daughter. And both the tea magnet and the coal magnet are very eminent people from West Bengal and one of them was a Member of Parliament also. We look up to them for guidance, to be examples in the society, but they started a competition. The marriages took place within one week and in the bargain these two IAS officers, both of them belonging to the middle-class families, became very rich overnight. So my personal submission would be that a strong social movement should be started to discourage people from giving dowry. Those who give dowry should not be taken as big social giants, financial or otherwise. That much of importance should not be attached. By not giving dowry they should not feel small themselves. This sort of inferiority complex should be driven away and if anybody gives dowry, this will be the punishment. Probably that will be more relevant.

The other question is about the definition of dowry. I fully agree with my Chief Secretary that anything which is given after marriage from the side of the in-laws to the groom or that family, should be treated as dowry.

Another thing is that we cannot stop anybody willingly giving dowry. I think it should not be a compulsory thing to see that no dowry is given. Even if a person gives something to see that his daughter is happy, it should be made compulsory that he makes an inventory of the things he gives and sets them registered and that property should be treated as the girl's own property. Let not only the family, but the society also feel that at any time the in-laws of a girl treat the girl badly, this will be her property. That will probably be a deterrent.

To sum up, I would like to state that the anti-dowry movement is very necessary. As long as we give importance to dowry and give a lot of social importance to those people who can give dowry, there is no solution to this problem. And those who give dowry willingly and those who are forced to give dowry should be penalised according to the provisions of the law. This is all I want to submit.

MR. CHAIRMAN: Thank you, Mr. Das. I will now request Mr. Prasad, the Law Secretary, to give his views.

SHRI LOKESHWAR PRASAD: Madam Chairman, hon. Members, as a matter of fact, I have nothing more to say the what has already been stated on behalf of the Delhi Administration by the Chief Secretary and

my learned colleagues. The Chief Secretary stated that the legislation which was intended to discourage or prohibit the dowry system has failed to achieve the desired results mainly due to the defects in the legislation and so, while forwarding our suggestions, we have suggested that the provisions relating to punishment should be made more deterrent. Maximum punishment should be provided and it should be made non-bailable and so on. While providing for all these things, what I think is that the possibility of all this being misused at the lower rungs cannot be ruled out. So, we have to see that there is some sort of safeguard to ensure that all these deterrent provisions are not misused and similar provisions exist in other Acts also. For example, under the Prevention of Corruption Act, there is a provision that investigation in respect of those cases shall be carried out by an officer not below the rank of an Inspector or a D.S.P., as the case may be. This is what I want to submit before the Committee.

SMT. KIRAN BEDI: Madam Chairman, since I view this Bill as a piece of social legislation, I would say that merely incorporating penal provisions for enforcement may be reaching only half-way. Hence I would like to make a few suggestions which would help in bringing about a total effect of the law in regard to preventive part as well as educative part. From my experience I have seen that even if we make the penal provisions of the law more effective, we may not achieve the necessary results. I do appreciate, as the Chief Secretary said, that the educative part is extremely important.

Firstly, I would suggest that dowry prohibition education officers should be appointed under this Act, who would be directed to compulsorily visit schools and deliver necessary lectures. It should also be seen that school books contain a chapter on the evils of dowry and what offences accrue thereby so that a child at the school stage realises what a girl or a boy would be in if she or he goes in for asking or taking dowry.

I visualise out of my experience that whenever there is a woman in distress in regard to dowry matters and wants to make a complaint, she is afraid of doing that. The reason is that there is inhibition and social stigma attached to a woman making such a complaint. We have no basic infrastructure. If this Bill does not provide for basic infra-structure for a woman in distress, she may not go and make a complaint. What I mean by basic infra-structure is that there should be free legal aid for her and she knows, if she is a poor woman, that she would be taken care of so far as legal matters are concerned. There should be a Government lawyer to go and fight for her case.

Then, we have seen that if a woman is in distress, her parents do not accept her when she is thrown out by her in-laws. She has no place to go. So, if the Government wishes and desires that the women should make a complaint if there is harassment by her in-laws on account of dowry, the Government must provide for homes for such women. She must have all the necessary creche facilities and other training facilities. If that is done, a woman in distress would know that by making a complaint to the police or an independent agency which is proposed in the Bill if her husband is going to throw her out, she has got some place to go. There should be such homes run by the Government or other voluntary organisations to look after her.

Further, I have noticed that a woman in distress wants a quick remedy. For example, she wants a quick maintenance allowance. She is not economically independent. So, unless the Government looks after her basic needs or ensures that her husband, pending decision in the case, gives a quick maintenance allowance, by the object of the Bill would be defeated. Therefore, a provision should be made

in the Bill itself that a decision in regard to maintenance allowance to a woman in distress is quickly given.

Another thing that I want to suggest is that the offences under the Dowry law should be tried by family courts. That means, there should be family courts established under the Act itself. There is another problem also here. What does she do with children? Under the existing law, in most of the cases, a woman is not given the custody of children if she is not economically independent. But the woman is very much emotionally attached to her children. But the pity is that the woman is in most cases not economically independent. Just because a man is economically independent, the court gives custody of children to him. I have had this problem of mediating between husband and wife knowing what would be the condition of the woman if the custody of children is not given to her. We have been using extraordinary police pressure to help the woman. I would suggest that there should be a provision in the Bill itself to the effect that the family court immediately intervenes and temporarily decides about the custody of children, as to whom the children should go, the man or the woman.

In the homes run by the Government or by voluntary organisations, there should be proper creche facilities and training facilities given to women so that they can stand on their own feet and earn their livelihood.

Again, I would suggest that there should be a provision for having conciliatory officers. Every dowry case may not result in break in marriage. Therefore, there should be a provision for conciliatory officers in the family court itself who will decide whether a particular complaint about dowry needs prosecution or whether it can be sorted out by conciliation. I am positive that if the parties know that there are conciliatory officers who have got prosecuting powers and they know that if they do not conciliate, there will be prosecution, many cases may not go to the prosecution stage. They could be sorted out at the conciliation stage.

The law should provide for a publicity department which educates the women that here are the remedies open to them and these are the facilities provided for them. Many times the women do not know their rights. Therefore, we must have publicity centres under the Act run by the Government so that women are regularly educated and told that these are the facilities available for them and how they should be utilised by them.

There is another aspect of dowry also. What do we mean by *kanyadan* under the Hindu law? Under what head does this *kanyadan* come in? Does it come under the Dowry Act or is it outside the purview of the Dowry Act? *Kanyadan* must be defined as to what it means, whether it means dowry or not. There should be a ceiling fixed even on *kanyadan* and that *kanyadan* would mean not more than Rs. 500 or Rs. 1000, just as a ceiling has been suggested by the Delhi Administration.

Another practical difficulty which we have been coming across is, when there are two parties under dispute over the dowry, what happens to the dowry articles which a woman has brought along her with and in whose custody that property should remain. There is no provision under the existing law to temporarily give the custody of these valuable to the woman in distress. It is she who has brought all those valuables. There is no provision in the law to quickly give all the property back to her. There is no such provision at all. This is the main thing. Otherwise, the main object of the Bill would be lost. The man claims all the property. There is no record kept of valuables given at the time of marriage. Without that provision, the law would not be effective to check dowry offences.

There is one thing more that I would like to suggest. We may not be able to incorporate in the Dowry Act itself. Probably, it is for the Committee to consider. The Committee may recommend to make divorce a little easier for the woman as a concept of irretrievable marriage. Maybe due to dowry reasons, the marriage may become irretrievable. If a woman in distress knows that there is free legal aid available to her and it will not take long to get a divorce, that will give her confidence and in an irretrievable marriage case, she may go in for that. There should be divorce where both the parties consent that they just cannot live together. Once divorce is made comparatively easier, probably dowry deaths would not occur. On the other hand, if she thinks that divorce is not possible or that it may cost too much or that it may take too long, it is likely to have a slight effect on dowry deaths.

Thank you.

MR. CHAIRMAN: Shall we begin? My request to the Members will be to ask as many questions as they can.

SHRIMATI KANAK MUKHERJEE: What all I want to impress on the Delhi Administration is this. It is true that unless we create public opinion, it will not be possible to eradicate this evil. We have discussed that point for many days. We have to change the social attitude that dowry is a crime. How to do that? Marriage is considered as a commercial transaction. How to enforce this provision to put an end to the evil of dowry? What is your view for making a provision in the law that the person who receives dowry or who gives dowry should be punished equally?

SHRIMATI MARGARET ALVA: I think they have answered this.

SHRI P. S. BHINDER: Dowry is given under duress. It does not come voluntarily. If the dowry is given under duress the people receiving that should be punished. Public opinion should be creeated against the dowry-giving. It should be made a congizable offence.

SHRIMATI KANAK MUKHERJEE: Have you come across by experience as to the crime committed on the girls in dowry cases? This system prevails in many parts of the country. What about IAS people?

SHRI P. S. BHINDER: Usually the IAS Officers marry the IAS girls only.

SHRIMATI MARGARET ALVA: I have gone through the answers given by Delhi Administration. They have also given comprehensive suggestions. You want this offence should be made cognizable. I do not know how would it fit in if you also make it bailable? Firstly the man who comes out of the bail might harass the girl and may make her agree to withdraw her statement and not to proceed with the case. Don't you agree that during the pendency of the case if you allow the person to be bailed out, it would go against the whole clause itself?

SHRI S. D. SRIVASTAVA: May I react to that? Even if the offence is made non-bailable, it does not automatically make the Court not to grant the bail? The bail would still be allowed by the court itself or by the higher court or the High Court as the case may be. The real point we have in mind in saying at the offence should be bailable is to see that no harassment would be caused to the girl. We have thought of a situation. For instance, if a person has been arrested on a complaint from the girl's parents the police could not take cognizance of it. Even if the offence was bailable and if the person was not bailed out may be, the wife or the bride would be harassed more by the in-laws of the family and it would add to her miseries.

SHRIMATI MARGARET ALVA: What I am saying is this. In majority of the cases there may be a compromise and the cases may not be proceeded with. Would you say that this provision would in any way help?

SHRI P. S. BHINDER: The offence could be made non-bailable. But the present provisions of law are such that the court has the discretion to give or not to give the bail. There is no harm in making it non-bailable. We agree with this.

DR. RAJENDRA KUMARI BAJPAI: You have to be more stringent. That is why we feel that if this is made non-bailable it would be good.

SHRIMATI MARGARET ALVA: There is a very good suggestion made. That is for changing the name of the Act. You have spoken about this. Would you consider that expenses in connection with the marriage be considered as part of the dowry?

Or would it be considered separate from dowry?

SHRI P. S. BHINDER: These two are so inextricably inter-linked and inter-related. From my experience I would say that though dowry as such is not demanded, the bridegroom or the parent insists on certain types of expenses.

SHRI S. D. SRIVASTAVA: I may give an instance here. Suppose the number of persons who come from the bridegroom's party is more. They may expect the kind of arrangements by way of illuminations and decorations for feasting etc. which may push up their estimates. We really do not know how this kind of expenditure is to be distinguished from dowry which is supposed to be a consideration for marriage. If all these things take place on the occasion of marriage on demand of the bridegroom or his parents, then, we feel that this cannot really be made distinct from the other.

SHRIMATI MARGARET ALVA: After the marriage, for the one year, the gifts are demanded. Would this be considered as an offence?

SHRI S. D. SRIVASTAVA: This is more or less arbitrary. You have to draw a line somewhere. It is no use to draw the line later on. I agree with the hon. Member that some kind of public opinion has to be created.

SHRIMATI MARGARET ALVA: In this case would you suggest that 'any consideration' in the marriage would have to be enlarged to include also gifts which are beyond the marriage? Take for instance a child is born. A gift may be given for the child. Would you require amendment to include this in this provision?

SHRI S. D. SRIVASTAVA: Yes, Madam.

SHRIMATI MARGARET ALVA: You have suggested that there should be a special enforcement wing. With the present system, it would not be possible for the police to give enough attention to this problem. I do not know whether Mr. Bhinder would agree with me that the general impression in Delhi is this. From what ever little we know of Delhi Police, it seems that the police has not really played its role as far as protecting the interests of the harassed party is concerned. This is a complaint from women Members of Parliament that the police either do not record the statements even if they were given or the follow-up is not made. I am sure you would support Mrs. Bedi's suggestion that a special cell to deal with such complaints would be necessary.

SHRI P. S. BHINDER: I agree with Mrs. Kiran Bedi that a separate cell needs to be set up to look into this problem. Actually, the present type of social problems were not there a few years ago, and naturally, we were not

equipped a few years ago to deal with these types of problems. We have taken a number of steps from the side of the Delhi Police; compared to cases all over the country, we are doing things with much more speed and we are paying full attention with regard to investigations and punishing the guilty persons and so on.

DR. RAJENDRA KUMARI BAJPAI: One Lady Doctor who was recently married was brought to Delhi and murdered here. She got educated in Allahabad Medical College. The story was given that she committed suicide.

SHRI P. S. BHINDER: I remember the case Madam. It happened in Greater Kailash; We did our best; there was no evidence. No witness was there; we came to know the case after the body was disposed of.

SHRIMATI MARGARAT ALVA: How can you say that no other amendment of the law is necessary in order to make Dowry Prohibition Act more effective?

SHRI S. D. SRIVASTAVA: What we meant was, these penal provisions for investigation, for prosecution and so on are effective and need not be changed.

SHRIMATI KIRAN BEDI: We are thinking of bringing amendment under sections 306 and 309 of the IPC. There are offences. If anybody commits suicide, if it is established that it comes under this Dowry reason, we can consider bringing in that also.

SHRIMATI MARGARET ALVA: For change in Marriage Laws, there is another Committee going into it. What more amendment would you think of?

SHRI S. D. SRIVASTAVA: Various suggestions and recommendation have been made regarding registration of marriages. There can be returns on various types of expenses with reference to marriages. Whatever social reform takes place in the institution of marriage, that will help us a great deal.

SHRIMATI USHA MALHOTRA. The Delhi Police deserves congratulations for having brought out a very comprehensive reply to our questions. These problems have got crystallised: various effective solutions are thought of. We should have very stringent laws and regulations; all anti-social elements should be curbed. It is a social evil. You said there is adequate staff. You can take action in collaboration with social organisations. That will help you a great deal. You can bring these cases before Family Courts. Justice delayed is justice denied. Within the existing pattern and infrastructure, various steps can be taken by Delhi Polic to make the law more and more effective. We should be able to give proper relief to these sections of people who get into this type of trouble; and this evil will not stop till we have effective implementation of laws.

SHRI S. D. SRIVASTAVA: You are perfectly right, Madam. We are trying our best within the four corners of the present law and regulation to do what best we can in regard to registration of complaints, investigations and awarding of punishments. Recently we have also taken several steps in order to streamline our methods and procedures. In a review which was taken by the Lt. Governor last month, it was decided that all cases of complaints of crime against women, whatever types they may be, would have to be investigated at the senior level, at the level of Assistant Commissioner of Police. With the permission of the High Court, in consultation with the High Court, we would try to set up special courts, specially designated courts to try cases of all crimes against women including the crime of dowry and things like that. Similarly, we have already set up a small cell in our Social Welfare Directorate which looks into the cases of complaints of dowry and through the Social Welfare Officers and with voluntary help, they go into the problems of these people-mal-adjusted marriages or complaints of imbalance in the marriages and try to support them

through their good offices at their level. Within the existing framework also, we are trying to seek help of voluntary organisation to settle these problems. This is what we are trying to do. In fact, about three months ago, there was a largely attended Seminar on Social work in Delhi. In that Seminar which was attended by the experts in social work and other high officials, one of the decisions taken was that the Social Welfare Directorate should set up marriage councelling Cells in the neighbourhoods. This problem should be discussed there as far as possible. Finally the legal aid Cell Committee which has already been created under the Chairmanship of Justice Bhagavati should look into this problem. It has already been provided that in respect of any crime against women, all women are entitled to free legal aid. This requires more publicity and education.

SHRIMATI USHA MALHOTRA: Mrs. Bedi talked about the divorce which is comparatively easier and that will not create more problems. If we make it comparatively easier in cases of dowry, will that work out and if so, would she like that such cases should be referred to the Family Court which we are already suggesting? In case we are not able to thrash it out through the social organisation, would it be necessary to have a separate court for this purpose?

SHRIMATI KIRAN BEDI: It was only a suggestion made it was submitted for consideration of the Committee. You can consider this point by making some improvement. It is for the Committee to take a decision on this point.

SHRI B. SATYANARAYAN REDDY: I want to know whether it is practical or whether it is advisable to have a foolproof registration syste in the cases of all marriages on the pattern of births and deaths registration. At the same time, is it not possible to have a registration of those properties, both moveable and immoveable, given at the time of the marriage by the girl's party? In the present act do you find any difficulty in view of the vast majority of the people living in tribal areas?

SHRI S. D. SRIVASTAVA: We have suggested registration of all marriages and filing of returns of expenses of marriage with the Registrar of Marriages. You are absolutely right that registration of marriages or compulsory registration of marriages would be fought with difficulty, particularly in rural areas and less in the urban areas. The registration of births and deaths has today become an accepted and established practice. A few decades ago, even registration of births and deaths was not compulsorily provided for. But later on this practice has come to stay. In the beginning, may be a few years or may be a few decades, registration of marriages may be difficult. But I think the Committee will appreciate that all legislation on this aspect, apart from the penal aspect, will have a very important and educative role to play. Law is educative; it is a very important educative law and if the law is there, I think it would help in making it more acceptable. It would create a necessary atmosphere.

SHRI B. SATYANARAYAN REDDY: At the time of registration of marriages, we have to register all those properties and the share of the girl should be registered as property of the girl.

SHRI S. D. SRIVASTAVA: It is extremely difficult to answer this point. I know that there would be a lot of difficulties in this. But the effort should be that the return of the expenditure on marriage should be field. That is all.

SHRI P. S. BHINDER: So far as registration of births and deaths and also mariages is concerned, there is absolutely no problem. Even in the remote areas, the registration of births and deaths is done and it is foolproof. Marriages can also be done likewise. But filing of returns is a tricky problem.

मिसेज बेदी हरियाणा में रायज कन्यादान की बातें कर रही थीं जहां मैरिज के

टाइम पर कुछ पैसा लिया जाताहै और उसको कन्यादान कहा जाता है।

श्रीमती ऊषा प्रकाश चौधरी : यदि इस प्रकार से दान करने की प्रथा है तो उसको कानूनी तौर से रोकना चाहिए।

श्रीमती किरन बेदी : इस डाउरी प्रोहिबिशन बिल में आप कन्यादान को डिफाइन कीजिए कि क्या कन्यादान है और क्या कन्यादान नहीं है।

डा० राजेन्द्र कुमारी वाजपेयी : हमारे यहां वैदिक रीति से जो विवाह होते हैं उसमें माता-पिता लड़के के हाथ में लड़की का हाथ देते हैं, मण्डप में माता-पिता बैठते हैं, पानी छोड़ते हैं और इस प्रकार से मन्त्रों के साथ कन्यादान की रस्म पूरी होती है। ब्याह में नियमपूर्वक यह एक मेन फंक्शन होता है जिसका डाउरी से कोई सम्बन्ध नहीं है। आटे की लोई के साथ सवा रुपया देकर भी यह रस्म पूरी की जा सकती है। अब कन्यादान के समय कोई हीरे की अंगूठी दे रहा है, कोई गहना दे रहा है—यह अलग चांज है। कन्यादान को कानून के द्वारा अगर आप रोकने की बात कर रहे हैं तो मैं समझती हूं वह हमारे धर्म के प्रतिकूल होगा।

सभापति महोदय : उस दिन इन्फार्मल डिस्कशन में हम लोग सोच रहे थे कि हमारे बिहार और उत्तर प्रदेश में जो सिस्टम है वह रीजन टु रीजन डिफर करता है।

श्रीमती ऊषा प्रकाश चौधरी : जब तक कुछ देते नहीं हैं तब तक कन्यादान नहीं होता है।

सभापति महोदय : इस बारे में हम बाद में आपस में डिस्कस कर लेंगे।

डा० राजेन्द्र कुमारी वाजपेयी : विवाह के लिए धर्म के अनुसार जो वैदिक नियम हैं उनको तो आप इस कनून से बन्द नहीं कर सकते हैं।

सभापति महोदय : कानून के जरिए उसको बन्द करने की बात नहीं है।

श्रीमती किरन बेदी : हमारे सामने ऐसी प्रैक्टिकल प्राब्लम आई है कि जिसमें एक लड़की कहती है कि मुझे वह सामान दे दिया जाए क्योंकि वह कन्यादान था, डाउरी नहीं था। लड़की वाले कहेंगे कि यह डाउरी थी, कन्यादान नहीं था। इस तरह से डाउरी को वापिस नहीं कराया जा सकता है। इसलिए कन्यादान को डिफाइन करना बहुत जरूरी है। स्त्री धन के ऊपर सीलिंग लगानी होगी कि उसमें हीरे का सेट नहीं देना है, हीरे की मुंडरी देनी है। अगर यह सब नहीं किया जायेगा तो वकील लोग दूसरा रास्ता ढूंढ़ लेंगे।

श्री बी० सत्य नारायण रेड्डी : पर्टी में लड़की के जो राईट्स हों वह शादी के समय ही कंपलसरीली रजिस्ट्रेशन कर दिया जाना चाहिए।

श्रीमती ऊषा प्रकाश चौधरी : जैसा कि अभी आपने कहा था, भारतीय नारी अपने पति के खिलाफ बोल नहीं सकती है इसलिये मैं यह जानना चाहती हूं कि ऐसी कौन सी सोशल एजेन्सी होगी जोकि इस कानून को लागू करने के लिये काम कर सकेगी ?

श्री पि० एस० भिण्डर : हमारे सोशल वैलफेयर डिपार्टमेंट में एक ऐसा प्राविजन तो है लेकिन वह ज्यादा इफेक्टिव नहीं है। हमारे दिल्ली में एकाध ऐसे सोशल वर्कर्स हैं लेकिन 70-75 लाख लोगों के लिये 2 लडकियां क्या कर सकती

हैं । इसलिये यह बड़ा जरूरी है कि इस समस्या से निपटने के लिये इफेक्टिव सर्विसेज बनें जिनके एरियाज़ बटे हों। अभी ऐसी कोई संस्था नहीं है और जब तक ऐसा नहीं होगा तब तक कोई राहत नहीं मिल सकेगी।

श्रीमती मोहसिना किदवई : मि० भिण्डर ने अपनी प्रैक्टिकल डिफीकल्टीज़ बताई। प्रापर एविडेन्स न होने की वजह से बहुत से केसेज छूट जाते हैं। पुलिस फोर्स कम होने की वजह से भी प्राबल्म आती है। मैं समझती हूं आपने यह जरूर सजेस्ट किया होगा कि ऐसे केसेज में जहां मिस्टीरियस डेथ हो या न्यूली-वेड्स लड़की की डैथ हो जायं तो 48 घंटे से पहले बाडी डिस्पोज़-आफ न की जाए या जब तक पुलिस न पहुंच जाये तब तक कुछ न किया जाय। दो-चार केसेज ऐसे भी सामने आये हैं जिनमें लैक आफ एविडेन्स की वजह से पुलिस मजबूर थी, मामला कोर्ट में नहीं जा सकता था। तो ऐसी प्रैक्टिकल डिफिकल्टीज के लिए आपके क्या सुझाव हैं? यह कानून तो बन जाएगा लेकिन असल चीज़ है इसका इंप्लीमेंटेशन। जैसे, मैरिज का रजिस्ट्रेशन कोई मुश्किल नहीं होगा। गांवों में मुखिया के पास रजिस्टर होता है, वहां पर रजिस्ट्रेशन किया जा सकता है लेकिन साथ-साथ डाउरी को कैसे इरेडिकेट करेंगे यह सवाल होगा। जैसे पहले इस मुल्क में सती प्रथा थी, उसके खिलाफ पब्लिक ओपीनियन बनी तो उसको खत्म किया गया हालांकि अब फिर से उसकी कुछ रिवाइव करने की कोशिश हो रही है। इसलिये जब तक पब्लिक ओपीनियन नहीं बनती तब तक हमारे सामने मुश्किल होगी। जहां तक पुलिस की बात है, जब क्राइम हो जाए तब पुलिस ऐक्ट करे लेकिन प्रिवेन्टिव एक्सन क्या होगा?

श्री पि० एस० भिण्डर : हम इस सिलसिले में जो जो काम करते हैं, मैं उनको बतला नहीं पाया। काफ़ी केसेज़ में हमने बिना किसी लिखा-पढ़ी के या कोर्ट में ले जाये बगैर उनको सुलझाने की कोशिश की है। जैसा अभी किरन बेदी ने जिक्र किया था—आप चाहें तो इस बात को रिकार्ड में न लायें—काफ़ी केसेज में जहां हम देखते हैं कि लड़की के साथ ज्यादती हो रही है और कानूनी तौर पर हम उसमें कुछ नहीं कर सकते हैं, हम उसके इन-लाज़ को बुलाकर थोड़ा परेशान करते हैं, बहुत सारे केसेज में कामयाबी हो भी जाती है, लेकिन बदकिस्मती की बात यह है कि जिस केस को रोज़नामचे में दर्ज करके कोर्ट में ले गये वह सुलझ नहीं सका वहां लड़की की शादी टूट गई है।

इसलिए मैंने अर्ज किया है कि इस काम के लिये किसी न किसी सोशल आर्गेनाइज़ेशन की सर्विसिज़ बहुत जरूरी हैं। जब तक ऐसा नहीं होगा नौजवान लड़कियों को राहत पहुंचाना मुस्किल होगा।

आपने सुझाव दिया कि अगर किसी लड़की की मौत हो जाती है तो 48 घंटे तक उसका अन्तिम संस्कार नहीं होना चाहिए, जब तक पुलिस को इत्तला न हो जाये और पुलिस की इजाजत न मिल जाये, तब तक उसको जलाना नहीं चाहिए। यह एक बहुत अच्छी सिफारिश है। लेकिन मैं आपको एक मिसाल देता हूं—आर्मी के एक सीनियर जनरल हैं, उनकी लड़की की शादी हुई थी, उसके एक बच्चा भी हुआ था, उसके बाद उस लड़की की डैथ हो गई, गोली से उसकी मौत हो गई थी। इतने बड़े सीनियर आफिसर थे, लेकिन उन्होंने और उनकी वाइफ़ ने पुलिस को लिख कर दे दिया कि हमें कोई शक नहीं है, पुलिस उसकी बाडी का पोस्ट-मार्टम नहीं करा

सकी, उन्होंने खुद कहा कि इसकी जरूरत नहीं है । लेकिन दस दिन के बाद वे ही एलोगेशन लगाने लगे, प्राइम मिनिस्टर से मिले, मेरे पास आये, लेकिन हम उनकी कोई मदद नहीं कर सके क्योंकि डेड-बाडी का पोस्ट-मार्टम नहीं हो सका था।

श्रीमती मोहसीना किदवई : लड़की किस की थी ?

श्री पि० एस० भिण्डर : फौज के सीनियर लेफ्टीनेन्ट जनरल हैं। मैंने यह मिसाल इस लिये दी है कि हमारे मुल्क में ऐसे मौके पर लोग इतने सेन्टीमेंटल हो जाते हैं कि पोस्ट-मार्टम के लिये राजी नहीं होते हैं, उनकी काफ़ी मिन्नत करनी पड़ती है। दुनिया भर की सिफारिशें आती हैं, टेलीफोन्ज आते हैं, जब घर वाले कह रहे हैं कि पोस्ट-मार्टम की जरूरत नहीं है तो फिर आप क्यों जिद कर रहे हैं? बड़े एजूकेटेड लोग इस तरह की बातें करते हैं । अभी हाल में एक एक्सीडेन्ट हुआ था—यू० पी० के चीफ इन्जीनियर थे--एक्सीडेन्ट से डैथ हुई थी, इतनी ज्यादा सिफारिशें आयीं, जिसका कोई हिसाब नहीं, बड़ी मुश्किल से उनको मनाया कि कल आपको इस लड़की के डैथ-कम्पेन्सेशन का केस करना पड़ेगा जब तक डाक्टर की रिपोर्ट नहीं होगी आप कुछ नहीं कर सकेंगे ।

हमने ऐसे केसेज देखे हैं जहां लड़की की मर्जी के खिलाफ शादी की जाती है और लड़की सूसाइड कर लेती है। लड़की को बहुत अच्छी एजूकेशन दी गई है--मां-बाप ने देखा कि कोई बिजनेस वाला लड़का है उसकी वहां जबरदस्ती शादी कर दी । लड़की वहां नहीं रहना चाहती, लड़की सूसाइड कर लेती है, उसके खुद मां-बाप नहीं चाहते कि उस का पोस्ट-मार्टम हो । इसलिए ऐसा कानून ज्यादा अच्छा रहेगा कि अगर 20 साल से 30 साल की उम्र की किसी लड़की की इन हालात में डैथ होती है तो 48 घंटे तक उसको नहीं जलाया जाना चाहिये, उसका पोस्ट-मार्टम जरूर कराया जाना चाहिये, जब तक पुलिस को इत्तिला न हो उसका अन्तिम संस्कार न किया जाये । अगर ऐसा किया जाएगा तो इससे ज्यादा सुविधा होगी।

श्रीमती मोहसिना किदवई : थोड़ी सी बात अभी दहेज और कन्यादान के बारे में हुई थी, लेकिन इस बारे में आपकी क्या राय है? जो थोड़ी सी लिमिटेशन्ज या रेस्टिक्शन्ज लगाई हैं कि इतने प्रेजेन्ट्स हों, लेकिन जो चीज डावरी के नाम से दी जाती है उस पर सिर्फ लड़की का ही अधिकार हो--इस बारे में आपकी क्या रायं है । क्या हम इस कानून में कोई ऐसी डेफीनीशन लगा दें कि दहेज या डावरी के नाम से जो भी चीज दी जाये, उस पर कोई लिमिट हो या न हो, लेकिन उस पर लड़की का हक होगा, दूसरे किसी का हक नहीं होगा--अगर हम ऐसा कर दें तो क्या हर्ज है।

श्री पि० एस० भिण्डर : मुस्लिम ला में मेहर का प्रावीज़न है ।

श्रीमती मोहसीना किदवई : दहेज भी होता है और जैसा कि मैं समझती हूं उस पर लड़की का हक होता है । इस वक्त डावरी का मतलब जो चीज दी जाती है उस पर इन-लाज़ का हक होता है और जो चीज लड़की को दी जाती है वह स्त्री-धन कहलाता है। अब हम यह चाहते हैं कि जो चीज दहेज में दी जाये उस पर भी लड़की का हक हो।

श्री एस० डी० श्रीवास्तवा : यह अच्छी राय है। अगर ऐसा प्राविजन किया जाये तो वह अच्छा होगा ।

सभापति महोदय : सेक्शन 6 में लिखा हुआ है—

Clause 6 of this Bill deals with "Dowry to be for the benefit of the wife or her heirs."

SHRI S. D. SRIVASTAVA: The word "heirs" also means husband. As a matter of fact, today the law provides that when a lady dies leaving the property, the husband is the first heir. So, I have submitted my own evidence also that whatever is given at the time of marriage on behalf of the parents of the lady, the list of property should be registered with the Registrar, and it should be a public document. However, we may not keep any registration fee for this. In this particular case, we can make the provision. Even in the case of cooperative societies, we do not charge any fee for registration. The whole idea of registration is that it becomes a document of which a copy is available to the Government. Any time, a person can find out what are the properties which are given at the time of marriage. When it comes to the marriage, her parents are really worried about her marriage. So the provision of registration will have a big deterrent effect. Only making a list and submitting it to the Registrar will be very helpful.

डा० राजेन्द्र कुमारी वाजपेयी : मुझे दो बातें कहनी है । एक तो कन्या दान और स्त्रीधन ये दो अलग-अलग चीजें हैं । कन्यादान एक कस्टम है जो शादी होने के समय जरूर होता है और स्त्रीधन एक अलग चीज़ है। कमेटी के लोगों को इन दोनों चीजों को कन्फ्यूज़ नहीं करना चाहिए। लड़की जब ससुराल जाती है तो उसको कुछ न कुछ देना चाहिए और इसी देने के चक्कर में यह देना बढ़ता चला जा रहा है और यह एक डाउरी की प्रथा बन गई है। स्त्रीधन ससुराल वालों को नहीं छूना चाहिए वह सिर्फ लड़की का होता है, लेकिन जो दूसरी चीजें होती हैं वो सब लोग अपने हक में समझते हैं । तिलक आदि में काफी पैसा दिया जाता है। बड़े लोगों की बात छोड़ दीजिए । तकलीफ बड़े लोगों की लड़कियों को नहीं होती, वे तो दे देते हैं, लेकिन जो मिडिल क्लास है, उनकी लड़कियों को परेशानी होती है । हमें उस क्लास के बारे में सोचना है । इस प्रथा को पूरी तरह से बन्द करने के लिए कानून बनाने के बारे में हमें यहां पर सोचना है । इन्वेन्ट्री कायम करने से क्या होगा । जो उतना दे ही नहीं सकता, उसके लिए आप क्या करेंगे ? आजकल तो हालत यह हैं कि लोग नथ, बिछुआ और पायल तक नहीं दे पाते हैं, जो कि जरूरी चीजें हैं तो इन्वेंट्री कायम आप किनके लिए करना चाहते हैं ? हमें इस प्रथा को मूलत: समाप्त करना है। हमें एक प्रतिशत लोगों के बारे में नहीं बल्कि 99 प्रतिशत जनता के बारे में सोचना है। इन्वेन्ट्री आप किस के लिए बनाने जा रहे हैं ?

सभापति महोदय : आप प्रश्न कीजिए।

डा० राजेन्द्र कुमारी वाजपेयी : धन सिर्फ बड़े लोगों से ही नहीं, बल्कि सब से मांगा जाता है। इसलिए इन्वेन्ट्री से क्या फायदा होगा ?

श्री एस० डी० श्रीवास्तव : आप सही कहती हैं। असली दुर्भाग्य यही है कि जो नहीं दे सकता है, उसको भी मजबूर किया जाता है। अगर लोग नहीं दे पाते है .तो उससे लड़की की स्थिति उसकी ससुराल में खराब हो जाती है । एक तरह समाज में पब्लिक ओपिनियन, शिक्षा है और दूसरी तरफ हमारे ला में भी इसके लिए कुछ डर स्थापित होना चाहिए। यह व्यवस्था संयुक्त परिवार की प्रथा से जुड़ी हुई है। इस लिए हर मैरिज का रजिस्ट्रेशन होना चाहिए और शादी के मौके पर जो भी खर्च हो और जो कुछ भी दिया गया हो वह सब

लिखा जाना चाहिए, ताकि समय आने पर पता किया जा सके।

डा० राजेन्द्र कुमारी वाजपेयी : लिमिट रखने के बारे में आप की क्या राय है ?

श्री एस० डी० श्रीवास्तव : यह तो सब के सोचने की बात है । अलग-अलग ग्रुप के लिए अलग-अलग लिमिट रखी जाएगी।

डा० राजेन्द्र कुमारी वाजपेयी : इससे तो कठिनाई हो जाएगी। जो लोग बहुत खर्च कर के दिखावा करते हैं, उससे दूसरे लोगों में हीन भावना पैदा होगी। क्यों न एक लिमिट में शादी होनी चाहिए।

श्री एस० डी० श्रीवास्तव : मैं समझता हूं कि लिमिट होनी चाहिए और यह लिमिट मेक्सिमम 5000 होनी चाहिए।

श्रीमती संयोगिता राणे : लोग इसका नाजायज फायदा उठाएंगे । जो लोग नहीं दे सकते हैं, उनको भी 5000 देने के लिए मजबूर किया जाएगा।

सभापति महोदय : आप साफ बताएं, लिमिट हो या न हो?

श्री पी० एस० भिण्डर : लिमिट के बारे में डिसाइड करना बड़ा मुश्किल है। लिमिट नहीं रखनी चाहिए। लेकिन जो खर्च हो उसकी रिटर्न जरूर फाइल होनी चाहिए। अगर शादी टूट जाती है तो घर वालों को पता होना चाहिए कि यह दिया है और यह बनता है।

श्रीमती संयोगिता राणे : भोपाल का एक केस हमारे नोटिस में आया था । उसमें सब इंस्पैक्टर का लड़का इनवाल्वड था। पुलिस कमिश्नर एवीडेंस देने के लिए आए थे। वहां पर एक्शन लेने वाला ही कोई नहीं था। ऐसी अवस्था में एक्शन कैसे होगा ?

श्री पी० एस० भिण्डर : इनफार्मली हम लोग कितने ही केसिस सुलझाते हैं। शायद कंडक्ट रूल्ज जो गवर्नमेंट सर्वेंट के लिए हैं उन में यह व्यवस्था की जा सकती है कि डाउरी लेना और देना दोनों मना है।

सभापति महोदय : आप सब ने जो सुझाव दिये हैं वे हमारे लिए बहुत लाभदायक सिद्ध होंगे। मेरा श्रीवास्तव जी से अनुरोध है कि अगर वह विस्तृत मैमोरेंडम इस महीने के अन्त तक भेज सकें तो बहुत अच्छा होगा। दूसरे राज्यों से भी हमें ये प्राप्त हुए हैं। आप भी दे दें तो ज्यादा अच्छा होगा।

अब एक दो क्लेरिफिकेशंस मैं सीक करना चाहती हूं।

You have mentioned in your evidence that the property and other articles given on demand should be treated as dowry. You have also mentioned that the things given in consideration of marriage is difficult to prove. In such a case, how to prove that things are given on demand?

SHRI S. D. SRIVASTAVA: We have suggested that all gifts or properties given on the occasion of the marriage should be included within the definition of the Bill. The question of demand or consideration need not be the guiding test. Then, Stridhan can be taken care of by registration. All marriages should be compulsorily registered.

MR. CHAIRMAN: What about the villages which are steeped in poverty and illiteracy, where even births and deaths are not registered except in hospitals? We want your practical suggestions in this matter. We have gone to the villages and we have seen that nobody registers births. Further, do you want the gifts or property given at the time of the

marriage should be treated as stridhan?

श्री पी० एस० भिण्डर : हमारा समाज ऐसा है कि धर्म की कई बातें इस में आ जाती हैं। थोड़ा सा इस का ख्याल आप को रखना पड़ेगा । अब कई जगह एक रिवायत है कि लड़का भी लड़की को गिफ्ट देता है। इस तरह की बातों का ख्याल रखते हुए अगर एक्ट में प्राविजन हो जाए कि हर एक स्टेट के लिए लोकल रिवाजों के मुताबिक रूल बना दिए जाएं तो इस समस्या को हल किया जा सकता है ।

MR. CHAIRMAN: We thank you for your valuable suggestions.

The witnesses then withdrew

(The Committee then adjourned at 13.30 hours and reassembled at 15.10 hours).

II. Smt. Kapila Hingorani, Advocate, Supreme Court.

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : समिति की कार्यवाही शुरु की जाती है । समिति आपका अभिनंदन करती है । उम्मीद है कि आपके सुझावों से समिति को काफी लाभ पहुंचेगा ।

आप अपना परिचय दे कर अपने सुझावों को समिति के सामने रखें आपकी ओर से क्वेस्चनेयर का जवाब नहीं आया है और मेमोरेंडम भी नहीं आया है । अगर आप मेमोरेंडम लाई हैं और क्वेस्चनेयर का जबाव आपके पास है, तो आप वे दोनों समिति को दे दें । आप आपने मेमोरेंडम और अपने सुझावों के मुख्य बिन्दुओं को संक्षिप्त रूप में रख दें ।

श्रीमती कपिला हिंगोरानी : मैं क्षमा चाहती हूं कि मैं बाहर थी और समय की कमी की वजह से मेमोरेंडम नहीं भेज सकी । लेकिन मैंने इस बारें में एक पेपर ला मिनिस्टर को पहले भेज दिया था । आपकी इजाजत से मैं उसकी एक कापी आपको दे देती हूं ।

मैंने क्वेस्चनेयर के जबाब लिखे हैं, जो मैं संक्षेप में आपको बता दूंगी । अगर आपकी इजाजत हो, तो मैं अंग्रेज़ी में अपनी बात कह दूं ।

सभापति महोदय : आप अंग्रेजी में बोल सकती हैं ।

SHRIMATI KAPILA HINGORANI: On the first page I have just said 'marriage is festivocative'. Therefore, you cannot do away with the

presents and festivities. It was an article written in 1977-78 for Mahila Dakshta Samiti.

MR. CHAIRMAN: That has been circulated. But it cannot be read now. You have just to say what are your suggestions. It is a long paper.

SHRIMATI KAPILA HINGORANI: If that has been circulated, it has got slight amendments. First it was a small paper which was written. Then it was the subject matter of several seminars and discussions. Each time certain amendments were made. Now in the light of the recent experience I have made more suggestions. I would just touch upon the salient points that have been made in this paper:

1. There has to be festivity and some sort of presents. Expenses incurred in each case will be according to the status of the person. So long as we do not have a completely socialistic society, we will have to have that variation.

2. Then I have given a little history how the customs grew. How it was considered Kanya Dan and how later on it became an evil because it was a demand from the other side. It became as consideration of marriage. Therefore, the prohibition of Dowry Act, 1961 came into being. But to my mind this Act has to be completely overhauled. It has been completely ineffective and there are reasons for its non-implementation and non-effectiveness.

If you turn to page 14 of this paper, I have suggested changes which have to be made. If it can be treated as read or is going to be read, then I think the suggestions are incorporated in that. Details have been given in each section.

MR. CHAIRMAN: This has already been circulated. It has been published. The published document cannot be taken as read.

SHRIMATI KAPILA HINGORANI: That was the basic paper, but there has been tremendous amount of amendments.

The basic need is that, but because of the experience gained thereafter, certain changes have been made in the paper. The basic structure remains the same. But there have been other suggestions which have been made. That is the present state of affairs? The evil is worse than before. I have gone into the detail and I have given the reasons. Expenditure on dowry has increased. The arranged marriage system being what we have in our country, the moment an eye is set on the boy, the expenditure begins.

My first suggestion is that the definition of "dowry" has to be enlarged. Dowry as defined now is: anything given or taken in consideration for marriage. What I want to say is that beyond a certain limit, everything should be treated as dowry. About fixing the limit, it is for the Joint Committee to consider. It is to be inclusive of all expenses, before marriage, at the time of marriage and after the marriage. The parents of the girl give presents not only at the time of marriage, before marriage and after marriage but for generations to come. I have known of cases where the grand mother provides for the grand-daughter's marriage. Therefore, we have to have a certain limit. This is what I feel should be the definition of dowry.

Then, Sections 3 and 4 of the existing Prohibition of Dowry Act have to be amended because both the giver and the taker cannot be punished. One of the basic reasons why the Dowry Act does not have any teeth is that both the giver and the taker are to be punished.

Section 6 is rendered ineffective because both the giver and the taker have to be punished.

Further, the procedural provision of having the sanction of the State must be done away with. There are a lot of difficulties in getting the sanction of the State. It may take six months or even a year. This should be done away with.

Section 7 also needs to be amended to do away with the limitation period of one year. It has caused a tremendous hardship to women because according the recent High Court judgment it means, one year from the date of the offence. The offence is defined as consideration of marriage and, therefore, they say, it is from the time of marriage. What happens quite often is that the girl keeps on tolerating the torments, the cruelty, and the demands for years together. Only when it becomes unbearable, then she complains. It is a matter of fact and common knowledge that until about 1977 there were very few cases which were brought to the notice of the police. The complaints were just not made. It is only because of the new awakening, because of the voluntary women's organisations and other organisations doing a tremendous work that women got the courage to make complaints about dowry. Otherwise, they just suffer in silence or kill themselves. So, this provision must be done away with.

Section 8 needs to be amended to make an offence cognizable. It should be bailable and it should be non-compoundable. You cannot make it non-bailable because there may be circumstances where the bail is necessary. You cannot put a person behind the bar and make it difficult for the person to get bail. But it should be non-compoundable. It should not be open to the parties, once the matter has gone to the court, under pressure or otherwise, to say that they withdraw the case.

Coming to the Questionnaire, one of the questions is: What are the reasons for the persistence of the evil of dowry? We all know, they are the non-effectiveness of the legislation and the non-implementation of the legislation; the social and economic reasons and also the psychological compulsions. I will put a great stress on the psychological compulsions. I have already given the reasons as to why the legislation has not been non-effective Why it is not implemented is because there is no machinery. That brings me to the question of machinery, the method by which it has to be done and all that. There are two or three things which I would say strongly.

One is that there is a need at the moment for a total review of all laws relating to offences against women. Any legislation which has been on the statute book for the last 10 to 15 years needs to be reviewed. We have to make amendments in the Marriage Law and all other laws relating to offences against women. I have been saying again and again since 1968 that we must have family courts. I prefer the Australian model to any other model where irretrievable marriage breakdown is the only reason given for divorce. To my mind, that is the only honest ground for divorce. We have to have certain safeguards in our country. But those safeguards will be there if we have family courts which will look into the family background and into the sensitive issue of relationship between husband and wife and children. There has been a great demand for family courts since 1968 when I wrote my first paper for the Women Lawyers' Conference in Bangalore. Since 1968 we have been asking for family courts but still that has not been done.

Coming to psychological compulsions, if you turn to my paper, on p. 8, this what I have said I know, I will not be very popular when I say this. I would just like to read it:

> "The ideal of Indian womanhood as presented in our Epics, Classics folklore, "e.g. Sita who suffered self-efacement when falsely accused, but did not protect—one wonders if the modern self-immolation of suicide by burning has not the roots deeper than one thinks—Manu equating the status of woman with that of the Shudras, the Ras Lila of Lord Krishna with Gopies—mere play things;"

The more I talk about it, the more I feel that dowry is linked with the status of women. I have been born

into a family where there was no question of my inequality with my brothers. When my eldest daughter was born, I asked, "Boy or girl" and nurse said, "The doctor will tell you." Immediately, I knew it was a girl. I said, please bring sweets and I want to distribute them. It is the attitude of parents that matters; it is the attitude of the school teachers that matters; it is the attitude of the boys and girls to each other right from childhood that matters. The ttitude has to change which law cannot do.

This is a very limited questionnaire. We have to widen the scope of it. We have to get rid of these things. Further, I say:

"So long as the ideals and attitudes reflected in these and the Ram Lilas and Krishna Lilas which have a tremendous hold on a large population in our country—charming as they may be—are not properly interpreted, taken lightly or if necessary even discarded through new literature, which will show that it has no real bearing on present concepts of men and women and their relationship, it will be difficult for people here—including women themselves to have right attitude to women which is that a woman has to be treated like any other human being with all the faults and virtues on an equal basis with an identity of her own as a person in her own right and not as a Goddess, Devi or Dasi."

Even the festivals like Raksha Bandhan and Bhai Dooj are not understood as festivels of love and affection between two equals, the brother and the sister. There is the question of Pooja of the brother. There is the question, at the time of marriage, of paying obeisance to the husband. They are small things. But they are really the cause of the dowry. I have been thinking a great deal. Is it the economic independence which helps? Perhaps it does to some extent because we do have cases where the women said "If I get a job, there is a chance of my getting married." But I have known many cases where the woman is an earning member but still, dowry is demanded and given.

I would like to say that dowry is not demanded in the cultured section of people of our country. An agreement is not reached. But it is silently accepted. Everybody expects that dowry will be given and the parents want to do their best. I feel that the parents are more guilty than even the in-laws when they agree to do beyond what they can and go on trying to please the son-in-law. I have said they do it because they want to bribe for their daughter's happiness. Now that is the thing which has to be brought under the definition of dowry. A limit has to be put because when the silent expectation is not met, then the girl is taunted, tortured, and cruelties are inflicted on her. These are very subtle forms and mostly in educated circles. These are things which we have to take note. The definition of dowry as it exists now is completely out of context, for the modern understanding of the concept. In spite of the attitudes against dowry, psychological compulsions, and stress on economic independence, the evil of dowry still persists. Social attitudes, parents' attitudes, education and the suggestions, all are only on paper. I do not have to repeat them. The reasons I have dealt with in reply to Question No. 2 of the Questionnaire. To the question "Do you consider that such acts should be treated as dowry? What limits would you suggest?" I have said that you have to divide that into four different sections.

One is that there must be a limit to celebrations of any sort.

Secondly, expenses of marriage. We are all familiar with marriage expenses. They are high. There should be a limit.

Thirdly, the actual gifts to the boy's family. That as to be separately dealt with. Then, gifts to the daughter. I have put that separately. I have in my suggestion insisted that the girl must get a share in the father's property but not dowry because

dowry is vicious. Property is her right and, therefore, she must have a share in it. I am aware of the fact that the people who have property are very few in our country. They may give gifts but they should be subjected to all the property laws, gifts tax, and other taxes.

I have also made a suggestion that there should be a Form like the Income-tax Return. A Return is to be made before and after the marriage so that all the assets of the boy are well-known.

The Succession laws and the Corporation Laws have to be changed because my slogan is 'Take marriages of the roads'. Let us set an example of celebrating marriages in quiet dignity, in the temples or in the Halls or before the Registrar. By law or by persuasion, we have to bring a change in the whole attitude to marriage. Marriage must be performed with dignity. It is not just recitation of Mantras.

To the question "Would you like that everything should be jointly shared?", I would say that I know that it sounds impossible in our country. But I think that a beginning has to be made. If any expense has to be incurred on the bridegroom's or on the bride's party, that has to be shared jointly because boy and girl have equal rights.

My answer to Question No.3 is Yes. I do not understand the latter part of the question.

DR. RAJENDRA KUMARI BAJPAI: Should the limit be for one year or for two years?

SMT. KAPILA HINGORANI: There is going to be limit for the first two years, a certain limit. For the next two years, a certain limit. You can put money in the fixed deposit and this will come to you after 10 years. That is an agreement and if the money is all right in fixed deposit, then nothing can be done.

My answer to the next question is 'No'. The giver of the dowry should not be punished. But the Gift Tax must be paid by the recipient of the dowry. My suggestion is that the punishment should be commensurate with the offence because greed is probably the basic cause. Therefore, you should punish them with a fine of three times the value of the dowry and if the fine is recoverable, then the portion that has been given as dowry should be given to the party and the rest should go to the State. That is my suggestion.

Question No. 7—Yes, it has to be an alternative. To my mind, imprisonment is not going to solve the problem and if the fine is not recoverable, then imprisonment and the minimum should be one year.

Question No. 9—I have already answered it.

Question No. 10—All these people who taunt the girl and who are guilty of physical and mental cruelty must be punished with fine and failing that, with imprisonment.

About compoundable etc., I have already answered questions 11 and 12. Yes, you must not allow the arrest of a person without a warrant from the Magistrate. I think warrant from the Magistrate is necessary because recently cases have come to me of boys complaining about harassment. They have said, 'Please protect me from the Police. Dowry has become such a news that they are being harassed in turn.' So we have to make a provision for vexatious proceedings in the name of dowry when the culprit is somebody-else.

Question No. 14—I think it cannot be taken cognisance of without the previous sanction. Question 15— I have answered it. Question No.—16 No. I have said that no sanction is required. Machinery for enforcement—I have answered that the family court provision should be made. Then Dowry Prohibition Officers—Yes. Question No. 18—Yes. One of my suggesions

in my paper is that immediately shelter homes shall have to be provided. If you have one shelter home, it will give shelter to 200 women.

Question No. 19— Yes. They should be associated. I have suggested that the body may consist of lawyers, social workers, family counsellors and field workers and medical practitioners because you need medical aid.

Question No. 21—Yes. Question No. 22—I have already answered. Family courts should be established. I think that is all that I have to say.

DR. RAJENDRA KUMARI BAJPAI: You have said only the taker should be punished and not the giver. But if somebody says, 'I have not taken anything, but the father has given all these things', then what can you do?

SHRIMATI KAPILA HINGORANI: The moment he says that the father has given, he has admitted that he has taken. That is why I say the definition of 'dowry' should not be the consideration of the marriage. If you have sorted out the definition, this question will not arise. Dowry should be not only demanding, it should not only be a consideration of the marriage but it should be anything given beyond a certain limit. The moment you make the giver a guilty person, then the burden of proof and all that will arise and it will lead to a tremendous delay in the court. If you have the definition or 'dowry' widened to include everything beyond a certain limit, then the mere fact of taking is an offence. Why I say that the giver should not be punished is that the structure of our society is such.

SHRIMATI KANAK MUKHERJEE: Once the giver is also punished, then how can I give?

SHRIMATI KAPILA HINGORANI: Experience shows that once you prescribe punishment for the giver also, then the giver never comes forward to tell that 'I have given'. Apart from other social reasons, one of the reasons for not coming forward is that everything that is given at the time of marriage is 'Stridhan' and therefore, we can take it back.

SHRIMATI KANAK MUKHERJEE: How is the Family Court going to be constituted? Who will be the Members?

SHRIMATI KAPILA HINGORANI: Constitution is a very detailed matter. I have a whole separate paper on it. The idea of Family Courts is there from page 20 onwards. It gives you the basic concept of Family Courts. I hope there will be a Select Committee sitting soon to consider establishment of Family Courts. They can be started even within the present set up. For instance, already at some places even in Delhi Special Courts are being asked to deal with these cases. That is a very small beginning. But the concept of Family Court is that it is a court like any other court, but it is simpler in procedure. It has not got the adversary method of arguing the cases. It is a reconciliation proceeding that you try. I do not like to dilate too much on my work, but I cannot help it because I started practice with divorce cases. The cases that came to me were rather depressing. I did not like to do it. I spent a long time reconciling rather than taking them to the court. That is why I wrote a paper in 1968. One has to spend a lot of time, more time than filing a petition in the court. If you have a reconciliation machinery or a field worker or a social worker or a family counsellor or a home visitor which we do not have who will know the background of the family, he will know whatever is being said in the court is right or not.

डा० राजेन्द्र कुमारी वाजपेयी : यह तो ठीक है । लेकिन आप ने शुरु में कहा कि यह आफेन्स बेलेबिल होना चाहिये, हमारी राय में यह नानबेलेबिल होना चाहिये । जैसे मर्डर के केसेज होते हैं, दूसरे बहुत से केसेज होते हैं जो नान-बेलेबिल होते हैं, कोर्ट भले ही उन को बेल देदे, लेकिन एक्ट को डेटेरेन्ट और सिट्रन्जेन्ट बनाने

के लिये जरुरी है, सोसायटी में यह डर पैदा हो कि इस तरह का काम अपराध है--इस के लिये यदि आफेन्स को नान-बेलेबिल बनाते हैं तो इस में क्या हर्ज है?

SHRIMATI KAPILA HINGORANI: It should be non-bialable. I did say this one year ago. But I have given it a thought and I am subject to change my opinion. But I felt that there were perhaps some cases coming to the Police Station where dowry was not the main cause.

DR. RAJENDRA KUMARI BAJPAI: That is a matter of investigation. When any offence takes place, we just see whether it is bailable or non-bailable. Then the case proceeds and investigation goes on. That is not the point.

SHRIMATI KAPILA HINGORANI: In bialable cases, it is almost as a matter of course. In non-bailable it is more difficult.

DR. RAJENDRA KUMARI BAJPAI: You are kind to such persons.

SHRIMATI KAPILA HINGORANI: I look at it from the other side.

DR. RAJENDRA KUMARI BAJPAI: They are playing with our lives.

श्री सत्यनारायण रेड्डी : आपने पहले कहा था कि काग्नीज़ेबल होना चाहिये । उसके बाद आपने कहा कि मजिस्ट्रेट की इजाजत के बगैर काग्नीजेंस नहीं लेना चाहिए । तो क्या आप इसको नान काग्नी जेबल बनाना चाहती हैं ।

श्रीमती कपिला हिंगोरानी : नहीं, हम तो इसको काग्नीज़ेबल चाहते हैं ।

श्री सत्य नारायण रेड्डी : जब पुलिस काग्नीजेंस लेगी तो मजिस्ट्रेट के पास जाने की जरूरत नहीं होगी ।

SHRIMATI KAPILA HINGORANI: You are right that without a warrant, they can arrest. But, there are laws in which you can make it cognisable and, yet, it can be interpreted differently. In the definition, what you are saying is right that there is a contradiction. Under the definition of Cr. P. C. if it is a cognisable offence, arrest can be made without a warrant. To that what I have suggested is that the offence should be made cognisable. In that case the definition of what is 'cognisable offence' will have to be changed. I have said it in my paper. Unfortunately, my paper is not being circulated. I should have done it before. I have not specifically mentioned that the definition of 'cognisable' will have to be changed. Where you want to make it, cognisable, you give that power to the police to arrest without a warrant. This is a sort of a change to be made in the law.

MR. CHAIRMAN: Thank you very much Mrs. Hingorani.

(The witness then withdrew)

III. *Mr. Justice Leila Seth, Judge, High Court of Delhi, New Delhi* .. ..

MR. CHAIRMAN: Before we proced, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire the evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

MR. JUSTICE LEILA SETH: Legislation by itself will not make any appreciable difference. Different media should be utilized to change the social attitudes and provide for social sanctions. People should look down on people who give dowry or take dowry, they should boycott those marriages where anybody is being pressurised into giving dowry. The other aspect is that women must be made economically independent so that they do not feel that it is essential for them to get married. The moment this is done, the problem of dowry can go down. Certainly some headway has been made in changing the social attitudes. The other day I read in the newspaper that some people went with the bridegroom to a village in connection with his marriage. At the time of marriage they demanded dowry. The girl's side turned out the *barat* people without giving them any dinner and said, it does not matter if the girl does not get married. This shows that there is some change in the social attitude of people.

I have been a judge for three years. I have not handled a single dowry case. My colleagues tell me that they have handled two or three matters totally. In the last 20 years, I am told that a handful of cases have been filed. In the last two years, there has been some movement. The reason is that women's associations, voluntary associations etc. have started agitating and brining things out. Law on Dowry is essential in order to provide for certain norms. I feel that though the Dowry Act has got some very good provisions, yet there could be certain improvements made. I have a few suggestions to make. The offence should be made cognizable. Its enforcement should be more stringent. It should be done in collaboration with social organisations fully associated with police so that they can give support to the family or the girl who is trying to enforce these provisions. We should insist on registration of marriages. Then there should be some restriction on the number of guests. I believe in Haryana this has been done. This would curtail marriage expenses. Some restrictions should also be imposed on the number of food items to be served in the marriage. If the Guest Control Order is enforced strictly and if the restriction imposed on the number of guests is also enforced then certainly marriage expenses would come down; as there are people who demand dowry not by way of gifts but by performance of a marriage in an ostentations way by giving a good entertainment and a variety of food items and other things.

Now another suggestion is whether you can restrict the marriage expenses to, say, one month's earnings of the parents. It is very easy to say, restrict it to Rs. 2,000 or 5,000/-. But the difficulty is that for a salaried Government servants Rs. 5,000|- may be too much to spend whereas a person in a successful business position may find Rs. 5,000|- too little. This, instead of putting a general ceiling, it could be fixed on the income of the parents. Income would mean here, assessed income, as disclosed for the purposes of income tax. Anybody who does not have an assessed income, would not be allowed to spend more than Rs. 1,000/- because a person getting an annual income of below Rs. 12,000|- is not an assessee. Dowry Act provisions should be enforced very strictly for Government servants. Because I realise that most of the people look to Government servants for guidance. A provision should be introduced in their conduct Rules as is there, in the case of second marriage that would lead to dismissal from service. This can probably be extended subsequently to other people apart from Government servants but as it is easier to enforce in the case of Government servants, this would provide a good beginning.

I also feel that the punishment should be imprisonment and fine. Not imprisonment or fine alone. The ex-

tent of maximum imprisonment should be increased to three years; and a period of minimum of three months should also be provided. The fine should also be increased to a maximum of Rs. 10,000|-. The fine, if collected, should be paid to the bride. So, whoever gives dowry or demands dowry should have to pay the fine to bride.

One other aspect which strikes me is that though some times no dowry is demanded during marriage, money or no dowry is demanded, gifts are demanded, subsequently e.g. when the girl goes to her parent's house for the delivery of the child and when the husband goes to fetch her thereafter. In a particular case, I know he demanded a scooter. Strictly speaking, this would not come within the definition of 'dowry', because dowry is something which is given as a consideration for marriage. Now perhaps it would be advisable to stretch the definition of dowry to include as "consideration for marriage or effective continuance of marriage" so that such case would come within the definition as enlarged.

These are some of the basic ideas I have. If you like to ask me any question, I shall be glad to reply.

DR. RAJENDRA KUMARI BAJPAI: Should the offence be bailable or non-bailable?

MR. JUSTICE LEILA SETH: I think, it should be bailable. There is no immediate advantage to make it non-bailable. Social sanction is a more effective remedy in the matter of dowry.

DR. RAJENDRA KUMARI BAJPAI: When it is made a penal offence, is it necessary that every time permission/ sanction should be obtained?

MR. JUSTICE LEILA SETH: I I feel that the sanction provision should be eliminated. The disadvantage of making it non-bailable however, is that some people may be able to exploit it. This may lead to further corruption within the police force. This is a genuine fear. Normally, offences of three years standing are bailable and this should so remain.

DR. RAJENDRA KUMARI BAJPAI: Because this is so acute in the society, we have to create a climate against this. So, if we make it five years imprisonment and a non-bailable offence, it would be more deterrent.

MR. JUSTICE LEILA SETHI: This is true. If society is alert and conscious against this sort of evil I feel that is more effective remedy than the number of years of imprisonment. If people boycott such persons or if they do not go to attend any social function in the family that indulges in dowry demands, naturally the incidence of dowry would come down.

DR. RAJENDRA KUMARI BAJPAI: Social boycott and social awareness are there. But at the time of taking or giving dowry everybody forgets it and afterwards feels that it is very bad. That is why we have to make it more stringent.

MR. JUSTICE LEILA SETH: I appreciate what you are saying. It should be made a severe punishment and stringently enforced. But my own personal feeling is that it does not really matter whether it is bailable or non-bailable. The harassment or shame which attaches to the person is deep-rooted if society rejects him. It is a rejection on a kind of announcement to society that he is doing something wrong, that is more effective.

DR. RAJENDRA KUMARI BAJPAI: In our society, dowry is ragarded as a much higher thing and so that is the outlook in your society.

MR. JUSTICE LEILA SETH: Unless we change that outlook, law will not be able to solve the problem. The offence should be made cognisable but about making it non-bailable I have my doubts.

SHRIMATI USHA MALHOTRA: What are your views about registration of marriages and also registration of articles given or property given at the time of marriage. The dowry problem at the lower levels is more acute than at the top. Don't you think that will be a deterrent against seeking more dowry?

MR. JUSTICE LEILA SETH: This is a good idea if it is implemented.

SHRIMATI USHA MALHOTRA: In that case we will be able to cut short most of the time which we probably are taking up in trying to build up the structure. Within the present set up, to make everyone aware that we are very serious about it, we can take some effective steps as a stop-gap arrangement.

MR. JUSTICE LEILA SETHI: If it can be done, it is a very good move. The girl's family must be strong enough to come forward.

SHRIMATI SANYOGITA RANE: If the girl refused to marry a person who demands dowry, what will the parents do?

MR. JUSTICE LEILA SETH: Then make the girl economically independent. We can make her realise that there is life even without marriage.

SHRIMATI KANAK MUKHERJEE: Don't you think that both giver and taker should be punished in case there is exchange of dowry? If the giver is also punished, then perhaps it will have some effect.

MR. JUSTICE LEILA SETH: The law already provides punishment for both. During the emergency, when certain controls were enforced people could serve only cold drinks during marriage receptions. The girl's father used to say "we would very much like to entertain you but we are helpless". All the same, he was very happy that he did not have to spend the money. If the law is stringent, it is bound to have its effect.

SHRIMATI KANAK MUKHERJEE: Even when the marriage is in the breaking point, the girl or her parents will never go to the court and complain "he is torturing me". Can you suggest any way of humiliating such people before society, some other sort of punishment?

MR. JUSTICE LEILA SETH: Social boycott is the best thing. Suppose people do not attend a marriage where dowry is given, it will have a salutary effect. In China they enforced family planning partly by this method. The entire village used to boycott those families which had exceeded the norms fixed by the Government. It will certainly have a deterrent effect.

सभापति महोदय : आपने चीन की मिसाल दी है । लेकिन वहां तो प्रजातंत्र नहीं है ।

मिस्टर जसटिस लिला सेठ : मैंने सिर्फ मिसाल दी है । लेकिन हम लोगों को भी यहां पर व्यवहारिक रूप से ऐसे लोगों का वायकाट करना पड़ेगा । लोगों को शिक्षित करने का भी सवाल है । आहिस्ता आहिस्ता वे भी शिक्षित हो जाएंगे । मेरी जब शादी हुई थी तो न मेरे हस्बैंड ने मांग की थी और न मेरी मां की देने की हैसियत थी । उस वक्त लेना देना और भी अधिक था। मेरी बेटी सोच भी नहीं सकती है कि हम उसको डाउरी दे सकेंगें । उसकी ग्रांड मदर ने अपनी बेटी को नहीं दी तो उसके लिए तो मौका ही नहीं आएगा लेने का । समाज बदलता जा रहा है ।

श्री सत्य नारायण रेड्डी : आपने कहा है कि आफेंस को कागनिजेबल बनाना चाहिये । पुलिस को ज्यादा पावर्ज़ दी जाएंगी तो क्या ज्यादा लोगों का हैरासमट नहीं होगा ? जैसे चाइल्ड रेस्ट्रेंट एक्ट में है क्या आप जरुरी नहीं समझते हैं कि

एरेस्ट करने से पहले मैजिस्ट्रेट से इजाज़त ली जाए ?

मिस्टर जसटिस लिला सेठ : यह हो सकता है । बेलेबल कर रहे हैं तब तो कोई हैरासमैंट की बात नहीं है । नान बलेबल कर रहे हैं तो दूसरी बात है ।

If it is a non-bailable case, there would be immediate arrest. The balance I feel it shall be made cognisable and bailable.

MR. CHAIRMAN: Thank you very much. We have been benefitted by your evidence.

(The witness then withdrew)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Tuesday, the 10th November, 1981 from 1100 to 1240 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Usha Prakash Choudhari
5. Shrimati Suseela Gopalan
6. Shri Satyanarayana Jatiya
7. Shrimati Mohsina Kidwai
8. Shri Anantha Ramulu Mallu
9. Shrimati Sanyogita Rane

Rajya Sabha

10. Shrimati Margaret Alva
11. Shrimati Premilabai Dajisaheb Chavan
12. Shrimati Usha Malhotra
13. Shrimati Kanak Mukherjee
14. Dr. (Shrimati) Sathiavani Muthu
15. Shri B. Satyanarayan Reddy

LOK SABHA SECRETARIAT

Shri Ram Kishore—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

1. Shrimati V.S. Rama Devi—*Joint Secretary and Legislative Counsel.*
2. Shri B.R. Atre—*Deputy Legislative Counsel.*
3. Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESS EXAMINED

Shrimati Shyamala Pappu,
Senior Advocate, Supreme Court,
New Delhi.

SHRIMATI SHYAMALA PAPPU: (*The witness was called in and she took her seat*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is laible to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

MR. CHAIRMAN: We would request you to give your suggestions.

SHRIMATI SHYAMALA PAPPU: At the outset, let me thank the hon. Committee for giving me this opportunity at a short notice.

How has this concept of dowry arisen? A woman was being given something from her joint family assets in the form of dowry at the time of her marriage so that some of the assets of the joint family which she could not possibly partake in under the Hindu Law, could be transferred to her. Therefore, dowry got associated with the fact that a girl could get as much as her parents were willing to give. That is why, when we started working against the dowry system, there were lot of protestations. The argument given was that since the women did not have the right in the joint family property, therefore, the anti dowry law was anti-faminist law. That was a concept which was introduced by many of the organisations particularly from North India. Therefore, when we are thinking about an amendment to the Dowry Act, we have, first of all, to think that we do not strike at the 'streedhan' concept or the concept of a woman owning property. If we destroy that, the very purpose of providing an amendment will be defeated. Therefore, we have to see that 'streedhan' is kept in tact. But anything given under compulsion has to be punished and penalised. So, I would request all the hon. Members to keep this aspect in mind when I elaborate my suggestions.

With this background I come to the basic suggestions that I have made.

My suggestion regarding Section 2 is that the definition of 'dowry' should be completely rehauled and reworded. To my mind 'dowry' should mean a pecuniary demand made on a woman against her wishes in the same manner as rape is a physical demand made on a woman against her wishes.

SHRIMATI MARGARET ALVA: We have gone through your memorandum. It is not necessary to read it. You can highlight the important points.

SHRIMATI MARGARET ALVA: The basic suggestion is at page 3. Even today one talks a great deal about giving women equal right in property. I am dealing only with Hindus, because 80 per cent of the people covered by this enactment belong to Hindus. According to the present law, as far as coparcenary property is concerned, women does not have an equal share. In that context, if you make dowry penal and punishable, it will tantamount to denying women a share in the property.

The suggestion I have made is that every marriage shall be compulsorily registered. There is a provision for registration under the Marriage Act. Everything given to the girl within 30 days of the marriage should be compulsorily registered. I know an objection would be raised that by doing this you are making people not to give enough to the girl. To overcome that, I am saying that for gifts given within one month of the marriage

there should be no tax. Let it be like the bearer bonds; let there be an exemption from revealing the source of the income. Earlier, when the income-tax disclosures were made, Government said "we are not going to ask for the source". There is a notion that marriage expenses are met out of unaccounted wealth. So, let there be an exemption that whatever is given to the girl and whatever is registered will be tax-free and free from disclosure. The net result will be that parents will be able to convert their unaccounted wealth into something useful, which is being given to the girl, and the girls will be able to get as much as they can. *Streedhan* concept will remain in tact. Dowry alone will be punishable under section 2.

I say this from another point of view. We are facing a very peculier situation. In the event of there being a divorce or break up of the marriage, these are the goods to be returned to the girl. We are unable to establish that a certain item has been given to the girl, because the items are purchased in the name of the boy. If you purchase those items in your name, you have to pay tax. When the case goes to the court, you are confronted with the evidence that those items were purchased in the name of the boy. Therefore, we are having a lot of difficulty in establishing who purchased them. To get over the evil consequences of this legislation, it should have two exemptions—exemption from income-tax and from revealing the source.

In section 5 there is a provision that the dowry received by any person, other than the woman concerned, should be returned within one year. What is the significance of this one year? If somebody receives any gift, because dowry is undergoing a change, it would not be dowry. If it is dowry, it would be punishable. If any valuable is received by anybody, other than the bride, it has to be made over to the girl, or the guardian of the girl, who will be the parent, and not the husband. If the girl is a minor, if valuables are received by somebody, he must return it to the guardian of the girl. To that extent, we will be encroaching upon the guardianship law. To avoid all this the property must come to the girl and it should be registered.

Coming to section 8, it should be made non-bailable and non-cognizable. If it is made cognizable, it will lead to a lot of harassment, because then the police will just walk into the marriage pandal and harass the father of the girl. It will also become a source of corruption. Even in a cognizable offence, bail can be granted. I do not know what is the purpose served by making it non-bailable.

SHRIMATI KANAK MUKHERJEE: Should the Magistrate's warrant be issued?

SHRIMATI SHYAMALA PAPPU: If at all it is going to be made cognizable, there should be a warrant issued by the Magistrate so that there will be no police harassment.

We are thinking of this anti-dowry law and the amendments to the Dowry Act. There are a number of deaths or brideburning on account of this dowry. My basic suggestion to avoid all these tragedies is that whatever is given to the girl and whatever is registered should not go to the husband who is normally her heir after her death. A small amendment will have to be brought in the Law of Succession. In the event of a girl dying without there being a heir, whatever has been given to her at the time of her marriage should go to her father and mother. In this connection, people from the north said that in North India plenty of jewellery is given by the bridegroom's party at the time of marriage to the bride and therefore, the blanket provision that the property should devolve on parents again is not good. In view of this, whatever offerings are given to the bride at the time of her marriage should be registered so that whatever is given by the parents and registered at the time if marriage should go to her parents after her death. This is

the comprehensive scheme which, to my mind, must come into force if we are to see the end of these evils by the process of law.

SHRIMATI KANAK MUKHERJEE: About the definition of dowry, you said 'the demands made by any party'. It is very easy for any party to prove in the court that 'the demand was not made, I just gave' .If you ask the girl she may say, 'Yes, according to my wish'. So, is it not keeping the dowry in another form? Instead of saying that demand was made they may say. 'no demand was made.'

SHRIMATI SHYAMALA PAPPU: When you say that no giving will be allowed, what about voluntary gifts that are being given to the girl? So, since the girl is the party concerned, the girl should be the deciding factor to say whether she wanted it or not.

SHRIMATI KANAK MUKHERJEE: Under such circumstances, the girls will also be in such a position that they can extract from the parents.

SHRIMATI SHYAMALA PAPPU: Then it ceases to be a dowry. Are you not attempting to give women something so that they are economically independent? It is common knowledge that most of the women are not economically independent. So, they must have some source of getting wealth.

SHRIMATI KANAK MUKHERJEE: In North India it is a very important thing. Is it not connected with the law of inheritence and succession? Can you not suggest that the law of inheritance should be amended and implemented in such a way that actually the girl gets the share of the property of her parents?

SHRIMATI SHYAMALA PAPPU: The law as it stands now says that if a man dies and if he has property, whether it is joint family property or self-acquired property, his share in the joint family property, if he has not willed it away already, or if it is a self-acquired property, it will devolve on his boys and girls equally. The only place where the law makes a distinction between man and woman is this. When the property is joint, a boy in the house, even if he is a minor, in certain states can say: 'I want a share in my father's property and he can take it. But he has to establish that the father is wasting away his property. In certain areas, he can merely say 'I want property, whereas a girl cannot get property. So, a girl cannot ask for partition. Now the question is that most of the large estates are held as joint family properties and they come within the purview of the property which is agricultural property which cannot be divided. So, how do you give them a share in this property? Therefore, the people from the northern States say that if whatever is given at the time of marriage is dowry, that means no property can be given to the girl at the time of marriage because that is the time when the girl is leaving her parental home. Even the brothers say that 'as she is going away from the house, let us give something to her'. So, if everything is prevented, then there is hardship. So,everything that could be given should be given. It should be tax free it should be free from the disclosure of income etc. when a girl is going away from her parental home, she can take some property like that.

DR. (SHRIMATI) SATHIAVANI MUTHU: Why do you not give equal rights to the girls in the property of the parents? Just now you said that the boys have a right.

SHRIMATI SHYAMALA PAPPU: That is why I said I cannot be short.

There is a joint family property, co-partners property. There is individual property. There is self-acquired property. The girl will have the same right as the boys if the man dies.

In the undivided share in the joint family property, suppose a man dies, she will have an equal share.

As far as joint family is concerned, I would be very happy as you, to say

that the girl should have the right to ask for partition. But there are difficulties. As has been explained by the various people, as they were opposed to the move, they say that the girl goes to another family after marriage. There will be suits. She is helpless. She is used by another family. Her right will be used and motivated by ideas and notions which are not good for the family from which the girl goes. I would be one with you that they should have the same right which men have. Why should co-parcenary be limited to men alone? If there is something in the Succession Act, we will deal with all those problems. Here we are concerned with dowry. To keep the law simple, I suggest as little amendment as maybe possible. I concentrate on the definition.

SHRI B. SATYANARAYAN REDDY: Law is meant for all the people. we should have in view the general interest as a whole. Having the larger interest of the people in view, we should suggest the presents that we would like to give and in what form we want those to be given.

SHRIMATI SHYAMALA PAPPU: Every gift made to the bride should be made compulsorily registerable within one month. You have to fill in column —this is given by so and so to the girl. These gifts should be tax free so that a great deal can be given and the source has to be disclosed.

Poor ayas come to us who are drawing Rs. 80. They get divorced. If there is registration of gifts—taliams they get from the mother's house, if it is registered there is no quarrel. She can take it back. Likewise clothes can be taken back.

SHRIMATI MARGARET ALVA: You spoke about the consent of the women. If consent is there, it does not become dowry.

SHRIMATI SHYAMALA PAPPU: Once she consents, there is advantage. It goes to her. It gets registered in the name and it becomes hers. This amendment will have to be accepted as a composite whole.

SHRIMATI MARGARET ALVA: The question that arises in dowry is the question of harassment of the girl's family. Demands are made beyond the means of the family. Under those circumstances girl will be able to come to court and say that I have consented and my in-laws are harassing.

SHRIMATI SHYAMALA PAPPU: Our experience is that she tries to bring as much as possible. The moment the girl says about her husband, it is certainly the breaking point.

In the initial stage registration stage is over after one month. If she brings things after two years or five years, let that be registered. It should also be registerable within one month. As per my definition of dowry, dowry can be given even after 20 years; likewise, divorce can be after 20 years. Therefore, the division or property can take place after 20 years. Whatever is got in the girl's name could be registered even at a later stage, within one month of the receipt of the amount, cash or ornaments or property, whatever it is.

SHRIMATI MARGARET ALVA: There is a suggestion that *stridhan* should also be registered.

SHRIMATI SHYAMALA PAPPU: I agree. When *kanyadan* is given, the basic concept is that you first of all give a vegetable; then you give a fruit; then, an animal and then, the biggest thing that you give is your own daughter.

SHRIMATI MARGARET ALVA: You are for removing the distinction between dowry and *stridhan* or *kanyadan*.

SHRIMATI SHYAMALA PAPPU: As per my suggestion, *stridhan* must remain. The girl must get as much as she can. Her parents may give as much as they can. Even the source need not be revealed. The black money can be converted into white and given to the girl. It will be all *stridhan*. Dowry will be what the girl does not like. The girl will give testimony and say that this is something which she does not like. An Indian girl will never do it unless it is really oppressive and it is a breaking point.

SHRIMATI MARGARET ALVA: In the case of death of a married woman particularly in the age group of 20 to 30 years, it has been suggested that if she dies under circumstances which are doubtful, the cremation should not be allowed for 48 hours; there should be a clearance from the police; there should be a *post mortem* and the *post mortem* report should be given before cremation.

SHRIMATI SHYAMALA PAPPU: It is certainly a very good idea.

SHRIMATI MARGARET ALVA: Then comes your suggestion that when she dies without a heir, the property should not go to the husband but to her parents.

SHRIMATI SHYAMALA PAPPU: When you are registering everything, if it comes from the boy's side, it should go to the boy's side.

MR. CHAIRMAN: When a customary marriage is valid, what is the need for compulsory registration of marriage?

SHRIMATI SHYAMALA PAPPU: As per the Hindu law, the marriage is valid if the *saptapadi* is there.

MR. CHAIRMAN: Is it practicable in the rural areas?

SHRIMATI SHYAMALA PAPPU: For instance, in Goa, a marriage is not valid unless it is registered. A customary marriage will be perfectly valid even if it is not registered. But under the law it will be made compulsory that every marriage shall be registered.

सभापति महोदय : उत्तर प्रदेश और बिहार वगैरह में गांवों में लड़कियों की शिक्षा-दीक्षा बहुत कम है । उनके पेयरेंट्स भी पढ़े-लिखे नहीं होते हैं । वहां रजिस्ट्रेशन कैसे होगा ?

श्रीमती श्यामला पप्पू : अगर यह कहा जाए कि लड़की 'अनपढ़ है और तीस दिन तक मैरिज रजिस्टर नहीं होता है, तो मरिज वैलिड नहीं होगा, इसमें लड़की का बहुत नुक्सान होगा । कस्टमरी मैरिज तो वैलिड होगा ही मैरिज की वलिडिटी रजिस्ट्रेशन पर डिपेंड नहीं करेगी । लेकिन ला के मुताबिक हर मैरिज का रजिस्ट्रेशन कम्पलसरी होना चाहिए ।

The validity of marriage will not depend on registration. For claiming property, it is beneficial for women. Supposing a marriage is not registered, can a boy come and say, this marriage is not valid? The girl can always prove that we exchanged garlands. Even the Kareva and Gandherwa marriages are valid.

MR. CHAIRMAN: You said that whatever is not liked by the girl should be treated as dowry. What do you mean by that?

SHRIMATI SHYAMALA PAPPU: If anything is being received against the wishes, if the girl herself feels that something that is being given at the time of marriage or afterwards or before is against her wishes, she can give testimony and say that it is given against her wishes.

JOINT SECRETARY, AND LEGISLATURE COUNSEL: About the Gandherwa marriage, if somebody comes forward and says, "We are married", I do not think what you said is correct that it is valid. It is not valid. Various decisions of the courts are there. Even the Bombay High Court has said that it is not valid; the Madras High Court has said that it is not valid. It is not settled by the Supreme Court.

SHRIMATI SHYAMALA PAPPU: The Supreme Court has said that the Kareva marriage is valid. The Buddhist marriages are treated as valid by the Bombay High Court. The Supreme Court decision on the Kareva marriage was cited. The Bombay High Court has now accepted Buddhist marriages. By declaring a marriage invalid, you are not advancing the cause of women. Whatever laws are made in favour of women, let us admit that women are backward. Let us face the problem. They are backward. All this law is to help them. If that is so, then, marriages will have to be treated as valid.

DR. RAJENDRA KUMARI BAJPAI: I am sorry that Mrs. Pappu has more or less supported the prevailing situation of dowry system in this country by her argument and by her suggestions because she says that in her view this Explanation can be suitably altered by deleting the expression 'unless they are made as consideration for the marriage' and substituted by 'unless they are made against the wishes of the bride'. You all know that dowry is settled before the marriage. It is not settled after the marriage. It is settled much before that. At that time, nobody asks the girl whether she wishes dowry to be given. Marriages are arranged and settled. The girl does not know what is going on behind the scene and parents go and settle it. So at that time, the girl does not come into the picture and the whole marriage is settled and whatever is to be given, they give all these things. So, the dowry is asked for before the marriage. Marriage takes place but dowry is settled before the marriage. The consent of the bride is not needed or taken there. Here we are thinking how we can just remove this disease from our society. We need that type of operation which will completely cure this disease and, for that, these soft words will not do. If we say that as the law provides just now that either party to marriage in the form of cash, ornaments, clothes and other articles shall not be deemed to be dowry within the meaning of this Section unless they are made as consideration for the marriage of the said parties and you have suggested only that 'unless they are made against the wishes of the bride.'— There is no difference—this will perpetuate the evil. This evil will continue in society and no purpose would be served even if we pass this Act. We pass this Act but still dowry will go on. Only this change of words will not remove dowry in this society.

You have said that it should not be cognisable or bailable or non-bailable. You have just put the argument that it will create harassment to the parents. The question is that the insult, the type of harassment, the type of torture, mental torture, which the parent has to go through at the time of the settlement of the dowry or the setling the marriage of the daughter of the middle-class family with lower income is a mental torture to the father and sometimes the parents, not girl, but parent, has to commit suicide or father commits sucide because he is not able to arrange dowry for his daughter. For this I say that there is no harm if somebody is taken from the marriage Mandap. But if there are 10 or 20 cases like that, it will spread all over the country the fear that now Government means business and the law and order will be stringent and deterrent and nobody dare to take it under-hand. That is the point. When things are in such a bad shape, I think there is need for a strict law to prevent all those things. Revolutionary changes are required. This old-fashioned argument will not do. I completely differ from you. I do not know how you are only thinking of those black-marketeers. Those higher people, those who can afford to give TV and refrigerator and all those things. But think of those people who have got three daughters to get married. It is very difficult for them to give one scooter or cycle to the bridegroom at the time of marriage. But now-a-days parents are not able to give presents. At least, the middle-class families. Parents are not able to give a car. Scooter is demanded everywhere. So many people will arrange one scooter because daughter is going to be married. That has now become a fashion for the middle-class people. Even clerks are compelled to give. These practices prevail in society because we regard them as a status symbol. Don't think that this type of soft-pedalling will do with this dowry system and you think of equality and this and that and property right, and

all these things. Here our girls are butchered like anything because of dowry. You are all thinking as lawyers after the case begins, not before that.

SHRIMATI SHYAMALA PAPPU: Dr. Bajpai has spoken with such a lot of experience behind her and we cannot possibly differ from her but left to myself I would say that these suggestions have been kept in mind. I have heard them myself on various platforms and at various forums. What about girls who are not independent, who are dependent and who need some backing? Why should they not receive anything?

DR. RAJENDRA KUMARI BAJPAI: Will dowry make her independent? Throughout her life she will have to work. Her husband will have to work. Will dowry, some Rs. 10,000, make her independent?

SHRIMATI SHYAMALA PAPPU: Therefore, the limited suggestion that I made here was that if things have to be given. let them be given to her. Let it be registered in her name. Let her get it when she is divorced.

DR. RAJENDRA KUMARI BAJPAI: Divorce is very rare in our society.

SMT. KANAK MUKHERJEE: Even your giving economic backing will not help.

SMT. SHYAMALA PAPPU: If Part I is implemented and part II is not implemented, my suggestion goes. It is given as a package deal.

SHRI ANANTHA RAMULU MALLU: You were pleased to suggest that every marriage should be registered. Is it a practicable one? At the same time is it acceptable to all the societies of the country? The tribal belt is there. Do you think that the tribal people will come forward to get the marriages registered?

SMT. SHYAMALA PAPPU: That is why I say the marriage will not be invalid. I am not suggesting that registration should be a condition for the validity of a marriage. Marriage will be perfectly valid but it should be registered. If it is not registered, the problem that they are facing today will be there.

SHRI ANANTHA RAMULU MALLU: Is it humanly possible to get it registered at village level? What about the machinery? Have you got any idea about it? Do you think it is necessary?

SMT. SHYAMALA PAPPU: The machinery will have to be there necessarily. Otherwise how do people know with whom they have to lodge the complaint.

SHRI ANANTHA RAMULU MALLU: You were also pleased to suggest that this offence need not be made a cognisable offence. You said that the law has got sufficient power even to release the offender.

SMT. SHYAMALA PAPPU: Even if you make it cognisable, the court has enough power for reasons to be recorded, to give bail. Therefore, by making it congnisable it is not that a person cannot be bailed out. Therefore, making it cognisable does not solve the problem. In my submission I have mentioned that you have to strike at the root. That is why I said that what I have suggested has to be taken as a package. If section 2 is accepted, the registration has to be accepted. Section 2 is the beginning. registration is the middle and the bail is at the other side. All the three go together.

श्री सत्य नारायण जाटिया : आपने अपने मेमोरेंडम में बहुत से सजेशन्स और रीजन्स दिए हैं। मैं यह जानना चाहता हूं कि जो अव्यस्क शादियां हो जाती हैं, तो क्या उसका रजिस्ट्रेशन करेंगे ? मान लीजिए, रजिस्ट्रेशन कर दिया जाएगा, तो क्या अव्यस्क शादी को मान्यता देंगे ? आपने यह भी सुझाव दिया

है कि प्रापर्टी एक साल या एक महीने में वापिस लौटा देनी चाहिए, तो यह तो बड़ा काम्प्लीकेटेड हो जाएगा ?

श्रीमती श्यामला पप्पू : हिन्दू ला के मुताबिक 15 साल में शादी हो जाती है, लेकिन अब उसको 18 साल कर दिया जाएगा । यह तो इन्टेरिम मेज़र होगा ।

सभापति महोदया : इसका संबंध डाउरी-एक्ट से कुछ नहीं है । यह तो मैरिज एक्ट वाली बात है । डाउरी-एक्ट से इसका कोई मतलब नहीं है ।

श्रीमती एंयोगिता राणे : जब मैरिज रजिस्टर होगी तो यह तो पता चल जाएगा कि वह बाल-विवाह है या दूसरा है ।

श्री सत्य नारायण जाटिया : बात यह थी कि जो दहेज का पैसा है, वह जायेगा कहां और उसका मालिक कौन होगा ?

श्रीमती श्यामला पप्पू : आपका प्रश्न है कि आज नाबालिगों की शादी हो रही है, दहेज भी दिया जा रहा है, जैसा मैं कहती हूं कि जो दहेज़ लड़के को दिया जाता है वह लड़के का हिस्सा भी उसको आ जायेगा जब वह 18 साल की हो जायेगी । तब यह समस्या नहीं रहेगी ।

श्री सत्य नारायण जाटिया : एक महीने की लौटाने वाली शर्त कहां जायेगी ?

श्रीमती श्यामला पप्पू : वह एप्लाई नहीं करेगी । ना माइनर की शादी होगी, वह तो इसी इंटीरियम पीरियड के लिये है ।

डा० राजेन्द्र कुमारी वाजपेयी: आप प्रैक्टिकल बात क्यों नहीं करती हैं ? जब शादी होती है तो क्या लड़की से कोई पूछता है कि यह दे रहे हैं या यह नहीं दे रहे हैं ?

हम लोगों को तो यह देखना है कि कामन मैन के लिये क्या ला बना रहे हैं ? 98 परसैंट केसेज़ में लोग शादी कर के घर में अच्छी तरह से रहते हैं । सवाल यह है कि लड़की के पेरेंन्ट से दहेज लिया ही क्यों जाता है ? लड़की जो अपनी मां के घर में पहनती थी, वैसा ही पहनेगी, जिसका जो स्टैंडर्ड रहा है वैसा ही रहेगा। लड़का भी जैसा उसके घर का स्टैंडर्ड है, वैसा ही रहेगा । यह आज क्यों जरूरी है कि लड़की के पेरेन्ट शादी के वक्त इतनी चीजे दें हीहीं । यह कोई जरूरी नहीं है । क्योंकि यह बात बढ़ती जा रही है, इसलिये इसको खत्म करने के लिये डाउरी की बात ही नहीं करनी चाहिये, इसमें कांसेप्ट का क्या सवाल है ?

श्रीमती श्यामला पप्पू : अगर ऐसा है, कुछ बन सकता है तो हम यही कहेंगे कि बिल्कुल बनाइये ।

SHRIMATI SUSHEELA GOPALAN: You have suggested that whatever is given should be with the consent of the girl and there should not be any limit for that. At present, we have come across cases in which many girls are tortured like anything. Security to the family is much important. If she was to give that consent, will not the husband's family pressurise the girl and make her say that she is consenting?

SHRIMATI SHYAMALA PAPPU: Doubts must be removed. There may be cases certainly. But, the property to which she consents becomes hers. At least from what I have suggested, one result will follow. She gets the property from her parents willingly or otherwise. In fact today she is pressurised into saying that she has consented. If not the husband, she will be the owner of that property.

SHRIMATI SUSEELA GOPALAN: Property disputes and dowry cases are increasing and many of the families are ruined. Actually we want to curb that. If we put into practice your suggestion, whatever is prevalent now will only increase. We want to curb this. The whole family will be ruined.

SHRIMATI SHYAMALA PAPPU: Here I am not counting on the girls. Let us take a concrete case. Suppose she was to commit sucide in order to get money, she will certainly say that she has consented.

SHRIMATI SUSEELA GOPALAN: That is in rare cases.

DR. RAJENDRA KUMARI BAJPAI: When you say that this is a demand on the girl and when you strongly feel like that, how can you allow that?

SHRIMATI SHYAMALA PAPPU: I am saying this as a compromise formula.

DR. RAJENDRA KUMARI BAJPAI: That compromise is an unjust thing.

SHRIMATI SHYAMALA PAPPU: There are various sections which deal with this. I want to make a clarification here. These are the views that I have formulated after hearing all the objections and after attending umpteen seminars. But, how can we carry on with such a law? That is my point. If we could help them, I shall be the happiest person. Whenever I suggest something I am told that I am anti-women and I am preventing the women from getting some money.

MR. CHAIRMAN: Now Mrs. Chaturvedi would like to ask one question. That will be the last question.

श्रीमती विद्यावर्ती चतुर्वेदी : यह बात सही है कि दहेज बुरी बात है, और बुरी प्रथा है, लेकिन लड़की की भी कुछ प्रापर्टी होनी चाहिए। इसीलिए लड़की के मां-बाप दहेज के रूप में, स्त्री-धन के रूप में या लड़के को जो देते हैं, उस रूप में लड़की को कुछ न कुछ देते हैं। इसमें आपका क्या सुझाव है कि जो हिस्सा उसमें इस तरह का बनता है, अगर किसी कारण से लड़की की मृत्यू हो जाये, किसी पर संदेह हो, यह दूसरी बात है, लेकिन अगर उस लड़की के कोई सन्तान न हो वह धन माता-पिता को जाये इस बारे में आप क्या कह रहीं हैं?

श्रीमती श्यामला पप्पू : जी हां।

श्रीमती विद्यावती चतुर्वेदी : शादियों में जो शो और ताम-झाम का प्रदर्शन करते हैं, उसका जो खर्चा होता है, क्या वह भी शादी के खर्च के साथ जोड़ा जाये या उसको अलग रखा जाये, इस बारे में आपकी क्या राय है?

श्रीमती श्यामला पप्पू : मैंने इस बारे में कोई सुझाव नहीं दिया है, लेकिन इसमें यह किया जा सकता है कि हर शादी में इतनी राशि से ज्यादा खर्चा नहीं किया जा सकेगा। 5,10 हजार रुपये से ज्यादा खर्चा कहीं नहीं होगा। आजकल तो शामियना लगाते-लगाते ही 5, 10 हजार रुपये लग जाते हैं।

श्रीमती उषा मल्होत्रा : यह तो हम जानते ही हैं कि हमारी भारतीय कन्याएं इकनामिकली इंडिपैंडैंट नहीं हैं। इस बात को ध्यान में रखते हुए पेरेंट्स का कुछ उत्तरदायित्व बन जाता है और इसीलिए स्त्री-धन के रूप में उसको कुछ दिया जाता है जो कि आउट आफ लव होता है और आउट आफ सैंटी मेंट होता है। उसके ऊपर अंकुश हम लगा सकते हैं कि इससे ज्यादा आप न कीजिए क्योंकि उसे देख देख कर जो आस पास के लोग

हैं उन को वैसा करना पड़ता है। तो उन की एक महीने की आय को सामने रखते हुए हम कहें कि इतना वह खर्च करें या दो महीने की आय से ज्यादा खर्च न करें तो इसके बारे में आप का क्या ख्याल है ? क्योंकि इन्कमटैक्स रिर्टन में तो बड़े-बड़े लोगों का लिखा जायगा लेकिन जैसा राजेन्द्र कुमारी वाजपेयी जी ने कहा कि वह गरीब हों तो क्या हो, तो उसके लिए उन के ऊपर यह निर्धारित किया जाय कि इतनी आय के ऊपर वह खर्च न करें, एक तो यह बात हुई।

दूसरी बात जो आप कह रही हैं कि पेरेंट्स के सेन्टीमेंट्स को बिलकुल कुचल कर हम न चलें यह भी देखना आवश्यक है क्योंकि अभी लड़की एकोनामिकली इंडिपडेंट नहीं है, इस लिए कुछ न कुछ करना पड़ता है, अच्छा वर ढूंढने के लिए एक किस्म का ब्राइब भी वह बन जाता है, इसमें बहुत से सवाल जुड़े हुए हैं, तो उसके लिए हमें कुछ न कुछ सुविधा करनी होगी, कुछ न कुछ मदद करनी होगी । गवर्नमेंट की तरफ से इस को प्राहिबिट करने की जो बात है उसके लिए ला खास तौर से ऐसा बनाना पड़ेगा जिस में इन चीजों का ख्याल रख कर हम चलें। इस लिए हम लोग ऐसा सोचते हैं कि कुछ ऐसे सजेशन्स आएं जिससे हम ऐसा ला बना सकें जो एक तरफ डेटरेंट हो परन्तु साथ-साथ उसमें हम अपनी सभ्यता और अपनी कल्चर को भी मद्देनजर रख कर चल सकें। उस में ज्यादा उत्तरदायित्व पेरेंट्स का बन जाता है । तो उसमें जो कुछ भी दिया जाता है चाहे मूवेबल हो चाहे इम्मूवेबल हो, सब के लिए, ऊपर से ले कर नीचे के स्तर तक के जो लोग हैं उन सब को मद्देनजर रख कर अगर हम आय के ऊपर इस को रखें तो आप का क्या ख्याल है ?

श्रीमती श्यामला पप्पू : वह ठीक है

श्रीमती ऊषा मल्होत्रा : दूसरी बात यह है कि जो सामान वह अपने साथ ले जाती है जैसे फ्रिज है या और आर्टिकल्स हैं वह लड़की के नाम से हो, ऐसा कुछ सुझाव आया है। मेरा यह कहना है कि जो सामान वह लाती है उस के लिए ऐसा कुछ किया जाय कि वह उस से छीना न जाय जैसे आगे ब्याह के लिए मदर-इन लाज ले लेती हैं या और कई तरह की बातें होती हैं, उस में वह सामान उस से लिया न जाय। इसके लिए जैसा किसी ने कहा कि वह लड़की के नाम से हो तो वह तो कुछ ऐसी चीज बनेगी जो शायद ठीक न हो । उसके बजाय ऐसा कुछ किया जाय कि वह इस तरह से रजिस्टर्ड हो जिस में जब कभी कोई ऐसी प्राबलम आए तो वह सामान उसी के पास रहे। इन दोनों के बारे में आप की क्या राय है ?

श्रीमती श्यामला पप्पू : वह जो आप का सुझाव है वह बहुत अच्छा है एक महीने भर की इनकम या दो महीने की इनकम से ज्यादा खर्च न करें। लेकिन वह तो खर्च न करने की बात हुई । जैसा विद्या जी ने पूछा कि यह दहेज आप डील कर रहीं हैं या खर्च डील कर रहीं हैं क्यों कि ये दोनों दो चीजें हैं। ...

श्रीमती उषा मल्होत्रा : वह जो हम कहेंगे दो महीने की आय से ज्यादा खर्च न करे उसमें वह जो दिल चाहे करें, चाहें खाना खिला दें चाहे दे दें। नेचुरली वह उस का कुछ भाग लड़की या लड़के को देना चाहेगे । यह अमीर और गरीब सब के लिए लागू हो। इस प्रकार वह जो भी खर्च करेंगे उसके ऊपर एक अंकुश लग जाएगा और ला इस के लिए डेटरेन्ट होगा । दो

महीने की आय उस की लिखी हुई होगी उससे ज्यादा खर्च करेंगे तो वह रेकार्ड प्रोड्यूस करना पुलिस के लिए आसान होगा।

Whatever is given in the Income-tax return is proof enough for what the upper strata of society stands for.

SHRIMATI SHYAMALA PAPPU: If such a law is acceptable to the worthy-members of Parliament I am very happy about it. But some of the critics say, it is anti-woman.

श्रीमती उषा मल्होत्रा : दो महीने से नहीं हो तो तीन महीने या जो भी फीजिबल हो और जो एकाउन्टेबल हो, जो लागू हो सके वह रखा जाए।

You have to keep in view the sentiments of parents. The daughter cannot go and run a household without utensils.

SHRIMATI SHYAMALA PAPPU: This is the suggestion I am making. The girl gets as much presents as the parents would like to give. That position we want to preserve.

सभापति महोदया : यह इन्होंने दिया भी है। जो रिटन भेजा है उस में यह बात इन्होंने दी है। वह हम ने सर्कुलेट भी किया है।

GMGIPNL—3095 LS—13-8-82

श्रीमती उषा मल्होत्रा : मैं इनकम के ऊपर इनके व्यूज ले रही थी।

श्रीमती श्यामला पप्पू : इनकम के ऊपर आप का बड़ा अच्छा सुझाव है पर वह खर्च के लिए हो सकता है।

श्रीमती उषा मल्होत्रा : नहीं, उसीमें से सब कुछ हो, वह चाहे तीन महीने की इकनम रखें चाहे चार महीने की रखें लेकिन उसी में से सब हो, यह मेरा कहना है।

सभापति महोदया : धन्यवाद।

अब एविडेंस समाप्त हो गई।

(The witness then withdrew)

MR. CHAIRMAN: Are you interested in sitting in the afternoon also for a general discussion?

SHRIMATI MARGARET ALVA: Since we will not be able to do much in a short time, we should meet on some other day.

MR. CHAIRMAN: We now adjourn

(The Committee then adjourned).

C.B. (II) No. 334 (II)

LOK SABHA

JOINT COMMITTEE

OF

THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

EVIDENCE

(Volume-II)

सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

July, 1982/Sravana, 1904 (Saka)
Price : Rs. 12.55

LOK SABHA SECRETARIAT

CORRIGENDA

to the record of evidence (Vol.II) tendered before the Joint Committee of the Houses to examine the question of the working of the Dowry Prohibition Act, 1961.

P.(viii), line 7, for ""Secreatry" read "Secretary"
P.(ix), line 16, for "Cacutta" read "Calcutta"
P.(x), line 25, for "Preisdent" read "President"
P.(xv), line15, for "Prsident" read "President"
P.(xxii), line 25, for "Secreatry" read "Secretary
P.1, line 2 from bottom for "Conveneer"
read "Convenor"

P.21, Col, 1, line 1 for " यावती "
read " श्रीमती विद्यावती "

P.21, Col.2, line 6, after " दिल्ली"
add "जी "

P.27, Col.1, line 13 from bottom
for " विकानश "
read " वीकनैस "

P.29, Col.2, line 5, for "कम" read "काम"
P.31, Col.2, line 1, for "करगे " read "करेंगे "
P.32, Col.2, line 14, for "बेजेबल "
read "वैलेबल "

P.36, line 12 from bottom for "confedence"
read "Conference"

P.38, Col.1, line 12 from bottom
for "GUTA" read "GUPTA"
P.38, Col.2, lines 30-31 for "resposible"
read "responsible"

P.39,Col.2, line 5 for "Sinhas" read "Sinha"
P.53, Col.2, line 15 from bottom for "ceremoney"
read "ceremony"

P.59, Col.I,line 6, for "person" read "persons"
P.59, Col.2, line 11, for "sucide" read "suicide"
P.59, Col.2, line 16 for "wth" read "with"

P.65, Col.1, line 18 from bottom
for "Ray" read "Roy"
P.65, Col.1, line 12 from bottom
fo "191" read "1961"
P.66, Col.1, lines 17-18
for "exhasutive"
read "exhaustive"
P.71, Col.1, line 22 for 'in' read "is"
P.84, Col.1, line 5 for "aggaravated"
read "aggravated"
P.88, line 1, for "ld" read "child"
P.88, line 17 from bottom for "Stcial"
read "Social"
P.88, Col.1, line 11 from bottom
after "Dr."
insert "Shrimati"
P.97, Col. 2, line 13, from bottom
for "then" read "they"
P.98, Col.2, line 14, for "never"
read "nevertheless"
P.103, Col.1, line 30 for "be" read "he"
P.108, Col.1, line 20 from bottom
for "DANDA" read "DANDAVATE"
P.112, Col.2, line 1 from bottom
for naturaly"
read "naturally"
P.115, line 5, for "Himacal"
read "Himachal"
P.115, Col.2, line 18 from bottom
for "Gtvernment"
read "Government"

P.127, Col.2, line 1
for "अर्ध ज्ञानी"
read "जल्दी होना"

P.127, Col.2, line 7 from bottom
for "houldi"
read "should"

P.133, Col.1, lines 13-14,
for "Chundawart"
read "Chundawat"

P.134.Col.1, line 10 from bottom
for " जी का "
read "जिसका "

P.139,Col.1, line 6 for "सबसे"
read "उससे"

P.140,Col.2, line 17 from bottom
for "लड़क "
read " लड़के "

P.141.Col.2, line 11 from bottom
for " आर्गेना इजेशन्सअ "
read " आर्गेना इजेशन्स "

P.151, Col.2, line 11 from bottom
for " देना"
read "दे "

P.167,Col.1, line 9 for "अजात"
read " अजीत "

P.169,Col.1, line 5 for "a" read "as"

P.171, Col.1, line 7 from bottom
for " नी"
read "नान "

P.171, Col.1, line 6 from bottom
for "बा य"
read "बनाय"

P.176,Col.1, line 21 for "जसे"
read " जैसे "

P.179, Col.1, line 14 from bottom
for " the"
read "be"

P.179, Col.1, line 1 from bottom
for "य" read "यह"
P.179, Col.2, line 6 for "क" read "को"
P.179, Col.2, line 16 from bottom
for "इम्लीमेंटेशन" read "इम्पलीमेंटेशन"
P.180, Col.1, line 13 from bottom
for "तादात" read "तादाद"
P.183, Col.2, line 10 from bottom
for "भावी" read "प्रभावी"
P.185, Col.1, line 7, for "मोहम्मी" read "मोहसिना"
P.185, Col.1, line 11 for श्र मत read "श्रीमती"
P.185, Col.2, line 4 for "नाम" read "नान"
P.185, Col.2, line 9 from bottom
for "अन्दर" read "अन्डर"
P.185, Col.2, line 4 from bottom
for "पढेगा" read "पडेगा"
P.186, Col.1, line 22 for "में" read "की"
P.189, Col.2, line 8 for "दाजा" read "दहेज"
P.203, Col.1, line 10 from bottom
for "सधापति" read "सभापति"
P.205, Col.1, line 4 from bottom
for "she" read "he"
P.205, Col.1, line 3 from bottom
for "her" read "his"
P.206, Col.2, line 30 for "power" read "lower"
P.207, Col.2, line 13 for "उाचयत" read "पंचायत"
P.207, Col.2, line 4 from bottom
for "inhertiamce" read "inheritance"
P.218, Col.2, line 9 for "secuhity" read "security"
P.218, Col.2, line 10 for "gicen" read "given"
P.222, Col.1, line 2 from bottom
after "it" insert "is"
P.222, Col.2, lines 5-6 from bottom
for "bel-ed" read "believed"
P.240, Col.1, line 11 from bottom
for "व्यावधारिक" read "व्यवहारिक"

P.248, line 10 for "Prami" read "Pramila"
P.249, line 5 for "Ma" read "Malti"
P.249, Col.2, line 6 from bottom
for "desre" read "desire"
for "मववाना "read "मकवाना"
P.252, Col.2, line 16 for "सदम" read "सदन"
P.258, Col.2, line 7 from bottom
for "XXI" read "XX"
P.264, line 4 for "Dala" read "Dalal"
and for "ajkot" read "Rajkot"
P.264, line 6 for "श्रीम" read "श्रीमत"
P.269, Col.1, line 14 from bottom
for "ishore" read "Kishore"
P.277, Col.2, line 9 from bottom
for "and social voluntary organisations"
read "Bar Council,Welfare Associations"
P.278, Col.2, line 9 from bottom
for "The witness then withdrew"
read "The Committee then adjourned."
P.278, Col.2, line 1 from bottom
for "prevelant"
read "prevalent"
P.282, Col.1, line 25 for "Governmnt" read "Government"
P.283, Col.2, line 14 from bottom
for "लड़का" read "लड़की"
P.286, Col.1, line 10 from bottom

JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

COMPOSITION OF THE COMMITTEE

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Shri S. S. Chawla—*Senior Legislative Committee Officer*
Shri Ram Kishore—*Senior Legislative Committee Officer*
Shri M. G. Agrawal—*Senior Legislative Committee Officer*

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*Nominated w.e.f. 26-3-1981 *vice* Shri C. Palaniappan resigned.
%Nominated w.e.f. 21-4-1982 *vice* Shrimati Sukhbuns Kaur resigned.
@Nominated w.e.f. 23-3-1982 *vice* Shri P. Shiv Shanker resigned.

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1. Shri R. V. S. Peri-Sastri—*Secretary*
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5. Dr. Raghbir Singh—*Asstt. Legislative Counsel*
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JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

QUESTIONNAIRE

A. GENERAL

From 1938 onwards, attempts have been made to check the evil of dowry through legislation. The provisions of the existing Act (Dowry Prohibition Act, 1961) have been made more stringent in some States through State amendments. All these attempts through legislation have not produced the desired results.

Question No. 1

What in your opinion are the reasons for the failure of the legislation? (Your reasons may be stated under different categories, such as, defects in the legislation, defects in the enforcement of the legislation, social and economic factors, etc., and the measures which you think will help in remedying such defects may also be mentioned).

B. QUESTIONS WITH REFERENCE TO THE PROVISIONS OF THE DOWRY PROHIBITION ACT, 1961

I. *Definition of dowry*: Section 2 of the Dowry Prohibition Act (referred to in this questionnaire as the Act) defines dowry. In order that anything may be regarded as dowry under this definition, it must be shown to have been given or agreed to be given either directly or indirectly as consideration for the marriage. Presents made at the time of marriage would be treated as dowry only if they are made as consideration for the marriage.

Question No. 2

Do you consider that where the presents exceed a particular value or where the expenses incurred on the marriage exceed a particular amount, the excess should be treated as dowry?

(If the excess is treated as dowry, it would operate also as a ceiling on marriage expenses and on presents).

Question No. 3

If you consider that such excess should be treated as dowry, what limits would you suggest (a) for presents, (b) for marriage expenses, or would you prefer a consolidated limit covering both gifts and marriage expenses? (In considering this question, it may be noted that devices such as requiring the bride's party to bear the expenses of the journey to the place of the marriage by relations of the groom, or to provide for a reception or entertainment on a lavish scale, etc. are adopted and these throw an additional burden on the bride's side).

After marriage also, the husband or the husband's relations make attempts to extract payments or presents from the wife's parents or relations, in some cases by using the occasion of any festival or auspicious day or the birth of a child or any ceremony in the family of the husband or the wife.

Question No. 4

Do you consider whether such presents and payments by the wife's parents or relations when exceed a particular amount or value the excess shall be treated as dowry? Would you prefer limits being provided with respect to different periods, say, for presents and payments made during the first two years of marriage, presents and payments made during the next three years and the presents and payments made thereafter?

II. *Offences*: At present giving or taking dowry, demanding dowry and failure to transfer any dowry received by any person, other than the woman in connection with whose marriage it is received, to the woman, are punishable as offences under the Act. The punishment provided for all these offences is imprisonment which may extend to six months or fine which may extend to five thousand rupees or both.

Question No. 5

Do you consider it proper to provide for the punishment of the person giving the dowry?

Question No. 6

Do you consider it necessary to make any alterations in the punishment for the offences (either by enhancing the limits of maximum punishment or by providing for minimum punishment or both)?

Question No. 7

If a minimum punishment is to be provided for all or any of the offences, should discretion be given to the court to impose a punishment less than the punishment so prescribed for special reasons to be recorded in writing?

Question No. 8

Do you consider that the punishment of imprisonment should not be an alternative for the punishment of fine, that is to say punishment should be of both imprisonment and fine?

Question No. 9

Do you consider that the punishment of fine should be equal to the value of dowry plus an amount not less than Rs. 1,000/- and not more than Rs. 10,000/- and the amount realised as the value of dowry should go to the person from whom it was realised?

Question No. 10

Do you consider it necessary to provide for any new offences, *e.g.* making withholding of conjugal rights for the purpose of obtaining dowry punishable or making any other act of persecution (including harassment by the relatives of the husband, that is to say, mother-in-law, father-in-law, sister-in-law, etc.) for the purpose of obtaining dowry punishable? (Please state the types of acts which should be made offences and the limits of punishment therefor).

III. *Procedural and other aspects with regard to offences*: (1) At present offences under the Act are non-cognizable, bailable and non-compoundable.

Question No. 11

Should all or any of the offences under the Act be made cognizable?

Question No. 12

If the offences are to be made cognizable, should it be with a condition that no arrest be made without a warrant or an order of the magistrate on the lines of section 7 of the Child Marriage Restraint Act, 1929?

Question No. 13

Should the offences under the Act be made non-bailable?

Question No. 14

Should the offences under the Act be made compoundable with or without the permission of the court.

(2) At present, the offence of demanding dowry cannot be taken cognizance of by the court without the previous sanction of the State Government or an officer specified in that behalf by the State Government.

Question No. 15

Do you consider such sanction necessary?

Question No. 16

If you consider such sanction necessary, do you consider it useful to authorise also representatives of notified social-welfare organizations to give such sanction?

IV. *Machinery for enforcement of the Act*: The Dowry Prohibition Act is essentially in the nature of a penal law and it does not provide for any special machinery for the proper enforcement of its provisions or for providing necessary help to dowry victims to prosecute their cases.

Question No. 17

Should provision be made for Dowry Prohibition Officers for different local areas in the State to take appropriate action under the Act and the rules thereunder for preventing contraventions of the Act, to collect evidence for the effective prosecution of persons committing offences, to advise and render all possible help to persons subjected to demand for dowry and also the harassment to discharge such other functions as might be assigned by the State Government?

Question No. 18

Should provision be made for the security and protection of the aggrieved party during the pendency of the case under the Act? (Please indicate the nature of the protection or security which may be required).

Question No. 19

If provision is to be made for Dowry Prohibition Officers, whether each such Officer be associated with non-official advisory body consisting of not more than five persons (including amongst them women social workers, Presidents, by whatever name they are called, or other office bearers of Social Welfare Organisations) well-known in the area within the jurisdiction of the Officers for the purpose of advising and assisting him in the efficient performance of his functions?

Question No. 20

If so, what should be the composition of such advisory body at various levels, that is to say, Taluk, Block, District level, etc.?

Question No. 21

Should the Dowry Prohibition Officer be invested with certain powers of a police officer for the purposes of the Act?

C. AMENDMENT OF OTHER LAWS

Question No. 22

Do you consider it necessary to make any changes (e.g. changes in procedure for the trial of offences, changes in the rules of evidence, changes in the laws relating to women's rights as regards inheritance, divorce, etc.) in other laws? If so, give details.

SIGNATURE ——————————

Date ——————————

Name ——————————
(in block letters)

Address ——————————

——————————

WITNESSES EXAMINED

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	Lucknow		
1	Shri P.S. Garg, Managing Director, U.P. Pashudhan Udyog Nigam, Ltd, Central Dairy Farm, Aligarh.	8-1-1982	2
2	1 Shri Rajendra Nath Misra, Superintendent, Central Excise, Lucknow.	8-1-1982	5
	2 Shri Ajay Bahadur Singh, Krishna Nagar, Kanpur Road, Lucknow.	8-1-1982	5
3	Smt. Hamida Bano, Lecturer, Nari Shiksha Niketan Degree College, Lucknow..	8-1-1981	5
4	1 Shrimati Pramila Srivastav, Chairman, Rashtriya Mahila Sansthan, Riverback Colony, Lucknow. . . .	8-1-1982	7
	2 Shri Daya Ram Malviya, R.B. Colony, Lucknow. . .	8-1-1982	7
	3 Mrs. Shahwar Khan, Aliganj, Lucknow.	8-1-1982	7
	4 Mrs. Anjani Kumari, Maqbool Ganj, Lucknow. . .	8-1-1982	7
5	Professor Shardha Kumari, Dean, Faculty of Law, Lucknow, University, Lucknow.	8-1-1982	8
6	Dr. (Kumari) Kanchanlata Subbarwal, Chairman, Bhartiya, Gramin Mahila Sangh, Nishat Ganj, Lucknow. . .	8-1-1982	13
7	Kumari Tara Gorewala, Nari Sewa Samiti, Lucknow. . .	8-1-1982	14
8	Shrimati Vidya Bajpai, Convener, Mahila Wing, U.P. Congress Committee (I), Principal Arya Kanya Vidyalaya, Lucknow.	8-1-1982	17
9	Bharat Sewak Samaj, Kanpur.	8-1-1982	17
10	Shrimati Savita Rani, Secretary, Bhartiya Mahila Vikas Sansthan, Moradabad.	8-1-1982	17
11	1 Shri Mahadev Kushawaha, U.P. Harijan Sewak Sangh, Lucknow.	8-1-1981	18
	2 Smt. Santosh Awasthi, Lucknow.	8-1-1982	18
	3 Smt. Maya Devi, Lucknow.	8-1-1982	18
12	Shrimati Rani Lila Ramkumar Bhargava, President, National Council of Women in India, Lucknow.	8-1-1982	18
13	Shrimati Brij Kumari Mulla, President, Nari Sewa Samiti, Lucknow. and Secretary Mahila Imdad Committee Lucknow.	8-1-1982	20

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14	1 Dr. (Shrimati) Pushpalata Pandey, Specialist Women's Programme, State Social Welfare Advisory Board, Lucknow. .	9-1-1982	23
	2 Kumari Gayatri Locadhave, Senior Welfare Officer, State Social Welfare Advisory Board, Lucknow. . . .	9-1-1982	23
15	1 Shri R.C. Takru, Home Secretary.	9-1-1982	26
	2 Shri G.L. Shukla, Law Secretary and Legal Remembrancer.	9-1-1982	26
	3 Shri Gangabaksh Singh, Legislative Secretary. . . .	9-1-1982	26
	4 Shri R.K. Agarwal, Joint Secretary, Law. . . .	9-1-1982	26
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	1 Shrimati Ashoka Gupta.		
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	3 Shrimati Sunita Pakhrasi.		
	4 Shrimati Kalyani Sen Gupta.		
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	2 Shrimati Aloka Mitra.		
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	2. Kumari Mamata Banerjee.		
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	4. Shrimati Indrani De.		
	5. Shrimati Sikha Das..		
	6. Shrimati Arati Goswami.		
	7. Shrimati Debeswari Pathak.		
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	2. Shrimati Ira Sarkar, Assistant Head Mistress, Multipurpose Govt. Girl's School, Calcutta.	11-1-1982	48
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	2. Shrimati Madhuri Das Gupta, Vice-Chairman.		
	3. Shrimati Mrinalini, Member.		
	4. Shrimati Munjuri Gupta, Treasurer.		
	5. Shrimati Prona Chatterjee, Member.		
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	3. Shri R. Banerjee, Secretary, Judicial Department.		
	4. Shri A.K. Banerjee, Special Secretary, Home (Police).		

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	5. Shri N. Som, Commissioner of Police, Calcutta.		
	6. Shri S. Basu, Inspector General of Police.		
	7. Shri R.N. Bhattacharya, Addl. Inspector General of Police.		
	8. Shri S.R. Bhowmick, Director of Social Welfare.		
	9. Shri Naranarayan Goopta, Govt. Pleader.		
	10. Shri Arun Prakash Chatterjee, Senior Standing Counsel.		
	10. Shri D.N. Gupta, Inspector of Police.		
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	2. Shrimati Shahnaz Bano, Member.		
	3. Shrimati Indira Panda, Legal Adviser.		
	4. Shrimati Taramani Acharya, Member.		
	5. Shrimati Azmat Begum, Member.		
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	7. Shrimati S.L. Indrajeet, Welfare Officer.		
37	Shri Gadhadhar Giri, MLA	15-1-1982	83
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38	1. Dr. M.C. Mamgain, Hon. General Secretary, Association for Social Health (Haryana) 134/11A, Chandigarh .	15-2-1982	88
	2. Shrimati Prithipal Kaur Wasu, Former MLC, Advocate and General Secretary, All India Women's Conference, Punjab Branch, Chandigarh	15-2-1982	88
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	4. Shrimati Surinderjit Kaur, Social Worker, Chairman, F&C Project, 72A Poultry Area, Nilokheri, Haryana .	15-2-1982	88
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	5. Shrimati Kusum Sharma		
	6. Shrimati Umrao Jain, Member AICC, Jodhpur.		
	7. Shrimati Pushpa Sankhla, Member, AICC, Jodhpur.		
	8. Shrimati Vimla Mishra, Member, AICC, Jhunjhunu.		
	9. Shrimati Swaranlata Vyas, Member AICC, Jaipur City.		
	10. Shrimati Uma Dadhich, Member AICC		
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	4. Shri G.C. Singhvi, Inspector General of Police		
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	2. Shrimati Rama		

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	3. Shrimati Bhagwati Chauhan		
	4. Shrimati Kathun.		
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	1. Miss Shakuntala Vyas, Advoacate, C/o Shri Jaman Lalji Vyas, 84, Kailash Marg, Udaipur.		
	2. Miss Kamla Bhandari, Advocate		
88	Shri J.S. Bhatt, Advocate, Motichauhatia, Udaipur . .	2-6-1982	220
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	2. Shrimati Chandra Kanta Dave, Member		
91	Shrimati Phool Kanwar Agarwal, Member, State Social Welfare Advisory Board, Udaipur	2-6-1982	224
92	Dr. Shibani Roy, 242, Old Fatehpura, Udaipur . . .	2-6-1982	224
93	Miss Razia Tehsin, 41, Panchwati, Udaipur . . .	2-6-1982	224
94	Dr. (Mrs.) Raj Bhanti, Udaipur School of Social Work, Rajasthan Vidyapeeth, Udaipur	2-6-1982	224
95	Shri Madan Modi, Editor, 'Bandhan Todo', 429, Hiran Magri Sector 4, Udaipur	2-6-1982	227
96	Shri Ganpat Singh Bhandari, District and Sessions Judge, Udaipur	3-6-1982	229
97	Shri P. N. Bhandari, Vice-Chancellor, Udaipur University, Udaipur.	3-6-1982	229
98	Shri P. S. Yadav, Dy. Inspector General of Police, Udaipur .	3-6-1982	229
99	Shri J.P. Singh, District Magistrate, Udaipur . . .	3-6-1982	229
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100	Shri Fulsinhji B. Dabhi, Ex-MLA (Bombay) and ex-MP (Lok Sabha), Near Vithal Kanya Vidyalaya, Nadiad, Distt. Kaira (Gujarat)	4-6-1982	235
101	Kumari Suraksha Maharaja, Managing Trustee, Women's Equal Rights Group, D 3, Akashdeep Apartments, Ellis Bridge, Ahmedabad	4-6-1982	236
102	(A) *Vikas Grah, Fatehnagar, Post Anandnagar, Ahmedabad* . .	4-6-1982	238
	Spokesmen:		
	1. Shrimati Pusparvati Mehta, President		
	2. Shrimati Sumitra Thakare, Secretary		

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	3. Shrimati Jayantikaben Jayant, Member		
	4. Shrimati Praveen Lata Shodhan, Vice- President		
	5. Dr. Padma Fadia, Member		
	(B) *Jyoti Sangh, Relief Road, Ahmedabad*	4-6-1982	238
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	1. Shrimati Vidhya Mehta, General Secretary		
	2. Shrimati Hemalata Hegishte, Vice-President		
	3. Shrimati Udayaparabha Mehta, Ex-President & Member		
103	*Self Employed Women's Association, SEWA Reception Centre, Ahmedabad*	4-6-1982	243
	Spokesman:		
	Shrimati Ela R. Bhatt, General Secretary		
104	Dr. Jyotsna Shah, Retd., Director of Social Defence, Gujarat State, E. 52, Ayojan Nagar, Ahmedabad	4-6-1982	244
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107.	*Bar Council of Gujarat State, High Court Building, Ahmedabad Desaivago Bhawanidasni Khadki, Madiad.*	5-6-1982	249
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	3 Shri Santosh Kumar Sarana, Member		
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	2 Shrimati Razia Begum Sayed		
	3 Shrimati Jashoda Ben G. Mekwan		
	4 Shrimati Malti Ben G. Rajput		
	5 Shrimati Shanti Ben Patel, ex-MLA		
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	2 Shri Sagar Raika, Vice-President		
	3 Shri Vijay Kella, General Secretary		
	4 Shri Poonam Makwana, Joint General Secretary		
	5 Shri Yusuf Pathan, Member		
	6 Shri Satish Parikh, Joint Secretary		
	7 Shri Hamid Sodagar		
	8 Shri Joseph Christian		
	9 Shri Nishith Desai		
	10 Shri Rashmikant T. Thakor		
	11 Shri H.B. Siddiquee		
	12 Shri A.A. Tirmizi		
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	2 Shri Ishwar Pedlekar, ... 10, Panchsheel Society, Ahmedabad-13 . . .		
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	1 Shri Chiman Mehta, Chairman		
	2 Shrimati Leelaben Trivedi, MLA		
	3 Shrimati Rita M. Trivedi		
	4 Shrimati Meena B. Trivedi		

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	1 Shrimati Tamiz Koreshi, Convenor		
	2 Shrimati Nirmala A. Patel, Joint Convener . . .		
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115.	Dr. B.N. Acharya, MA Ph.D., Advocate, 8, Housing Board Society, Block No. L-39, Kalavad Road, Rajkot	7-6-1982	265
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	1 Shrimati Manjulaben Dave, Hon. Secretary . . .		
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	1 Miss Hiralaxmi K. Sheth, President		
	2 Miss Susheela K. Sheth, Secretary		
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	2 Shrimati Nirmalaben Chavada, Member . . .		

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	3 Shrimati Kanchanben Bhatti, Member		
	4 Shrimati Kanta Devi R. Vaisya, Member		
	5 Miss Jaishri R. Vaisya, Member		
	6 Miss Palvi Vyas, Member		
	7 Miss Vanitaben Haribai Patel, Member		
	8 Miss Hinaben Haribai Patel, Member		
	9 Miss Kamlaben Pathiyal, Member		
	10 Miss Nalini H. Upadhyaya, Member		
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	1 Shri Patel Kishore Kumar Andipara, President		
	2 Shri Himal Lal Chotelal Kagda, President, Youth Congress, Josdan District Rajkot.		
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	1 Shrimati Urmila Bhatt, Chairman.		
	2 Shrimati Pushpavati Mehta, Member		
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	b *Spokesmen:*		
	1 Shri R.V. Chandramowli, Secretary, Home Department		
	2 Shri K.M. Satwani, Secretary, Legal Department.		

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3	Shri P. P. Rathod, Secretary, Social Welfare and Tribal Development Department		
4	Shri K. Ramamoorthy, Secretary, Education Department.		
5	Shri P.B. Malia, DIG of Police, Ahmedabad..		
6	Shri Manmohan Singh, Police Commissioner, Ahmedabad..		
7	Shri P.M. Bhatt, Director Social Defence, Department, Ahmedabad		

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSE TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Friday, 8 January, 1982 from 15.00 to 18.00 hours in Committee Room No. 80, Vidhan Sabha Bhavan, Lucknow.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shri Jagpal Singh
5. Shrimati Mohsina Kidwai
6. Shri Anantha Ramulu Mallu

Rajya Sabha

7. Shrimati Kanak Mukherjee
8. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri Kailash Chand—*Senior Personnel and Executive Officer*

REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

Dr. Raghbir Singh, *Asstt. Legislative Counsel*

WITNESSES EXAMINED

I. Shri P. S. Garg, *Managing Director, U.P. Pashudhan Udyog Nigam, Ltd., Central Dairy Farm, Aligarh.*

II (1) Shri Rajendra Nath Misra, *Superintendent, Central Excise, Lucknow.*

(2) Shri Ajay Bahadur Singh, Krishna Nagar, Kanpur Road, Lucknow.

III Smt. Hamida Bano, *Lecturer, Nari Shiksha Nikatan, Degree College, Lucknow.*

IV (1) Shrimati Pramila Srivastav, *Chairman, Rashtriya Mahila Sansthan, Riverback Colony, Lucknow.*

(2) Shri Daya Ram Malviya, R.B. Colony, Lucknow.

(3) Mrs. Shahwar Khan, Aliganj, Lucknow.

(4) Mrs. Anjani Kumari, Maqbool Ganj, Lucknow.

V Professor Shardha Kumari, *Dean, Faculty of Law, Lucknow University, Lucknow.*

VI Dr. (Kumari) Kanchanlata Subbarwal, *Chairman, Bhartiya Gramin Mahila Sangh, Nishat Gunj, Lucknow.*

VII. (i) Kumari Tara Gorowala, *Nari Sewa Samiti, Lucknow.*

(ii) Shrimati Vidya Bajpai, Convencer Mahila Wing Congress (I), Principal Arya Kanya Vidyalaya, Lucknow.

VIII Shrimati Vikas Bajpai, *Convenor, Mahila Wing, U.P. Congress Committee (I), Principal Arya Kanya Vidyalaya, Lucknow.*

IX Bharat Sewak Samaj, Kanpur.

X Shrimati Savita Rani, *Secretary, Bhartiya Mahila Vikas Sansthan, Moradabad.*

XI (1) Shri Mahadev Kushawaha, U.P. Harijan Sewak Sangh, Lucknow.

(2) Smt. Santosh Awasthi, Lucknow.

(3) Smt. Maya Devi, Lucknow.

XII Shrimati Rani Lila Ramkumar Bhargava, *President, National Council of Women in India, Lucknow.*

XIII Shrimati Brij Kumari Mulla, *President, Nari Sewa Samiti, Lucknow. Secretary Mahila Imdad Committee, Lucknow.*

I—Shri P. S. Garg.

..The witness was called in and he took his seat.

MR. CHAIRMAN: Before we proceed may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

अब मीटिंग की कार्यवाही शुरू की जाती है। इसके पूर्व मैं साक्षियों का ध्यान निम्नलिखित वक्तव्य की ओर आकृष्ट करना चाहती हूं :

मैं आज आप सभी का संसद की संयुक्त समिति के समक्ष उपस्थित हो कर अपने विचार व्यक्त करने एंव साक्ष्य देने के लिए स्वागत करती हूं इसके साथ ही मैं सब को यह भी बताना चाहती हूं कि दहेज प्रतिषेध अधिनियम, 1961, जो प्रारम्भ में दहेज लेने तथा देने की परिपाटी को बंद करने के उद्देश्य से बनाया गया था उसने अपने उद्देश्य की पूर्ति करने में असफल रहा है।

विवाह योग्य पुत्रियों के माता पिता को शादी हेतु लड़कों के अभिभावकों को दहेज देने के लिए मजबूर किया जाता है। आज/ कल प्रतिदिन बड़ी संख्या में नव-विवाहित लड़कियां आत्म हत्या करने पर बाध्य होती हैं या जिन्दा जला दी जाती हैं।

इन्हीं सब कारणों से सरकार ने संसद के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्य-कलाप की जांच हेतु गठित की है ताकि दहेज प्रथा के दोषों से प्रभावी रूप से निपटा जा सके। अतः वर्तमान अधिनियम की कमियों को दूर करने संबंधी आपके सुझावों का यह समिति स्वागत करेगी।

श्री पी० एस० गर्ग : पहली बात तो यह है कि डावरी की परिभोषा कहीं भी पूरी ऐक्ट में नहीं है। उसके लिए

मैंने सुझाव दिया है कि इन्कम के स्लैब के ऊपर बैस कर के 3, 4 स्लैब बना दिए जायें और उसी से कनेक्ट कर दिए जायें एक्सपेंसेज के लिए अलग और गिफ्ट के लिए अलग। शादी के 3 साल तक और 2 साल तक अलग और 5 साल में फैमिली एडजस्ट हो जाती है। हर चीज की लिमिट निश्चित की जा सकती हैं। जिस प्रकार इन्कम टैक्स में प्रेस्क्राइब्ड लिमिट है कि इतना होगा तो 5,000 रु० और 30,000 रु० से ऊपर होगा तो 15,000 होगा उसी प्रकार से इस काम के लिए भी स्लैब निश्चित किया जा सकता है। इस अमाउन्ट को हर तीसरे साल इनफ्लेशन के आधार पर देखा जाय। किस लिमिट के बाद डावरी समझा जाएगा पहले यह तय किया जाय। जिस वक्त गिफ्ट दी जाये उनको लिस्ट किया जाय सपोर्टेड वाई वाउचर्स और स्टाम्प करा लिया जाय कि शादी के समय यह गिफ्टस दी गयीं।

इन्कम टैक्स ऐक्ट में अमेंडमेंट करना होगा। अभी तो यह कह दिया जाता है कि यह चीज हमको शादी के समय मिली थी। उस वक्त यह आधार न लिया जाय, बल्कि जो स्टाम्प्ड लिस्ट है उसको प्रोड्यूज करें और उसके बीयान्ड अगर कोई आदमी कहता है कि यह चीज हमें शादी में मिली थी तो उसको ऐक्सेप्ट न किया जाय, उसको फोरफीट कर लिया जाए और प्रोसीक्यूशन किया जाय।

किस प्रकार यह सूचना स्पेसिफाइड अथौरिटी तक पहुंचे चाहे वह मैजिस्ट्रेट हो या डावरी प्रौहिवीशन आफिसर हो, यह तय कर लिया जाय। जो भी इन-फौरमेंट हो उसको सूटेबली रिवार्ड किया जाय। यानी अगर 10,000 रु० की लमिट है और 30,000 रु० दिया गया तो 20,000 रु० का 25 प्रतिशत सूचना देने वाले को दिया जाय। इस चीज को पता करने में कोई दिक्कत नहीं होगी।

जो लोग प्रैसक्राइब्ड लिमिट से एक्सेस एमाउन्ट स्वीकार करें, उनकी गवर्नमेंट एम्पलायमेंट में मनाही होनी चाहिए। उसके बाद जो एम्पलाइमेंट में आ भी गये हैं और इसका कंट्राविशन करते हैं उनको नौकरी से निकाला जाना चाहिए।

इन्हैरिटस के सिलसिले में ला आफ इन्हैरिटस में होता यह है कि बहुत से धनवान व्यक्ति जब शादी करते हैं तो लड़की को देना चाहते हैं। अगर इस में प्रोवाइड कर दिया जाये कि –

An approximate share can be transferred at the time of marriage or prior to marriage or after the marriage. They will abide by the law as prescribed. If they have anything in excess, that should be confiscated in the name of the girl.

उसका पहले भी अधिकार होना चाहिए और बाद में भी चाहते हैं तो बाद में भी उसको दिया जा सकता है। उनकी देखादेखी सोसाइटी में दूसरे लोगों पर भी असर पड़ता है।

जो इंटर-कास्ट मैरिज करें, उनको गवर्नमेंट की एम्पलायमेंट में, काटेज इंडस्ट्रीज में या दूसरे धन्धों में प्रोत्साहन मिलना चाहिए।

गवर्नमेंट इस अभियान को अनके दचेब्लिटी के अभियान की तरह चला इसके साथ साथ इस बात की भी अवेयर नैस कराई जाये कि जो डाउरी दी जाती है उसके चाइल्ड की एजूकेशन और न्यूट्रीशन पर भी असर पड़ता है। जब उस पर असर पड़ता है तो एजूकेशन भी

खत्म हो जाती है। जब फीमेल की शादी हो जाती है तो इस से यह भी उस फैमिली में अर्निंग मेम्बर हो सकती है और सहायक हो सकती है।

SHRI ANANTHA RAMULU MALLU: You say that some income slab should be fixed. Do you mean to say that you are in favour of dowry?

SHRI P. S. GARG: Certain gifts by way of affection are given. You cannot halt them. But limits can be specified.

SHRI ANANTHA RAMULU MALLU: You have said that severe punishment should be given to Government employees? Why Government employees alone

SHRI P. S. GARG: I have said about others also. If you feel that there is any discrimination, you can eliminate it.

श्री बी० सत्यनारायण रेड्डी : मौजूदा एक्ट के सैक्शन 2 में डेफीनिशन भी है, एक्सप्लेनेशन भी है। उसमें जैसा कहते हैं कि गिफ्ट एवाइड नहीं कर सकते, देना ही पड़ता है, उसके बारे में आपको क्या कहना है कि इस सैक्शन को ऐसे ही रखा जाये, या हटा दिया जाये ?

श्री पी० एस० गर्ग : मेरा कहना यह है कि इसको बदला जाये, उसमें कोई भी लिमिट नहीं है और लिमिट का बनाना जरूरी है। जब कोई भी चीज डिस्क्रीशन पर छोड़ दी जाती है तो उस में गड़बड़ होती है। यह लिमिट होनी चाहिए कि फलां-फलां इनकम स्लैब वालों के लिए इतने गिफ्ट होंगे। यह चीज एक्सप्लेनेशन में होनी चाहिए अगर यह हो जाये तो लिमिट हो जायेगी और स्लैब भी बन जाएगा कि इससे ज्यादा गिफ्ट नहीं होंगे।

श्रीमती प्रमिला दंडवते : आपने एक्ट के बारे में कुछ कहा नहीं है, डाउरी होनी चाहिए या नहीं, इस से स्पष्ट नहीं है। आपने जो सुझाव दिए हैं कि इनकम-टैक्स में क्या करना चाहिए, वगैरह वगैरह, आपने गिफ्ट की लिमिट की बात बताई है। अभी जो डैफिनिशन में है, उसी के बारे में बहुत लोगों ने कहा कि गड़बड़ होगी। दो तीन बातें और हैं, जिनके बारे में कुछ नहीं कहा जैसे काग्नीजिबल होना चाहिए या नहीं ?

श्री पी० एस० गर्ग : जो क्वैश्चनेयर है, उसका जबाव मैंने दिया है, अगर कहे तो मैं उसे पढ़ देता हूं।

SHRIMATI PRAMILA DANDAVATE: Are you in favour of prohibition of dowry? Do you want the offence to be cognizable or not?

SHRI P. S. GARG: I do not know about that.

SHRIMATI KANAK MUKHERJEE: You have said that there should be limit according to the slab of income. This can be spelt out at the time of the marriage. Here is a question of principle. There may be some 'streedhah' and if the boy himself demands even Rs. 50/- as dowry, that also is a dowry. So do you include in it cash or presents or both?

SHRI P. S. GARG: In principle it should not be.

श्रीमती कनक मुखर्जी : वह किसी और नाम से दे सकता है लेकिन डावरी के नाम से नहीं दे सकता है ?

श्री पी० एस० गर्ग : अगर अफेक्शन में कुछ देना चाहे, कुछ भी गिफ्ट देना चाहे तो वह दे लेकिन डावरी के रूप में कुछ नहीं दिया जाना चाहिए। यह सवाल सिर्फ इस बात का है कि हमारा जो पहला एक्ट बना हुआ है वह क्यों नहीं अमल में आया, उसके फेल्योर के क्या कारण हैं? उन सब को भी हमें देखना होगा।

सभापति महोदय : अच्छा आपका बहुत बहुत धन्यवाद।

(The witness then withdrew)

II—Shri Rajendra Nath Mishra

Shri Ajay Bahadur Singh

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री राजेन्द्रनाथ मिश्रा : कुछ कहना तो मैं भी नहीं चाहता था, क्योंकि मैं भी अपने विचार लिख कर लाया हूं जो कि आपको प्रस्तुत करता हूं।

सभापति महोदय : वह दे दीजिए। धन्यवाद।

श्री अजयबहादुर सिंह: सभापति महोदय, और माननीय सदस्यगण दहेज प्रतिषेध के लिए मैंने अपने विचार आपको लिख कर दे दिये हैं।

सभापति महोदय : हां आपका एक मेमोरेन्डम आया है। इसके अलावा आप कुछ और विचार रखना चाहें तो वह रख सकते हैं, फिर बाद में हमारे माननीय सदस्य आपसे प्रश्न करेंगे।

श्री अजयबहादुर सिंह : मैंने अपने सभी विचार लिख कर दे दिये हैं। अब अगर प्रश्न करना चाहें तो वह कर सकते हैं।

सभापति महोदय : अच्छा ठीक है। बहुत बहुत धन्यवाद।

(The witnesses then withdrew)

III—Shrimati Hamida Bano.

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती हमीदा बानो : मैं एक सोशल वैलफेयर वर्कर हूं और उस नाते से मैं अपने ख्यालात आपके सामने रखूंगी।

सन् 1961 में जो दहेज के बारे में कानून बना थः उसके बाद से अगर देखा जाए तो आज-कल दहेज का लेना देना और भी ज्यादा हो गया है। हम अब हर दिन अखबारों में पढ़ते रहते हैं कि इसको लेकर कहीं न कहीं कोई न कोई घटना होती रहती है। पहले जिन कौमों में दहेज का लेना देना नहीं था उनमें भी अब हो गया है। यहां तक हो गया है कि मुसलमानों में भी लड़की वालों के यहां पैगाम भेजा जाता है कि दहेज के रूप में कितनी कीमत की चीजें मिल सकेंगी। इसकी वजह से आज हर घर में, मुसलमानों के घरों में भी मिडिल क्लास और लोअर मिडिल क्लास की क्वारी लड़कियां विना शादी के बैठी रहती हैं। अगर कोई डायरेक्टली नहीं मांगते हैं तो इन्डायरेक्टली चीजों की फ़रामइश की जाती है। जैसे कि स्कूटर वगैहर की शक्ल में मांग की जाती है।

हमारे यहां जो कानून है उसके बावजूद यह चीज चल रही है। क्योंकि हमारे कानून की जबान बहुत लच्छेदार होती है, साफ़-साफ़ नहीं होती है। अगर मर्जी हो तो दे सकते हैं, अगर मर्जी न हो तो नहीं दे सकते हैं। अगर किसी की मर्जी देने की न हो तो उसकी लड़की तो विना शादी के क्वारी बैठी रहेगी। अगर कोई लड़की वाला किसी के खिलाफ रिपोर्ट भी करे तो उसकी लड़की से कोई शादी ही नहीं करेगा, फिर वह सबूत भी कहां से देगा। इसके लिए लड़की वालों से कहा जाता है। क्यों न लड़के वालों से कहा जाए कि तुमने जो दहेज लिया है उस पर इनकम टैक्स दो। कोई भी लड़की वाला यह पसन्द नहीं करेगा कि वह रिपोर्ट लिखा कर अपनी लड़की की जिन्दगी चौपट करे।

दहेज कम मिलने पर ससुराल वाले लड़की पर नाजायज दबाव डालते हैं जिससे कई मर्तबा लड़कियां सुसाईड कर लेती हैं। सुसाईड करने के कारणों के सबूत नहीं मिलते। बहुत मर्तबा ससुराल वाले भी मार देते हैं। इन मामलों में बड़े बड़े लोगों को तो कोई हाथ ही नहीं लगाता।

दूसरे बड़े बड़े लोग तो दहेज को डिब्बों में बन्द करके देते हैं लेकिन जो मिडिल क्लास और लोअर मिडिल क्लास के लोग हैं उनके घरों में तो बाकायदा दहेज को सजाया जाता है। इससे दूसरे लोगों में भी कम्पीटीशन की भावना पैदा होती है।

सभापति महोदय : जो कुछ हो रहा है वह तो सभी लोगों को पता है। आप इस बिल पर अपने सुझाव दीजिए।

श्रीमती हमीदा बानो: पहला सुझाव मेरा यह है कि इस कानून की जबान में सुधार होना चाहिए। इसमें सख्ती दिखायी जानी चाहिए कि लड़के वाले सबूत दें कि उन्होंने कोई दहेज नहीं लिया है। इस मामले में छापे भी मारे जाने चाहिएं और अचानक छापे मारे जाने चाहिएं।

जो सुसाईड के केसिज होते हैं उनमें भी जांच की जानी चहिए।

श्री जगपाल सिंह : आपने कहा है कि मुसलमानों में भी लड़कियां दहेज की वजह से बैठी हैं। क्या आप समझती हैं कि पर्सनल ला दहेज को रोकने में असफल हुआ है। यदि हां, तो पर्सनल ला की जगह डावरी प्रौहिबीशन ऐक्ट को मुसलमानों पर भी लागू किया जाये ?

श्रीमती हमीदा बानो : मुस्लिम पर्सनल ला को अगर सख्ती से लागू करें तो इसको रोका जा सकता है। वैसे मैं ऐसा समझती हूं कि इस एक्ट को लागू होना चाहिये।

श्रीमती कनक मुखर्जी : एक ही कानून सब पर लागू हो चाहे कोई कम्युनिटी हो ?

सभापति महोदय : माननीय सदस्य यह जानना चाहते हैं कि आपके विचार से एक

डेमोक्रेटिक और सेक्यूलर कन्ट्री में एक ही तरह का कानून रहना चाहिये ? या हिन्दुओं के लिये अलग, मुसलमानों और क्रिश्चियनों के लिये अलग ?

श्रीमती हमीदा बानो : औरतों के लिये एक ही सा कानून होना चाहिये क्योंकि सब की मुसीबत एक ही सी है ।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि सुसाईड को साबित करना मुश्किल होता है और लड़की के ससुराल वाले बच जाते हैं । तो क्या आप चाहती हैं कि कहीं भी सुसाइड करके अगर लड़की मर जाती है तो उसके ससुराल वालों पर मर्डर का केस चले ?

श्रीमती हमीदा बानो : पूरी इन्क्वायरी करनी चाहिये, और अगर मर्डर किया है तो उसकी सख्त सजा दी जानी चाहिये ।

श्रीमती प्रमिला दंडवते : अगर सस्पीशस परिस्थितियों में अननेचुरल डैथ हो तो उसके बारे में सरकार की तरफ़ से सर्कुलर आया है कि उसकी जांच की जाय और पोस्टमार्टम एक के बजाय दो डाक्टरों से कराया जाये । इस बारे में आपको क्या कहना है ?

श्रीमती हमीदा बानो : अगर सुसाइड किया है तो उसकी कड़ी जांच की जानी चाहिये और सजा दी जानी चाहिये ।

श्री वी० सत्यनारायण रेड्डी : अगर साबित हो जाये कि डावरी की वजह से किसी की मौत हुई है चाहे सुसाईड से या मर्डर से, तो क्या सजा दी जाये ?

श्रीमती हमीदा बानो : उम्र कैद या 20 साल से कम सजा नहीं होनी चाहिये ।

(The witness then withdrew)

IV—(1) Shrimati Pramila Srivastav
(2) Shri Daya Ram Malviya
(3) Shrimati Shahwar Khan
(4) Shrimati Anjani Kumari

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : इस कुप्रथा को रोकने के लिये क्या उपाय किये जायें, यही आप सुझाव दें ।

श्रीमती प्रमिला श्रीवास्तव : दो लड़कियों की ऐसे मृत्यु हुई जो जल कर मरीं, हमने पुलिस की सहायता से पता लगाया और वहां पहुंचे मालूम हुआ कि मर्डर किया गया । फ़िर हमने पुलिस को केस हैंड ओवर किया । यह दौड़धूप का बौदरेशन तो लेना ही पड़ेगा । इसके लिए मोहल्ला-वाइज़ कमेटी बनानी चाहिये और अगर कोई ऐसा ऐलीमेंट है जो हमारी कमेटी के विरुद्ध जा रहा है तो उसको चैक करें और आगे गड़बड़ करने का मौका न दें और ऐसे लोगों को पुलिस की निगाह में लायें। पुलिस को बिना पोस्टमार्टम के डैड बाडी न दें । मोहल्ला-वाइज़ कमेटी में वही औरतें रखी जायें जो समाजसेवा का काम करती हैं । अगर ऐसी कमेटी आपके द्वारा नियुक्त होंगी तो ज्यादा इफ़ेक्टिव होंगी ।

श्रीमती विद्यावती चतुर्वेदी : मोहल्ला-वाइज़ कमेटी सोशल आर्गेनाइज़ेशन की तरफ़ से बनें या सरकार बनाये ? किस तरह से

कमेटी बनायी जाये ताकि सरकार उनकी बात माने और पुलिस भी उनकी सूचना पर विश्वास करे ?

श्रीमती प्रमिला श्रीवास्तव : नौमीनेशन तो सरकार द्वारा ही होता है और उसकी मान्यता भी होती है । एक को नौमीनेट करके चाहें तो शेष मेम्बरों को उनकी बेकग्राउण्ड के आधार पर रखा जाये । बहुत सी हमारी बहनें ऐसी आ जाती हैं जो इस कठिन काम को नहीं कर पाती हैं ।

श्रीमती विद्यावती चतुर्वेदी : दहेज के बारे में आपकी क्या राय है, देना चाहिये या नहीं देना चाहिये ? अगर देना चाहिये तो किस तरह से देना चाहिये और उसमें रुपया कितना हो और दूसरी चीजें कितनी-कितनी हों ?

श्रीमती प्रमिला श्रीवास्तव : दहेज नाम की चीज ही नहीं रहनी चाहिये । अभी जो जिसकी सामर्थ्य होती है उसके हिसाब से देता है, लखपति लाखों की शादी करता है और गरीब 200, 500 में भी शादी करता है । अभी लड़की को भार मानकर ही शादी की जाती है । दहेज बन्द करने का नियम सरकार की तरफ़ से बने और यह कमेटी चैक रखे ।

श्रीमती विद्यावती चतुर्वेदी : हर लड़का क्यों न यह कोशिश करे कि जहां 2 लाख रुपये मिल रहे हैं, वहां शादी करे ? इस समस्या को कैसे सौल्व किया जाये ?

श्रीमती प्रमिला श्रीवास्तव : बन्द करने से सौल्व हो जाता है, कमेटी आपकी कन्ट्रोल करेगी । जो कमेटी बनेगी वह इन्फ़ार्मेशन देगी ।

(The witness then withdrew)

V—Prof. Shardha Kumari

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

प्रो० श्रद्धा कुमारी : यदि आप मुझे अनुमति दें तो मैं इंगलिश में बोलूंगी ।

सभापति महोदय : आप जैसा चाहें बोलें, लेकिन उत्तर प्रदेश की होने के नाते हिन्दी में ही बोलें तो अच्छा है ।

प्रो० श्रद्धा कुमारी : मैं हिन्दी में ही बोलती, किन्तु विषय ऐसा है जिसमें अंग्रेजी में मुझे सुविधा होगी ।

सभापति महोदय : एक चीज जरूर नोट रखें कि जो कुछ भी आप यहां कहेंगी, वह अखबार और प्रैस के लिये नहीं होगा ।

PROF. SHRADHA KUMARI: As far as this Act is concerned, we have seen that it has not worked very effectively as far as the status of women is concerned. Therefore, we are considering it again. I do not want to touch the social aspect of it. But I would like to point out only the legal flaws in the Act. I would like to invite your attention to section 2 of the Definition of the Dowry Act. Here we find that by way of exclusion, an important community is excluded. But as far as the condition of women is concerned, a woman has just now admitted that the condition is of a universal nature. Therefore, I

would request you that the spirit of the Act should be universal in character.

सभापति महोदय : आपने बताया कि इसमें मुस्लिम और हिन्दू को अलग-अलग बताया है, इसको स्पिलिट कर दिया गया है। मेहर के मामले में एक सैक्शन है, एक्ट में डैफीनेशन दी है, उसी में नम्बर 2 में है।

इस कानून को सभी के लिये बनाया गया है, सिर्फ परसनल ला में मेहर को छोड़ा गया है। क्या इसको हटा देना चाहिये ? इसकी कोई जरूरत नहीं है।

PROF. SHRADHA KUMARI: When we have nothing to do with this para, it means it is redundant.

The word 'consideration' has got a particular legal significance. It is a legal term in matters of contract, namely, there should be an offer, an acceptance and consideration for that. Therefore, that turns out marriage into a contract. It is, therefore, a contract between two contracting parties, one of them is quite unequal because the whole trouble arises not from the side of bride but from the side of groom. Therefore, we are starting with the concept that it is a contract between two unequals. The lawyers have got to apply their mind as to how to remove this. Here when you are using the term 'consideration', that means, you are turning the marriage into a contract and not a relationship which is a relationship between two equals. Therefore, I object to the word 'consideration' as it exists here. Now, another point I would like to make in this regard is that according to the Hindu marriage, marriage is a sacrament and there is one ceremony which is very essential. The ceremony of 'Kanyadan' is the most important part of a marriage. Right from the beginning, we assume that a 'Kanya' is to be given in 'dan' in a marriage ceremony. She is the object of charity, she is the object of gift. It is as if she is not a human being, as if she is not something equal to others. The parents observe fast throughout the day so that she may be given in 'dan' and she may be given as an object of charity. It requires re-thinking. Therefore, if we are thinking of the relationship between unequals, namely, man being superior and woman inferior, then she has to see what the object of marriage is.

Now in Explanation I, it has been mentioned as follows:

"Explanation I.—For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties".

Now, I wonder what it means. What is the definition of property? Are you excluding immovable property from the definition of the property? You are deliberately using the words which relate to moveable property. By process of exclusion, only immovable property is ruled out and every item of moveable thing can be given in dowry. Right from the beginning if the women are considered that they are as good as man, then the concept of 'consideration', the concept of 'dan' and the concept of dowry, all these things will disappear.

SHRI B. SATYANARAYAN REDDY: You have referred to the 'Kanyadan' ceremony. You please refer to the Act in this connection. Now, we have to amend the present Act. You may kindly give your suggestions and the changes that are to be made in the present Draft Bill. What more provisions would you like to include in the present Bill and what are the provisions that you would like to remove in the draft Bill?

PROF. SHRADHA KUMARI: I am only objecting to the word "consideration" and also the word "dowry" is used. Even the judges are allowed to give 'obiter dictum' in such matters. I have to take the help of History, Philosophy, Sociology, etc. All these words like "cash, ornaments, clothes or other articles shall not be deemed to be dowry" are used. At one place you say that any property comes within the word dowry and then you are saying that these will be excluded. My objection is that they are also as good property as the immovable property. All those words having legal implications must be deleted. Therefore, the very definition of words contained in Section 2 is wrong and it requires reconsideration.

The definition of dowry is very very defective and there is nothing on earth that you can prevent from being included. Everything is included in the Explanation and then you say that we should prohibit something. That is my objection. By adding the word 'consideration' you are making the marriage a 'contract'.

Now, I would like to invite your attention to the other provisions of the Act. Now, Section-4 deals with penalty for demanding dowry. The definition is defective. The second paragraph of Clause 4 reads as follows:

> "Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf".

Now, if cognizance is not taken as per this Act except with the previous sanction of the Government or the authorised officer, then in the meantime the girl will die. There will be suicide or murder and there will be no speedy remedy if the court cannot take cognizance of the offence. Therefore, there should be special courts for women. There is not one offence, there are many offences against women. No protection is given, no reservation is given and women are always sufferers. They are the sufferers throughout the ages. If they are not given protection under the law, at least equity before law should not be denied. There should be special Tribunals and Special Courts for the women and special types of officers should be appointed for the women who may take cases of women when they are in peril. There may be rape cases, there may be dowry cases, there may be cases relating to inheritance, etc. Normally the girls give away their inherited property in favour of their brothers. All these cases should be looked into by these Special Courts for women. Therefore, you have to take remedial measures so that women could become economically independent. Certain jobs can be reserved for women only. You have to make them socially and economically independent. As far as family tradition is concerned, you have to remove the distinction between brother and sister, husband and wife, daughter and son, etc. Special courts are necessary foregiving speedy remedy. We should not appoint only men as judges for deciding cases of women.

Under section 7(b), the complaint should be made within one year from the date of offence. One year is too short. Sometimes offences are committed after one year. Therefore, this should be made five years.

This programme of dowry prohibition should be implemented through social organisations. I represent the Faculty of Law and I feel that law students can play a very important role in this regard. If you make it imperative that some social service should be rendered by every student before the law degree is awarded, we

can provide you with a large body of volunteers who will undertake this work and report the matter of the appropriate authorities.

There should be a separate legal cell for women to render free legal service to the women.

SHRIMATI PRAMILA DANDAVATE: Don't you think that the whole law should be scrapped and a new law enacted where there will be no loophole?

PROF. SHRADHA KUMARI: Certainly. I am pleading for that.

SHRIMATI PRAMILA DANDAVATE: Should the offence be cognizable, bailable and compoundable?

PROF. SHRADHA KUMARI: The substance of the law is very defective. As long as the substance is not changed, it does not make any difference whether it is cognizable or non-cognizable. If it is made cognizable, then it becomes a police function and one knows how police function. If there is speedy settlement of the disputes, then it will not make much difference whether it is cognizable or non-cognizable.

SHRIMATI PRAMILA DANDAVATE: Should the punishment be given both to the taker and the giver of the dowry?

PROF. SHRADHA KUMARI: Both.

SHRI B. SATYANARAYAN REDDY: Do you recommend a common civil code?

PROF. SHRADHA KUMARI: Yes.

SHRI B. SATYANARAYAN REDDY: About Explanation to Section 2, are you in favour of retaining that Explanation or in favour of scrapping it altogether? What do you suggest about gifts that are given at the time of marriage?

PROF. SHRADHA KUMARI: It is unnecessary.

SHRI ANANTHA RAMULU MALLU: You have suggested about the registration of marriage. Is it possible at the village level?

PROF. SHRADHA KUMARI: It is very much possible.

श्री बी सत्यनारायण रेड्डी : आप यह बताइये कि अगर शादी के वक्त माता-पिता अपनी बच्ची को गहना, साड़ी, कपड़ा वगैरह देना चाहते हैं तो वह गिफ्ट में आयेगा या डाउरी में आयेगा ? देना चाहिये या नहीं देना चाहिये ?

प्रो श्रद्धा कुमारी : जो देना चाहेंगे, वे स्वेच्छा से देंगे ।

सभापति महोदय : हम जानना चाहते हैं जैसे मंगलसूत्र के बिना शादी नहीं होती है, बिना सिंदूर-दान के शादी नहीं होती है, एक छोटी सी चांदी की डिबिया में सिंदूर देते हैं, अगर कोई गरीब है तो केले के पत्ते पर सिंदूर रखते हैं, जिनकी आमदनी है, वह चांदी की छोटी डिबिया में रखते हैं, जो गरीब होता है वह चांदी का पानी ही चढ़वा देता है तो मंगलसूत्र को गिफ्ट में रखेंगे या डाउरी में ?

प्रो० श्रद्धा कुमारी : वह न गिफ्ट है और न डाउरी है । वह तो कस्टम है ।

श्रीमती विद्यावती चतुर्वेदी : कस्टम के नाम पर सोने-जवाहरात की बड़ी डिबिया दे सकते हैं, उसको क्या करेंगे ?

प्रो० श्रद्धा कुमारी : दे सकता है, उसको क्या कर सकते हैं ? मेरा कहना है कि तमाम शादियों की रजिस्ट्रेशन हो और तमाम गिफ्ट्स की आइटम्स की भी रजिस्ट्रेशन हो ।

श्री जगपाल सिंह : दूसरी जगहों पर एक चीज सामने आई है, आप भी बतायें कि पेरेन्ट्स की प्रापर्टी में लड़की का शेयर होना चाहिये या नहीं ? जैसा कि लड़के का होता है ?

प्रो० श्रद्धा कुमारी : बिल्कुल होना चाहिये । अगर इन्हैरीटैंस ला इफैक्टिव हो जाये और लड़कियों को इकनामिकली इंडिपैंडैंट कर दिया जाये तो दहेज की आवश्यकता ही नहीं पड़ेगी, यह अपने आप समाप्त हो जायेगा ।

SHRI ANANTHA RAMULU MALLU: You said that five years time should be given for making the complaint. But if there are cases even after that, what do you suggest about that?

PROF. SHRADHA KUMARI: You may give discretion to the proper authority.

श्रीमती विद्यावती चतुर्वेदी : जैसा आपने बताया, यह बाते सही हैं कि हमारे यहां शादी में कन्यादान और जो दूसरे सिस्टम हैं, वह बड़े कन्फ्यूज्ड हैं । गिफ्ट वगैरह जो दिये जाते हैं, वह सभी चीज दान हो जाती हैं उसमें लड़की का कोई हक नहीं रहता है । आपने कहा कि प्रापर्टी में हिस्सा मिलना चाहिये, क्या आप इस बात को महसूस करती हैं कि इस से इस तरह की दिक्कत नहीं आ सकती है कि जिसके यहां ज्यादा से ज्यादा प्रापर्टी हो, वहीं लड़के की शादी की जाये ? क्या इसमें भी कोई लिमिट होनी चाहिये कि ज्यादा से ज्यादा इतनी हो और कम-से-कम इतनी हो ? क्या आप यह भी महसूस करती हैं कि वह प्रापर्टी लड़की के नाम हो और खुदा-नखास्ता अगर लड़की मर जाये और उसके कोई इश्यू न हो तो वह प्रापर्टी उसके मां-बाप या भाई को वापिस कर दी जाये और सन्तान हो तो प्रापर्टी उसके हसबैंड या सास-ससुर को न मिले, बल्कि उसके बच्चे को मिले ? क्या ऐसा करने से जो आत्महत्याएं इस समय हो रही हैं, उनमें कोई कमी आ सकती है ?

प्रो० श्रद्धा कुमारी : जरूर आ सकती है।

सभापति महोदय : अगर आप और सुझाव देना चाहें तो वे लिख कर भेज दीजिए ।

आपने अभी कहा है कि हमारे बिल की धारा दो में कंसीड्रेशन की बात है— It is stated as follows:

"Explanation-I.—For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as *consideration* for the marriage of the said parties."

If the word 'consideration' is deleted, then these articles would not come under the purview of dowry.

PROF. SHRADHA KUMARI: I welcome this particular clause. But social evils of this kind can be stopped and the loopholes in the law can be plugged to a great extent if there is a radical or complete change in the law. Another point is that there should be an independent court for dealing with the offences relating to women. The next point is that the Legal Aid Committee must be free from other authorities, otherwise it may not function in some States. If it is free, women can also go to that Legal Aid Committee.

In Section 11(1) of Cr. P.C. there is a provision for Special Courts or Judicial Magistrate Courts for trying cases. May be there are so many cases pending for the last 15 or 20 years. But there is definitely a provision for appointing Special Courts.

सभापति महोदय : हमारे सी० आर० पी० सी० एक्ट में स्पेशल कोर्ट का प्रोविजन है । उसके बावजूद भी आप इसमें अलग से स्पेशल कोर्ट का प्रोविजन रखना चाहती हैं । जब उसमें है तो इसमें रखने की क्या जरूरत है ?

प्रो० श्रद्धा कुमारी : उसमें तो कुछ हुआ ही नहीं, वह तो इनइफेक्टिव रहा है ।

सभापति महोदय : अच्छा आप इस बारे में लिख कर भेज दीजिए, वह ला इफेक्टिव नहीं रहा है । क्या आप कानून में बिल्कुल रद्दो-बदल चाहती हैं, आमूल चूल परिवर्तन चाहती हैं ? इस सब के बारे में लिख कर भेज दीजिए । आपका बहुत बहुत धन्यवाद ।

(The witnesses then withdrew).

VI—Dr. (Kumari) Kanchanlata Subbarwal

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

डा० (कुमारी) कंचनलता सभरवाल : में संक्षेप में ही अपने सुझाव दूंगी ।

एक तो दहेज की परिभाषा बड़ी वेग टर्म्स में दी गयी है । इसको क्लीयर किया जाना चाहिये । इसमें आर्टिकल्स के वेल्यू को भी दे दिया जाए । जैसे फ्रिज है या कोई और चीज है उसकी कीमत भी दे दी जाए । यह अच्छा रहेगा ।

जहां तक कंसीड्रेशन की बात है, जब तक कि लेना और देना एक समझौते के अन्तर्गत नहीं होता तब तक उसे अपराध माना जाए । यह अपराध लड़के वालों के लिए भी हो और लड़की वालों के लिए भी हो । इससे लड़की वाले भी कुछ देने से घबराएंगे । इसका प्राविजन इसमें किया जाना चाहिए ।

तीसरे मेरा सुझाव है कि गिफ्ट्स कितनी सीमा तक दिये जाएं, वह भी इसमें आना चाहिए । अगर उपहार देने आवश्यक हों तो उनको प्रापर्टी की सीमा में लाया जाना चाहिए ।

जो भी दिया जाय वह स्त्री धन हो और उसकी सूचियां बना करके एक सूची किसी मैजिस्ट्रेट के पास जो सरकारी हो उसके पास भी जमा की जाय और दूसरी सूची माता-पिता के पास हो लड़की के और वह लड़की का ही धन हर हालत में होना चाहिये । जो दंड का प्रावधान है 6 महीने या 5,000 रु० जुर्माना यह कम है । सजा कम से कम 1 वर्ष तक होनी ही चाहिये । ऐक्ट के सेक्शन 7 (बी) के बारे में मेरी राय है कि इसमें जो एक साल की सीमा दी गयी है यह नहीं होनी चाहिये । इस अवधि के बाद भी अगर कोई शिकायत पहुंचती है तो कार्यवाही होनी चाहिये, यद्यपि प्रमाणित करना कठिन होगा । इसलिये अवधि न रखी जाय और अगर रखी जाय तो अवधि कुछ कम ही हो तो ठीक है ।

इस अधिनियम में कुछ चीजों की चर्चा नहीं की गयी, जैसे कि विवाह का जो व्यय होता है उस पर भी कुछ सीमा होनी चाहिये, वह भी दहेज की परिभाषा के आसपास आ जानी चाहिये । अगर कोई कहे कि विवाह में इतना खर्च होना चाहिये तो वह दहेज माना जाए । यह आफेंस बेलेबिल होना चाहिये । उपहार तो हर प्रकार से स्त्री धन ही माना जाना चाहिये । शिकायत करने वाला चाहे कोई भी हो, चाहे महिलाओं की संस्था हो उसको सुना जाय । अभी उनको अधिकार नहीं है शिकायत करने का कि अमुक स्थान पर ऐसा कार्य किया जा रहा है, क्योंकि एक तो ठहराने को प्रमाणित करना कठिन है और अगर यह हो कि उसके संबंधी ही शिकायत करें तो मुश्किल है ।

इसलिये कुछ संस्थाओं को अधिकृत कर दिया जाय वह भी शिकायत कर सकें और प्रमाणित कर सकें तो अच्छा रहे । अदालत तो स्वीकार कर ली है बहुत हद तक, और स्पेशल कोर्टस द्वारा ही ऐसे अपराधों का निराकरण होना चाहिये । कानून और जन-सहयोग दोनों साथ चलने से जनमत जब तक नहीं बनेगा तब तक केवल कानून ही प्रभावी बन जाय यह कठिन दिखाई पड़ता है ।

श्री जगपाल सिंह : आपने कहा डाकूमेंटरी ऐवीडेंस खत्म कर दी जाती है, तो क्या आप ऐसा प्रावधान इस ऐक्ट में रखना चाहेंगी कि मर्डर या सुइसाइड साबित करने की जिम्मेदारी शौहर की ही होनी चाहिये, यानी ओनस आफ प्रूफ लड़के वालों पर हो ?

डा. कुमारी कंचनलता सभरवाल : जी हां ओनस आफ प्रूफ हैसबेंड या उसके परिवार पर होना चाहिये ।

(The witness then withdrew)

VII—(i) Kumari Tara Gorowala

(ii) Shrimati Vidya Bajpai

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

कुमारी तारा गोरोवाला : महोदया, जो कुछ अब तक कहा गया है, मैं उसके बिल्कुल ही खिलाफ हूं । सिर्फ कानून से ही सब कुछ नहीं हो सकता है । आपने कानून के जरिये शराब बन्दी बरसों तक रखी लेकिन उसमें सफल नहीं हो पाये । इसमें करोड़ों रुपया देश का नुक्सान हो गया । जो चीजें आप अपने द्वारा ही घर में प्रेमपूर्वक हल कर सकती है, उनको कानून में लाकर एक झगड़े का बेसिस देकर आप हल करना चाहती हैं, हमारी जानकारी से इस तरह से वह कभी सफल नहीं हो सकती है । लड़की भी हमारी है और लड़के भी हमारे हैं । जब घर में बहू आती है तो वह किसी की लड़की होती है और हमारी लड़की जब किसी के घर जाती है तो वह वहां की बहू होती है । हमको कुछ सीखना होगा और बच्चों को कुछ सिखाना होगा । केवल लड़कियों को ही नहीं, लड़कों को भी सिखाना होगा, तभी समस्या का समाधान हो सकता है । यह सिर्फ एजूकेशन से हो सकता है चाहे वह एजूकेशन घर में हो या स्कूल में हो । इन नियमों और अधिनियमों को बनाकर हम एक तस्वीर दुनिया के सामने रख सकते हैं कि हम यह कर रहे हैं, लेकिन जो चीज हम चाहते हैं, वह इससे कभी होने वाली नहीं है । यह चीजें सरकार के द्वारा कभी नहीं हो सकती हैं ।

आज आप जो महिलाएं वहां बैठी हैं, वह कैसे बैठी हैं ? क्या इन पुरुषों ने आपको यहां बैठाया है ? आप सिर्फ एजूकेशन की वजह से वहां बैठी हैं । यही एक कीज हो सकती है जो स्त्रियों का उद्धार कर सकती है, कानून नहीं ।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि इन पुरुषों ने हमको आगे

नहीं बढ़ाया, क्या आप यह बात मानेंगी कि महात्मा गांधी पुरुष ही थे, जिन्होंने चारदीवारी से हमको बाहर निकाला है ?

कुमारी तारा गोरोवाला : हमारे पिता थे, जिन्होंने महात्मा गांधी से पहले हमको बाहर निकाला है ।

श्रीमती विद्यावती चतुर्वेदी : वह भी तो पुरुष ही थे ।

कुमारी तारा गोरोवाला : अगर मेरी मां नहीं चाहतीं, तो मेरे पिता जी भी कुछ नहीं कर सकते थे ।

श्रीमती विद्यावती चतुर्वेदी : शिक्षा से आपका क्या मतलब है ? क्या घर में बच्चों को इस तरह की शिक्षा दी जाये कि वह दहेज न लें या जो शिक्षा प्रणाली है, उसमें दहेज की बुराई या इस तरह की जो समाजिक बुराइयां हैं, कुरीतियां हैं उनके खिलाफ विषय रखे जायें, इस बारे में आपका क्या विचार है ?

कुमारी तारा गोरोवाला : मेरे विचार में शिक्षा बच्चे की उसी दिन शुरु हो जाती है, जिस दिन बच्चा मां के गर्भ में जाता है । सबसे पहली गुरु है मां । जब वह स्कूल में जाता है तो टीचर गुरु होता है ।

श्रीमती विद्यावती चतुर्वेदी : जो जितनी ऊंची शिक्षा ले रहा है, उतनी ही ज्यादा डाउरी मांग रहा है । डाक्टर, आई. ए. एस., आई. पी. एस. और दूसरी परीक्षाओं में सफल लड़कों की डाउरी बढ़ती जाती है और लाखों तक पहुंच जाती है । क्या आप ऐसा चाहती हैं कि हमारी शिक्षा के जो कोर्स हैं, छोटे से लेकर बड़ों तक हम उसके स्टेण्डर्ड को बढ़ाते जायें जिससे उनके दिमाग में यह बात आ जाये ?

कुमारी तारा गोरोवाला : मैं केवल साक्षरता को शिक्षा नहीं मानती हूं । पढ़ना-लिखना आ जाना और समझना नहीं, उसके अनुरूप काम करना नहीं, तो वह शिक्षा नहीं है । ऐसी शिक्षा तो नौकरी की तलाश करने का तरीका है । शिक्षा हमारे मस्तिष्क को सोसाइटी में लाती है, जहां हम गलत-सही को समझ सकें । बचपन में मां-बाप शिक्षा दें और स्कूल में ऐसी शिक्षा दें जिससे उनके संस्कार बन सकें ।

श्रीमती प्रमिला दंडवते : सिर्फ कानून दहेज प्रथा को नही मिटा सकते, यह बिल्कुल सही है । शिक्षा और पब्लिक ओपीनियन की जरुरत है । लेकिन जब कानून होता है, उसके आधार पर मां भी कार्यवाही करना चाहती है, लेकिन किसी लड़की की शादी के समय जब ससुराल वाले मांगते हैं उस समय अगर कानून मदद करता है कि गलत काम है तो उस तरह के कानून की भी जरुरत है या नहीं ?

कुमारी तारा गोरोवाला : अगर माता-पिता के पास धन दौलत है और वह अपने लड़कों को देते हैं तो लड़कियों को वह क्यों न दें ? अवश्य दें ।

श्रीमती विद्या वाजपेयी : : मैं सिर्फ कुछ प्वाएंट्स ही आपके सामने रखना चाहती हूं । गिफ्ट शब्द इसमें परिभाषित होना चाहिए । मैं तो कहती हूं कि गिफ्ट का नाम ही नहीं होना चाहिए । जहां तक मंगलसूत्र और सिन्दूर दान की बात है, इनके बारे में स्पष्ट कर दिया जाना चाहिए कि कितनी कीमत के ये दिये जा सकते हैं । नहीं तो इनकी आड़ ले कर दहेज पूरी तरह से चलेगा और हमारा जो इसे बन्द करने का उद्देश्य है वह पूरा नहीं होगा ।

दूसरे मेरा कहना यह है, जैसा कि और लोगों ने भी बताया, जो कुछ भी दिया जाए उसकी लिस्ट बने । वैसे तो मैं इसके बिल्कुल ही खिलाफ हूं कि कोई भी चीज दी जाए । जब हम अपनी लड़की की शादी करने जाते हैं तो पहले यह देखते हैं कि लड़का कितना पढ़ा-लिखा है, कितना कमाता है । फिर ये सब देने की आवश्यकता नहीं है ।

सभापति महोदय : आपका कहना यह है कि साड़ी भी न दी जाए ?

श्रीमती विद्या वाजपेयी : पहनने के कपड़े गिफ्ट के रूप में क्या-क्या दिए जाएं इनको परिभाषित किया जाना चाहिए ।

सभापति महोदय : आपका कहना यह है कि इसको जो डिफाई कर दिया जाए ?

श्रीमती विद्या वाजपेयी : अगर इसमें आप चार साड़ी देने की बात रखती हैं तो सभी चार साड़ियां देंगे ।

सभापति महोदय : आप चाहती ह कि ये गिफ्ट के रूप में न हों ?

श्रीमती विद्या वाजपेयी : जब गिफ्ट शब्द का लोप हो जाएगा तो मेरा ख्याल है कि गिफ्ट की आड़ में दहेज नहीं चलेगा । जो भी दैनिक जीवन के उपयोग की चीजें दी जाएं, उनका ब्यौरा बनना चाहिए और उनको क्लेरिफाई किया जाना चाहिए ।

अगर मेरिजिज का कम्पलसरीली रजिस्ट्रेशन होने लगे तो भी इस समस्या पर हम काफी कंट्रोल पा सकते हैं । बाद में कोई धार्मिक रीति-रिवाज भी अगर कोई करना चाहे तो वह कर सकता है लेकिन मेरिज का रजिस्ट्रेशन बहुत जरूरी है।

इसके अलावा हमारे सम्बन्धित विभाग, जैसे कि हमारा सी० आई० डी० विभाग है वह भी इन सब चीजों को देखे कि क्या दिया जा रहा है, क्या नहीं दिया जा रहा है। इस में हमारी सामाजिक संस्थाओं को सक्रिय हो कर रिपोर्ट करनी चाहिए।

बहुत से केसिज लिंगर आन होते रहते हैं और सालों तक होते रहते हैं। ऐसे केसिज के लिए स्पेशल कोर्ट का प्रावधान किया जाना चाहिए जिस से कि केसिज का जल्दी से जल्दी निबटारा हो।

श्रीमती कनक मुखर्जी : क्या आप चाहती हैं कि वही मेरिज मान्य हो जो रजिस्टर्ड हों ?

श्रीमती विद्या वाजपेयी : जो मेरिज रजिस्टर्ड हो वही शासन द्वारा मान्य होनी चाहिए। अगर कोई धार्मिक रीति से भी करना चाहते हैं तो वे बाद में अपने घर में कर सकते हैं।

श्रीमती विद्या चतुर्वेदी : गोआ में वही शादी मान्य होती है जो कि रजिस्टर्ड होती हैं। वहां के एक्ट के अनुसार जो कुछ लड़की को दिया जाता है वह भी उसी समय रजिस्टर्ड हो जाता है और जो कुछ दिया जाता है वह लड़की का होता है। वहां के कानून में यह भी है कि अगर लड़की की मृत्यु हो जाए तो अगर इसके बच्चे हैं तो वह प्रापर्टी उनको जाती है अन्यथा लड़की के माता-पिता को वापस करनी होती है। उस पर लड़की के ससुराल वालों का कोई हक नहीं होता है। क्या आप इस से सहमत हैं ?

श्रीमती विद्या वाजपेयी: मैं शत-प्रतिशत सहमत हूं। लेकिन अगर इस प्रापर्टी पर सास-श्वसुर का अधिकार रख दिया जाता है तो भी बहुत से मर्डर होंगे।

सभापति महोदय: अच्छा, बहुत बहुत आपको धन्यवाद।

(The witnesses then withdrew)

VIII—Shri Vikas Bajpai

(The witness was called in and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री विकास वाजपेयी : हम लोग लिखित में लाये हैं।

सभापति महोदय: अगर आप कोई मेमोरेण्डम देना चाहते हैं तो वह दे दीजिए। हम उसको देख लेंगे।

श्री विकास वाजपयी : यह तो हमारा मेमोरेण्डम है। इसके अलावा मैं आप से प्रार्थना करना चाहता हूं कि सब लोग इस संबंध में कानपुर में बहुत अच्छा काम कर रहे हैं, प्रमिला जी भी हमें बहुत सहयोग दे रहीं हैं। हम फरवरी में वहां एक प्रदर्शनी करने जा रहे हैं। अतः हम चाहत हैं कि आपकी समिति उस समय पर कानपुर का भी दौरा करे। यह बड़ी विशाल प्रदर्शनी होगी।

सभापति महोदय: प्रमिला जी इस मामले में बहुत कर्मठ हैं। जहां तक कानपुर जाने का सवाल है वह तो हम दिल्ली जाकर विचार करेंगे। अच्छा आपका बहुत बहुत धन्यवाद।

(The witnesses then withdrew)

IX—Bharat Sewak Samaj, Kanpur.

नोट: (भारत सेवक समाज कानपुर के प्रतिनिधियों ने अपना मेमोरेण्डम समिति को पेश किया और कानपुर आने का निमंत्रण भी दिया। तत्पश्चात् वह चले गए)

X Shrimati Savita Rani

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती सविता रानी: दहेज कानून के सम्बन्ध में मेरा निवेदन है कि इस को प्रोहिबीशन न रख कर के डावरी ऐक्ट रखा जाय पार्टी टु दी मेरिज में पेरेन्टस होते हैं न कि लड़की और

लड़का। हमारे यहा जो शादियां हो रहीं हैं वह किस तरह की होनी चाहिए एक तो एडल्ट मेरिज होती हैं इसलिए ऐग्रीमेंट और डावरी का शब्द जो एक्ट में आया वह अपने आप खत्म हो जाएगा। डावरी के संबंध में जो पार्टीज का एग्रीमेंट है यह शब्द डिलीट हो जाना चाहिए। इसी तरह से जो डावरी की डेफीनीशन है अगर आप पेरेन्ट्स और पार्टी पर इम्पार्टेन्स न दें तो काफी हद तक कामयाब हो सकते हैं। डावरी पेरेन्ट्स ही दे सकते हैं जब मैरिजेज रजिस्टर होंगी तो पार्टीज में पेरेन्टस हट ही जायेंगे। पेनाल्टी प्यूनिटिव न हो कर डेटेरेंट होनी चाहिए। लड़कियों को भी शिक्षा दी जानी चाहिए और बताना चाहिए कि दहेज प्रथा अच्छी नहीं है। जिस प्रकार इजराइल में ट्रेनिंग होती है वैसे हमारे यहां भी होनी चाहिए।

(The witnesses then withdrew)

XI (1) Shri Mahadev Kushawaha

(2) Shrimati Santosh Awasthi

(3) Shrimati Maya Devi

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री महादेव कुशवाहा : ज्यादातर दहेज प्रथा शिक्षित और पैसे वालों में है पैसे वाले ही सब गड़बड़ कराते हैं ऐसा देखा गया है।

सभापति महोदय : ऐसा नहीं है, कुछ हरिजन भी हैं जिन्होंने अपनी लड़कियों को बहुत पैसा दिया है।

श्री महादेव कुशवाहा : हरिजनों में कम है।

सभापति महोदय : गरीबों के साथ कोई समस्या नहीं है।

श्री महादेव कुशवाहा : स्त्री धन का कानून बना हुआ है। विदाई के समय जो लड़की को दिया जाता है, या मंगल सूत्र है यह सब स्त्रीधन होना चाहिए। पैसा न होने के कारण जो अनमेल शादियां होती हैं इसके लिए कानून में प्रावधान होना चाहिए। जैसे सामाजिक संस्थाएं हैं उन्हीं के माध्यम से शादियां हों।

सभापति महोदय : अगर आप चाहें तो अपने सुझाव लिख कर भेज दें अच्छा रहे।

श्री महादेव कुशवाहा : जी हां, मैं लिख कर भेज दूंगा।

(The witnesses then withdrew).

XII—Shrimati Rani Lila Ramkumar Bhargava.

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence

shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती रानी लीला राम कुमार भार्गव: मैं विधान परिषद् की भूतपूर्व सदस्य हूं और इस समय नेशनल काउंसिल फार वीमेन इन इंडिया और महिला इमदाद कमेटी की अध्यक्ष के नाते यहां आई हूं।

महोदय, दहेज हमारे समाज के लिए बहुत ही बड़ा अभिशाप है। उसको आसानी से हटाना भी हम लोगों के लिए संभव नहीं है। अगर किसी शादी में यह अपराध साबित हो जाता है कि लड़की की ससुराल वालों ने दहेज लिया है तो उसे दंडित कर सकते हैं लेकिन अगर अंडर-हेंड डीलिंग हो जाती है तो गवर्नमेंट तक यह खबर भी नहीं पहुंच सकती और न ही समाज के लोगों को इसका पता लगता है। इसलिए बहुत आवश्यक यह है कि हम जनमत-संग्रह करें और एक इस तरह का अभियान प्रारंभ करें जैसे कि हमने परिवार नियोजन के लिए किया है। उसी तरह से दहेज उन्मूलन के लिए भी अभियान बहुत आवश्यक है। इसके बारे में जितनी भी हम पब्लिसिटी दे सकते हैं, सिनेमा के द्वारा पोस्टर्स के द्वारा, मीटिंग कर के मास-मीडिया वगैरह से, जितनी भी हम इसके लिए इन चीजों का उपयोग कर सकें, वह करना चाहिए।

अगर कोई ऐसे केसेज सामने आते हैं जिस में लड़की की ससुराल वाले सासससुर उस में जला देते हैं तो उसका कारण यहीं होता है कि दहेज काफ़ी नहीं मिला। इसी तरह से अपराध साबित हो जाता है। उसके लिए सख्त से सख्त सजा मिलनी चाहिए। जो भी प्रोवीजन आप इस में रखें वह ऐसा हो जिस से दहेज लेने वाले को भय हो और भय के कारण वह न मांगे।

हर शादी में माता-पिता अपनी श्रद्धा के अनुसार दहेज देना चाहते हैं और देते हैं, कपड़ा, जेवर वगैरह देते हैं। वह दहेज नहीं माना जाता है। हालांकि पहले जमाने में उसे दहेज कहा जाता था।

यहां दहेज से अभिप्राय यह है कि शादी में वर-पक्ष के लोग जो कहते हैं कि हमको टीके में 10, 20 हजार रुपये चाहियें कार-फ्रिज टी० वी० चाहिये। मैं एक मामूली हैसियत की औरत को जानती हूं जो नौकरी करती है, उसकी लड़की की शादी में लड़के वालों ने कहा कि हम को स्कूटर दो तब शादी मंजूर करेंगे। जब मुझे मालूम हुआ तो मैंने उसकी सूचना सरकार को पहुंचाई इस तरह से अगर 2, 4 समाज के व्यक्ति इस तरह की बातें आगे पहुंचाते हैं तो उनकी बात पर छान-बीन होनी चाहिए।

सभापति महोदय: अगर खबर कर देंगे तो शादी नहीं होगी, टूट जाएगी।

श्रीमती रानी लीला राम कुमार भार्गव: यही बात आ जाती है, इसलिए कुछ होता नहीं है।

सभापति महोदय: अगर इसको एक्ट में दे दें तो क्या उस से दहेज का प्रावलम सौल्व नहीं होगा?

श्रीमती रानी लीला राम कुमार भार्गव: मैंने कहा कि ऐसा बड़ा कठिन है। परन्तु यदि एक-दो को सजा मिलती है तो लोगों में कुछ न कुछ डर हो जाएगा।

सभापति महोदय : सजा का प्रावीजन है, लेकिन कारगर है या नहीं, यह दूसरी बात है।

श्रीमती रानी लीला राम कुमार भार्गव : इन्फलुएन्शल लोगों में यह कैसे होगा ? उनका मामला रफ़ा-दफ़ा कर दिया जाता है। अगर किसी ने अपनी बहू को मार डाला है, तो यह फैक्ट सब जानते हैं, फिर भी मामला दबा दिया जाता है। इसके लिए कुछ न कुछ करना आवश्यक है।

(The witness then withdrew)

XIII—Shrimati Brij Kumari Mulla

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती ब्रज कुमारी मुल्ला : दहेज की एक ऐसी जटिल समस्या है कि अगर यह नहीं दिया जाता है तो लड़की की शादी अच्छी जगह नहीं होती है। मां-बाप दहेज देते हैं तो इस नियत से देते हैं कि यह इन्वेस्टमेंट है। वह समझते हैं कि हमारी लड़की की जिन्दगी बन गई तो यह एक इन्वेस्टमेंट हो गया।

अगर मैरिज की एज रेज करें और यह चीज स्ट्रिक्टली एन्फोर्स की जाये तो इस से समस्या हल हो जायेगी। जब एडल्टस शादी करेंगे और रजिस्ट्री शादी की होगी तो वे ही प्रोजेक्ट करेंगे। लड़का कहेगा कि हम लेंगे नहीं, लड़की कहेगी कि मां-बाप देंगे नहीं। तभी शादी होगी। यह सोशल स्ट्रक्चर सोसाइटी का होना चाहिए। यह ओवर-नाइट नहीं हो सकता है। अगर ओवर-नाइट चेंज नहीं भी कर सकते तो इसके मायने यह नहीं है कि एफर्ट भी नहीं करेंगे। आज इस में चेंज करना बहुत जरूरी है।

आज भी रूरल एरिया में और अर्बन एरिया में वाजदफ़ा मां-बाप के कहने से शादी के लिए लड़के और लड़कियां तैयार नहीं होते हैं। धीरे धीरे यह चेंज आ जायेगा।

अगर इंटर-मैरिज लागू करें तो यह कर सकते हैं। अगर दहेज देने वाले की लड़की ने सफर किया है तो उसके लिए बहुत सख्त दंड होना चाहिए।

अगर लड़की शिकायत कर दे कि माँग रहे हैं, तो शायद उसको इतना पनिशमेंट दिया जाएगा कि लड़की जिन्दा भी नहीं मिल पाये। मेरा ख्याल है कि एज का लिमिट रेज किया जाये। अगर कहीं कम उम्र में शादी हो और उसकी इत्तिला मिले तो वह स्टाप होनी चाहिए।

सभापति महोदय : सब कुछ एक्ट में है।

श्रीमती ब्रज कुमारी मुल्ला : आपका बहुत अनुभव है, आप ही बतायें कि क्या तरीका किया जाये। हम अपनी जानकारी के लिए भी चाहेंगे कि हम लोग क्या कर सकते हैं, समाज में रह कर हम किस तरह से इस में प्रभाव डाल सकते हैं ?

श्रीमती चतुर्वेदी : हम तो आप से जानने आये हैं। अभी तो हम आपके सुझाव सुनने आये हैं। जब आप सब लोगों के सुझाव हम को मिल जायेंगे तो हम अपना मत बताएंगे। अभी तो हम अपने सुझाव आपको नहीं बता सकते हैं।

अच्छा अब सभी लोगों का बहुत बहुत धन्यवाद ।

अब मैं आप माननीय सदस्यों से कहना चाहती हूं कि हमें इसी बजट सेसन में अपनी रिपोर्ट प्रस्तुत करनी है इसलिए अच्छा हो कि हम एक से चार फ़रवरी तक दिल्ली में बैठ कर इस पर विचार करें।

श्रीमती प्रमिला दंडवते : अभी हमने राजस्थान और गुजरात में तो विटनेसिज ली ही नहीं हैं जहां कि यह समस्या सब से ज्यादा है।

सभापति महोदय: उसको भी हम दिल्ली कर देखेंगे और मल्लू साहब की भावनाए कि हम केरल का भी दौरा करें तो वह भी हम दिल्ली जा कर देखेंगे। अतः अब आप से मेरा निवेदन है कि आप दिल्ली में एक से चार फरवरी तक उपस्थित रहें ताकि इस पर हम विचार कर सकें।

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Saturday, 9 January, 1982 from 11.00 to 13.00 hours in Committee Room No. 80, Vidhan Sabha Bhavan, Lucknow.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shri Jagpal Singh
5. Shrimati Mohsina Kidwai
6. Shri Anantha Ramulu Mallu
7. Shrimati Sanyogita Rane

Rajya Sabha

8. Shrimati Margaret Alva
9. Shrimati Kanak Mukherjee
10. Dr. (Shrimati) Sathiavani Muthu
11. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri Kailash Chand—*Senior Personnel and Executive Officer.*

REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

Dr. Raghbir Singh—*Asstt. Legislative Counsel.*

WITNESSES EXAMINED

I (1) Dr. (Shrimati) Pushpalata Pandey, *Specialist' Women's Programme, State Social Welfare Advisory Board, Lucknow.*

(2) Kumari Gayatri Locadhave, *Senior Welfare Officer, State Social Welfare Advisory Board, Lucknow.*

II (1) Shri R. C. Takru, *Home Secretary.*

(2) Shri G. L. Shukla, *Law Secretary and Legal Remembrancer.*

(3) Shri Gangabaksh Singh, *Legislative Secretary.*

(4) Shri R. K. Agarwal, *Joint Secretary, Law.*

(5) Shri A. P. Aggarwal, *Joint Secretary, Social Welfare.*

(6) Shri Narayan Das, *Deputy Secretary, and Deputy Legal Remembrancer.*

I (1) Dr. (Shrimati) Pushpa Lata Pandey

(2) Kumari Gayatri Locadhave

(The witnesses were called in and they took their seats)

MR CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

मैं आप सब का हार्दिक अभिनन्दन करती हूं । हमें अपेक्षा है कि आप सब के बहुमूल्य सुझावों से समिति लाभान्वित होगी ।

आप यदि कुछ लिख कर लायी हों तो समिति को दे दीजिये ताकि बाद में उसको विस्तारपूर्वक देखा जा सके । आप केवल मुख्य बिन्दुओं पर ही प्रकाश डालें कि कानून में आप क्या परिवर्तन चाहती हैं ।

डा० श्रीमती पुष्पालता पांडे: इस समय हमारे प्रदेश में राज्य समाज कल्याण सलाहकार बोर्ड का गठन नहीं हुआ है। निदेशक, हरिजन एवं समाज कल्याण ऐडमिनिस्ट्रेटर की हैसियत से उसकी व्यवस्था को देख रहे हैं और उनके बिहाफ पर मैं इस कार्य को देख रही हूं । इसलिये मैं यहां पर समाज कल्याण विभाग, उत्तर प्रदेश की ओर से और समाज कल्याण बोर्ड, दोनों की ओर से प्रस्तुत हुई हूं । मेरी सहयोगी समाज कल्याण सलाहकार बोर्ड में सीनियर सोशल वेलफेयर अफसर हैं इसलिये वह भी अपने विचार प्रस्तुत करेंगी । इसलिये हमारे सुझाव सरकार के बिहाफ पर होंगे ।

पहला तो यह कि दहेज की परिभाषा को कुछ अधिक स्पष्ट होना चाहिये और उसमें इसका उल्लेख किया जाना चाहिये कि जो विशेष रस्में हैं जिनमें मुख्य रूप से कैश की मांग की जाती है उनमें कैश बिल्कुल वर्जित कर दिया जाय । प्रत्येक धर्म में कुछ रस्में हैं जिनमें कुछ कैश और सामान दिया जाता है । उदाहरण के तौर पर हिन्दुओं में तिलक होता है जिसमें वर और वधू के कपड़े दिये जाते हैं । यह तो ठीक है, लेकिन उसके साथ जो कैश जाता है उसकी आवश्यकता नहीं है । तो दहेज की प्रथा में यह लिख दिया जाय कि जहां जहां कैश है वह बिल्कुल नहीं होगा ।

दूसरी बात यह कि जो उपहार है वह हमेशा से ग्राह्य है । इसका स्वरूप पहले यह था कि समाज में जब कोई कन्या का विवाह करता था तो पूरा समुदाय उसमें सहयोग प्रदान करता था । और इस तरह से उपहार की प्रथा चली थी । इसमें बोझ बांट लिया जाता था । तो उपहार तो चलेगा । लेकिन उपहार में यह स्पष्ट कर दिया जाय कि कितने तक का उपहार होगा । आज कठिनाई यह हो रही है कि उपहार में लोग डिक्टेट करते हैं कि हमको फ्रिज, टी०वी०, स्कूटर और कार चाहिये । यह बड़े-बड़े उपहार पेरेन्ट्स के ही बर्डन हैं, किसी दूसरे के नहीं हैं । छोटे मोटे उपहार इसे एक दूसरे के यहां देते हैं, लेकिन बड़े उपहार दुखदाई हो गये हैं । गिफ्ट को भी कैश अमाउन्ट के साथ स्पेसिफाई कर दिया जाय कि इस अमाउन्ट से अधिक का उपहार नहीं होगा ।

कानून अपनी जगह पर बिल्कुल सही है । इसको नान-कागनीज़ेबिल रखना ठीक है । काग्नीज़ेबिल रखने से खुशी के मौके पर रंग में भंग हो सकता है । यह भी हो सकता है कि कन्या पक्ष को पुलिस ऐक्सप्लायट करने लगे कि आपकी शादी शांति से नहीं होने देंगे । इसमें जो नान-काग्नीज़ेबिल रखा गया है, मैं इससे पूर्णतः सहमत हूं ।

इसके साथ-साथ जन-शिक्षा की कानून के साथ बहुत बड़ी आवश्यकता है । हमारे यहां बहुत से कानून हैं, लेकिन जन-शिक्षा की कमी के कारण उनकी मान्यता नहीं बढ़ी है । विधवा-विवाह आज का नहीं है, वर्षों पहले कानून ने इसकी इजाजत दी है, लेकिन समाज ने नहीं दी । आज भी उसी विधवा की सराहना होती है जो अपना वधव्य जीवन काटती है, हमारी सामाजिक मान्यताएं उसमें जकड़ी हुई हैं । जब तक हम जन-शिक्षा नहीं लाते हैं तब तक इस कानून का पालन नहीं कर सकते ।

मेरा सुझाव है कि हम ग्राम-स्तर से लेकर राज्य-स्तर तक इस तरह की समितियों का गठन करें जो कि पुनर्विचार करें और इस तरह का अभियान चलायें, युवकों-युवतियों और माता-पिताओं से सकल्प लें । इन समितियों के गठन का अभिप्राय यह नहीं है कि हम समीक्षा करें कि हमारे अधिनियम के तहत कितने केसेज़ पकड़े गये । हमको इस बात की समीक्षा की आवश्यकता है कि कितने लोगों ने इस अधिनियम का अनुसरण किया और अपने यहां दहेज-विहीन विवाह किया । जिन्होंने ऐसा किया हो, उनकी प्रशंसा की जाये, अखबारों में नाम प्रकाशित किये जायें, और भारत सरकार तक यह खबरें पहुंचाई जायें । इस तरह से उनको प्रोत्साहन प्रदान किया जाये ।

जन-शिक्षा से कुछ काम हो सकता है । अभी हमारे कानून कागज में ही बनकर रह जाते हैं, जब कोई मुकदमा कहीं पर पेश होता है तो इन कानूनों के आधार पर कार्यान्वयन होता है, लेकिन इन कानूनों की जानकारी सामान्य लोगों को नहीं है । बहुत से शिक्षित वर्ग के लोगों को भी नहीं है ।

बातचीत में एक सुझाव आया था कि मौहल्ला समितियां, छोटे-छोटे ग्रुप हमको लेने पड़ेंगे । समितियों में इसकी मीमांसा हो । ग्राम-सभा और ब्लाक लैवल पर समितियां बनें, शहरों में सैक्टरवाइज़ समितियां बनें जो कि यह बतायें कि प्रतिभास या जो भी अवधि तय हो कि इसमें हमारे यहां इतने दहेज़-विहीन विवाह हुए हैं या अमुक वर है जिसने यह शपथ ली थी कि दहेज-विहीन विवाह करेंगे ।

जिस तरह से आर्य-समाज का सती-प्रथा को मिटाने का मूवमैंट था, अगर इसी तरह से इसको लिया जायेगा तो कानून समाज-सुधारकों की सहायता करेगा ।

लड़की का प्रापर्टी में अधिकार हो, यह एक ऐसी चीज है कि अगर यह सुनिश्चित हो तो संभवतः इसका भी बहुत प्रभाव अच्छा पड़ेगा । कानूनन लड़की को अधिकार प्राप्त है, लेकिन यह सुनिश्चित नहीं है । जो लड़की अपने भाई के लिये अपना अधिकार छोड़ देती है, उसके सम्बन्ध अच्छे रहते हैं लेकिन जो लड़की अपने हक की मांग करती है, उसके सम्बन्ध अपने भाई से इतने अधिक बिगड़ जाते हैं जितने कि भाई–भाई के आपस में नहीं बिगड़ते । लेकिन चूंकि नई चीज़ आई है कि बहिन भी भाई की तरह प्रापर्टी में हिस्सा ले सकती है, तो इससे सम्बन्धों में कटुता आ जाती है । यह दोनों चीजें इतनी इंटर–रिलेटेड हैं कि अगर लड़की को प्रापर्टी में पूरा हक मिल जाता है तो डाउरी की हकदार लड़की नहीं होती है । हमारे यहां जो लड़ियों को बहुत दिया जा रहा था, उसका कारण था कि एक तो लड़की की शिक्षा पर माता-पिता ज्यादा खर्च नहीं करते थे और दूसरे प्रापर्टी के हिस्से में से क्योंकि उसको कुछ नहीं मिलना

होता था, इसलिये मैक्सिमम शादी पर ही दे देते थे। अगर उसका सामान्य रूप से प्रापर्टी में हक सुनिश्चित हो जाता है तो लड़की को कोई हक नहीं है कि डाउरी ले। इसीलिये मैं यह कहना चाहूंगी कि आज लड़की भी चाहती है कि हमको जो कुछ मिलना हो वह शादी के वक्त ही मिल जाये क्योंकि बाद में पिता चाहें कितना भी धनाढ्य हो, उसकी प्रापर्टी में से कुछ लेने का मतलब है कि भाई से बैर। लड़की यही चाहती है कि हमें शादी के वक्त ही बहुत धन और जेवर मिल जाये। अगर पिता की सम्पत्ति पर अधिकार किसी तरीके से सही रूप में हो जाये तो वर-पक्ष वाले भी डाउरी की मांग नहीं करेंगे और कन्या को भी संतोष होगा कि हमको अपने पिता की प्रापर्टी का शेयर मिल गया।

जहां तक अपराध की बात है कि लड़की को जलाकर हत्या कर दी जाती है, तो जहां पर इस तरह का जुर्म साबित हो, वहां दंड का विधान सख्त-से-सख्त होना चाहिये। लेकिन दहेज के अधिनियम का मंशा यह कदापि नहीं है कि कहीं पर भी रंग में भंग हो। इसका मंशा यह है कि किस तरह से सुधार लायें कि जिससे दहेज न दिया जा सके और लड़की भी शादी के बाद सुखी जीवन व्यतीत कर सके। दहेज की बात जो बढ़ी है, वह सम्पन्न लोगों की वजह से बढ़ी है। उन्होंने इस प्रथा को बढ़ा दिया है और यह नहीं समझा है कि जो हमारे समान धनाढ्य लोग नहीं हैं, उनको कितनी परेशानी उठानी पड़ेगी।

इसलिए जो कमेटी बने, उसका पहला दृष्टिकोण यह होना चाहिये कि दहेज, विहीन विवाह में पहल उनको करनी है जो सपन्न हों। वह अपनी प्रापर्टी में से लड़की को चाहे 4 लाख दे दें, लेकिन विवाह में तिलक के नाम पर कार, फ्रिज, टी० वी० या 4 लाख रुपया वगैरह कुछ नहीं देंगे।

अभी जो कुछ हो रहा है उससे निम्न और मध्यम वर्ग के लोगों के लिये अपनी लड़कियों की शादी करना असंभव हो रहा है और बहुत से मां-बाप यह चाहते हैं कि हमारी लड़की पसन्द आ जाये, खर्च चाहे जो करना पड़े।

धीरे-धीरे इस तरह के अवसर भी आने चाहिये कि लड़के और लड़की अपनी पसन्द की शादी करें, इससे भी दहेज के अभिशाप को रोका जा सकता है। कानून के साथ-साथ एक अभियान कानून के अमल का भी चलाना चाहिये।

कुमारी गायत्री लोकधावे : मैं विशेष कुछ नहीं कहना चाहूंगी। सिर्फ इतना कहना चाहूंगी कि इन नियमों में इतना कर दिया जाए कि शादी के पहले लोग अपने असेट्स का ब्यौरा गवर्नमेंन्ट को दे।

श्रीमती विद्यावती चतुर्वेदी : जब प्रापर्टी में लड़की को हिस्सा मिलने लगेगा तो क्या लोग इस बात की कोशिश नहीं करेंगे कि शादी ऐसे परिवार में की जाए जिसके पास बहुत प्रापर्टी हो जिससे कि उन्हें भी प्रापर्टी में हिस्सा मिले? जो लोग गरीब होंगे उनकी लड़की से शादी करना कौन पसन्द करेगा?

डा० श्रीमती पुष्पलता पांडे : यह प्रबलम तो आज भी हमारे समाज में है। आज भी लोग अपने दिल में ऐसी भावना रखते हैं कि ऐसे परिवार में विवाह करें जहां से जिन्दगी भर आता रहे। यह प्रवृत्ति कहां रुक सकती है।

श्रीमती विद्यावती चतुर्वेदी : मान लीजिए कि अगर ऐसा प्रावधान किया जाए कि जो कुछ भी लड़की को प्रापर्टी मिले उसमें इन-लाज का अधिकार न हो और खुदा न खास्ता लड़की की मृत्यु हो जाए तो वह प्रापर्टी या तो उसके बच्चों को जाए, या उसके माता-पिता को वापस

जाए, उसके इन-लाज या पति को न जाए तो क्या आप समझती हैं कि इस से मर्डर में कमी आयेगी ?

डा० श्रीमती पुष्पलता पांडे : इससे इसमें कमी नहीं आयेगी । मैंने तो ऐसे केस देखे कि लंगड़ी लड़की से इसलिए ब्याह कर लिया गया है कि उसके यहां से चांदी के कलश आयेंगे और दूसरी चीजें आयेंगी । उसके बाद उसे मार देने की कोशिश की गयी है । दूसरे लड़की की प्रापर्टी मां–बाप को वापस चली जाए, यह व्यावहारिक भी नहीं होगा ।

श्रीमती विद्यावती चतुर्वेदी : अगर बिना कोई बच्चा हुए लड़की मर जाती है और गवर्नमेन्ट के पास उसकी प्रापर्टी का ब्यौरा है, तो फिर यह कैसे संभव हो सकता है ?

डा० श्रीमती पुष्पलता पांडे : इस से लड़की को टार्चर किया जाएगा । यह कोशिश की जाएगी कि लड़की की अब सांस रुकने वाली है, उससे जबर्दस्ती लिखवा लिया जाए ।

श्रीमती प्रमिला दंडवते : आपने कहा कि इसे नान–कागनिजेबल आफेंस न रख कर कागनिजेविल आफेंस बनाया जाए, तो क्या इससे पुलिस द्वारा हरेसमेन्ट नहीं बढ़ जाएगा ? क्या आप यह पसंद नहीं करेंगी कि कुछ सोशल आरगेनाइजेन्स, सोशल वर्कर्स या महिला समिति उसकी रिपोर्ट करें, तभी पुलिस कागनिजेन्स लें ? क्या इससे पुलिस द्वारा हरेसमेन्ट को रोकने में मदद नहीं होगी ?

डा० श्रीमती पुष्पलता पांडे : हां यह हो सकता है ।

(The witnesses then withdrew)

II (1) Shri R. C. Takru
(2) Shri G. L. Shukla
(3) Shri Gangabaksh Singh
(4) Shri R. K. Agarwal
(5) Shri A. P. Aggarwal
(6) Shri Narayan Das

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री आर० सी० टकरू : कानून का विश्लेषण न्याय विभाग ने किया है और उनके सुझाव अधिक उपयोगी होंगे । अगर आप आज्ञा दें तो न्याय सचिव स्थिति को स्पष्ट कर दें । उसके बाद जो कुछ निवेदन मुझे करना होगा वह मैं कहूंगा ।

सभापति महोदय : आपके यहां कोई पुलिस अफसर नहीं है जो दहेज केसेज से डील करते हों, या सी० आई० डी० में कोई सैल हो ?

श्री आर० सी० टकरू : ऐसा कोई नहीं है । महिलाओं के लिये कोई अलग से अधिकारी नहीं है ।

श्री जगपाल सिंह : कितनी इस तरह की घटनायें हुई हैं, ऐसी कोई सूचना आपके पास है ?

सभापति महोदय : आपको सूचना दे दी गई थी हम अपेक्षा करते थे कि महिलाओं से संबंधित एट्रासिटीज के केसेज का लेखा-जोखा आपके पास होगा ।

श्री आर० सी० टकरू : मुझे ला डिपार्टमेंट से यही कहा गया था कि इस वक्त केवल सूचना दहेज से संबंधित होगी, और जो सूचनायें मांगीं थी वह उनको दे दी गई थी । और अन्य अपराध जो महिलाओं के साथ हुए हैं उसकी सूचना बाद में एकत्रित कर के आपको यथा-शीघ्र प्रस्तुत कर देंगे ।

सभापति महोदय : पुलिस अधिकारी हमको प्रेक्टीकल दिक्कत बता सकते हैं, तो आप नोट करके बाद में भेज दीजियेगा ।

श्री जी० एल० शुक्ल : हमने जो समिति को मैमोरंडम प्रस्तुत किया है उस पर शासन के विभिन्न विभागों में विभागीय स्तर पर विचार विमर्श के पश्चात् इस निष्कर्ष पर पहुंचे हैं कि उस मैमोरंडम में कही गई बातों के अलावा जहां तक कानून परिवर्तन का प्रश्न है उनका जो हमने उत्तर दिया है उसी को हम समिति को कहे, यह शासन का दृष्टिकोण है । जैसा आपने कहा है कुछ विकनिश है, यदि उनकी तरफ ध्यान दिया जाये तो उसकी जांच करा कर यथासम्भव कोशिश करेंगे ।

श्रीमती प्रमिला दंडवते : उत्तर प्रदेश देश का सबसे बड़ा प्रांत है । हमें पता चला है कि डावरी केसेज वहां बहुत होते हैं । लेकिन हमें लगता है कि इसको सीरियसली नहीं लिया जा रहा है, प्रिपेयर करके आप नहीं आयें हैं । ब्राइड बर्निंग केसेज के बारे में केन्द्रीय गृह मंत्री ने पार्लियामेंट में ब्यान दिया कि उन्होंने एक सर्कूलर भेजा है सुझाव है के तौर पर कि अगर कोई विवाहित स्त्री शादी के 5 साल के अन्दर अननेचुरल सर्कमटांसेज में मर जाती है, आत्म हत्या करती है या एक्सीडेंट होता है तो उसकी थारो जांच की जाये । अगर उसके पेरेन्टस शिकायत करते हैं कि उन्हें उसकी मृत्यु के बारे में शक है, तो उस पर कार्यवाही की जाये और पोस्टमार्टम कम के कम दो डाक्टर्स कर के रिपोर्ट दें । तो मैं जानता चाहती हूं कि आपके पास एक साल में ऐसे कितने केसेज आये हैं जिन पर आपने कार्यवाही की है ? या कोई शिकायत ही नहीं आती है? हमें पता होना चाहिए क्या उस पर कार्यवाही हुई, क्योंकि हम कानून में संशोधन करना चाहते हैं । तो आपके पास कोई ऐसी जानकारी है कि नहीं ?

श्री आर० सी० टकरू : जितनी शिकायतें इस प्रकार की आती हैं किसी महिला की हत्या हुई है या ऐसी परिस्थितियों हुई कि उसने आत्म हत्या की है तो उनकी जांच के आदेश किये जाये । परन्तु मृत महिला के शव का निस्तारण तब तक न हो जब तक उसके माता पिता न आ जायें, यह व्यावहारिक नहीं होगा ।

श्रीमती प्रमिला दंडवते : आपके पास कितने केसेज आये हैं यह बतायें ।

श्री जगपाल सिंह : लगता है कि जितने भी लोग यहां आये हैं उन्हें कोई तैयारी आपके आफिस से नहीं करायी गयी । पुलिस के सामने क्या दिक्कत है इम्पलीमेन्टेशन में, उसकी कोई जानकारी नहीं है । इनवैस्टीगेशन में क्या प्रोबलम हैं, पेरेन्ट्स की लड़की के क्या प्रोबल्मस हैं अगर इस बारे में आपके पास सूचना नहीं है तो क्या डिस्कशन हो सकता है ?

श्री आर० सी० टकरू : हमें यही आदेश हुआ है कि केवल दहेज अधि-नियम के बारे में बातचीत होनी चाहिये ।

वैसे आप जितना विस्तार चाहेंगे वह हम कर सकते हैं । परन्तु एक व्यापक अथवा विहंगम दृष्टि से बलात्कार से ले कर हर चीज को इसी दहेज अधि-नियम के अन्तर्गत लिया जायेगा इसका हमें आभास नहीं हुआ था, इसलिये मैं क्षमा याचना चाहूंगा ।

सभापति महोदय : अगर तैयारी नहीं है तो वैसा मानना चाहिये । लेकिन एक को कवर करने के लिये जिस तरह आप बता रहे हैं वह उचित नहीं है । क्योंकि दहेज का कानून आपके पास आया है और जो आपने मेमोरेन्डम दिया है उसमें नेचुरल रीजन्स में जो लिखा है उससे क्या निष्कर्ष कोई निका-लेगा ? पंजाब में आपने दिया है कि लड़कियों की संख्या कम है और लड़कों की संख्या ज्यादा है ।

क्या हमारी समिति यह जान सकती है कि डैमोग्राफिक रेशियो आपने इसमें क्यों नहीं दिया? जहां तक हमें जानकारी है, यह पंजाब में 51 और 49 है । क्या इतने से परसैंटेज के लिये वहां डाउरी बढ़ जायेगी ? यह जो इस तरह से वारदातें देखने को मिल रही हैं, पंजाब में बहुत ज्यादा इंस्टांस हो रहे हैं, जहां डाउरी की वजह से लड़कियों की मृत्यु हो रही है, आपने लिखा है कि सोशल ईवल कैन-नाट बी फॉट विध लैजिस्लेशन, तो हमारा कहना यह है कि रोज-रोज कानून नहीं बनाये जाते । कानून एक बार 1961 में बना, लेकिन इफैक्टिव नहीं हुआ । अब हमारी सरकार चाहती है कि इसमें सुधार हो और किसी तरह से इसके लूप-होल्स को बन्द किया जा सके, तो आपने इसमें कोई ऐसा डाटा नहीं दिया है ।

केरल का आपने उदाहरण दिया है, वहां दहेज कम है, तो वहां की पापुलेशन कम है । पंजाब में आज दहेज सम्बन्धी ज्यादतियां अधिक हैं, लेकिन उसके फिगर नहीं दिये ।

लैजिस्लेशन के बारे में आपने कुछ नहीं कहा है । अगर आप समझते हैं कि लैजिस्लेशन से कुछ नहीं हो सकता तो गवर्नमेंट कहे कि इस ईवल को लैजिस्लेशन से फाइट नहीं किया जा सकता है, इसलिये कानून न बनाया जाये ।

कानून भी शिक्षा का माध्यम है, जनता को कानून की जानकारी करायी जानी चाहिये तभी इस पर डिसिप्लिन होगा । जो शिक्षा के बारे में आपने कहा तो क्या आप चाहेंगे कि किसी भी प्रकार का रैगुलेटरी कानून इस सम्बन्ध में नहीं होना चाहिये ? आपके हिसाब से यही लिखा है कि लैजिस्लेशन इज नो रेमेडी । इस बारे में आपको क्या कहना है ?

श्री जी० एल० शुक्ल : जो प्रथम प्रश्न पूछा है, उसके सम्बन्ध में निवेदन यह है कि जहां यह कहा गया है कि लड़कियों और लड़कों के अनुपात में विषमता है, अर्थात पंजाब का उदाहरण देकर बताया है कि लड़कियों की कमी है, लड़के अधिक हैं, तो कहने का अभि-प्राय यह था कि ऐसी स्थिति में डाउरी अमतौर से नहीं होगी । जो डाटा नहीं दिया है, उसके लिये क्षमा-प्रार्थी हूं । ज्यादातर लड़के अपने ही समाज में शादी करना चाहते हैं । बहुत से लड़कों का विवाह नहीं हो पाता है, उसके सामाजिक और आर्थिक कारण भी हो सकते हैं । उनका भी उल्लेख किया है और उसी कांटेक्स्ट में अनुपात वाली बात रखी थी ।

कहने का अभिप्राय यह था कि भारतवर्ष में जिस एरिया में लड़कों की तादाद लड़कियों से अधिक है, वहां पर डाउरी का प्रश्न अपेक्षाकृत कम उठेगा । जहां पर लड़कियों की तादाद अधिक है वहां पर डाउरी का प्रश्न अधिक उठेगा । लेकिन विचार का बिन्दु था कि सप्लाई और डिमांड का प्रस्ताव ।

श्रीमती मोहसिना किदवई : जैसे अभी आप बता रहे थे कि डाटा नहीं है, यह होना चाहिये था, क्योंकि डाउरी से ही संबंधित चीज है । आपके स्टेट में इस तरह की डेथ हुई हैं या नहीं, उसका डाटा कलैक्ट कर के भिजवा दें ।

श्री जी० एल० शुक्ल : जी हां, भिजवा देंगे, उसका अनुपालन होगा ।

श्रीमती मोहसिना किदवई : पुलिस विभाग कहां तक सतर्क है, खासतौर से जो यह क्राइम बढ़ रहे हैं, इसके लिये? यह सब एक दूसरे के साथ कनैक्टेड हैं, डाउरी डेथ के आंकड़े पुलिस के पास होने चाहिये थे । हम जो इसमें अमेंडमेंट करने जा रहे हैं, उसमें खासतौर से पुलिस विभाग की जो प्रैक्टिकल डिफिकल्टीज हैं, उनकी जानकारी आनी चाहिये थी । अगर कानून में हम यह लाभ दें कि ऐसे सरकमटांसेज में डेथ होगी तो 48 घंटे तक बाडी डिस्ट्राय नहीं होगी जब तक कि एस० पी० और डी० एस० पी० उसकी छानबीन कर लें तो क्या इससे आपको मदद मिलेगी ? जो आपके सरकारी अधिकारी और कर्मचारी हैं, उनको इस कानून से क्या मदद मिलेगी ? आपने कह दिया कि कानून से ईविल नहीं हटाया जा सकता, यह तो हम भी जानते हैं, लेकिन हम चाहते हैं कि एक एटमास्फीयर क्रिएट करें । अगर आपका सुझाव आ जाये तो हम कानून और अच्छा बना सकते हैं । अगर आप अब भी इसके लिये कुछ तैयार कर सकते हों, तो डाटा दें और जो पुलिस आफिसर्स फील्ड में जाते हैं, जिनके सुपुर्द यह कम होता है उनकी प्रैक्टिकल डिफिकल्टी हमारे सामने आ जाये तो जहां हमें कानून बनाने में मदद मिलेगी, वहां इससे आपको भी बहुत मदद मिलेगी ।

सभापति महोदय : आपने एक्ट को देखा नहीं है । आप हमें सुझाव दें कि सैक्शन 2 में क्या होना चाहिये और सैक्शन 8 में क्या होना चाहिये । इसके अलावा पुलिस को कितनी पावर दी जायें, या नहीं दी जायें, जब आप सारे एक्ट को देखेंगे, उसकी डीप स्टडी करेंगे तो ही इसके बारे में कुछ बता सकेंगे ।

बहुत सी जगहों पर एक्ट में क्या सुधार होने चाहियें कई लोगों ने हमको लिखकर भेजा है, जिससे हमको मदद मिली है । इसलिये इस मामले में उत्तर-प्रदेश को भी अछूता नहीं रहना चाहिये । आप इस बारे में बाद में अपनी राय भेज दें ।

कई स्टेट ने सजैश्चन दिया है कि सैक्शन 2 में जो वर्ड "कंसीडरेशन" है, उसके स्थान पर क्या होना चाहिए । कई जगह सुझाव आये हैं कि बर्डन आफ प्रूफ लड़की की ससुराल वालों पर डालना चाहिये, अगर यह हो तो कितने हद तक डाला जा सकता है, इस बारे में आप भी अपनी राय बतायें ।

हम चाहते हैं कि आप इस बिल के बारे में यह बताते कि इसमें क्या क्या सुधार होने चाहिए और पुलिस विभाग, सोशल वेलफ़ेयर और ला डिपार्टमेंट तीनों के कोआरडिनेशन से यह बताते । यह विषय

कानून और व्यवस्था से भी सम्बन्धित है । अगर हमें इस सम्बन्ध में पूरे तथ्य न बताए जाएं तो वैसे ही इस सम्बन्ध में चर्चा करने से कोई लाभ होने वाला नहीं है ।

श्रीमती विद्यावती चतुर्वेदी : हमारे यहां एक डाउरी एक्ट विद्यमान है और उसमें हम संशोधन करने जा रहे हैं । हमने आपके विचार जानने के लिए आपकी गवर्नमेंट के पास बिल को भेजा था । हम यह जानना चाहते हैं कि इसमें गृह सचिव, विधि सचिव या और सम्बन्धित विभाग किसी संशोधन की गुंजाइश समझते हैं या इस बिल को पर्याप्त समझते हैं ? मेरे ख्याल में आपने जो मेमोरेण्डम भेजा है, उससे यह स्पष्ट नहीं होता ।

चोरियां होती हैं और हम उनको वर्तमान कानून से नहीं रोक पाएं तो क्या उसके लिए कानून में संशोधन करने की जरूरत है या नहीं । इसी तरह से दहेज का कानून हमारे यहां है लेकिन फिर भी हम दहेज को नहीं रोक पा रहे हैं । अब दहेज रोकने के सम्बन्ध में जो कानून है उसमें संशोधन करने के लिए यह बिल लाया गया है । आगे से दहेज के सम्बन्ध में जो घटनाएं होती हैं वे कम से कम हों उसके लिए आप इस बिल को पर्याप्त समझते हैं या इसमें कोई संशोधन करने का सुझाव देते हैं ?

क्या आपने जो मेमोरेण्डम दिया है वह इन सभी पहलुओं पर विचार कर के दिया है ? क्या आप दहेज की परिभाषा से सहमत हैं, क्या आप इसमें जो 6 महीने की सजा की लिमिट दी गयी है और एक हजार रुपये जुर्माने की व्यवस्था की गयी है, उससे सहमत हैं ?

सभापति महोदय : मेरा ऐसा सुझाव है कि आप इस सब पर विचार कर हमें पहली फ़रवरी तक लिख कर भेज दें । आप इस बिल पर अच्छी तरह से विचार कर हमें अपना मेमोरण्डम भेजें और फिर दिल्ली आकर अपना साक्ष्य दें । उसमें आप सब को आने की जरूरत नहीं है । और भी लोग आ सकते हैं और इस बिल के सभी पक्षों के सम्बन्ध में अपने विचार प्रकट कर सकते हैं ।

श्री आर० सी० टकरू : मैं माननीया से निवेदन करना चाहता हूं कि यह विषय न्याय विभाग के कार्य क्षेत्र में आता है । जैसे माननीया स्वयं जानती हैं कि कुछ अपराध संज्ञेय होते हैं और कुछ असंज्ञेय होते हैं । संज्ञेय अपराधों की श्रेणी में दहेज का लेना-देना नहीं आता है । यह एक सामाजिक समस्या है, एक सामाजिक विषय है । इसमें कन्या पक्ष और वर पक्ष के लेने देने का मामला है । माननीया यह अपराध असंज्ञेय श्रेणी में आता है । अगर आप फिर भी पुलिस अधिकारियों को साक्ष्य के लिए उपस्थित होने को कहेंगे तो आपकी आज्ञा से वे भी उपस्थित हो जाएंगे । वैसे हमारे शासन में ऐसी पद्धति नहीं है ।

सभापति महोदय : दहेज में बहुत सारी चीज़ें हैं । इस में लेने और देने का मामला ही नहीं है । इस बिल में पनिशमेंट का भी उल्लेख है उसके विषय में भी हम जानना चाहते हैं ।

श्री आर० सी० टकरू : दहेज के लेने देने से जो चीज़ें आगे निकलती हैं वे ही इसमें आती हैं ।

श्री बी० सत्यनारायण रेड्डी: क्या आप इस मौजूदा एक्ट में कोई तरमीम करने की ज़रूरत समझते हैं या नहीं ? अगर समझते हैं तो क्या तरमीम लायी जाए, यह हमें बताइये ।

श्री आर० सी० टकरू : इस समस्या को विभागों में विभाजित करना है । एक तो हमारे यहां जो भारतीय दण्ड विधान है उसके अन्तर्गत विभिन्न प्रकार के अपराध आते हैं ।

श्री आर० सी० टकरू : एक तो प्रश्न है कि वर्तमान अधिनियम के अन्तर्गत हमारी क्या आकांक्षाएं हैं, क्या हमारी आकांक्षा है । दूसरी बात है परिधि की । परिधि के बारे में कहा गया कि आंकड़े आने चाहिये थे, पुलिस अधिकारी उपस्थित होना चाहिये था । इस पृष्ठभूमि में मैंने कहा उसको जरा अलग कर लें । एक आई०पी०सी० के अन्तर्गत जो अपराध हैं और दूसरी जो महिलाओं पर अत्याचार हो सकते हैं, इनको अलग कर लें । अगर नहीं हैं तो आंकड़े हम प्रस्तुत करा देंगे ।

यदि विचार विनिमय किसी अधिनियम के सिलसिले में ही होना चाहिये तो जहां तक पुलिस और गृह विभाग का प्रश्न है उसके बारे में विधायिका सचिव सुझाव रख सकते हैं । जहां तक इस अधिनियम का प्रश्न है मेरा कहना है कि इसमें जो धारा 8 है उसको देखें कि जो नान-काग्नीजेबिल आफेंसज़ हैं जिसको काग्नीजेबिल करना उचित न होगा । यह प्रश्न आपके विचारार्थ है ।

सभापति महोदय : इस ऐक्ट को प्रभावी बनाने के लिये कौन कौन से संशोधन होने चाहियें यह आप बतायें ।

श्री जी० एल० शुक्ल : हमने संबंधित अधिकारियों से विचार विमर्श करने के पश्चात् यह मेमोरेन्डम रखा है । फिर भी आप जैसा चाहेंगी उसकी रोशनी में हम सुझाव रखेंगे । पहला प्रश्न यह है कि डावरी प्रौहिबीशन ऐक्ट से संबंधित जो क्वेश्चनेयर था उसी पर आधारित हमारा विचार विनिमय है । इसको प्रभावी बनाना है । इसमें मुख्य रूप से डावरी की डेफीनीशन है । आज जो परिभाषा है हमने देखा कि क्या कठिनाई है । हमें लगा कि जब तक डावरी की डेफीनीशन अच्छी नहीं करगे तब तक उससे संबंधित कोई भी प्रावधान आगे नहीं चल सकता है । तो हमारा विचार था कि डावरी को अगर और भी स्ट्रिन्जेंट बना दिया गया जैसे उदाहरण के लिये फूड अडल्टरेशन ऐक्ट है उसमें सजायें बढ़ायी गयीं क्योंकि यह एक सामाजिक अपराध है, इसलिये उसके निराकरण के लिये सजा बढ़ाने का विचार किया गया । तो वहां पर फूड अडल्टरेशन डिफाइन किया गया है ।

सभापति महोदय : तो आप लिख कर भेज दें कि डावरी की क्या डेफीनीशन होनी चाहिये । राज्य सरकार का अभी तक का क्या तजुर्बा रहा है और उसके आधार पर क्या संशोधन चाहते हैं यह हमें लिख कर भेज दें । जब लिखित रूप में आप हमें भेज देंगे तभी ठीक रहेगा ।

श्री जी० एल० शुक्ल : हमारा दृष्टिकोण यह था कि अन्तर्विभागीय चिन्तन और विचार-विमर्श का जो परिणाम निकले कि डावरी की जो डैफीनीशन दी हुई है, या जो दी जायेगी, उससे ऊपर हम इसको सामाजिक बुराई मानते हैं । फूड एडल्ट्रेशन एक्ट में संशोधन कर के सजा बढ़ा दी गई लेकिन उसके अनुपालन से भी अपराधों के बारे में पूरा एक्शन नहीं हो सकता । माननीय समितियां कई राज्यों में इसके बारे में चिन्तित हैं, देश के कई भागों में इसका प्रभाव नहीं पड़ा । हम डाउरी को बहुत बुरा मानते हैं, लेकिन वैधानिक ढंग से डाउरी की क्या परिभाषा हो, यह देखना है ।

जब हम इसको सामाजिक परिप्रेक्ष्य में देखते हैं तो यह पाते हैं कि हर मां-बाप अपनी लड़की के लिये अच्छे वर की तलाश करता है । उसी परिप्रेक्ष्य में ब्लैक मनी का भी उल्लेख किया गया था कि

जो भी पालिसी बनायेंगे, ब्लैक-मनी के कारण उसको ठीक से नहीं चलने दिया जाता । जैसे फूड अडलट्रशन में तमाम संशोधन प्रैस्क्राइब किये लेकिन ...

सभापति महोदय : हम इफ एंड बट नहीं चाहते, आपके स्पैसेफिक सजैशन चाहते हैं । आप दिल्ली आकर हमें बता सकते हैं, अगर नहीं आना चाहें तो लिखकर भेज दें । दिल्ली में जो बैठक होगी, उसमें एक आध व्यक्ति आ जायेंगे तो ठीक होगा ।

श्री जो० एन० शुक्ल : जी हम तैयार हैं ।

श्री गंगाबक्श सिंह : इस अधिनियम में क्या संशोधन करने चाहियें, मैं इसके बारे में निवेदन करना चाहता हूं ।

पहला निवेदन यह है कि डाउरी की जो परिभाषा दी गई है, वह बहुत स्पष्ट नहीं है । उसमें गिफ्ट और प्रैजेन्ट्स जो दिये जाते हैं, उन्हें एक्सक्लूड कर दिया गया था । इन्हें भी इन्क्लूड कर लिया जाना चाहिये ।

डाउरी का सामान्य अर्थ है कंसीडरेशन फार मैरिज । कोई चीज अगर देते हैं, किस स्टेज पर देते हैं, कितनी देते हैं वह कंसीडरेशन माना जा सके इसका स्पष्टीकरण नहीं हो रहा है । मैं इस सुझाव के पक्ष में नहीं हूं कि कंसीडरेशन शब्द को बिल्कुल निकाल दिया जाये । इसको एक्सपलेन किया जाये, स्पष्ट किया जाये ।

हमारी सरकार ने वर्ष 1976 में दहेज प्रतिशेध अधिनियम में संशोधन के लिये अध्यादेश का प्रारूप तैयार कर के केन्द्रीय सरकार को भेजा था । दुर्भाग्य से उस पर अनुमति नहीं मिल सकी । उसमें डाउरी की परिभाषा देने का हम लोगों ने प्रयास किया था । आपका जो प्रश्न है कि डाउरी को किस तरह से परिभाषित करें उस सम्बन्ध में डाउरी की परिभाषा सुनना चाहें तो अर्ज करूं ।

सभापति महोदय : आप इसकी कापी हमें दे दें ।

श्री गंगाबक्श सिंह : ठीक है । मैं दे दूंगा । इसके साथ एक्सप्लेनेशन भी जोड़ा गया था । केन्द्रीय सरकार से इस्ट्रक्शन्ज नहीं मिल सकी । इस अधिनियम के अन्तर्गत जो अपराध हैं वह नान-काग्नीजेबल और बेजेबल रखे गये हैं । इनको काग्जनीजेबल और नान-बेलेबल कर दें तो अधिक उपयुक्त होगा । नान-कम्पाउन्डेबल के स्थान पर कम्पाउन्डेबल तो होना चाहिये । क्योंकि कुछ परिस्थितियां ऐसी भी हो सकती हैं कि आप यह फील करेंगे कि मामले को कंपाउन्डेबल कर लिया जाये ।

इस अधिनियम के अन्तर्गत जो डाउरी डिमांड करता है या देता है, उसके दंड में कोई अंतर नहीं रखा गया है । वास्तव में जो दहेज लेता है, उसको ज्यादा डैटरेंट पनिशमेंट देने का प्रावधान होना चाहिये वमुकाबले इसके कि जिससे दहेज लिया जाता है ।

पनिशमेंट दोनों के लिए होना चाहिए जिससे दोनों पार्टियों में डर बना रहे कि दहेज न दें और न लें । इस अधिनियम में जो 6 महीने की सजा का प्राविधान रखा गया है उससे अधिक सजा का प्राविधान होना चाहिए ।

श्री बी० सत्यनारायण रेड्डी : आपने कहा कि इस आफ़ेंस को नानबेलेबल और काग-निजिबल आफ़ेंस बनाया जाए । इससे क्या यह संभव नहीं है कि लोगों पर पुलिस का हरेसमेंट बढ़ जाएगा ?

श्री गंगाबक्श सिंह : पुलिस पर हमारा विश्वास आज से नहीं, काफ़ी जमाने से रहा है और दिन-ब-दिन उसकी पावर्स बढ़ायी जाती रही है ।

श्री बी० सत्यनारायण रेड्डी : क्या आपकी मशीनरी इसका दुरुपयोग नहीं कर सकती है ?

श्री गंगाबक्श सिंह : : गवर्नमेंट अपनी मशीनरी से यह तो आशा नहीं कर सकती है कि वह अपनी शक्तियों का दुरुपयोग करेगी । गवर्नमेंट तो यही आशा करके शक्ति प्रदान करती है कि वह उसका सदुपयोग करेगी ।

श्री जगपाल सिंह : फ़िर भी आप इस बारे में क्या सुझाव देते हैं कि इस सम्बन्ध में अधिक पावर देने से पुलिस लोगों को तंग न करे ?

श्री गंगाबक्श सिंह : जैसे कि प्रिवेंशन आफ़ करप्शन एक्ट में अपराधों को परमीशन लेकर ही इन्वेस्टीगेट किया जाता है, उसी तरह से इस मामले में भी किसी अथारिटी को नियुक्त कर दिया जाए जिसकी इजाजत से ही प्रापर अथारिटी मामले को इन्वेस्टीगेट करे । एस० पी० से नीचे का अफ़सर ऐसे मामलों में इन्वेस्टीगेशन न करे । डावरी के मामले में अधिकतर बड़े ही लोग होंगे जोकि छिपाना चाहेंगे ।

श्रीमती प्रमिला दंडवते : आपने सुझाव दिया कि किसी अथारिटी को नियुक्त कर दिया जाए और उसकी परमीशन से ही मामले को इन्वेस्टीगेट किया जाए । क्या आप यह ठीक नहीं समझते कि सोशल आरगेनाइजेशंस की स्ट्रेंग्थ बढ़ायी जाए, और उन्हीं को यह अधिकार दिये जाएं कि वे आ कर कहें कि यहां डावरी दी जा रही है । उसके बाद ही पुलिस इन्वेस्टीगेट करे ? इस बारे में आप का क्या सुझाव है ?

श्री गंगाबक्श सिंह : ऐसे मामलों में सोशल आरगानाइजेशंस को बहुत पावर्स देना मुनासिब नहीं होगा ।

SHRI ANANTHA RAMULU MALLU: Do you feel that the Social Organisations can be given the powers to go into these matters?

श्री गंगाबक्श सिंह : अगर हम इसके लिए सोशल आरगेनाइजेशंस बना देंगे तो उसमें जो सदस्य होंगे उनको लोग अप्रोच करेंगे तथा हरेस करेंगे क्योंकि जो अच्छे स्टेट्स के लोग हैं वही डावरी लेते या देते हैं और उन्हीं के खिलाफ़ कम्प्लेंट्स होगी । हमें अपने पुलिस अधिकारी से यह आशा रखनी चाहिये कि वे केस को अच्छी तरह से इन्वेस्टीगेट करेंगे ।

SHRIMATI MARGARET ALVA: There have been many suggestions made about the implementation machinery. You are against the involvement of Social Welfare Organisations and Social workers in this work. Now, the present Act provides that the permission of the State Government shall be taken before the actual investigations start. I would like to know from you whether you are for continuing this provision and whether the State Government's permission is necessary before the actual investigations start. I would also like to know whether you are willing to accept the appointment of Dowry Prohibition Officers to deal with these matters.

SHRI R. C. TAKRU: So far as the appointment of Dowry Prohibition Officers are concerned, I would submit that it might sound a very discordant note. The main problem today is that a very few people come forward to make a complaint. Now, what happens is that the people suffer in silence. The Dowry Prohibition Officers would come and start interfering at the stage when negotiations start. But I am afraid that they would be in a position to create complications which might be very undesirable ultimately. Now, a person has a number of daughters and another person has a son and a daughter. Here what happens is that a person having only one daughter is very keen that his

daughter is well settled with a good husband. That is one point. At the same time, a person who has a son with a brilliant academic career having good job will be approached by a person having only one daughter for marriage proposal.

चिट्ठियां कैसे आनी शुरू हुई कि लड़की एक ही है अमुक सज्जन की, सुन्दर है। लड़की अकेली है, बाप की चार कोठियां हैं, 2 दिल्ली में और 2 कहीं और। तो मुझे तकलीफ़ हुई कि क्या लड़का या लड़की जानवर हैं ? लड़की के पिता डायरेक्टर हैं किसी कम्पनी में। पत्र में डावरी का कोई डैसक्रिप्शन नहीं है, खाली परिचय दिया।

दूसरी तरफ़ जिसको यह आभास हो कि मेरी बड़ी कीमत है दुनिया में, वह कहता है बोलिये। तो कहने का तात्पर्य यह है कि तरह तरह से लोग अपना दिमाग प्रकट करते हैं, यद्यपि स्पष्ट नहीं लिखेंगे कि क्या देना है।

अन्त में मैं यही कहूंगा कि आप जो अधि-नियम बनाने जा रहे हैं, जैसा आपका आदेश हुआ, उसके सम्बन्ध में हम सुझाव भेज देंगे।

सभापति महोदय : 10 दिन के अन्दर आप अपने सुझाव भेज दीजिये।

The Committee place on record their warm appreciation of the valuable assistance given to them by the officers and staff of the Law Department and the Harijan and Social Welfare Department of the Government of Uttar Pradesh, Lucknow, in holding the sittings of the Committee and making the stay of the members comfortable.

We hope we will get the memoranda and the suggestions for the amendment of the Act within ten days.

Thank you very much.

(The Committee then adjourned.)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Monday, 11 *January*, 1982 *from* 11.00 *to* 14.00 *hours in Committee Room No.* 46, *Assembly Building, Calcutta.*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shri Jagpal Singh
5. Shri Anantha Ramulu Mallu
6. Shrimati Sanyogita Rane
7. Shri K P. Unnikrishnan

Rajya Sabha

8. Shrimati Margaret Alva
9. Shrimati Kanak Mukherjee
10. Dr. (Smt.) Sathiavani Muthu
11. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri Kailash Chand—*Senior Personnel and Executive Officer.*

REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

Shri B. R. Atre, *Deputy Legislative Counsel.*

WITNESSES EXAMINED

I *All India Women's Conference, Calcutta (Metropolitan Branch).*

Spokesmen:

(1) Shrimati Ashoka Gupta
(2) Shrimati Sati Sinha
(3) Shrimati Sunita Pakhrasi
(4) Shrimati Kalyani Sen Gupta

II *All Bengal Women's Union, Calcutta.*

Spokesmen:

(1) Shrimati Romala Sinha
(2) Shrimati Shiela Davar

III *Women's Coordination Council, Calcutta.*

Spokesmen:

(1) Shrimati Bejoli Ghose

(2) Shrimati Aloka Mitra

IV Dr. Phulrenu Guha, Ex. M.P., Calcutta.

V. *Paschim Bangal Ganatantrik Mahila Society, Calcutta.*

Spokesmen:

(1) Shrimati Shyamali Gupta

(2) Shrimati Banai Biswas

(3) Dr. Sarla Ghosh

VI Shrimati Manjaree Gupta, *Advocate, Calcutta.*

VII. Shrimati Mukti Maitra Gupta, *Advocate, Calcutta.*

VIII Shrimati Renu Chakravarty, *Ex. M.P., Calcutta.*

IX (1) Shrimati Vidya Munshi (NFIW), Calcutta.

(2) Shrimati Ila Mitra

X *West Bengal Women's Front Congress (I) and Legal Aid Cell, Calcutta.*

Spokesmen:

(1) Shrimati Supriti Sanyal

(2) Kumari Mamata Banerjee

(3) Shrimati Chhaya Mahinta

(4) Shrimati Indrani De

(5) Shrimati Sikha Das

(6) Shrimati Arati Goswami

(7) Shrimati Debeswari Pathak

(8) Shrimati Gopa Sen Gupta

(9) Shrimati Bandana Ganguly

XI (1) Shrimati Hena Maitra, *Principal, Women's College, Calcutta.*

(2) Shrimati Ira Sarkar, *Assistant Head Mistress, Multipurpose Govt. Girl's School, Calcutta.*

(3) Shrimati Shanti Dutt

All India Womens confedence, Calcutta, (Metropolitan Branch).

Spokesmen:

(1) Shrimati Ashoka Gupta

(2) Shrimati Sati Sinha

(3) Shrimati Sunita Pakhrasi

(4) Shrimati Kalyani Sen Gupta

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: We are sorry that we are late by half-an-hour because of unavoidable circumstances. While you have come to give evidence before the Committee, I may inform you that the Dowry Prohibition Act of 1961 has failed to achieve its object. Parents of marriageable daughters are being compelled to offer and give dowry to prospective bridegrooms. A large number of cases occur everyday where wedded girls are not only forced to commit suicide but also are being burnt alive. Government have, therefore, constituted a Joint Committee of the two Houses to go into the question of the working of the Dowry Prohibition Act,

1961. The Committee would welcome suggestions for the amendment of the Act.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SMT. ASHOKA GUPTA: So far as the implementation of the Dowry Act, 1961 is concerned, we are of the opinion that the offences should be made cognizable and non-bailable. It should also be made punishable.

Another point is about the party to whom it should be entrusted. At least three persons of the locality including some members of the social welfare organisation should be able to move the appropriate authorities for cognizance. It should not rest only with the magistrate. In such cases, the offiences will never be brought before the appropriate authorities. Therefore, some persons including her relations should be allowed to file a complaint or report.

Third point is that dowry has gone down to the village level. At these levels, we do not have adequate volunteers so that this can be prohibited. A social change is required. We have suggested that the Dowry Prohibition Officer should be assisted by two social workers even at the initial stage. The prohibition officer should be vested with the power of arrest during the stage of investigation. It has been suggested that there should be a committee of five members for this programme. That is, three members should be women, one is the prohibition officer and the fifth one should be one of the eminent persons in the locality.

Regarding the question of presents, take the case of Calcutta. It is a cosmopolitan city. Under the different types of customs. different types of dowry are demanded at the various stages of negotiation at the time of marriage or even after the marriage. In such cases, so many suicides are taking place. It is a very difficult problem because the presents can be given in any form. Is it possible to prevent it? Does it form part of the dowry? We have not been able to get any consensus of opinion regarding the question of presents. We do not know how to check it. But it is absolutely necessary to prevent giving of presents at all stages even after the marriage. Each marriage should be registered and a restriction, say Rs. 500 or so, on the marriage expenses should be made.

As I have already said punishment should be a must. It should also be cognizable and non-bailable. As far as compounding is concerned, it should be done by the court and not by the community itself.

MR. CHAIRMAN: Any other suggestion?

SMT. KALYANI SEN GUPTA: In my opinion, the marriage should be registered in every case. In case of any giving or taking of dowry, they should be boycotted socially by the community. We all decide that the offence should be punishable with imprisonment instead of fine alone. The court proceedings should be very short and for this purpose, I would suggest the family court or the special court.

SHRI B. SATYANARAYAN REDDY: So far as gift is concerned, you have said that it should not be given in any form. At the time of marriage, every body including the poorman would like to give gifts in the form of saree or something else to his daughter. Would you like the gifts to be banned completely in whatsoever form or you want to define it in a specific form?

SMT. ASHOKA GUPTA: According to the Hindu custom, there are certain things which are to be given at the time of 'Kanyadan'. Things like utensils, new sarees, etc. are given to the bride. Sometimes the bridegroom also gets a ring. But it need not necessarily be a gold ring. It may be made of some other metal. It is also provided in the 'Shastra' that every ritual has an alternative.

SHRIMATI KANAK MUKHERJEE: Do you feel that all marriages performed according to the 'Hindu Dharma' or according to the Muslim custom should be registered?

SMT. KALYANI SEN GUPTA: I agree that all marriages should be registered. The ceremonial marriages should also be registered.

SHRI ANANTHA RAMULU MULLU: In Section 7(b), it has been mentioned that the court shall not take cognizance of any such offence if the complaint is made after one year. Do you think that this time limit of one year is sufficient or it should be more than one year?

SMT. KALYANI SEN GUTA: I think that the timelimit of one year is less.

SHRIMATI MARGARET ALVA: You said that you were all of the opinion that gifts given in various forms after the marriage should be stopped Now, can you suggest the ways for doing away with this practice? Now, up to what period would you consider the gifts given are treated as dowry?

SHRIMATI ASHOKA GUPTA: The customs vary from State to State. In West Bengal there is nothing of that sort. In Punjab it extends to more than one year. I think that this period should be extended to three years.

SHRI K.P. UNNIKRISHNAN: Do you think that all gifts received during and after the marriage should also be registered while the registration of marriages takes place?

SHRIMATI ASHOKA GUPTA: If they are given even Rs. 1000 or Rs. 2000, they should be documented I agree that all gifts should be registersd along with the registration of marriages.

SHRIMATI PRAMILA DANDAVATE: There are many people who feel that the offence should be made congnizable. Do you feel that there is some other way by which the offence is made cognizable and at the same time we can give protection to the citizens so that the parents do not harass and interfere at the time of the ceremony? There is a suggestion that the cognizance of the offence is not to be taken unless the complaint is made either by some resposible organisation or the near relative of the bride. Do you think that such a thing can be done to see that there is no harassment to the parties concerned?

SHRIMATI ASHOKA GUPTA: The Dowry Prohibition Officer should be assisted by two social workers preferably women, so that the police can not harass the parties. We have also suggested that in case of harassment, the girl should be given protection either at some institution or at some relatives house, so that the girl may not commit suicide.

SHRIMATI PRAMILA DANDAVATE: In the Act, it is said that the complaint will be entertained only if it comes after the State Government's permission.

SHRIMATI ASHOKA GUPTA: We do not agree so that Social organisations or relations of the girl or any

person who knows about it. should be able to lodge the complaint.

(The witnesses then withdrew)

II and III—

Shrimati Romala Sinhas

Shrimati Shiela Davar

Shrimati Begoli Ghose

Shrimati Aloka Mitra

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

Please give suggestions for the amendment of the Act so that this social evil which is persisting may be eradicated. The committee welcome you with great expectations.

SHRIMATI ROMALA SINHA: We have studied the Act thoroughly and these are our suggestions:

There are certain defects in the legislation and the Dowry Prohibition Act, 1961 should be redrafted. A woman judge or an experienced woman lawyer should be included in the drafting committee.

Suggested Amendment of Section 2: The definition of 'dowry' should include presents given or agreed to be given in consideration of marriage and demanded subsequent to marriage. The time limit of 'within one year' should be deleted.

Suggested Amendment of Section 3:

(a) Delete 'giving' and 'gives'.

(b) The penalty for taking dowry is not adequate. For the words 'which may extend to six months or with fine which may extend to five thousand rupees', substitute the words 'which shall not be less than three months but may extend to three years'. The fine should be 'double the amount of dowry taken'.

I would like the Women's Coordinating Council members also to make some suggestions. They have also worked hard on this.

SHRIMATI BEJOLI GHOSE: Suggested amendment of section 4:

(a) After the words 'bride or bridegroom' the words 'or from any other person' should be inserted.

(b) After 'penalty for demanding dowry' insert 'before marriage' and 'punishable with imprisonment which may extend up to six months and with fine which may be up to twice the amount of dowry demanded'.

(c) Insert 'penalty for demanding dowry (including presents) after marriage which should be punishable with imprisonment of six months to three years with fine.

(d) Insert "penalty for depriving any party of the rights and privileges of marriage: If after the marriage any party to the marriage with or without the assistance of his parents or relatives deprives the other party of the rights and privileges of marriage or tortures or refuses to maintain the said other party for non-payment of dowry before, during, or after marriage, he or his parents or relatives shall be punishable with imprisonment which shall not be less than one year but may extend to five years, with fine according to the income level."

(e) Insert penalty for cases of suicide as a consequence of dowry demand after marriage, which should be minimum imprisonment of five years with fine.

MR. CHAIRMAN: If you have brought anything in writing you please give that to the Committee. You are not required to read all those things.

SHRIMATI ALOKA MITRA: The proviso regarding cognizance should be deleted. Social workers or registered social welfare organisations should institute cases directly without delay. No sanction of the Government should be necessary for taking cognizance on a complaint. Section 6 may be deleted as giving of dowry is prohibited. In Section 7 we have suggested that the latest Code of Criminal Procedure should be inserted. We have also suggested inclusion of family courts because we are advocating family courts in all such matters. After of 'First Class Magistrate', 'family court magistrate' should be added. In section 8 we want that the offence should be cognizable, non-bailable and compoundable. In Section 10 we have suggested that the new Dowry Prohibition Act should supersede all previous State Acts.

There is no provision for free legal aid for the dowry victims. Free legal aid cells should be set up in every district and city. We have suggested that the lawyers on the Government panel including the Advocate General in the States or the Attorney General at the Centre should be obliged to give free legal aid in at least three cases where individuals or social welfare organisations or the Government are initiating cases against offenders under the Dowry Prohibition Act.

SHRIMATI ROMALA SINHA: We want that the voluntary agencies should help to the victim of the dowry. When the case is filed, the social workers should come forward to give them shelter and aid in whatever way they can. Legal aid is very necessary specially in villages where they are all uneducated and they have no idea as to what to do.

SHRIMATI SHIELA DAVAR: The dowry system is there not only in poor classes but in the middle class also. Why do not we abolish dowry altogether? In developed countries, there is no dowry, but there are presents. Could we not have a system of that type? When the parents have got money, they always give whatever they can. Since there is no dowry, why should any money he be handed over? Presents given should not be called dowry. In low income groups, the amount should not increase from Rs. 500.

SHRIMATI PRAMILA DANDAVATE: Sometimes, out of love, they want to give something to their daughter. Under the Portugueese Civil Procedure, every marriage is to be registered irrespective of its being a Hindu marriage or Christian marriage or Muslim marriage. At the time of marriage, the gift or whatever property is given to the daughter as a share of her parents property, should also be registered. After the marriage, if the girl dies without any issue, whatever she brought along with her should be returned to the parents of the girl. In case she dies after any issue, the property goes to the children. So, do you think that every marriage as also the presents or gifts should be registered in our country also? Secondly, under the definition of dowry, "as consideration for the marriage" is mentioned. Do you want that "as consideration" should be deleted or it should be explained as to what is the meaning of "as consideration"?

SHRIMATI BEJOLI GHOSE: The words "as consideration" should be explained in the definition. The Portugeese law is excellent. I think, we should try to bring it in our country.

SHRI JAGPAL SINGH: Do you think that this punishment should be

given for both the parties or only to the taker?

SHRIMATI BEJOLI GHOSE: Both the parties—one who takes the dowry and one who gives the dowry—must be punished.

SHRIMATI MARGARET ALVA: If the dowry system is completely abolished, don't you think that you would be depriving the daughter from getting anything from her parents? It is the consideration of marriage that we are fighting against. What parents voluntarily give as presents or gifts, that is something quite different from dowry. Any parent can give a present. How do you ensure that she gets something also when she leaves her home, as the share of the parents' property? Otherwise, you are discriminating the male child from the female child.

SHRIMATI BEJOLI GHOSE: Under the Hindu Property Act, the daughter gets it legally. The daughter is equally entitled for the share of parents property. However, an amendment may be added in the other Bill so that the daughter will never be a loser in the inheritance of property.

SHRIMATI ALOKA MITRA: It is the dowry which is just demanded by the in-laws or the husband which we are fighting against. If there is some present or gift given voluntarily to the daughter, we have no objection.

SHRI ANANTHA RAMULU MALLU: Even if you stop the system of dowry, in the name of Stridhan, a huge amount is being given to the daughter. That is being given not in the name of dowry but in the name of Stridhan.

SHRIMATI ALOKA MITRA: There is no provision for Stridhan under the new Hindu code.

MR. CHAIRMAN: Is it a fact that Stridhan has been completely abolished under the new Hindu law?

SHRI B. R. ATRE: It is not abolished. There is still a little provision for it.

SHRIMATI ALOKA MITRA: My point is that there should be no objection if the girl's father gives the gifts officially because we are under the impression that there is no provision in the present Act as regard to 'Stridhan'.

SHRI B. SATYANARAYAN REDDY: You said that it should be non-bailable. But don't you think that the Police would get more powers and there would be more harassment to the girl's party? Now, in order to save the harassment from the Police, what safeguards would you suggest?

SHRIMATI ALOKA MITRA: The Police authority who would investigate the case should not be below the rank of the S.P. He should follow up such cases and deal with the matter in an appropriate manner. He should also investigate the cases given by the voluntary organisations or the voluntary workers or the Dowry Prohibition Cell which will be instituted for this purpose.

DR. (SHRIMATI) SATHIAVANI MUTHU: Dowry taking is an evil practice pravalent in society. When a bride's party gives complaint to the Police Official or any other authority, can the Police have power to rescue the girl?

SHRIMATI BEJOLI GHOSE: We have suggested that either voluntary organisations or the social workers should come forward to help the bona fide parties.

(The witnesses then withdrew.)

IV—Dr. (Shrimati) Phulrenu Guha

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence,

the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."—

DR. (SHRIMATI) PHULRENU GUHA: Whatever action we might like to take, unless the social system is changed, unless social transformation is there, it is not possible to prevent this evil practice. But in spite of that, because of the present situation, we must have a very strong Act and also strong system of implementation. I have already sent my notes in this regard. Apart from that, all marriages should be registered. Of course, the religious functions may be there, but they should be registered. The punishment should be severe and it should be non-bailable. There should not be a punishment of fine only but there should be imprisonment also. Now, in regard to the expenditure ceiling, it should include the birth ceremony of the first child also. In our society, the trouble exists in most of the cases for five or seven years. So, the time-limit must be for five years.

Now, in the case of awarding punishment, the culprits should be the bride's father-in-law. Here the main culprit is father-in-law and he should be punished and in his absence mother-in-law should be punished.

To the question whether a man can be arrested without a warrant, my emphatic answer is, 'No'. Knowing that there is a great deal of harasssment of our people in this country, I suggest that there should be family courts. Otherwise, nothing will be settled.

There should be a group of advisers to advise the Dowry Prohibition Officers. Women social workers at the block level or taluka level should be associated with this work.

MR. CHAIRMAN: Thank you very much.

(*The witness then withdrew.*)

V. (1) Shrimati Shyamali Gupta

(2) Shrimati Banai Biswas

(3) Dr. Sarala Ghosh

(*The witnesses were called in and they took their seat*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

DR. SARALA GHOSH: I have answered all the questions given in the questionnaire.

The Act has failed due to our social structure. Public do not feel anything wrong about dowry. Tradition has instilled in the mind of the society that giving and taking dowry is an obligatory function of society in marriage negotiations.

The giver of dowry should not be punished because they are aggrieved parties.

For proper administration of the Dowry Prohibition Act, an advisory board should be created on the lines

of the Social Welfare Advisory Board. This Board should have a lady chairman who should be a prominent social worker and some members who are eminent social workers.

MR. CHAIRMAN: Whatever you have put down in writing, please hand it over. We will go through it. Thank you.

(*The witnesses then withdrew*)

VI—Shrimati Manjaree Gupta

(*The witness was called in and she took her seat*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

The Committee welcome you. If you have brought anything in writing, please give it to us. We will go into it in detail. If you have any suggestions about the legal aspects, please give them, because we have heard a lot from the social organisations.

SHRIMATI MANJAREE GUPTA: I had also already sent the answers to the questionnaire in September. I need not repeat those answers now.

The question is about the amendment of the Dowry Prohibition Act. So many persons have given their opinions, but the moot question is, unless dowry is defined properly, the amendment of the Act will not be helpful to the women. If dowry is defined as something given as consideration for marriage, it will be very difficult to prosecute any person, because it is so vague. So, hon. members will have to consider whether there should be a total prohibition of presents at the time of marriage or within a reasonable time of marriage. If some period is not fixed, then the provisions of the Act can be circumvented by giving these things one or two months after the marriage.

We cannot expect the parents or the guardians of the girl to make a complaint to the police after they have given the presents because they are eagre somehow to get rid of their daughters with some gifts. If they get rid of their daughters with some dowry we cannot expect them to make a complaint. Unless the police take cognizance on the report of other persons, the purpose of the main Act will be futile. So, an amendment should be made in that light so that the police can take cognizance on the report of the social workers and other organisations.

Our experience is that trials in the court take such a long time that it becomes difficult even for the victim to proceed with the case. So, we suggest that it should be made a summary trial, so that the victim can know that there is a possibility of having the matter decided within a short time. If the provision of fine only is made, then the Act will lose its purpose. So, there must be some minimum imprisonment in place of fine. In India when the economic condition is so different from one class of people to another class, it is impossible to give a limit to the presents to be given at the time of the marriage.

MR. CHAIRMAN: Please give suggestions.

SHRIMATI MANJAREE GUPTA: My suggestion is that no presents should be given. About the sentence, minimum imprisonment should be provided and the court should give reasons for giving not the maximum sentence but the minimum sentence.

SHRIMATI PRAMILA DANDAVATE: It is true that consideration cannot be proved in the court. If in place of 'consideration for the marriage' the words 'in continuation of the marriage' are substituted because gifts are demanded even after the marriage, what is your opinion about that?

SHRIMATI MANJAREE GUPTA: That should be treated as an offence; otherwise it cannot be stopped. If the marriage is negotiated on conditions, that will be treated as consideration of the marriage.

SHRIMATI KANAK MUKHERJEE: Do you think that both the parties should be punished?

SHRIMATI MANJAREE GUPTA: If both the parties are penalised, then the position of the girl will be very very miserable. So, at the present moment, only the husband and his relatives should be punished and not the guardians or the parents of the girl.

SHRIMATI MARGARET ALVA: What is your experience in the courts about dowry cases? Do they successfully come to the conclusion or do they end in compromise?

SHRIMATI MANJAREE GUPTA: I have not conducted any such case. As far as my experience as a criminal lawyer is concerned, I have seen innumberable cases of suicides by the girls after they were harassed and tortured by their in-laws.

Since the last three years we have found that the cases of torture, harassment and dowry death are increasing and they have spread not only among middle classes but also among upper middle classes and rich families.

(The witnesses then withdrew.)

MR. CHAIRMAN: The President of Bhartiya Association has come just now. I think, tomorrow we will start the meeting at 10.30 a.m. We are having a lunch in the afternoon to be hosted by the Social Welfare Minister. So, it will not be possible to come here today after 2.30 p.m.

VII—Shrimati Mukti Maitra

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI MUKTI MAITRA: I am extremely sorry that I could not send you my reply in time. I will submit it to you now. The first question is why the Act was not successful. We think, it is because the evil is deep-rooted in the socio-economic structure of the society. In our society, woman is looked upon as inferior to man, and woman is not appreciated as a full citizen. The concept of marriage is not treated as union between the two equal partners. If we want to have some result from the enactment, we must try to remove the social sanction behind it. We must propagate and educate the society to accept the equal status. Economic base should be provided to women community by providing education and giving employment. Women must have economic independence. The concept of marriage should be on the basis of equal partnership. Every marriage should be registered and the marriage expenses should be restricted to a minimum. Ceremonial marriage system should be discouraged.

MR. CHAIRMAN: You can give all these suggestions in the memorandum. Anything which you want to mention?

SHRIMATI MUKTI MAITRA: The Explanation I under Section 2 should be deleted. The punishment should be both imprisonment and fine. It should be made cognizable and compoundable with the permission of the court.

Voluntary Social Organisations should also be involved in this regard. So also the women's organisations and the local bodies. They should be involved in the investigation process. In regard to the ceremonial marriages, if anybody insists on ceremonial marriage, the party or the parties concerned should bear the expenses.

MR. CHAIRMAN: What about the limit of the expenditure?

SHRIMATI MUKTI MAITRA: The limit may be fixed according to the status of the guardians or the father-in-law. If the limit of the expenditure is exceeded, then there should be an automatic presumption that money has been extorted. Regarding the time-limit, I have already suggested that it should be for seven years. For seven years, there will be no extortion and the presumption is that there should be no extortion. For the question whether the giver of dowry should also be fined, my answer is that the giver gives the dowry under compulsion and therefore he should not be punished.

Now, regarding punishment, it has been suggested that the punishment should be six months' imprisonment. But I feel that it should be more than six months. It may be two years or so. The Court should have the power of imposing fine. The fine should be fixed as the amount of dowry plus Rs. 10,000. The dowry given at the time of marriage and afterwards should be confiscated and given to the girl's party and the fine of Rs. 10,000 should go to the State. In some cases, legal aid and other facilities like protection to the girl's party should be given.

Advisory Bodies representing the Social Welfare Organisations, local authorities and women's Organisations should be involved. In regard to the trial, the procedure of summary trial should be followed and the Evidence Act should be changed and in that presumptions should be incorporated. I have already suggested in my Memorandum that the presumption should be incorporated in the law. If any girl after marriage dies in suspicious circumstances within seven years, the presumption should be that she has been murdered in order to dowry. This kind of presumption should also be incorporated there.

Lastly, I may submit that the definition for the word 'Dowry' should be given in such a way that it is applicable to all communities.

(The witness then withdrew)

VIII and IX—1. Shrimati Ila Mitra
2. Shrimati Renu Chakravarty
3. Shrimati Vidya Munshi

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such

evidence is liable to be made available to the Members of Parliament."

SMT. ILA MITRA: Madam, we have already sent our Memorandum covering all the points raised in your questionnaire. We have also suggested various measures which can help in bringing forward this Bill for consideration and passing by Parliament. On behalf of the National Federation of Indian Women, I would only like to speak regarding the amendment of the law.

In 1975, in the West Bengal Legislative Assembly, we had passed some amendments to the Dowry Prohibition Act.

MR. CHAIRMAN: That amendment Act which you have suggested is already with us.

SHRIMATI ILA MITRA: Those suggestions have not been accepted. We insist that you must consider those suggestions.

Section 2—As already stated by other organisations, this section should be amended by deleting the words 'as consideration for marriage'. Explanation I should also be deleted.

Section 3—For the words "which may extend to six months or with fine which may extend to Rs. 5000" the words "which shall not be less than 3 months but may extend to three years and with fine which shall not be less than Rs. 2000 but may extend to Rs. 10,000" shall be substituted.

Section 4—After the words 'bride or bridegroom', the words 'or any other person shall be inserted.'

MR. CHAIRMAN: This memorandum has already been circulated to all of us.

SHRIMATI ILA MITRA: I have written down some more points.

MR. CHAIRMAN: You can submit that to us.

SHRIMATI RENU CHAKRAVARTY: Very few cases have resulted in bringing about any punishment. Our outlook is that dowry cannot be eradicated totally without arousing public opinion. Our idea about mariage is that it should be simple. For example, one of the questions posed about amount to be spent we think that no amount should be given. We want that marriages should be simple. In clause 2, we want that the words 'in consideration for the marriage of the parties' should be deleted. Explanation I should also be deleted, because it is very difficult to find out what is in consideration of marriage and what is not.

Regarding ceiling, there should be no ceiling. You have asked about limits. It is not necessary to provide limits for different periods. Giver of dowry cannot be treated on par with the taker of the dowry because the giver is forced by society and the customs to give dowry. In clause 3, delete the words 'gives' or 'giving'. I do not think the minimum punishment should be provided. We want both imprisonment and fine. In calcutta there are very very rich people and they spend Rs. 60,000 to Rs. 80,000 on a marriage. They will not mind paying fine but they will mind imprisonment. If the girl dies within five years, no permission should be granted for disposal of dead body unless the girl's parents or her guardians certify that death occurred due to natural causes. A post mortem comprising of two doctors (one being from the girl's side) should be conducted in all cases except where it has been certified by the girl's side that death occurred due to natural causes.

In a democratic set up. We want that all arrest must be made with warrant of arrest. All offences under the Act should be made cognizable.

It should be non-bailable and compoundable. In my opinion, the proviso to Section 4 should be deleted. It is absolutely impossible for a woman to run to the court and the Government offices to get the previous sanction. Unfortunately, in our country, women's organisations are not located in every corner. We are interested to protect those who are illiterate and backward. Therefore, the members from the well established women's organisations, Block Mahila Samitis and the women panchayat members, Gram Sevikas should be given cognizance by the court to move cases under the Act. Those members should be represented in these committees and given the right of interrogation and enquiry. The affected party will answer us more easily than the Magistrate. They should be given the right to approach the Magistrate directly without court fee or counsel. We stand for family court. Family court must also have the same right of interrogation and investigation and enquiry. The family court is the shortest way to avoid long litigation and expenditure. If the complainant fears cruelty, the magistrate must make arrangements to send her to her parents or to a home or to a place of safety during the pendency of the case and maintenance allowance should be paid by the husband. We support the idea of family court. In this system, the lacuna in the law as it exists today, will be made good. A provision is to be made that the members of Block Mahila Samitis, Women Panchayat members and women's organisations existing at the sub-divisional level should be taken in the advisory committee. Otherwise, what is the use of having some women's organisations in the advisory committee in Calcutta or other big cities. We will not be able to go to the interior. Hence, representation should be given at the sub-divisional level too. I have already covered Question No. 20.

Regarding Question No 21, the Dowry Prohibition Officer should be invested with the powers of interrogation, enquiry and search. For speedy and effective trial in matrimonial cases, family courts should be set up. The delay in the ordinary municipal courts contribute to failure in implementation of laws. After all, our country is feudal country. Women are considered as commodities. This is also one of the reasons for extracting dowry. Inheritance laws should not be touched. There should be a ban on distributing property by executing will against the daughters. If the girl gets a decree of divorce, all dowry given prior to passing of this Act, must be returned. In case of suicide or death of the girl due to unnatural reasons, the court must order return of all such dowry to her parents.

SHRIMATI VIDYA MUNSHI: Since this problem cannot be solved by law alone, social education is a very important factor. The school going children and the young people must be taught to accept the idea embodied in our Constitution that women are equal citizens under the law. The practice of advertising expensive items as suitable gifts for the sons-in-law at the time of daughters' marriage, should be discouraged. The Government may not have the right to ban private advertisements but it can at least make it sure that nationalised banks and public sector undertakings do not resort to such a method of advertisements. The banks say that such and such scheme is for your daughter's marriage. Similarly, the HMT advertises wrist watches for this purpose. This should be banned.

MR. CHAIRMAN: Thank you very much.

(The witnesses then withdrew)

X—*West Bengal Women's Front Congress (I) and Legal Aid Cell, Calcutta.*

Spokesmen

Shrimati Supriti Sanyal

Kumari Mamta Banerjee

Shrimati Chhaya Mahinta

Shrimati Indrani De

Shrimati Sikka Das

Shrimati Arti Goswami

Shrimati Debeswari Pathak

Shrimati Gopa Sengupta

Shrimati Bandana Ganguly

(The witnesses were called in and they took their seats.)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI SUPRITI SANYAL: Just now, only today morning I received your Questionnaire. I shall give the Questionnaire after completing it tomorrow. I shall not take much of the time. I shall give only some suggestions.

We suggest that economic independence and education of girls are most essential factors for stopping this dowry system. Compulsory registration is necessary for all kinds of marriages. We do not favour any ceremonial marriage. In case of such marriages, a restriction should be made on the expenditure to be incurred for the ceremony. There should be community marriages where ceremonial functions with lavish expenditure would be avoided. Recently a community marriage was held in 24-Parganas. Several community marriages have been held and we honour them and in this way we set examples to society. Moreover, voluntary social organisations should come forward and do their level best for organising community marriages.

KUMARI MAMATA BANERJEE: I have got one more point to make. The gifts and presents given to the bride must be registered before and after the marriage so that they do not go to the in-laws if anything untoward happens to the bride. Most of the women in West Bengal are uneducated and any amount of law would not help unless we reform the society.

(The witness then withdrew)

XI—Shrimati Hena Maitra
Shrimati Ira Sarkar
Shrimati Shanti Dutt

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI SHANTI DUTTA: Most of the points have been covered and I have not got much to say except that I would request you to get the law enforced to this effect. So many cases of burning and murders have been reported and we have not heard of any case where the law has been enforced. If there is a question of punishment I think the Act should be made deterrant so that the punishment is severe. It is true that by legislation alone we cannot change the attitude of the people. Although various social measures have been suggested, even then the legislation must be valid and it must be enforceable. The cases should not linger for a long time and there must be some arrangement for legal aid to the victims especially in the villages. About the question of punishment as to whether it should be bailable or non-bailable. I have heard that most of the people have suggested non-bailable. But I say that it should be bailable for the reason that many of the womenfolk in the interior villages are not aware of the laws. They do not know anything about the law. Let them have sometime to understand this. That is why I say that it should be bailable. I have organised many Seminars where we have asked many young boys and girls to desist from demanding dowry. But they desire to get valuable presents and gifts from either party. So, this attitude must be inculcated in the minds of the youngsters from their childhood so that it has a far-reaching effect.

SHRIMATI HENA MAITRA: Most of the points have been covered. It is a social evil and it is connected with human relations. The daughter is in the house of the husband. She may be ill-treated. This thought always torments the parents and relations of the girl. They do not want to say anything. In the present Act, the words 'consideration for marriage' should be explained clearly. How can anybody prove which was given as consideration for marriage and which was not so given? I suggest that all parents should be stopped.

MR. CHAIRMAN: You want complete prohibition of dowry and nothing should be given?

SHRIMATI HENA MAITRA: Yes. Anything given as consideration for marriage should be treated as dowry. There is no question of any ceiling. Any payment or presents which the wife's parents or relations are compelled to make, whether before or after marriage, should be regarded as dowry and should be punishable. So, the question of any limit being provided with respect to different periods does not arise. The giver of dowry should not be punished, because in that case, there will be hardly any complaint. It should be maximum punishment. About question 8, the punishment should be both imprisonment and fine.

MR. CHAIRMAN: You are reading out the replies to the questionnaire. Kindly pass it on to us and we will go through it.

SHRIMATI HENA MAITRA: Yes. The law should be applicable to all communities.

MR. CHAIRMAN: Thank you.

(The committee then adjourned.)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF The HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Tuesday, 12 January, 1982 from 10.30 to 13.15 hours in Committee Room No. 46, Assembly House, Calcutta.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shrimati Mohsina Kidwai
5. Shri Anantha Ramulu Mallu
6. Shrimati Sanyogita Rane
7. Shri K. P. Unnikrishnan

Rajya Sabha

8. Shrimati Kanak Mukherjee
9. Shrimati Manorma Pandey
10. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri Kailash Chand—*Senior Personnel and Executive Officer.*

REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(LEGISLATIVE DEPARTMENT)

Shri B. R. Atre—*Deputy Legislative Counsel.*

WITNESSES EXAMINED

I Shri Mukul Gopal Mukherjee, *Senior Advocate, State Bar Council of West Bengal, Calcutta.*

II *State Social Welfare Advisory Board, Calcutta.*

Spokesmen:

(1) Shrimati Pankaj Acharya, Chairman.
(2) Shrimati Madhuri Das Gupta, Vice-Chairman.
(3) Shrimati Mrinalini, Member.
(4) Shrimati Munjuri Gupta, Treasurer.
(5) Shrimati Prona Chatterjee, Member.
(6) Shrimati Tapati Mookerjee, Member.

III Shri Sarojesh Biswas Mukherjee, *Public Prosecutor, High Court, Calcutta.*

IV *Government of West Bengal, Calcutta.*
Spokesmen:

(1) Shri A. R. Saha, Secretary Relief & Welfare Department
(2) Shri G. S. Banerjee, Secretary, Education Department.
(3) Shri R. Banerjee, Secretary, Judicial Department.
(4) Shri A. K. Banerjee, Special Secretary, Home (Police).
(5) Shri N. Som, Commissioner of Police, Calcutta.
(6) Shri S. Basu, Inspector General of Police.
(7) Shri R. N. Bhattacharya, Addl. Inspector General of Police.
(8) Shri S. R. Bhowmick, Director of Social Welfare.
(9) Shri Naranarayan Goopta, Govt. Pleader.
(10) Shri Arun Prakash Chatterjee, Senior Standing Counsel.
(11) Shri D. N. Gupta, Inspector of Police.
(12) Shri Snehanshu Acharya, Advocate General.

I—Shri Mukal Gopal Mukherjee

(The witness was called in and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI MUKUL GOPAL MUKHERJEE: As regards the legisation, we have different legislations in West Bengal. Certain amendments were drafted in the shape of increasing the limit of punishment. In so far as the main problem is concerned, there is practically no case of dowry coming to court. We hear much about giving and taking of dowry but practically insignificant cases come to court. The legislation takes into account the fact that there should be dowry prohibition officers through whom the prosecutions could be launched and these officers should be at the block and district levels. As regards that, we find that unless and until it is made a cognizable offence in the sense that any police officer can take cognizance, things will not improve because the dowry prohibition officer may not be contacted easily. The social welfare organisations should also be given power to launch prosecutions. If the offence is made cognizable and the police officer and the dowry prohibition officer take seriously the first information report, then, of course, we can say that the prosecutions can be launched at least speedily. So far as the offences are concerned, they should be made at least non-bailable. In West Bengal, of course, we have made the offence punishable up to three years. If the punishment to be given is more than two years, then it becomes a warrant procedure case. That, of course, may bring some kind of a fear in the minds of the people. The question of compoundability was very much discussed in our Council. We feel that for the welfare of the spouse it is better if we keep it compoundable with the permission of the court. Take, for example, cases

of cheating. They are compoundable with the permission of the court. In so far as the penalty is concerned, we think the penalty can be increased upto five years. The giver of the dowry should not be treated on par with the taker of the dowry. So far as the law of evidence is concerned, there are certain technicalities which the legislature in its wisdom should look into. Take, for example, property documents. If we come to present what is written down in the property document, generally it is not allowed by the court. It is because Sections 91 and 92 of the Evidence Act stand in the way. But with regard to the Money Lenders' Act, the courts do permit and that might be mentioned in the document itself so that the borrower may not take advantage of the provisions of the Money Lenders' Act. Under Section 14(b) of the Evidence Act, the evidence tendered by the mother of prospective bride is to be corroborated with material particulars by other independent evidence. Her evidence is not taken as sacrosant. She has to give the testimony as to what were the considerations which were arrived at the time of negotiating the marriage. What I suggest is to bring in necessary changes in the law of evidence also along with making other amendments.

MR. CHAIRMAN: Apart from this, as a witness, would you like to give a complete suggestion as to in what way the present Act should be amended?

SHRI MUKUL GOPAL MUKHERJEE: The definition of dowry should be amended so as to include not only marriage presents at the time of marriage but also after marriage or for the consideration of the marriage. Of course, there should be a ceiling limit on the quantum of presents to the bridegroom party coming from the bride side. Otherwise, everything will go as an ordinary present. What is given as consideration for the marriage: lavish expenses on Barat party, giving presents at the time of first born child, rice eating ceremony (Dattus), giving presents on different occasions like Pooja, Diwali etc. So the gifts given at different occasions should also be taken as dowry.

SHRIMATI PRAMILA DANDAVATE: Do you think that the whole Act itself has become defunct? Because the definition itself says that it shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties. Do you feel that the words "as consideration" should be totally deleted or should it be explained as to what is the meaning of "consideration"? One bridegroom demanded scooter after marriage. But in a court, it was not held dowry because it was after marriage. So, do you think that the words "as consideration in continuation of the marriage" should also be mentioned?

SHRI MUKUL GOPAL MUKHERJEE: It should be explained. I think, a proper Explanatory Note may do justice in the sense that we can obviously enlarge the scope of "as consideration" provision by adding "in continuation of the marriage".

SHRI B. SATYANARAYAN REDDY: It is said that everything given at the time of marriage should be treated as dowry. To attend a marriage ceremony all relations from both bride and bridegroom sides come. They give some gifts by way of things, articles etc. Should this be treated as part of the dowry or not? In what way and in what form, an amendment should be made in the present Act regarding the gifts given at the time of marriage by relatives of the bride?

SHRI MUKUL GOPAL MUKHERJEE: Of course, we can meet this practical problem. Otherwise if the marriage presents and gifts are coming from the bride's near relations, naturally they might be brought

under the cover of dowry. If the gifts and presents are beyond a particular ceiling already fixed, then those gifts and presents should be brought under the definition of Dowry.

SHRI ANANTHA RAMULU MALLU: It has been suggested under Section 7(b) that no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence. Do you think that this period of one year is sufficient?

SHRI MUKUL GOPAL MUKHERJEE: I think that it should be extended to at least three years.

MR. CHAIRMAN: Thank you.

(The witness then withdrew)

II. State Social Welfare Advisory Board Calcutta

Spokesmen:

1. Shrimati Pankaj Acharya

2. Shrimati Madhuri Dasgupta

3. Shrimati Mrinalini

4. Shrimati Manjuri Gupta

5. Shrimati Prona Chatterjee

6. Shrimati Tapti Mookerjee

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI PANKAJ ACHARYA: The Dowry Bill which already passed in 1961 has not been able to prohibit the evil of dowry. It is because there are so many loopholes in the Act. Our society is comprised of capitalistic-feudalistic society. It is not like the Western Society based on capitalistic society alone. Here in the capitalistic society, there are remanent of feudalistic society. As long as the feudalistic society exists in our country, the evil system of dowry cannot be uprooted completely.

MR. CHAIRMAN: Please give suggestions to amend the law.

SHRIMATI PANKAJ ACHARYA: We want that the definition of dowry should be changed. Anything given before marriage, at the time of marriage or after marriage, should be treated as dowry. The Explanation should be deleted. In section 3, the punishment—both fine and imprisonment—should be enhanced. The fine should be equal to the value of dowry plus not less than Rs. 1000 and not more than Rs. 10,000. That amount should be handed over to the aggreived party. i.e. bride's party. Giving of dowry as well as taking of dowry should be punished. In West Bengal there are some social customs. During any festival, like puja festival, presents should be given by the bride's party to the bridegroom's party. This is nothing but extortion. We want complete prohibition of such things. After the birth of the child, some ceremoney is performed and the girl's parents are forced to give some presents. This should be also treated as dowry. No expenses should be paid to the bridegrooms's party for going from the place of the bridegroom to the place of marriage. There should be no question of ceiling. Everything should be prohibited.

MR. CHAIRMAN: Please submit the answers to the questionnaire.

SHRIMATI PANKAJ ACHARYA: Yes, I will. The offences under this Act should be made cognizable and

non-bailable. It should also be compoundable, with the permission of the court.

To institute any case, till now we have to seek permission from the State Government, which is very hard to get. So, this provision should be deleted. Instead of that, an advisory committee should be formed with representatives of women's welfare organisations, youth organisations, etc. at the District level, taluka level and panchayat level. The representatives of the elected bodies at the various levels should be taken into the advisory committee. The State Government should give protection to the girl. The inheritance right of the girl should be incorporated in this Bill.

MR. CHAIRMAN: All these points have already been said. So please do not repeat them.

SHRIMATI MANJURI GUPTA: In Section 2 delete 'but does not include dower or mahr in the case of persons to whom the Muslim personal law (Shariat) applies.' Delete 'not' from the fourth line of Explanation I and also 'unless they are made as consideration for the marriage of the said parties.' Provided that any expense incurred in part or in whole with money received from the other party or the other party's relations should be deemed to be dowry within the meaning of this section.

Provided further that in ceremonial marriage expenses borne by other party or other party's relations as well as travelling expenses of the bridegroom and his party to the bride's house including the travelling expenses of the bride to the bridegroom's if borne by the girl or her relatives should be deemed to be dowry within the meaning of the Section.

SHRIMATI PRAMILA DANDAVATE: You have said that all gifts should be treated as dowry. But the parents would like to give something to the girl out of love. Even otherwise, don't you feel that she has got a share in the property of her father? Do you also not feel that all marriages should compulsorily be registered? At the time of marriage, the gifts or the property that she gets from her parents are to be registered. Those gifts belong to her and nobody can claim. In case of her death without any issue, whatever she brings from her parents should be returned to them. It cannot be kept in the mother-in-law's house. If she dies after having children, all those gifts go to the children and those cannot be claimed by in-laws or her husband.

In our enthusiasm, we are perhaps depriving the right of the girl from getting anything from her parents. Do you feel that this kind of registration will help the girl and also curb the evils of dowry?

SHRIMATI PANKAJ ACHARYA: At the time of marriage of daughter, the father is bound to give something. Even in the villages, bridegroom get one cycle, one transister and one wrist watch. We feel that civil marriage should take place in place of ceremonial marriage. In West Bengal also, the competition of show is there. Everything should be prohibited. Whatever the girl is entitled, she gets it through inheritance right.

SHRI B. SATYANARAYANA REDDY: Do you feel that the police should be given more power or you want some specific safeguards provided in the Act so that the police may not enter the premises and harass the family members?

SHRIMATI PANKAJ ACHARYA: At every level right from Panchayat to State, advisory council should be formed. The local people should be involved in that council. The Dowry Prohibition Officer with the help of the advisory council should report and then police will take action only.

SHRI ANANTHA RAMULU MALLU: Under section 4 of this Act, prior permission of the State Government is required. Do you think that the prior permission is necessary?

SHRIMATI PANKAJ ACHARYA: No. It is not necessary because our earlier experience was that due to sanction of the State Government, no action could be taken.

SHRIMATI KANAK MUKHERJEE: Opinion came from north India that by prohibiting dowry in this way may lead to an anti-women wave. Because we are depriving the girls from getting anything. At the time of marriage, the parents give something to the daughter so that when she goes to in-laws' house, she will have some security. So, what is your answer.

SHRIMATI PANKAJ ACHARYA: As I have already told every marriage should be registered. At the time of registration for the marriage there should be no condition of dowry. Dowry would not be allowed in any form at the time of marriage. If the parents want to give something voluntarily it is a different thing.

(The witnesses then withdrew)

III—Shri Sarojesh Biswas Mukherjee

(The witness was called and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

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Since the time is very short, I would request you to give your views or suggestions in regard to the draft Bill.

SHRI SAROJESH BISWAS MUKHERJEE: My first point is that the sanction of the Government becomes an unnecessary bar and therefore the proceedings cannot start immediately. My experience has been that writing to the Government and getting sanction has been a difficult process with the result the proceedings are stalled. The proceedings do not go ahead for want of proper sanction on technical grounds. Therefore the first point is that it should be made cognizable, no sanction is necessary and on the basis of the complaint by the aggrieved parties, the proceedings should start. And by aggrieved parties, I mean the girl, the girl's father, her mother, her own brother and such other relations who might have participated in the marriage as guardians.

My second point is that it should be punishable for more than two years and not six months. Here the procedure will be quite different. The Criminal Procedure Code will not be of much help. It should be like a warrant procedural case and in order that it should be a warrant procedural case, the punishment should be more than two years.

The third point is that the imposition of fine should not be limited to a particular amount but it should be on the basis of the status of the person. If the person is a multi-millionnaire, the fine should be very high and if the person is a poor man, the punishment should be less.

So far as the gifts or presents during the marriages are concerned, if they are bona fide presents or gifts given during the marriage, it should

be to the extent of the value of two months' gross income of the father of girl. If he is a moneyed man, he can give more. There is no objection. But for ordinary person, it should not be to the extent of the value of more than two months' gross income. There should be no gifts during the three years immediately after the marriage. If any gift or presents are to be given, that should be given only after three years of the marriage by way of testament of a will. My experience has been that there are different types of pressures and in order to avoid that during the maintenance of the marriage for the first three years there should not be any gifts or presents. If the gifts or presents are made within three years of the marriage, then that should be made as an offence. The definition of the word 'Dowry' should be amended to the extent that it should include 'contracts' or 'pressures' or 'demands' of the bridegroom's parties before or during or after the marriage. My experience has been that there have been dowry murders in Calcutta at least in Marwaris community. There are three cases of very ghastly murders. In one particular case, an amount of Rs. 22,000 was paid to the father-in-law. Even then they were not satisfied. In another case, murder was committed. On a scrutiny, it was found that the death was due to strangulation. The death was due to third degree fire. The death was not due to six degree fire. Here in this case, the burn injury was of second degree or third degree fire and the extension of fire was also below 20 per cent.

Another suggestion is that it should be linked up with normal offence. If the offence is a matrimonial offence, the punishment should be severe because it is inhuman and unthinkable. My suggestion is that this Act should be read along with the common law of the land, that is, the Indian Penal Code. Unless it is linked with that law, the severity of the offence would be by-passed.

Now, if it is a cruel or deliberate murder, well we understand that it is a clear case of murder. But in one case, the girl was murdered and after murdering the girl, the entire face was burnt and they said that it was an accidental fire. But the science is so advanced that it was proved that the death occurred due to 3rd degree fire. Morever, extensive fire was also not there. Such things are happening and we have to be conscious about it.

Imprisonment is a must. Under the Essential Commodities Act, it is necessary to pass a conviction of imprisonment. In this law also, minimum imprisonment should be there. Unless that fear is instilled, big moneybtgs will pay the fine and get away with it. These are my submissions.

SHRI K. P. UNNIKRISHNAN: Is it your contention that only the aggrieved parties can initiate the proceedings?

SHRI SAROJESH BISWAS: MUKHERJEE: In all matrimonial matters, it is the aggrieved parties who are empowered to move the court. Otherwise, there will be difficulties.

SHRI K. P. UNNIKRISHNAN: How would you define bonafide gifts?

SHRI SAROJESH BISWAS MUKHERJEE: The parents or the girl's brother may present a necklace or something like that. The amount should be fixed. The value of the present should not exceed two months' gross income of the person who is offering it.

SHRI K. P. UNNIKRISHNAN: Would you suggest that a new definition of dowry offence can be put under the IPC?

SHRI SAROJESH BISWAS MUKHERJEE: Yes. Any offence, according to the ordinary law of the land or according to the IPC, when-

ever it has got direct or indirect connection wth dowry affence, hould be treated in a specific manner.

SHRI B. SATYANARAYAN REDDY: You want fine and imprisonment, both?

SHRI SAROJESH BISWAS MUKHERJEE: Yes. Fine should be on the basis of the financial condition of the offender.

SHRI B. SATYANARAYAN REDDY: You want a common civil code irrespective of caste and religion? Under the present Act, so far as the Muslims are concerned, dower or mahr is not included in dowry.

SHRI SAROJESH BISWAS MUKHERJEE: Marriage laws are different. I think that should remain.

SHRI K. P. UNNIKRISHNAN: Do you support a common civil code applicable to all communities irrespective of religion?

SHRI SAROJESH BISWAS MUKHERJEE: Yes.

SHRIMATI PRAMILA DANDAVATE: You said there should be a ceiling on the gifts. How can you ensure that the girl gets her equal share in the property at the time of marriage or after marriage? Generally parents like to give to the daughter her share in the property at the time of marriage.

SHRI SAROJESH BISWAS MUKHERJEE: There should be a proviso that this will not affect the legal rights of the person concerned.

MR. CHAIRMAN: Thank you very much.

(The witness then withdrew)

Government of West Bengal,
Calcutta

Spokesmen:

(1) Shri A. R. Saha
(2) Shri G. S. Banerjee
(3) Shri R. Banerjee
(4) Shri A. K. Banerjee
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SHRI A. K. BANERJEE: By social legislation we will not be able to eradicate this evil. We have noticed that there are defects in the enforcement of the Act and that is why, the evil continues to exist and it is not possible to eradicate this evil.

We have given specific answers to specific questions. My first point is that social awareness should be created. Our duty lies in strengthening the enforcement machinery. The remedy lies in educating the young men and women

There has been a suggestion that there should be a dowry prohibition officer. We have examined this point and we have thought that in every sub-division there should be a dowry prohibition officer posted. He will act as a link between the police officials and the voluntary social organisations. The offence should be made cognizable. We have not agreed that this should be made a non-bailable offence. This would be going too far. We have proposed that the offence contained in the Act should be made cognizable so that the police can effectively investigate the cases. But we have not agreed to the suggestion that the offence should be made non-bailable. Granting of bail should be the norm. It should remain bailable as before. It has been proposed that minimum punishment should be awarded in such cases. The existing maximum punishment may be enhanced. We have already enhanced the existing punishment from six months to three years and a fine of Rs. 5000 to Rs. 10,000 in our Act, i.e. the West Bengal Dowry Prohibition Act. A very important amendment has been made in the Act because at the post-nuptial stage, due to different reasons, people resort to torture and harassment of brides. It is a matter of satisfaction for us that we have already made some provision by way of an amendment in 1975. The amendment reads thus:

"4A. (1) If after the marriage, any party to the marriage with or without assistance of his parents or guardians deprives the other party of the rights and privileges of marriage, or tortures or refuses to maintain the said other party for non-payment of dowry before, during or after marriage, he shall be punishable with imprisonment which shall not be less than three months, but may extend to one year or with fine which shall not be less than two thousand rupees, but may extend to five thousand rupees, or with both."

Under section 7, there is a time limit during which a complaint is to be made. No court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence. Since the offence is of such a nature, the expression "complaint" should also cover the police report. This should be incorporated in the body of Section 7.

SHRI SNEHANSHU ACHARYA: I had some points to be made. One is that the offence should be made cognizable. I have already given my note on the points. There is a harassment by almost every mother-in-law to torture the bride. So the punishment should be severe. I am giving my opinion as a human being and not as a lawyer.

SHRI R. BANERJEE: Mr. A. K. Banerjee has already made the points quite clear and I agree with him more or less. But I have a feeling of slight variation in respect of opinion. For instance, in question No. 1, reasons for the failure of the legislation are: (i) Defects in enforcement; and (ii) Due to social and economic factors. Remedy lies in strengthening the enforcement machinery and orientation of young men and women, youth organisations and educational institutions.

These matters concern social and economic system. It is useless to harp on that after the legislation has been made and when we are all on the question of amendment, that may be made for improving the operation of the Act and not legislating on some anti-dowry measures. In that case we go back to the Q. No. 2 given in the Questionnaire. Here my feeling is that no hard and fast rule can or should be fixed about the value of presents and marriage expenses. They are bound to come from the resources of the parties concerned. Considering these factors, my feeling is whatever the giver considers or feels as excessive or unfair should be

treated as dowry and this must necessarily vary from person to person. It all depends on the economic condition and resources of the parties and besides that, the attitude varies from person to person. Some person consider that it is their birth-right to extract dowry from the in-laws. As soon as they take over their daughters in marriage, they feel that they are entitled to some dowry on the plea that they have to maintain their families. Some people feel that it is the duty of the husband to maintain his wife properly, she is to be fed, clothed and all her needs have to be met and therefore his attitude is something different from the normal. Then, there are other factors like commitments, etc. A family with a large number of members say a father having five daughters cannot afford as much as the father of a single daughter. Besides that, there may be other commitments also, may be dependant parents, may be dependent relations. So, it all depends on the commitment of the family as to how much they can afford and I feel that no hard and fast rule can or should be fixed about the values of gifts and presents. Whatever the giver feels as excessive or unfair should be treated as dowry and the matter should be decided by the court taking into consideration all these factors whether the commitment is excessive whether it is hardship on the party who has to pay and all that. My answer to question No. 3 is the same as that of Mr. Banerjee. But the limit of expenses is Rs. 5,000 for ornaments and Rs. 5,000 for marriage. For question No. 4 my answer is the same as Mr. Banerjee has already given.

MR. CHAIRMAN: If you give the questionnaire with your answers to the Committee, that would save the time. Now, our Committee Members will put questions to you and you may answer those questions.

SHRI R. BANERJEE: Now, in regard to the offences as to how they should be dealt with, that would be the most operative part of the Act and offences referred to in answer to question No. 10 should be cognizable. The Advocate General said, it should not be made cognizable. But we feel it should be made cognizable. Otherwise we cannot check the cruelty from which young brides are suffering, even going to the extent of committing sucide. They should be bailable. This is not very material because even in non-bailable offences like murder they get bail with certain restrictions. It should be compoundable wth the permission of the court. Sanction of the Dowry Prohibition Officer of the local area should be necessary. It is not desirable that in such matters the police should interfere right from the begining. At the intial stage, the Dowry Prohibition Officers should come into the picture. When they think that Police protection is necessary, they can requisition police help.

SHRI A. R. SAHA: This dowry problem should not be considered in isolation. The evil is very deep-rooted in our social, economic and oher systems. Unemployment is wide spread in the country and whoever wants to marry, thinks twice because he will have to shoulder a huge burden. In spite of best efforts the status of women has not improved. Unless the status of women improves considerably, it is very difficult to solve this problem through legal provisions. Educationally also the women are backward. These are certain connecting links which have made this evil so deep-rooted. Although under the Hindu Succession Act, the daughters and sons enjoy equal rights in the property, in most of the homes, the daughters give an undertaking foregoing their claim to the property. So, this property right of women is merely on paper. Unless the General economic condition of the country improves through generation of more employment opportunities and unless the status of women improves, it is very difficult to tackle this problem

The West Bengal Government made an amendment in the Act in 1975. Under Section 4, the previous sanction of the State Government is necessary before a court can take cognizance of any offence. In our amendment, we have said that previous sanction will not be necessary and if certain voluntary organisation authorised by Government files a complaint, that will be enough. But unfortunately our voluntary organisations have not come up to our expectations. We have discussed this problem recently and we are trying to set it right.

Unless the offence is made cognizable, people will not come forward to give information and police officer cannot take cognizable of it. So from our department of Social Welfare, we request that the offence should be made cognizable. We do not feel it should be made compoundable even with the permission of the court.

You have suggested in your questionnaire the setting up of a cell consisting of officers exclusively in charge of dowry prohibition. It is very kind of you to have made this suggestion and I agree with it. There should be such cells at the State level and Government of India level and it should be their responsibility to bring to the notice of the court the offences that are taking place. The subject is so delicate that legal remedy alone will not be enough. Voluntary organisations will have to come forward to eradicate this evil. As regards presents, a uniform ceiling cannot be made. You will have to fix different scales for the presents.

SHRI R. N. BHATTACHARYA: Regarding the definition of the dowry, whatever is given in consideration of the marriage, that should be considered as dowry. Secondly, Section 3 of the Act which pertains to actual giving of dowry should be made cognizable and demand of dowry should not be made cognizable. About bailable, we feel that it should remain bailable for the time being. It should be given trial for three years. Legal provision about sanction should be done away with because this will create a lot of difficulties. About enhancement of punishment if the West Bengal Act is followed in this respect that would be sufficient. In this Act the time bar is one year. But we found from experience that cases come to our notice very late. So the time bar should be extended to three years, so that if a suicide takes place, we can prosecute the husband or the mother-in-law and other persons. In the West Bengal Act there is a provision for punishment on conjugal rights. This might be provided in this Act. The dowry given should not be prosecuted.

SHRI N. SOM: If the offence is made cognizable, it will be a difficult task for the police to handle it. With the resources at the disposal of different police organisations, it is not possible to tackle the problem of maintaining law and order and controlling crime. It will be very difficult for the police to deal with cases if they are made cognizable unless some special machinery is created. With the existing strength of the police, it will be very difficult for the police to handle this type of cases.

This is an evil which cannot be cured by legislation alone because our experience has been that such social legislations which have been passed from time to time, more or less, failed either because of lack of publicity or because of the failure of the Government to set up an adequate enforcement machinery or because of general economic and social conditions of the country. Unless those things are improved, the evil cannot be cured by legislation alone.

SHRIMATI KANAK MUKHERJEE: If it is made cognizable it will be difficult for the police to handle it. Do you agree that this should be made cognisable in principle? Then, another question is whether it should be made cognizable at the time of giving dowry only and not for demanding.

SHRI R. N. BHATTACHARYA: Regarding the first point, we have no objection if the offence is made cognizable. There is a little distinction between Sections 3 and 4. In the Prevention of Corruptions Act, both the giver and taker of the bribe are liable for prosecution. But with the existing strength of the police force, it will be very difficult to make proper enforcement of the different provisions of this Act.

SHRI ANANTHA RAMULU MALLU: Do you suggest for the creation of Dowry Prohibition Cell?

SHRI R. N. BHATTACHARYA: I think so.

SHRIMATI PRAMILA DANDAVATE: So far, how many cases have come to the court? How the police has handled this problem?

SHRI N. SOM: After the amendment of the Act, I don't think any such complaint came up for enquiry by the police at Calcutta.

SHRIMATI PRAMILA DANDAVATE: You know number of dowry death is increasing day by day and the Home Minister has also given instructions that whenever there is a suspected dowry death, post-mortem should be done and the matter investigated. We would like to know whether any such cases have come to your notice. We would also like to know your opinion about the definition of dowry and Explanation 1 and Explanation 2.

SHRI N. SOM: As far as the definition is concerned, we have given our views in our reply to the Questionnaire. We do not want again to dilate on the question. Regarding the second point, I would say there are quite a number of cases of death which come to us for enquiry. But in such cases, for want of sufficient evidence in the court of law, it is taken under 309, abetment to commit suicide. We will prosecute and investigate the case depending on the quantum of evidence available. But one difficulty which we experience is that because the girl is living in her husband's house, the exact state of affairs would be known only to the relatives of the husbands. They are very reluctant to assist the enquiry.

SHRI A. K. BANERJEE: In 1978, there was a case of death, homicidal in nature. Another one took place in 1977. On the whole, 8 cases of dowry deaths or murders or suspected murders took place between the years of 1978 and 1981. Only three suicides of this nature were reported.

SHRI R. BANERJEE: I had an occasion to hear a case while sitting in the High Court, Calcutta, somewhere in the year 1968. The girl was tortured and ultimately killed under various circumstances. It was a case of suspected death. According to the post-mortem report, it was a case of suicide by burns. But the doctor reported that there were indications of throttling and some stuffing inside the mouth and afterwards burn injuries were committed on the body. The post mortem revealed this fact. But ultimately the culprit was acquitted. This is one case which I remember.

SHRI N. SOM: Now, Section 3 should be made cognizable and Section 4 should remain as it is. It is more or less a matter of principle because what I think is when dowry has been given, it is easy to prove, but if there is a cognizable case about demands for dowry, I am sure a lot of false cases will be coming.

SHRI ANANTHA RAMULU MALLU: At present the offence of demanding dowry cannot be taken cognizance of by the court without the previous sanction of the State Government. Do you consider that such sanction is necessary?

SHRI N. SOM: No. This should be done away.

MR. CHAIRMAN: I would like to put a question to the Police Commissioner. The answer to the question No. 17, they have said that a provision may be made in the Bill as to the posting of one Dowry Prohibition Officer in each Sub-Divisions In this connection, may I know from the Police Commissioner or the I.G. of Police whether they would like to shift the burden of investigation in so far as dowry cases are concerned to the Dowry Prohibition Officer? I do not think that there is an objection from the Police to this provision because there are other instances also where offences under special Section are being investigated by the special agencies and not by the Police. When there is an offence committed regarding weights and measures, it is investigated by a special agency. If so, at what level would you think that the dowry cases would be handled effectively by the Police Organisation especially when you give the investigating power to an officer or somebody else like Dowry Prohibition Officer? What should be the status of that Officer?

SHRI N. SOM: I think the minimum status of that officer should be an 'Inspector'.

MR. CHAIRMAN: Other witnesses had expressed different views on this point. The Committee would like to know the views of the Government of West Bengal. I want to know whether you would be able to tell us what the view of the Government is.

SHRI A. K. BANERJEE: We shall not be in a position to put it in one sentence because these different and divergent views will have to be brought before the Cabinet and the Ministers concerned and then only a correct decision can be formulated by the Government. We would therefore submit that it is not possible to give a categorical answer as this particular opinion or this particular view represents the view of the State Government.

SHRI S. R. BHOWMIK: If you give time to us, we will send the views of the West Bengal Government.

MR. CHAIRMAN: But I hope the Government of West Bengal will also send their views before we consider amendments to the draft Bill.

SHRI A. K. BANERJEE: A number of people have said that in this Dowry Prohibition Bill there shall be no hard and fast rule about the ceiling. Here a ceiling is required to be fixed once for all. This will make the Act and the provisions of the Act operable and enforceable. This is the direct effect. Secondly, indirectly it will avoid wasteful expenditure and it will lead to the practice of frugality. Thirdly, it will also be a stepping stone towards the estabishment of an egalitarian society.

MR. CHAIRMAN: You said that there should not be any hard and fast rule in regard to the ceiling. Unless this is done, how will it be possible to implement that?

SHRI R. BANERJEE: Without some ceiling being fixed, it will certainly not be possible to enforce the law. It is not the practical idea that I have put forward there. It is only the general view in the matter which I have given you. It is not fair to restrict a person to a certain limit where he is not able to do much more. What I mean is that you should not fix by law a limit of Rs. 1000 or Rs. 5000 and so on and make it appear to the general public "well, you can spend up to Rs. 5000". For a rich person, Rs. 5000 may be a very small sum. Therefore, I submit that you should not restrict this sum.

MR. CHAIRMAN: If it is not practicable, then the implementation is not possible.

SHRI R. BANERJEE: Yes.

SHRIMATI PRAMILA DANDAVATE: There is a demand from various people that there should be a Dowry Cell and Voluntary workers

to investigate these matters. I would like to know from you whether you would appreciate if Women's Organisations and other voluntary organisations are entrusted with the investigation work.

SHRI N. SOM: I think if these voluntary organisations are very actively associated with the investigation of the cases, they will not only lighten the burden of the Police but also they would be able to find out the facts which would be normally not available.

MR. CHAIRMAN: Thank you very much for your valuable suggestions.

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Thursday, 14 January, 1982 from 11.00 to 13.30 hours in Conference Hall, Secretariat Building and again from 16.30 to 17.20 hours in Orissa State Guest House, Bhubaneswar.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Usha Prakash Choudhari
4. Shrimati Mohsina Kidwai
5. Shri Anantha Ramulu Mallu
6. Shri Satyanarayan Jatiya

Rajya Sabha

7. Shrimati Manorma Pandey
8. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri Kailash Chand—*Senior Personnel and Executive Officer.*

REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

Shri B. R. Atre—*Deputy Legislative Counsel*

WITNESSES EXAMINED

I (1) Shri Srikanta Mohanty, *President, Cuttack High Court, Bar Association, Cuttack.*

(2) Shri Rajendra Chandra Mohanty, *Member, Cuttack High Court Bar Association and Standing Counsel, Central Government, Cuttack.*

(3) Shrimati Jharna Das, *Advocate.*

(4) Shrimati Nabonita Roy, *Advocate.*

(5) Shrimati Shakuntala Mohanty, *Advocate.*

II (1) Shri Chandrasen Nayak, *MLA.*

(2) Shri Naba Kishore Mullick, *MLA.*

(3) Shri Mohan Nag, *MLA.*

(4) Shri Maheswar Barad, *MLA.*

III (1) Shri Padmalaya Das, *Hony. Secretary, Orissa Nari Sewa Sangha.*

(2) Dr. (Shrimati) Jyotsna Dei, *President, Orissa Nari Seva Sangha.*

(3) Shrimati Kamala Ratnam, *Treasurer, Bhubaneswar Ladies Club.*

(4) Dr. (Shrimati) Rajeswari Delbehera, *Director, Health Service, Bhubaneswar.*

(5) Shrimati Sanjogita Chowdhury, *Headmistress, S. M Girls' High School, Bhubaneswar.*

IV (1) Shrimati Nirupama Rath, *President, Utkal Mahila Samity, Cuttack.*

(2) Shrimati Nirodh Prabha Patnaik, *General Secretary, Utkal Mahila Samity.*

(3) Shrimati Bijoyani Das, *Vice-President, Utkal Mahila Samity.*

(4) Shrimati Nabonita Roy, *Advocate, Utkal Mahila Samity.*

(5) Shrimati Snehlata Patra, *Member, Utkal Mahila Samity.*

V. *Government of Orissa, Bhubaneswar.*

Spokesmen:

(1) Shri K. C. Patnaik, *Minister of Community Development and Rural Reconstruction Department.*

(2) Shri K. P. Mahapatra, *Secretary, Law, Govt. of Orissa.*

(3) Dr. R. K. Nayak, *Secretary to Government.*

(4) Shri Gobind Das, *Advocate General, Government of Orissa, C. D. & R. R. Deptt.*

(5) Shri Narsingh Swain, IPS, *I.G. of Police.*

(6) Miss L. R. Mitra, *Deputy Secretary (D & R.R. Deptt.).*

(7) Dr. (Shrimati) Savitri Rout, *Principal, Sailabala Women's College, Cuttack.*

I. 1 Shri Srikanta Mohanty

2. Shri Rajendra Chandra Mohanty

3. Shrimati Jharna Dass

4. Shrimati Nabonita Ray

5. Shrimati Shankuntala Mohanty

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: The committee welcome you. The Dowry Prohibition Act, 191 has failed to achieve its objective. So, the Government has constituted a Joint Committee of the two Houses of Parliament to examine the question of the working of the Act with a view to deal effectively with the evils of the dowry system. The committee would welcome suggestions from you to plug the loopholes in the existing Act. We hope we will be benefited by your valuable suggestions.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI SRIKANTA MOHANTY: Unless the girls refuse to marry a bridegroom who or whose parents demand

dowry, I think this evil cannot be eradicated completely, whatever laws you may pass.

The main reason for the failure of the legislation is that if somebody is prosecuted for any offence under this Act, there are so many loopholes to escape and it is very difficult to convict him.

So far as definition of dowry is concerned it will be very difficult to have an exhaustive definition because somebody may give a present after two years and so on. It will be better to have an all-inclusive definition without attempting to have an exhaustive definition. Once you make an exhasutive definition, there will be many loopholes for offenders to escape.

SHRI ANANTHA RAMULU MALLU: What are the loopholes that you find in the previous Act and what do you suggest to plug them?

SHRI SRIKANTA MOHANTY: If you lay down rules that certain things will not be considered as dowry unless they are shown to be made in consideration of the marriage, it will be very easy for persons to avoid that. So what I say is that 'in consideration of dowry' should include gifts, presents, clothes given at the time or after the marriage. If you fix a limit, it will be very difficult to prove it in a court of law. So far as the marriage expenses are concerned, you may limit them. But to include them in the definition of dowry would not be proper. So far as presents given by the relatives are concerned, if they are made and given to the girl at the time of her marriage and within some time limit they all should be considered as dowry. The person who gives dowry, should also be penalised. So far as the punishment is concerned, the main difficulty is that the offence is not proved. So, the existing punishment is enough. In Orissa the number of cases are very few. And punishment should be either in the form of fine or imprisonment. Imprisonment should not be mandatory. According to the decision of the court, fine may be fixed. The punishment should be applicable to all areas; but maximum can be fixed. During the pendency of the case, special protection to the girl is necessary. There is a provision regarding advisory board to the Dowry Prohibition Officer at the district level or Thana level. In that board, some members either from the local body or municipal body should be there.

The nature of duty of the Dowry Prohibition Officer should be that of a police officer in collecting evidence and investigating thereon. They should be given statutory power.

SHRI RAJENDRA CHANDRA MOHANTY: I am straightaway taking the hon. Members to my suggestions regarding the amendment of the Act of 1961. I want that the word "benefit" be added after the words "valuable security" under Section 2, Definition of Dowry. Because, sometime it happens that without taking cash, the bridegroom party may demand a band party from bridegroom place to the place of marriage.

My second suggestion is that the words [but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies], appearing under Section 2 (b) should be deleted. What I mean, let there be a nominal amount which has to be registered in the marriage register. It should not be left to anybody's guess because rich and poor class problem is also there.

My third suggestion is that these Explanations under Section 2 should be omitted. They were added after the Select Committee report. It practically nullifies the effect of the Act. It is very difficult to prove the intention.

Coming to penalty clause, we must be strict and the punishment must be

penal and compulsory imprisonment for a period of minimum one year. The penalty should be both heavy fine and/or imprisonment

The proviso under Section 4 puts a hindrance for the implementation of the Act. I think, there is no necessity of retaining such a proviso. Let the case be placed before the court with all facts and figures. We know what are the troubles in getting a sanction from the Government before approaching the court.

Now, coming to Section '6' I would submit that it has no meaning. When we are completely prohibiting this action as illegal, there is no meaning of the words "Where any dowry is received by any person...". Coming to Section 7, I would say, there is no necessity of putting any embargo on the class of magistrates. Any magistrate competent to try any penal case may be entrusted to try this case also. The time limit laid down under Section 7 (b) should be increased to five years because these offences will have to be detected and brought to the notice of the court.

As far as Section 8 is concerned, in my opinion, it should be made non-bailable and cognizable.

For Question No. 1 of the questionnaire, that is, the reasons for the failure of the legislation, I may submit that there are a number of loopholes and special sanctions which act as impediments on the cases being initiated freely by the court. For Q. No. 2, I have given my views regarding the changes in Section 2. In regard to the value of the presents and gifts, a ceiling of Rs. 500 should be put and the value should not be more than that amount because most of the people in our country are poor.

SHRI B. SATYANARAYAN REDDY: You have said that the expenditure on marriages should not be included in dowry and whatever amount is spent on marriages should be allowed. But you have not said anything in so far as the limit of the expenditure on the marriages is concerned.

SHRI SRIKANTA MOHANTY: You can fix the limit on the expenditure of the marriage.

SHRI B. SATYANARAYAN REDDY: You have also said that the gifts either in the shape of cash or ornaments or any other things, should also be included in the definition of Dowry. Do you mean to say that nothing should be given if they are not included in the definition of dowry?

SHRI SRIKANTA MOHANTY: Some maximum limit should be fixed and within that amount they should come.

SHRI B. SATYANARAYAN REDDY: In the Explanation-II of the Draft Bill, It has been mentioned that some valuable security should be excluded from the Bill. If you say that some gifts may be given, then what kind of gift you are referring to?

SHRI SRIKANTA MOHANTY: In the present Act, it is mentioned there. On account of this clause, it is very difficult to prove that it has not been given in consideration of the marriage. The Act is clear in this respect.

SHRI B. SATYANARAYAN REDDY: The Orissa Government has made some amendments to the present Act. Do you approve of those amendments or do you want any changes in the amendments already made by the Orissa Government?

SHRI SRIKANTA MOHANTY: If the Parliament is making a comprehensive Act, I think that that should be sufficient. I feel that a comprehensive Act is better.

SHRIMATI MANORMA PANDEY: You have said that the giver should also be punished. Here who is at fault, whether the giver or taker of the dowry?

SHRI SRIKANTA MOHANTY: If the giver is not here, who else will be giving dowry?

SHRIMATI MOHSINA KIDWAI: You have said that there should some limit fixed for the gifts and presents for the benefit of the poorer sections of the people. You have also said that there are so many innocent people in our country who can be exploited by this Act. Can you explain this point?

SHRI RAJENDRA CHANDRA MOHANTY: It may bring some trouble to the innocent people. Some unscrupulous people may try to harass the innocent people. But at the same time, we should also consider that they cannot go to the court and talk to the authority and obtain permission. As our experience goes, to obtain permission is not so easy procedure. If the matter goes to the court without any permission, then there would be no difficulty. So my suggestion is that it should be deleted from the present draft Bill and that is why we submit that a provision may be made that if the complaint is proved to be false, the complainant will have to pay some penalty to the accused. This provision may be incorporated in the Act.

SHRIMATI MOHSINA KIDWAI: You want every marriage to be registered compulsorily?

SHRI RAJENDRA CHANDRA MOHANTY: There is no necessity. That will not do away with the evil of dowry.

MR. CHAIRMAN: But registration of marriage can help in many other ways. When the wife wants to join her husband in a foreign country, it may be helpful.

SHRI RAJENDRA CHANDRA MOHANTY: That is true. Registration of marriages will help in many other spheres.

SHRI ANANTHA RAMULU MALLU: Under the Hindu Succession Act, women have got property right. If this right is prperly implemented, will the dowry problem be solved?

SHRI RAJENDRA CHANDRA MOHANTY: Our legislators could not foresee the effect of the Hindu Succession Act. They thought they had given equal rights to the sisters and brothers. But actually time has proved that sisters do not really get what was intended to be given to them. So, the Hindu Succession Act should be amended.

SHRI ANANTHA RAMULU MALLU: Do you think registration of marriages is practicable in this country? Will society in general appreciate it?

SHRI RAJENDRA CHANDRA MOHANTY: We may simplify the procedure of registration as we have done in the case of registration of births and deaths.

MR. CHAIRMAN: About minimum punishment, you said 'one year'. What about maximum punishment?

SHRI RAJENDRA CHANDRA MOHANTY: Life imprisonment, because sometimes it leads to death of innocent girls.

MR. CHAIRMAN: We are proud of you, lady advocates, who have come to give evidence before the committee. The committee request you not to repeat the points which have already been made. As you know, the proceedings are confidential, till the report of the committee is presented to Parliament.

SHRIMATI JHARNA DAS: Question No. 1. It cannot be said that the legislation has failed in the true sense of the term. Persons affected by the evils of dowry do not take shelter under the legislation, first for fear of the prevailing social norms and also on account of economic backwardness. Therefore, unless the Act is given wide publicity and a nation-wide movement against dowry is launched, no legislation can alone come to the rescue of the dowry victims. The

legislation should protest and grant safeguards to the persons taking shelter under it from social clutches. The Dowry Prohibition Act is so short and crisp that it does not embrace all situations and does not render protection from various evils caused by dowry.

In reply to question No. 2 where the presents exceed a particular value and where the marriage expenses incurred exceed a particular amount, in my opinion, the excess should be treated as dowry. I agree that this will operate as a ceiling on marriage expenses and also on presents.

In reply to question No. 3, I prefer a consolidated limit both for the presents and marriage expenses. In my opinion the limit should be restricted to Rs. 10,000/- taking into account the prevailing market conditions and to meet the ceremonial exigencies of a marriage prevailing in our society. Reception and entertainment of groom's party should be included in this limit. Under no circumstances, the journey expenses of the groom's party should be borne by bride's party.

Question No. 4 repeats the same thing. I do not consider that the limits should be prescribed periodically i.e. from year to year of the marriage.

In reply to question number 5, the person should be punished.

Replies to question numbers 6, 7, 8 and 9 are of similar nature. The maximum punishment should be for a term of 5 years imprisonment together with a fine penalty which will be equal to the value of the dowry. The maximum punishment should not be less than three years imprisonment along with a fine which should not be less than the value of the dowry. In case of default, the fine should be recovered as an arrear of land revenue. The fine so realised should go to the exchequer for successful implementation of the Dowry Prohibition Act by the Government through publicity and mass communication. The court should be given discretion to impose punishment in accordance with the law subject to the maximum and minimum punishment prescribed.

In reply to question number 10, denial of conjugal rights to the wife for dowry is punishable under the Dowry Prohibition (Orissa Amendment) Act, 1975. I fully agree with this. But the punishment provided under the Orissa Act should be enhanced to imprisonment of five years without any fine. A special provision to the Dowry Prohibition Act should be enacted to give protection against the harassment and torture caused to the wife by the relatives of the husband i.e. mother-in-law, father-in-law, sister-in-law etc. for dowry. Any or every type of act or acts which lead to harassment of the bridge by the husband, by the in-laws should be punishable. The punishment should be only imprisonment and not fine.

In reply to question No. 11, it should be made cognizable. In reply to Q. No. 12, no arrest should be made without a warrant. In reply to Q. No. 13, the offence should be bailable. But it should be compoundable with the permission of the court. I do not consider previous sanction of the State Government or any other authority is necessary for taking cognizance by the court. In reply to Q. No. 16, no authority should be given to social organisations. In reply to Q. Nos. 17, 19, 20 and 21, Dowry Prohibition Officers for different areas of the State should take appropriate action, help and assist the Dowry victims and collect evidence for the effective prosecution of the persons in furtherance of the object. Also they should give wide publicity of the Dowry Prohibition Act and its stringent provisions to the mass so as to prevent offences being committed under the Act.

I fully agree for forming advisory body consisting of five persons to assist and advise such Dowry Prohibition Officers for efficient performance.

The Dowry Prohibition Officers should not be invested with powers of police officer but they should take free assistance of police personnel as and when required.

In reply to question No. 13, the aggrieved party should be given protection and security. There should not be any change in other laws. The provisions should be added in such a way that it should never stand conflict with the present laws.

SHRIMATI NABONITA ROY: The system of giving and taking dowry is mainly a socio-economic problem. The index of it can be seen from the fact that hardly 4 cases have been registered so far under this Act since 1961 and only one case out of 4, ended in the conviction. The first step should be a total and thorough shake-up of social customs. Unless this is done, I am afraid, no amount of legislation would solve the problem. We must mobilise social organisation to ensure equality of status for both men and women. Though we have inheritance rights, because of the existing social set up, there is no proper enforcement. We should take such steps as to ensure that these laws are properly implemented. Equal treatment should be given for men and women after divorce. Therefore, a proper climate should be created in the society.

Appropriate legislation must be made to make "dowry demand", a valid ground for divorce. Not only that, having granted the divorce, the wife can claim maintenance from her husband for herself and her children.

MR. CHAIRMAN: This is provided in the law. It is already there. You are telling something in general. You are suggesting more on social line than on legal lines. The Committee expect suggestions on the legal aspects from you.

SHRIMATI NABONITA ROY: In Section 2, definition of dowry, I would suggest that the words "as consideration for the marriage of the said parties" may be deleted.

I would also suggest that Explanation I should be deleted. It is very difficult to prove "as consideration for the marriage".

SHRIMATI NABONITA ROY: I would suggest that the proviso under Section 4 should completely be omitted.

SHRIMATI SHAKUNTALA MOHANTY: Section 3 while defining "Dowry" enacts that any property or valuable security given at, before or after the marriage as consideration for the marriage presents two difficulties, namely—

(i) It is impossible to prove that the property was given as a 'consideration' as in all cases and neither the party to the marriage nor their parents will come and depose. Moreover, 'consideration' has a very technical cannotation in law.

(ii) It is a common knowledge that most of the dowry is now given at the *Tilak* or *Mangani* in order to obviate any quiblings; it would be apropriate to prohibit the giving of dowry at the *Mangni* or *Tilak*.

Now, Explanation-1 to Section 2 completely destroys in reality the restriction in the substantive section as dowry which is given in the garb of presents. A car, 100 tolas jewellery, Rs. 50.000 in cash, a fridge or a T.V. goes as presents. In the present socio-economic context, in the country, it would be advisable to delete Explanation—I altogether or to limit the same and enact a proviso to Explanation-I somewhat to the effect:—

Provided that—

"The total price of the present at the then market value shall not exceed Rs. 1000 and all presents

given whether at or after or before the marriage or *Tilk* or *Mangni* in excess of Rs. 1000 shall be deemed to be Dowry."

The Explanation-I should be suitably amended to include all presents at or before or after the marriage *Tilak* or *Mangni*."

Section 3 and 4 should suitably be amended to make imprisonment compulsory.

Section 7 should appropriately be amended as to entitle any person to file a complaint.

Section 8 should be amended to make the offence cognizable and non-bailable.

A new Section should be added so as to make the onus of the proof on the accused to disprove any presents, property or sums received, at or after the marriage in *Tilak* or *Mangni* in not a dowry. I think these suggestions would on a long way to the proposed draft Bill.

SHRIMATI MOHSINA KIDWAI: The system of dowry demand is a deep-rooted social evil. Don't you think that with this legislation many poorer sections of the people can be saved from this evil practice? If there are rules like the Guest Control Order. etc. there will be a lot of saving and wasteful expenditure can be avoided. It will be most beneficial to the parents belonging to the middle class and upper-middle class society.

SHRIMATI NABONITA ROY: This Act was passed in 1961 and how many poorer sections of the people have taken recourse to this Act? I think the Act should include, as you have suggested, Guest Control Order, etc. All these should be incorporated in it and they should strictly be prohibited. Unless we enact a very stringent law to this effect, this will not serve the purpose.

MR. CHAIRMAN: At times, what happens is when 'Baarat' comes, more than a thousand people accompany the boy's party. Don't you think that it is a big harassment to the girl's parents? Not only that. At the time of the marriage, the question of giving gifts like TV, fridge, etc. is considered. Don't you think if 12 or 15 persons go with the 'Baarat' party, that will be sufficient?

SHRIMATI NABONITA ROY: Giving of all these gifts should be completely prohibited and the expenses should be minimised. Slabs or gift may be fixed for different categories of people.

SHRI ANANTHA RAMULU MALLU: In Explanation-I, it has been mentioned "unless they are made as consideration for the marriage of the said parties". Here the word 'consideration' is mentioned. Have you got any alternative word for this?

SHRIMATI NABONITA ROY: Unless you amend the law, it will not be possible to punish a person only by considering the appropriateness and the possibilities of things having been given as dowry. I don't think that you may be able to prove the "consideration".

SHRI ANANTHA RAMULU MALLU: With the proposed amendments, don't you think that this Bill will give some powers to the voluntary organisations and Women's Organisations to stop this evil system?

SHRIMATI NABONITA ROY: Yes, it is moving towards that direction.

SHRI ANANTHA RAMULU MALLU: Do you suggest that a separate Cell should be appointed for this purpose or the Voluntary Organisations and the Women's Organisations should be entrusted with this task?

SHRIMATI NABONITA ROY: Government should appoint a separate Body for this purpose and Voluntary Organisations can also help in this matter.

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि 10,000 तक शादी में खर्चा हो, लेकिन गिफ्ट की लिमिट आपने नहीं बताई । गिफ्ट कितने तक के होने चाहियें ?

SHRIMATI JHARNA DAS: It should be included in that.

श्रीमती विद्यावती चतुर्वेदी : मेरा कहना यह है कि किसी व्यक्ति के एक लड़का और एक लड़की है और वह व्यक्ति लखपति और करोड़पति है । वह लड़की की शादी में केवल 10 हजार खर्च कर के उसको विदा कर देता है । मैं यह जानना चाहती हूं कि क्या लड़की अपने पिता की प्रापर्टी में उतनी ही हकदार नहीं हो सकती है जितना कि उसका बेटा हो सकता है ?

SHRIMATI JHARNA DAS: That should not be included.

श्रीमती विद्यावती चतुर्वेदी : जैसा कि मिसेज राय ने बताया कि बड़ी आत्म-हत्याएं हो रही हैं, लड़कियों को जला दिया जाता है, मरडर कर दिया जाता है, तो ऐसे कितने केसेज़ हो रहे हैं ? क्या आप समझती हैं कि इस तरह डाउरी का प्राविजन कर देने से लिमिट लगा देने से जो आत्महत्याएं या मर्डर हो रहे हैं उनमें कुछ कमी हो सकेगी ?

श्रीमती झरना दास : लैजिस्लेशन होने के बाद,

definitely it will be restricted.

श्रीमती विद्यावती चतुर्वेदी : अपने ला के अन्तर्गत उसको प्रापर्टी में हक है । लेकिन क्या आप यह पसन्द करेंगी कि जिस समय शादी हो, उसी समय प्रापर्टी में से जो हिस्सा उसे मिलना हो, वह मिल जाये और उसकी रजिस्ट्री करवादी जाये और साथ ही साथ यह भी कम्पलसरी कर दिया जाये कि अगर किसी कारण से लड़की की मृत्यु हो जाती है तो वह प्रापर्टी उसके मां-बाप को लौटा दी जाये ताकि प्रापर्टी के लालच में जो मर्डर किये जाते हैं, वह न किये जा सकें ?

SHRIMATI JHARNA DAS: If we make that law, that will affect the other inheritance laws. This should not affect the other laws.

श्रीमती विद्यावती चतुर्वेदी : यह तो डाउरी के अन्दर ही आयेगा । उसके फ़ादर की प्रापर्टी का जो भी हिस्सा मिले उसकी भी रजिस्ट्री हो जाये ?

श्रीमती झरना दास : रजिस्ट्री हो सकती है ।

श्रीमती विद्यावती चतुर्वेदी : क्या यह भी ध्यान रखा जाना चाहिये कि एक्ट में यह प्रावीजन भी किया जाये कि अगर लड़की की मौत हो जाती है और उसके कोई बच्चा न हो तो उसकी प्रापर्टी उसके सास-ससुर या ससुराल वालों को न मिले ? क्योंकि प्रापर्टी के लालच में ससुराल वाले जो लड़की को मार डालते हैं, अगर उनको उसकी मौत के बाद भी प्रापर्टी नहीं मिल सकेगी तो इस प्रकार से लड़कियों के मर्डर को रोका जा सकेगा ?

श्रीमती झरना दास : अगर ऐसा होगा तो प्रापर्टी एक्ट में भी तबदीली करनी पड़ेगी ।

MR. CHAIRMAN: Thank you very much. We have got very valuable suggestions from all of you.

(The witnesses then withdrew)

II—1. Shri Chandrasen Nayak
2. Shri Naba Kishore Mullick
3. Shri Mohan Nag
4. Shri Maheswar Bard

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: The Committee welcome the hon. members of the Orissa Legislative Assembly. We are very happy to have you here. You know the Dowry Prohibition Act, 1961 has failed to achieve its objective. So, Government have constituted this Joint Committee of the two Houses of Parliament to go into the question of the working of the Act

and with a view to deal effectively with the evils of the dowry system. The Committee would welcome your suggestions.

Before we proceed, may I draw your attention of Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liabl to be made available to the Members of Parliament."

SHRI NABA KISHORE MULLICK: I have written down my answers to the questionnaire and my suggestions. I am handing it over to the Committee.

SHRI MOHAN NAG: I will write down the answers and suggestions and give them to the Committee.

श्री महेश्वर बरड : ऐक्ट का अधिक प्रचार होना चाहिये ।

श्री बी० सत्यनारायण रेड्डी : मौजूदा जो आईन है उसके अन्दर उड़ीसा सरकार ने कुछ अमेंडमेंट किया है । उससे आप सहमत हैं या उसमें कुछ और तबदीली चाहते हैं, या पहले वाले ऐक्ट को ही रखना चाहते हैं, या उड़ीसा सरकार ने जो ऐक्ट बनाया है वही ठीक समझते हैं ?

श्री महेश्वर बरड : इस बारे में हम आपको लिख कर भेज देंगे ।

(The witnesses then withdrew)

III—1. Shrimati Padmalaya Das
2. Dr. (Shrimati) Jyotsna Dei
3. Shrimati Kamala Ratnam
4. Dr. (Shrimati) Rajeshwari Delbehera
5. Shrimati Sanjogita Chowdhuary.

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published. unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

DR. (SHRIMATI) JYOTSNA DEI: This system is definitely a social evil. Unless and until the social status of the woman is improved, the woman will have no voice in it. Today, the education of the woman is below one-third that of the man. Unless they are all educated and given an opportunity in jobs, made independent and economically secured, the law on dowry is not going to make much difference. There should be reservation of seats for women in all jobs until they come up at the level of the man.

DR. (SHRIMATI) RAJESHWARI DELBEHERA: I entirely agree with Dr. Jyotsna that girls should be given education so that they can earn their livelihood.

You cannot have any fixed amount for dowry. It depends upon the status of the father. There should not be any fixed limit. You can give any amount as presents.

SHRIMATI SANJOGITA CHAUDHARY: I think, it is a reciprocal process. Side by side, the marriage consciousness and the social consciousness should be developed both for men and women. There should be some ceiling on the presents or gifts. Women must be educated.

SHRIMATI KAMALA RATNAM: Apart from general education, the social consciousness should be inculcated in the curriculum.

SHRIMATI PADMALAYA DAS: I agree that job reservation should be made for women. The dowry offence should be made cognizable. Another point is that the dowry demand should also be considered as a valid ground for divorce. So far, not a single case on dowry has come to the court here.

श्रीमती उषा प्रकाश चौधरी : आपकी उड़ीसा प्रदेश की सरकार ने कुछ सुझाव दिये हैं। हर स्टेट की प्राबलम अलग-अलग होती है, वहां की समाज व्यवस्था भी अलग होती है और डाउरी की प्राबलम भी अलग होती है। आपके कानून में भी इसका अलग प्रावधान है। मैं आपसे यह जानना चाहती हूं कि आपका स्टेटवाइज कानून में विश्वास है या सारे देश के लिये एक ही कानून इस मामले में बनना चाहिये ?

श्रीमती संजोगिता चौधरी : हम सारे देश के लिये एक कानून चाहते हैं।

श्रीमती उषा प्रकाश चौधरी : मैरिज एक्सपैंडीचर कैसे रखा जाये, इस पर बन्धन कैसे रखा जाये ? यह सब के लिये एक सरीखा रखा जाये या कमाई के आधार पर रखा जाये ?

डा० (श्रीमती) राजेश्वरी डेलबेहरा : एक्सपैंडीचर के बारे में तो अलग-अलग समाज की अलग-अलग पद्धति होती है। कहीं पर पम्प एंड शो नहीं होता है और कहीं पर बहुत ज्यादा होता है।

श्रीमती उषा प्रकाश चौधरी : मैक्सिमम लिमिट क्या होनी चाहिये ?

DR. (SHRIMATI) JYOTSNA DEI: It all depends on the economic status of the party. But there should be a maximum limit. It is very difficult to prescribe certain amount due to variation in the prices, escalation etc. Rs. 10,000 may be a maximum limit for the upper class whereas an amount of Rs. 1,000 or so should be the limit of poor. The guest control order should be implemented strictly.

SHRIMATI MOHSINA KIDWAI: Do you have any specific programme to build up an atmosphere against this dowry evil? As you have aleady said legislation is not only remedy for this type of deep rooted social evil. It is not the problem of the rich or the poor. As you know, Sati Partha for the social organisations played a very important role to make a proper atmosphere.

SHRIMATI PADMALAYA DAS: We had a seminar on this sometime ago. Now we are trying to do something in our own way.

श्रीमती विद्यावती चतुर्वेदी : हमारी कमेटी कुछ महीने पहले गोआ गई थी, वहां हमने देखा कि सभी लोगों को चाहे वह हिन्दू हों, मुसलमान हों, सिख या ईसाई हों सभी को रजिस्ट्रेशन शादी का कराना पड़ता है। और रजिस्ट्रेशन के समय ही जो कुछ भी लड़की को मिलता है उसकी भी लिस्ट बनाकर रजिस्ट्री करवा दी जाती है। फ़ादर की प्रापर्टी में से जो हिस्सा उसे मिलना होता है उसकी भी रजिस्ट्री करवा दी जाती है। क्या सब जगह इस तरह की बात लागू की जा सकती है इस बारे में आपकी क्या राय है ?

वैसे ही अगर रजिस्ट्रेशन अपने यहां कर दिया जाय, तो क्या आप उसको उचित समझती हैं ? क्योंकि इससे यह होगा कि यदि लड़की की सस्पीशस परिस्थितियों में मृत्यु होती है या आत्म हत्या करती है तो क्या नियम में यह व्यवस्था ठीक रहेगी कि जो सामान उसकी शादी में मिला था और रजिस्टर्ड है वह उसके माता पिता को वापस कर दिया जाय। और अगर उसका छोटा बच्चा है तो वह सम्पत्ति अदालत के संरक्षण में रहे और बच्चे के बालिग होने पर वह प्रापर्टी उसको मिल जाय। इस से शायद आत्म हत्यायें कम हो जायेंगी। इस बारे में आपका क्या विचार है ?

DR. (SHRIMATI) RAJSHWARI DELBEHERA: It will help a lot. The property should be in the name of the girl.

SHRIMATI PADMALAYA DAS: In case some untoward thing happens to the girl, the property should be returning to the girl's parents and not to the girl's brothers.

श्रीमती विद्यावती चतुर्वेदी : टाइम लिमिट कुछ हो सकती है। लेकिन 2, 3 साल में तो बच्चा आ जायगा अगर कोई खास बात न हो तो।

DR. (SHRIMATI) RAJESHWARI DELBEHERA: That is a very good idea.

SHRI ANANTHA RAMULU MALLU: You said that mere legislation would not do away the evil system of dowry. You have said that the voluntary organisations should also play its role to eradicate this evil. Now, how many cases have been noticed by your voluntary organisation? Do you think it possible for the voluntary organisation to tackle such problems?

DR. (SHRIMATI) JYOTSNA DEI: I think a lot of such evil systems can be eradicated with the help of the social workers. The social workers would go to various places and explain the evil system of dowry to the people and this will go a long way. The social workers in our organisation are visiting many places and making the parent's as well as in-laws understand difficulties faced by the brides parents to fulfil the demands of the bridegroom and his parents. They tell them that they should eschew the practice of demanding so many things at the time of the marriage. Moreover, in order to make the girls self-supporting, certain jobs like school teachers, clerical jobs, Library Assistants, etc. should be kept reserved for them.

SHRIMATI PADMALAYA DAS: Regarding voluntary organisations, if they are to be geared up for the purpose, they should have enough funds. Unless such organisations are active, I think the Dowry Prohibition Officer in that way would be of little use. Moreover, the complaints should also be taken from the general public and voluntary organisations and not only from the parties concerned.

SHRI B. SATYANARAYAN REDDY: I would like to know from you whether the desire to demand dowry is more on the part of the mother-in-law or of the father-in-law or the bridegroom himself. What are your findings and what remedies would you suggest?

SHRIMATI PADMALAYA DAS: We feel that even the boys have to be educated. Nowadays young boys demand more than the demands of the parents.

SHRIMATI SANJOGITA CHAUDHARY: The desire to demand is also found in the bridegroom, particularly in the upper income groups. On behalf of their parents, the boys demand dowry.

SHRI B. SATYANARAYAN REDDY: Do you know any case where the boy demanded dowry but the parents refused to take dowry?

DR. (SHRIMATI) JYOTSNA DEI: I am yet to see one.

MR. CHAIRMAN: Thank you for your kind suggestions.

(The witnesses then withdrew)

IV—1 Shri Nirupama Rath

2. Shrimati Nirodh Prabha Patnaik

3. Shrimati Bijuyani Das

4. Shrimati Nabunitaruy

5. Shrimati Snehlata patra

(The witnesses were called in and then took their seats)

MR. CHAIRMAN: Before we proceed, May I draw you attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58, Where witnesses appear before a Committee to given evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

MR. CHAIRMAN: The Committee welcome you. Time is short we have already heard a lot. If you want to say something new, you are welcome to say it. If you have got anything in writing, you can give it to the Committee.

DR. NIRUPAMA RATH: Thank you very much for the guidelines. In section 2 of the Act, after the words "given or agreed" I proposed that the word "or demanded" may be added. Also, under Explanation 1, after the last line it may be added that presents upto a maximum ceiling of Rs. 1000 and voluntarily given may be allowed, but anything beyond that may be considered as dowry given as consideration for the marriage.

In section 3, instead of six months, the punishment should be five years and the fine should be up to Rs. 5000. Both fine and imprisonment should be there.

In section 4, there is no need for the second para and the following may be added:

"There is no need to wait for sanction of the State Government. The court will pursue the case according to the usual procedure."

In section 6, the punishment should be as suggested in section 3 above. The dowry should be returned.

In section 8, we want that every offence shall be cognizable, non-bailable and non-compoundable.

Coming to the questionnaire, in reply to Question 1, we have got a specific suggestion for the implementation of the Act.

There should be a provision from the side of the Government for the constitution of an advisory body, a state level committee, which shall consist of a Government officer not below the rank of a Commissioner and representatives of voluntary and social organisations.

Statutory bodies should be empowered to enquiry into a complaint. And unless clearance is given by this body, the cases should not be registered.

Regarding expenses etc. there we have laid down some slabs. For one year, they can given gifts and presents but that too must have a separate ceiling. That must be raised to Rs. 10,000|-. For the child ceremony and for all other occasions, there should not be any demand.

Regarding punishment, we suggest five years punishment and Rs. 5,000|- as fine. The taker and abettor must be given severe punishment. But in the case of giver, we can give some relaxation.

In reply to Q. No. 10, the punishment should be of a very high degree. There we propose ten years imprisonment and Rs. 10,000|- as fine. The offence should be cognizable and non-bailable. Arrest must be made with warrant. It must be non-compoundable. We should not wait for the permission of the State. But this power can be given to the statutory body and other social organisations. There should be summary trial. Q. Nos. 17 and 18, statutory bodies must act as the competent authority Q. No. 20, we do not want any advisory body. Q. No. 22, Section 13 of the Hindu Marriage Act should include any offence under this Act as a valid ground of divorce and in that event the man must pay maintenance.

SHRIMATI NIRODH PRABHA PATNAIK: The entire property of the father should be distributed among the children irrespective of son or daughter. It will help to fight the evil of dowry to some extent. We mothers should also treat the daughters equally with regard to education, so that daughters would be self-depending. We must try to reform the society and re-model it in such a way that women are respected and treated equally. My sugggestion is that the distribution of property on equal basis may help the case to some extent.

MR. CHAIRMAN: Now we shall adjourn for lunch.

(The Committee then adjourned at 13.30 hours and reassembled at 16.30 hours

V. *Government of Orissa, Bhubaneswar.*

Spokesmen:

1. Shri K. C. Patnaik
2. Shri K. P. Mahapatra
3. Dr. R. K. Nayak
4. Shri Gobind Das
5. Shri Narsinghswain
6. Kumari L. R. Mitra
7. Dr. (Shrimati) Savitri Rout.

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: The Committee welcome you all and I hope the Memorandum submitted by your Government contains very valuable suggestions. It is very informative and it will help in drafting the Bill. The Act of 1961 passed for this purpose could not make much headway and therefore this Bill has been brought forward. We have to consider the economic, social and legal aspects and that is why we have come to your State for receiving valuable suggestions in this regard. When the Committee will meet at Delhi to give a final shape of the report, at that time the suggestions of the State Government will be considered. I think this is supposed to be one of the best. Now, if you want to make any further points, apart from what you have already given in your Memorandum, you can do so.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available so the Members of Parliament."

SHRI GOBIND DAS: So far as the law is concerned, we have prescribed certain amendments to certain clauses.

I would like to highlight certain salient features of the Memorandum. Now, apart from enhancing the punishment or including certain offences as punishment, I think either the girl's party or the boy's party can really file a case. You have to constitute a sort of an Advisory Board or some such Board and they are responsible for making complaints in this matter. I think no party either from the girl's side or from the bridegroom's side will come forward to make a complaint.

MR. CHAIRMAN: You have made suggestions that the marriage expenses may be up to Rs. 15,000|-. I would like to know the basis, what is the logic behind this figure?

SHRI GOBIND DAS: We have considered the economic standard of Orissa. We have taken into account various income groups. We have fixed the maximum amount for the higher income groups and the minimum amount for the poorer sections of people. I think that that will lead to a social revolution. Beyond that amount, it would mean an extortion, according to Orissa standard.

श्री बी० सत्यदारायण रेड्डी : दूसरा प्वाइन्ट यह है कि सैक्शन 7–ए है। अगर पुलिस को ज्यादा पावर्स मिल जाये तो उनका व्यवहार अच्छा नहीं होता। आप रोजाना देखते हैं कि उनका व्यवहार अच्छा नहीं होता, अगर पुलिस वाले से पूछें तो कहता है कि ट्रेनिंग ऐसा ही दिया जाता है। जब तक किसी को गाली नहीं देंगे वह पुलिस का काम नहीं कर सकते।

श्री गोविन्द दास : हमारे यहां ऐसा नहीं है।

श्री बी० सत्यनारायण रेड्डी : अगर पुलिस को ज्यादा अख्तियार दिये जायेंगे तो वह इसका मिस – यूज करेंगे। सको बचाने के लिये हैरेसमैंन्ट को कम करने के लिये ज्यादा पावर्स पुलिस को दी जायें या नहीं ? हैरेसमैन्ट से बचने के लिए हम क्या प्रोकोशन्ज ले सकते हैं ?

SHRI NARSINGH SWAIN: Today the police is over-burdened with a plethora of laws, particularly progressive social laws. I do not think it is possible for the police to discharge these social responsibilities, in addition to the very heavy burden that is put on their shoulders. I do not think the police on their own would like to have additional powers to make the dowry law effective. We come into the picture where the basic laws are violated. We have no powers under the Dowry Prohibition Act. If the legislators feel that the police are able to misuse the powers, from our side, we do not want those powers.

श्रीमती उषा प्रकास चौधरी : 10,000 की जो लिमिट रखी गई हैं, तो ऐसा नहीं करना चाहिये कि जो आमदनी है, उस पर मैरिज एक्सपेंडीचर डिपेन्ड करना चाहिये। गरीब आदमी 10,000 खर्च नहीं कर सकता है ?

श्री गोविन्द दास : 10,000 तो हमने मैक्सिमम फ़िक्स किये हैं।

श्रीमति उषा प्रकाश चौधरी : इनकम के हिसाब से एक्सपेंडीचर किया जाये, इसके बारे में आपकी क्या राय है ?

SHRI GOBIND DAS: Five times the income will be ideal.

श्री बी० सत्यनारायण रेड्डी : इनकम–टैक्स पेयर क्लास तो कम-से-कम इससे बन्ध जायेगी।

SHRI SATYANARAYAN JATIYA: It should be related to the income.

SHRI GOBIND DAS: Maximum should be 10 times the monthly salary or Rs. 10,000 whichever is lower.

श्री बी० सत्यनारायण रेड्डी : आपने बड़े अच्छे सजेशश्न्स दिये हैं, मगर एक डाउट है कि जो 10 हजार या 5 हजार आपने रखा है, प्रैजेन्टस के बारे में मैं जानना चाहता हूं कि 5000 के प्रजेन्टस तक एक्ट के तहत उसे गुनाहगार नहीं समझा जायेगा, लेकिन 5000 के प्रजेन्टस माता-पिता के ही होंगे या दूसरे लोग जो प्रजेन्टस लाते हैं, वह भी उसमें शामिल होंगे ? यह कलैक्टिवली 5000 होगा या इन्डिविजुअली होगा ।

श्री गोविन्द दास : टोटल प्रैजेन्टस 5,000 से ज्यादा नहीं होगा ।

SHRI NARSINGH SWAIN: If this social evil can be eradicated by social bodies by giving public education, by greater awareness and to protect their women folk, it is very good. If the legislators feel that police alone can deliver the goods, well, give us the powers. On our own do not want more powers.

SHRI B. SATYANARAYAN REDDY: If more powers are given to the police, will they not misuse them?

SHRI GOVIND DAS: Our view is that a women's cell should look after such cases.

MR. CHAIRMAN: Do you have a women's cell here?

SHRI NARSINGH SWAIN: Yes.

MR. CHAIRMAN: Are you able to get women for police?

SHRI NARSINGH SWAIN: Yes.

MR. CHAIRMAN: Do you send them for training?

SHRI NARSINGH SWAIN: You will be glad to know that there is a woman graduate in the Police Training School, who is doing very well.

SHRI GOVIND DAS: We have also suggested formation of women's courts. That will make women more free and amenable.

MR. CHAIRMAN: Why should the giver also be punished? The giver is a social victim.

SHRI GOVIND DAS: Because of the fear you create in him, he will resist giving dowry.

MR. CHAIRMAN: In the 1961 Act there is a provision for punishment both to giver and taker. But nobody comes forward to lodge a complaint.

SHRI NARSINGH SWAIN: From 1977 onwards cases are being reported.

श्रीमती उषा प्रकाश चौधरी : देने वाला और लेने वाला अगर जिम्मेदार रहेंगे तो कोई शिकायत नहीं करेंगे ।

श्री गोविन्द दास : इसीलिये हमने सजेस्ट किया है कि वाई ऐन ऐडवाइजरी कमेटी ।

श्रीमती ऊषा प्रकाश चौधरी : नागपुर में बनिया समाज में एक लड़की को जलाया गया और दोनों तरफ़ से काफ़ी पोलिटिकल प्रैशर आया तब जाकर बड़ी मुश्किल से जांच शुरु हुई। सोशल संस्था के लोग अगर रहेंगे तो मेरी राय में अच्छा रहेगा ।

श्री गोविन्द दास : इसीलिये सोशल आर्गेनाईजेशन को रखना चाहिये ।

श्री सत्यनारायण जटिया : डावरी ऐक्ट के अन्तर्गत किसी को सजा हुई ?

श्री गोविन्द दास : कम्लेन्ट ही कोई नहीं हुई ।

श्री सत्यनारायण जटिया : दोनों साइड से केसेज हुए हैं। एक जगह हजबैन्ड ने रिपोर्ट किया कि वाइफ़ ग्रौरनामेंन्ट्स लेकर भाग गई। फ़िर काउंटर केस हुग्रा।

SHRI NARSINGH SWAIN: इसमें कन्वीक्शन नहीं हुग्रा।

श्री सत्यनारायण जटिया : किसी में कन्वीक्शन हुग्रा है क्या ?

SHRI NARSINGH SWAIN: Earlier, one person was accused in 1977 under Section 4 of the Dowry Prohibition Act. But this ended in acquital in the court on the denying of dowry. What happened, earlier the husband reported a case that his wife ran away with gold ornaments. Later on, the wife started a counter-case of dowry. So the case was not proved.

श्री सत्यनारायण जटिया: हमारे मध्य प्रदेश में ऐसा है कि लड़के रुपया देते हैं।

सभापति महोदया : ग्रगर लड़के की शादी नहीं हो रही है तो लड़की को खरीदकर ले जाते हैं यह कस्टमरी है।

श्री सत्यनारायण जटिया : लड़का लड़की को ले जाता है ग्रौर इसीलिये रुपया दे देते हैं। इसके कारण लड़के पर तो कोई ग्रत्याचार होगा नहीं ?

सभापति महोदया : उसके बाद भी लड़का ग्रत्याचार कर सकता है।

श्री सत्यनारायण जटिया : हमें दोनों तरफ़ लड़की को ही बचाना है।

सभापति महोदया: गर्ल्स के पेरेन्ट्स को रुपया दिया जाता है। जो कि कस्टम ही होता है।

एडवोकेट जनरल ने तो गवर्नमेंन्ट के व्यू के साथ ग्रपना व्यू दिया है एक्स एडवोकेट जनरल ने ग्रपना दूसरा विचार रखा है। हम जानना चाहते हैं कि जो लीगल प्वाइन्ट हैं इसमें जो सरकार की तरफ़ से उपस्थित किया गया है वही ग्राप का विचार है या यह व्यक्तिगत है।

DR. R. K. NAYAK: Mr. Chairman, we have already given our views, I mean the Government's view, in the form of Booklet in reply to the Questionnaire.

श्री बी० सत्यनारायण रेड्डी: ग्रापका व्यू डिफ़र तो नहीं है ?

सभापति महोदया: हमने वैधानिक दृष्टिकोण से जानना चाहा है कि कोई विरोध तो नहीं है। मैं ग्राई० जी० साहब से जानना चाहती हूं कि उन्होंने लिखा है कि एडवाइजरी बाडी होनी चाहिये ग्रौर इन्वेस्टीगेशन की पावर पुलिस को होनी चाहिये। सैक्शन 20 ग्रौर 21 में है। यह प्वाइन्ट तो ग्रच्छा है एडवाइजरी कमेटी तो ग्रापको रिपोर्ट करेगी।

DR. R. K. NAYAK: पुलिस तो इन्वैस्टीगेशन करेगी। कानूनन एडवाइजरी कमेटी की पावर क्या होगी ? यही कि कम्पलेंट करें।

SHRI NARSINGH SWAIN: Actually, the advisory body, particularly the women social workers have the key role to play. They will be collecting information from the affected party. They will be more easily accessible to those families who suffered in the dowry case. It will be the duty of the police to establish close liaison with these people to get information and put this in the form of enquiry. It will facilitate their work.

सभापति महोदया : जो आप सोच रहे हैं, यह अच्छी बात है और यह होने से अच्छा होगा ।

DR. (SHRIMATI) SAVITRI ROUT: I think some volunteers from women colleges can go round in the interior part of the villages to create an awareness of the status of women and the benefit they can get from the existing laws.

MR. CHAIRMAN: That is why we say that we have to do something for this.

DR. (SHRIMATI) SAVITRI ROUT: I think that they should be motivated.

SHRI GOBIND DAS: Secondly, we have mixed up the Government servant also. There is a mention about the Collector. There is also mention about S.D.Os, M.Ps, M.L.As. At Tehsil level also there are people.

श्रीमती उषा प्रकाश चौधरी : पोलिटिक्स की वजह से हैरासमेंट हो सकता है।

तो उसको रोकने के लिये क्या कर रहे हैं ?

श्री गोबिन्द दास : हायर लेवल पर एक कमेटी होगी जिसमें डी० एम० रहेगा और सब-डिवीजन लेवल पर एस० डी० एम० कमेटी का चैयरमैन होगा ।

MR. CHAIRMAN: There are very good suggestions in your Memorandum. We have noted all those suggestions and they are going to help us a lot in preparing the report.

श्री सत्यनारायण जटिया : क्या इस व्यवस्था से काम चलेगा ?

श्री गोविंद दास : एक थर्ड बोडी कम्पलेंट करेगी तो लोगों को डर रहेगा।

SHRI K.P. MAHAPATRA: If the parents do not complain, the Advisory Body will be authorised to make complaints. One of the Members of the Body will make the complaints. For the present, upto the Tehsil level, this can be done.

(The Committee then adjourned.)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Friday, 15 January, 1982 from 10.45 to 11.45 hours in V.I.P. Lounge, Orissa State Guest House, Bhubaneswar.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Usha Prakash Choudhari
3. Shri Satyanarayan Jatiya
4. Shri Anantha Ramulu Mallu

Rajya Sabha

5. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri Kailash Chand—*Senior Personnel and Executive Officer.*

REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

LEGISLATIVE DEPARTMENT

Shri B. R. Atre—*Deputy Legislative Counsel.*

WITNESSES EXAMINED

I. *State Social Welfare Advisory Board, Bhubaneswar.*

Spokesmen:

(1) Doctor Bela Rani Dutta, *Chairman.*

(2) Shrimati Shahnaz Bano, *Member.*

(3) Shrimati Indira Panda, *Legal Adviser.*

(4) Shrimati Taramani Acharya, *Member.*

(5) Shrimati Azmat Begum, *Member.*

(6) Shrimati Saraswati Pradhan, *Member.*

(7) Shrimati S. L. Indrajeet, *Welfare Officer.*

II. Shri Gadhadhar Giri, *MLA.*

Shri R. K. Nayak.

I. *State Social Welfare Advisory Board, Bhubaneswar.*

Spokesmen:

(1) Dr. Bela Rani Dutta
(2) Shrimati Shahnaz Bano
(3) Shrimati Indira Panda
(4) Shrimati Taramani Acharya
(5) Shrimati Azmat Begum
(6) Shrimati Saraswati Pradhan
(7) Shrimati S. L. Indrajeet

II.

(1) Shri Gahhadhar
(2) Shri R. K. Nayak

(The witnesses were called in and they took their seats.)

MR. CHAIRMAN: The Committee welcome you. The Dowry prohibition Act, 1961 has failed to achieve its obective. The Government have, therefore, constituted a Joint Committee of the two Houses of Parliament to examine the evils of dowry. The committee would welcome suggestions from you in this regard.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI INDIRA PANDA: I have gone through the questionnaire. My replies are as follows:

Question 1. The Act has failed because the legislature enacted it half-heartedly. There are some defective and incomplete provisions in the Act. Lack of clear explanation of certain terms and conditions make the lacunae more visible. Plugging of these loopholes is possible by making suitable amendments to the different sections of the Act.

Social and economic factors play a lot of role in this. Prof. Dewett called it a serious form of social abuse and a loathsome social disease in his book *Critique of Modern Hindu Law* (page 306). It originated as gifts of love and affection but ended with bringing untold ruin and misery to the families in particular and society in general. In its present form it started among the people who had a lot of money and who could buy their way into families higher in the social ladder. The growth of this institution is influenced by social changes in the society. In a joint family system the choice is very often left to the elders which encourages making demands by the boy's parents. The institutional structure of Hindu society placed the girls' parents in a bad bargaining position thereby enabling the other party to a marriage transaction to make heavy demands. It has also become a sort of inducement or economic incentive to the boy to marry the payer's daughter. The practice of hypergamy marriage and the caste element also play an important role in this field. The economic dependency of women and growth of women population and attitude of people to regard giving dowry as a symbol of status and prestige also add to the growth and nurture of the system in India. In the present society, manual labour is discouraged even in peasant community and the daughters are no longer assets; they are non-productive liabilities and housewives are treated as economic burden. So, compensation is to be given to the family, which takes the responsibility of keeping them. On the other hand, dowry enables the son-in-law to be more prosperous, to get more education, more mobility, setting up

a house in a more lavish style and give a more comfortable life to the daughter also. This is also a sort of allurement to get more money. Black money has aggaravated the practice. Dowry is the easiest method for disposing it of at a good value as it brings prestige to the family.

These are only socio-economic factors which are there behind dowry. It has been evolved out of the society. When it is so much deep-rooted, it is possible to uproot it only by creating legislation awareness, social awareness or through programmes like family planning and mass communication. But legal awareness must be created. There is hardly any step taken to educate the people in this line. The Government and other social organisations should take up measures like imparting legal awareness and making women mass in general aware of these things.

SHRI ANANTHA RAMULU MALLU: You are representing the Social Welfare Board. Have you come across any cases of dowry; if so; what was the action taken by the Board and what are the programmes that you have taken so far to protect the interest of the women against dowry? Do you feel that these voluntary organisations if given certain powers by the Government, will enable you to protect the women against dowry?

DR. BELA RANI DUTTA: In the Social Welfare Board, education programme is going on. We are taking up those cases where women have been discarded by their husbands.

As the law provides, we as the Social Welfare Board, have nothing to do with the law.

SHRI ANANTHA RAMULU MALLU: In accordance with the Hindu Succession Act, a woman is entitled to get equal share of property of her parents. Don't you think, if the property right is strictly implemented, the dowry problem would be eased to some extent?

DR. BELA RANI DUTTA: I think so. Our customs are so rigid that even the parents do not incline to distribute property equally.

SHRIMATI INDIRA PANDA: I think, you refer to Section 14 of the Hindu Succession Act where the women have the absolute right to father's property. By absolute right means, they can do anything of the house, by sale or mortgage etc. But we have to see what is the actual practice. When the ancestral property is divided among the children, the main partners take the lion share. So long as the father is alive, she has no right over the property.

श्री सत्यनारायण जटिया : [अगर लड़की का पैतृक सम्पत्ति में समान अधिकार हो क्या डावरी समाप्त हो सकेगी ?

श्रीमती तारामणी आचार्य : ऐसा होने से डावरी समाप्त हो सकती है । अभी डावरी इसीलिये दी जाती है कि लडके को भी कुछ दिया जा सके । अगर समानता हो जायगी तो वह रूक जायेगी ।

श्री सत्यनारायण जटिया : जैसे लड़के-लड़की होना मनुष्य के हाथ में नहीं है जिस परिवार की लड़की अधिक लेकर आयेगी तो दूसरे परिवार में भी उसको लेकर जाना होगा ?

श्रीमती तारामणि आचार्य : उसको आर्थिक स्वतंत्रता मिलेगी ।

श्री सत्यनारायण जटिया : मेरा कहना यह है कि यह अधिकार तो 1956 से मिल गया है, तो इसके इम्पलीमेंट करने में क्या विलम्ब है ?

इस कानून में कौन से संशोधन किये जायें जिससे उनको सहायता मिले ?

श्रीमती शहनाज बानों : कानून को और कड़ा कर दीजिये ?

MR. CHAIRMAN: We want your suggestions which will help us in amending the Act. We know that dowry is a social evil and all of us want to remove this evil. But at the moment we are very much interested to have your suggestions which will help us in amending the law.

SHRIMATI INDIRA PANDA: In Explanation-I, the word "presents" has been mentioned. In the name of presents, the in-laws can demand everything. We want to put a limitation to that. In the same para, the word "consideration" has not been properly defined. For looking into complaints, I would like to suggest that we should have a separate Cell. But here it has been suggested that Dowry Proshibition Officers should be appointed. I do not know whether they will be attached to the District level Social Organisations.

SHRI B. SATYANARAYAN REDDY: You might have gone through the suggestions given by the Orissa Government. They have discussed all the points in detail. Wherever, you differ from those suggestions, you may highlight them.

श्रीमती तारामणि आचार्य : जो ऐसे केसेज होते हैं उन में बेल नहीं होनी चाहिए और जुर्माना अधिक होना चाहिए ।

श्रीमती शहनाज बानो : कम्पलसरी रजिस्ट्रेशन होना चाहिए और जो पैसा खर्च हो उसकी लिस्ट रेवेन्यू डिपार्टमेंट में जानी चाहिए ।

SHRI ANANTHA RAMULU MALLU: Under Section 7, it has been mentioned that the complaint should be made within one year of the marriage. Do you agree that this period is sufficient?

SHRIMATI INDIRA PANDA: I have already mentioned that one year is not at all sufficient. Even a lady who is a mother of 2 or 3 children is harassed on this account. The demand is made not only at the time of the marriage but it is continuing for some years after the marriage.

SHRI GADHADHAR GIRI: The dowry evil is more in Orissa. Nobody will care for the rules and regulations. The only way to prevent this evil is that at the block level and district level, the young people—those who are not married—should protest strongly against the dowry system. That is only way to solve the problem.

SHRIMATI INDIRA PANDA: Some changes are necessary in the Evidence Act also. Actually the witnesses to the marriage ceremoney—the brahmins etc.—get motivated later on and they do not say that whether the marriage was held or not and whether the presents were given or not. So, if anybody wants to give anything, let it be registered. If there is a registered document, it can be proved. Government servants can give an affidavit saying 'we are not accepting dowry".

MR. CHAIRMAN: In the Conduct Rules, it is already there, so far as Government servants are concerned.

We have concluded our deliberations. The Committee place on record their warm appreciation of the valuable assistance rendered to them by the Officers of the Department of Community Development and Rural Reconstruction. Government of Orissa, in holding the sittings of the committee. The committee also place on record their warm appreciation of the hospitality shown by them and their efforts in making our stay comfortable. We are very much obliged for all the assistance rendered by Miss Maitra and the Secretary, Mr. Nayak. We are overwhelmed by the hospitality shown to us here. We will remember it for a long time to come.

DR. R. K. NAYAK: We are extremely grateful to the Chairman and Members of the Committee who have been so nice and who have listened to our suggestions so patiently.

MR. CHAIRMAN: The reply to our questionnaire has been given to us in the form of a printed book by the Government of Orissa. It is a very valuable document and we will take it into consideration when we prepare the final Bill. Thank you

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Monday 15 *February*, 1982 *from* 11.00 *to* 13.00 *hours and again from* 15.45 *to* 17.25 *hours in Committee Room 'A', Punjab Vidhan Sabha, Chandigarh*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Pramila Dandavate
5. Shri Satyanarayan Jatiya

Rajya Sabha

6. Shrimati Margaret Alva
7. Shrimati Usha Malhotra
8. Shri B. Satyanarayan Reddy

SECRETARIAT

M. G. Agrawal—*Senior Legislative Committee Officer*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

Dr. Raghbir Singh— *Assistant Legislative Counsel.*

WITNESSES EXAMINED

I. 1. Dr. M. C. Mamgain, Hon. General Secretary, Association for Social Health (Haryana) 134/11A, Chandigarh.

2. Mrs. Prithipal Kaur Wasu, Former, MLC, Advocate and General Secretary, All India Women's Conference, Punjab Branch, 86, Sector 2, Chandigarh.

3. Mrs. Satwant Jamiat Singh, 152, 9B Sector, Chandigarh.

4. Mrs. Surinderjit Kaur, Social Worker, Chairman, F&C Project, 72A Polutry Area, Nilokheri, Haryana.

5. Miss Manmohan Kaur, Secretary, Haryana Council for Child Welfare, 315, Sector 9, Chandigarh.

II. Choudhuri Lal Singh, Minister for Social Welfare, Government of Haryana, Chandigarh.

III. 1. Mrs. Dinaz D'souza, Organiser, . ld Welfare Council, Punjab, Kothi No. 21, Sector 10A. Chandigarh.

2. Behn Shanti Devi , President, Manav Seva Sangh, Karnal.

3. Smt. Susheel Mahajan, Convener, PPCC (I) Women's Wing, Mannman Chowk, Cinema Road, Gurdaspur (Punjab).

4. Smt. Dharam Devi, Social Worker, Q. No. 820, Dharam Bhavan, Vishwa Karma Mohalla, Jamuna Nagar, Haryana.

IV. 1. Prof. Paras Diwan, Department of Law, Punjab University, Chandigarh.

2. Dr. Virendra Kumar, Prof. of Law, Punjab University, Chandigarh.

V. 1. Shri J. P. Atray, Secretary—General, Society to Ensure Proper Treatment, of Women (STEPTON), 79, Sector 7, Chandigarh.

VI. 1. Smt. Shobawati, Member Mahila Mandal, C/O Shri Piary Lal, Village Lohara, Union Territory, Chandigarh.

2. Smt. Balbir Kaur, Member, Mahila Mandal, Village Dhanas, Union Territory, Chandigarh.

3. Smt. Raksha Devi, Member, Mahila Mandal Village Saharanpur, PO Mullapur, Union Territory, Chandigarh.

4. Shrimati Punjabi Kaur Vill. & P.O. Jassu Nhadda, Union Territory, Chandigarh.

VII. Dr. M. L. Saini, President, Women's Child Care Society, 2029/15C Sector, Chandigarh.

VIII. 1. Shri K. L. Ahuja, General Secretary, Shri Sanatan Dharam Mandir Sabha (Regd.) 3191 Sector 28 D, Chandigarh.

2. Shri W. R. Gupta 460/7 Prem Nagar Ambala City-3.

3. Shri Hukam Singh Rana, President, All India Social Reformers Organisation (Regd.), 1468/22B Sector, Chandigarh.

4. Shri Javed Massey, Stcial Worker, H. No. 29/13D, PGI Colony, Sector 12, Chandigarh.

IX. 1. Shri Satya Pal Singla, 1524/11 D Sector, Chandigarh.

2. Shri Harish Gupta, H. No. 521/10 D Sector, Chandigarh.

X. Smt. Amrit Sehgal, Bhartiya Grameen Mahila Sangh, Haryana State Branch, 1137 Sector 36, Chandigarh.

I—

1. Dr. M. C. Mamgan
2. Shrimati Prithipal Kaur Wasu
3. Shrimati Satwant Jamiat Singh
4. Shrimati Surinderjit Kaur
5. Kumari Man Mohan Kaur

(The witnesses were called in and they took their seats) . .

सभापति महोदय : मैं आज आप सभी का संसद की संयुक्त समिति के समक्ष उपस्थित होकर अपने विचार व्यक्त करने एवं साक्ष्य देने के लिये स्वागत करती हूं। इसके साथ ही मैं आप सबको यह बताना चाहती हूं कि दहेज प्रतिबन्ध अधिनियम, 1961, जो प्रारम्भ में दहेज लेने तथा देने की परिपाटी को बन्द करने के उद्देश्य से बनाया गया था, अपने उद्देश्य की पूर्ति करने में असफल रहा । विवाह योग्य पुत्री के माता-पिता को शादी हेतु लड़के के अभिभावक को दहेज देने के लिये मजबूर किया जाता है । आज कल प्रतिदिन बड़ी

संख्या में नव-विवाहित लड़कियां आत्म-हत्या करने को बाध्य होती हैं या जिन्दा जला दी जाती हैं । इन्ही सभी कारणों से सरकार ने संसद के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्यकलाप पर जांच हेतु गठित की है, जो कि दहेज प्रथा के दोषों से प्रभावी रूप से निपटा जा सके । अतः वर्तमान अधिनियम को दूर करने से संबंधित आपके सुझावों का यह समिति स्वागत करेगी ।

कार्यवाही शुरू करने से पहले मैं अध्यक्ष के निदेश-58 के अन्तर्गत उपबन्धों के अनुसार आपका साक्ष्य सार्वजनिक समझा जायेगा और उसे प्रकाशित किया जा सकता है, जब तक कि आप स्पष्टतः यह न चाहें कि आपके द्वारा दिया गया पूरा साक्ष्य या उसका कोई अंश गोपनीय समझा जायेगा ।

भले ही आप चाहें कि आपका साक्ष्य गोपनीय समझा जाये, वह साक्ष्य संसद सदस्यों को उपलब्ध किया जा सकता है ।

आप सब लोगों को यहां पाकर हमारी समिति बहुत प्रसन्न है और उम्मीद है कि आपके सुझाव बहुमूल्य होंगें, ताकि कानून में संशोधन करते वक्त आपके सुझावों से समिति को सहायता मिलेगी । मेरा निवेदन है कि जो भी बातें आप समिति के समक्ष कहें, व संक्षिप्त में कहेंगे और बाद में यदि आप लिखित रूप से विस्तार पूर्वक देना चाहें, तो समिति आपके सुझावों से लाभान्वित होगी । लेकिन चूंकि समय बहुत कम है और हम ज्यादा से ज्यादा संख्या में अपनी बहनों को सुनना चाहेंगे या जो हमारे भाई आये हैं, उनको सुनना चाहेंगे, ताकि समिति को अधिक से अधिक लाभ हो सके ।

डा० (श्रीमती) एम० सी० मामगेन : हमारी आर्गेनिजेशन ने डाउरी प्रोहिविशन एक्ट के लिये थोड़ा बहुत काम किया है। इस संबंध में हम सेमिनार्स सिम्पोजियम्स स्कूल और कालेजेज में करते हैं। अभी जो सेमिनार हमने चन्ड़ीगढ़ में किया था, वह बहुत सक्सैस्फुल रहा । सबसे अच्छी बात यह है कि अगर एक लाख विद्यार्थी, लड़के-लड़कियां, यह प्रण कर लें कि हम डाउरी न लेंगे और न देंगे, तो कुछ हद तक इस समस्या का हल हो सकता है । यदि इस प्रकार चण्ड़ीगढ में हो सकते हैं, तो हरियाणा और पंजाब में हो सकते हैं और जगहों पर भी हो सकते हैं । इस प्रकार के ग्रुप इस एक्ट को सफल बनाने में बहुत मदद कर सकते हैं ।

हमारी एसोसियेशन जो औरतों के लिये इतना कुछ करती है उसको तथा उस तरह की दूसरी संस्थाओं को सरकार की तरफ से मदद मिलनी चाहिए ताकि इस एक्ट को लागू करने में वे मदद कर सकें, और जितना काम ये संस्थायें कर रही हैं उससे भी ज्यादा काम ये कर सकें ।

MR. CHAIRMAN: We are not interested in what you are doing. We want to have your suggestions on the basis of the Questionnaire. For example, do you want to retain the present definition of dowry and things like that? We are aware of the present state of affairs, you need not repeat that.

DR. SHRIMATI M. C. MAMGAIN: Right from the beginning every girl is told by her mother and others that so much dowry will be given to her. Actually, every effort should be made to check this evil. We must, however, define how much one can give as dowry.

डा० राजेन्द्र कुमारी वाजपेयी : हम यह जानना चाहते हैं कि गिफ्टस वगैरह की भी कोई लिमिट होनी चाहिए या नहीं ।

डा० (श्रीमती) एम० सी० मामगेन : बिल्कुल बन्द होने चाहिएं । गिफ्ट वगैरह भी नहीं दिये जाने चाहिएं ।

सभापति महोदय : कौन लोग कहेंगे यह भी हम को मालूम होना चाहिए । लिख कर सब भेज दें तो ज्यादा अच्छा होगा ।

DR. SHRIMATI M. C. MAMGAIN: Students can do a lot in this. I would suggest that the Association for Social Health should be entrusted with the implementation part of it.

MR. CHAIRMAN: Kindly send us in writing whatever you want to say as also how your Association would like to work as suggested by you. Kindly go through the Act before you send your views. Your suggestions should be based on this Act.

Now, Shrimati Prithipal Kaur Wasu.

SHRIMATI PRITHIPAL KAUR WASU: First of all, I would like to state that if you define dowry, you would be legalising it. There should be no dowry.

डा० राजेन्द्र कुमारी वाजपेयी : कमैंटी के सामने बर्निंग क्वेश्चन यह है कि इस डाउरी की डैफिनीशन क्या हो ?

SHRIMATI PRITHIPAL KAUR WASU: We can only indicate the aims and objects of the Act. If we define dowry, and prescribe any amount, we would be legalising it. If we indicate some amount, the girl's in-laws will say that at least the defined portion of the dowry should be given by the girl's parents. There is such a wide disparity in our society and, in my view, it is not wise to define dowry or fix some ceiling. I do not want any definition for dowry. Questions No. 2 and 3 deal with the same thing. There should be no dowry. I would go to the extent of saying we should not marry our girls, if we have to give something to settle them. The onus should be on the boy side to show that he is competent to maintain his wife and children. It should be provided in the Act itself.

Secondly, marriage should be registered from the beginning. The list of articles as gift or otherwise given to the girl should be registered with the Registrar. And afterwards in case of any dispute if the girl has to go to her parents' house, she should be able to claim them back.

This offence should be cognizable and non-compoundable. It should be a police case as other criminal cases are. There is no question of making any compromise afterwards.

The punishment at the minimum should be for two years. Then it should be open for the judge whether he should enhance the punishment. Of course, we can also provide an upper limit for the punishment, say not more than five or six years.

The punishment should be both fine and imprisonment.

Your Question No. 11 is wrong. If police has to arrest, it has to be cognisable. Otherwise he will go to some authorities to arrest the person.

The offence should be non-bailable.

It should not be compoundable.

There should be co-ordination between the social workers, Government agencies and the police. The coordination between the social workers and other agencies should be at the block-level, Taluka level and at Panchayat level.

There should be amendments in other legislations also to make this Act really effective. Firstly, Section 30 of the Hindu Succession Act should be altogether amended. There should

not be any room to deprive the female of her inheritence right from the father's property. Section 3 of the Evidence Act should be amended to the effect that if a girl dies in the house of her in-laws, the in-laws should prove that she died a natural death. In this case we have to amend the Evidence Act and the Criminal Law and that the burden should be shifted on the husband and his faimly to prove that she died a natural death.

There should be no definition of dowry at all.

SHRIMATI MARGARET ALVA: You mentioned that you don't want any definition of dowry. But in the absence of any definition, how do you decide who commits the offence. Unless I know what constitutes an offence, I cannot be punished unless I know what the offence is. In order to bring the offence under any legal system, it is necessary to left the citizens know what constitutes the offence.

SHRIMATI PRITHIPAL KAUR WASU: In the definition it should be stipulated that this much should be given.

SHRIMATI MARGARET ALVA: The basic question is definition of the Act. Now we are defining dowry as whatever is given or demanded as considera'ion of the marriage or for its continuance. Under these circumstances, would you suggest a better definition than this because without a definition you cannot stipulate anything in the Act

SHRIMATI PRITHIPAL KAUR WASU: You can define it as giving anything or presenting anything under coercion or extracting some benifits, monitory or otherwise, should form as dowry. In this case, everything else has to be proved.

SHRIMATI USHA MALHOTRA: We want to bring in all those offences which are left out. We are trying to give them protection under this Act. What happens in a particular case where there is no property because the man is very poor? Would you like this explanation to stand as it is or would you like to modify it?

SHRIMATI PRITHIPAL KAUR WASU: If there is no property, then there is no trouble. We should not think of dowry. You can define it with the help of your Secretariat: you can seek their help in putting a proper wording.

DR. RAJENDRA KUMARI BAJPAI: What is dowry?

SHRIMATI PRITHIPAL KAUR WASU: Sometimes it is lakhs of rupees; sometimes it is Rs. 10. This property which she gets from the father is called stridhan: this is all right. If you put this limit, we will be doing a wrong thing.

SHRIMATI PRAMILA DANDAVATE: Do you want that we should give full authority to the police to interfere in the life of the people? Or do you want that there should be some kind of a parallel machinery that the parents of the girl can approach it? If the parents of the girl want to do something—in case there is some harassment being caused to the girl-do you want that they should approach the police or some other machinery? How is it possible to save the harassment of the ordinary people? The parents of the bride are also arrestable under the present-Act? In view of all this, how can you expect that they will do somehing against the boy's parents?

SHRIMATI PRITHIPAL KAUR WASU: These officers which you have proposed for that area are meant only for this purpose. In every offence, somebody has to be informed. I wish there should be no definition of dowry.

You have to change the wording, you can do it with the help of your Secretariat.

SHRI B. SATYANARAYAN REDDY: Under the present Act, how many cases of dowry have come before the court and what is the effect of punishment as a result of those cases if there is any?

SHRIMATI PRITHIPAL KAUR WASU: A separate chapter should be provided under the Act. If a girl dies in the in-laws family, it should be considered as a murder. As far as those cases are concerned, they usually fail because there is no evidence. Nobody comes forward to give evidence. Most of the cases have failed. The post-mortem should be done in the presence of two doctors and the parents of the girl should also be there.

SHRI B. SATYANARAYAN REDDY: According to your experience, how many cases are successful?

SHRIMATI PRITHIPAL KAUR WASU: Now the judiciary is a little sympathetic towards such cases, but in the beginning, every case had failed.

SHRI B. SATYANARAYAN REDDY: Do you feel that if women judges are appointed, then they should be handled properly?

SHRIMATI PRITHIPAL KAUR WASU: They have to depend on the evidence.

MR. CHAIRMAN: In spite of the fact that Haryana and Punjab Governments have amended their Acts and put a limit on the number of *baratis* still the atrocities are continuing. Do you find that any change has taken place?

SHRIMATI PRITHIPAL KAUR WASU: No change has taken place and the atrocities are increasing.

MR. CHAIRMAN: Now, Shrimati Satwant Jamiat Singh.

SHRIMATI SATWANT JAMIAT SINGH: I have to submit only a few points. First, our laws in this respect as also in certain other respects have not achieved the desired result. For example, we have a law that the women have equal rights in their father's property, but very few women are able to get it. My first suggestion is that our laws should be made more stringent and implemented properly, Further, I do not agree with Mrs. Wasu that if the girl dies in the parents-in-law's house, that should be considered a murder. After all, she has to live there throughout her life. It is her own house after marriage. The girls, specially in the middle class families, are being murdered and nobody comes out with any evidence. As I said, we should make our laws more stringent and stronger.

That is all I have to say.

MR. CHAIRMAN: Now, Shrimati Surinderjit Kaur.

श्रीमती सुरेन्द्रजीत कौर : डाउरी बिल्कुल खत्म होनी चाहिये । सोसाइटी में डिसपैरिटी बहुत ज्यादा है । यह मिटनी चाहिये । इस एक्ट का एनफ़ोर्समेंट अच्छी तरह से होना चाहिये । सोशल वर्कर्ज़ को, सोशल आर्गेनाइजेशंज़ को इस काम में एसोसिएट किया जाना चाहिये । एक आदमी के हाथ में यह सब चीज़ नहीं होनी चाहिये । डाटर इन ला का प्रापर्टी में शेयर होना चाहिये । पांच साल के अन्दर शादी के बाद अगर लडकी की ससपिंशस सरक्मस्टांसिस में मृत्यु हो जाए तो गहराई से उसकी जांच की व्यवस्था होनी चाहिये ।

MR. CHAIRMAN: Miss Manmohan Kaur.

KUMARI MANMOHAN KAUR: In fact, Madam, the dowry evil requires

to be tackled more by social awakening in the country rather than any legislation. The present Act has a lot of ambiguities and there are lacunae in its enforcement. There are long drawn-out court proceedings, high costs, and a social stigma attached to the parties. These are the reasons for failure of this legislation.

Then, there has to be a definition of dowry, though it seems to be a very difficult thing. Now, everything can go in the form of a present and yet the person can get away with it. It is very difficult for anybody to make any complaint and to substantiate it. Very strictly, if we want to define it, only the personal items of the girl should be considered as a part of the dowry, and not the car, scooter etc. Then, if we want to put a limit, it will be going to the disadvantage of the girl. If the parents are in a position to give more to the girl, we would be depriving her. This has to be taken into consideration. In any case, only the personal items should be included in the definition of dowry.

Now, I come to the limiting of the expenses. As we know, there is a great economic disparity in our society. So, limiting this would have no meaning. If we have to limit it, it would be a percentage of the income of the parents, which would be very difficult to work out. I do not think, any pupose would be served by this. I do not agree.

DR. RAJENDRA KUMARI BAJPAI: What should be the wayout?

KUMARI MANMOHAN KAUR: By limiting it, we would be depriving the girl also. If the parents can give Rs. 20,000/- why should, the girl be deprived of that? If we prescribe certain percentage of the parents' income, that is not going to be possible. It is a question of social awakening more than anything else.

Then is the question of making these offences cognizable. I do not think, we should involve the police into the private life of individuals to that extent. It is again a question of awakening in the society. We should have domestic courts to settle these cases. Now, we have long drawn-out proceedings. There should be some kind of Boards under the Act which can dispose of these cases immediately, or there should be domestic courts meant for these domestic kinds of problems. I still feel that the effect of the Act or punishment has gone because the cases are long drawn. You know justice delayed is justice denied. Therefore to make the people feel affectiveness of the Act, setting up of courts for this purpose would be proper.

Many times it is very difficult to prove what has been given at the time of the marriage, unless you stipulate that every item should be listed. Generally nobody can prove what has been given to the girl. Therefore, I would say that every marriage should be registered and dowry should also be registered so that you have the evidence in case of claiming it back.

Instead of having Dowry Prohibition Officers, I think some people in the areas, mohallas should be designated as Honorary Magistrates or social workers so that the people don't have to go and get so many applications from the Government. I think this is all I have to say.

(The witnesses then withdrew)

II.Choudhuri Lal Singh

(The witness was called in and he took his seat.)

MR. CHAIRMAN: Before we proceed may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be created as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

चौधरी लाल सिंह : यह जो आपने इसमें दहेज के अपराधों के लिए पांच सौ रुपये जुर्माने का प्रावधान किया है वह कुछ नहीं है । जिस लड़की को मार दिया जाता है, उसके अपराधी को सजा दिलाने के लिए बहुत संघर्ष करना पड़ता है । मेरा सुझाव है इस के लिए स्पेशल कोर्ट्स अलग से होनी चाहिएं और उनमें फ़ैसले की डेट मुकर्रर होनी चाहिए कि इतने दिनों में फ़ैसला करना है । नहीं तो लड़की के माता-पिता, सब परिवार वाले बर्बाद हो जाते हैं । कहीं कहीं तो ऐसा होता है कि लड़की के परिवार वालों के पास लड़ने के लिए पैसा तक नहीं होता ।

दूसरे, मेरा सुझाव है कि जो सताए हुए लोग हैं उनको तुरन्त कुछ-न-कुछ कानूनी सहायता मिलनी चाहिए ।

तीसरे, मेरा सुझाव है कि लड़कियों की पढ़ाई-लिखाई की, उनकी सर्विस के लिए ज्यादा से ज्यादा सहूलियतें होनी चाहिएं ताकि अगर लड़की का पति किसी गलत रास्ते पर चला गया है तो वह लड़की अपना पेट पाल सके, अपने पैरों पर खड़ी हो सके ।

चौथे, शादी में जो खर्च होता है उसकी लिमिट फ़िक्स की जानी चाहिए । दस हजार रुपये से ज्यादा खर्च नहीं होना चाहिए ।

सभापति महोदय : पहले जो कानून था उसमें यह लिमिट थी । फिर भी यह प्राब्लम बढ़ी है ।

चौधरी लाल सिंह : हरियाणा के अन्दर यह प्राब्लम नहीं है । मैं आल इंडिया की बात कर रहा हूं ।

सभापति महोदय : यह प्राब्लम तो सारे हिन्दुस्तान की है । बिहार में, बंगाल में और दूसरे राज्यों में यह प्राब्लम बहुत है । चूंकि हमारा जो पिछला कानून इस बारे में है वह इफ़ेक्टिव नहीं रहा है, इसलिए इस कानून में संशोधन किया जा रहा है । इसलिए आप यह बताइये कि इसमें जो हम यह संशोधन कर रहे हैं इस में इसमें कोई मदद मिलेगी या नहीं ? इससे इस समस्या का समाधान होगा या नहीं ?

चौधरी लाल सिंह : मैं अर्ज कर रहा हूं कि आज एक आदमी ने एक लड़की को मार दिया और उस लड़की के माता-पिता के पास इतना पैसा खर्च करने के लिए नहीं है कि वह कोर्ट में जाकर केस को लड़ सके । यदि लड़ते भी हैं, तो आज तक न तो किसी को सजा हुई है ना ही पांच हज़ार रु० का जुर्माना हुआ है, जो कि कानून में हैं ।

मैं अर्ज यह करना चाहता हूं कि इसमें फ़्री-लीगल एड होनी चाहिए । जब एक्सीडेंट हो जाता है, तो उसको डिपार्टमेंट से पैसा मिल जाता है, तो इनको भी पैसा मिलना चाहिए । मैं तो यह कहना चाहता हूं कि जो लड़का दहेज मांगता है, उस का समाज में बॉयकाट होना चाहिए । यदि दहेज का काम चुप चाप हो जाए, तो उसका हमारे पास कोई इलाज नहीं है । हरियाणा एक छोटो सी स्टेट है । हरियाणा में आपको प्राब्लम नहीं मिलेगी आप वहां के आंकड़े मंगाकर देख सकते हैं ।

मैं बिहार गया था, वहां इस प्रकार की समस्या है । गुजरात में है । यह बहुत बड़ा अपराध है । और बाद में जब कोई हादसा हो जाता है, तो उल्टे लड़की पर इल्ज़ाम लगा देते हैं कि वह बदमाश थी, बदचलन थी, लेकिन उस बदमाश यानी लड़के को कोई नहीं कहता है । जो कानून बनता है, उसका किसी प्रकार भी अमल नहीं होता है । मैं कोर्ट के खिलाफ़ नहीं हूं, म इस समाज के कलंक के खिलाफ़ हूं । किसी बहन को आज तक इन्साफ़ नहीं मिला है । सरकार बहुत कुछ कर रही है, लेकिन उसके इम्पलीमेंटेशन के लिए कुछ न कुछ सरकार को करना चाहिए । यह काम भारत सरकार के लैवल पर होना चाहिए । केवल स्टेट पर ही निर्भर रह कर यह काम नहीं हो सकता है । हम तो आपके द्वारा बनाए गए कानून को मैंटेन करते हैं ।

मैं यह भी कहना चाहता हूं कि कानून में एक शादी करने का प्रावधान है, लेकिन अब एक से अधिक शादियां होने लगी हैं । मुसलमान बन कर यह शादी हो जाती है । मुसलमान बन कर शादी कर ली और कोर्ट से बरी हो गया । एक बात मैं आपको बताना चाहता हूं—एक पंडित सेक्रेटरी सेक्रेटेरिएट से रिटायर हुआ, उसके पास वहां एक स्टैनो थी, उसने मुसलमान बन कर उससे शादी कर ली । मैंने उससे कहा कि तुम किनारे पर बैठे हो और इसकी जिन्दगी क्यों बर्बाद कर रहे हो ।

अपने विचार इस समिति के सामने प्रस्तुत करने का आपने मुझे मौका दिया, इसके लिए मैं आपका आभार प्रकट करता हूं । पंजाब और हरियाणा एक भाई के दो खेत हैं, जो कि जुत रहे हैं । मैं यह अर्ज करना चाहता हूं कि भारत सरकार को इस काम के लिए स्पैशल कोर्ट मुकरर करनी चाहिए । यदि आप ने इस बुराई से निपटने के लिए इसका बीड़ा उठाया है और बहुत अच्छी तरह से करना चाहते हैं, कर रहे हैं, श्रीमती इंदिरा गांधी जी तो चाहती हैं कि इस बुराई को, इस कलंक को, समाप्त किया जाए, तो आप को इस समस्या को हल करने के लिए सीरियसली विचार करना चाहिए । इस अपराध में जब तक पांच-सात आदमियों को सख्त से सख्त सजा नहीं होगी, तब तक किसी पर असर नहीं पड़ेगा। कह दिया जाता है कि सिल्क की साड़ी पहन कर जल गई, जबकि मार दी जाती है ।

सभापति महोदया : आपके बहुत अच्छे सुझाव हैं, जो आपने इस समिति के समक्ष रखे हैं । यदि आप लिख कर भी कुछ सुझाव देना चाहेंगे तो आपके उन सुझावों पर विचार किया जाएग ।

(The witness then withdrew)

III—1. Shrimati Dinaz DiSouza

2. Behn Shanta Devi

3. Shrimati Susheel Mahajan

4. Shrimati Dharam Devi

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

Shrimati Dinaz D'Souza: Madam Chairman, the presents or gifts given at the time of wedding to a girl may be out of two reasons, one out of genuine love and affection and the other as a consideration for marriage. It is very difficult to distinguish between the two. And it is there that the legislation falls short and the implementation becomes a question mark.

What I think would be necessary is to set up an independent body or a squad which would work at the time of wedding in three stages. First, just before the date of the wedding the squad which would have some social workers also, should ask the bride's father about his budget for marriage. Two, at the time of wedding, one persons from the squad should be present to assess whether the show is within the budget. There the father after the marriage would file a return of the expenses just like the income tax return. All this can be viewed together and if any discrepancy is found, an enquiry should be conducted by that body. That squad must have social workers in it.

श्रीमती शान्ति देवी : दहेज कलंक की तरह से बढ़ता चला जा रहा है । 1971 में हमें डाउरी प्रोहिबिशन एक्ट बनाना पड़ा । आधी संख्या औरतों की है । महिलाओं पर अत्याचार बहुत ज्यादा होते हैं । अनमेल विवाह, बूढ़ों के साथ विवाहों में उनको बांध दिया जाता है । सब से अधिक दुख की बात यह है कि दहेज प्रथा समाप्त नहीं हो सकी है । नारी का जीवन एक ऐसा जीवन है.....

श्रीमती विद्यावती चतुर्वेदी : आप केवल यह बताएं कि कानून की फलां धारा में यह परिवर्तन किया जाना चाहिये या संशोधन किया जाना चाहिये या फलां धारा इस में जोड़ी जानी चाहिये या निकाली जानी चाहिये ।

श्रीमती शान्ति देवी : इस कानून के फेल होने का कारण क्या है ? देखा यह जाना चाहिये कि कानून को बलपूर्वक लागू किया जाए, इसका सदुपयोग किया जाए । गरीबों की बात को सुना नहीं जाता है । बड़े आदमियों की एप्रोच होती है और वे जो चाहे करवा लेते हैं ।

सभापति महोदय : लागू नहीं हो सका इसका क्या कारण है ?

श्रीमती शान्ति देवी : पुलिस में जब केस आता है तो बड़े-बड़े लोगों की वहां पहुंच हो जाती है जिससे कानून लागू नहीं हो पाता ।

सभापति महोदया : आप यह सब कुछ लिख कर दे दें ।

श्रीमती सुशील सहाजन : दहेज एक ऐसी चीज है जिस का सम्बन्ध मानव से है, मशीनरी से नहीं । लड़कियों को, महिलाओं को टार्चर किया जाता है । उन पर ही जुल्म किए जाते हैं और उनको यह सब सहन करना पड़ता है ।

इस के लिए सब से पहली बात तो यह है कि लड़कियों को इकोनोमिकली सक्षम होना चाहिए । लड़कियों को इस प्रकार से तैयार किया जाए कि वे अपनी सभी जरुरतों को पूरा कर सकें ।

दूसरे मेरा सुझाव यह है कि सामाजिक संस्थाओं को घर-घर जा कर, सभी बच्चों को और स्कूल और कालिजों में लड़के और लड़कियों को मोबेलाइज करना चाहिए कि वे दहेज का विरोध करें और वे इस प्रकार से सक्षम हों कि जिससे कि उन्हें अपने मां-बाप पर निर्भर न रहना पड़े ।

मैं यह चाहती हूं कि यह ला ऐसा होना चाहिए कि अगर कोई लड़का अपनी पत्नी के साथ बुरा व्यवहार करता है या दहेज की मांग करता है और वह सर्विस में है तो उसकी सर्विस खत्म कर दी जानी चाहिए, अगर वह बिजनस में है तो उसका बिजनस सील कर दिया जाना चाहिए । अगर लड़की को

लड़के के व्यवहार से तंग आकर अलग रहना पड़े तो हमारी जो सोशल आरगे-नाइजेशंस हैं उनको उस लड़के के आफिसर्स से मिल कर ऐसी व्यवस्था करनी चाहिए कि लड़के को मिलने वाली तनख्वाह का आधा भाग लड़की को मिले और साईन लड़के को करने पड़ें । इस प्रकार से लड़की की फाइ-नेनशियल डिफिकल्टीज को हल किया जाए ।

श्रीमती विद्यावती चतुर्वेदी : क्या आप यह पसन्द करेंगी कि शादी में लड़की वालों की तरफ से दिया जाने वाला सामान भी रजिस्टर हो जाए जिससे कि यह पता चल सके कि लड़की को क्या दिया गया है कितना दिया गया है ?

श्रीमती सुशील महाजन : अगर वह रजिस्टर हो जाए तो बहुत अच्छा है । हम इस से एग्री करते हैं । इससे लड़कियों को राहत मिलेगी ।

श्रीमती विद्यावती चतुर्वेदी : अगर लड़का यह समझ कर कि अगर लड़की का मर्डर कर दिया जाए तो उसे वह माल मिल जाएगा तो क्या इससे मर्डर नहीं बढ़ेंगे ? क्या आप चाहेंगी कि जो सामान रजिस्टर हुआ है वह लड़के को न जाए, अगर लड़की के बच्चे हैं तो उनको जाए या उसके माता-पिता को वापस जाए ?

श्रीमती सुशील महाजन : इस से हम बिल्कुल एग्री करते हैं ।

सभापति महोदय : बाकी जो आपके और सुझाव हैं वे आप लिख कर भेज दीजिए । धन्यवाद ।

श्रीमती धर्म देवी : मैं सिर्फ इतना कहना चाहती हूं कि दहेज और डावरी सभी कुछ लड़कियों के नाम कर दिया जाए । अगर ससुराल में ये चीज सभी लड़कियों के नाम हो जाएंगी तो लड़-कियों का सताया जाना कम हो जाएगा । इस से यह भी होगा कि जब वे, अगर बाद में लड़की को निकालेंगे भी तो वे सारी चीजें लड़की को चली जाएंगी । जो भी चीजें या डावरी दी जाए उस पर लड़की के इन-लाज का कोई हक नहीं होना चाहिए । जो भी लड़कियों को तंग करे, उन मामलों में पुलिस दखल दे और लड़कियों की मदद करे ।

आजकल कहा जाता है कि देश की दौलत देश के बच्चे हैं । हमारे प्राइमरी टीचर्स ऐसे होने चाहिएं जो कि शुरू से ही बच्चों को ऐसी तालीम दें कि वे दहेज न लेंगे, न दहेज देंगे । मां-बाप कितनी ही दहेज लेने की या देने की कोशिश करें लेकिन वे दहेज न लें दें । तभी यह रुक सकता है ।

सभापति महोदय : आपका बहुत बहुत धन्यवाद । आपने अच्छे सुझाव दिए हैं ।

(The witnesses then withdrew)

(IV)-1. Prof. Paras Diwan

2. Dr. Virendra Kumar

(The witnesses were called in and then took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them

is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

PROF PARAS DIWAN: I have written a book on modern Hindu law, wherein I have expressed certain views. We are also conducting certain research. To my mind the basic problem is that we must locate among which classes is the dowry problem exists. The dowry problem is not among the rich classes. It is also not among the lower classes. It is existing in the middle and lower middle classes. Therefore, if you want to have some law for the whole of social structure, I doubt it would succeed. I will put it this way. Can you make social revolution by law? Can law be used as mentality for social revolution? Unfortunately what is happening is that in developing countries we are trying to make revolution through law. We hear in jurisprudence that legal processes lag behind social changes, but what is happening here is social change is lagging behind the legal process

The second point that I want to make is how much are we serious. How much serious really is the executive to eradicate the evil of dowry? I recall in 1961, when the Dowry Prohibition Bill was being debated in Parliament, in the original Bill there was a class relating to the ceiling for marriage expenses. That clause was debated out because they said that no ceiling can be fixed. If I recall rightly, it was Rs. 5,000 or so.

Another thing was that we added an explanation that presents will not be included in Dowry. The question is if you include presents in dowry, what will you exclude than? Should we come to this situation that a Narial and a Rupee may be given to the bridegroom and nothing else should be given in the marriage? Are we prepared to do it in all marriages in India, and particularly among the Hindus a Narial and a Rupee to be given to the bridegroom and nothing else? Are we prepared to do it? Suppose I have money. I will say, it is my daughter and I want to spend my money on her marriage. What has the Parliament to do with my fundamental right? When you go before the Parliament with your Report, you will see how much seriousness is taken by other members. But, never-it is a social endeavour in whtch we are engaged in our own way.

DR. RAJENDRA KUMARI BAJPAI: You give us some definite suggestion about the dowry.

PROF. PARAS DIWAN: We should do away with that explanation. There we must add that no marriage in India should be performed by paying more than, say, Rs. 51. If I say, Re. 1, probably people may not take that seriously, but something must be there. Then you also add that beyond that amount nothing should be given. We have to lay down something so that the rich people will be prevented from displaying their wealth. Now, black-money is being spent on marriages.

MR. CHAIRMAN: In Haryana, they have put the limit of Rs. 5000. Have they succeeded in that? The Committee would like to have the benefit of your definite suggestion on this. This is the legal aspect. Please tell us in your own opinion what should be the definition of dowry? What would be the new explanation?

PROF. PARAS DIWAN: We must lay down that nobody should spend more than Rs. 51 on a marriage and a Narial, nothing more than this.

MR. CHAIRMAN: You see section 2.

PROF. PARAS DIWAN: This explanation says that presents will not include dowry. Therefore, we have undone what we did earlier. In this explanation, we may add that not more than Rs. 51 be given. We should also lay down a ceiling on the mar-

riage expenditure for entertaining *baratis* or giving a reception or for performing religious ceremonies. Roughly speaking, we must also lay down a maximum limit of Rs. 1000.

MR. CHAIRMAN: Then you see explanation No. 2.

PROF. PARAS DIWAN: That is related to the definition of valuable security. You will have to distinguish between dowry and gifts.

MR. CHAIRMAN: What about presents from other friends, Mamaji, Chachaji, etc.?

PROF. PARAS DIWAN: They will not be included in dowry.

SHRIMATI MARGARET ALVA: Do you want that this explanation should not stand as it is and the gifts do not constitute dowry?

PROF. PARAS DIWAN: On the one side we are talking of gifts by bride; on the other side, we are talking of gifts from the others. The argument that has been raised is that the father can give presents through his guests, through his relations and through his friends. If he gives them, that is not material. Are they extracted from these people? Let us not bother about this aspect of the matter unless we are able to say that these are gifts extracted from the father through the agency of intermediary: they may be *Mama*, *Chacha* or other relations or neighbours or pandits.

SHRIMATI MARGARET ALVA: You see section 4 of the existing Act. You say, you leave out everybody else. Is there not any loophole?

PROF. PARAS DIWAN: When it says, demand, demand may be converted into presents. Therefore, I said unless and until it is shown that it was extracted in the sense that somebody else was utilized to convert dowry into a present, that is a loophole which we have to plug.

SHRIMATI MARGARET ALVA: In our discussions, we have found that it is very difficult to prove that it was 'in consideration' of marriage.

PROF. PARAS DIWAN: Once you delete Explanation 1, anything given from the bride's side will be presumed as a consideration. Once we laydown that anything spent beyond this will amount to dowry, the problem will be solved.

SHRIMATI PRAMILA DANDAVATE: What about the presents?

PROF. PARAS DIWAN: Let us put a ceiling on the presents also.

SHRIMATI MARGARET ALVA: In view of the social and economic disparity in this country, is it possible to put a common ceiling?

PROF. PARAS DIWAN: As I said, a social revolution is one of the difficult job, but we have to attempt on that. Let us go on attempting and I think, our endeavours would succeed.

SHRI B. SATYANARAYAN REDDY: You have accepted to do away with explanation 1, but you have also said that a minimum of Rs. 51 or so should be provided. Similarly, at the time of wedding, let us also have a ceiling for the presents. Otherwise, lakhs of rupees may be given through friends or relatives by way of presents. Let us put a limit also that the presents will not exceed Rs. 51 or Rs. 101.

PROF. PARAS DIWAN: You can have it. It would be difficult, but nonetheless let us do it. I think, that is a good suggestion.

SHRIMATI PRAMILA DANDAVATE: In that case, we shall deprive the girl of whatever she may get from her parents and others. Though the Hindu Succession Act is there, still we find that the daughters are not getting equal share in the property. To say that nothing should be given to the daughter at the time of marriage would amount to depriving her of everything.

PROF. PARAS DIWAN: Excuse me to say that that is a feminist approach. If we are talking of eradicating this social evil, we have to lay it down. When a girl goes to the husband's house, why should she depend on anything that is given to her by her parents? I think, they should be deprived of that. I may sound anti-feminist, but that has to be done.

Now, let us make these offences cognizable as in the Child Marriage Restraint Act. For investigational purposes, it should be cognizable. One should not be running after the State Government to take their permission. But I think, for arrest purposes, it should not be cognizable.

I know that the girls are being harassed on account of dowry, but it is also used as a blackmail. I know of a case where the bride was not satisfied with her husband, or she was not satisfied because her father was not satisfied. She was a school teacher drawing a salary of Rs. 500. The father's family was dependent on that income before marriage. The father insisted that the girl will remain with him. The husband did not agree. Ultimately, the father complained that the fellow came to their house and demanded dowry. What to do in such cases? Therefore, to my mind, it should be cognizable for investigational purposes, but not for arrest purposes.

DR. VIRENDRA KUMAR: I share the views that my colleague, Prof. Diwan has expressed. I would be saying only as a footnote to what he has already said without going to the definition part of it.

We do agree that in our society, and for that matter any developing society law is a very important instrument of social control despite all the facts that hitherto whatever attempts we have made, we have not be able to make the perceptible gains. One great benefit that accrues is that we are able to show an a important direction and that is a very important role played by law, and in general sense we feel the void of that by simply saying that there is a leadership crisis. Now in terms of social problems, probably if there are no social legislations, I will say there is some kind of a legal leadership. This is precisely the kind of function which is attempted.

The problem in resolving dowry evil is that the moment we think of putting down the limits, the problems crop up, because of the wide gap between the different social strata. In that context I would suggest that we can think in terms of the minimum, not maximum, whatever may be the social status. The problem of dowry is neither among the upper classes, nor among the lower classes, but among the middle and upper middle classes when I examined the approach of the young people in regard to the consideration of the amount for marriage. After marriage the girl ceases to be member of her father's family and become a member of her husband's family. Then the consideration should be from the side of the husband's family. It should be the consideration which comes to the bridegroom's family. How does it happen? What is the genesis of it that it is reverse in Hindu families while in the Muslim society it is not so. In our society the daughter is given and her father has also to give consideration. The consideration is for getting a good bridegroom. Now, if the dowry goes to the bridegroom hifself, would that be a kind of fellow if he is asking for bride and the dowry which is certainly a purchase. If it goes to the bridegroom, the question is why? Practically we feel that it happens in cases where the bridegroom is dependent on the parents. When the demand is made, the bridegroom will not say a word about it. Then the answer to this problem would be if the brides are educated, economically independent, then probably in those cases there will be lesser problem. But it is found that in those cases also, where the persons are highly placed and educated, the dowry demands are made all the more. You can find the examples of IAS Officers or doctors in abundance.

Then does it mean that education has got no room to play? The question that emerges is that education has affected, but it is not necessary that it has got an all pervading effect. Nevertheless, what about the persons who have not gone for formal education. I feel this problem will be somewhat solved by enlightening the people through formal education and also through the mass media. The kind of text-book approach that we are having, we are not able to restructure. We are saying that courses are to be job-oriented. If we make the courses social oriented where this kind of a problem is highlighted at all levels, only then can we make a dent on the social problems.

So far as the limit is concerned, I would simply say that we can think in terms of minimum. So far as the maximum is concerned, where dowry is demanded through pressure tacties, if you read the matrimonial columns, it figures 'decent marriage is assured', 'status of family' etc. These things are highlighted. Then the question is how to overcome this problem? To that my answer would be we have to pursue it at its roots.

DR. RAJENDRA KUMARI BAJPAI: Will it help us in defining dowry?

DR. VIRENDRA KUMAR: To that my answer would be that we can talk in terms of minimum, not in terms of maximum. And then we should say everything that is given even presents, should constitute as part of dowry. We have still to think of restructuring the Hindu Succession Law to make the rights comaturate.

So far as the joint family property is concerned, she would be an equal sharer, so far as the bride's property is concerned, if it is owned independently by him then you cannot do anything.

DR. RAJENDRA KUMARI BAJPAI: Do you want that the Hindu Succession Act should be added in this explanation?

PROF. PARAS DIWAN: I don't think we can mix up these two things together.

DR. VIRENDRA KUMAR: I would be in favour of putting a minimum limit by the social legislation; and the rest of it, probably we have to bear. The problem arises in terms of its execution.

SHRIMATI MARGARET ALVA: What about the time limit?

DR. VIRENDRA KUMAR: If the practical experience is an indication that the demand goes on cropping up within five years, then I would not be in favour of pin-pointing the time. It is an on-going problem and, therefore, it has to be an on-going solution.

SHRIMATI PRAMILA DANDAVATE: What is the meaning of dowry ? What is the meaning of *stridhan?*

DR. VIRENDRA KUMAR: Surely, we would like to have some kind of a consolidated statute because the problems are inter-linked.

PROF. PARAS DIWAN: If any dowry which is given will constitute a separate property of the bride, it is in that context that the *stridhan* would accrue. Since you are making the Dowry Prohibiion Act stringent, the question of definition of *stridhan* here does not arise. Therefore, it is better if you keep a single title 'Anti-Dowry Act, and be stringent in its statutory provisions. Then alone somehing can be done: not otherwise. We should add like this: "anything other than this will be dowry". Excepting the presents given to the bridegroom plus 5 per cent of the expenditure incurred on the marriage and so much given to the bride, everything will be treated as dowry. You make the law so stringent that at least it must result in prosecution. Now the law is so lose that no prosecution takes place.

SHRI B. SATYANARAYAN REDDY: Dowry is prevalent not only in the rich class but also in the middle class. But the problem is there in the middle class.

PROF. PARAS DIWAN: Dowry is there in the rich class, but there is no problem.

SHRI B. SATYANARAYAN REDDY: When you include this provision, it is not going to affect the rich people. The problem is there in the middle class people. You yourself have said that if a person has Rs. 1 lakh, he wants to give Rs. 50,000 in dowry. How could you prevent it in that case?

PROF. PARAS DIWAN: We cannot make the law only for the middle class people; we have to make it for all the people; and even these people will also suffer. Let them give that money to the hospitals and universities. They are making very vulgar displays on their marriages.

DR. VIRENDRA KUMAR: We have to think in terms of the minimum limit.

PROF. PARAS DIWAN: As a concession to the Muslim voters, to the Muslim community,. dowry has been excluded.

SHRIMATI USHA MALHOTRA : The 1961 Act has remained only on Statute Book. We are interested in something which can be implemented. There is no point in having definition, explanation etc. unless we have a machinery to implement it. It would request you to throw some light on the implementation part of it like having family courts, or special courts. You have to reflect the sentiments of the people. No parents would like to marry their daughter without something. Things like mangal sutra are must in some communities. There are some religious beliefs also attached to these things. In so many States, these things are considered necessary.

PROF. PARAS DIWAN: It is nice to be sentimental, but I do not think that the legislators while passing the law should be sentimental. About mangal sutra etc. you can again add that this or some other thing not exceeding worth so many rupees should be given. You have to be specific.

I am very much interested in the enforcement part of it; that, in fact, is the crux of the matter. You mentioned about the family courts. We had a seminar last month, and among other things, we discussed the family law courts also. All these matters including the dowry cases must be brought before a unified family court. It should have its own separate enforcement machinery; it should not be the police. To give you an instance, orders under sec. 125 Cr. P.C. for maintenance claims are being passed and they are flouted like anything. By the time the wife is able to execute the order, she becomes a bankrupt.

SHRIMATI MARGARET ALVA: What about the legal aid?

PROF. PARAS DIWAN: We will send you a copy of our recommendations. These family courts will have to have an auxiliary service. The family court is not like any other court; it is to be supported by auxiliary service, and then the family court will not have adversial system. It is a different system, which has to prevail and only then it will have a meaning. Further, the constitution of the family courts is not going to be an easy thing. From where we will get the auxiliary service, who will be the judges. It will not be the Sessions Judges and others. Unless and until we have such family courts with auxiliary services attached to them, these problems will not cease. For instance, we have made a suggestion that if a women is harassed, turned out at one O'clock in the night, we should have crisis centres open for 24 hours, where she could knock and get a shelter, assistance and advice. But unfortunately, nari niketans in this country have become brothal houses. Same is the case with children' homes. We have to work very hard for setting up these family courts.

SHRIMATI USHA MALHOTRA: What about registration of marriages?

PROF. PARAS DIWAN: It must be done. I will send you a copy of my paper, which I had presented. Marriages and divorces must be completely registered not only in the registry, but right from the level of Panchayats and onwards. Many customary divorces take place without going to the courts also. But marriage and divorce must be registered. I would say further that whenever a marriage takes place, this must be notified in the official Gazette of the State Government for which the State Government may charge a fee. Similarly, the divorce should also be notified in the State Government's gazette. When we go in for social research, we find it very difficult to find out how many divorces have taken place in a particular period.

MR. CHAIRMAN: Thanks a lot. Please send your papers with definitions. As soon as you send it, it will be copied and sent to each and every Member of the Committee.

(The ommittee adjourned at 13.30 *hours and re-assembled at* 15.45 *hours*

V. Shri J. P. Atray

(The witness was called in and be took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI J. P. ATRAY: I have already sent a detailed reply to the Committee. There are three points on which I would like to emphasise. (1) There are problems about dowry. There is a lot of publicity and awareness among the people about it. It is a serious problem. But the seriousness of the problem is not yet fully understood by the people. Apart from being representing the social organisations, I happened to be in Government. It is my experience that the seriousness of the problem is not fully appreciated. Now we have come to a state where we want to change the existing law. It is not, to my mind, effective. This is the appropriate time that the change in law should be effective and should cover not only the question of dowry in a restricted sense but should be made effective enough and broad-basd enough to cover the problem in its entirety. It should not touch upon dowry in a restricted sense. The problem of dowry and the consequences on women should be seen in a very broad way, it should be seen against all the crimes which are committed on the women. The basis of the crimes are the same. We must find out ways and means to tackle all those basic maladies. I don't think any law is going to deal with this problem. It would perhaps be better in future to have a comprehensive law covering all the crimes which are uniform. I say this because we may have to adopt a slightly different procedure of law while dealing with this problem of crimes against women.

I think the law, as it stands at present, is not very practical either to enforce it or to define it properly. In the practical sense, it is a pious wish; in practtce, it is very difficult to enforce it. We have not provided any follow up institutions or even an agency to enforce this law; we have not provided any consequential institution for reforms or rehabilitation.

MR. CHAIRMAN: What should be the practical approach so that it should be practical and we should be able to implement it also?

SHRI J. P. ATRAY: I agree that it should be as broad as possible.

SHRIMATI MARGARET ALVA: The words 'in consideration' have created all the problems. How is it to be proved?

SHRIMATI PRAMILA DANDAVATE: Do you agree with explanation 1?

SHRI J. P. ATRAY: Yes, any presents given by friends or relatives should be excluded.

SHRIMATI PRAMILA DANDAVATE: You say that the expenses should not be more than Rs. 5,000. But now-a-days this amount is not much.

SHRI J. P. ATRAY: Let us relate it to the income of the persons concerned.

SHRIMATI MARGARET ALVA: How do you calculate that? That would be very difficult.

SHRIMATI PRAMILA DANDAVATE: How is it possible to prove that something was given 'in consideration' of marriage?

SHRI J. P. ATRAY: When a marriage takes place, we have to admit that some expenses have to be there. To my mind, this could be fixed in relation to the income of the girl's parents.

SHRIMATI PRAMILA DANDAVATE: But what about those who do not have much income? It is not that easy.

MR. CHAIRMAN: Any other point?

SHRI J. P. ATRAY: Further, there is no particular agency for the enforcement of these provisions. We have conveniently given this job to the police. The police have been enforcing criminal legislation and I submit that there is a vast difference in the manner in which a social legislation and a criminal legislation has to be implemented. I do not say that the police should not be given this responsibility. They have to be provided with necessary tools, training and follow-up action. It is very important that this social legislation is implemented properly.

MR. CHAIRMAN: What are your suggestions?

SHRI J. P. ATRAY: So far the police has been used for this purpose without any guidance; police should be used but with proper preparation. I do not support any other agency, multiplicity of agencies does not help.

SHRIMATI PRAMILA DANDAVATE: What about these cases being cognizable or non-cognizable?

SHRI J. P. ATRAY: These cases should be made cognizable if the police has to deal with them, but there has to be a difference; the arrest should be made under proper warrant.

(The witness then withdrew)

VI. (1) Shrimati Sobhawati
(2) Shrimati Balbir Kaur
(3) Shrimati Raksha Devi
(4) Shrimati Punjabi Kaur

(The witnesses were called in and they took their seats)

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सभापति महोदय : आप में से जिस को इस बिल के बारे में जो कुछ कहना हो, कह सकती हैं । इस में क्या चेंजिज होनी चाहियें आप बता सकती हैं ।

श्रीमती रक्षा देवी : जो मां बाप दहेज दे सकते हैं वे दें । लेकिन जो नहीं दे सकते वे उनके लिए यह बन्द होन

चाहिए और ऐसा कानून बनना चाहिए। जब ऐसा कानून बनेगा तभी यह बन्द हो सकता है

श्रीमती बलबीर कौर : लड़के वाले आजकल बहुत दहेज मांगते हैं । कहते हैं हमें मोटर दो, स्कूटर दो । मां-बाप के लिए उनकी सभी मांगें पूरी करना बहुत मुश्किल हो जाता है । जो मां-बाप दे भी देते हैं उसके बाद भी ससुराल वाले लड़की को आराम से नहीं रहने देते । बहुत सी लड़कियां तो तेल डाल कर मर जाती हैं, नदी-नाले में डूब कर मर जाती हैं । इसलिए दहेज बिल्कुल बन्द होना चाहिए ।

मेरी ननद है । वह बी० ए० पास है । हम शादी में उसके लिए मोटर साइकिल दे रहे थे लेकिन लड़के वाले कार मांग रहे थे । इसलिए शादी रह गयी । उन्होंने कहा कि तभी हम शादी करने आयेंगे जब कार दोगे । हमारे सभी रिश्तेदार इक्ट्ठे हो गये थे । यह दहेज के कारण सब कुछ हो रहा है । मेरी एक बहिन है । शादी के बाद लड़के की बहिनें ताना मारती हैं, और लोग ताना मारते हैं । लड़का रोडवेज में नौकरी करता है । वह मेरी बहिन को बहुत तंग करता है । लड़की के लड़का भी हो गया है ।

डा० राजेन्द्र कुमारी वाजपेयी : आप क्या चाहती हैं ?

श्रीमती बलबीर कौर : हम यह चाहती हैं कि लड़के वालों को कहा जाए कि वे लड़की को तंग न करें ।

श्रीमती शोभावती : यह दहेज बिल्कुल बन्द होना चाहिए । यह बहुत चल निकला है । इस से लड़कियां परेशान हैं । इसके लिए कानून बनना चाहिए ।

श्री बी० सत्यनारायण रेड्डी : क्या आपको यह पता है कि दहेज कानूनन अपराध है, कानूनन गलत बात है ? क्या आपको इसकी जानकारी है कि इसके लिए कानून बना हुआ है ?

श्रीमती रक्षा देवी : यह तो पता है कि यह कानूनन अपराध है लेकिन लोग चुपके से अन्दर से लेते हैं ।

श्रीमती विद्यावती चतुर्वेदी : यह जो स्कूटर की, कार की मांग हो रही है क्या आप यह ठीक समझती हैं कि अगर लड़कियां पढ़ लिख जायें और अपने पैरों पर खड़ी हो जायें तो यह कम हो सकता है ? अगर लड़कियों को इस प्रकार तैयार किया जाए कि वे खुद भी कमाएं और उनको इस प्रकार की ट्रेनिंग भी दी जाए कि वे वहीं शादी करेंगी जहां से दहेज की मांग न हो तो क्या इसको बन्द करने में मदद नहीं मिलेगी ?

श्रीमती रक्षा देवी : मैं यह ठीक समझती हूं ।

श्रीमती विद्यावती चतुर्वेदी : क्या आप इसके लिए कोशिश करेंगी ?

श्रीमती रक्षा देवी : हमारा गांव इसके लिए अभी इतना आगे नहीं बढ़ा है । हमारे यहां तो लड़कियों की शादी वहीं होती है जहां मां-बाप तय करते हैं ।

श्रीमती विद्यावती चतुर्वेदी : अगर लव मैरिज होने लगेगी तो क्या दहेज कम नहीं होने लगेगा ?

श्रीमती रक्षा देवी : यह शहरों में तो हो सकता है, लेकिन गांव में नहीं हो सकता है ।

श्री बी० सत्यनारायण रेड्डी : क्या आप कभी गांव में बैठ कर यह सोचती हैं कि यह समस्या कैसे हल हो ? जब किसी लड़की पर अत्याचार हो रहा है, तो क्या आप लोग कभी आपस में बैठकर, गांव के लोग इक्ट्ठे होकर यह नहीं सोचते हैं कि यह नहीं होने देना है, जो दहेज मांगता है, उसके यहां शादी नहीं करनी है ?

श्रीमती रक्षा देवी : इसीलिए मैंने कहा है कि हमारे गांव अभी इतने आगे नहीं बढ़े हैं कि लड़की अपनी मर्जी से शादी करे। जो बड़े बुजुर्गों ने कह दिया वहीं शादी करेंगे, चाहे इसके लिए हमें अपने आपको गिरवी भी क्यों न रखना पड़ ।

श्री बी० सत्यनारायण रेड्डी : क्या कभी ऐसा भी हुआ है कि गांव के लोगों ने कहा हो कि ऐसी शादी में नहीं जायेंगे ?

श्रीमती रक्षा देवी : सोचते तो हैं, मगर करते नहीं हैं।

श्रीमती विद्यावती चतुर्वेदी : आप कहती हैं कि इसके लिए कड़ी से कड़ी सजा होनी चाहिए । मैं आपसे यह पूछना चाहती हूं कि आप की लड़की की शादी में यदि लड़के वाले कुछ मांगते हैं तो क्या आप जाकर शिकायत करेंगी, पुलिस के पास, मुखिया के पास कि लड़के वाले दहेज मांगते हैं ?

श्रीमती रक्षा देवी : यह तो मैंने आपको पहले ही बताया कि इतना सब कुछ करने के बावजूद भी लड़की तंग रहती है । मां-बाप यह सोचते हैं कि वहां घर में लड़की सुखी रहे, इसी वजह से हम ज्यादा से ज्यादा दहेज देते हैं, लेकिन लड़की फिर भी सुखी नहीं रहती है ।

श्रीमती विद्यावती चतुर्वेदी : कानून तो हम बनाने की कोशिश कर रहे हैं, लेकिन कानून बनाने के बाद क्या लड़की के मां-बाप शिकायत करेंगे कि लड़के वाले दहेज मांग रहे हैं और हम दहेज नहीं देंगे ?

श्रीमती रक्षा देवी : अगर हमने शिकायत की, तो लड़की का रिश्ता नहीं होगा, तो हम कब तक लड़की को घर पर बिठाए रखेंगे ?

श्रीमती उषा मल्होत्रा : मैं यह कहना चाहती हूं कि पंचायत एक महत्वपूर्ण संस्था है । उसके जरिए क्या इस काम को नहीं किया जा सकता है कि जो लड़का दहेज मांगेगा, उसको लड़की नहीं देंगे । ऐसा काम यदि पंचायत के जरिए किया जाएगा, तो मुझे उम्मीद है कि इस कलंक को जड़ से उखाड़कर फेंका जा सकता है । कानन बनाने पर भी इस प्रकार का काम होता रहता है । यदि लागू हो भी जाए और उस मौके पर पुलिस पहुंच जाए, तो शादी नहीं हो सकती है ।

सरकारी मुलाजिम के लिए यह खतरा है यदि वह यह काम करता है, तो उसको उसकी नौकरी से हाथ धोना पड़ सकता है । ऐसे उदाहरण आपको सरकार के सामने लाने चाहिएं, जिससे और लोगों को कुछ सबक मिल सके ।

श्रीमती बलबीर कौर : घर वाला सरकारी मुलाजिम है ।

श्रीमती उषा मल्होत्रा : आप सरकार की मदद क्यों नहीं लेती हैं। लेकिन यह शिकायत आप खुद न करें, पंचायत के जरिए आपको करनी चाहिए ।

सभापति महोदय : आप अपनी बात सरकार के पास लिखकर भेज दीजिए,

पंचायत के माध्यम से । आप लोगों ने जो सुझाव समिति के समक्ष रखे, उससे हमें बहुत सहूलियत होंगी । समिति आपका बहुत बहुत धन्यवाद करती है ।

(The witnesses then withdrew)

VII—Dr. M. L. Saini

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

डा० एम० एल० सैनी : डाउरी के बारे में जो एजुकेशन हम बच्चों को देते हैं उस में स्कूल और कालेजों में एक चैप्टर होना चाहिए और कम से कम टैक्स्ट बुक्स में तो एक ऐसा चैप्टर तो होना ही चाहिये जिस में इसके इविल्ज पर प्रकाश डाला गया हो और इसके डीमैरिट्स बताए गए हों ।

आजकल डाउरी केसिस के फैसले में बहुत देरी होती है । स्पेशल कोर्टस इनको डिसाइड करने के लिए बनाई जानी चाहियें ताकि जल्दी इनके फैसले हो सकें ।

स्पेशल सैल्ज भी इसके वास्ते बनाए जाने चाहियें । वालेंटरी आर्गनाइजेशंज को आगे बढ़ाया जाना चाहिये । गवर्नमेंट लेवेल पर सोशल वैलफेयर बोर्ड है जिस में स्पेशल सैल हो सकता है । छोटे मोटे केसिस गांवों में या दूसरे एरियाज में जो होते हैं वे उसके नोटिस में लाए जाने की व्यवस्था होनी चाहिये । इस काम में सोशल वर्कर, वालेंटरी आर्गेनाइजेशंज वगैरह कैन प्ले एवेरी इम्पार्टेंट रोल ।

सभापति महोदय : बच्चों को किताबों में पढाने के वास्ते जो आपने कहा है वह तो ठीक है लेकिन वह लांग टर्म पालिसी का एक हिस्सा हो सकता है । वह एक अच्छा सुझाव है । लेकिन आप हमें अब यह बतायें कि इस कानून में कौन से संशोधन होने चाहियें ।

डा० एम० एल० सैनी : सबसे पहली बात तो यह है कि इसका इम्प्लेमेंटेशन प्रापर होना चाहिये । लूपहोल्ज इसमें कोई नहीं होने चाहियें ।

SHRIMATI MARGARET ALVA: An organisation like yours could play a positive role in these matters. What would you suggest in respect of counselling services which could be provided to women in cases where the marriages have broken down because of dowry and other problems. What services can your organisation and such other organisations render? What about the need for crisis homes for separated women?

DR. M. L. SAINI: We are setting up a task force in Chandigarh to look into such problems. We would like to meet the women and see what we can do in their cases. That is going to be our next four years' plan.

सभापति महोदय : अभी देहात की बहनें आई थीं और बता रही थीं कि उनको पंयायत के माध्यम से मदद नहीं मिलती और उनको एजुकेट किया जाना चाहिये । आपकी संस्था भी इस मामले में कुछ कर रही है ।

डा० एम० एल० सैनी : वह तो हम कर ही रहे हैं ।

सभापति महोदय : हमें अगर आपके यहां से वह लिख कर मिल जाए तो हमें बड़ी आसानी होगी । वह आप हमें लिख कर भेज दें ।

एक साक्षी : हम लिख कर भेज देंगे ।

SHRIMATI USHA MALHOTRA: Don't you think that you all the voluntary organisations come together on a common platform and discuss all these issues and also take up these cases? Should not a cell be set up by all the organisations collectively say of the Social Welfare Organisations, Red Cross, All India Women's Conference, All India Women's Council?

DR. M. L. SAINI: It is all right. Our National Board has already done it. We all agree that there should be a co-ordinating body and that there should be a cell for the purpose.

SHRIMATI PRAMILA DANDA: Would you like to have abolition of dowry or regulation of the dowry?

DR. M. L. SAINI: We are all for abolition of dowry. But we are afraid it is not possible to do so.

(The witness then withdraw)

VIII (1) Shri K. L. Ahuja
(2) Shri W. R. Gupta
(3) Shri Hukam Singh Rana
(4) Shri Javed Massey

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री जावेद मैसी : सब से पहले तो मेरा यह कहना है कि जो लोग अपनी वाइफ की डेथ कर के उसकी लाश को नदी-नाले में फेंक देते हैं, ऐसे लोगों को फांसी की सजा होनी चाहिए ।

दूसरे मेरा कहना यह है कि हिन्दू मैरिज एक्ट में अमेंडमेंट होनी चाहिए । इसमें यह अमेंडमेंट होनी चाहिए कि जो पंडित लोग या सिखों के भाई शादी कराते हैं उनको ट्रेनिंग इसी लिए दी जाये । जिसके पास ट्रेनिंग हो वही शादी कराए । आजकल तो कोई भी आ कर हमारे से कह शादी करा देता है ।

तीसरे मेरा कहना यह है कि जो क्रिश्चियन मैरिज एक्ट है उसके मुताबिक जो चीज लड़की वाला लड़की को देना चाहता है वह कागज पर लिखी जाती है और उस पर दस्तखत होते हैं । कागज पर एक लिस्ट तैयार होती है और उस पर दस्तखत होते हैं । ऐसा ही हिन्दु मैरिजिज में भी होना चाहिए ।

क्रिश्चियन मेरिजिज में बहुत कम खर्च होता है । वहां पर एक पादरा होता है, कुछ लड़के वाले की तरफ से होते हैं और कुछ लड़की वाले की तरफ से होते हैं और सभी एक जगह इक्ट्ठे हो कर शादी करते हैं । ऐसा ही हिन्दु मेरिजिज में भी होना चाहिए । इससे सब अपने स्टैटस के मुताबिक मेरिज करेंगे ।

श्रीमती प्रमिला दंदवते : अगर कोई क्लर्क अपनी लड़की की शादी किसी डाक्टर से करना चाहे तो क्या उसे अपनी हैसियत से ज्यादा रुपया खर्च नहीं करना पड़ेगा ?

श्री जावेद मैसी : कोई क्लर्क अपनी लड़की की शादी किसी डाक्टर से नहीं करेगा । लव मेरिज हो तो बात दूसरी है ।

श्रीमती विद्यावती चतुर्वेदी : अगर क्लर्क की लड़की भी डाक्टर है तो ?

श्री जावेद मैसी : तो वह पैसा कमायेगी ।

मैं कहना चाहता हूं कि डावरी की लिमिट बांध देनी चाहिए जैसा कि पाकिस्तान में है ।

सभापति महोदय : क्या आप चाहते हैं कि हिन्दू मेरिज सिस्टम नहीं होना चाहिए ?

श्री जावेद मैसी : यह सिस्टम स्पोइल हो चुका है । क्रिश्चियन मेरिज एक्ट 1974 के मुताबिक हिन्दु मेरिज एक्ट भी बने तो उस से यह मसला बहुत हद तक हल हो सकता है । फिर लोग अपने अपने स्टेटस के मुताबिक शादी करेंगे ।

SHRI B. SATYANARAYAN REDDY: In the first instance you have said that you are not against the dowry system and that dowry must be given in some way or the other. But now you say that those who demand or take dowry should be removed from Service. You are making contradictory statements.

SHRI JAVED MASSEY: This is for the Government servants and that is for private employees.

SHRI B. SATYANARAYAN REDDY: You want to amend the Act, but you cannot have two acts.

SHRI JAVED MASSEY: It is my suggestion. It is your duty to see how it works.

डाउरी के केसेज की हियरिंग मेल आफ़िसर को नहीं करनी चाहिए, लेडीज आफ़िसर को करनी चाहिए । लेडीज आफ़ीसर होंगी तो फ़ैसला अच्छा हो सकता है और हियरिंग अच्छी हो सकती है ।

जब कोई व्यक्ति नौकरी पर लिया जाता है, तो उससे एफ़ीडेविट लिया जाता है कि वह अपने देश के प्रति वफ़ादार रहेगा और अपने आफ़िसर के प्रति वफ़ादार रहेगा । इसी प्रकार उसी वक्त अविवाहित लड़के लड़कियों से एफ़ीडेविट लिया जाना चाहिए कि वे न डाउरी लेंगे और न देंगे । यदि वे डाउरी नहीं लेते हैं तो उनको प्रोमोशन दिया जाना चाहिए और यदि लेते हैं तो उनको नौकरी से निकाल देना चाहिए ।

SHRIMATI VIDYAVATI CHATURVEDI: This is a very good suggestion.

SHRIMATI USHA MALHOTRA: This is a very good suggestion.

SHRI JAVED MASSEY: He should be shunted out of the job.

SHRI B. SATYANARAYAN REDDY: In the first place, you say that you are not against the dowry system; dowry must be given. They you say that those who demand or take dowry should be removed from the service. Is it not a contradiction?

SHRI JAVED MASSEY: This is for a Government servant and that is for a person who is in private life.

SHRI B. SATYANARAYAN REDDY: You cannot have a separate Act for everybody.

SHRI JAVED MASSEY: This is my suggestion. It is for you to decide.

MR. CHAIRMAN: Thank you.

श्री हुक्म सिंह राना : सभापति महोदया, मैं यह जानना चाहता हूं कि यह कानून जो बनाया जा रहा है, यह किताबों तक ही सीमित रहेगा या समाज में लागू होगा ?

सभापति महोदय : इस सम्बन्ध में कमेटी आपको कोई जबाब नहीं देगी। यह पार्लियामेंट की समिति है । कमेटी का काम एवीडेंस लेना है, लोगों से जानकारी हासिल करना है, यह कानून कागज पर रहेगा या इम्लीमेंट होगा, यह जब समिति अपनी रिपोर्ट पेश करेगी पार्लियामेंट में, तब आप जान सकते हैं यह गोपनीय है ।

श्री हुकम सिंह राना : यही तो समाज में घटियापन है कि कानून तो बन जाता है, लेकिन इम्प्लीमेंट नहीं होता है।

मेरा पहला सुझाव यह है कि जब भी किसी की शादी हो, तो उसको डेट देनी चाहिए और उसके बाद गवर्नमेंट के कुछ आदमी जाने चाहिएं जो वहां पर जानकारी हासिल कर सकें कि उस शादी में डाउरी दी गई है या नहीं दी गई है।

इसके बारे में लोगों को एजुकेट करने के लिए आर्गेनाइजेशन्स की मदद लेनी चाहिए । जो लोगों को एजुकेट कर सकें, और डाउरी के खिलाफ़ प्रचार कर सकें । उनको गवर्नमेंट की सपोर्ट होनी चाहिए । मेरे कहने का मतलब यह है कि हमें डाउरी सिस्टम को खत्म करना है, केवल कानून ही नहीं बनाना है । सोचने वाली बात यह है कि डाउरी कौन मांगता है, लड़का मांगता है या उसके माता-पिता मांगते हैं । जो लड़का अपने मां-बाप की मर्जी से शादी करता है, वहीं डाउरी मांगता है ।

ये मेरे कुछ सुझाव हैं, जो मैंने समिति के विचार करने के लिए प्रस्तुत किए हैं । इन शब्दों के साथ मैं आपको धन्यवाद देता हूं कि आपने मुझे बोलने के लिए समय दिया। पांच हजार की लिमिट खत्म होनी चाहिये । अमीर आदमी तो दे सकता है लेकिन गरीब नहीं । वह न दे तो अपनी हैठी समझता है ।

मैं यह भी कहना चाहता हूं कि अदालत में शादियां रजिस्टर होनी चाहिये'। साथ ही लुक आउट पर भी रहना चाहिये कि कोई ज्यादा खर्च न करे। मैजिस्ट्रेट बगैरह होने चाहियें और उनके साथ इंस्पैक्टर वगैरह भी होने चाहियें जो नेक आदमी हों जो चैकिंग करें । रिश्वत ले कर किसी केस को छोड़ न दें, इसका भी ध्यान रखा जाना चाहिये । उनके पास जीप बगैरह का इन्तजाम होना चाहिये । सरप्राइज चैक पर उनको जाना चाहिये। बैंड पार्टी में ज्यादा बैंड वाले न हों, लाइट ज्यादा न हो, खर्चा ज्यादा न हो इन सब को उनको देखना चाहिए ।

जहां तक गिफ्ट्स का ताल्लुक है उन पर कोई पाबन्दी नहीं होनी चाहिये । अपनी हैसियत के मुताबिक आदमी गिफ्ट दे सकता है । कम्पलशन इस मामले में नहीं होनी चाहिये ।

पांच हजार या जितना भी रुपया खर्च हो वह रिकार्ड होना चाहिये और रजिस्ट्रेशन में वह आना चाहिये। जो बहू को जलाते हैं उनका बाजारों में जलूस निकाला जाना चाहिये ताकि दूसरों को इबरत हो । बुधवार, को जब चित्रहार जैसे प्रोग्राम होते हैं इस तरह के केसिस को टी वी पर दिखाया जाना चाहिये ताकि लोगों को पता लगे और वे इस तरह के काम न करें ।

गिफ्ट्स जो दिए जाते हैं वे दिखाए नहीं जाने चाहियें । कोर्ट केसिस जो होते हैं उनकी जल्दी जल्दी तारीखें पड़नी चाहियें । डाइवोर्स अगर हो जाता है तो लड़की की शादी जल्दी हो जानी चाहिये लेकिन लड़के की दो तीन साल तक नहीं होनी चाहिये ।

श्री के० एल० अहुजा : जो भी लेजिस्लेशन हो उस पर अमल सख्ती के साथ होना चाहिये । गोल्ड कंट्रोल एक्ट में तबदीली होनी चाहिये और दस दस, पांच पांच तोले के जेवर नहीं बनाए दिए जाने चाहिये । हल्के बनाए जायें । मेरेज एक्ट में यह व्यवस्था की जाए कि एक तोले से ज्यादा वजनी जेवर नहीं दिये जा सकते । वैल्यू की बात न रखें । कार, फ्रिज आदि सब बन्द होने चाहियें । डायमन्ड ज्यूलरी बिल्कुल बन्द होनी चाहिये । वैल्यूयेशन करने से कुछ नहीं होगा । अमीर भी न दे और गरीब भी न दे, ऐसी व्यवस्था होनी चाहिए । अगर लड़का लड़की को शादी के बाद डाउरी लाने के लिए मजबूर करता है, तंग करता है, तो ऐसी व्यवस्था होनी चाहिये कि इस बिना पर लड़की डाइवोर्स ले सके ।

(The witnesses then withdrew)

IX (1) Shri Satya Pal Singla,

(2) Shri Harish Gupta,

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI SATYA PAL SINGLA: First, I would like to submit that this is a social evil and cannot be eradicated by any legislation. Secondly, the question of dowry arises only when there is a failure or breaking of marriage. If the marriage is successful, these questions do not come up at all. Further, it is not always the fault of the bridegroom, it is the fault of the bride also sometimes. We cannot take it for granted that the man is always at fault. This can be used as a shelter for going to the court.

MR. CHAIRMAN: What is the contribution that you have made in this field as an organisation?

SHRI SATYA PAL SINGLA: We arranged marriages of 12 war widows, and spent about Rs. 1500 on each marriage. Yesterday, we donated some money for the celebration of marriages of poor girls.

MR. CHAIRMAN: What are you suggestions with reference to the Act?

SHRI SATYA PAL SINGLA: Such cases should be disposed of almost immediately. Now the litigation goes on for 5—10 years. There is no time limit. I would suggest that such cases should be disposed of within a period of one year maximum; it should include the period for appeals also. The persons responsible for such acts should know that they would be prosecuted without any delay.

Now, under the Special Marriages Act, they go to the particular officer for celebration of their marriage.

Until the leaders of the society continue to accept dowry more and more you cannot expect others to suppress their desire. Suppose a Minister marries his daughter. There are so many gifts coming at the marriage. Then how can you think others will suppress their desire?

SHRIMATI MARGARET ALVA: Instead of talking about young men and leaders of the society, would you tell us what you people are doing?

SHRI HARISH GUPTA: I am a physician. I was offered Rs. 2 lakhs with the girl in marriage, but I got only Rs. 20,000.

SHRIMATI PRAMILA DANDAVATE: You people want idealism. But young people from the Lions' Club can start it from themselves. That is those who are members of your Club should refuse to accept dowry.

SHRI HARISH GUPTA: All persons are not equal. Similarly temperaments are different.

SHRIMATI MARGARET ALVA: But you have accepted Rs. 20,000.

SHRI HARISH GUPTA: Now a days Rs. 20,000 is nothing.

SHRIMATI MARGARET ALVA: But everybody cannot afford even this much.

SHRIMATI USHA MALHOTRA: All of you have got together to serve the community. Have you thought in terms of having a small cell within your Club so that you can go from one section to another to serve the community Have you got free legal aid cell with the help of the Government? There are people amongst you as lawyers who can help in such cases.

SHRI HARISH GUPTA: We Can't have a legal aid cell.

SHRIMATI USHA MALHOTRA: Why don't you arouse the social conscience through your organisation in collaboration with the Government to fight this evil?

SHRI HARISH GUPTA: We cannot do because of our own limitations.

SHRI SATYA PAL SINGLA: This offence should be made bailable and non-cognisable, because sometimes in certain cases innocent in-laws or the boys are harassed. This point is different from the answer or suggestions that I have given in the Questionnaire submitted to you.

(The witnesses then withdrew)

X. Shrimati Amrit Sehgal

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI AMRIT SEHGAL: Dowry should be considered as a cognisable offence. Secondly, in the Act itself it should be mentioned that after the death of the newly married woman, who has got property or some other valuable things or any other valuables, it should go to her parents, not to the husband. Supposing she has got property worth lakhs of rupees and they want to have something more. They know if something happens to the girl, naturaly her property would

go to the in-laws or her husband. So my humble suggestion is that it should not go to the husband or her in laws.

The Act is good, but it is not properly implemented.

The people in the villages are ignorant about the existence of this Act. They don't know whether there is any Act as such, which can be tied up with the people who give or take dowry.

The Act should be publicised more and more on radio, television or through the posters.

There should be special courts for dealing with such cases, because in the present set up it takes long time to decide such cases and the victims get exhausted by going to the courts. From the dowry evil neither the rich nor the poor suffer. It is the middle class people who suffer the most because they cannot go to the courts or spend more. Therefore there should be special cells to give free legal aid to the victims of this dowry evil.

The suicide cases should, of course, be brought to the notice of the police. But it is found that while the doctors try to save the life of the patient, the police harasses the doctors as well as the patient for recording her statement. This also acts as an obstruction in the effort of the doctor in saving the life of the patient, which is quite valuable. So, I would suggest that the concerned doctors should take the evidence from the girl direct instead of the police coming in and intervening into her condition. The woman's life is more important and more effort should be made on saving her life rather than recording her statements by the Police.

MR. CHAIRMAN: Shri B. Satyanarayan Reddy will preside over the meeting tomorrow. Mrs. Vidyavati Chaturvedi is also here. Both of them will hold the fort.

(The Committee then adjourned.)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1981

Tuesday, 16 February, 1982 from 10.30 to 13.15 hours in Committee Room 'A', Punjab Vidhan Sabha, Chandigarh.

PRESENT

Shri B. Satyanarayan Reddy—*in the Chair.*

MEMBER

Lok Sabha

Shrimati Vidyavati Chaturvedi

SECRETARIAT

Shri M G. Agrawal—*Senior Legislative Committee Officer.*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I. *Union Territory Administration, Chandigarh.*

Spokesmen:

1. Shri M. S. Nagara, Iegal Remembrancer.
2. Shri Subhash Chander Sharma, Director, Social Welfare.
3. Shrimati Shrestha Mehta, Member, Chandigarh Social Welfare Advisory Board.
4. Shrimati Amar Kulwant Singh, Member, Chandigarh Social Welfare Advisory Board.

II. *Government of Punjab, Chandigarh.*

Spokesmen:

1. Shri Amrik Singh Pooni, Home Secretary.
2. Shri Darshan Kumar, Secretary, Social Welfare Department.
3. Shri Aftab Singh, L.R.-cum-Law Secretary.
4. Shri R. K. Sharma, DIG, CID (Crime).
5. Smt. Rupan Deol Bajaj, IAS, Managing Director of Punjab Women and Children Development Welfare Corporation.

III. *Government of Haryana, Chandigarh.*

Spokesmen:

1. Smt. Kartar Devi, Chairman, Social Welfare Advisory Board, Haryana, Chandigarh.
2. Shrimati Nirmal Yadav, Assistant Advocate General, Haryana, Chandigarh.

3. Shrimati Veena Kohli, Director, Social Welfare, Haryana, Chandigarh.
4. Shri Vikas, SP/SB, CID, Haryana, Chandigarh.
5. Shrimati Pritam Kaur, Director, Women's Programme Department of Community Development, Haryana, Chandigarh.

IV. *Government of Himacal Pradesh, Simla.*
Spokesmen:

1. Shri I. J. S. Sodhi, IG, Police.
2. Shri B. D. Sharma, Director of Welfare.
3. Shri D. S Negi, Under Secretary (Welfare).

I. *Union Territory Administration, Chandigarh.*

Spokesmen:

(1) Shri M. S. Nagara
(2) Shri Subash Chander Sharma
(3) Shrimati Shrestha Mehta
(4) Shrimati Amar Kulwant Singh

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

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I hope you have been supplied with a copy of the Act and a questionnaire.

हम यह चाहते हैं कि जो मौजूदा ऐक्ट है, उसके अन्दर हम कुछ तबदीली चाहते हैं, ताकि इस एक्ट को सुधारा जा सके । डाउरी की वजह से जो बुराइयां हैं, वे दूर हों ।

श्रीमती अमर मेहता : मैं यह नहीं जानती हूं कि लैजिसलेशन में क्या रूल हैं । फिर भी मैं आपको कुछ सुझाव देना चाहती हूं ।

श्रीमती विद्यावती चतुर्वेदी : मैं आपको बताती हूं । दहेज के विरोध में पहले से ही हमारा कानून बना हुआ है, लेकिन कानून होने के बावजूद भी दहेज प्रथा रुकी नहीं है, बल्कि बढ़ी है । इसलिए हम चाहते हैं कि कानून के अन्दर ऐसे कौन से संशोधन करें, ताकि लोगों में भय पैदा हो और डाउरी की वजह से जो जहर फैलता जा रहा है, उसको रोकने में सहायता मिले ।

SHRIMATI SHRESTHA MEHTA: As far as Government employees are concerned, if they demand dowry, they should be asked to resign from the Gtvernment job. While in Government job, if they accept dowry and if it is known, then their promotioin should be stopped.

सोशियल बायकाट की बात लोगों द्वारा तो कही जाती है, लेकिन किया नहीं जाता है । मेरी दृष्टि में इसका असर होता है ।

Secondly, we cannot differentiate between dowry and a gift. Then we cannot fix up the amount also. There will be a different amount for different categories of people where we cannot have a solution. The only solution is that, when it is proved that somebody has taken dowry, we should not ask about it from the girl side, we should ask about it from the boy side.

We have to take marriageable girls with us and ask them to avoid taking and giving dowry.

श्रीमती विद्यावती चतुर्वेदी : आपने सरकारी कर्मचारियों के लिए कहा, यदि उन्होंने डावरी ली है, तो उनको रिजाइन कर देना चाहिए । मैं यह पूछना चाहती हूं कि यह हमें कैसे पता चलेगा कि उस व्यक्ति ने शादी में दहेज लिया है ?

श्रीमती श्रेष्ठ मेहता : अगर पता चले । यदि उसने दहेज लिया है और उसी की वजह से वह पत्नी को तंग कर रहा है । आपको पता चलता है कि उनकी आपस में बातचीत चल रही है, तो इसके खिलाफ भी आपको कदम उठाना चाहिए ।

श्रीमती विद्यावती चतुर्वेदी : केस गलत भी हो सकता है । दुश्मनी भी हो सकती है ।

श्रीमती श्रेष्ठ मेहता : केस चल रहा है ।

श्रीमती विद्यावती चतुर्वेदी : गिफ्ट्स कहां जाने चाहिए कितने देने चाहियें ?

श्रीमती श्रेष्ठ मेहता : इसके बारे में सोचा नहीं ।

श्रीमती विद्यावती चतुर्वेदी : जो दिया जाएगा वह कोर्ट में रजिस्टर होगा । लेकिन एमाउंट का कैसे पता चलेगा ?

श्रीमती श्रेष्ठ मेहता : थोड़ा बहुत इसका आइडिया हो जाता है ।

सभापति महोदय : पूरे तरीके से करना चाहती हैं या लिमिट लगाना चाहती हैं ? और भी जो आपको कहना हो कह लें ।

SHRIMATI SHRESHTHA MEHTA: The girl should have a right in the property of her father and there should not be any dowry.

MR. CHAIRMAN: What do you consider as dowry?

SHRIMATI SHRESHTHA MEHTA: Any presents given by friends and relatives should be considered as gifts, and whatever the parents give, that would be dowry.

SHRIMATI AMAR KULWANT SINGH: Whenever there is a contract between the two parties to give something, that would be considered dowry. But the problem is, it is very difficult to distinguish what was given voluntarily and what was given under coercion. I think, you cannot really do away with dowry, most parents would like to give something to their daughter in cash or kind.

MR. CHAIRMAN: Would you like to put a limit?

SHRIMATI AMAR KULWANT SINGH: It is very difficult.

MR. CHAIRMAN: What are your suggestions?

SHRIMATI AMAR KULWANT SINGH: The provisions of the Act should be made more stringent. There should be a proper enquiry, and the people concerned should be brought to book at the earliest.

SHRIMATI VIDYAVATI CHATURVEDI: What should be the definition of dowry.

SHRIMATI AMAR KULWANT SINGH: Any gift in cash or kind by the bride's parents will be considered as dowry.

सभापति महोदय : इस एक्ट में क्या सुधार करें ताकि वालेंटरी आर्गेनाइजेशन्ज को बढ़ावा मिल सके और डाउरी केसिस पकड़ में आ सकें और वे भी दोषियों को सजा दिलाने में कामयाब हो सक ?

SHRI SUBHASH CHANDRA SHARMA: Madam, there are a number of lacunae in the Act, that is why, we have not been able to effectively implement it. The Act was passed about 30 years ago, but even now this evil is very much there. I feel that dowry has not been correctly defined and there is a drawback in explanation 1. Kindly see explanation 1. It is here that we find a big lacuna. It is because of this that the rich people are benefited and the definition of dowry is exploited and made use of.

MR. CHAIRMAN: Do you want that it should be deleted?

SHRI SUBHASH CHANDRA SHARMA: It should be deleted or clarified and some limit over the presents should also be put. Presents should not be given for an unlimited amount. This affects the poorer sections adversely where in many cases the bridge-groom and the in-laws expect the same things which have been given by others. It is here where the present Act fails to put an effective curb on the activities of those persons. who want to give something by way of dowry and encourage this evil of dowry.

About the presents it is said:

"In the form of cash, ornaments, cloths and other articles."

So, everything can pass on by way of presents according to this Act.

This Act should be given stronger teeth to deal with the problem. The law suffers either from certain shortcoming *i.e.* when it is not effective or when it in itself is very strong, but does not have stronger teeth to deal with the problem.

This social problem needs an early solution because both the parties, at least the side of the bride, are the worst sufferers. And when they go to the already busy courts, and when they get adjournments time and again and the case lingers on for years, the objective of the law is defeated.

Therefore, there should be special courts. Earlier the dowry cases were not much but of late, the number of such cases have increased many fold. Therefore, there is full justification for creation of separate courts for these cases.

Within the law let there be a time limit for disposal of these cases. The poor girl and her parents lose faith in our legal system as time passes on. They feel there is no justice for them because of the long-drawn proceedings in the courts. Hence the importance should be attached to these cases and special courts should be created for the purpose.

About Section 8— "Every offence under the Act shall be non-cognisable, bailable and non-compundable," — my feeling is that under the Act this offence should be a cognisable offence for investigation purposes, not for arrest, so that there is no exploitation from the side of the bride also. It is not only the brides who are the worst sufferers, there have been cases where the bridges have taken shelter under this Act and tried to blackmail the in-laws. If it is cognisable for arrest, it is quitte possible that the police may misuse this Clause to the detriment of the prospective bridegroom.

Lastly I would suggest that this Act, if possible, should be made a little stricter in the sense that it becomes effective and useful for the society and not that it is just on paper or on the Statute Book.

MR. CHAIRMAN: Your neighbouring States like Haryana and Himachal Pradesh have amended the law and put some limit. In Himachal Pradesh, they have made it cognisable offence. Have they achieved any result after the amendment of the law?

SHRI SUBHASH CHANDRA SHARMA: It is a social problem and

its failure has been due to the fact that nobody wants to say something in the public. There should be a lot of awakening about the evil of dowry in the public through social welfare organisations. Let there be a social boycott along with the Act.

MR. CHAIRMAN: Do you find any harassment on the part of in-laws due to this clause in those States?

SHRI SUBHASH CHANDRA SHARMA: I cannot speak for the neighbouring States; they are the better judges of themselves. As far as Chandigarh Act is concerned, to my knowledge, there has been no amendment. From the marriages performed in the neighbouring areas and from the newspapers we do find black-marketing on the basis of this clause.

श्रीमती विद्यावती चतुर्वेदी : मुसलमानों और हिन्दूओं के दहेज में फर्क है । मुसलमानों में पति पत्नी को उसकी सेफटी के लिए देता है कि यदि मैं तुम्हें छोड़ूंगा या तलाक दूंगा, तो मैं इतना दूंगा । लेकिन हिन्दू में लड़के-लड़की की शादी होती है, तो लड़के वालों को देना होता है

श्री सुरेश चन्द्र शर्मा : मैं यह कहना चाहता हूं कि यह हिन्दू सोसायटी में है, लेकिन मुसलमानों में नहीं है । क्योंकि हिन्दू का मजहब सिर्फ पैसा है । हिन्दू अगर चण्डीगढ़ से दिल्ली जाता है, तो अम्बाला पहुंच कर कहता है कि रुपए में से चार आने का सवाल तय हो गया है ।

SHRI M. S. NAGERA: As long as there is love for money, penal legislation will not remove this curse of dowry. If a man has got Rs. 1 lakh, he has a problem to keep that money. He wants to give Rs. 50,000 to his daughter.

MR. CHAIRMAN: What provisions do you suggest, should be incorporated in the present Act to remove all these things?

SHRI M. S. NAGERA: All marriages should be performed before the court and not through social or religious system. If it is done, then I think it will help a lot. Then you will be left with the problem of giving and taking gifts. If you have to pay the gift tax, then the donor will never say that he has never given dowry If the dowry given is registered, then again this problem will arise. The moment one registers the items of dowry, the donor has to give the gift tax. So, if the marriage is performed before the court, it will reduce this problem to a great extent. In the Punjab Act, there is a provision that nobody shall take *barat* of more than 25 persons. Where is the enforcement machinery? Under the present legislation, who can be the complainant? It can be the girl or her father. He will first go to the District Magistrate or to the competent authority. The competent authority will take 6-8 months to decide. It only delays in the administration of justice So, this provision of prior sanction for initiating the proceedings should be deleted.

सभापति महोदय : आप लोगों के विचार हम जान गए हैं । आप बाद में कुछ विचार भेजना चाहते हैं, तो बाद में लिखकर भेज सकते हैं । आपका बहुत-बहुत धन्यवाद ।

(The witnesses then withdrew.)

II *Government of Punjab, Chandigarh*

Spokesmen:

(1) Shri Aftab Singh

(2) Shri Darshan Kumar

(3) Shri Amrik Singh Pooni

(4) Shri R. K. Sharma

(5) Shrimati Rupan Deol Bajaj

(the witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

मौजूदा एक्ट आपने देखा होगा । आप उसमें किन-किन तबदीलियों के सुझाव देना चाहेंगे ?

श्री अमरीक सिंह पूनी : मौजूदा लैजिस्लेशन में कुछ कमियाँ हैं । एनफोर्समेन्ट भी उनका ठीक तरह से नहीं हो पाया है । जो सोशल हालात चल रहे हैं, जो एटमसफीयर हैं जो सिस्टम है उसमें भी कुछ ऐसे फैक्टर हैं जिनकी वजह से यह एक्ट ईफैक्टिवली एनफोर्स नहीं हो सका । मौजूदा कानून को और ज्यादा स्ट्रिंजैंट होना चाहिए । इससे लोगों के मन में डर पैदा होगा ।

इस वक्त जो गिफ्ट हैं उनको हम डाउरी में शामिल नहीं करते । वे टैक्नीकली डाउरी न भी हों लेकिन प्रेक्टीकली वे डाउरी बन जाते हैं । हमारा कहना यह है कि उन पर भी एक सीलिंग होनी चाहिए । वर्क आउट किया जा सकता है कि कितनी उनकी सीलिंग हो । अगर सीलिंग रख दी जाए तो यह जो इंडायरेक्ट तरीके से डाउरी बन जाती है उसको भी रोका जा सकता है ।

सैक्शंज 3 और 4 के नीचे जो केसिस होते हैं वे इस वक्त नान-काग्निजेबल हैं । पंजाब का जो एमेंडमेंट है 4ए जिसमें हमने प्लेस आफ डाउरी प्रेजेंट्स मैरेज पार्टी में 25 से अधिक लोग न हों, शगुन के अवसर पर ग्यारह रुपये से अधिक न दिए जाएं, दो प्रिंसिपल मील्ज से ज्यादा मील्ज सर्व न की जाएं इसको काग्निजेबल बनाया है । लेकिन जो मेन प्राविजन है सैंट्रल एक्ट का वह काग्निजेबल नहीं है । हम महसूस करते हैं कि उसको भी काग्निजेबल बना दिया जाना चाहिए । इससे एक्ट के इम्प्लीमैंटेशन में मजबूती आएगी ।

जहां तक मैरेज एक्सपैंसिस की लिमिट का सवाल है हमारा ख्याल है कि यह लिमिट आर्डिनरिली दस हजार होनी चाहिये । लेकिन पार्टीज चाहें तो अपनी हैसियत के मुताबिक एसoडीoएमo की रिटन एपरुवल के साथ इस लिमिट को पच्चीस हजार तक ले जा सकती है ।

सब डिविजन में, तहसील में एसo डीo एम० सिविल के तौर भी काम हमारे यहां करता है । उनको इस एक्ट के नीचे डाउरी प्रोहिविशन आफिसर का स्पैसिफिक काम सौंपा जा सकता है और उनको इस कानून को इम्प्लीमेंट करने के लिए एम्पावर किया जा सकता है । यह सोशो-इकोनोमिक प्राबलैम है । सोशल वर्कर लीडर्ज़ आफ सोसाइटी, लोगों की एसोसिएशंज वे जितनी असर अंदाज हो सकती हैं उतनी और कोई चीज़ नहीं हो सकती है ।

हमारा सजेशन यह है कि सब डिविजनल लेवल पर एक कमेटी होनी चाहिए । उस कमेटी का चेअरमैंन एसo डीo ओ० हो । उस में डीo एसoपीo पुलिस, प्रेजीडेंट लोकल बार काउंसिल और लेडीज सोशल आरगेनाइजेशंस को चार लेडीज़ मेम्बर हों । इन सभी को उस कमेटी में सब डिविजनल आफिसर (सिविल) नामिनेट करें ।

सब डिविजनल मेजिस्ट्रेट डावरी प्रोहिबिशन आफिसर हो। उसको पुलिस पावर सोंपने की जरूरत नहीं है। डावरी के केसिज में देखने वाली बात यही है कि जब डेथ होती है तो अधिकतर मामलों में केसिज को दबाने की कोशिश की जाती है और पेरेंट्स में आपस में सेटिलमेंट हो जाती है। अगर इस प्रकार की समिति बन जाए तो कम से कम कुछ केसिज के बारे में तो पता चलता रहेगा।

श्री दर्शन कुमार : आजकल जो हालत है उसमें हमारा पहला सुझाव यह है कि हिन्दू मेरिज एक्ट 1955 के प्रोविजंस को लिबरेलाइज्ड किया जाए।

दूसरे हमारा सुझाव यह है कि इस ऐक्ट के अन्तर्गत ऐसे मामलों के लिए स्पेशल कोर्ट्स होनी चाहिए जो कि इन मामलों का भुगतान करें। इस से मामले जल्दी से निबटाये जा सकेंगे।

तीसरे हमारा सुझाव यह है कि ऐसे मामलों को एक साल के अन्दर अन्दर निबटाया जाना चाहिए। अगर किन्हीं खास कारणों से यह न हो सके तो उन मामलों में हाई कोर्ट को रेफर करना चाहिए जिससे कि वह सिफारिश करे कि क्या किया जाए।

हम यह फील करते हैं कि यह सोशल प्राब्लम है। इसके लिए जितना प्रचार होना चाहिए था, वह नहीं हुआ है। हमारे मास मीडिया को इस बारे में पूरा पार्ट प्ले करना चाहिए। इस प्रोब्लम को सोल्व करने में सोसायटी के ओनेस्ट लोगों को भी इन्वाल्व करना चाहिए। इस के बारे में लोगों को भी समझाया जाना चाहिए और सोसायटी के लोग ही इसे बखूबी कर सकते हैं। उनका पूरा पार्टिसिपेशन इस में लेना चाहिए।

These were my Government's views. Now I would like to make certain personal suggestions.

I feel that the boy's and the Girl's parents must give a declaration immediately after the marriage. Though the Act is there, some of the people may not have read it. Some must have read it but still not cared because others are giving dowry. But I think if at the time of the marriage they are made to sign a declaration or an affidavit, it would have a solutary effect. The Declaration should be made just a week earlier by the father and mother of both the parties. Declaration from the boy's parents should read as:

(a) I have read the provisions of the Dowry Prohibition Act and have understood the same.

(b) That I have not made any demand for dowry or thaka.

(c) That I undertake not to make any such demand during the pendency of such marriage.

(d) That if I commit any breach in respect of the law, I shall be liable to be punished under the Act.

If this is done, they will be deterred and it will have some effect.

Similarly the girl's father and mother will give an affidavit.

(a) I have read the provisions of the Dowry Prohibition Act and have understood the same.

(b) That I have not been pressurised to give dowry and that I shall not give dowry in the marriage.

(c) If a demand is mde, I will report the matter to the police.

(d) If I commit breach of any of the provisions of the declaration, I shall be liable to be punished.

If we want sincerely to implement the Act, then we have to have ruthless provisions.

LOK SABHA SECRETARIAT OFFICIAL: This is not a ruthless measure, because by doing so the girl side will not be able to go to the police or anywhere else.

MR. CHAIRMAN: If they have made a wrong declaration, then they are liable to be punished. This should also be added.

SHRI AFTAB SINGH: There is neither any defect in the legislation nor any defect in enforcement. They are inevitable and inherent consequences which are bound to follow. These are my personal views.

MR. CHAIRMAN: He has made it very clear that these are his personal views.

SHRI AFTAB SINGH: When they make a demand, then you cannot go to the court. That will spoil the chance of your other daughters. After the marriage, everybody wants that his daughter should be settled there peacefully. For that purpose, nobody goes to the court. The girl will come back home. These are consequences which deter them from going to the court.

MR. CHAIRMAN: We will take into consideration your views which you have given in writing.

SHRI AFTAB SINGH: I have not given my views in writing. I will send my views in writing.

श्री आर० के० शर्मा : सभापति महोदया, मैं सिर्फ दो छोटी सी बात आपके समक्ष रखना चाहता हूं। इस को कारगर बनाने के लिए सारा प्रीज्मशन लड़के वालों की तरफ डाला जाना चाहिए। चूंकि यह एक आइडल एक्ट है, इसको रियलिटी तक लाने के लिए कुछ इस तरह की चीज करना बहुत जरूरी है, ताकि लड़के वालों को यह डर रहे गा कि प्रीज्मशन हम पर आएगा और वे इस काम को, जो कि समाज में एक कलंक है, नहीं करेंगे।

जो विचार मैं आपके सामने रख रहा हूं, वे मेरे अपने विचार हैं, जो कि सरकारी विचारों से भिन्न हैं। जहां तक गिफ्ट्स का ताल्लुक है, इसको बिलकुल बन्द कर देना चाहिए। क्योंकि आपने देखा होगा कि इस एक्ट के होने के बावजूद भी वायोलेशन्स होते रहे हैं। इस रवायत में फर्क नहीं पड़ा है। यदि गिफ्ट्स की मनाही नहीं होगी और थोड़ा सा लैटिचूड रहेगा तो यह रवायत चलती रहेगी। लोग एक दूसरे को चीज़ देते रहेंगे, और काम चलता रहेगा।

यही दो विचार मैं आपके समक्ष रखना चाहता था। मुझे आपने बोलने के लिए समय दिया, इसके लिए आपको धन्यवाद।

MR. CHAIRMAN: What are your views?

SHRIMATI RUPAN DEOL BAJAJ: This questionnaire was not given to me in advance. Today I have received it. So, I will send my views to you in writing. In addition to this, I also want to say something. Now-a-days, so many tragedies are taking place with regard to failure of marriages. It may be due to dowry or adjustment or due to other reasons. The parents of such cases are coming to me. My views are slightly divergent and they may be considered my personal views. Giving of dowry does not end with getting a suitable match or after the marriage ceremony. This also takes place when the girl's husband's father dies, at the time of *nank chukh*, after the marriage, on the occasion of first lori, on the occasion of *karva choath*, boy's mundan ceremony and so on. In these things, it is all right that it helps in improving social contacts between the two

families, but this social contact degenerates very badly into bad relations if on these occasions something or other is not given and it is made public. On the occasion of mundan ceremony, on the occasion of *karva choath*, on the occasion of girl's husband's sister's marriage, on the occasion of girl's husband's father's death, the parents, of the girl and her brothers have to bring some gift, etc. Therefore, I feel, anything which is given by way of relationship of marriage, should come within the purview of the dowry. As a result of amendments made by Punjab and Haryana, nobody has registered any complaint; or if any complaint has been registered, it has not been taken to the ultimate logical and, because the reason is that the aggrieved party is not in a position to bring up the complaint. The objective of the aggrieved party is not that the other party should be punished; their objective is that their daughter should remain there peacefully. It is only when the girl dies that they come forward with evidences of all sorts. Why did they not complain earlier? The consequences of the failure of their daughter's marriage are not visited upon by that girl only, but also by the other unmarried girls of the entire family. If another daughter is engaged, her engagement is likely to be broken if they complain of such things. The daughter is always pushed back to the house of the father-in-law because there are no chances for the girl to be remarried or economically rehabilitated. Property, if any, exists in the name of the father and brothers.

I would suggest that social watchdog committees should be set up by the Government with social workers and women organisations represented on that. They should be in a position to make such complaints. When they learn of such cases, they can intervene for conciliation, and if that does not work, they can make a complaint to the Government. Why should it be only the father, or the brother of the girl or the girl herself?

Then, any dowry or presents given to the girl should be registered in her name, so that in case of failure of marriage, the parents should be in a position to say that these were the things which were given. The father should file such a list also, and if somebody does not do that, that should be made a cognizable offence.

My Corporation has been maintaining some kind of record of all the cuttings from newspapers concerning cases of dowry deaths, complaints or suicides by women. We have found that such cases are mainly in Haryana, Punjab and Delhi. Such kind of things are happening only in this part of the country on a large scale. Here, it is an agricultural society. The property is not inherited by the women, although it is provided under the Act. Everybody, father or mother tries to ensure that his or her sons inherit the property after them. I am dealing with cases of after math of such incidents. If the dowry is taken because the girl is not going to get any share in the property, that goes to the in-laws. The girl is left practically without anything.

MR. CHAIRMAN: What do you want in relation to this Act?

SHRIMATI RUPAN DEOL BAJAJ: I will give a thought to that and send you my views in writing.

सभापति महोदय : पंजाब का एक्ट बनने के बाद क्या डाउरी डैथ्स में कोई कमी आई या डाउरी केसिस जो होते हैं उनमें कोई कमी आई ?

Now regarding fixing up of the limit, I would say that 50 per cent of the

population in India lives below the poverty line and for them Rs. 10,000/- is too much. They cannot even afford Rs. 1,000/-. And you are fixing a limit of Rs. 50,000/-.

श्रीमती विद्यावती चतुर्वेदी : आप जानते हैं कि हमारे समाज में कितनी सोशल बेकवर्डनेस है । जिसके पास रुपया पैसा नहीं होता वह भी यह चाहता है कि उसे अधिक से अधिक रुपया पैसा मिले ।

श्री अमरीक सिंह पूनी : मेरा कहने का मकसद यही है सोसायटी में लोग सेटिस्फाई नहीं होते । लोग चाहते हैं कि लड़की की ननिहाल से भी काफी आये, मां-बाप से भी आये । जेवर आये, और बहुत सारी चीज़ें आएं । लोग हिसाब-किताब लगा लेते हैं कि किस फेमिली से कितना आने वाला है ।

श्रीमती विद्यावती चतुर्वेदी : यहां पंजाब में, हरियाणा में और चंडीगढ़ में मार देने के केसिज पहले से बढ़े हैं या कम हुए हैं ?

श्री अमरीक सिंह पूनी : इस के बारे में पता लगाना मुश्किल है क्योंकि जो डेथ होती हैं उनके बारे में यह पता नहीं लगता कि वे वाकई डावरी की वजह से हुई हैं । क्योंकि लड़की से ही पता चल सकता है और वह मर जाती है । इसलिए केसिज पर रोशनी नहीं पड़ती । पेरेण्ट्स तो अपने लड़के को बचाना चाहते हैं ।

श्रीमती विद्यावती चतुर्वेदी : डावरी में जो दिया जाता है, वह सब लड़की का होता है । क्या आप यह पसंद करेंगे कि शादी रजिस्टर होने के साथ साथ वह सामान भी रजिस्टर हो जाए जिससे कि वह इनलाज को न जा सके ?

श्री अमरीक सिंह पूनी : इसके बारे में तो मैंने कहा ही है ।

SHRIMATI RUPAN DEOL BAJAJ: It should revert to the people who have given. The husband should not be declared as a natural heir. Nor even her children.

SHRI AMRIK SINGH POONI: It is provided in the Act.

SHRIMATI RUPAN DEOL BAJAJ: No, it is provided to the claiments or to the heirs.

(The witness then withdrew)

Government of Haryana, Chandigarh.

Spokesman:

(1) Shrimati Kartar Devi
(2) Shrimati Nirmal Yadav
(3) Shrimati Veena Kohli
(4) Shri Vikas
(5) Shrimati Pritam Kaur

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unles they specificaly desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made availiable to the Members of Parliament."

SHRIMATI VEENA KOHLI: Thank you for giving us this opportunity. The definition of dowry in the Haryana Act or in the Central

Act requires modification. It is very difficult to prove it. If a person has got some money and does not want to discriminate, naturally he will give the share of her daughter at the time of her marriage. If any law prevents him from doing that, then I have nothing to say. When a girl is born, naturally from that time onwards the parents start collecting something or other for their girl's marriage. In this way, they collect so many things. Can anybody prevent them from giving those things to their daughter? If the Bill means these things, then we have nothing to say. If a father can give things worth Rs. 20,000 to her daughter to be enjoyed and they are not used by the in-law and her Husband, then it is not dowry. Then our Act is absolutely silent about them. I think we need an amendment to it at this stage.

MR. CHAIRMAN: Have you given these points in writing? If you want to give anything in writing, you can do so.

SHRIMATI VEENA KOHLI: The concept of dowry should be clarified. Now the public does not know what is in consideration and what is not in consideration. Nobody can stick to the limit.

MR. CHAIRMAN: You kindly suggest what provisions should be added or included in the present Act and in what form they should be included.

SHRIMATI VEENA KOHLI: That I cannot do now; I can send you those things within one week. Since there is a lacuna in the Act, it is not being implemented. After the engagement ceremony and before the marriage, if the boy side starts making demands then this things should be given publicity and the marriage should not also take place; more publicity should be given in the case of next boy saying that because of demanding dowry, they are marrying their girl to some other boy. This will enlighten the public opinion. We have very little mass media. We have to inform the public about it through the Press, through the T.V. and the radio. Secondly, dowry should be considered not only what is given at the time of marriage but subsequently also; after 10 years of marriage, if a demand is made, that should also be considered as dowry. If a father gives certain gifts to his daughter, there should be some method by which these gifts should be registered so that if there is any break down of marriage, then the girl can demand those gifts back.

We have the problem that people give these things under the table. At least something will be declared and to that extent, the girl will have the right.

When death takes place in the case of a girl married for a period of 12 years, whatever may be the nature of death, it should be investigated. There should be local committees, or some such procedure. In case of deaths by burns, this should be investigated irrespective of the time span.

SHRIMATI NIRMAL YADAV: Madam, we know about the history of such cases; I will not go through that. I would only say in the beginning that the enactment of 1961 has not been implemented as it should have been.

First, about the definition of dowry. In fact, it is very difficult to prove, whether dowry is 'in consideration', or as a gift. For that we must put some maximum limit. Explanation 1 of Section 2. There should be some maximum limit for the expenses of the marriage or gifts. The girl, of course, needs something to set up her house. We may put Rs. 10,000/- maximum for the gifts for the girl. Under the Act some rules should be framed and these things should be provided there.

Further, in Section 4, maximum and minimum imprisonment is not given. It is only six months imprisonment, or fine or both. There should be some minimum imprisonment. The amount given in dowry should be realised and given to the woman concerned as stridhan, so that the girl feels secure. The fine realised should go to the State and out of that money, the marriages of poor girls should be performed. The person who gives the dowry should also be punished. The punishment for demanding dowry should also be made deterrent.

Section 7 provides only one year's limit for taking cognizance of the offence. It becomes very difficult for the girl or her parents to prosecute those people after one year. This limit of one year should either be extended or it should be deleted altogether.

Section 8: These offences should be made cognizable like cases under the Child Marriage Restraint Act. The police officer can arrest the person only with the warrant of the magistrate. These offences should be made cognizable on that pattern.

These cases should be made non-compoundable, otherwise some pressure is put and compromise is arrived at artificially.

In this Act, some other offences, like criminal breach of trust should also be provided. The girl goes to the parents-in-law house, leaves her jewellery and that is misappropriated by them. There has been such a case. Some courts decided that this amounted to criminal breach of trust. But some courts say that there is no criminal breach of trust because this has been entrusted to both, the husband and the wife. Therefore, in the Act itself, we should give some provision that if the articles gifted to the girls are misappropriated by the in-laws, this would amount to the criminal breach of trust.

MR. CHAIRMAN: Under the present law, so far how many dowry cases have been reported and how many convictions have been made?

SHRIMATI NIRMAL YADAV: Such cases are vary few, but after the girl's death a number of cases have been proved that these were the dowry death cases. Every fortnight we have cases of dowry deaths. Therefore, I feel there should be a change in the Evidence Act.

MR. CHAIRMAN: Of course there are a number of cases taking place, but we are not in a position to detect. So, we want to have laws so that these things are minimised.

SHRIMATI NIRMAL YADAV: For that I would suggest that these cases should be made cognisable so that anybody can report and the officer can take cognisance of that. Normally parties don't go to the police and don't complain to the other authorities. Only when they are harassed, they come to the authorities or to the Courts. So, there should be some provision in the Dowry Act itself. The limit of one year should not be there. It should be deleted.

Some special courts should be constituted, because other courts take long time for trial of these cases.

The main difficulty is in the enforcement of the Act. For that Dowry Prohibition Officers should be appointed at all levels.

Complainants of dowry may be very few, but I can provide hundreds of dowry death cases, hundreds of letters the girl has written to her father regarding the pressure and mal-treatments.

Then there should be other offences such as wrongful confinement causing grievous hurt, to extort money just as it is in the I.P.C.

SHRIMATI VEENA KOHLI: We should be very careful for making tne offence a cognisable one. This will lead to animosity.

MR. CHAIRMAN: In order to prevent this what measure would you suggest?

SHRIMATI NIRMAL YADAV: The conditions as are there in the Child Restraint Act, should be here also so that the Police Officer can arrest only when he has a warrant from a Magistrate. You cannot have an harassment from the Judge. The Police ought to have a warrant from the Magistrate. That is the precaution.

SHRI VIKAS: This Act has been in operation for the last 20 years, but the fact is that not a single case has been registered in Haryana. This shows that there is something missing.

Therefore, I would suggest:

The Offence should be made cognisable.

The Dowry Prohibition Act is a social legislation and wherever enforcement of the social legislation is concerned, it should not be left to the police. For that there should be a slighty different set up. There can be a cell under the Department of Social Welfare with some Social Inspectors as we have got in the Income-Tax Department for enforcement of the taxation laws. A small police force can, of course, be deputed to that department to see that the officer is not assulted while carrying out the duty.

In the Prevention of Beggar Act and in the Suppression of Mal-Practices Act, the police has got a bad name. When police has so many brickbats and when on an information the Police party goes and arrests the bridegroom and his father, I think the people of the locality will start considering the police is their enemy. Therefore, if this power of arrest is left to the police, again there will be the same accusation. Therefore, I feel this should be left to the Social Welfare Department and a symbolic police force can be given as a help.

Now, about the sanction of the offence as cognisable, courts will not give sanctions unless the government sanctions it. It is the middle-class people who give and accept nuge amount of dowry. These are willingly given. If a case comes up, pressures will be there. This sanction should be there from the Government.

Now, about the punishment, the stipulation of imprisonment of six months or fine should not be there. It should be both imprisonment and fine. The reasons why I say this is that rich people are afraid of going to the jail, but they are not afraid of squandering away Rs. 5,000/- or Rs. 10,000/-.

So, imprisonment should be compulsory.

श्रीमती करतार देवी : सभापति महोदय ; मुझे बहुत प्रसन्नता हो रही है कि यह कमेटी इस कानून पर बड़ी गम्भीरता से विचार कर रही है ।

सबसे पहली बात तो यह है कि दहेज प्रथा एक बहुत ही बुरी सामाजिक बुराई है । इसका सम्बन्ध बहुत पुराने टाइम से औरत के साथ जुड़ा हुआ है । समाज में जो हमारा स्थान है,वह पुरुष से बड़ा नहीं है । एक अलग प्रकार का दृष्टिकोण औरत के साथ अपनाया जाता है । इन सब को बदलने के लिए एक बहुत बड़ी क्रान्ति की ज़रूरत है । इस सामाजिक बीमारी या बुराई का समाधान केवल कानून बनाने से नहीं होगा । समाज में वालैंट्री आर्गेनिजेशन्स और डैडीकेटेड वालैंटियर्स का जन-आन्दोलन बनाया जाए । कोई समाज में न दहेज ले और न दे । इस काम को करने के लिए सरकार द्वारा उनको इन्कैजमेंट दी जानी चाहिए, उनको कुछ सुविधायें दी जानी चाहिए, ताकि ज्यादा से ज्यादा प्रचार हो सके । जहां तक इसकी डैफीनिशन

का ताल्लुक है, इसमें कन्सीडेशन है या नहीं है, यह हम कैसे डिसाइड करेंगे । शादी में प्रैजेंट्स कितने दिए जाते हैं, प्रैजेंट देने वालों की आमदनी का स्तर देख कर उस पर लिमिट लगा देनी चाहिए कि इतना दिया जा सकता है और अगर अपनी खुशी से देना है, तो कम से कम कितना दे सकता है ।

सभापति महोदय : इसका मतलब यह है कि हम डाउरी को इजाजत दे रहे हैं । उसकी लिमिट के लिहाज से हम उसको इजाजत दे रहे हैं ।

श्रीमती करतार देवी : हम कम से कम लिमिट लगा सकते हैं कि वह गरीब अपनी मर्जी से कितना दे सकता है ।

सभापति महोदय : मतलब यह कि किसी न किसी रूप में हम दहेज की इजाजात दे रहे हैं ।

श्रीमती करतार देवी : गिफ्ट दे सकते हैं, लेकिन उसकी सीमा होनी चाहिए । शादी में जो खर्च किया जाता है, उसकी भी एक लिमिट होनी ही चाहिए । टेंट से कितना कवर्ड किया जाना चाहिए शादी के समय, बिजली का खर्च कम किया जा सकता है, दिन में शादी की जा सकती है, बरात में बरातियों की संख्या कम की जा सकती है । कुछ इस तरह का वातावरण बनाया जाना चाहिए कि लोगों को लगे जो काम हम करने जा रहे हैं, वह गलत काम है और इसको नहीं करना चाहिए ।

एक बात मैं यह कहना चाहता हूं कि एक्ट जैसा भी बनायें, लेकिन उसको अमल में लाने के लिए जितना ज्यादा से ज्यादा हम काम कर सकते हैं, वह करना चाहिए ।

एक बात मैं यह भी कहना चाहती हूं कि यदि कोई केस कोर्ट में चला गया, तो किसी न किसी तरह से उस वक्त लड़की को प्रोटेक्शन मिलनी चाहिए । देखने में यह आया है कि शादी के बाद दो–एक साल तक लड़की वहां के अत्याचारों को सहन करती रहती है । उसके बाद जब वह यह सोचती है कि अब मेरा गुजारा नहीं है, तब वह कम्पलेंट करती है इसलिए मैं यह कहना चाहती हूं कि ऐसे केसों का फैसला जल्द दना चाहिए ।

SHRIMATI PRITAM KAUR: I want to speak precisely on harassment of the girl. After the marriage, she does not know what sort of atmosphere would be there in the in-law's house. But by and by, when the in-law side people feel that the girl can bring something more, they start harassing her. After the marriage, the girl has to go to her parents from time to time. Once a girl is married she is supposed to adjust her in the in-law's house whatever the circumstances be. There have been cases where the girls are harassed because of dowry. When they find that nobody from the parents side is giving them any shelter, the last alternative for them is to commit suicide. There should be some kind of shelter available to girls, who have to face harassment at the hands of their in-laws, if they have nobody to protect them on the side of their parents. There should be some legal advice available to them. If they have no means to pursue the case, at least they should be able to earn their livelihood.

SHRIMATI NIRMAL YADAV: I would also suggest that such persons hould be debarred from contesting elections to Panchayat, Assembly or Parliament.

MR. CHAIRMAN: Kindly give your suggestions in writing later, if you can.

(The witness then withdrew).

IV. Government of Himchal Pradesh, Simla:

Spokesmen

1. Shri I. J. S. Sodhi,

2. Shri B. D. Sharma,

3. Shri D. S. Negi,

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI I. J. S. SODHI: First, I would suggest that the definition of dowry should be amended. The definition, at present, is rather evasive. Very few people can fall within the cluches of this Act. Everything that you give to the bridegroom goes as a present. Every present given to the bride should come within this and we should have some ceiling about it. For example, in HP, we have fixed the ceiling of Rs. ten thousand. The marriage expenses should also fall within the definition of dowry.

There should be some kind of ceiling on the expenses. At the moment, we want to view with each other. This competition must end.

The definition must be amended to include the above.

SHRI B. D. SHARMA: There should be some ceiling on the gifts, otherwise one can give gifts of worth Rs. one or two lakhs.

SHRI D. S. NEGI: I also endorse the views expressed in this respect.

सभापति महोदय : जो एमंडिड एक्ट है इससे जो इविल्ज हैं उनको दूर करने में कहां तक मदद मिल सकी है ?

कनक्रीट टर्म्ज में कहना बड़ा मुश्किल है । लेकिन

SHRI I. J. S. SODHI: Definitely, this amended legislation is useful. But in the last four years, only four cases have been reported. In fact, social awareness is required for this. Himachal Act has given a lead and the Central Act should also contain some such thin provision, so that there is no lisplay of articles.

MR. CHAIRMAN: What happened eventually in these four cases?

SHRI I. J. S. SODHI: One case was cancelled. In one case, conviction was obtained and the parties were bound down; two cases are pending in the court.

At the moment these cases can be investigated by an Officer not below the rank of DSP.

Now people are aware that normally police does not want to come into the picture. The main reason is that there is a feeling that if police comes in the picture for divorce etc. the bride would be tortured. Therefore they don't want to have that fear. They just want to avoid this.

MR. CHAIRMAN: Certain evidences have come before the Committee where the people have pleaded that the offences under this enactment should be declared cognisable. But at the same time an apprehension has been caused that once the offences are declared as cognisable, the police will have a free hand to enter into their bedroom whenever it likes. You have

an experience of four years in this organisation. Had there been any case of such a police intervention or police harassment?

SHRI I. J. S. SODHI: In our State, Officers not below the gazetted rank take cognisance of the case. Therefore, there is no question of harassment.

Now, about the presents, I am of the opinion that there should be some ceiling on the presents, say not more than Rs. 10,000 worth of articles taken together. But there should be another condition that each article should not cost more than Rs. 1,000. That way we can prevent the gifting of costly items like refrigerators, TV, Videos etc.

SHRI D. S. NEGI: Our Department has organised 35 camps to inform the people that such and such steps should be taken because people are not aware what the provisions of the Act are. So far as Himachal Pradesh is concerned there are not much cases compared to other States like Punjab and Haryana.

(The Committee then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSE TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Monday, 31 May, 1982 from 10.30 to 14.15 hours and again from 15.35 to 17.25 hours in Conference Hall, Secretariat Building, Jaipur.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Pramila Dandavate
5. Shri Satyanarayan Jatiya
6. Shrimati Mohsina Kidwai
7. Shrimati Sanyogita Rane

Rajya Sabha

8. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I *Progressive Writers Council, Lakshminiwas, D-194, Boni Park, Jaipur.*

Spokesman:

Shrimati Lakshmi Kumari Chundawat, *President.*

II *Mahila Pragati Sangh,* 2488, *Khazanewalon-ka-Rasta, Jaipur.*

Spokesmen:

(1) Shri Amar Narain Mathur—*Secretary.*
(2) Kumari Abha
(3) Kumari Shashi Prabha
(4) Kumari Neena Dutta
(5) Shri Gopal Singh

III Dr. Kamala Zutshi, *Reader in Chemistry, University of Rajasthan, Jaipur.*

IV Mrs. Swaran Hooja, 11, Vivekanand Marg, Jaipur.

V. Miss Sohag Kaplesh, *Advocate and Hony. Magistrate, Station Road, Kota-*324002.

VI Shrimati Ganga Devi Datta, Shantiniketan, Raghu Marg, Alwar.

VII (A) *Mahila Lok Jagriti Samity*, 5J/1, *Jawaharnagar, Jaipur.*

Spokesman:

Shrimati Asha Dixit—*President.*

(B) *Rajasthan University Women's Association, L-5A, University Campus, Jaipur.*

Spokesmen:

(1) Dr. (Miss) L. N. Jacob—*President.*

(2) Dr. (Mrs.) Pawan Surana—*Secretary.*

(3) Miss Mamta Jaitly—*Project Officer, Department of Adult Education.*

VIII Dr. (Smt.) Sashi Joshi, *Assistant Professor, Hindi Department, Rajasthan University, Jaipur.*

IX *Rajasthan High Court Bar Association, High Court Building, Jaipur.*

Spokesmen:

1. Shri S. N. Bhargava—*President.*
2. Shri S. R. Joshi—*General Secretary.*
3. Shri A. S. Chaturvedi—*Ex-Vice-President.*
4. Shri V. S. Dave—*Ex-President.*
5. Shri Bajrang Lal—*Ex-MLA.*
6. Shri K. S. Rathor—*Member.*

X. 1. Dr. Ajit Bharadwaj—*President, Sanjay Gandhi Vichar Manch, Jaipur.*

2. Shri Y. Chaturvedi—*Shri Jawahar Lal Nehru Rajyuvak Kendra, Ashok Marg 'C' Scheme, Jaipur.*

3. Shri Lakshman Ladiwala—*General Secretary, Agrasen Yuva Sangathan, Jaipur.*

4. Shri Om Parkash Mathur—*Secretary, Rajasthan Kayasth Sabha,* 2244, *Bhindi-ka-Rasta, Jaipur.*

5. Shri Madan Lal Premi—*Srigujar Gour Brahmin Samaj, Jaipur.*

6. Shri Devi Shankar Goyal—*President, Zilla Agrasen Yuva Sangathan, Goyal Bhavan, Rasta Needar Rao Chandpol Bazar, Jaipur.*

7. Shri Hari Maharishi—*Govt. Navayuvak Manch, Jaipur.*

8. Shri Hari Kishan Goyal—*President, Agrawal Yuva Samiti, Gopalji-ka Rasta, Jaipur.*

9. Shri Dinesh Kumar Agrawal—1919, *Ladiwal Street, Chauraha Rasta, Jaipur.*

10. Shri Babu Lal Chawla—*Joint Secretary, Rajasthan Khalin Youth Sangh, Chokri Topkhana, Jaipur.*

11. Shri Giriraj Jaiman—*President, Gulabi Nagar Kachi Basti, Federation, Jaipur.*

12. Shri Rajendra Prasad Surohlia—*Representative Akhil Bharatiya Vidyarthi Parishad, Jaipur.*

13. Shri Rattan Kumar Dhallan—*Secretary, Jat Sabha, Shahal, Jaipur.*

14. Shri Satyanarayan Jain—*General Secretary, Rajasthan Yuwa Agrawal Sammelan, Jaipur.*

15. Shri V. Kumar—*General Secretary, Bharat Yuwak Samaj, Jaipur.*

16. Shri Kailash Chandra, *Secretary, Mitra Bandhu Sewak Samaj, P.O. Khatipura, Jaipur*-12.

17. Shri Vijaykant Bhargav, *Bhargav Yuva Sanstha, Jaipur.*

18. Shri Navin Saxena—*Secretary, Sanskritik Prakosht, Jaipur.*

19. Shri Kalyan Singh—*Rajput Sabha, Sawai Madhopur.*

XI Shri C. K. Garg, *Advocate, Member, Bar Council of Rajasthan, D-44, Subhash Marg, 'C' Scheme, Jaipur.*

XII Miss Shameem Akhtar, Subzi Mandi, Johari Bazar, Jaipur

XIII Shrimati Lata Mohan, 20G, Heera Bagh Bungalow, SMS Highway, Jaipur.

XIV Dr. Ujla Arora, MLA, C-10, MLA Quarters, Jaipur.

XV Miss Indira Mayaram, Gopal Sadan, Ashoknagar, Ashok Marg, Jaipur.

XVI Dr. Malti Gupta, O/6, Hospital Road, Jaipur.

XVII Shri Mukti Lal Modi, 2 Museum Road, Jaipur.

XVIII *Jain Pratinidhi Sabha Sat Bhavan, Namak Ki Mandi, Jaipur.*
Spokesmen:

(1) Shri Ram Charan Jain, *President.*

(2) Shri B. C. Sogani, *Vice-President.*

XIX (1) Shri Bhanwar Lal Jain—*Secretary, All India Digambar Jain Mahasamity Rajasthan Branch, Jaipur.*

(2) Shri Nathu Lal Jain—*Advocate, Ex-Member, Lok Sewa Ayog, Digamber Jain Samaj, Jaipur.*

(3) Shri Virdhi Lal Sethi—*President, All India Digamber Jain, Parishad, Jaipur.*

XX Shri K. B. Garg—*Member, Bal Rashmi Society, A-48, Shantipath Tilaknagar, Jaipur.*

XXI Dr. Sarla Ghiya, *Govindraji you-ka--Rasta, Chandpol Bazar, Jaipur.*

XXII *Dahej Virodhi Samity, C/o Agarwal Printing Press, Chauraha Rasta, Jaipur.*
Spokesmen:

(1) Shri Gulab Chandji Dave—*President.*

(2) Shri Shyam Lal Sharma—*Member.*

(3) Shri Gopal Lal Gupta—*Member.*

(4) Shri Hakim Gulam Navi—*Member.*

(5) Shri Suresh Mittal—*Member.*

XXIII *Janwadi Mahila Samity, Rajasthan B4 MLA Quarters, Jaipur.*
Spokesmen:

(1) Kumari Madhu Tandon

(2) Kumari Kanchan Sharma

XXIV *Rajasthan Vipra Sewa Samity, PO Khatipura, Jaipur.*
Spokesmen:

(1) Shri Kailash Chand Sharma

(2) Shri Kedar Nath Trivedi
(3) Shri Rup Narayan Sharma
(4) Vaid Gopal Dutt Sharma
(5) Shri Bhagwan Sahay Vashisht
(6) Shri Surajmal Sharma

XXV *Akhil Bharatiya Khendelwal, Vaishya Samuhik Vivah Samity C/o Gupta Trading Company, Rampura Bazar, Kota.*

Spokesman:

Shri Badri Lal Odd—*Organiser.*

I—Progressive Writers Council

Lakshminiwas, Jaipur

Spokesman:

Shrimati Lakshmi Kumari Chundawart.

(The witness was called and she in took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witness that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

मैं आज आप सभी का संसद् की संयुक्त समिति के समक्ष उपस्थित हो कर अपने विचार व्यक्त करने एवं साक्ष्य देने के लिए स्वागत करती हूं। इसके साथ ही मैं आप सब को यह भी बताना चाहूंगी कि दहेज प्रतिषेध अधिनियम, 1961 जो प्रारम्भ में दहेज लेने तथा देने की परिपाटी को बंद करने के उद्देश्य से बनाया गया था अपने उद्देश्य की पूर्ति करने में असफल रहा है।

विवाह योग्य पुत्रियों के माता पिता को शादी हेतु लड़कों के अभिभावकों को दहेज देने के लिए मजबूर किया जाता है। आजकल प्रतिदिन बड़ी संख्या में नव विवाहित लड़कियां आत्म हत्या करने पर बाध्य होतीं हैं या जिन्दा जला दी जाती हैं।

इन्हीं सब कारणों से सरकार ने संसद् के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्यकलापों की जांच हेतु गठित की है ताकि दहेज प्रथा के दोषों से प्रभावी रूप से निपटा जा सके। अतः वर्तमान अधिनियम की कमियों को दूर करने संबंधी आपके सुझावों का यह समिति स्वागत करेगी। आप लोगों से मैं निवेदन करूंगी यह समिति काफी दिनों से प्रयास कर रही है, प्रदेशों में जा-जा कर वहां के लोगों की भावनाओं को जानें, चाहे संस्थायें हो या व्यक्तिगत उनके विचारों को जानें क्योंकि दहेज समाज में अभिशाप बन गया है, यह आप सभी को मालूम है और देख भी रहे हैं कि दहेज कुप्रथा कितने भयंकर रूप से लोगों को प्रभावित कर रही है।

सवाल यह है कि उसको बन्द करने के लिये कौन से उपाय, या उसको दूर करने के लिये कौन से तरीकों को अपनायें, सिर्फ इन्हीं मुद्दों पर आप अपने विचार व्यक्त करें। आपके यहां प्रश्नावली भेजी गई है अपने को उसी के अन्दर सीमित रखें

तो ज्यादा अच्छा है। किसी तरह का कोई व्यक्तिगत उदाहरण अगर आप देना चाहें तो यह समिति नहीं सुनेगी, इसके लिये समिति को शक्ति प्रदत्त नहीं है कि वह इन बातों को देखे कि किसको कहां व्यक्तिगत रूप से हैरास किया गया है। फिर भी यह समिति चूंकि संसद् की है इसलिए संसद् सदस्य होने के नाते हमारी जवाबदेही है एक नागरिक होने के नाते कि उसको सुने, लेकिन इस समिति के सामने नहीं, बल्कि अलग से लिख कर देंगे तो स्थानीय अधिकारियों या मुख्य मंत्री को वह हम दे देंगे। समिति के सामने साक्ष्य के रूप में हम उसको नहीं सुनेंगे।

दूसरी बात यह है कि जो आप यहां कहेंगे उसे पूरा पढ़ने की आवश्यकता नहीं है। जो आप यहां साक्ष्य के रूप में कहेंगे किसी भी अखबार में नहीं दिया जा सकता है, ऐसा नियम है। इसलिए न तो अखबार में जाय और न किसी को बयान दें और न अखबार वालो को बतायें कि आपने क्या कहा है। आप 5, 5 मिनट में अपनी बात कहें। जो संस्था के लोग आये हैं उनमें से केवल एक ही बोले, बाकी सब का नाम रहेगा ही।

आपको क्वैश्चनेयर तो मिला होगा जि का लिखित जवाब आपने दे दिया होगा। उसके अलावा आप अपने विचार व्यक्त करें।

श्रीमती लक्ष्मी कुमारी चूंडावत : मेरी राय में केवल कानून बनाने से जो परपज सर्व करना चाहते हैं, वह नहीं हो पायेगा। यह एक सोशल ईविल है जिसके लिये एक अभियान की जरूरत है। जो कानून बनाया है जसमें यह पता लगाना मुश्किल है कि किसने दिया, किसने लिया।

शादी के खर्च को तीन हिस्सो में बांटना चाहिये। एक तो डावरी जो लड़की को दी जाती है। दूसरे जो उसके घर वाले डिमान्ड करके लेते हैं, और तीसरे जो शादी के ऊपर खर्च किया जाता है। डिमान्ड करके जो मांगा जाता है उनको पकड़ने के लिये कानून बनाया जाना चाहिए। और दूसरा कानून ऐसा होना चाहिए कि जो आजकल शो पर अनाप शनाप खर्च किया जाता है इसको रोका जा सके। शादी सिम्पिल करने के लिये हम लोगों को अपनी एग्जाम्पिल दूसरे लोगों के सामने रखनी चाहिये और इसके लिये एक अभियान चलाना चाहिये। मेरी तो यह राय है कि जिन शादियों में बहुत ज्यादा शो होती है और जो बड़े लोगों के यहां शादी होती है, उसे समाज के प्रतिष्ठित व्यक्ति, एम० पीज, एम० एल० एज०, मिनिस्टर्स और दूसरे व्यक्ति शामिल न हों। यह भी आवश्यक है कि जो बड़े-बड़े प्रतिष्ठित व्यक्ति हैं, वे सादगी के साथ अपने घरों में शादियां करें। संजय गांधी की शादी में हमारी प्राइम मिनिस्टर ने जो सादगी की एगजाम्पिल रखी थी, वैसी एगजाम्पिल और दूसरे बड़े व्यक्तियों को भी रखनी चाहिये और इसके लिये एक अभियान चलाना चाहिए।

हम रे समाज में अलग-अलग जातियो में और समाज के नियम तथा बंधन हैं लेकिन कुछ समाजों में लोगों ने अपने नियम तथा बंधन बनाये हैं जैसे जैन समाज में कई शहरों में यह रोक लगाई हुई है कि शादी में बैंड इस्तेमाल नहीं होगा और न उस अवसर पर घरों के बाहर के हिस्से पर रोशनी होगी। मेरा कहना यह है कि जो सामाजिक संस्थायें हैं, उनके प्रतिनिधि ऐसे बंधन और नियम बनाये और सादगी के साथ

शादी करें और इस तरह की जो शादियां हों, उन की पब्लिसिटी अखबारों में हो । न्यूजपेपर वालों से भी इसमें सहयोग मांगें कि इस प्रकार की खबरें छापें और जो लोग बहुत ज्यादा शो के साथ शादी करते हैं, उन का क्रिटिसिज्म निकालें ।

जहां तक लड़की को देने की बात है, उसके ऊपर छोटी-मोटी रोक अगर लगाते हैं, तो वह सफल नहीं हो पाएगी । इस के अलावा जो देने वाले हैं, वे किसी न किसी तरह से जितना देना चाहेंगे, दे देंगे । अगर दिखावे के लिये नारियल की रस्म कर दी, तो भी उसके बाद 5 लाख रुपया लड़के वालों को दे सकते हैं। इसलिये मैं यह समझती हूं कि 20 हजार या 30 हजार रुपये की अगर सीलिंग आप लगा भी देते हैं, तो वह वाजिब नहीं होगी । मेरा कहना यह है कि लड़की का जो हक है, वह उस को मिलना चाहिये। कहा गया है । कि जब कानून बना दिया गया है कि लड़के और लड़की को बराबर का हक मिलेगा इस लिए दहेज में लड़की को कुछ नहीं दिया जाना चाहिये लेकिन होता क्या है कि बाप जिन्दा रहता है, तो न वह लड़के को मिलता है और न वह लड़की को मिलता है और उसके मरने के बाद ही हक मिलता है । इसके अलावा जो सैल्फ एक्वायर्ड प्रोपर्टी है, उसमें लड़की को हक नहीं मिलता है और हैरीडिटरी प्रोपर्टी में ही हक मिलता है । मिडिल क्लास के लोगों के पास क्या होता है । एक मकान होता है या फिर खेती की थोड़ी सी जमीन होती है । अगर मकान में उस लड़की को हक मिलता है, तो जब वह ससुराल चली जाती है, तब उसमें रहने के लिये कहां आयेगी किस को वह बेचेगी । तो यह केवल कहने के लिये ही होता है कि बाप की प्रोपर्टी में उसको हक मिलता है । इसलिये मेरा कहना यह है कि डाउरी में जो लड़की को मां बाप खुशी से देते है, वह उस को मिलना चाहिये।

एक मेरा सुझाव यह है कि जो लोग डाउरी की डिमांड करते है, उन को सजा दी जाय, और जो शादी के अवसर पर शो पर रुपया खर्च किया जाता है, उस के ऊपर पावन्दी लगाई जाय ।

सभापति महोदय : आप का बहुत-बहुत धन्यवाद ।

II—*Mahila Pragati Sangh, Khazana walon-ka-Rasta, Jaipur.*

Spokesmen:

1. Shri Amar Narayan Mathur
2. Kumari Abha
3. Kumari Shashi Prabha
4. Kumari Neena Dutta
5. Shri Gopal Singh

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री अमर नारायण माथुर : हम ने कल इस संबंध में एक बैठक आयोजित की थी ताकि हम लोगों के व्यूज इस बारे में जान सकें । वहां पर जो विचार रखे गये; उससे हम ने यह महसूस किया कि लोगों का यह ख्याल है कि यह जो कानून बना हुआ

है, यह उतना इफैक्टिव नहीं है जितना कि होना चाहिये । इसमें जो सेक्शन 3 व 4 हैं ,उनके अन्दर जो मेक्सीमम सजा 6 माह और 5 हजार रुपये फाइन का प्रावधान है, वह काफी नहीं है । एक आदमी जो 20 हजार या 25 हजार रुपये खर्च कर सकता है, वह 5 हजार रुपये जुर्माने के भी अदा कर सकता है । इसलिये इस में सजा या जुर्माने की जो व्यवस्था है, उसके लिये मेरा सुझाव यह है कि जुर्माना आप चाहे जितना रखें, उस को सजा होना जरूरी हो । अगर खाली जुर्माना किसी पर होता है, तो वह पैसे का इंतजाम करके दे सकता है, किसी से वह पैसा ले सकता है और जुर्माना अदा कर सकता है लेकिन अगर उस को सजा होती है, तो कोई दूसरी उसकी जगह जेल नहीं जा सकता । इसलिये सजा होना बहुत जरूरी है ।

दूसरी बात यह है कि इस वक्त जो कानून डाउरी के बारे में बना हुआ है, उस की कोई पब्लिसिटी नहीं है और बहुत से लोगों को यह पता ही नहीं है कि इस तरह का भी कोई कानून बना हुआ है । बेकवर्ड सोसाइटीज के लोगों को इस की कोई जानकारी नहीं है । इसलिये मेरा सुझाव है कि साप्ताहिक या दैनिक अखबारों में इस की पब्लिसिटी होनी चाहिये जिससे लोगों को पता चले कि ऐसा कोई कानून बना हुआ है । कागनीजेबिल आफेंस वाली जो बात है, वह भी सही है क्योंकि इससे लोगों के दिमाग में एक खतरा सा बना रहेगा और वे डरेंगे कि कहीं पुलिस पकड़ कर न ले जाए । इस से जो प्रदर्शन अच्छी शादी करने का होता है, वह नहीं होगा ।

इसके अलावा मेरा एक सुझाव यह भी है कि मैरिज के लिये पारमिशन जरूरी हो । जैसे कल्चरल प्रोग्राम के लिये परमीशन लेनी होती है, उसी तरह से मैरिज के लिये भी परमीशन लेने का प्रावधान होना चाहिये । एक एफीडेविट इस बात का भी लिया जाना चाहिये कि मैरिज में इतना रुपया खर्च करेंगे और अगर उससे ज्यादा की चीजें मैरिज के समय पाई जांय, तो उन को जब्त कर लेना चाहिये । एफीडेविट का एक प्रोफोरमा बना लिया जाए, जिस में यह हो कि इतना रुपया खर्च किया जाएगा । इस से वह बाऊंड हो जाएगा । मेरा यह सुझाव भी है कि एमाऊंट की लिमिट फिक्स करनी चाहिये कि इतना खर्च किया जा सकता है ताकि आदमी एक बंधन में रह सके कि इतना रुपया ही खर्च करना है ।

मेरा अगला सुझाव यह है कि विशेष अदालतें इस संबंध में कायम की जायें जो इस तरह के मामलों का निपटारा करें । एक एफीडेविट लिया जाए और एफीडेविट लेने के बाद मैरिज की परमीशन दी जाए । इससे यह मालूम हो सकेगा कि कितनी शादियां हमारे यहाँ एक शहर में हुई और उन पर कितना खर्च हुआ है ।

श्री बी० सत्यनारायण रेड्डी : यह जो मौजूदा एक्ट है, उसमें डाउरी की डेफीनीशन में आप कोई तब्दीली चाहते हैं ?

श्रीमती लक्ष्मी कुमारी चूंडावत : जो मौजूदा कानून आप बनाते जा रहे हैं, उस बिल की हमें कोई कापी नहीं मिली है और केवल क्वेश्चेनेयर ही मिला है । इसलिये अभी इस बारे में हम नहीं बता सकते ।

श्री बी० सत्यनारायण रेड्डी: कापी तो देनी चाहिये ।

श्रीमती लक्ष्मी कुमारी चूंडावत : डैफिनिशन आफ डाउरी, सैक्शन 2 में दिया है कि जो प्रैजेन्टस दिये जायें, या मां-बाप शादी से पहले दे दें, उनको डाउरी समझा जाए, मैं कहती हूं कि जो डिमांड करके डाउरी मांगता है, उसको ही डाउरी समझा जाये ।

श्री बी० सत्यनारायण रेड्डी : अगर शादी के समय कोई डाउरी नहीं मांगें, और प्रैजेन्ट्स वगैरह दिये जायें, तो इन्हें आप किसमें शामिल करेंगी ?

श्रीमती लक्ष्मी कुमारी चूंडावत : दो तरह से डाउरी डिमांड की जाती है। एक तो पहले रुपया मांगा जाता है कि सगाई के वक्त इतना रुपया दिया जाय, दूसरे मांग की जाती है कि मोटर साईकिल, मोटर कार, फ्रिज, टी० वी० वगैरह दीजिये। डाउरी की मांग इस प्रकार की जाती है।

श्री बी० सत्यनारायण रेड्डी : रिश्तेदार या दोस्त लोग सब प्रैजेन्ट्स लाते हैं, कोई कुछ लाता है, कोई कुछ लाता है, अंगूठी, कान के जेवर, और दूसरी चीजें दी जाती हैं। ये प्रैजेन्ट्स शादी के समय आते हैं, इनको डाउरी में शामिल किया जाए या नहीं ?

श्रीमती लक्ष्मी कुमारी चूंडावत : इन को डाउरी में शामिल नहीं किया जाना चाहिये।

श्री बी० सत्यनारायण रेड्डी : चाहे कितने भी हों ?

श्रीमती लक्ष्मी कुमारी चूंडावत : जी हां, चाहे जितने भी हों।

श्रीमती संयोगिता राणे : कोई रिश्तेदार मोटर, फ्रिज वगैरह दे तो ?

श्रीमती लक्ष्मी कुमारी चूंडावत : अगर किसी की हैसियत होगी तो ही देगा।

श्रीमती संयोगिता राणे : माता-पिता किसी भी रिश्तेदार के नाम से दिला सकते हैं।

श्री बी० सत्यनारायण रेड्डी : आप ने काग्नीजेबल के संबंध में कहा कि पुलिस को ऐसे अख्तयार देने से उसके ज्यादा मदाखलत करने की संभावना नहीं है। कानून को सख्ती से अमल में लाना चाहिये, पुलिस आम लोगों को हैरेस करती है, पकड़ कर बन्द कर देती है, तो इसकी संभावना है या नहीं ?

श्री अमर नारायण माथुर : मैंने पहले निवेदन कर दिया कि पुलिस से पहले जो आप एफिडैविट लेते हैं, उसमें इन सब चीजों का जिक्र है कि आप शादी में कितना खर्च करेंगे। अगर पुलिस हैरेस करेगी तो उस हालत में करेगी जब आप उससे ज्यादा खर्च करेंगे। अगर ज्यादा खर्च नहीं करेंगे तो कैसे हैरेस करेगी ?

श्री बी० सत्यनारायण रेड्डी : इस काम की जांच उस समय तो हो नहीं सकती ?

श्री अमर नारायण माथुर : बेलेबल है।

श्री बी० सत्यनारायण रेड्डी : इसे रोकने के लिये कोई ऐसा सुझाव बताइये कि हैरेसमेंट न हो।

श्री अमर नारायण माथुर : पुलिस को यह कहा जाए कि बाद में कार्यवाही कर ले। यह जरूरी नहीं है कि फौरन एट दी टाइम ही कार्यवाही की जाये।

श्रीमती लक्ष्मी कुमारी चूंडावत : जब तक मजिस्ट्रेट का वारन्ट न आये उसको गिरफ्तार न किया जाए। राजस्थान में लोग एक दूसरे के बहुत से दुश्मन होते हैं, शिकायतें करते हैं, इसके लिये यह जरूरी है।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि जो डिमांड करे, उसे ही डाउरी

माना जाये । यह बात आप कैसे साबित करेंगी कि कोई चीज मांग कर ली गई है ? मुझे अपनी लड़की की शादी करनी है, मैं चीजें देती हूं, मैं उस समय क्यों कहूंगी कि मांग कर ली हैं । यह तो तब होता है, जब बाद में परेशानी होती है । उसे पहले कोई कुछ नहीं कहता । आप यह बात कैसे कहेंगी कि डिमांड कर रहे हैं ?

श्रीमती लक्ष्मी कुमारी चूंडावत : जब डिमांड की हुई डाउरी भी हम साबित नहीं कर सकते हैं तो बेटी को खुशी से दिया हुआ कैसे साबित कर सकते हैं ? अगर सजा देने का कानून बनाना है तो डिमांडेड डाउरी पर ही आप यह कर सकती हैं ।

श्रीमती विद्यावती चतुर्वेदी : शादी में खर्च किये जाने वाले धन की भी क्या कोई लिमिट होनी चाहिये ? जैसे साज-सज्जा, खान-पान, दहेज के रूप में खर्च करने की कोई सीमा होना चाहिये या नहीं ? अगर कोई अपनी लड़की को ज्यादा देना चाहता है तो दहेज के बजाय स्त्री–धन के रूप में अपनी लड़की के नाम से दे तो क्या इससे समस्या का हल होगा ?

श्रीमती लक्ष्मी कुमारी चूंडावत : अगर लिमिट आपने बना दी तो लोग दिखाना कम करेंगे ।

डा० राजेन्द्र कुमारी वाजपेयी : आप इस राय की हैं कि लिमिट नहीं करनी चाहिये ?

श्रीमती लक्ष्मी कुमारी चूंडावत : आज की सोसाइटी में यह पासिबल नहीं है कि लिमिट की जा सके ।

डा० राजेन्द्र कुमारी वाजपेयी : जैसे माथुर साहब कह रहे थे कि काग्नीजेबल बनाना चाहिये, अगर कोई ओफेन्स किया तो काग्नीजेबल होगा । डाउरी ओफेन्स की डेफिनिशन क्या हो सकती है ? यह हमारी कमेटी जानना चाहती है ?

श्री अमर नारायण माथुर : डाउरी के बारे में जो एक्ट में कहा है, वह काफी ठीक है, उससे हम एग्री करते हैं । काग्नीजेबल आफेन्स बनाने में, जो कानून को समझते हैं, वह रास्ता निकालेंगे, लेकिन आम लोगों के लिये प्रोटेक्शन हो जाती है कि दहेज कानूनन अपराध है, यह हमें नहीं करना चाहिये ।

डा० राजेन्द्र कुमारी वाजपेयी : एक्ट में आप कोई नई चीज एड करना चाहते हैं ?

श्री अमर नारायण माथुर : जी नहीं ।

सभापति महोदय : आपने कहा कि प्रोटेक्शन हो जायगी, इसलिये काग्नीजेबल करना है । मैं आप दोनों से ही जानना चाहती हूं कि इससे प्रोटेक्शन तो हो जायगी, लेकिन क्या आप यह नहीं समझते कि पुलिस इन्नोसेंट लोगों को भी हैरेस करेगी ?

श्री अमर नारायण माथुर : अगर पुलिस ऐसा करे, रक्षक ही भक्षक बन जायें तो मैं नहीं समझता कि कुछ हो सकता है । मैं पुलिस की इज्जत करता हूं, वह क्यों ऐसा करेगी ?

सभापति महोदय : चाइल्ड मैरिज रैस्ट्रेन्ट एक्ट बेकार ही रहा । उसमें भी लोगों को जागरूक करने और सामाजिक चेतना की बात रखी गई थी । आपने पढ़ा ही होगा कि सर्व श्री राम मोहन राय, मदन मोहन मालवीय, महात्मा गांधी आदि महान लोगों ने सामाजिक चेतना को जगाने के लिए, लोगों को इन सामाजिक बुराइयों से अपने आपको अलग रखने के लिए बहुत

काम किया। जितना काम महिलाओं ने नहीं किया उससे ज्यादा पुरुषों ने किया। इतने प्रभावशाली व्यक्तियों के द्वारा जब चेतना नहीं जगी, तो यह ठीक है कि सामाजिक चेतना जगानी चाहिए, लेकिन ससे कितने अंश तक सफलता मिल सकेगी ?

श्रीमती लक्ष्मी कुमारी चूंडावत : अगर हम समाज को जोर लगाकर इस के बारे में प्रोत्साहित करें तो सफलता मिल सकती है। आप जानते हैं राजा राम मोहन राय के प्रयत्नों से सती प्रथा बन्द हुई। गांधी जी ने जो जाग्रति पैदा कि उस से भी समाज की कुरीतियों को रोकने में काफ़ी सफलता मिली है, जैसे बच्चों की शादी प्रथा में काफ़ी कमी आई है। शहरों में तो बिलकुल बन्द हो गई है, लेकिन गांव में अभी भी है। यहां तो अभी भी दो-दो साल के बच्चों की शादियां होती हैं।

सभापति महोदय : आपका मतलब है कि सामाजिक चेतना जगाई जाय। आप अपने सुझावों को लिखित रूप में भेज सकते हैं कि आप किस तरह से सामाजिक चेतना जगाना चाहती हैं।

श्रीमती लक्ष्मी कुमारी चूंडावत : इसके लिए मोटे तौर पर अभियान शुरू किया जाय।

सभापति महोदय : अभियान कैसे होना चाहिए ? इस सम्बन्ध में आप के सुझाव क्या हैं ?

इस में कोई संदेह नहीं कि आप ने बहुत अच्छी बातें बतलाई हैं जैसे किसी एम० एल ए० या एम० पी० के यहां फंक्शन में कोई शानोशौकत नहीं होनी चाहिए, उस पर पाबन्दी लगाई जाय। आपने स्पेशल कोर्ट का भी जिक्र किया है। क्या स्पेशल कोर्ट से आपका मतलब फ़ैमिलि-कोर्ट से है ?

श्री अमर नारायण माथुर : मैंने स्पेशल कोर्ट्स के लिए कहा था जिस तरह सरकार कुछ खास किस्म के क्राइम्ज के लिए स्पेशल कोर्ट बैठा सकती है उसी तरह यहां भी बैठाई जाय।

सभापति महोदय : उसका कांस्टीचूशन क्या होना चाहिए ?

श्री अमर नारायण माथुर : मेरा मतलब है कि बाल-विवाह, दहेज प्रथा या अन्य सामाजिक बुराइयों के केसेज को ट्राई करने के लिए ऐसी कोर्ट्स होनी चाहिए जिस से लोगों के अन्दर डर पैदा हो।

सभापति महोदय : आपका बहुत धन्यवाद। अब आप लोग जा सकते हैं।

(Witness then withdrew).

III—Dr. Kamala Zutshi.

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप यहां आये हैं तथा जो बातचीत हुई है उसको आप ने सुना भी है। मैं सबसे पहले डा जुत्शी से शुरू करती हूं। आप ने तो लिख कर भी दिया है। मैं चाहती हूं कि आप के जो विशेष

मुद्दे हैं उनको क्वेश्चनेअर की परिधि में ही रहते हुए बतलायें ।

डा० कमला जुत्शी : मैं इस समय केवल 5–6 प्वाइन्ट्स पर ही जोर देना चाहती हूं । डिटेल्ज़ में मैंने आपको लिख कर पहले से दिया हुआ है जो आपके सामने है । आपके एक्ट में कई बातें बहुत अच्छी हैं तथा उनको डिटेल्ज़ में दिया भी हुआ है, लेकिन कठिनाई यह है कि कोई उनको मानता नहीं है या वह कानून लागू नहीं हो पाता है । कानून को सही तरीके से एन्फ़ोर्स कराने का हमें प्रयत्न करना चाहिये तथा इस काम में हमारी सोशल आगनाजेशन्ज़ या वालन्ट्री आर्गेनिजेशन्ज़ काफी हिस्सा ले सकती है । मैं चाहती हूं कि इस काम के लिए एक अलग डिपार्टमेंट या सेल बनाया जाय जो उन लोगों पर अंकुश रखे जो इस कानून को नहीं मानते हैं, उनकी रिपोर्ट करे, अन्दरूनी जानकारी हासिल करे कि कैसे दहेज दिया जा रहा है ।

डा० राजेन्द्र कुमारी वाजपेयी : सभापति महोदय, मैं चाहती हूं कि जो हमारी बहनें यहां बोलने के लिये आई हैं आप कमेटी की तरफ़ से उन से रिक्वेस्ट करें कि सारे प्वाइन्ट्स पर बोलने के पहले यह राय दें कि हमारे कानून में दहेज की जो डेफ़िनीशन है उसमें वे क्या संशोधन चाहती हैं या क्या वे डेफ़िनीशन को सही मानती हैं ? हमारे सामने सबसे पहला प्रश्न डेफ़िनीशन का है, सबसे पहले यह तय होना चाहिये कि दहेज क्या है ?

सभापति महोदय : इन्होंने अभी एन्फोर्समेन्ट के बारे में कहा है, इस को खत्म करके फिर डेफिनीशन के बारे में बात करेंगे ।

डा० कमला जुत्शी : जहां तक दहेज की डेफ़िनीशन का सम्बन्ध है––सगाई से ले कर शादी के दो-तीन साल तक जो भी दिया जाय उसको दहेज में शामिल किया जाय । बहुत से लोग शादी के वक्त न दे कर बाद में देते हैं और कहते हैं कि उस वक्त नहीं दिया था, इसलिए अब दहेज दे रहे हैं या फलां-फ़लां चीज वे अब दे रहे हैं । इसलिए मेरा सुझाव है कि दो-तीन साल बाद तक जो भी प्रेज़ेण्ट्स दिये जायें, चाहे माता-पिता के द्वारा, रिश्तेदारों के द्वारा, बाहर के सोशल सर्किल के द्वारा वे सब इंगेजमेण्ट से ले कर शादी के दो-तीन साल बाद तक दहेज में शामिल करने चाहिए ।

दूसरी बात मैं यह कहना चाहती हूं––हमारे देश में शादी एक सब से बड़ा सोशल ईविल है । ऐसा भी होता है कि लोग अपना शोसल स्टेटस बढ़ाने के लिए कुछ पर्टिकुलर चीजें देते हैं । वह उन से मांगी जाय या न मांगी जायं, लेकिन लड़का अच्छा मिल रहा है, फ़ैमिली अच्छी है तो ज्यादा से ज्यादा दहेज देने को तैयार हो जाते हैं । खुद लड़क वाले से कहते हैं कि हम फ़लां-फ़लां चीज़ देंगे आप हमारी लड़की से शादी कीजिए । शादी से पहले यानी एंगेजमेंट से पहले ही एक डिक्लेरेशन या ऐफीडेविड होना चाहिए कि किस स्कीम पर कितना खर्च करेंगे, जैसे इन्कम टैक्स में देते हैं । जो स्पेशल सैल या वोलेंटरी आर्गेनाइजेशन हो वह ऐसे डिक्लेरेशन्स को देखे कि उसके हिसाब से खर्च किया है कि नहीं । और साथ ही दोनों पार्टीज के बैंक अकाउन्ट्स तथा नज़दीकी रिश्तेदारों के शादी से पहले और बाद में चैक होने चाहियें कि कहां कहां से पैसा किस किस वक्त पर निकाला है ।

पनिशमेंट लड़के वालों को लड़की वालों के मुकाबले में दुगना होना चहिये क्योंकि लड़की वाले मजबूरी में ही ऐसा

काम करते हैं । जो भी पनिशमेंट अवार्ड किया जाय उसमें कोई रिलेक्सेशन न हो।

डा० राजेन्द्र कुमारी वाजपेयी : क्या आप सहमत हैं कि दहेज की कोई लिमिट रखी जाय जब आप डिक्लेरेशन की बात कहती हैं ?

डा० कमला जुत्शी : जी हां । लोअर मिडिल क्लास के लिये 2,000 से ले कर 10,000 रु० की लिमिट हो और मिडिल इन्कम वालों के लिये 5,000 से लेकर 15,000 रु० तक की लिमिट हो जिसमें शादी के सभी खर्च शामिल हों।

श्रीमती मोहसिना किदवई : दोनों को सजा बराबर दी जाए, यह मेरे ख्याल से ठीक रहेगा ?

डा० कमला जुत्शी : बात तो सही है लेकिन लड़की वाले कई दफ़ा मजबूर हो जाते हैं । और मैंने लिखित में दिया है कि जो लोग सरकारी कर्मचारी हैं जब उनके बच्चे की शादी हो तो उनके खर्च पर नजर रखी जाय ।

श्रीमती विद्यावती चतुर्वेदी : दहेज में जो कुछ दें उसका डिक्लेरेशन होना चाहिए, लेकिन दूसरी तरफ़ आपने लिमिट भी रखी है । तो अगर कोई लिमिट से ज्यादा देता है तभी डिक्लेयर करना पड़ेगा ?

डा० कमला जुत्शी : उसमें डिक्लेयर करें कि यह हमारा बैंक अकाउन्ट है जिसमें से इतना खर्च कर रहे हैं । उससे सही पता लग जायगा कितना खर्च किया है ।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि ऐक्ट लागू नहीं होता है । तो कौन से लूपहोल्स हैं जिनकी वजह से लागू नहीं हो पाता है ? इस बारे में आपका क्या सुझाव है ?

डा० कमला जुत्शी : सख्ती नहीं है ।

डा० राजेन्द्र कुमारी वाजपेयी : क्या सख्ती आप चाहती हैं ।

डा० कमला जुत्शी : डिक्लेरेशन हो और सर्विस वालों पर नज़र रखी जानी चाहिए ।

श्रीमती विद्यावती चतुर्वेदी : इसको काग्नीज़ेबिल बनाया जाय ?

डा० कमला जुत्शी : जी हां । और कोई नया सैट अप हो जो इसका ऐनफोर्स करे । किसी बड़ी अथौरिटी द्वारा या मैजिस्ट्रेट द्वारा इसको ऐनफोर्स किया जाय ।

सभापति महोदय : क्या केवल सरकारी अधिकारियों तक ही इसके ऐनफोर्समेंट को सीमित रखा जाय या स्वैच्छिक संस्थाओं को भी केस दायर करने के लिए अधिकार दिया जाय ?

डा० कमला जुत्शी : जो वौलेण्टरी ार्गेनाइज़ेशन्सअ हैं उनको भी अधिकार दिया जाय फर्स्ट क्लास मैजिस्ट्रेट का ।

सभापति महोदय : राज्यों में भी कानून बने हुए हैं इसलिए यूनीफार्मिटी नहीं है । कुछ राज्यों में 5,000 रु० तक की अपर लिमिट है, लेकिन जब ऐग्ज़ीक्युट होने लगता है तो अपर लिमिट लोवर लिमिट बन जाती है । तो इसको कैसे चैक किया जाय ? आप जानती हैं कि चुनाव के बाद डिक्लेयर हम लोगों को करना पड़ता है लेकिन हर जगह बचाव है । आप ही के

स्कूल में बहुत से बच्चे स्कालरशिप मांगते होंगे जो कि डिज़र्व नहीं करते । ऐसी सूरत में क्या किया जाय ?

डा० कमला जुत्शी : हमारे स्कूल में जो अच्छे कपड़े पहन कर लड़कियां आती हैं, जाहिर है कि वह वैल अ फ फेमिली से हैं, उनको मैंने कभी स्कालरशिप नहीं दी ।

सभापति महोदय : आप ने डेक्लेरेशन फ़ार्म के बारे में कहा है, इस को कौन सी संस्था चैक करेगी ?

डा० कमला जुत्शी : विलेज या टाऊन के लेविल पर जो संस्था बनेगी, वह पहले इस को चैक करेगी क्योंकि वहां पर वे लोग दिन-रात देखते रहते हैं कि कौन क्या कर रहा है ।

सभापति महोदय : आप का बहुत बहुत धन्यवाद । अब आप जा सकती हैं ।

(The witness then withdrew)

IV—Shrimati Swaran Hooja.

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप को कुछ कहना है ।

श्रीमती स्वर्ण हूजा : मेरा यह कहना है कि इस बिल में जो डेफीनीशन दी गई है, उसमें सिर्फ़ "गिफ्ट्स' और 'ओर्नामेंट्स' के बारे में ही लिखा हुआ है । मैं चाहूंगी कि इस में 'ग्राइड प्राइस' को भी इन्क्लूड किया जाए । बहुत से ऐसे इलाके हैं, जहां पर लड़की को लेने के लिए लड़के वालों को पैसे देने होते हैं । इस तरह से डाउरी अपोजिट डाइरेक्शन में भी ट्रैविल करती है । इसलिए जो डैफ़ीनीशन है, उस में इस को इन्क्लूड करना चाहिए ।

इस के अलावा मैं यह कहना चाहती हूं कि डावरी की जो डैफ़ीनीशन इस बिल में दी गई है, वह काफी डिफ़ेक्टिव है क्योंकि इस में गिफ्ट की बात कही गई है । जब कोई भी चीज़ गिफ्ट में दी जा सकती है, तो फ़िर डाउरी में क्या रह जाता है । एक तरफ तो डाउरी को बैन करने की बात है और दूसरी तरफ बड़ी एगजास्टिव डेफ़ीनीशन दी गई है । वेस्टर्न कण्ट्रीज में छोटी सी डेफीनीशन होती है और उस में सब चीजें आ जाती हैं । आप एक लिमिट फ़िक्स कर दीजिए और उस के अन्दर जो भी चीज़ें दी जाएं, वे डाउरी नहीं मानी जाएं ।

इस के अलावा मैं यह कहना चाहती हूं कि इस में डाउरी की डेफ़ीनीशन में कोई डिफ्रेन्स 'गिविन' और 'टेकन' में नहीं रखा गया है । बराबर का पनिशमेंट होना चाहिए, मैं इस से एग्री नहीं करती हूं । हमारे यहां जो सोशल कंडिशन्स हैं, एकोनामिक कंडिशन्स हैं या कल्चरल कंडिशन्स हैं उन में बहुत ज्यादा फ़र्क है । राजस्थान में देख लीजिए, कि 8 परसेण्ट लिटरेसी है और अगर पैरेण्ट्स डाउरी में कुछ देते हैं, तो यह सोच कर देते हैं कि उन की बेटी का

फ्यूचर सेक्योर रहे। कहीं कहीं 6 महीने की लड़की होती है, तो उस की शादी हो जाती है और उस शादी में पंडित की जरूरत नहीं होती है और कोई रस्मो-रिवाज की जरूरत नहीं होती है। कुछ सोशल प्रेसर होते हैं, जिन की वजह से कुछ करना पड़ता है क्योंकि मां-बाप चाहते हैं कि लड़की खुश रहे। ये जो वाइसेज हैं, ये कुछ कस्टम से जुड़े हैं और कुछ धर्म से जुड़े हुए हैं। डाउरी इसलिए दी जाती है कि लड़की का फ्यूचर सिक्योर रहे।

एक और डिफ़ेक्ट हमारे लेजिस्लेशन में यह है।

Where it is written—"There is ban on dowry.....". Here I would like that the words 'for the benefit of the women' should be added.

यह बहुत बड़ा फ्ला है। इस में एक तरफ़ तो हम यह कहते हैं कि डाउरी जो लेता है, उस पर बैन लगानी चाहिए और दूसरी तरफ सेक्शन 6 में बिल्कुल साफ तौर पर यह लिखा हुआ है कि अगर डाउरी दी गई है और वह लड़की के नाम पर, और वह माइनर है, तो जैसे ही वह 18 साल की हो जाए, तो उस को वह दे देनी चाहिए। एक क्लाज में हम कहते हैं कि डाउरी पर बैन होना चाहिए और दूसरी तरफ़ उस की एगजिस्टेंस को रिकगनाइज करते हैं और इस में यह भी कहा है कि उस को "इम्प्रिजिनमेंट' और 'फाइन' होगा अगर वह डाउरी मांगता है। इस तरह से हम ने डाउरी की एगजिस्टेंस को माना है।

श्री बी० सत्यनारायण रेड्डी : जो मौजूदा एक्ट है, उस में जो खामियां हैं, उन के बारे में आप लिखकर दे दीजिए।

श्रीमती स्वर्ण हूजा: एक चीज़ इस में यह दी हुई है कि इस तरह का जो क्राइम करता है, तो उस को कागनीजेबिल आफ़ेंस मानना चाहिए। अगर हम सोशल कंडिशन्स को लेते हैं, तो होता यह है कि पेरेण्ट्स यह एफ़र्ट करते हैं कि लड़की अच्छे घर जाए। अब अगर वह लिटीगेशन में जाएगा, तो यह बात कैसे हो पाएगी। आप ला रिपोर्ट स को देखें। पिछले 20 सालों में ऐसे कितने केस हुए हैं। अब लड़की वाले अगर लिटीगेशन में नहीं जाते हैं, तो फ़िर थर्ड पार्टी कैसे शिकायत करेगी और वह कोर्ट के चक्कर में क्यों पड़ेगी।

श्रीमती विद्यावती चतुर्वेदी : जो आपने अभी कहा है, उसको कैसे रखना चाहिये ? एक तरफ़ हमने डैफ़िनीशन में दे दिया, एक तरफ़ सैक्शन 6 में कन्फर्म कर लिया, यह कैसे रोका जाय ?

श्रीमती स्वर्ण हूजा : जब हम लोग सोशल वर्क के लिये चलते हैं तो यह ख्वाहिश होती है कि बहुत जल्द सब कुछ हो जाये, लेकिन बहुत कम काम होता है। पाइलट प्रोजेक्ट में स्माल स्केल में इसको काग्नीजेबल बनाइये। पहले गवर्नमेंट सर्वेन्ट को लीजिये कि उनसे कैसे डिक्लेयर कराया जाये ? उनकी इनकम डिक्लेयर्ड है। यह हमारे लिये आसान होगा।

डा० राजेन्द्र कुमारी वाजपेयी : एक्ट तो गर्वनमेंट सर्वेन्टस के लिये नहीं बन रहा है, सभी के लिये बन रहा है।

श्रीमती स्वर्ण हूजा : मैं कहती हूं कि इसको छोटे से प्रोजेक्टस से शुरू कीजिये।

श्रीमती विद्यावती चतुर्वेदी : कानून ऐसे थोड़े ही बनता है कि कुछ के लिये बने और कुछ के लिये न बने।

श्रीमती स्वर्ण हूजा : काग्नीजेबल होना ही चाहिये। मेरा सुझाव है कि जो लोग इनकम टैक्स कटवाते हैं, आम तौर

से यह पता चल जाता है कि उनकी सैल्फ़ इनकम कितनी है । गांव वालों के बारे में आमतौर पर जानते हैं कि किस की कितनी हैसियत है । जिस तरह से इनकमटैक्स में स्लैव सिस्टम है, उसी तरह से अगर हम डाउरी पर भी स्लैव सिस्टम लगा देते हैं जैसे 2 हजार, 10 हजार या 5 हजार, 15 हजार तो उसमें फ़र्क वाली बात नहीं होगी । लेकिन एक जैनविन लिमिट होनी चाहिये कि इतनी इनकम वाले कितना सेव कर सकते हैं और कितना खर्च कर सकते हैं । काग्नीजेबल करते हैं तो शायद उसको इफ़ैक्टिव कर सकते हैं । अगर पेरेन्टस अच्छी एग्जैम्पल रखते हैं तो उसका असर बच्चों पर भी पड़ता है । जो लीडर्स हमारी नेशन को चला रहे हैं, उनको भी इस पर ध्यान देना चाहिये, इसका बहुत असर होता है ।

हमारे यहां इल्लिट्रेसी बहुत ज्यादा है । अगर इन कस्टम्स को समाज से हटाना है तो लिट्रेसी बढ़ानी चाहिये । लेकिन बार बार प्रश्न किया जाता है कि जो पढ़ी-लिखी महिलायें हैं, उनमें भी डाउरी कम नहीं होती । पढ़े लिखे लोग 4 परसेंट से भी कम है। हमारे यहां सबसे बड़ी प्राबलम अन-एम्पलायमेंट की भी है । लिटरेसी और अन-एम्पलायमेंट साथ साथ चलते हैं । ऐसी स्थिति में लड़की के पास कोई चारा नहीं रहता सिवाय इसके कि वह अपने पेरेन्ट्स के पास जाये और डाउरी के लिये प्रैशर डाले । अगर पेरेन्ट्स से डाउरी नहीं बन पड़ती है तो लड़की को सुसाइड करना पड़ता है । अगर लड़की पढ़ लिख कर एम्पलायमेंट में लगी हो तो इस समस्या का हल हो सकता है। इसे कम्पलसरी कर दिया जाय कि लड़कियों को पढ़ना होगा। इस बात का समाज पर जरूर असर होगा। रिलीजन के मामले में सब चीजें अपने आप ठीक हो सकती हैं।

आजकल स्टेटस का ईगो होता है, लस्ट यह होता है कि ज्यादा डाउरी मिलेगी तो ग्लोरी होगी । हमारे लोगों में यह भी ईगो होती है कि अपनी लड़की को हम अपने से अच्छे घर में भेजें, इसकी वजह से भी डाउरी ज्यादा देनी पड़ती है । शोशल विल और पोलिटिकल विल स्ट्रांग होनी चाहिये । आप पंचायत लैवल और डिस्ट्रिक्ट लैवल को स्ट्रांग बनाइये ।

श्रीमती योगिता राणे : आपने कहा है कि पढ़े-लिखे लोग ज्यादा डिमांड करते हैं । यह कहा जाता है कि औरतें ही डाउरी देती हैं और औरतें ही डाउरी की डिमांड करती हैं । खासतौर से सास के बारे में यही है कि वह ज्यादा से ज्यादा डाउरी चाहती हैं । अगर औरतें इसमें थोड़ा सहयोग दें तो क्या इस समस्या को हल नहीं किया जा सकता? इस तरह से क्या सोशल तरीके से इस पर काबू नहीं पा सकते ? काग्नीजेबल औफ़ेन्स इसे कर देने के बाद भी दोनों घरों में एकता नहीं हो सकती । शादी तो एकता के लिए की जाती है । अगर काग्नीजेबल कर देंगे तो ज्यादा से ज्यादा घर टूट जायेंगे । सोशल तरीका क्या हो सकता है।

श्रीमती स्वर्ण हूजा : लिटरेसी से यह मतलब नहीं है कि डाक्टर और इंजीनियर भी तैयार किये जायें । यहां पढ़ाई लिखाई से मतलब यह है कि महिलाएं सैल्फ़ ऐम्पलायमेंट में जा सकती हैं अगर महिलाएं इकनामिकली अपने ऊपर डिपैंडेंट होंगी तो वह घर वालों से ज्यादा नहीं दबेंगी ।

यह एक बड़ा छोटा सा फ़ैक्शन आफ सोसाइटी है । अगर हम मास एजूकेशन दे देते हैं जहां कि अन-एम्पलायमेंट जैसी चीज दूर हो जाती है तो उसमें भी हर महिला का सिर ऊंचा होगा ।

अगर महिला एम्पलायड होगी तो दबेगी नहीं। अगर दूसरे देशों में इसी कारण यह चीज हटी है तो हमारे देश में भी क्यों नहीं हट सकती है ?

श्रीमती विद्यावती चतुर्वेदी : एक तरफ़ आपने कहा है कि लीगलाइज़ करें, दूसरी तरफ़ एक्ट की परिभाषा में दिया गया है कि जो दिया जाता है वह दहेज माना जाये। क्या आप चाहती हैं कि इसको लीगलाइज़ न किया जाये ?

क्या आप चाहती हैं कि हमारी लड़की को अपने पिता के घर से कोई चीज पाने का हक न हो ?

श्रीमती स्वर्ण हूजा : मेरा मतलब यह था कि जो भी चीजें शादी के मौके पर दी जाती हैं जब हम उन सब को दहेज में इन्क्लूड कर रहे हैं, उस को लीगलाइज कर रहे हैं तो हमें उनकी कोई लिमिट भी तय करनी पड़ेगी।

सभापति महोदय : आप बतलाइये कि आप क्या लिमिट चाहती हैं ? क्या वह लड़की के बाप की साल भर की आमदनी का कोई हिस्सा हो या कोई निश्चित रकम तय कर दी जाये।

श्रीमती स्वर्ण हूजा : मैं तो यह चाहती हूं कि जिस तरह से हम ने इन्कमटैक्स में स्लेब रखे हुए हैं उसी तरह से यहां भी रख सकते हैं।

श्रीमती विद्यावती चतुर्वेदी : लेकिन कोई मज़दूर है, किसान है, जिस को इन्कमटैक्स नहीं देना पड़ता है, उस के लिये क्या करेंगे ?

श्रीमती स्वर्ण हूजा : जो गरीब हैं, इन्कमटैक्स नहीं देता है, उसकी इन्कम तो एक निश्चित स्लैब से कम होगी, इस लिये उस की इन्कम के हिसाब से रखा जा सकता है।

श्रीमती विद्यावती चतुर्वेदी : आप ने अभी कहा था कि लड़की को पढ़ा-लिखा दिया जाय, उस को अपने पैरों पर खड़ा कर दिया जाय। लेकिन अब से 50 साल पहले तो कोई महिला बाहर ही नहीं निकलती थी, ज्यादा पढ़ती-लिखती भी नहीं थी। उस समय दहेज जैसी कोई डिमाण्ड भी नहीं होती थी। आज जब महिलाएं पढ़-लिख कर बाहर आ रही हैं, यह डिमाण्ड भी बढ़ती जा रही है।

श्रीमती स्वर्ण हूजा : डिमाण्ड के बढ़ने के दो कारण हैं–पहले हमारे यहां "कोड-आफ़-इथिक्स" था और अब "कोड आफ़ मैटिरियलिज्म" है। पहले कोड आफ़ इथिक्स यह था कि लोग खानदान को देखते थे और खानदान को देख कर अपनी लड़की देते थे। लेकिन आज कल मैटीरियलिज्म बढ़ रहा है। आज कोई भी मेरे ग्रेण्ड-फ़ादर या फादर को नहीं जानना चाहता, इस का मतलब है कि अब इण्डीविजुअलिज्म' हमारी सोसाइटी में आ गया है और इसी लिये डाउरी का यह रूप बन गया है।

सभापति महोदय : मैंने सुना है कि आप ने "डाउरी" पर थीसिज लिखा है ?

श्रीमती स्वर्ण हूजा : जी हां। उसे आप के लिये लाई हूं।

सभापति महोदय : मैं आप से मीटिंग के बाद भी कुछ समय के लिए मिलूंगी तथा दो-चार प्वाइन्ट्स पर बात करूंगी और आप के थीसिज़ को भी देखूंगी।

डा० रघुबीर सिंह : अभी आप ने कहा कि इस अधिनियम की धारा 2 और 6 में कुछ विरोधाभास है। मेरे मुताबिक इस में कोई विरोधाभास नहीं है, क्योंकि धारा 2 में जो परिभाषा दी गई है वह कुछ इस प्रकार से है कि कोई भी ऐसी

वस्तु जो शादी के प्रतिफ़ल के रूप में दी जाती हो, उस को डाउरी माना जाएगा और उन वस्तुओं पर लड़की का अधिकार होगा । अगर हम इस धारा को निकाल दें तो उन वस्तुओं पर] लड़की का अधिकार नहीं रहेगा ।]

श्रीमती स्वर्ण हूजा : इस में एक दिक्कत यह है कि उस वक्त जो वस्तुएं दी जाती हैं, बाहरी आदमी यह नहीं जानता कि उन में से कौन सी वस्तु मांगी गई है और कौन सी नहीं मांगी गई है इस लिए उनका कागनीजेन्स नहीं लिया जा सकता । इस का क्या प्रूफ़ है कि फ़ला चीज़ डिमाण्ड कर के हासिल की गई है । उस वक्त तो यह कहा जाता है । कि फ़लां वस्तु लड़की के मामा ने दी है, फ़लां पिता ने दी है, फ़लां किसी अन्य रिस्तेदार ने दी है । इस लिए मैंने यह सुझाव दिया था कि आप कोई लिमिट बांधिये, आप के कानून में लिमिट नहीं है ।

डा० राजन्द्र कुमारी वाजपेयी : आप ने क्या लिमिट बतलाई है ?

श्रीमती स्वर्ण हूजा : मेरा सुझाव तो यह है कि उस को इन्कमटैक्स के बेसिज़ पर रखना चाहिए । जो फ़ार्मूला इन्कमटैक्स में है उसी को यहां एडाप्ट करना चाहिए ।

डा० राजेन्द्र कुमारी वाजपेयी : उस की कितनी परसेन्टेज होनी चाहिये ?

श्रीमती स्वर्ण हूजा : इसके बारे में इकानामिस्ट्स ज्यादा अच्छी तरह से सुझाव दे सकते हैं कि किसी फ़ेमिली की कितनी सेविंग हो सकती है ।

डा० राजेन्द्र कुमारी वाजपेयी : किसी की आमदनी 10 लाख रुपये सालाना है, वह क्या देगा ?

श्रीमती स्वर्ण हूजा : उसका तो 80 परसेन्ट वैसे ही सरकार खा जाएगी, शादी के लिये अपने आप कम हो जायगा । गवर्नमेंट तो किसी को रोटी भी नहीं खाने देती ।

डा० राजेन्द्र कुमारी वाजपेयी : क्या आप इस बात से एग्री नहीं करती हैं कि कोई राउण्ड फ़िगर रखी जाय, क्योंकि हम इस कानून को जैनरल पब्लिक के लिये बनाने जा रहे हैं, बहुत से लोग इन्कम टैक्स लिमिट में नहीं आते हैं ?

श्रीमती स्वर्ण हूजा : राउण्ड फ़िगर डेफ़िनेटली होनी चाहिए । हम ऐसा कर सकते हैं कि मिनिमम 2 हजार रख दें ।

डा० राजेन्द्र कुमारी वाजपेयी : दो हजार रुपये केवल मैरिज का खर्च हो या टोटल एक्सपेन्डिचर हो ?

श्रीमती स्वर्ण हूजा : राजस्थान में अभी भी ऐसी जगह हैं जहां 101 रुपये में शादी हो रही है ।

सभापति महोदय : बहुत से ऐसे राज्य हैं जहां कुल पांच हजार रुपये की लिमिट है, जैसे बिहार, आन्ध्र प्रदेश ।

आपको बहुत धन्यवाद ।

(The witness then withdrew)

V—Kumari Sohag Kapilesh.

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence,

the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

KUMARI SOHAG KAPLESH: I will start from the definition in the Dowry Prohibition Act. The present definition does not clarify and include marriage expenses, etc. In my opinion all expenses should be included in the term 'dowry'.

Secondly, a limit should be fixed and the total expenses should not exceed Rs. 50,000. The limit should be strictly enforced. I feel whatever is given to the woman at the time of marriage should be included as 'stridhan'. It should be her personal property as was the case earlier.

DR. RAJENDRA KUMARI BAJPAI: It is possible that the parents of the bridegroom may ask for ornaments in the form of Stridhan and not in the form of dowry.

KUMARI SOHAG KAPLESH: Whatever is given in the form of Stridhan should not be demanded by any one.

DR. RAJENDRA KUMARI BAJPAI: But it can be demanded by the boy's parents.

KUMARI SOHAG KAPLESH: No, it shall be demanded. But with regard to Section 6 of the Act I have already said that a limit of Rs. 50,000 should be fixed for the entire expenditure on marriage, including the expenditure on the Stridhan.

Now, with regard to the question of making the offence as cognisable, the problem is that it is very difficult to establish the dowry has been demanded. So, offence should be made cognisable only when it has been established through some written documents or letters that the dowry was demanded. There are letters I can produce where dowry was demanded in writing and also where the preference for a particular type of transister costing Rs. 2,000 or so was demanded. Then there is preference shown for scooter, refrigerator or some such thing that should be given in dowry. On several occasions I have personally witnessed such written letters.

DR. RAJENDRA KUMARI BAJPAI: But there are hundreds of cases where there are no such written letters as evidence, but the dowry has been demanded.

KUMARI SOHAG KAPLESH: But it should be made a cognisable offence only when there are sufficient grounds to believe that dowry was demanded. With regard to the punishment, I must say that since both the parties enter into the contract of sacred ceremony, therefore, both should be punished equally—both giver as well as the taker.

As far as the Act is concerned, I find that it does not cover up the subsequent events that take place in the life of the girl after marriage, such as demanding of things on certain occasions later on.

With regard to the 'consideration of marriage', I would say that anything that is agreed or not agreed, but has been given to the boy and the girl or even to their parents should be treated as in consideration of the marriage. Marriage should also be made registerable by some authority. Dowry Prohibition Officers should be appointed to deal with the dowry cases.

MR. CHAIRMAN: You have taken a long time. It would be better if you send your suggestions in writing.

(The witness then withdrew)

VI—Shrimati Ganga Devi Dutta.

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती गंगा देवी दत्त : हमारे यहां जो शादी होती है तो रिश्ता पक्का करने से ले कर शादी तक देना लेना होता है और वह प्रत्यक्ष और अप्रत्यक्ष दोनों ही चलता है । लड़की के माता पिता से लिखित रूप में कुछ नहीं लिया जाता है, केवल ज़बानी होता है सब काम । इसको कानून के रूप में भी बांध दें तो भी असंभव है । डावरी में कोई कमी नहीं आयी है, बल्कि धन देना बढ़ रहा है । जब तक लड़के लड़कियों में स्वयं में यह अनुभव व चेतना नहीं आती है कि जो पैसा मांगता है वहां शादी न करें, तब तक यह बुराई दूर नहीं होगी । बच्चों में आत्म सम्मान पैदा किया जाय, और यह प्यार से ही हो सकता है । नम्बर दो के पैसे का लेन देन ज्यादा होता है। लड़के लड़कियों के रिस्ते जाति भेद और प्रान्तीय भेद के विचारों से ऊपर उठकर हों तो लेन देन में कमी आ सकती है । अगर कोई पाबन्दी लगाते हैं तो उसमें कोई काम नहीं चलेगा ।

डा० राजेन्द्र कुमारी वाजपेयी : दहेज की क्या परिभाषा आपकी दृष्टि में होनी चाहिए ? कोई सीमा निर्धारित होनी चाहिए कि नहीं ?

श्रीमती गंगा देवी दत्त : जो माता पिता अपनी सुविधा के अनुसार लड़की को दे सकते हैं वह तो दें, किसी को मजबूर न किया जाय। जो भी मन से दिया जाय उस पर कोई बन्धन नहीं होना चाहिए ।

डा० राजेन्द्र कुमारी वाजपेयी : इस एक्ट के खिलाफ़ काम करने वाले को किस आधार पर सजा दी जाय ?

श्रीमती गंगा देवी दत्त : इन्कम टैक्स की जो बात कही जाती है कि उस को आधार बनाया जाए, तो इन्कम टैक्स हर व्यक्ति अदा नहीं करता है और ऐसा व्यक्ति भी शादी पर काफ़ी पैसा खर्च कर देता है । मैं यह समझती हूं कि जब तक नम्बर 2 का पैसा कम नहीं होगा, तब तक यह सारा मामला चलता रहेगा ।

डा० राजेन्द्र कुमारी वाजपेयी : आप के विचार से दहेज प्रथा खत्म नहीं होने वाली है ।

श्रीमती गंगा देवी दत्त : लड़की में अगर आत्म-सम्मान आ जाए और वह दहेज लेने वाले से शादी न करे, तो यह चीज़ खत्म हो सकती है ।

श्रीमती प्रमिला दंडवते : महिला को आत्म-निर्भर बनाना चाहिए, यह सही है लेकिन यह जो कानून है, इस के बारे में आप ने कुछ नहीं कहा । जब महिलाओं में चेतना आ जाएगी, तब तो यह हो ही जाएगा लेकिन इस बुराई को दूर करने के

लिए क्या कोई कानून नहीं बनना चाहिए। इस के बारे में भी आप कुछ बताइए ।

श्रीमती गंगा देवी दत्त : कानून में यह होना चाहिए कि एक लिमिट रख दी जाए कि शादी में इतना रुपया खर्च होगा । 10,15 या 20 हजार रुपये की लिमिट आप रख दें और 2–3 हजार रुपये से ले कर एक आम आदमी 20 हजार रुपये तक शादी में खर्च कर ले । इस तरह की कोई पाबन्दी भी लड़के वालों पर लगाई जाए कि वे डाउरी डिमांड न कर सकें । ये बातें नियमों में आ जानी चाहिए । मैं यह भी समझती हूं कि पुलिस के द्वारा कानून को लागू किया जाए, यह सम्भव है, फिर सामाजिक कुरीतियां, समाज सुधार कमेटियां बना कर दूर करने का प्रयास करना चाहिए ।

सभापति महोदय : आप का बहुत बहुत धन्यवाद ।

(The witness then withdrew)

VII (A)—*Mahila Lok Jagriti Samity, Jaipur*

Spokesman:

Shrimati Asha Dixit

(B)—*Rajasthan University Women's Association, Jaipur*

Spokesmen:

1. Dr. (Miss) L. N. Jacob
2. Dr. (Mrs.) Pawan Surana
3. Miss Mamta Jaitly

VIII—Dr. (Shrimati) Sashi Joshi

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आपने जो लिख कर दिया है, उस के अलावा आप को जो कहना हो, वह बता दीजिए ।

डा० (श्रीमती) पवन सुरणा : हमने एक मीटिंग कर के आप के जितने प्वाइन्टस थे, उन के आन्सर लिख कर दे दिये हैं।

डा० (श्रीमती) शशि जोशी : आप ने जो प्रश्न किये हैं, उन का संक्षेप में उत्तर दिया है । आप की अनुमति हो, तो मैं उन को पढ़ दूं ।

सभापति महोदय : वह तो हमारे पास है, आप मुख्य प्वाइन्ट्स बताइए ।

डा० (श्रीमती) शशि जोशी : यह जो दहेज के लिए कानून बना हुआ है, यह इफेक्टिव क्यों नहीं रहा और इसके अपेक्षित परिणाम क्यों नहीं निकले, इसका मूल कारण यह है कि यह कानून ठीक से लागू नहीं हुआ । जिस प्रकार से इस को लागू किया जाना चाहिए , वैसे यह लागू नहीं हुआ । इस संबंध में मेरा कहना यह है कि इस कानून में इस तरह के पनिशमेंट की व्यवस्था नहीं की गई थी, जिस से लोगों के मन में डर पैदा हो ।

डा० राजेन्द्र कुमारी वाजपेयी : पनिशमेंट तो उस में था ।

डा० (श्रीमती) शशि जोशी : कोई स्पष्ट व्याख्या उस में नहीं थी । दूसरा

सवाल यह है कि दहेज लेने और देने के कारण क्या होते हैं। ये सामाजिक और आर्थिक दोनों होते हैं।

सभापति महोदय : आप अपने सुझाव दीजिए।

डा० (श्रीमती) शशि जोशी : मैं डिटेल में नहीं जा रही हूं और सिर्फ प्वाइन्ट्स ही बता रही हूं।

कानून में दी गई दहेज की परिभाषा बिल्कुल अस्पष्ट है। विदेशों में उपहारों को उचित समझा जाता है परन्तु भारत में नहीं क्योंकि मानसिकता अलग अलग है।

दूसरा मेरा सुझाव यह है कि सीमा से अधिक सभी व्यय दहेज के अन्तर्गत मान लिया जाना चाहिए।

क्वेश्चेनेयर के प्रश्न तीन के बारे में मेरा कहना यह है कि यह सारा व्यय दहेज ही है क्योंकि इन्हीं तरीकों से दहेज कानून की अवहेलना की जाती है। अतः हिन्दू विवाह में कुल खर्च चाहे वह सजावट, दावत, उपहार अथवा यात्रा व्यय के रूप में किया गया हो, कुल दहेज ही माना जाना चाहिए। हिन्दु विवाह कानून के हिसाब से विवाह का खर्च 15 रुपये से अधिक नहीं होना चाहिये। आशीर्वाद समारोह के रूप में केवल जलपान होना चाहिए, भोज नहीं।

इन चार के बारे में मेरा कहना यह है कि माता पिता की ओर से विवाह के समय अथवा उसके पश्चात दिए गए सभी उपहार दहेज हैं। अतः उन पर कानूनन रोक लगनी चाहिए। यदि विवाह के समय दहेज नहीं दिया जाएगा और दो तीन वर्ष की छूट दी जाएगी, तो वर पक्ष के लोग अपना पैसा वसूल कर लेंगे। इसलिए ये कोई छूट नहीं होनी चाहिए।

अभी डाउरी लेना, डिमांड करना औफेन्स है, लेकिन इस कानून का पालन नहीं होता है। दहेज चोरी-छिपे दिया और लिया जाता है, अन्यथा विवाह के पश्चात् लड़की को यातनाएं देकर वसूल किया जाता है। मेरे विचार में कम-से-कम 5 वर्ष की सजा का प्रावधान होना चाहिए विशेष परिस्थितियों में न्यायालयों को अधिकार दिया जाना चाहिए जिससे वह शिकायतों को सुनें और उन पर अपना निर्णय दें।

आपके प्रश्न 8 के उत्तर में मेरा यह कहना है कि सजा और फाइन दोनों ही देना चाहिए। फाइन न देने पर सजा देना, इससे कोई मतलब हल नहीं होता है। मेरे विचार में दोनों ही पक्ष अपराधी होते हैं, यह नहीं कि वर-पक्ष को ही ज्यादा सजा देनी चाहिए या कन्या पक्ष को देनी चाहिए। जिम्मेदार दोनों होते हैं दोनों को ही सजा दी जानी चाहिए। यह पैसा सरकारी कोष में जमा होना चाहिए। किसी भी प्रकार की यातना, पीड़ा, अथवा धमकियों को अपराध माना जाना चाहिए। किसी भी शिकायत पर कानूनन अमल किया जाना चाहिए। जमानत नहीं होनी चाहिए। कोई भी नागरिक हो, उसे इसके विरुद्ध अदालत में जाने का अधिकार होना चाहिए। ज्यादा अफसरों की नियुक्ति की जानी चाहिए किन्तु आम नागरिकों को भी अधिकार मिलने चाहिएं कि वह बिना अधिकारी की सिफारिश के भी सीधे न्यायालय में जा सकें। इसलिए विशेष न्यायालय होने चाहिएं। यदि आवश्यकता हो तो सामान्य नागरिकों के अतिरिक्त यह कार्य सामाजिक कार्यकर्ताओं और स्वयंसेवी संस्थाओं को भी सौंप जा सकता है! देश के छोटे से छोटे क्षेत्र

में जागरूक एवं प्रबुद्ध कार्यकर्ताओं को भी समायोजित किया जाना चाहिए। स्वतंत्र न्यायालयों की स्थापना की जानी चाहिए तथा शीघ्र न्याय मिलने की संभावनाएं होनी चाहिएं। गुप्त रूप से दी गई गवाहियां स्वीकृत होनी चाहियें और खुले न्यायालयों के स्थान पर बन्द न्यायालयों में भी विचार करना चाहिए।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि 5 वर्ष की सजा होनी चाहिये, आप यह कैसे साबित करेंगी कि यह गुनाहगार है, इसने दहेज लिया है ? जो लड़की की शादी करना चाहता है, यह वह भी चाहता है कि उसकी लड़की सुखी रहे, वह यह नहीं चाहेगा कि लड़की का परिवार बिगड़े। जो दहेज लेता है, वह कहेगा ही नहीं, आप कैसे साबित करेंगे कि गुनाहगार है और 5 साल की सजा उसे मिलनी चाहिये ?

डा० (श्रीमती) शशि जोशी : दहेज दिखाया जाता है, यदि आवश्यकता से अधिक दहेज है तो यह मानना चाहिये कि यह डिमांडेड है।

श्रीमती विद्यावती चतुर्वेदी : आवश्यकता की परिभाषा क्या है ?

डा० (श्रीमती) शशि जोशी : जैसे टी० वी०, फ्रिज, मोटर साइकिल, मोटरकार वगैरह हैं।

श्रीमती विद्यावती चतुर्वेदी : बहुत बड़े व्यापारी हों तो वह तो लड़की को दे सकते हैं।

डा० (श्रीमती) शशि जोशी : यह सामर्थ्य पर डिपैंड करता है।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि किसी को भी अदालत में जाने का अधिकार होना चाहिये, मान लीजिये कोई अपनी लड़की की शादी नियम के अनुसार कर रहा है और किसी को उनसे रंजिश है, दुश्मनी है, वह उसके खिलाफ झूटा कैसे बना देता है तो क्या इससे परेशानी नहीं होगी ?

डा० (श्रीमती) शशि जोशी : यह तो न्यायालय का पक्ष है कि वह देखे कि सही है या गलत है।

श्रीमती विद्यावती चतुर्वेदी : लेकिन अगर शादी हो रही है और कोई दुश्मनी से अदालत में जाकर इमीडिएट एक्शन लेता है, उससे उस समय तो स्थिति खराब हो सकती है।

डा० (श्रीमती) शशि जोशी : ऐसा बहुत ही कम होता है।

श्रीमती प्रमिला दण्डवते : आपने कहा है कि नान-काग्नीजेबल है इसलिए कोई भी शिकायत कर सकता है और यह भी कहा है कि दोनों को सजा होनी चाहिये। अब तक जो एक्ट कामयाब नहीं हुआ है उसका एक कारण यह भी है कि नान-काग्नीजेबल है। देने वाले और लेने वाले दोनों को अगर समान रूप से देखें तो अगर मैं देना वाला हूं तो मैं शिकायत नहीं करूंगा लेने वाला करेगा ही क्यों ? अगर कोई और आदमी पुलिस में शिकायत करे और पुलिस के हाथ में आप ज्यादा अधिकार दे दें तो उससे हैरेसमेंट होता है, ऐसा अनुभव बताता है। इसलिये जो काग्नीजैंस लेनी है, वह किस तरह से लें ? सैक्शन 3 के मुताबिक आप लड़की को कुछ देना नहीं चाहते।

डा० (श्रीमती) शशि जोशी : क्यों नहीं देना चाहते ?

श्रीमती प्रमिला दंडवते : अगर देना चाहते हैं तो दहेज और स्त्री-धन में किस तरह से अन्तर करेंगे ?

डा० (श्रीमती) शशि जोशी : दे सकते हैं तो ज्यादा दीजिये लेकिन किसी आक्रोश में आकर नहीं देना चाहिये।

मेरा पक्ष यह है कि शादी कोर्ट में होनी चाहिये और बिलकुल साधारण सा फंक्शन करना चाहिये जिसे रिसैप्शन कहते हैं, उसमें साधारण सा जल-पान करना चाहिये।

श्रीमती विद्यावती चतुर्वेदी : जो कुछ दिया जाये क्या वह लड़की के नाम से रजिस्ट्री करवा कर दिया जाये ? मान लीजिये अगर कल को लड़की मर जाती है और उसके कोई सन्तान नहीं हुई तो उसको मिला हुआ धन क्या उसके पेरेन्ट्स को वापिस होना चाहिये या उसके सुसराल वालों के पास रहना चाहिये ?

डा० (श्रीमती) शशि जोशी : वह तो मर गई।

श्रीमती विद्यावती चतुर्वेदी : मैं इस लिये पूछती हूं कि कभी-कभी ऐसा भी होता है कि उस धन की वजह से ही लड़की को मार दिया जाता है और धन अपने कब्जे में रख लिया जाता है। इसके बाद दुबारा शादी में धन ले लिया जाता है और उसको भी हड़प कर लिया जाता है। क्या आप समझती हैं कि ऐसा कानून बनाने से इसमें कमी आयेगी कि अगर लड़की मर जाती है और उसके बच्चा नहीं है तो वह धन उसके मां-बाप को लौटा दिया जाये ?

डा० (श्रीमती) शशि जोशी : ऐसा होता नहीं है।

श्रीमती विद्यावती चतुर्वेदी : क्या कानून में ऐसा रखना चाहिये ?

डा० (श्रीमती) शशि जोशी : रखा जा सकता है।

श्री सत्य नारायण जटिया : : कानून में है।

डा० (श्रीमती) शशि जोशी : मैं नहीं कह सकती। लड़के-लड़कियों में यह भावना होती है कि जहां दहेज हो वहां हम शादी नहीं करेंगे। हम जो भी कानून बनायें लेकिन उस के बाद कहें कि जो डाउरी लेगा उसको भी पनिश किया जायेगा और जो देगा उस को भी पनिश किया जाएगा, कानून को सीरीयसली इम्प्लीमेंट किया जाये तो उस का अच्छा परिणाम निकल सकता है। हो सकता है कि जल्दी न निकले, लेकिन लांग-रन में निकल सकता है।

श्री बी० सत्यनारायण रेड्डी : शादी के रजिस्ट्रेशन के बारे में आप का क्या विचार है ?

डा० (श्रीमती) शशि जोशी : मेरी दृष्टि में तो वह सब आइडियल मैरिज होगी।

श्री सत्यनारायण जटिया : क्या गांव में रजिस्ट्रेशन हो सकेगा ?

डा० (श्रीमती) शशि जोशी : यदि जागृति पैदा की जाये तो आवश्य हो सकेगा।

श्रीमती प्रमिला दण्डवते : कोई आर्यसमाज रीति से शादी करता है तो कोई किसी अन्य रीति से करता है। क्या उस को बाद में गवर्नमेंट के रिकार्ड के लिये रजिस्टर कराया जाना चाहिये।

डा० (श्रीमती) शशि जोशी : ऐसा करने में लड़का तथा लड़की दोनों की सिक्योरिटी है। बाद में कोई भी मना नहीं कर सकता कि शादी नहीं हुई।

सभापति महोदय : आप ने कहा है कि गुप्त-न्यायालय होने चाहिये। खुले न्यायालय में मुकदमा होने का लाभ यह होता है कि वह सब अखबारों में छप सकता है और सब को कार्यवाही मालूम होती है, जिस का जनता पर बहुत अच्छा प्रभाव पड़ता है। अगर उन मुकदमों की कार्यवाही को गुप्त रखा जायगा तो वह अखबारों में नहीं जायगा तथा जो कानन की अवहेलना करने वाले हैं उन पर कोई पाबन्दी नहीं रहेगी।

डा० (श्रीमती) शशि जोशी : मेरा आशय यह था कि बहुत सी महिलायें ओपन-कोर्टस में जा कर अपनी बात नहीं कहना चाहतीं। इस लिये कोई ऐसी व्यवस्था होनी चाहिये जिस में उन को यह विश्वास हो कि कोर्ट में हमारी बात सुन ली जायगी तथा हमारा नाम प्रकाशित नहीं होगा, तो वे बिना डर के आगे आ कर अपनी बात कह सकेंगी।

डा० राजेन्द्रकुमार वाजपेयी : उस में मैनीपुलेशन हो सकता है, क्योंकि पैसे वाले लोग ही डावरी देने वाले होते हैं। इस लिये इन का ओपन ट्रायल होना चाहिये, उसके अगेंस्ट पब्लिक-ओपीनियन क्रीएट होनी चाहिए आप इस को गुप्त क्यों रखना चाहती हैं, लड़कियां मर रही हैं और आप उन मारने वालों के साथ हमदर्दी कर रही हैं।

डा० (श्रीमती) शशि जोशी : जो शिकायत करने वाले हैं वे अपना नाम जाहिर न करें।

सभापति महोदय : इस में प्रभाव डाल कर गलत बयान लिखाया जा सकता है। रेप के सम्बन्ध में कुछ कानून बनने जा रहा है, उसके बारे में स्वयंसेवी संस्थाओं ने राय दी है कि ओपन-कोर्टस होनी चाहियें। रेप तो बहुत भयानक चीज है जब उस के लिये ओपन-कोर्टस की राय दी गई है तो इस में आप क्यों विरोध करती हैं?

डा० (श्रीमती) शशि जोशी : मेरा तात्पर्य केवल यही है कि जब शिकायत करने की बात होती है तो शायद कोई खुलेआम शिकायत करने न जाय। इस लिये उस की बात को सुनने के लिये ऐसी व्यवस्था की जाय, उस के बाद मैजिस्ट्रेट जैसा चाहे करे।

श्रीमती प्रमिला दण्डवते : आप इन-कैमरा चाहती हैं या क्या चाहती हैं?

डा० (श्रीमती) शशि जोशी : मैंने सुझाव दे दिया है, अब आप जो भी करना चाहें करें।

सभापति महोदय : आप का धन्यवाद।

DR. (KUMARI) L. N. JACOB: I would like to say that punishment for offence under this Act should be made very strict and greater awareness about this should be created amongst the masses. Free legal aid should be provided by Government to victims of dowry cases. Voluntary organisations should be involved in this work. Special mobile courts should be instituted to try these cases and no case should be pending for more than six months and as far as possible women lawyers should be associated. An anti-dowry cell should be created in every locality and it should be the duty of these cells to publicise these offences. The syllabus at primary and secondary school stages should include details regarding Dowry Prohibition Act, Child Marriage Act, etc. This is as far as question No. 1 in the questionnaire is concerned. As regards Questions No. 2, 3 and 4 my answer is that the term 'dowry' should include all expenses and the maximum

amount should not be more than 15 per cent of the girl's or boy's parents. Q. No. 5—Yes. Q. No. 6—Punishment should range from minimum of six months and maximum of 5 years and the fine should be equivalent to the value of dowry. The amount of fine realised should be returned to the person from whom the dowry was taken. Q. No. 7, Q. No. 8—Both imprisonment and fine. Q. No. 9—Same as Q. No. 6, Q. No. 10—Additional punishment should be given to the husband and his relations upto a period of minimum of six months and maximum of five years. Q. No. 11—It should be made cognisable. Q. No. 13—It should be made non-bailable. Q. No. 14—It should be made non-compoundable. Q. No. 15—No. Q. No. 16—Not applicable. Q. No. 17—answer is yes. It may preferably be women. Q. 18—answer is yes. Whenever it is sought for. There should be special centres for providing maximum assistance to the woman right upto rehabilitating her in life.. Q. 19—There should be an independent body consisting at least of three women. Q. 21—Magesterial powers should be given. Q. 22—The existing laws should be amended to strengthen the position of the women with respect to the rights relating to inheritance, divorce, succession etc. The implementation of the existing rights protecting the interests of the women should be made more effective.

General Suggestions: The nature of the Act should be simplified and made available to the common man in regional languages. The message contained in the Act should also be communicated through mass media. All institutions of higher education should have a chapter on women which may help improve the status of women. The registration of marriages should be made compulsory. The expenditure on marriages should be fifteen per cent of the girl's income, if the girl is working, or fifteen percent of the father's income. Even if both father and the girl are working, the expenditure should not exceed fifteen per cent of the income of any one of them.

डा० राजेन्द्र कुमारी वाजपेयी : लिमिट के बारे में आपने कुछ नहीं कहा।

कुमारी ममता जैटली : लड़की की इन्कम का 15 प्रतिशत।

श्रीमती प्रमीला दंडवते : पोंचूगीज कानून के अनुसार हर शादी रजिस्टर होनी चाहिये और लड़की को जो चीजें दी जाती हैं उसका भी रजिस्ट्रेशन होता है। अगर शादी के बाद लड़की बिना इशू के मर जाती है तो सारा सामान उसके माता पिता को वापस मिल जाता है। क्या आप चाहती हैं कि पोर्चुगीज ला की तरह हमारा भी कानून हो ?

What I mean is that in every marriage, whether it is Christian or Hindu or Muslim marriage, marriage is to be compulsorily registered. Now the question is if the girl dies without any issue, as it is in the Portuguese law, should the property revert back to the parents of the girl?

DR. (KUMARI) L. N. JACOB: You see whatever is to be given should not exceed 15 per cent of the income of the girl or of the father.

SHRIMATI PRAMILA DANDAVATE: The question is, the girl is earning, and she has prepared for her own marriage. And if it exceeds 15 per cent of her income, by putting such a limit, can we stop atrocities against women?

DR. (KUMARI) L. N. JACOB: That will be a deterrent.

कुमारी ममता जैटली : जब लड़की की शादी होती है और जो उसको दे रहे हैं तो 5 साल बाद इस तरह का डिक्लेरेशन होना चाहिये कि वह कह सके अगर अचानक उसकी मृत्यु होती है तो उसका पैसा उसके

बच्चों को दिया जाय। और अगर बच्चे नहीं हैं तो पति को मिलना चाहिये।

श्रीमती प्रमिला दंडवते : अगर पैसा लड़की के माता पिता को वापस जायगा तो ऐट्रोसिटीज़ लड़कियों पर नहीं होंगी।

डा० (श्रीमती) पवन सुराना : अगर उसकी मृत्यु सस्पिशस सर्कस्टांसेज में हुई है तो उसकी सम्पत्ति निश्चित रूप से उसके मां बाप को वापस आ जानी चाहिये।

कुमारी ममता जैटली : मां बाप के यहां रहते ही वह इस बात का निर्णय ले उसकी जो सम्पत्ति होगी उसका किस प्रकार निपटारा हो।

श्रीमती विद्यावती चतुर्वेदी : शादी से पहले कैसे जान सकती है कि उसके साथ ऐसा दुर्व्यवहार होगा ?

डा० (श्रीमती) पवन सुराना : ऐसी मौतें अधिकतर विवाह के कुछ सालों के बाद ही होती हैं। इसलिये एक स्पेशल टाइम लिमिट तय हो जाय कि इतने समय में मृत्यु होती है तो सख्ती से इस कानून को लागू किया जाय कि उसकी सम्पत्ति उसके माता पिता को वापस मिल जायगी।

श्रीमती आशा दीक्षित : अगर किसी मोहल्ले में ऐसी घटना होती है तो मोहल्ला कमेटी को कदम उठाना चाहिये और जनता को जागरूक करना चाहिये ताकि वह उसकी रिपोर्ट कर सके, यानी गुप्त कोर्ट में जा कर रिपोर्ट कर सके।

श्री बी० सत्यनारायण रेड्डी : आप ने कहा है कि लड़की को उसके पिता की जायदाद में हक मिलना चाहिए। यह किस तरह से होना चाहिए। शादी के समय जो चीजें दी जाती हैं और उनकी जो लिस्ट बनती है, उनमें क्या इसका कोई जिक्र हो ?

डा० (श्रीमती) पवन सुराना : सम्पत्ति में जो लड़कियों का हक होता है, उसके लिए कानून बना हुआ है लेकिन इस डाउरी एक्ट में भी उस से सम्बन्धित कोई व्यवस्था होनी चाहिए। मेरा ऐसा अनुमान है कि बहुत सी महिलाएं ऐसी होती हैं जिनको यह मालूम होता है कि सम्पत्ति में उनका 50 परसेंट का अधिकार है लेकिन वे उस को पाने के लिए कोर्ट में जाना पसन्द नहीं करती हैं। कुछ इस तरह की व्यवस्था कानून में होनी चाहिए कि उस का जो हक है वह उसको मिल जाए और फालो-अप एक्शन कानून में होना चाहिए। होता क्या है कि जब बाप की मृत्यु हो जाती है, तो उस लड़की के भाई उसकी सम्पत्ति को बेच देते हैं और इस तरह से वह उस से वंचित रहती है।

श्रीमती प्रमिला दंडवते : आप के कहने का मतलब यह है कि जो लड़की को दिया जाए, वह कहीं पर रिकार्ड किया जाना चाहिए और वह उस की प्रोपर्टी रहे।

सभापति महोदय : आप सब का बहुत धन्यवाद। अब आप जा सकती हैं।

(The witnesses then withdrew)

IX—*Rajasthan High Court Bar Association, Jaipur*

Spokesman:

(1) Shri S. N. Bhargava
(2) Shri S. R. Joshi
(3) Shri A. S. Chaturvedi
(4) Shri V. S. Dave
(5) Shri Bajrang Lal
(6) Shri K. S. Rathor

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप सब वार एसोसिएशन के सदस्य हैं और कानून के एक्सपर्ट हैं । इस कानून के बारे में आपके विचार जानना चाहेंगे और हमें आशा है कि इस एक्ट में संशोधन करने में आपके विचारों से हमें काफी मदद मिलेगी। इस में जो लूपहोल्स हैं, उन को प्लग करने में हमें काफी सहायता मिलेगी । जो क्वैश्चेनेयर है, उस को तो आप ने पढ़ ही लिया होगा। हम चाहते हैं कि आप खास तौर पर से यह बताएं कि डाउरी की डैफीनीशन क्या हो क्योंकि अगर इसकी सही डैफीनीशन बन जाती है, तो इस बुराई को रोकने में काफी सफलता मिलेगी। पहले आप अपना परिचय करवा दीजिए।

SHRI BAJRANG LAL: The object of the concerned Bill should be twofold. Firstly, how to deal with the question of dowry; and secondly how to curtail marriage expenses. Expenses incurred on marriage should form part of the dowry. The parties may not like to take and give dowry but still they organise big ceremonies. If that system goes uncurbed the result would be that there would not be dowry but there will be big ceremonies. I feel that the evil of dowry affects the higher classes and the middle classes and not the poor masses. The dowry deaths which have occurred recently belong to urban areas and not the rural masses. So, you have to consider it from three points of view. One is dowry as a whole; Second, dowry in the urban and rural societies; and thirdly marriage expenses. Therefore, the law should be for prohibition of dowry and curtailment or putting a ceiling on the marriage expenses.

I would suggest that dowry itself should be abolished. Before the 1961 Dowry Prohibition Act came into being, the Committee at that time considered the question whether there should be a ceiling or upper limit for dowry. Then it was suggested that the ceiling should be Rs. 2,000, but that idea was dropped because the general consensus was that if a ceiling is put, it would imply that the expenditure on dowry can be realised and that it has the sanction of the law. For example, a Clerk's daughter is to be given in marriage. The boy's father would lawfully be entitled to ask for a dowry upto Rs. 2,000. Therefore, this thing should be seriously considered as to why this idea was dropped at that time. At that time also a discussion had taken place and it was thought that ceiling on the expenditure would be legalising it up to that amount and that we are also giving it social recognition. Therefore, my suggestion is that dowry as such should be eliminated.

In regard to the words 'in consideration of the marriage', I would say that it is very difficult to prove that something is asked for or has been demanded in consideration of the marriage. It is rather impossible to prove,. because there are various subtle forms in which money and property passes hands. If we don't consider it to be merely a matter of

contract or some such sort of a thing, but as a religious and spiritual ceremony, then why should money or property play any substantial or major part in it? In the definition, it should be specified that anything given or taken at the marriage except the religious ceremony, should not form part of the marriage ceremony.

Now on the question what should be included in the marriage expenses, I find that under the Central Act not much has been said about it. The expenditure on marriage is also the expenditure on food served at different times in the marriage. Such expenses have been permitted under various amendments made in the States to the Central Act of 1961. If a ceiling is to be there on expenditure, then it should be lagalised and different types of expenditure should be specified. You must also consider the question of putting a ceiling on the number of persons taking part in the marriage ceremony. Why about a thousand people should gather when somebody is going to be married? Why one's marriage should be a concern of so many persons to come together? If they come together then you have to serve them at least a cup of tea, if nothing more. Then in some cases you offer coffee, and some may say at least a cold drink. Then you may say, why not at least a Samosa with drinks be included. Then it may be that you serve dry fruits and thus the expenditure for one thousand persons may be raised from say Rs. 1,000 to 10,000. Therefore, I would say there must be some ceiling fixed in respect of various ceremonies in the marriage and also in respect of the number of persons attending the marriages. Another reason for rise in marriage ceremony expenses is that leading sections of the society like advocates, judges, doctors, civil servants, bureaucrats, Ministers, legislators, Parliamentarians, Zila Parishad Pradhans, all these high-ups while solemnising the marriages of their daughters and sons invite thousands of persons to take part in the dinner. Persons of lesser means try to imitate them. Therefore, there must be a ceiling both on expenditure in marriage ceremonies and also on the number of persons participating in the ceremony irrespective of the fact that the marriage is of the sons or daughters of the highest or the lowest in the society. Without doing that, it will be difficult to control.

Particularly in the urban society, invitation cards are issued by both bride and bridegroom's side in regard to the marriage ceremony. In order to create consciousness to boycott this dowry, a statutory note should be inserted therein that "in this marriage no dowry will be taken or no dowry will be given." Everybody receiving this card will be reminded of this and in this way a social consciousness and response, that giving or taking of dowry is statutorily prohibited, will be created. And if it is also specified that those who participate in the marriage, where marriage expenses exceed the limit, will also be considered partners in the offence, it will act as a deterrent.

SHRIMATI PRAMILA DANDAVATE: They will not show dowry.

SHRI BAJRANG LAL: It does not matter. At least friends or relations are in a position to know that dowry is being given or taken. Therefore, in order to create consciousness, an environment for boycotting those marriages where dowry is being given or taken, it should be made an offence. If it is not made punishable with imprisonment, then a nominal fine should be imposed so that there may be a consciousness that if tomorrow it is proved that dowry is being taken, they will be taken to task. It will create a consciousness and favourable environment against dowry. So, the purpose of the Bill should be three-fold, namely, abolition of dowry; curtailment of marriage expenditure and making the

marriage a spiritual ceremony and not a bargaining factor. The gifts should be registered along the names of the persons giving those gifts. I feel that the Haryana Government amendments are somewhere near the solution. Then there are West Bengal Government amendments. Some of the amendments of the Himachal Pradesh Government are also in the right direction.

DR. RAJENDRA KUMARI BAJPAI: What should be the limit?

SHRI BAJRANG LAL: No limit should be put but if any limit is to be put then it should be ten years. Registration of marriages should be made compulsory. Along with the registration a declaration should be made by the bride and the bridegroom that they have not received any dowry. A person who gives dowry should be looked down upon in the society.

सभापति महोदय : आप ने अभी बतलाया था कि हरियाणा का कानून सब से अच्छा है। लेकिन आप ने अखबारों में पढ़ा होगा कि डावरी के मैक्सिमम केसेज वहीं होते हैं। यूं तो सारे हिन्दुस्तान को दृष्टि रखते हुए यह तय हुआ है कि इस कानून में संशोधन किया जाये, लेकिन हरियाणा भी एक बहुत बड़ा कारण था जिस की वजह से यह कानून लाया गया।

SHRI BAJRANG LAL: The law may be ideal but the implementation machinery may not be ideal.

SHRI B. SATYANARAYAN REDDY: We would like to know what specifically you want to be deleted or added?

SHRI BAJRANG LAL: I suggest that the words 'in consideration of marriage' should be deleted. Secondly, the gifts should be got registered and they should form part of the dowry and it should be part of 'stridhan'. There is a law governing 'stridhan' which is more or less very good.

श्री सत्यनारायण जटिया : अभी आपने यह विचार व्यक्त किया कि विवाह एक धार्मिक तथा सामाजिक परम्परागत सम्बन्ध का सूचक है। मैं यह जानना चाहता हूं कि इस सम्बन्ध में सब मिला कर जो खर्चा हो वह कितना होना चाहिए ?

SHRI BAJRANG LAL: There may be two methods. One is that it may be as per the income-tax paid. Or you may put a uniform ceiling on all. You may put such a uniform ceiling ranging from Rs. 5,000/- to Rs. 10,000 in urban areas.

श्री सत्यनारायण जटिया : अगर एक ही प्रकार की सीलिंग सब के लिए रख दें तो क्या एतराज है ?

SHRI BAJRANG LAL: I submit, the Committee may consider two proposals in the alternative. One may be as per the income-tax paid by the person and the other on the basis of the expenditure. If it is Jaipur, the ceiling on expenditure should be less and if it is Bombay or Delhi, it may be more.

श्री सत्यनारायण जटिया : आपका कहना है कि एक ही प्रकार की यूनिफार्मिटी खर्चे की होनी चाहिए ?

SHRI BAJRANG LAL: That would be much better and ideal position.

श्रीमती प्रमिला दंडवते : आप ने इस बारे में कुछ नहीं कहा कि यह काग्नीजैबिल आफेंस होना चाहिए कि नहीं ? और इमप्लीमेंटेशन मशीनरी के लिए क्या आप स्पेशल कोर्टस चाहते हैं

या वालेंटरी आर्गेनाइजेशन्स को शामिल करना चाहते हैं स्टेचुटरी पावर्स दे कर ताकि कानून का इमप्लीमेंटेशन ठीक से हो सके।

SHRI BAJRANG LAL: It may be made cognisable, but not by police. It may be by a Committee or a body consisting of voluntary agencies, including the Government officers. And it may be on the report of that body that the matter may come up.

SHRIMATI PRAMILA DANDAVATE: If the permission is sought from the Government?

SHRI BAJRANG LAL: It should be on the recommendation of that body that the permission from the designated officer should come as a matter of course.

डा० राजेन्द्र कुमारी वाजपेयी : गिफ्ट की कोई लिमिट होनी चाहिए ?

श्री बजरंग लाल : यह तो बहुत ही जरुरी है।

डा० राजेन्द्र कुमारी वाजपेयी : एक क्लर्क तो उतना नहीं दे सकता जितना एक लखपति दे सकता है।

SHRI BAJRANG LAL: I am submitting that if the gifts are registered, much of the evil will be washed away. Then there may be a ceiling uniform for all and that ceiling may be depending upon the social strata from Rs. 5,000/- to Rs. 20,000/-.

DR. RAJENDRA KUMARI BAJPAI: You are from the Bar Council. There should be some specific proposals from you on tackling this problem of dowry.

SHRI BAJRANG LAL: The Bar Council will formulate its proposals and submit to you later on.

डा० राजेन्द्र कुमारी वाजपेयी : जैसा हमारी चेयरमैन ने कहा मेन प्रोवलम्ब कमेटी के सामने यह है कि डावरी की परिभाषा क्या हो ?

SHRI BAJRANG LAL: That too we will submit later on.

SHRI S. R. JOSHI: My first point is, that the entire amount for the dowry plus expenses incurred at the marriage ceremony should not exceed Rs. 500/-, making impossible giving things like T.V., scooters etc.

My 2nd, point is, that the offence of dowry should be non-cognizable. If we make it a cognizable offence, then it will not be a successful marriage and there will be more and more corruption in handling the affairs of dowry.

Thirdly, the registration of marriage should be made essential and the list of property given should be varified by the Registrar and the total amount should not be more than Rs. 500/-. This amount I am putting as ceiling, to be very serious. It is just to include the nominal expenses. Rs. 500/- is nothing and would meet everybody's pocket more or less.

Fourthly, Pomp and show at the marriage, which gives extra status in the society should be forbidden.

Fifthly, there should be an Affidavit filed by the bride and the bridegroom as well as their respective parents that at the time of marriage they have not taken or given any dowry. If the Court comes to the conclusion that they have given or taken, then there can be a prosecution case against them.

There should be separate courts looking into the dowry litigations; and they should be established in each and every district. If possible, they should be established at Panchayat level so that the masses can have access to them. Those courts should

deal only with dowry cases. There should be summary trials and the cases should be decided within six months. For extension of time the courts should seek extention from a higher court. If conjugal rights are disturbed on account of dowry then strict action should be taken. Provision regarding 'permission from Government' should be deleted.

अगर बिल्कुल कानून पर चलेंगे, तो हमारे देश में विघटन हो जाएगा। हसबैंड और वाइफ के संबंध बिगड़ें नहीं बल्कि पारिवारिक संबंध मजबूत हों, हमारे कानून का उद्देश्य यही होना चाहिए। जब तक लोगों का दिमाग डावरी के बारे में नहीं बदलेगा, तब तक यह इविल दूर नहीं हो सकता।

SHRI S. N. BHARGAVA:

मैं यह कहना चाहता हूं कि सोशल एवेयरनस जगाने के लिए जो एवेलएबिल मीडिया है, जैसे टेलिविजन या रेडियो उस को इस्तेमाल किया जाना चाहिए। इसके अलावा डावरी के बारे में ऐसे नाटक दिखाए जाएं जिनमें डावरी के ईविल को दर्शाया जाए।

Sentence should be made compulsory and it should be minimum of one year. Dowry should include all expenses incurred in connection with marriage.

SHRI V. S. DAVE: If there is a dispute about dowry, then provision of 'presumption' should be there but the other party has a chance to rebut it. Registration of marriages should be made compulsory and there should be a declaration as regards the gifts received and the same would be returned back if there is break in marriage.

Legal awareness about the Dowry Prohibition Act should be created amongst the masses. Maximum publicity should be given by free distribution of the copies of the new legislation which is coming up.

SHRI A. S. CHATURVEDI: Dowry is a product of the capitalistic society. So long as this society is there you cannot do away with it completely. No doubt, you can make some amendments. As far as my community is concerned this evil of dowry is not prevalent. But what I want to emphasise is that there should be social organisations to boycot those persons who extract dowry.

एक मेरा सुझाव यह है कि मैरिज का रजिस्ट्रेशन होना चाहिए और उस के बाद ही मैरिज कम्पलीट मानी जाये और उसी समय यह प्रावधान कर दिया जाए कि मैरिज में इतना रुपया खर्च होगा। इसलिए मैरिज का रजिस्ट्रेशन कम्पलसरी होना चाहिए और सोशल आर्गेनाइजेशन्स को मजबूत करना चाहिए जो इस बारे में यह कदम उठा सकें कि जहां कहीं पर इस तरह की मैरिज हो, जिस में बहुत ज्यादा शो हो और डावरी का मामला हो, उस का बायकाट करवा सकें।

मैं यह भी कहना चाहूंगा कि इसकी पब्लिसिटी बहुत ज्यादा होनी चाहिए, जिस से लोगों में चेतना आए।

डावरी के आफेंस को कागनीजेबिल बनाने की जो बात है, तो उस में तो पुलिस की बन जाएगी और वकीलों की बन जाएगी। यह सभी जानते हैं कि डावरी का मसला नीची कम्यूनिटीज में नहीं है और यह मिडिल क्लास लोगों की प्राबलम है। तीन बातें हैं, एक तो काग्नीजेबल नहीं होना चाहिए, दूसरे सोशल आर्गेनाइजेशन्स को स्ट्रेन्थन होना चाहिए और तीसरे प्रेस प्रोपेगैन्डा होना चाहिए।

Then this should be made a cognisable offence. Social organisations in this field should be strengthened. Through the Press and mass media it

should be publicised that the dowry system is a very bad system.

SHRI K. S. RATHOR: The marriages should be registered and the punishment should be made more deterrent.

श्रीमती प्रमिला दंडवते : आप ने मैरिज एक्सपैंसेज के बारे में कहा है। रिलीजस कस्टम्स के मुताबिक मंगल-सूत्र लड़की को देना पड़ता है। महाराष्ट्र में तो उसके बिना शादी नहीं होती और वह भी सोने का होता है। आज जो सोने की कीमत है, उस में कम-से-कम 500 रुपये या एक हजार रुपये की तो मंगल-सूत्र आयेगा। आपका सुझाव है कि 500 रुपये कर दिया जाए तो इस रकम में क्या आप सारी एसेंशियल चीजों को शामिल करते हैं ?

Do you include all the essential things to be given according to the religious system either to the boy or to the girl?

डा० राजेन्द्र कुमारी वाजपेयी : राजस्थान में टीका जरूरी होता है।

SHRI S. R. JOSHI: If you try to do like this, then the total amount will be so many thousands of rupees. And if it is to be made a religious part, then the expenditure should not be made more than on Mangal Sutra. The total expenditure should not exceed Rs. 500/-.

श्रीमती प्रमिला दंडवते : काग्नीजेबल आफेंन्स में बहुत से लोगों ने कहा कि स्टेट की परमीशन के बगैर न हो।

Now, if you want to stop all these things, you make it that if only the aggrieved or the authorised party complains then only the cognisance will be taken by the officer specially appointed for the purpose. Secondly, if the complaint is made within one year of the offence, then only the cognisance will be taken. These are the points made. Since you are lawyers, don't you think these provisions that the complaint will have to be lodged within one year of the marriage, do not seem to be of much use?

SHRI A. S. CHATURVEDI: While talking of the cognisable offence, we mean police being able to take cognisance of the offence.

सभापति महोदय : आप ने जो बात अभी कही है, क्या चाइल्ड मैरिज रैस्ट्रेन्ट एक्ट की तरह आप उसको काग्नीजेबल नहीं बनाना चाहते हैं। उस अधिनियम में अपराध काग्नीजेबल है किन्तु गिरफ़्तारी मजिस्ट्रेट के वारेन्ट के वगैर नहीं होती है। क्या इसमें भी ऐसा कर सकते हैं ?

SHRI V. S. DAVE: I have suggested that there should be summary trial before that. And if you do summary trial, the complaint should be there and the presumption should be there of the offence having been committed.

SHRI A. S. CHATURVEDI: I meant the Offence should be cognisable by police.

सभापति महोदय : आप आई० पी० सी० की जो बात कह रहे है, वह ठीक है कि काग्नीजेबल है लेकिन चाइल्ड मैरिज रेस्ट्रेन्ट एक्ट में क्या है ? उसमें भी छानबीन के बाद काग्नीजेबल है। अगर इसमें ऐसा नहीं करते हैं तो दहेज बन्द होने का सवाल नहीं है।

श्री ए० एस चतुर्वेदी : मैं काग्नीजेबल के खिलाफ़ हूं। मिड-वे यह है कि सोशल आर्गेनाइजेशन्ज को इस तरह करना चाहिए और महिला कंमेटी इसकी काग्नीजेन्स लें कि तुम्हारे यहां यह कांड हुआ है। अगर 50, 40 जगह ऐसा हो तो इसका असर पड़ता है।

डा० राजेन्द्र कुमारी वाजपेयी : जब एक्ट में काग्नीजेबल हो ही नहीं, तो इसका क्या मतलब हुआ ?

सभापति महोदय : यह तो समाज-सुधार की बात है। इसे हम डिस्कस नहीं कर रहे है, हम तो लीगल आस्पैक्ट डिस्कस कर रहे हैं।

श्री ए० एस० चतुर्वेदी : काग्नी-जेबल से मेरा मतलब है कि पुलिस विद्आउट दी परमीशन आफ़ दी मजिस्ट्रेट

MR. CHAIRMAN: You want a mid-way.

SHRI A. S. CHATURVEDI: I want social organisations should be strengthened.

मेरा ओबजैक्ट था कि सम्बन्ध बने रहें।

डा० राजन्द्र कुमारी वाजपेयी : क्या लड़कियां जलती रहें ?

श्रीमती विद्यावती चतुर्वेदी : अगर सम्बन्ध अच्छे बने रहते तो बिल क्यों लाना पड़ता ? इसीलिए सोचने की जरूरत पड़ी है। रही बात दहेज की। मेरा ख्याल है कि जब दहेज की प्रथा चली थी तो उसका यह रूप नहीं था। हर मां-बाप चाहता है कि हम बच्चों को हिस्सा दें। लड़का क्योंकि मां-बाप के पास रहता है, उसे चल व अचल सम्पत्ति में सब कुछ मिलता है। लड़की दूसरे घर चली जाती है, लेकिन उसे प्रापर्टी में कुछ नहीं मिलता, इसलिए दहेज दिया जाता था। लड़की को भी पिता की सम्पत्ति में से कुछ मिलना चाहिए इसलिए दहेज दिया जाता था। लेकिन आज यह स्थिति बिगड़ रही है। आज यह नहीं हो रहा है कि अपनी हैसियत के मुताबिक लोग दहेज दें बल्कि डिमांड हो रही है। हम कहते हैं कि डिमान्ड नहीं होनी चाहिए। पर डिमांड है, इसको साबित कैसे करेंगे ? लड़की वाला अपनी लड़की के सुख की दृष्टि से देता है, इसलिए वह तो कहेगा नहीं जब तक वह यह न समझे कि हमारी लड़की की जिन्दगी बर्बाद हो गई। लेने वाला तो कहेगा ही नहीं कि उस ने लिया है। इसको हम काग्नीजेबल अवश्य बनायें, लेकिन उस को सजा कैसे दिला पायेंगे ? इस लिए सब से पहले तो हम यह चाहते हैं कि इस कानून में लूप-होल्ज क्या है, ताकि उनको रिमूव किया जा सके। गुनहगार लोग पहले तो पकड़े ही नहीं जाते, यदि पकड़े गए तो इन लूप-होल्ज के द्वारा छूट जाते हैं। मैं आप से यह सवाल इस लिए पूछ रही हूं क्योंकि आप सब लायर्स हैं, आप के सामने हर तरह के केसेज आते हैं। आप उन केसेज को डिफ़ेण्ड भी करते हैं और विरोध भी करते हैं, इस लिए आप हमें यह बतलाइये कि इस कानून में वे लूप-होल्ज कहां हैं ताकि हम उनको दूर कर सकें ?

श्री एस० आर० जोशी : एक जगह मैंने कहा था कि समरी ट्रायल होना चाहिए। अलग से एक लीगल-सेंल बनाया जाना चाहिए ....

श्रीमती विद्यावती चतुर्वेदी : हमारी ट्रायल या लीगल सेल तभी कामयाब हो सकते हैं जब कि दोनों गुनहगार—जो लेता है और जो देता है—सामने आयें। जो वहां जाकर शिकायत करे और बाद में दबाव में आकर कह दें कि मैंने नहीं दिया, तब क्या होगा ? देने वाला तब कहता है जब उसकी लड़की की जिन्दगी खतरे में पड़ जाती है।

SHRI V. S. DAVE: Regis ration and declaration is the only answer to your question.

SHRI S. R. JOSHI: There should be registration of marriages along with a list of gifts.

श्रीमती विद्यावती चतुर्वेदी : रजिस्ट्रेशन किस बात का।

श्री एस० आर० जोशी : मैरिज का रजिस्ट्रेशन।

श्रीमती विद्यावती चतुर्वेदी : गोआ में शादी होती है तो वहां शादी के वक्त ही बाप की प्रापर्टी में लड़की का जो हिस्सा होता है उस को रजिस्टर किया जाता है—अगर ऐसा किया जाय तो इसके बारे में आप की क्या सलाह है?

श्री एस० आर० जोशी : इस से तो सारे कानून का पर्पज फ्रस्ट्रेट हो जाएगा। अगर आप की प्रापर्टी का हिस्सा शुरू में ही रजिस्टर कर दिया जाएगा तो फ़िर अलग से डावरी कौन देगा।

श्रीमती मोहसीना किदवई : आप एक बात बतलाइये—आप जानते हैं कानून में 'स्त्री धन' का जिक्र है। कन्यादान के वक्त जो चीजें लड़की को मां-बाप की तरफ़ से दी जाती हैं वे स्त्री धन में शामिल होती है। दूसरी तरफ़ हमारे यह दहेज का प्रावीजन है जिस पर लड़की के इन-लाज का हक होता है और जिसको हासिल करने के लिए डिमाण्ड की जाती है। मैं जानना चाहती हूं—क्या दोनों चीजें कानून में अलग-अलग रखी जायें या स्त्री-धन और दहेज एक ही चीज हो, इन को अलग-अलग न रखा जाय और उन चीजों पर लड़की का अधिकार हो? जैसे केश दिया जाता है, काइण्ड की शक्ल में चीजें दी जाती हैं....

श्री एस० आर० जोशी: कैश तो काइण्ड से भी ज्यादा दिया जाता है। कैश का तो पता नहीं चलता है, काइण्ड तो फ़िर भी सामने नजर आती है।

श्रीमती विद्यावती चतुर्वेदी : जो चीज सामने नहीं दी जायेगी उस को साबित कैसे करेंगे? शादी में जो चीज बाद में लड़की के हाथ में रह जाती है उसको कन्यादान कह देते हैं।

सभापति महोदय : आपका बहुत धन्यबाद। अब आप जा सकते हैं।

(साक्षी उठ कर चले गए)

जैन प्रतिनिधि सभा, सत्भवन, जयपुर

1. श्री रामचरण जैन, सभापति
2. श्री बा० सा० सोमानी, उपसभापति

सभापति महोदय : आपका स्वागत है। आप ने अभी जो किताब मुझे दी है उसको हम फौरन तो नहीं पढ़ सकेंगे, फिर भी हम इसका स्वागत करते हैं और आगे समय मिलने पर पढ़ेंगे।

श्री रामचरण जैन : वास्तव में हमें परसों ऐसी सूचना मिली कि आपकी समिति यहां आ रही है। हमने जब जानकारी प्राप्त करने की कोशिश की तो हमें कहा गया कि हम 10 बजे प्रातः यहां आ जायं। हमारा निवेदन केवल इतना ही है कि आपकी समिति राजस्थान पधारी है हम उसका स्वागत करते हैं। हमारी संस्था ने आज से 10 साल पूर्व ही इस बात को महसूस किया था और यह संस्था बना कर काम शुरू कर दिया था।

सभापति महोदय : इस समय तो आप हमें इस एक्ट के बारे में बतलायें।

श्री रामचरण जैन : दहेज के विरोध में राजस्थान विधान सभा में जो बिल पास होने के लिये पेश किया गया था हमने उसकी 20 हजार कापियां प्रकाशित करा कर वितरित कराई।

समापति महोदय : आपने हमारे क्वेश्चनेयर का अगर जवाब तैयार किया है तो दे दीजिए और अगर नहीं तो जो आपने लिख कर दिया है उसको हम रखते हैं ।

क्लाजेज में क्या संशोधन किया जाये इस बारे में कुछ कहिये ।

श्री रामचरण जैन : मौजूदा ऐक्ट का इम्लीमेंटेशन पंचायत के जरिये होना चाहिए । अगर पंच और सरपंच से लिखा कर ले लिया जायेगा कि उनके क्षेत्र में कोई दहेज लेगा तो उसकी सूचना वह सरकार को देंगे तो इसका इम्लीमेंटेशन अच्छी तरह से होगा ।

पहले हमें सूचना दी गई थी कि 10 बजे साक्ष्य देना है इसलिए हम यहां आ गये थे ।

समापति महोदय : आप लिखित भी हमें दे दीजिए शाम को चार बजे तभी आपका साक्ष्य भी हो जायेगा ।

X (1) Dr. Ajit Bharadwaj
(2) Shri Y. Chaturvedi
(3) Shri Lakshman Ladiwala
(4) Shri Om Prakash Mathur
(5) Shri Madan Lal Premi
(6) Shri Devi Shankar Goyal
(7) Shri Hari Kishan Goyal
(8) Shri Hari Maharishi
(9) Shri Dinesh Kumar Agrawal
(10) Shri Babulal Chawla
(11) Shri Giriraj Jaiman
(12) Shri Rajendra Prashad Surohlia
(13) Shri Rattan Kumar Dhoilan
(14) Shri Satyanarayan Jain
(15) Shri V. Kumar
(16) Shri Kalash Chandra
(17) Shri Vijaykant Bhargaw
(18) Shri Navin Saxena
(19) Shri Kalyan Singh

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप जो हमें देना चाहते हैं वह लिखित दे दीजिए । और कुछ कहना हो तो मुख्य पोइंट्स पर संक्षेप में कहिये ।

श्री वी० कुमार : हम अपना मेमोरेण्डम आपके सामने पेश कर रहे हैं । यह कानन इसलिये प्रभावशाली नहीं हुआ क्योंकि यह आफेंस काग्नीजेबिल नहीं था । दूसरे यह कि सरकार की अनुमति का प्रावधान इसमें नहीं होना चाहिये । इसके लिये एक अलग से तन्त्र होना चाहिये । डावरी प्रोहिवीशन आफिसर की जगह हमने कहा है कि फैमिली वैलफेयर आफिसर होना चाहिये जो न केवल दहेज के केसेज बल्कि तलाक के बारे में भी केसेज़ ले ताकि ऐसे केसेज़ कम हों और पारिवारिक संस्था को बनाये रखे ।

ऐडवाइज़री काउन्सिल भी होनी चाहिये और पंचायत लेबिल तक होनी चाहिये और प्रोहिबीशन अफसर को अधिकार देना चाहिये । गिरफ्तारी बिना वारन्ट होनी चाहिये और जमानत नहीं मिलनी चाहिये । केस कमपउडे बिल होना चाहिये अदालत की इज़ाज़त से ।

जहां पर दहेज के कारण लड़की की मृत्यु हो गई है, तो लड़के को री-मैरिज का अधिकार नहीं होना चाहिये । जिस लड़की को दहेज के कारण उत्पीड़ित किया जाता है और उस पर अत्याचार किये जाते हैं, तो यह भी तलाक का एक कारण बनना चाहिए ।

जिस वक्त पोस्ट-मार्टम किया जाता है, तो एक डाक्टर के अलावा दूसरा डाक्टर भी होना चाहिए और लाश को जलाया नहीं जाना चाहिए जब तक पीहर वाले न आ जाएं । जयपुर और दूसरी जगहों पर ऐसे केस हुए हैं कि डाउरी को ले कर लड़की को मार दिया और लाश को जला दिया गया । यहां पर राज्य सरकार ने दोषी व्यक्तियों को सस्पेंड भी किया है। एक अफसर ने लाश को बिना पीहर वालों के जला दिया । उस अफसर को सस्पेंड कर दिया गया । यहां पर एक मशहूर केस किरना का प्रयागपुरा में हुआ है । शमशानघाट पर ही पोस्ट-मार्टम करवाया गया और लाश को पीहर वालों के आने के पहले ही जला दिया गया । यह मामला एसेम्बली में भी उठाया गया और वहां पर यह कहा गया कि एस० पी० के लेबिल पर इसकी इंक्वायरी करवाएंगे लेकिन अभी तक कोई इंक्वायरी नहीं हुई है ।

श्रीमती बिद्यावती चतुर्वेदी : आप कानून में क्या संशोधन चाहते हैं, वे बताइए ।

श्री वी० कुमार : उसके लिए हमने मेमोरेण्डम दे दिया है ।

श्री बी० सत्यनारायण रेड्डी : हम आपकी हर बात को सुनेंगे लेकिन यह लेक्चर नहीं चाहते । हम यह चाहते हैं कि मौजूदा जो एक्ट है, उसके जो सैक्शन हैं, उनमें आप क्या सुधार चाहते हैं । उनके बारे में आप बोलिये ।

सभापति महोदय : बात वह है कि हमारी जो यह समिति है इसको आई पी सी० आदि की पावर नहीं मिली है और जो इन्डिविजुअल केस हैं, उनके बारे में हम कुछ नहीं कर सकते ।

श्री वी० कुमार : हमारी कोई शिकायत नहीं है लेकिन हमारी बात को समिति को सुनना चाहिये । हमने एक मेमोरेण्डम बनाया है और उसमें एक्ट में जो संशोधन होने चाहिए, उनको मेंशन किया है ।

सभापति महोदय : जो आपने लिख कर दिया है, उसको तो हम पढ़ेंगे । इसके अलावा इस एक्ट के बारे में जो आपको कहना है, वह कहिये । डाउरी की डेफिनीशन में आप कोई चेन्ज चाहते हैं या नहीं । हम आपकी बातों को सुनने आए हैं लेकिन यह कोई प्लेटफार्म नहीं है । एक गलतफहमी यह हुई है कि हमें यह बताया गया था कि आप सिर्फ मेमोरेण्डम देना चाहते हैं । अब समय काफी हो गया है और फिर 3 बजे से हमें बैठना है ।

श्री वी० कुमार : दहेज की डेफीनीशन के बारे में हमें यह कहना है कि उपहार और विवाह खर्च की निर्धारित अधिकतम सीमा से अधिक को दहेज माना जाए । उपहार की अधिकतम सीमा 10 हजार रुपये हो और विवाह की खर्च की अधिकतम सीमा 5 हजार रुपये हो जिसमें रोशनी, भोजन, बारात, यात्रा-व्यय सब शामिल हों । उपहार और विवाह खर्च की सीमा पृथक-पृथक होनी चाहिए ।

वधु के माता-पिता अथवा रिश्तेदारों द्वारा दिए गए उपहारों को विवाह की निर्धारित सीमा में माना जाये । विवाह के पश्चात् त्योहार और उत्सव के अवसर पर 5 हजार रुपये और खर्च करने का प्रावधान होना चाहिए, जिसमें प्रथम दो वर्ष में 2 हजार रुपये, अगले तीन वर्ष में 2 हजार रुपये और इसके बाद 1 हजार रुपये हो ।

दहेज देने वाले को भी अपराधी मानते हुए दण्डित किया जाये । अपराधी प्रमाणित होने पर कम से कम 3 माह की जेल की सजा का प्रावधान होना चाहिए और अपराध की

गम्भीरता को देखते हुए यह 3 वर्ष तक हो सकता है। सजा को कम करने का न्यायालय को अधिकार नहीं होना चाहिए। जेल और जुर्माना दोनों ही होने चाहिए और हैसियत के लिहाज से जुर्माना होना चाहिए।

दहेज की रकम देने वाले को वापस नहीं लौटानी चाहिए क्योंकि वह भी कानून के अन्तर्गत अपराधी है उसको भी अपराधी माना जाना चाहिए। दहेज लेने वाले का दहेज की रकम का और देने वाले को 1 हजार से 10 हजार रुपये तक के जुर्माने का प्रावधान होना चाहिए।

यदि सास-ससुर, ननद आदि कोई रिश्तेदार लड़की को दहेज के कारण पीहर से नहीं बुलाते हैं तो उन्हें एबेटिंग दि आफेंस का अपराधी माना जाना चाहिए। दहेज संबंधी सभी अपराध कागनीजेबिल होने चाहिए और दहेज प्राप्त करने के लिए वधु पर अत्याचार और उत्पीड़न करने को अपराध माना जाए और इसके लिए 1 माह से 3 माह तक की सजा होनी चाहिए। सभी दहेज अपराधियों को नान-बेलएविल माना जाए। न्यायालय की आज्ञा से केस में राजीनामा होने का प्रावधान होना चाहिए। वर-वधु के भावी जीवन को मधुर बनाने के लिए परस्पर विवाद को समाप्त करना चाहिए।

न्यायालय को अधिकृत अधिकारी द्वारा प्रस्तुत लिखित इस्तगासे से सीधी कार्यवाही करनी चाहिए। अधिकृत सामाजिक संस्थाओं को भी श्रमिक संगठनों की तरह व्यक्ति की ओर से प्रतिनिधित्व का अधिकार होना चाहिए।

जिला स्तर पर एक अधिकारी होना चाहिए, जिसका नाम 'दहेज निरोधक अधिकारी' के स्थान पर 'परिवार कल्याण अधिकारी' होना चाहिए जो समझौता कराने का प्रयास करे और अगर वह न हो तो कानूनी कार्यवाही करे।

जिस प्रकार अन्य कानूनों में सुरक्षा का प्रावधान है, उसी तरह से दहेज के मामलों में भी शिकायतकर्ता की सुरक्षा होनी चाहिए। पृथक से व्यवस्था की आवश्यकता नहीं है।

परामर्श समितियां होनी चाहिए और राज्य स्तर पर उसमें 11 व्यक्ति हों, जिसमें एक गैर सरकारी सभापति, गृह सचिव, समाज कल्याण विभाग का निर्देशक, समाज कल्याण बोर्ड का अध्यक्ष एवं 7 महिला एवं युवा सामाजिक स्वयंसेवी संस्थाओं के प्रतिनिधि हों। इसी तरह से जिलास्तर और पंचायत स्तर पर समिति बनाई जानी चाहिए।

हिन्दू विवाह अधिनियम एवं विशेष विवाह अधिनियम में प्रावधान किया जाना चाहिए कि दहेज सम्बन्धी अपराध के व्यक्ति को दूसरी शादी का अधिकार न हो।

विवाह सम्बन्धी अपराधों, जैसे दहेज, बाल-विवाह, तलाक के लिए विशेष महिला अदालतों का गठन होना चाहिए। मैरिज के रजिस्ट्रेशन के पक्ष में हम नहीं हैं।

श्री बो० सत्यनारायण रेड्डी : शादी के समय जो लड़की को मित्रों और बन्धुओं से चीजें दी जाती हैं, उसकी लिस्ट बनाई जाए और उसका रजिस्ट्रेशन हो, या नहीं जिसकी कि लड़की हकदार है ?

श्री बो० कुमार : होनी चाहिये।

श्री बो० सत्यनारायण रेड्डी : अगर शादी की रजिस्ट्रेशन नहीं होगी तो यह कैसे होगा ?

डा० अजीत भारद्वाज : मैरिज का रजिस्ट्रेशन होना चाहिये। इससे बाल-विवाह वगैरह जो होते हैं, वह भी अपने आप रुक जायेंगे। इससे जो भी व्यक्ति घर में मैरिज करता है, अनापशनाप खर्चा करता है, गिफ्ट देता

है, वह सब भी बन्द हो जायेंगे । मैरिज रजिस्ट्रेशन किसी सक्षम अधिकारी के सामने होनी चाहिये । गांव में साधारण पंचायत वगैरह होती है । इससे छोटी उम्र के बच्चों की शादियां रुकेंगी ।

श्रीमती प्रमिला दंडवते : आप कंपल्सरी रजिस्ट्रेशन को मंजूर करते हैं और आपके दूसरे साथी ने इसका विरोध किया था ।

डा० अजीत भारद्वाज : यह मेमोरेण्डम में मेंशन नहीं किया था ।

श्रीमती प्रमिला दंडवते : आपने इस पर विचार किया है, यह अच्छी बात है । आपने रजिस्ट्रेशन को अभी मंजूर किया है, लेकिन हम समझते हैं कि जिस प्रकार चाइल्ड के बर्थ और डैथ का रजिस्ट्रेशन होता है, उसी प्रकार शादी का रजिस्ट्रेशन भी कोर्ट में ही करना चाहिये, चाहे शादी किसी भी प्रकार की हो, लेकिन पंचायत और जिला परिषद् के पास भी इस तरह का सारा रिकार्ड होना चाहिये ।

डा० अजीत भारद्वाज : हम दहेज को सामाजिक आधार पर खत्म करना चाहते हैं । सरकार की तरफ से यह होना चाहिये कि जो भी रजिस्ट्रेशन करायेगा वह एफिडैविट देगा कि हम दहेज नहीं दे रहे हैं और न ले रहे हैं । अगर कोई भी साबित कर दे कि दहेज लिया और दिया गया है तो उसके खिलाफ कार्यवाही होगी । इस तरह करने से एक टैरर होगा, लोग सामाजिक दृष्टि से महसूस करेंगे कि अगर कहीं भी लीक आउट हो गया तो मुसीबत पड़ जायेगी । जिसके खिलाफ मजबूत सबूत मिल जाये तो उसके खिलाफ कार्यवाही करने का कानून में प्रावधान होना चाहिये ।

श्रीमती प्रमिला दंडवते : इम्प्लीमेंटेशन के लिये मशीनरी क्या हो ?

श्री बी० कुमार : हमने शादी के 28 मामलों में एक्शन लिया है । साल भर से हम लोग इस मामले में लगे हुए हैं और हम कटिबद्ध हैं कि इसके खिलाफ लड़ेंगे । हमने कानून को आधार नहीं माना है, इसके लिये जनचेतना आवश्यक है ।

श्रीमती विद्यावती चतुर्वेदी : आप में से ऐसे कितने यहां मौजूद हैं, जिनकी शादी नहीं हुई है ? क्या आप अपने घर से इसे लागू करेंगे ?

श्री बी० कुमार : जी हां करेंगे ।

श्री बी० सत्यनारायण रेड्डी : आपने कहा कि रजिस्ट्रेशन नहीं होना चाहिये ?

श्री बी० कुमार : मेरा कहना यह है कि अभी जो कानून है, उसमें लोग समझ नहीं पाते कि कान्नीजेबल क्या है, कंपाउंडेबल क्या है । अगर रजिस्ट्रेशन वाली बातकर दें तो जो ऐसे एरियाज हैं जहां कानून का पता नहीं, वहां पर काम करना बड़ा मुश्किल हो जायेगा । इसलिये रजिस्ट्रेशन का प्रावधान नहीं होना चाहिये ।

सभापति महोदय : इसका रजिस्ट्रेशन से ही कैसे सम्बन्ध हो सकता है, सारे कानून से ही सम्बन्ध होगा ?

डा० राजेन्द्र कुमार वाजपेयी : जो कानून आयेगा, वह हिन्दी में भी होगा । जब कोई कानून देश के लिये बनता है, तो वह गांव-गांव तक पहुंच जाता है । हम रे दश की जनता ऐसी नहीं है जो कानून को नहीं समझती पंचायत लैबल तक डैमोक्रेसी पहुंच चुकी है । अगर एक आदमी रजिस्ट्रेशन करवा लेगा और कहेगा कि हमने दहेज नहीं लिया है और बाद में पता चलेगा कि लिया है तो इस पर सज़ा हो सकती है । इसलिये रजिस्ट्रेशन को तो कम्पलसरी होना चाहिये । कहीं पर तो पकड़ होनी चाहिये । रजिस्ट्रेशन जरूरी होना चाहिये, इससे हम गांव की जनता को एजूकेट करेंगे । गांव की जनता इसको समझती है । रजिस्ट्रेशन से बाल-विवाह भी रुकेंग ।

सभापति महोदय : राजस्थान सरकार के जो पदाधिकारी यहां उपस्थित हैं मैं उन से एक बात कहना चाहती हूं। इस समय जो कठिनाई सामने आ रही है वह आपस में कोआर्डिनेशन न होने के कारण है। मैंने शुरु में कहा था कि जो ग्रुप आये हुए हैं, जो किसी संस्था को रिप्रेजैन्ट करते हैं उनको आप लिख लीजिए यदि वे कोई कागज देना चाहते हैं तो वह उन से ले लीजिए और उनको निश्चित समय पर बुलाया जाय। उदाहरण के लिए अभी जो 19 लोग आए, मुझ से कहा गया कि उन में से सिर्फ़ एक व्यक्ति मेमारेण्डम देंगे, मैंने कहा—ठीक है। लेकिन वे बोलना भी चाहते हैं। ऐसी स्थिति में हमारे अधिकारी तथा आप आपस में कोआर्डिनेट कर के उनको समय दीजिए, जिस से उन के मन में यह भावना पैदा न हो कि हम को सुना नहीं गया। किसी को साढ़े तीन बजे का समय दीजिए, किसी को 4 बजे का समय दीजिए, इस तरह से उनको ज्यादा देर तक वैट नहीं करना पड़ेगा।

इस समय की कार्यवाही हम यहीं समाप्त करते हैं। अब दौपहर बाद साढ़े तीन बजे फ़िर बैठेंगे।

सभा दोपहर साढ़े तीन बजे तक के लिए स्थगित हुई

XI—Shri C. K. Garg

(The witness was called in and he took his seat)

Mr. CHAIRMAN: You know the 1961 Dowry Prohibition Act has not been very successful in implementation and that it has been ineffective and that the problem of dowry is growing. Therefore the Committee requests you to give your views and suggestions for the amendment of the Act, specially on the definition of the word 'dowry' in Section (2) of the Act.

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI C. K. GARG: First of all I would say that I did not get enough time, but my stray thoughts would help to give you suggestions.

The basic idea about the abolition of dowry was that the persons in society should not suffer handicaps in terms of selecting bridegrooms or brides for their children: and then later on they should not face humiliation at the house of the other party. But constant humiliation has been witnessed resulting in deaths, suicides, burning and even murder of brides. From this point of view, I think, I have to make certain suggestions.

My first suggestion is that a ceiling should be put on the total marriage expenditure beginning from the engagement day. which we call Rokna ceremony right up to the point of the expiry of one year after marriage. During this period the expenses should not exceed the limit of the financial capacity of the bride's father.

SHRI B. SATYANARAYAN REDDY: What is the percentage of income?

SHRI C. K. GARG: In the Anti-Corruption Act, if a person possesses the wealth which is out of proportion

to his income, then he is presumed to be guilty under the Anti-Corruption Act. Likewise if a person is spending more than his income then it should be considered a dowry. This should come within the purview of the definition.

Dowry prohibition code should be enacted so as to include persons who are last seen with her and living in the same house where the girl is found injured. They should be presumed to have committed the offence. Today there is no presumption. Necessary amendment should be made in Section 144.

Further, it is not only the restraints and constraints which we put on the parties that they would be persuaded to follow the spirit and letter of the law. Most ambitious laws, viz., Environmental laws have remained in cold storage. It is a social welfare measure. Apart from the restraints and constraints which you want to put if you give them the incentives, the incentive may bring desired results in an easy manner; for example, inter-caste marriage and inter-State marriages. If persons marry in inter-caste then the couple must get a cash grant of Rs. 5,000 from the State in which they are residing. In the case of Government servants they can be rewarded in the form of additional increments. If the marriage is inter-caste and inter-State then benefits like cash award of Rs. 5,000 should come from each State. Therefore, benefit must come from each State—Rs. 5,000 from one State and Rs. 5,000 from another State. And then an option must be given, if the couple happen to be employed and are married in the other State in which they would like to be employed, so that they are not compelled to live at distances apart.

There can be a situation where one of the spouses will not like to go. In that case the other one must be accommodated in a senior scale, provided the person is otherwise qualified for such a promotion.

If the caste Hindu and Scheduled Caste marriage is encouraged then you can bring down the malady of dowry. And if you want persons of that type to marry in large numbers, then it is for the Government to provide such means like land, licence etc. so that they are able to establish some business or undertaking whereby they do not have to look to somebody else and are enabled to live economically independent.

In Paragraph 5 I have said that the tribunals must have male and female members. Tribunals must be created for the enforcement part and the officers must have the police powers.

MR. CHAIRMAN: Do you mean to say that there should be family courts?

SHRI C. K. GARG: Whatever name you give. I mean any person who is controlling the provisions of the Act. As a matter of fact, I would like to say that Dowry Prohibition Courts should be created.

DR RAGHUBIR SINGH: Do you feel that there should be traditional lawyers in the courts? What should be the formation process and infrastructure of the courts?

SHRI C. K. GARG: One member can be from the social welfare side. Then there can be a retired judge. Then there can be a retired Government servant. A woman should be associated with it. The shape of the tribunal must come up like that. The tribunal is for the purpose of summary and quick trial.

MR. CHAIRMAN. Now, you may please conclude your submissions.

SHRI C.K. GARG: In para 6 I have said that a ceiling should be fixed for all expenses like expenses

on shamiana, at home, electricity, decoration etc. and the ceiling limit should be Rs. 3000.

Further, machinery should be provided by law, so that education is imparted, seminars are arranged and both students and teachers are involved. Machinery should be evolved, so that, all the reports appearing in the Press in connection with dowry should be screened and steps taken. Some cell, like the information bureau, should be set-up.

SHRI B. SATYANARAYAN REDDY: You have said that expenses on marriage should not be exceed man's income. Since Tatas, Birlas and other rich families earn crores of rupees per annum so they will be entitled to spend huge sums. Actually, we want to curb them.

SHRI C.K. GARG: But I have also emphasized that the ceiling on expenses should be Rs. 3.000. In Rs. 3,000 a reasonable ceremony can be celebrated.

SHRI B. SATYANARAYAN REDDY: So far as your first statement is concerned it does not have any importance. You had said, if a man's income is Rs. 6,000 and only if expenses exceed Rs. 6000 it should be taken as dowry.

SHRI C.K. GARG: The question of Rs 6000 is not there. For example a person is earning Rs. 1000 per month. Will his capacity help him to amass Rs. 1 lakh?

SHRI B. SATYANARAYAN REDDY: We want concrete suggestions for amendment in the Act. The present Act is there. We want to amend it. Definition of dowry is there in the Act. So, what is your concrete suggestion for the definition of dowry? Kindly let us know what exact definition of dowry should be. Of course you have said a ceiling of Rs. 3.000 must be there.

Secondly, what should be the position of all those presents, gifts in the shape of cash, ornaments, properties Even the brothers and friends may like to give something to the girl. So, what should be its position in relation to the girl?

Thirdly you have said that in the case of murder having taken place. automatically the burden should fall on the in-laws and husband.

SHRI C. K. GARG: No, I have said it should fall on the last seen person.

SHRI B. SATYANARAYAN REDDY: The last seen person may be a servant. So it is justified to have this burden on him?

SHRI C.K. GARG: This is the rule of law today in the ordinary criminal law. The person who was last seen, he has to explain.

SHRI B. SATYANARAYAN REDDY: Any how the punishment is life imprisonment. And you have said all cases should not be referred to the special courts So. do you think in the cases relating to dowry, there should be difference in between one type of a case and another type?

SHRI C.K. GARG: So far as the ceiling part is there it has got to be defined. If I say Rs. 1000. what I mean is his potential of saving is Rs. 1000.

SHRI B. SATYANARAYAN REDDY: Hypothetical suggestions would not help us.

SHRI C.K. GARG: If he has a potential of saving Rs. 1.000, then he can spend Rs. 1000.

Secondly, it is said that particular presents coming at the time of the marriage will not be counted as dowry. According to me this explanation part must be deleted, so that presents also become part of the dowry.

The witness then withdraw.

XII. Miss Shameem Akhtar

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

कुमारी शमीम अख्तर : जब कोई अपराध होता है तो पुलिस को टेलीफोन करता है । इसी तरह से कोई ऐसी सैल होनी चाहिए, या स्पेशल मोबाइल कोर्ट होनी चाहिए जो ऐसे मामलों को तहकीकात करे । जहां कोई देख रहा है कि दहेज लिया जा रहा है और उसकी सूचना देता है कि दहेज डिमाण्ड की जा रही है तो यह बर्डन उस स्पेशल मोबाइल कोर्ट का ही हो कि वह तहकीकात करे । ऐक्ट के इम्पलीमेंटेशन के लिए अलग मशीनयी का सैटअप होना चाहिए । ब्लाक लेबिल से ले कर जिला लेबिल तक जिस से लोगों के दिमाग में मनोवैज्ञानिक रूप से बात आएगी इसको काग्नीजेबल ना-बैलेबिल और ना-कम्पाउन्डेबिल आफ़ेंन्स बनाया जाना चाहिए । सजा 6 महीने से 5 साल तक हो सकती है, यह मजिस्ट्रेट के डिस्क्रीशन पर है । किन्तु सजा को जुर्माने में कतई न बदला जाये । प्रापर्टी राइट्स महिलाओं को भी समान रूप से हों । बहू का मर्डर हो जाता है तभी केस सामने आता है । किन्तु उस से पहले उसके साथ, ससुर जो मानसिक यंत्रणा देते हैं, मेंटल टोर्चर करते हैं, वह भी आफ़ेंस माना जाय और पनिशेबिल हो ।

मेरी राय में बिना मजिस्ट्रेट की इजाजत के और वारन्ट के बिना भी अभियुक्त को पकड़ा जाना चाहिए । स्टेट गवर्नमेंट की परमीशन की जरुरत नहीं होनी चाहिए । दहेज पर खर्च करने के लिमिटेशन के बारे में कहा गया है । अगर कोई लिमिट बांध देंगे तो उस से गरीब आदमी को पुलिस ज्यादा परेशान करेगी । इसलिए जो वर्तमान व्यवस्था है उसको रहने दिया जाये । दहेज देने या खर्च पर लिमिट बांधने से और बुराइयां पनपेंगी । जो प्रेजेन्ट्स और गिफ्ट्स हैं उनको दहेज में शामिल किया जाये ।

मेरा कहना यह है कि सामाजिक जागृति से ही कानून बनता है । यह इस ऐक्ट से हट कर बात होगी अगर मैं यह कहूं किससुराल में बहू के सामने ऐसी परिस्थितियां उपस्थित कर दी जाती हैं कि वह आत्महत्या कर लेती है । शादी हुई और उसके 5 महीने बाद आत्महत्या कर ली. सुसाइड करने के लिए बहू को परेशान किया जाता है और इसके लिए मेरा कहना यह है कि इस तरह की बातें जो लोग करते हैं, उनको उनके आफ़ेंस के हिसाब से सजा दी जाए । इस के बारे में सोचा जाना चाहिए ।

इसके अलावा मैं सुझाव देना चाहता हूं कि डाउरी को डाइवोर्स का आधार माना जाए । डाउरी के जो केस होते हैं और कोर्ट में जाते हैं उनको डिसाइड करने के लिए कोई लिमिट होनी चाहिए और वे 5–5 साल और 10–10 साल तक चलते रहते हैं ।

थोड़े समय के बाद इनकी गंभीरता खत्म हो जाती है और इस के लिए कोई मोबाइल कोर्ट की व्यवस्था हो, जिस से थोड़े समय के अन्दर ही ऐसे कैसेज को निपटाया जा सके।

प्रोहिबिशन आफ़ डाउरी एक्ट जो बना हुआ है, उस की जानकारी पढ़े-लिखे लोगों को भी नहीं है। इसके बारे में लोगों को ज्यादा से ज्यादा जानकारी हो, इसके प्रयास किए जायें और बच्चों को जो शुरू में शिक्षा दी जाती है, उन में ऐसी कथाएं होनी चाहिए जिन में यह दिया हो कि दहेज के कारण फ़लां लड़की को मार दिया गया और दहेज की बुराई को उस में दिखाना चाहिए। इस तरह के पाठ्यक्रम पुस्तकों में हों, जिस से बच्चों को शुरू से ही इस बुराई का पता लगे और वे अपनी मैन्टेलिटी को बदलें। यह काम एक या दो साल में नहीं होता बल्कि उस में जैनेरेशनस लग जाती हैं। इसके अलावा मैं यह कहूंगी कि विवाह का अनिवार्य पंजीकरण होना चाहिए।

सभापति महोदय: धन्यवाद। आप ने बहुत अच्छे सुझाव दिए हैं।

(The witness then withdraw.)

XIII.—Shrimati Lata Mohan

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती लता मोहन: मैं व्यक्तिगत रूप से ही कुछ कहना चाहती हूं। 1961 के डाउरी एक्ट में संशोधन करने के लिए जो यहां पर यह समिति आई है, उस के माननीय सदस्यों का मैं स्वागत करती हूं। यह एक बहुत सराहनीय काम इस समिति ने किया है और आप ने जो मुझे इस पर बोलने का मौका दिया है, उस के लिए मैं आप को धन्यवाद देती हूं।

मेरा पहला सुझाव यह है कि शादी के खर्चे पर सीलिंग लगाई जानी चाहिये। यह जो समस्या है, यह मध्यम वर्गों की समस्या है और जो बहुत गरीब लोग हैं, छोटे लोग हैं, उनमें यह उतनी गंभीर समस्या नहीं है। इसलिये मेरा सुझाव यह है कि शादी के खर्च की सीमा 15 हजार रुपये हो, जिसमें उपहार भी शामिल हों। इस में डैफिनीशन में जो एक्सप्लेनेशन है, उस के अनुसार अगर गिफ्ट इन कंसिडरेशन आफ मैरिज नहीं है, तो वे डाउरी में नहीं आयेगें। मेरा कहना यह है कि उन को भी डाउरी में शामिल किया जाना चाहिए और मैं शादी के खर्च की लिमिट 15 हजार रुपये प्रोपोज करती हूं और जो दूसरे खर्चे है, उनकी लिमिट 5 हजार होनी चाहिये। इससे बेसिकली डिस्प्ले आफ वैल्थ जो शान व शौकत के लिये होता है, वह नहीं होगा। आज तो होता क्या है कि अपनी शान दिखाने के लिये एक होड़ सी लगी हुई है। और दिखावे के लिए बहुत सा रुपया फिजूल खर्च किया जाता है। दिखावे को कम करने के लिये मेरा यह सुझाव है कि शादी दिन में की जानी चाहिये।

इससे रोशनी और सजावट पर जो 25-30 हजार रुपया खर्चा होता है, वह बच सकता है । बैंड-बाजे को भी बन्द किया जाना चाहिये ।

बड़ी बड़ी मैरिज पार्टी वाले जो टेंट लगा कर सड़कों को ब्लाक कर लेते हैं, इसको बन्द किया जाना चाहिये और सड़कों पर टेंट लगाने की परमीशन नहीं देनी चाहिये । हम यह देखते हैं कि एम० पीज० लेजिस्लेटर्स और बड़े बड़े अफसर इस सब को देखते रहते हैं लेकिन उस को करेक्ट करने का प्रयास नहीं करते । मेरी अपनी मान्यता यह है कि हम जो कानून बनाते हैं उसमें कुछ न कुछ लूपहोल ऐसा छोड़ देते हैं, जिससे कानून को फ्लाउट करने की गुंजाइश रहती है । इसमें जो एक्सप्लेनेशन 1 दिया हुआ है, उसमें डाउरी को बढ़ावा देने की गुंजाइश है ।

सभापति महोदय : आप का कहना यह है कि एक्सप्लेनेशन 1 को निकाल देना चाहिये ।

श्रीमती लता मोहन : जी हां । गिफ्ट डाउरी में शामिल होने चाहिये और उनकी लिमिट 5 हजार रुपये हो । इसके अलावा हर मैरिज का रजिस्ट्रेशन होना चाहिये ।

एक बात और कहना चाहती हूं और यह डाउरी से हट कर बात हो सकती है कि प्रथम स्त्री के रहते हुये किसी भी हालत में दूसरे विवाह की अनुमति नहीं होनी चाहिये जैसे धर्मेन्द्र ने हेमा मालिनी से शादी कर ली ।

मैरिज पार्टी का नम्बर तय हो जाना चाहिये । दहेज लेने और देने वाले दोनों का सजा होनी चाहिए । एक फलाइंग स्कुयेड होना चाहिये जोकि यह देखे कि कहां पर डाउरी दी जा रही है । आप को मशीनरी को अच्छा बनाना पड़ेगा और उसको सब लोगों के खिलाफ शीघ्र कार्यवाही करनी होगी । यह नहीं होना चाहिये कि जो बड़े अफसर हैं या सम्मानित सदस्य हैं, उन को छोड़ दिया जाय और छोटे लोगों को पकड़ लिया जाय जैसे फूड एडलट्रेशन एक्ट के अन्तर्गत बड़े-बड़े मिल-मालिकों और मैनू-फेक्चरर्स तो साफ बच जाते हैं लेकिन जो पेटी शाप-कीपर्स हैं, वे पकड़े जाते हैं । फलाइंग स्क्वैड होना चाहिये, डिस्ट्रिक्ट लैवल पर डाउरी आफिसर होना चाहिये । मेरा मतलब एग्जीक्यूटिव मशीनरी से है जिसको हम इत्तिला करें, जिसके कंट्रोल में फलाइंग स्क्वैड होना चाहिये और उसके पास केस भी रजिस्टर करवाये जा सकें । राज्य की पूर्व स्वीकृति का क्लाज हमारी समझ में तो नहीं रखना चाहिये । वह हटा देना चाहिये । राज्य की स्वीकृति की कोई आवश्यकता नहीं है ।

वर एवं वधू पक्ष के द्वारा एफीडैविट देना अनिवार्य कर दिया जाये कि दहेज न दिया गया है, न लिया गया है । मैरिज की इत्तिला होनी चाहिये । यह सही है कि हमारा देश बहुत बड़ा है, हरेक की इत्तिला करना बहुत मुश्किल है लेकिन डिस्ट्रिक्ट मजिस्ट्रेट को इत्तिला मिले कि यह मैरिज हो रही है । वह वहां अपना एक अफसर भेजे जो सब बातों पर ध्यान रखे ।

इसका रूट काज हमारी समझ में स्त्री-पुरुषों की असमानता है । हमारे देश में महिला प्रधान मंत्री हैं, महिला लैजिस्लेटर्स हैं, लेकिन उनके होने से सामान्य समानता हो, यह आवश्यक नहीं है । जो सो-काल्ड प्रोगेसिव्ज हैं, प्रगतिवादी हैं, रैडिकल्स हैं, वह अपने परिवारों में महिलाओं को, लड़कियों को सैकेन्डरी पर्सनल के रूप में ट्रीटमेंट देते हैं । उनको बराबर का स्थान प्राप्त नहीं है । हमारी डिक्शनरी में भी यह बराबरी नहीं है । पत्नी के लिये तो लिखा है पतिव्रता और पुरुष के लिये हैन-पैक्ड लिखा है । शादी के बाद पत्नी को

अगर यातनायें या यंत्रणायें दी जाती है और पति यदि उसका साथ देता है तो उसको जोरू का गुलाम कह दिया जाता है।

भारत में यदि को-एजूकेशन जारी रहे तो उनका आपस में कांट्रेक्ट हो जायेगा और वे स्वयं मैरिज कर लेंगे। इससे इस प्रथा का हल हो सकता है।

श्री सत्यनारायण जटिया : फलाइंग स्क्वैड जब आयेगा तो वहां कैसा दृश्य बनेगा, यह बतायें ?

श्रीमती लता मोहन : यह तो मानकर चलते हैं कि नगरों में सारे के सारे बेईमान नहीं होत, लेकिन कुछ होते भी हैं। मगर कहीं न कहीं तो कुछ करना होगा।

श्री सत्यनारायण जटिया : 15 हजार की अगर किसी की क्षमता नहीं है तो ?

श्रीमती लता मोहन : पीपल्स रिप्रैजेन्टेटिव एक्ट में भी एक राशि लिखी हुई है, कि चुनाव में इतना खर्च कर सकते हैं, लेकिन क्या ऐसा होता है ? सब जगह ज्यादा खर्च होता है।

मैंने जानबूझकर यह सोचा है कि यह 15 हजार वाली बात बीच का रास्ता है। मेरा तो यहां तक भी कहना है कि एक भी रुपया खर्च नहीं किया जाना चाहिये, लेकिन कुछ न कुछ रास्ता ऐसा होना चाहिये।

श्री सत्यनारायण जटिया : कुमकुम लगाकर भी विवाह किया जा सकता है।

(The witness then withdrew)

XIV. Dr. Ujala Arora

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

डा० उजला अरोड़ा : मुझे आपकी प्रश्नावली मिली, इसके संबंध में मैंने कुछ सुझाव लिखे हैं और कुछ जवानी भी है जोकि मैं यहां कहना चाहती हूं।

आजकल सामाजिक परम्पराओं में धीरे धीरे बहुत बदलाव आया है। पहले शादी के लिये बेटियां मांगी जाती थीं, भावना यह होती थी कि वह हमारे घर को चलाने वाली हो। हमने ऐसे उदाहरण सुने हैं कि पहले झोली पसार कर बेटी मांगी जाती थी कि हमारे लिये, अपनी बेटी दे दो, घर चलेगा, बड़ी कृपा होगी। अब यह दशा बन गई है कि बेटी घर में बोझ बन गई है। आजकल बहुत बड़ी उम्र तक बेटियों की शादी नहीं हो पाती है। यह जो शर्त जोड़ दी गई है कि दहेज इतना ही देना है, यह बिल्कुल समाप्त होना चाहिये। मेरा सुझाव है कि इसमें कोई सीमा होनी ही नहीं चाहिये। जो चीज अपने आप में बुरी है, उसके लिये सीमा बांधकर कह दें कि 10 हजार या 15 हजार या 20 हजार दें तो यह बात ठीक नहीं है। जब हम किसी चीज के लिए निषेध करने चले हैं तो हम यह क्लाज उसमें

क्यों रखें ? लड़की को इतना सम्मान हमें समाज में दिला देना चाहिए कि लोग लड़कियों को पुनः मांगने के लिए तैयार हो जायें। आज कल स्थिति यह है कि लोग समझते हैं कि लड़की घर का सारा साज-समान लेकर आए और साथ में बैंक-बैलेंस भी लेकर आये। जिस समय हमारी शादी हुई थी, उस समय सोफ़ा सैट, रेडियों चले ही चले थे, लेकिन अब तो सोफ़ा सैट, रेडियां, गौडरेज की अल्मारी, टी० वी० और घर की पूरी सज्जा और सामान लेकर लड़की आये, यह आशा की जाती है। यह बहुत बड़ी बात है। मेरी राय में इसका सम्मान नहीं करना चाहिए।

आज धनी लोग जो चाहें सो दे सकते हैं और उन्हीं लोगों ने आज के समाज को बिगाड़ा है। उन्होंने समाज के शेष निर्धन वर्ग के लोगों को ऐसे स्थान पर लाकर खड़ा कर दिया है कि छोटे लोगों की बेटियों की शादियां हो ही नहीं। हमें इस बारे में गंभीरता से चिन्तन करने की जरूरत है। इसलिए मैं तो यह चाहती हूं कि दहेज को बिल्कुल समाप्त करें, इस को मान्यता ही न दी जाये। जो इस को न माने उस के लिए कानून में ऐसी व्यवस्था होनी चाहिए कि वह दण्डित किया जाये। दण्ड देने की क्या प्रक्रिया हो—इस को आप देखिए, मैं उस के टैक्नीकल पक्ष में नहीं जाना चाहूंगी।

जो पुरूष अपनी पत्नी पर दहेज के लिए अत्याचार कर चुका हो, उत्पीड़ित कर चुका हो, उस के द्वारा पत्नी को मार डाला गया हो, ऐसे व्यक्ति की कभी दोबारा शादी नहीं होनी चाहिए, इस के लिए कानूनी बन्धन होना चाहिए कि वह समाज में पुनः लड़की प्राप्त न कर सके।

यदि सुसराल वाले दहेज के आधार पर लड़की को बहुत दिनों तक न बुलायें तो लड़की को तलाक लेने का अधिकार हो तथा लड़की को पर्याप्त निर्वाह भत्ता मिलना चाहिए।

श्री सत्यनारायण जटिया : क्या इसमें कोई समय की सीमा होनी चाहिए ?

डा० उजला अरोड़ा : पहले तीन, साल की समय सीमा बांधी गई थी तीन साल तक कोर्ट में केस नहीं लेते थे, लेकिन बाद में देखा गया कि कई मामलों में तलाक बहुत रीजनेबिल था, लेकिन नहीं दिया गया। कई जगह ऐसा भी हुआ है कि मामला टूट कर जुड़ गया, लेकिन अधिकांश में ऐसा नहीं हुआ। इसलिए अधिक समय की सीमा रखने की आवश्यकता नहीं है, तीन-चार महीने तक देखा जा सकता है। ज्यादा समय रखने से अत्याचार और उत्पीड़न बढ़ता जाएगा।

मेरा एक सुझाव यह है कि इसको नानबेलेबिल अपराध माना जाये। दहेज के बारे में जब कोई सूचना मिले तो बिना वारन्ट के गिरफ़्तार किया जाय और इसको नान-बैलेबिल आफ़ेन्स माना जाए। इस किस्म के मुकदमें सरकार खुद लड़े, खुद इस्तगासा पेश करे, बजाय इसके कि मां-बाप कचहरी में जाकर अपने पैसे से मुकदमा लड़ें।

एक सुझाव यह है कि जिस तरह से श्रम सम्बन्धी ट्रिब्यूनल के सामने मजदूरों के प्रतिनिधियों को एपिअर होने की इजाजत होती है उसी तरह से इस तरह के केसेज में सामाजिक संस्थाओं के प्रतिनिधियों को भी सरकार के साथ एपिअर होने की इजाजत होनी चाहिए।

एक परामर्शदात्री समिति राज्यस्तर पर, जिलास्तर पर तथा पंचायतस्तर पर बना दी जाय तो इससे बहुत लाभ हो सकता है। इस तरह की समिति में गैर-सरकारी लोगों को अधिक संख्या में रखा जाय, सचिव के रूप में सरकारी प्रतिनिधि को रख सकते हैं। इस तरह की समितियों में सदस्यों की संख्या 11 या 7 निश्चित की जा सकती है।

ऐसे मामलों में साक्ष्य का मिलना बहुत कठिन हो जाता है। यदि कड़ाई से नियम का पालन किया जाय तो साक्ष्य देने से हट भी सकते हैं। इसलिए मेरा सुझाव है कि बहुत कड़ाई का प्रयोग न किया जाय तथा इस काम के लिए विशेष रूप से महिला कोर्ट्स की स्थापना की जाय, जिससे महिलाएं महिला के सामने अपने दुख-दर्द को बिना झिझक के प्रकट कर सकें। इसमें केवल दहेज के मामले ही न लिए जायें, इससे संबंधित अन्य मामले भी जसे मानसिक उत्पीड़न उस तरह के केसेज को भी लिया जाय। कई दफ़ा लड़की के सुसराल वालों द्वारा शारीरिक यंत्रणा दी जाती है—ऐसे केसेज में लड़की महिला कोर्ट के सामने बिना डर के बयान दे सकती है। उस बयान को कोर्ट जरूरी समझे तो गोपनीय भी रख सकती है। साक्ष्य की सुरक्षा का प्रबन्ध भी होना चाहिए।

शादी का पंजीकरण होना चाहिए। पंजीकरण के समय लड़की तथा लड़के के मां-बाप द्वारा एफ़िडैविट दिया जाना चाहिए कि दहेज दे रहे हैं या नहीं दे रहे हैं।

सरकार की तरफ़ से दहेज विरोधी प्रचार के लिए हर तरह की सामग्री उपलब्ध कराई जाय और सामाजिक संस्थाओं की कोई कमेटी बना कर उनको इस काम को करने का अवसर दिया जाना चाहिए।

जहां सामूहिक विवाह किए जाते हैं उनको मान्यता दे कर उनका प्रसार तथा प्रचार किया जाय। लोग इस प्रथा को बुरा तो कहते हैं लेकिन जब उनका समय आता है तो आगे बढ़ कर करते हैं। इसलिए इस प्रथा को रोकने में सामूहिक विवाहों से बहुत सहायता मिल सकती है। मैंने जयपुर में देखा है—वसन्त पंचमीं के दिन हरिजनों में सामूहिक विवाह होते हैं जिन पर बहुत कम खर्चा होता है। मैं चाहती हूं कि इस तरह की व्यवस्था राजकीय लेविल पर होनी चाहिए।

मैं यही सुझाव देना चाहती थी। आपको बहुत धन्यवाद।

(The witness then withdrew)

XV.—Kumari Indra Mayaram

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

कुमारी इन्दिरा सायाराम : माननीय चेयरमैन साहब, आपके क्वेश्चनेअर के सम्बन्ध में मुझे दो बातें कहनी हैं— पहली तो लैजि लेशन के चेन्ज करने के बारे में दूसरी लैजि लेशन के एनफ़ोर्समेंन्ट के बारे में।

सबसे पहली बात तो यह है कि शादी का रजिस्ट्रेशन जरुर होना चाहिये और उस मौके पर लड़की तथा लड़की के पिता, लड़का तथा लड़के के पिता द्वारा शपथ-पत्र दिया जाय कि वे शादी में क्या दे तथा ले रहे हैं।

रजिस्ट्रेशन आफ़ मैरिज कम्पलसरी होना चाहिए। सजा का प्रावधान कम है। मेरी मांग है कि इसके लिए सख्त सजा होनी चाहिए। जैसे मर्डर के लिए सजा है वही सजा इस अपराध के लिए भी होनी चाहिए। ससपिशस सर्कमस्टांसेज को देखते हुए मर्डर की सजा मिलनी चाहिए इस अपराध के लिए 3 महीने पहले हमारे यहां चौबों में सास ने बहू को गर्म पानी डाल कर मार डाला। इसलिए ऐसे जघन्य अपराध के लिए सख्त सजा मिलनी चाहिए।

मरने के बाद तो केस का पता चल जाता है, लेकिन उसके पहले जो लड़की को तंग किया जाता है उसकी कोई सूचना किसी को नहीं मिलती है। इसलिए अगर लड़की को तंग करते हैं तो उसकी भी काग्नीजेंस लेनी चाहिए और इस आफ़ेंस को काग्नीजेबिल बनाना चाहिए।

इन केसेज के लिए अलग कोर्ट्स बनाये जायें या जूरी नियुक्त की जाय। अन्तर्जातीय विवाह करने वालों को प्रोत्साहन मिलना चाहिए।

सभापति महोदय : हमारे यहां हरिजन से शादी करने के लिए ब्राह्मण को 5,000 रु और जमीन दी गई। इस लालच में शादी कर ली और उसके बाद लड़की को मार दिया।

कुमारी इन्दिरा सायाराम : पाठ्यक्रम में इसको शामिल किया जाय ताकि बच्चों में चेतना पैदा हो।

(The witness then withdrew)

XVI.—Dr. Malti Gupta

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप संक्षेप में अपने विचार व्यक्त करें।

डा० मालती गुप्ता : मेरी राय में कानून से तो कुछ होना नहीं है, अगर अन्तर्जातीय विवाह एनकरेज किये जायें तो यह अभिशाप दूर हो सकता है।

श्रीमती अमिला दण्डवते : आपका कानून पर बिल्कुल विश्वास नहीं है, या मौजूदा कानून पर विश्वास नहीं है ?

डा० मालती गुप्ता : मेरा कानून पर तो विश्वास है, लेकिन मौजूदा कानून पर विश्वास नहीं है ।

(The witness then withdrew)

XVII.—Shri Mukthi Lal Modi.

(The witness was called in and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence the Chairman shall make it clear to the witnesses that their evidence shall be treated as public, and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidenetial such evidence is liable to be made available to the Members of Parliament."

आप संक्षेप में अपने विचार व्यक्त करें । जो बातें कह दी गई हैं उनको दोहरायें नहीं ।

श्री मुक्ति लाल मोदी : इस कानून में जब तक यह प्रावधान नहीं करेंगे जो भी चुना हुआ व्यक्ति है चाहे सरपंच हो, पंच हो, एम० एल० ए० हो या एम० पी० हो वह इत्तिला करे कि यहां डाकरी ली जा रही है तभी पुलिस उस पर ऐक्शन लेगी । मामूली आदमी की बात कोई नहीं सुनता है लेकिन चुने हुए जो लोग हैं उनकी बात पुलिस और तहसीलदार आदि सुनने से इन्कार नहीं कर सकते ।

सभापति महोदय : आप लिख कर अपने सुझाव दे दें, तो अच्छा होगा ।

श्री मुक्ति लाल मोदी : मैं आपका ज्यादा समय नहीं लूंगा । मेरा एक सुझाव यह है कि हर तहसील में एक मैजिस्ट्रेट होना चाहिए और उसक सारे अधिकार होने चाहिएं । तहसील में जो मैजिस्ट्रेट हो, वह इन मामलों को सुने ।

एक मेरा सुझाव यह है कि बाल विवाह कानून, सी० आर० पी० सी०, पंचायत एक्ट, आपरेटिव सोसाइटीज़ एक्ट और इससे सम्बन्धित दूसरे कानूनों में आप तब्दीली नहीं करेंगे और इस कानून से उनको नहीं जोड़ेंगे, तब तक आप का डाउरी एक्ट सक्सेसफुल नहीं होगा । होता क्या है कि पार्लियामेंट से या एसेम्बली से जो कानून बनता है, उसमें कुछ ऐसी खामी रह जाती है, जिसकी वजह से कोर्ट में जा कर वह फेल हो जाता है । आप इस सारी डाउरी एक्ट को ऐसा बनाइए कि पूरे हिन्दुस्तान में वह लागू हो और उसका पालन अपने आप हो । नीचे से ले कर ऊपर के लेविल तक आप इस को लागू कीजिए और जब तक आप ऊपर वाले लोगों को इसके लिए पावन्द नहीं करेंगे, यह कानून आपका सफल होने वाला नहीं है ।

सभापति महोदय : आपका बहुत बहुत धन्यवाद ।

(The witnesses then withdrew)

XVIII to XXIV

(1) Shri Ram Charan Jain,—*President*

(2) Shri B. C. Sogani—*Vice President*

(3) Shri Bhanwar Lal Jain.

(4) Shri Nathu Lal Jain.

(5) Shri Virdhi Lal Sethi.

(6) Shri K. B. Garg—*Member*

(7) Dr. Sarla Ghiya

(8) Shri Gulab Chandji Dave—*President*

(9) Shri Shyam Lal Sharma—*Member*

(10) Shri Gopal Lal Gupta—*Member*

(11) Shri Hakim Gulam Navi—*Member*

(12) Shri Suresh Mittal—*Member*

(13) Kumari Madhu Tandon

(14) Kumari Kanchan Sharma...

(15) Shri Kailash Chand Sharma

(16) Shri Kedar Nath Trivedi.

(17) Shri Rup Narayan Sharma

(18) Vaid Gopal Dutt Sharma

(19) Shri Bhagwan Sahay Vashisht.

(20) Shri Surajmal Sharma

(*The witnesses were called in and they took their seats*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where winesses appear before a Committee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to the published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : आपको इस डाउरी एक्ट के बारे में क्या कहना है ।

श्री राम चरण जैन : मेरा कहना है कि केवल मात्र पार्लियामेंट द्वारा कानून पास कराने से इसका उद्देश्य पूरा नहीं होगा । जब तक हम कानून की जानकारी जनता को नहीं देंगे, कुछ नहीं होने वाला है । 1961 में यह कानून बना था लेकिन बहुत से लोगों को इसकी जानकारी नहीं है । इसलिए इस के बारे में लोगों क विभिन्न मीडिया द्वारा जानकारी करानी चाहिए ।

दूसरे मेरा कहना यह है कि एक अलग डिपार्टमेंट इसका हर स्टेट में होना चाहिए जोकि ऐसे केसेज को फालो-अप कर सके । मैरिज का रजिस्ट्रेशन होना चाहिए और इसके लिए एक एजेन्सी होनी चाहिए । गांवों में कितनी शादियां हुई इनकी जानकारी नगर-पालिका के मेम्बर, मैम्बर आफ़ पार्लियामेंट और एसेम्बली के मेम्बर दें । हिन्दुस्तान में शादी अपने आप नहीं होती है । हिन्दुओं में पंडित जी, ईसाईयों में पादरी और मुसलमानों में मुल्ला कराते हैं । ग्राम पंचायत से ले कर डिस्ट्रिक्ट लेबिल तक इन लोगों पर यह जिम्मेदारी डाली जाए कि वे अपने यहां शादियों की जानकारी सरकार तक पहुंचाएं । ऐसा प्रावधान कानून में होना चाहिए । इससे डाउरी एक्ट का इम्लीमेंटेशन करने वाले जो अफ़सर हैं, उनके पास कम्पलीट रिकार्ड उपलब्ध रहेगा कि कितनी शादियां हुई हैं ।

जो लोग डाउरी लेते हैं और उसके कारण लड़की की मृत्यु हो जाती है, ऐसे लोगों को सख्त सज़ा देनी चाहिए। हमारे इस सभा के जो वाइस प्रेसीडेंट हैं, उन की लड़की ने तीन साल हुए आत्महत्या डाउरी की वजह से कर ली थी । वह रेल से कट कर मर गई और जयपुर के समाचार-पत्रों में यह मामला आया था । पुलिस ने इस केस में कुछ नहीं किया । जिस लड़के से उस की शादी हुई थी, वह लड़का मैडीकल कालेज के प्रिंसिपल का रिलेटिव था । मैं जब वहां पहुंचा, तो पोस्टमार्टम हो चुका था और लाश भेजी जा चुकी थी । आप

य ह देखें कि ऑर्डीनरी सूसाइड का जो मामला होता है, तो उस में 5–6 घण्टे पहले पोस्ट-मार्टम नहीं होता है लेकिन उसमें बहुत जल्दी पोस्ट-मार्टम कर दिया गया । मेरा कहना यह है कि कानून में कोई ऐसा प्रावधान होना चाहिए कि पुलिस ऐसे मामलों में अपने आप इण्टर-फिरेन्स कर सके और उस में किसी के रिपोर्ट करने की जरूरत न हो ।

मैं यह भी सुझाव देना चाहूंगा कि जो वालेंट्री आर्गेनाइजेशन्स इस कार्य को कर रही हैं, उन को बचाने का भी कुछ प्रावधान कानून में रहना चाहिए । इस के अलावा यह कहूंगा कि केवल मात्र सरकारी एजेन्सी ही इस काम के लिए काफी है, ऐसा नहीं हो सकता । इस काम के लिए वर्ल्ड के जो स्वयंसेवी संस्थाएं हैं उनको भी रिकगनीशन दिया जाना चाहिए और कानून से उन को कुछ इन्सेंटिव दिया जाए । संजय जी के समय में इमर्जेन्सी के टाइम पर हम लोगों ने गांव-गांव पहुंच कर लोगों से शपथ पत्र भरवाए थे कि दहेज नहीं लेंगे और हज़ारों की तादात में ऐसे शपथ-पत्र युवकों ने भरे थे और इस की बहुत सी समाचार-पत्रों की कटिंग्स मेरे पास हैं । डाउरी को ले कर बहुत सी लड़कियों ने आत्म-हत्या की है, यह आपने भी पढ़ा होगा ।

श्री सत्यनारायण जटिया : यह कानून ठीक है ।

श्री राम चरण जैन : उस में कमियां हैं । 'दहेज' का मतलब क्या है । 'दे' का मदलब 'देना' और हेज' का मतलब 'अपनी इच्छा से' । इस तरह से जो स्वेच्छा से दिया जाए, वह दहेज है लेकिन अब स्थिति बदल गई है ।

सभापति महोदय : हम सब देख रहे हैं, लेकिन हमारी लिमिटेशन्स हैं, जितनी हमारी शक्ति है, उसी के मुताबिक हम काम कर सकते हैं । मैं आपकी बातों को पूरी तरह समझती ही नहीं हूं, बल्कि रोज देख रही हूं । आप बताइये कि इस बिल के सम्बन्ध में क्या किय जाये, जिससे यह कारगर साबित हो ।

हम यह जानना चाहते हैं कि डाउरी प्राहीबीशन एक्ट जो 1961 में बना था वह फेल क्यों हुआ ? आप सैक्शन वाइज यह बतायें कि डैफिनिशन में परिवर्तन होना चाहिए या नहीं , स्पेशल कोर्ट्स बनने चाहियें या नहीं ? रजिस्ट्रेशन आफ मैरिज होनी चाहिए या नहीं ? आपके हिसाब से, आपके विचारों से क्या कुछ होना चाहिए और क्या नहीं होना चाहिए ?

मेरा आपसे अनुरोध है कि आप स्पीच मत दीजिए जो आपके उपयुक्त सुझाव हो सकते हैं वह ही दीजिए । आप यह बताइए कि डाउरी की बुराई से कैसे बचा जाये ।

श्री राम चरण जैन : मेरा दो शब्दों में निवेदन है कि जो नियम हैं, उनकी इम्पलीमैंटेशन के लिए मशीनरी अवश्य होनी चाहिए । इसके आलावा इस के लिए आपको अलग डिपार्टमेंट कायम करना चाहिए । हमारे यहां डाउरी प्राहिबीशन के लिए अलग एजेन्सी नहीं है ।

सभापति महोदय : हमारी स्टेट में है, बिहार में है ।

श्री राम चरण जैन : हमारे यहां राजस्थान में नहीं है ।

सभापति महोदय : जो क्वैश्चनेयर है, उसके बारे में बताइए ।

श्री राम चरण जैन : डाउरी के सम्बन्ध में एक अलग सैल कायम होना चाहिए । पंचायत लैवल का भी एक्ट में प्रावीज़न होना चाहिए । इसकी इन्फ़ार्मेशन डिस्ट्रिक्ट लेवल पर भी होनी चाहिए । डाउरी में एंगेजमैंट से लेकर शादी तक का सभी खर्चा शामिल किया जाये और लिमिट 5 हजार तक रखी जाये ।

जहां पर इस प्रकार के ओफेन्सेज होते हैं, उसमें पुलिस को डायरेक्ट हस्तक्षेप करना चाहिये । इसके लम्बे चौड़े केसेज न हों। इसमें लेडीज को न लिया जाये, जहां पर ऐसे केसेज होते हैं, वहां लेडीज को कभी भी न बुलाया जाये ।

(The witness then withdrew)

XXV. *Akhil Bharatiya Khendelwal, Vaishya Samuhik Vivah Samity.*

Spokesman:

Shri Badri Lal Odd

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री बद्रीलाल ओड : मेरा निवेदन यह है कि कानून से कुछ नहीं होता है । सारी जिम्मेदारी देश के नेताओं की है । जैसा राजा वैसी प्रजा—देश के मंत्रीगण, चाहे केन्द्र सरकार के हों या राज्य सरकार के या एम० पी० और विधायक कोई भी हों, जहां भी वह जायें देश के विकास के साथ-साथ लोगों को दहेज के संबंध में भी जानकारी दें । इसके साथ ही अपने पुत्र-पुत्रियों के विवाह में न दहेज लें और न दें, शादी के मौके पर बड़े बड़े भोजों का आयोजन न हो । जहां ऐसा होता हो, उसका बहिष्कार करें । विवाहों में न प्रैजेन्टस लें और न दें ।

सभापति महोदय : एक्ट के बारे में बताइये, उसमें क्या करें ?

श्री बद्रीलाल ओड : मेरा कहना यह है कि जब अग्रिम पंक्ति में बैठने वाले मंत्री गण, विधायक और दूसरे बड़े लोग ऐसा करते हैं तो आम जनता क्यों न करें ? जब ये लोग बन्द कर देंगे तो दूसरे भी अपने आप बन्द कर देंगे । दिखावे पर रोक लगनी चाहिये । शो और बाजे पर बहुत खर्च हो जाता है ।

सामूहिक विवाहों को प्रोत्साहन मिलना चाहिये उसमें दहेज की कोई परम्परा नहीं होती है । इस प्रकार से गवर्नमैंट के कानून के मुताबिक कम से कम खर्च में शादी होगी और लोगों को बड़ी राहत मिलेगी । मैं समझता हूं कि वधू ही दहेज है । इसके बारे में और आगे नहीं जाना चाहिये कि कितना लिया जाये और कितना दिया जाये । दहेज के लालचियों को वधू को परेशान करने पर एक वर्ष की सख्त सजा तथा जान से मारने पर आजीवन कारावास की सजा होनी चाहिये ।

(तत्पश्चात् बैठक की कार्यवाही समाप्त हुई ।)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSE TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Tuesday, 1 June, 1982 from 10.30 to 13.40 hours in Conference Hall, Secretariat Building, Jaipur.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Pramila Dandavate
5. Shrimati Mohsina Kidwai
6. Shrimati Sanyogita Rane

Rajya Sabha

7. Dr. (Smt.) Sathiavani Muthu
8. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE COUNSEL)

Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I *Rajasthan State Social Welfare Advisory Board.*

Spokesmen:

(1) Shrimati Nagendra Bala—*Chairman.*
(2) Shrimati Indira Sharma—*Member.*
(3) Shrimati Shakuntala Shrivastava—*Member.*
(4) Shrimati Kanta Kathuria—*Member.*
(5) Shrimati Bharati Parashar—*Member.*

II *Women's Wing of Rajasthan Congress Committee (I), B-613, Sawai Jai Singh Highway, Jaipur.*

Spokesmen:

(1) Shrimati Pyare Singh
(2) Shrimati Kanta Kathuria Advocate—*Convener.*
(3) Shrimati Gulab Devi

(4) Shrimati Usha Prakash, Ex-MLA, Weir
(5) Shrimati Kusum Sharma
(6) Shri Umrao Jain—Member AICC, Jodhpur.
(7) Shrimati Pushpa Sankhla, Member, AICC, Jodhpur.
(8) Smt. Vimla Mishra, Member AICC Jhun Jhunu.
(9) Smt. Swaranlata Vyas, Member AICC Jaipur City.
(10) Smt. Uma Dadich, Member AICC.
(11) Smt. Chandra Mukhi Dadich, Member AICC.
(12) Smt. Kalawati Sharma

III *Government of Rajasthan, Jaipur.*

Spokesmen:

(1) Shri M. M. K. Wali—*Chief Secretary.*
(2) Shri R. K. Shastri—*Home Secretary.*
(3) Shri R. K. Saxena—*Secretary, Social Welfare.*
(4) Shri G. C. Singhvi—*Inspector General of Police.*
(5) Shri G. N. Haldea—*Director Social Welfare.*

I. राजस्थान स्टेट सोशल वेलफेयर एडवाइजरी बोर्ड के प्रतिनिधिगण :

1. श्रीमती नगेन्द्र बाला—सभापति
2. श्रीमती इंदिरा शर्मा—सदस्य
3. श्रीमती शकुन्तला श्रीवास्तव—सदस्य
4. श्रीमती कान्ता कथूरिया—सदस्य
5. श्रीमती भारती पाराशर—सदस्य

(The witnesses were called in and they took their seats).

सभापति महोदय : अब सभा की कार्यवाही शुरू की जाती है ।

मैं आप सभी का संसद की संयुक्त समिति के समक्ष उपस्थित हो कर अपने विचार प्रकट करने एवं साक्ष्य देने के लिये स्वागत करती हूं । इस के साथ ही मैं आप सबको यह भी बताना चाहती हूं कि दहेज प्रतिषेध अधिनियम, 1961, जो प्रारंभ में दहेज लेने तथा देने की परिपाटी को बन्द करने के उद्देश्य से बनाया गया था अपने उद्देश्य की पूर्ति करने में असफल रहा है ।

विवाह योग्य पुत्रियों के माता-पिता को शादी हेतु लड़कों के अभिभावक को दहेज देने के लिये मजबूर किया जाता है । आज कल प्रतिदिन बड़ी संख्या में नव-विवाहित लड़कियां आत्म हत्या करने पर बाध्य होती है या जिन्दा जला दी जाती है ।

इन्हीं सब कारणों से सरकार ने संसद के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्य-कलापों की जांच हेतु गठित की है ताकि दहेज प्रथा के दोषों से भावी रूप से निपटा जा सके । अत: वर्तमान अधिनियम की कमियों को दूर करने संबंधी आप के सुझावों का यह समिति स्वागत करेगी ।

आप साक्ष्य दें इसके पूर्व मैं आप का ध्यान लोक सभा अध्यक्ष के निर्देश में दिये गये निदेश 58 की ओर दिलाना चाहती हूं, जो कि इस प्रकार है :

"जब साक्षी समिति के समक्ष साक्ष्य देने आयें, तो सभापति साक्षियों को

यह स्पष्ट कर देगा कि उनका साक्ष्य सार्वजनिक समझा जायेगा और प्रकाशित किया जा सकता है, जब तक कि वे स्पष्टतः यह न चाहें कि उनके द्वारा दिये गये साक्ष्य का पूरा या कोई अंश गोपनीय समझा जाये । फिर भी, साक्षियों को यह स्पष्ट बता दिया जायेगा कि भले ही वे यह चाहे कि उनका साक्ष्य गोपनीय समझा जाये, वह साक्ष्य संसद सदस्यों को उपलब्ध किया जा सकेगा ।"

1961 का जो एक्ट हम संशोधित करना चाहते हैं उसकी प्रश्नावली हमने, आपको भेजी थी, उम्मीद है आपको मिली होगी । उसका जो उत्तर आप ने दिया होगा वह हमारे पास आ जायेगा लेकिन उसके जो मुख्य बिन्दु है उनके बारे में अगर आप कुछ कहना चाहें तो कह सकती हैं । उसके बाद हमारे सदस्यगण यदि आप से कुछ पूछना चाहेंगे तो पूछेंगे ।

श्रीमती नरेन्द्र बाला : हम सभी लोग यह महसूस करते हैं कि यह कुप्रथा सम्पन्न परिवारों में, पैसे से धनाढ्य परिवारों में तथा बहुत ज्यादा एजूकेटेड फैमिलीज में ज्यादा बढ़ रहीं हैं अगर कोई लड़का उच्च शिक्षा लेने के बाद आर० ए० एस० या आई० ए० एस० या पुलिस सर्विस में आ जाता है तो परिवार वाले बोली लगाने लगते हैं । पैसे की सौदेबाजी टीका से ही शुरू हो जाती । उच्च वर्ग को देखा देखी गरीब परिवार भी परेशान हैं । आम आदमी को रोकने के लिये मत तैयार करने की आवश्यकता है । जैसे ही ट्रेनिंग लेकर बच्चा निकले सरकारी नौकरी में आने के लिये तो उन्हें शपथ दिलायी जाये कि वह दहेज नहीं लेंगे । अगर कोई कर्मचारी इसका उल्लंघन करता है तो उसकी नौकरी टर्मिनेट कर दी जाये कहीं लड़का और लड़की भी चाहते हैं कि दहेज न लिया जाये, लेकिन माता पिता दहेज चाहते हैं । जहां ऐसी रिपोर्ट मिले तो उन बच्चों को संरक्षण मिलन चाहिये शादी करने के लिये, अन्यथा मात पिता के भय से वह बच्चे काम नहीं कर पाते हैं । प्रदर्शन बहुत होने लगा है दहेज का । बैकवर्ड इलाके में जहां शिक्षा का अभाव है इसका बुरा प्रभाव पड़ता है इसलिये दिखावे को रोकने के लिये एक्ट में प्रोवीजन होना चाहिये । शिकायत मिलने पर उसको रोका जाना चाहिये । या तो उसको जब्त किया जाना चाहिये, या किसी प्रकार का परसेंटेज कायम कर के पैनाल्टी इम्पोज की जाये । शिक्षा के पाठयक्रम में इन बातों को ला कर बच्चों को शिक्षित करना चाहिये ।

श्रीमती शकुन्तला श्रीवास्तव : मैरिज का रजिस्ट्रेशन होना चाहिये और दहेज की एक सीमा निर्धारित करनी चाहिये । उस भाग का डिक्लेरेशन किया जाये कितना लड़की का फ़ादर देगा और उस पर टैक्स लगाया जाये और लेने वाले पर भी टैक्स लगाया जाये तब यह मिनिमाइज होगा । 10,000 रु० अगर कोई डावरी देता है तो उस पर लड़की और लड़के वाला दोनों हो टैक्स दें । इससे दहेज में कमी आयेगी ।

सभापति महोदय : दहेज की परिभाषा क्या हो, इस बारे में आप बतायें ।

श्रीमती कान्ता कथूरिया : खंड 2 (ख) में "विवाह" के समय उसके पूर्व या बाद में इसमें "सगाई" को और जोड़ दिया जाय ।

दूसरा सुझाव यह है कि आफ़ेंस नान कगनीजेबिल होना चाहिये और मजिस्ट्रेट के वारन्ट जारी करने के बाद ही कार्यवाही होनी चाहिये ।

डा० राजेन्द्र कुमारी वाजपेयी : क्यों कह रहीं हैं आप कि नान-काग्नीजेबिल हो?

श्रीमती कान्ता कथूरिया : समाजिक दृष्टिकोण से लोगों को काफ़ी परेशानी

बढ़ जाती है । इसलिये मजिस्ट्रेट से परमीशन लेकर के फ़िर वहां पुलिस जाये ।

श्रीमती शकुन्तला श्रीवास्तव : यह जो शो होता है और पैसे का डिमान्सट्रेशन होता है, वह बन्द हो जायगा । दिखावे की वजह से भी यह इविल फ़ैल रहा है ।

श्रीमती मोहसी किदवई : कुछ और लोगों का ख्याल यह है कि मैरिज के खर्च पर लिमिट होनी चाहिये, इसके बारे में आप का क्या ख्याल है ?

श्रीमती शकुन्तला श्रीवास्तव : पाबन्दी लगाने से स्थिति में बहुत फ़र्क नहीं आएगा । हम एक्ट बना देते हैं लेकिन उसका पालन सही रूप में नहीं होता है । लोगों में इस बात की चेतना आये कि डाउरी लेना और देना बुरा है, तभी कुछ हो सकता है । आपने बाल विवाह रोकने के लिये कानून बनाया लेकिन आज भी बाल विवाह हो रहे हैं ।

श्रीमती कान्ता कथूरिया : मेरा ऐसा विचार है कि आप को 5 हजार रुपये की लिमिट लगा देनी चाहिये । आज की महंगाई को देखते हुये मैं समझती हूं कि 5 हजार रुपये की लिमिट कोई ज्यादा नहीं है ।

श्रीमती प्रमिला दंडवते : आप ने चीजें देने के बारे में यह कहा है कि शादी के समय, जो चीजें दी जाती हैं, वे सारी दहेज हैं । इसलिये मैं आप से पूछती हूं कि हिन्दू सेक्शन एक्ट के अन्दर स्त्री धन की डेफ़ीनीशन है और उसमें जो चीज उस स्त्री धन के रूप में जाती है, वह उसी के पास रहती है । इस कानून में जो एक्सप्लेनेशन नं० 1 है, उस में यह है कि जो गिफ़्ट्स इन कंसिड्रेशन आफ़ मैरिज नहीं होंगे, वे डाउरी नहीं माने जायेंगे । क्या आप यह नहीं समझती हैं कि जो टी०वी०, गाड़ी या दूसरी चीजें देंगे, उनको यह कह देंगे कि ये इन कंसिड्रेशन आफ़ मैरिज नहीं है, इसलिये यह डाउरी में नहीं आ सकते । आपका इस डेफ़ीनीशन के बारे में क्या विचार है ? यह गलत है या सही है ।

सभापति महोदय : आप चाहती है कि यह कागनीजेबिल हो । आप नाम-कागनीजेबिल कह कर कन्फ़यूज कर रही हैं।

श्रीमती कथूरिया : जी हां ।

श्रीमती विद्यावती चतुर्वेदी : आप कागनीजेबिल चाहती हैं । पुलिस को अधिकार न हो कर मजिस्ट्रेट के थ्रू वारेंट लाये, तभी एक्शन हो सकता है ।

श्रीमती कान्ता कथूरिया : जी हां । मेरा कहना है कि जुर्माना और सजा दोनों एक साथ होनी चाहिये और इसमें मेजिस्ट्रेट का डिस्क्रिशन नहीं होना चाहिये ।

एक मेरा सुझाव यह है कि लड़की के मरने के बाद अगर वारिस न हो, तो डाउरी मां-बाप को लौटाया जाये और अगर वारिस हो, तो उस को मिले ।

जहां पर 50 आदिमियों से अधिक लोग मौजूद हों, तो उनको समाज से बहिष्कृत किया जाये । इससे भी लोगों में डर पैदा होगा ।

श्रीमती संयोगिता राणे : आप ने कहा है कि इस पर टैक्स लगाया जाये । क्या टैक्स लेकर डाउरी को कंट्रोल किया जा सकता है ?

श्रीमती शकुन्तला श्रीवास्तव : डाउरी जो दी जा रही है, वह अन्डर कम्पलशन दी जा रही है । ऐसे बहुत कम लोग हैं जिन के पास नं० 2 का पैसा होता है और वे उसको शादी में लगाते हैं लेकिन मिडिल क्लास के जो लोग हैं, उनको अन्दर कम्पलशन इसको देना पड़ता है । लड़की भी इंसिस्ट करती है और अपने पेरेन्टस को कहती है कि मुझे टी० वी० दो, गोडरेज की अलमारी दो । जब लड़की यह देखेगी कि टैक्स देना पड़ेगा तो फिर कम्पैल नहीं करेगी । लड़के वाले जो डाउरी लेते हैं, वे इतने संपन्न नहीं होते हैं और अगर टैक्स लगता है, तो उनको परेशानी हो सकती है । होता क्या है कि जब वे

अपने लड़के की शादी करते हैं तो डाउरी मांगते हैं लेकिन जब लड़की की शादी करनी होती है, तो वे एन्टीडाउरी बन जाते हैं ।

श्रीमती संयोगिता राणे : इससे गवर्नमेंट का क्या फ़ायदा होगा ।

श्रीमती प्रमिला इंडवते : मैं यह जानना चाहती हूं कि क्या हरेक मैरिज का रजिस्ट्रेशन होना चाहिये और उस समय एक डिक्लेयरेशन होना चाहिये कि दहेज नहीं दिया ? जो चीजें शादी में दी जाती हैं, क्या उसका भी रिकार्ड बने ताकि जब कभी झगड़ा होता है तो मालूम हो कि कौन सी चीज स्त्री धन के रूप में दी गई थी ? उस के बारे में आपके क्या विचार हैं ।

श्रीमती नगेन्द्र बाला : पहले कभी भी अचल संपत्ति लड़की को दी ही नहीं जाती थी । सोचा जाता था कि जो कुछ भी देना है शादी के वक्त ही देकर लड़की को विदा कर दो । इसमें आया है कि 10,000 तक देना चाहिये । दहेज क मतलब है कि कपड़ा, जेवर को छोड़ कर टी०वी० वगैरह सब दहेज में डैफ़िनिशन में आते हैं ।

श्रीमती प्रमिला दंडवते : शादी में जो चीजें लड़की को दी जाती हैं स्त्री-धन के रूप में क्या वह भी डाउरी में शामिल की जाये ? उसके लिये भी 10,000 क राशि रखी जाये, या बिल्कुल ही न रखें ?

श्रीमती नगेन्द्र बाला : स्त्री धन तो होना चाहिये, लेकिन डाउरी सिस्टम खत्म होना चाहिये । अगर 2 साड़ी भी देंगे तो वह भी डाउरी में ही आ जायग. इसलिये लिमिट करनी पड़ेगी । थोड़ा-बहुत स्त्री-धन के रूप में देते हैं तो देना चाहिये ।

श्रीमती प्रमिल दंडवत : डैफ़िनिशन के बारे में एक्सप्लेनेशन 1 के बारे में आप क्या सोचती हैं ? क्या स्त्री-धन की भी कोई लिमिट होनी चाहिये ?

श्रीमती नगेन्द्र बाला : दहेज बन्द होना चाहिये और स्त्री-धन धन रहना चाहिये । लड़की का कपड़ गहना स्त्री-धन है । बाकी चीजें दहेज में आती हैं ।

श्री बी० सत्यनारायण रेड्डी : आपने कह दिया कि दहेज नहीं होना चाहिये । लेकिन शादी के वक्त कुछ प्रैजेन्ट्स दिये जाते हैं या आप चाहती हैं कि उन प्रैजेन्टस को भी डाउरी में गिना जाये और वह भी न दिया जायें या उनको डाउरी में शामिल न किया जाये ?

श्रीमती नगेन्द्र बाला : उनको डाउरी में शामिल किया जाये । गिफ़्ट दहेज में शामिल नहीं होने चाहियें ।

श्री बी० सत्यनारायण रेड्डी : अगर कोई रिश्तेदार या दोस्त गिफ्ट देता है तो तो वह भी दहेज में ही होना चाहिये ।

श्रीमती नगेन्द्र बाला : 100 रुपये की लिमिट कर दी जाये ।

श्रीमती विद्यावती चतुर्वेदी : पुरानी परम्परायें थीं, कि शादी के वक्त कुछ देते थे । क्या आप उसे दहेज में शामिल करना पसन्द करेंगी जो लड़की को शादी के वक्त तिलक वगैरा में 100, 200 रुपये दे दिये जाते हैं ? जैसे लड़के के दरवाजे पर टीका करते हैं उसको जो दें क्या वह भी दहेज हो ? बाकी वर्तन, कपड़ा, टी०वी० वगैरा दहेज में न होकर क्या स्त्री-धन में शामिल कर सकते हैं ?

जो लड़की को देते हैं, वह लिमिट बांध दी जाये लेकिन जितना सारा सामान देते हैं वह स्त्री-धन के रूप में रजिस्टर हो, इसके बारे में आपका क्या सुझाव है ?

श्रीमती नगेन्द्र बाला : हमारी सामाजिक परम्पराओं के अनुसार मां-बाप लड़की को जेवर-कपड़ा बर्तन देते हैं । इसको स्त्री-धन के रूप में डैफ़िनीशन लिमिट कर के अलग कर दीजिये । दहेज तो वह होता है जो टीके में तिलक के रूप में लाख 50

हजार रुपये दिये जाते हैं। उसकी भी लिमिट होकर डैफ़िनिशन क्लीयर होनी चाहिये। स्त्री-धन की भी लिस्ट हो। लेकिन वह स्त्री-धन लड़की के नाम से हो और लिमिटेशन उसकी होनी चाहिये।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कि जो प्रदर्शन करें, उस पर जो खर्चा होता है, उस पर टैक्स लगा दें। अगर कोई 50 हजार का दहेज देता है है और कम दिखा रहे हैं या बिल्कुल नहीं दिखा रहे हैं तो उस पर टैक्स कैसे लगेगा ?

श्रीमती शकुन्तला श्रीवास्तव : जो स्त्री-धन के रूप में हम डिसाइड करें कि यह लिमिट है उसमें रोजमर्रा के काम में आने वाली चीजें है, कपड़ा, बर्तन, बिस्तर, पंलग वगैरा होता है वह दिये जायें जिसको मानकर चला जाता है कि लड़की की शादी के बाद अगर ससुराल वाले उन्हें अलग कर दें तो रोजमर्रा के जीवन में लड़की को दिक्कत न हो। यह चीजें इसलिये दी जाती है। उनके की लिमिट बांध दी जाये। उस के बाद टी० वी०, फ्रिज या जो दूसरी चीजें दी जाएं उन को दहेज माना जाये।

श्रीमती विद्यावती चतुर्वेदी : इस तरह से तो हम दहेज देना एलाऊ कर रहे हैं। एक तरफ़ तो हम लिमिट रख रहे हैं कि 5 हजार से ज्यादा न हो, दूसरी तरफ़ आप लिमिट से बाहर जा रहे हैं।

श्रीमती शकुन्तला श्रीवास्तव : इस लिए बाहर जा रहे हैं कि जिन के पास दो-नम्बर का पैसा है और जो अपनी लड़की को देना चाहते है वे उस को छिपा कर दे; उस के मुकाबले अगर दिखा कर दें, रजिस्टर करा कर दें तो ज्यादा ठीक रहेगा।

श्रीमती विद्यावती चतुर्वेदी : जिन के पास देने को है वह देता है, लेकिन जिन के पास नहीं है वह कैसे देगा ?

श्रीमती कान्ता कथूरिया : लड़की जो शरीर पर पहने हुए हो जब वह वेदी पर बैठे, वह स्त्री-धन रहे, उस के अलावा स्त्री-धन न रहे।

श्रीमती विद्यावती चतुर्वेदी : टैक्स की प्रतिशत क्या हो ?

श्रीमती शकुन्तला श्रीवास्तव : 100 प्रतिशत।

श्रीमती विद्यावती चतुर्वेदी : आप ने कहा है कि सज़ा और जुर्माना दोनों होना चाहिए और मैजिस्ट्रेट को डिस्क्रीशन पर नहीं छोड़ना चाहिए। इस में सज़ा तो ठीक है, लेकिन अगर कोई 2 लाख रुपये लेता है उस पर 5 हजार रुपये जुर्माना हो जाये तो उस पर कोई असर नहीं पड़ेगा। क्या आप पसन्द करेंगे कि जितना पैसा उस ने लिया हो उस से ज्यादा जुर्माना हो तथा क्या इस का समाज पर कुछ असर पड़ेगा ?

श्रीमती कान्ता कथूरिया : मैं तो सज़ा के पक्ष में हूं, वह मेण्डेंटरी होना चाहिए। जुर्माने का एमाउण्ट महत्वपूर्ण नहीं है।

श्रीमती विद्यावती चतुर्वेदी : आप ने कहा है कि 50 आदमियां से ज्यादा बारात में न आये, लेकिन आप ने देखा होगा कि 10–20 हज़ार रुपया तो सजावट पर, बैण्ड-बाजे पर खर्च हो जाता है — क्या इस में भी कोई लिमिट होनी चाहिए।

श्रीमती कान्ता कथूरिया : उस पर भी पाबन्दी होनी चाहिए।

श्रीमती शकुन्तला श्रीवास्तव : अगर शादी के समय का उस का बिजली और पानी का बिल नामिनल आता है तो ठीक है, लेकिन यदि ज्यादा है तो उस के लिए भी सज़ा का प्रावधान किया जाय।

DR. (SHRIMATI) SATHIAVANI MUTHU: What kind of punishment would you like in both cases, that is, compulsion or otherwise?

SHRIMATI KANTA KATHURIA: In both cases, *viz.*, whether compulsion or otherwise there should be puhishment.

डा० राजेन्द्र कुमारी वाजपेयी : क्या आप मेरी इस बात से सहमत हो सकते हैं कि डाउरी किसी भी फ़ार्म में न दी जाय ?

श्रीमती शकुन्तला श्रीवास्तव : यह लड़की के साथ इनजस्टिस होगा ।

डा० राजेन्द्र कुमारी वाजपेयी : आज लड़कियों का जलाया जाता है, मार दिया जाता है, हज़ारों लड़कियों के साथ इनजस्टिस हो रहा है, थोड़ा से बढ़ते-बढ़ते इतना विकराल रूप धारण कर गया है, आज इस सोशल इविल के खिलाफ़ हम लड़ रहे हैं—क्या इस में मज़बूती से कदम उठाने की आवश्यकता नहीं ? क्या यह एकदम से खत्म नहीं होना चाहिए, किसी भ फ़ार्म में नहीं लेना चाहिए । आज भी बहुत सी कम्यूनिटीज़ हिन्दुस्तान में हैं जिन के यहां बहुत सीध-सादे ढंग से शादियां होती हैं, न स्त्री-धन की ज़रूरत है और न किसी चीज़ की ज़रूरत है । क्या हमारे यहां ऐसा नहीं हो सकता है ? किसी भी फ़ार्म में डाउरी न हो—क्या ऐसा कोई यूनीफ़ार्म पैटर्न सारे देश के लिए नहीं बना सकते हैं?

श्रीमती नगेन्द्र बाला : अगर सारे देश के लिए एक यूनीफ़ार्म पैटर्न हो जाय तो उस से भी बढ़ कर कुछ भी नहीं होगा ।

सभापति महोदय : आई० पी० सी० के प्रावधानों को लागू करने का मुख्य उत्तर-दायित्व पुलिस पर है । क्या आप यह चाहेंगी कि इस अधिनियम को लागू करने का अधिकार पुलिस के पास हो ? यदि ऐसा न चाहें तो क्या स्वयंसेवी संस्थाओं को इस से सम्बन्धित किया जाय तथा स्वयं सेवी संस्थाओं पर आप क्या कन्ट्रोल चाहेंगी, क्योंकि आज सभी तरह की स्वयंसेवी संस्थायें हैं, उन में रेस्पोंसिबिल भी हैं और इर्रेस्पोन्सिबिल भी हैं ?

श्रीमती कान्ता कथूरिया : स्वयंसेवी संस्थाओं को केवल उस हद तक शामिल किया जाय कि वे सहयोगी बन सकें ।

सभापति महोदय : ऐसी स्थिति में उन को शक्ति नहीं दी जा सकती है । यदि शक्ति दी जाय तो किस हद तक दी जाय ? हमारे पास अभी तक जो साक्ष्य आये हैं उन में अधिकांश लोगों ने कहा है कि स्वयंसेवी संस्थाओं को इस में शामिल करना चाहिए, मैं यह जानना चाहती हूं कि किस हद तक शामिल करना चाहिए ?

श्रीमती कान्ता कथूरिया : उन को वहां तक शामिल करना चाहिए जहां तक वे सहयोगी हो सकती हैं । लेकिन जहां तक पुलिस को पावर्स को देने का सवाल है मैं समझती हूं स्वयंसेवी संस्थाओं का देना ठीक नहीं होगा ।

सभापति महोदय : सैक्शन 2 के सम्बन्ध में आप ने कहा है कि दहेज में वे मूल्य-वान वस्तुएं जो सगाई के समय दी जाती हैं उन का भ शामिल किया जाय, जब कि हमारे कानून में "विवाह के समय, या उसके पूर्व या पश्चात्" शब्दों का प्रयोग किया गया है । इसलिए "पूर्व" शब्द में सगाई भी निहित है ।

श्रीमती कान्ता कथूरिया : मेरा तात्पर्य यह है कि कानूनी रूप से विवाह की प्रक्रिया उसी दिन से शुरू हो जाती है जब सगाई की तिथि तय हो जाती है ।

श्रीमती विद्यावती चतुर्वेदी : सगाई के बाद शादी तय होती है ।

श्रीमती कान्ता कथूरिया : लेकिन सगाई के बाद भी शादी टूट जाती है ।

सभापति महोदय : अलग-अलग जगहों की अलग-अलग शेतियां हैं । हमारे यहां बिहार में शादी तय होने के बाद "छैका" होता है, लेकिन कभी-कभी तिलक लगने के बाद भी टूट जाती है । कानूनी स्थिति मैं आपको बता रही हूं ।

श्रीमती कान्ता कथूरिया : कई जगह 5 साल पहले ही शादी तय कर लेते हैं । <u>12b</u>

होने पहले ही कई लोग गांव में बात कर लेते हैं ।

सभापति महोदय : "सगाई" शब्द देने से आप समझती हैं कि काम चल जायगा?

श्रीमती कान्ता कथूरिया : जी हां ।

सभापति महोदय : आपने कहा कि ट्रेनिंग ले कर जब लड़के निकलें तो उस समय उनको शपथ ले लेनी चाहिए कि दहेज नहीं लेंगे, और यदि वह दहेज लें तो उनकी सर्विस को टर्मिनेट कर दिया जाय । तो जिस लड़के के मां बाप सम्पन्न हैं वह अगर अपनी लड़की को लाभ देना चाहते हैं तो किस प्रकार लड़की को लाभ दिया जा सकता है ? और उत्तराधिकार में अगर भाई तैयार नहीं होते हैं तो किस प्रकार उसको अधिकार दिया जाय ?

श्रीमती नगेन्द्र बाला : जो मां, बाप देना चाहते हैं वह किसी तरह से भी दे सकते हैं । सेक्शन में यह रखा जाना चाहिए कि शादी के बाद यदि लड़की किसी प्रकार की विपदा में आ जाय तो माता पिता उसके बारे में विचार करें, अन्यथा दहेज के नाम से कुछ देने के मैं पक्ष में नहीं हूं ।

डा० राजेन्द्र कुमारी वाजपेयी : जिस समय मैरिज निगोशियेट कर रहेहैं उस समय कुरीतियां हैं उनको कैसे दूर किया जाय ? कोई माता पिता जिन्दगी भर तो खिलाता नहीं है ।

श्रीमती नगेन्द्र बाला : मेरा कहना यह है कि दहेज के नाम पर कुछ नहीं होना चाहिए ।

स्वयं सेवी संस्थाओ का जहां तक सवाल है जिला परिषद्, कांग्रेस आर्गेनाइज़ेशन आदि जो संस्थायें हैं उनका भी एक्ट के माध्यम से रिप्रजेण्टेशन होना चाहिए लेकिन इन संस्थाओं को कानून द्वारा मैजिस्टीरियल पावर्स नहीं देनी चाहिएं ।

श्रीमती विद्यावती चतुर्वेदी : जैसे ही लड़की बालिग हो उसी समय उसके माता पिता उसका हिस्सा रजिस्टर करा दें तो कैसा रहे. और दहेज के नाम से फ़िर कुछ न दिया जाय ।

श्रीमती नगेन्द्र बाला : मैं इस से सहमत नहीं हूं ।

श्रीमती भारती पाराशर : दहेज न लेने वालों का और न देने वालों को समाज में सम्मान दिया जाना जाना चाहिए ।

(The witness then withdrew)

II राजस्थान प्रदेश कांग्रेस कमेटी (आई) का का वीमन विंग

प्रतिनिधि

(1) श्रीमती प्यारे सिंह

(2) श्रीमती कान्ता कथूरिया,–कन्वीनर एडवोकेट

(3) श्रीमती गुलाब देवी खण्डेलवाल

(4) श्रीमती उषा प्रकाश एक्स-एम० एल० ए०,

(5) श्रीमती कुसुम शर्मा

(6) श्रीमती उमराव जैन-मेम्बर, ए० आई० सी० सी०, जोधपुर

(8) श्रीमती पुष्पा संखला मेम्बर ए० आई० सी० सी, जोधपुर

(8) श्रीमती विमला मिश्र, मेम्बर एड आई सी० सी, झुनझुन

(9) श्रीमती स्वर्ण लता व्यास, मेम्बर, ए० आई० सी० सी, जयपुर

(10) श्रीमतीं उमा दादिच, मेम्बर ए० आई० सी० सी,

(11) श्रीमती चन्द्र मुखी दादिच, मेम्बर, ए० आई० सी० सी० ।

(12) श्रीमती कलावती शर्मा

(The witnesses were called in and they took their seats).

सभापति महोदय : हमारी समिति आप लोगों का स्वागत करती है। साथ ही साथ यह अपेक्षा की जाती है कि वर्तमान में क्या हो रहा है उस के लिए कहने की जरुरत नहीं है। वह तो सभी जानते हैं। अच्छा यह होगा कि आप यह बताएं कि यह जो कानून है, इस में कहां पर लूपहोल्स हैं और क्या संशोधन किए जाएं जिस से दहेज अगर बिल्कुल खत्म न हो सके, तो कम से कम यह तो हो जाए कि उसका रूप जो विकृत हो गया है, वह चीज समाप्त हो।

आप साक्ष्य दें इस के पूर्व मैं आप का ध्यान लोक सभा अध्यक्ष के निर्देश में दिए गए निदेश 58 की ओर दिलाना चाहती हूं जोकि इस प्रकार है :

"जब साक्ष्य समिति के समक्ष साक्ष्य देने आयें तो सभापति साक्षियों को यह स्पष्ट कर देगा कि उनका साक्ष्य सार्वजनिक समझा जाएगा और प्रकाशित किया जा सकता है, जब तक कि वे स्पष्टतः यह न चाहें कि उन के द्वारा दिए गए साक्ष्य का पूरा या कोई अंश गोपनीय समझा जाए। फिर भी साक्षियों को यह स्पष्ट बता दिया जाएगा कि भले हीं वे यह चाहें कि उनका साक्ष्य गोपनीय समझा जाय, वे साक्ष्य संसद् सदस्यों को उपलब्ध किया जा सकेगा।"

श्रीमती उषा प्रकाश : सब से पहली बात तो मैं यह कहना चाहूंगी कि एक्ट में इस तरह का प्रावधान होना चाहिए, जिस से लेडीज को प्रोटेक्शन मिले।

सभापति महोदय : इस में जो पनिशमेंट का प्रावधान है, उस से उन को प्रोटेक्शन मिलता है।

श्रीमती उषा प्रकाश : मेरा कहना यह है कि किसी भी लेडी का डाउरी की वजह से विक्टेमाइजैशन न हो, यह इस एक्ट का खास मकसद होना चाहिए। इसका यह आबजेक्ट क्लियर होना चाहिए कि डाउरी की वजह से उस का एक्सप्लायटैशन न हो। अब तो ऐसा है कि डाउरी देने वाले को एक तरह का सोशल स्टैटस मिल गया है। जो ज्यादा दे वह ज्यादा बड़ा और जो कम दे, वह छोटा। इस तरह का कार्य होना चाहिए कि सोसाइटी में जो इसको रिकगनीशन मिल रही है, वह बन्द हो। अगर किसी पेरेन्टस का लड़का डाक्टर, इंजीनियर बन जाता है, तो वे यह सोचते हैं कि हमारा लड़का 2 लाख, 5 लाख और 10 लाख का हो गया। इस तरह की चीज को रोकने के लिए सरकार को कुछ करना चाहिए और जो लोग डाउरी नहीं लेते हैं, उनको इन्सेंटिव देना चाहिए।

सभापति महोदय : इन्सेंटिव क्या होना चाहिए।

श्रीमती उषा प्रकाश : जो लोग दहेज न लें और इन्टर-कास्ट मैरिज करें, उन को गवर्नमेंट की तरफ से सर्विसेज में प्रायरटी मिले। उन को ज्यादा इन्क्रिमेंट्स दिए जाएं।

डाउरी लेने वाले और देने वाले दोनों को बराबर का जिम्मेदार न माना जाए। देने वाले की कोई गल्ती नहीं होती है, उस की तो मजबूरी में डाउरी देनी होती है। इसलिए देने वाला उतना जिम्मेवार नहीं माना जाए जितना कि लेने वाला।

अगला मेरा सुझाव यह है कि शो और डेकोरेशन पर जो खर्च होता है, उसकी लिमिट बांध दी जाए और उस को डाउरी में न गिना जाए।

श्री बी० सत्यनारायण रेड्डी : गिफ्ट के बारे में आप की क्या राय है

श्रीमती उषा प्रकाश : गिफ्ट डाउरी का पार्ट है।

मेरा यह भी कहना है कि शादी एक बहुत बड़ा सामाजिक फंक्शन है और उस में 100, 50 आदमी इक्ट्ठा होते हैं। इस तरह से जहां तक इस कानून का संबंध है, रिलेटिव्ज पर जो खर्च होता है, उसको एक्सक्लूड कर दिया जाए और वह खर्चा शादी के खर्चों में न गिना जाए।

बिजनेस-मेन डाउरी को बढ़ाते हैं। अगर कानून को नान-बैलेवल बना दें तो वह ज्यादा इफैक्टिव होगा। उस में गवर्नमेंट की प्रायर परमीशन लेना जरुरी है या नहीं, इस बारे में यह किया जा सकता है कि जो एन्फोर्समेंट आफिसर हैं या मजिस्ट्रेट हैं, उनके ऊपर यह छोड़ा जा सकता है।

इम्पलीमेंटेशन पार्ट को ज्यादा सख्त बनाया जाना चाहिए। इम्पलीमेंटेशन कमेटी बने और उस में वर्कर्स हों, रेड-टेपेज्म न हो।

मेरा इम्प्रैशन यह है कि जो फिल्म और दूसरी चीजें प्रचलित हो रहीं हैं उसकी वजह से वातावरण बन रहा है। उसका असर सोसाइटी पर पड़ता है। लोग चाहते हैं कि हम भी शो करें क्योंकि इस से स्टेट्स बढ़ता है। इसको अगर कम कर सकें तो ठीक हो। फिल्मों में सेंसरशिप द्वारा पम्प एंड शो को खत्म कर सकते हो तो अच्छा है।

रिसैप्शन और बारात के एक्सपेंडीचर पर भी लिमिट रहनी चाहिए। गैस्ट कन्ट्रोल एक्ट भी अगर लागू कर दें तो ठीक है।

डा० राजेन्द्र कुमारी वाजपेयी : कितनी लिमिट होनी चाहिए? क्या डाउरी एक्सपेंसेज मिलाकर लिमिट चाहती हैं?

श्रीमती उषा प्रकाश : अलग-अलग लिमिट होनी चाहिए।

डा० राजेन्द्र कुमारी वाजपेयी : कैश में लेते हैं, गिफ्ट लेते हैं और दूसरे एक्सपेंसेज होते हैं मेरिज के, लिमिट किस की चाहती हैं? सब मिलाकर चाहती हैं या अलग-अलग?

श्रीमती उषा प्रकाश : मैंने पहले ही स्टेटमेंट में कहा था कि अलग-अलग होनी चाहिए।

DR. (SHRIMATI) SATHIAVANI MUTHU: What should be the limit for dowry

SHRIMATI USHA PRAKASH: With the passage of time, the cost of everything has been rising. So, I don't know how will we be successful in implementing the cash limit. But I think it should be limited to say about Rs. 5,000/-.

DR. (SHRIMATI) SATHIAVANI MUTHU: You have been suggesting that drastic action should be taken against the dowry offenders. Now, suppose you punish the in-laws or husband under this Act, then what do you think the future life of the girl will be? Will they tolerate her afterwards? Her in-laws and husband will say, you have got us through the Police, court etc., and you can well imagine what will be the fate of the girl.

SHRIMATI USHA PRAKASH: Even today the fate of the girl is

not good. A few sacrifices will definitely be needed.

DR. (SHRIMATI) SATHIAVANI MUTHU: But you know, even on these things families break up.

SHRIMATI USHA PRAKASH: That is true, but you will have to do this.

DR. (SHRIMATI) SATHIAVANI MUTHU: Then what about the future of the children? Wouldn't we go to the extent of breaking up the family

SHRIMATI USHA PRAKASH: I said in the beginning that the purpose of the Act is to control the evil of dowry and the more important aspect is to protect women from cruelities and atrocities in the families. That is why I said that social workers and others should be involved for the implementation of this Act. I suggested in the beginning the main purpose of the Act is not to punish, but to generate an atmosphere in the society so that the ladies feel protected.

DR. (SHRIMATI) SATHIAVANI MUTHU: Then there is some obligation of the relatives also.

SHRIMATI USHA PRAKASH: This applies to all. And you know what obligations do the relatives discharge.

DR. (SHRIMATI) SATHIAVANI MUTHU: Unless we prohibit dowry, we cannot make this a drastic Act.

SHRIMATI USHA PRAKASH: But we say some action should be taken under this Act. Within a few days I have received a number of cases. I feel if the Act and the punishment is not made drastic, the Act will not be helpful. There should be some deterrent punishment and social organisations should also be involved in it.

श्रीमती प्यारे सिंह : मैं दो-तीन बातें माननीय सदस्यों को कहना चाहती हूं। यहां पर अभी पनिशमेन्ट की बात हो रही थी, मैं चाहती हूं कि इस में आर्थिक जुर्माना न रखा जाये, सजा ही ही रखी जाये, क्योंकि जो व्यक्ति शादी में 2 लाख रुपये खर्च करता है, वह 10 हजार रुपये जुर्माना भी दे सकता है। लेकिन यदि उस को कारावास की सजा होगी तो उस से डर पैदा होगा।

दूसरा सुझाव—विवाह के दो ही स्तर रखे जाएं। पहला वैदिक रीति से शास्त्रों के अनुसार विवाह हो, दूसरा आधुनिक रीति से कोर्ट के जरिए विवाह किया जाये।

श्रीमती विद्यावती चतुर्वेदी : वैदिक रीति से हो तो उस में हवन करे, माला पहनाए लेकिन दूसरी रीति से करना हो तो कोर्ट में जाये, फ़ीस दे और शादी करे।

श्रीमती प्यारे सिंह : लड़की वाले के साथ यह दिक्कत है कि सब से पहले तो लड़की की शादी पर दहेज देता है, उसके बाद जब उसकी लड़की के बच्चे होते हैं तो भी उसे देना होता है, जब बच्चों की शादियां होती हैं तो मायरा भ त के रूप में देता है। उस वक्त उसको मामा की तरफ़ से गिफ़्ट कह दिया जाता है, मामा पर बोझ डाला जाता है। मेरी दृष्टि में यह व्यवस्था ठीक नहीं है।

श्रीमती उमा दविच : अभी यहां पर सजा का उल्लेख किया गया है। मेरे विचार में परिवार वालों को सजा नहीं देनी चाहिए, सब से बड़ी जिम्मेदारी तो लड़के की है, जो शादी करता है इस लिए उस को सजा मिलनी चाहिए।

अगर वह चाहे तो माता-पिता इस में कुछ नहीं कर सकते।

दूसरी बात---शादी बहुत सीमित ढंग से हो और सब कुछ लड़के को करना चाहिए, माता-पिता को बीच में नहीं आना चाहिए। आज कल जो प्रथा है कि माता-पिता तय करते हैं कि कितना दहेज मिलना चाहिए---यह सब नहीं होना चाहिए। इस काम में माता-पिता की कोई जरूरत नहीं है।

सभापति महोदय : आप बच्ची हैं, लेकिन जिस आत्मविश्वास के साथ आप ने अपने विचारों को प्रकट किया है, वह बधाई की बात है।

श्रीमती कलावती शर्मा : मेरे दो निवेदन हैं। शादी के पहले जो रुपया नकदी के रूप में लिया जाता है, जिस को टीका कहते हैं वह जहां भी लिया जाये उस को कानून के अन्तर्गत अपराध माना जाय। यह पुरुष लोग लेते हैं और अपनी हैसियत बढ़ाने के लिए इसकी मात्रा दिन-प्रतिदिन बढ़ती जा रही है। जहां से भी ऐसी सूचना मिले उनको तुरन्त एरेस्ट किया जाये। यह सब दो नम्बर का पैसा है जो इस तरह से लिया और दिया जाता है।

शादी के समय जो दिखावे का काम होता है उसको बिल्कुल बन्द कर दिया जाये। आज कल बारात के समय शराब और दूसरे ड्रिन्कस पिलाये जाते हैं, लोग नशे में छेड़-छाड़ और गन्दे मजाक करते हैं। शो कि तमाम चीजें बन्द की जानी चाहिए।

कोर्ट में भारतीय संस्कृति के अनुसार मैरिज सम्भव नहीं है लेकिन जो प्रेम-विवाह करते हैं वे प्रायः कोर्ट में जाकर शादी कर लेते हैं। इस तरह के विवाहों को प्रोत्साहन देना चाहिए क्योंकि इन विवाहों से दहेज के मामले में काफ़ी राहत मिली है। लेकिन इस तरह की कार्यवाही से माता-पिता को पैसा नहीं मिलता जिस से माता-पिता के साथ उनकी पारिवारिक जिन्दगी खत्म हो जाती है।

श्रीमती विद्यावती चतुर्वेदी : आप का मतलब है कि लव-मैरिज को प्रोत्साहन देना चाहिए?

श्रीमती कलावती शर्मा : उन को तो पारितोषिक देना चाहिए। मां-बाप अखबारों में निकाल देते हैं कि लड़के को माता-पिता को प्रापर्टी में कोई हिस्सा नहीं मिलेगा। मैं चाहती हूं कि ऐसे कैसेज में उनको अधिकार की सुरक्षा देनी चाहिए।

राजस्थान के अन्दर महिलाओं में शिक्षा का बहुत ज्यादा अभाव रहा है। लेकिन इधर कुछ सालों से जब से शिक्षा का प्रसार हुआ है मैं देखती हूं कि मालदारों में डाउरी का प्रभाव बढ़ता जा रहा है। मैं चाहती हूं कि डाउरी के प्रभाव को कम करने के लिए समाज-सेवी संस्थाओं का सहयोग लिया जाये, उनको अनुदान दिया जाये। जो लोग आदर्श शादी करें उनको पारितोषिक दिया जाये, यदि वे बेरोजगार हों तो सरकार की तरफ़ से उनको रोजगार या नौकरी दी जाये ताकि वे अपना घर बसा सकें। ऐसे लोगों का कोई सामाजिक बायकाट नहीं होना चाहिए।

लड़की को विवाह के अवसर पर अपने माता-पिता या परिवार वालों से उपहार के रूप में जो प्राप्त हो सब पर उसका अधिकार हो। प्रापर्टी में भी

उसका अधिकार होता है, लेकिन वास्तव में वह उसको नहीं मिलता है—मेरा सुझाव है कि प्रापर्टी में उसको उसके अधिकार से वंचित न किया जाये। यदि यह व्यवस्था कानून में न की गई तो आगे चल कर हमारा महिला वर्ग गरीब होता जाएगा। पढ़ी-लिखी महिलाओं के लिए जो इस तरह की शादी करती हैं उनको प्रोत्साहन किया जाये तथा उनके लिए रोजगार की व्यवस्था की जाये।

श्रीमती गुलाब देवी खण्डेलवाल : सभापति महोदय, मैं 1926 से कांग्रेस में काम करती हूं और हमेशा एक ही पार्टी में रही हूं। मैं चाहती हूं कि इस कानून में जुर्माने के बजाय सजा होनी चाहिए। हमारी कांग्रेस में जो माताएं और बहनें हैं उनको घर-घर में जाकर महिलाओं को समझाना चाहिए कि वे दहेज प्रथा का विरोध करें, दहेज न लें। हमारे कांग्रेस के जो लोग हैं उनको स्वयं उदाहरण देना चाहिए कि वे अपने बच्चों के विवाह करते समय दहेज नहीं लेंगे। जब तक वे स्वयं अपने आचरण से सिद्ध नहीं करेंगे तब तक दूसरों पर उनके कहने का कोई प्रभाव नहीं पड़ेगा। हम जब लोगों में जाकर बात करते हैं तो हमें जूता पड़ता है, लोग कहते हैं कि पहले अपने घर को तो सम्भालो।

सभापति महोदय : आप अगर कुछ लिख कर लायी हैं तो समिति को दे दीजिए।

श्रीमती गुलाब देवी खण्डेलवाल : हम लिख कर भेज देंगे।

(The witnesses then withdrew)

III—राजस्थान सरकार

प्रतिनिधि

1. श्री एम० एम० के० वली, चीफ़ सैक्रेटरी, राजस्थान सरकार

2. श्री आर० के० शास्त्री, गृह सचिव

3. श्री जी० सी० सिंघवी, इंस्पेक्टर जनरल पुलिस, राजस्थान

4. श्री आर० के० सक्सेना, सोशल वैलफ़ेयर सैक्रेटरी

5. श्री जी० एन० हल्दिया, डायरेक्टर सोशल वैलफ़ेयर, राजस्थान।

(The witnesses were called in and they took their seats).

सभापति महोदय : यह समिति आप लोग का स्वागत करती है।

Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप सब को मालूम है, क्वेश्चनेयर भी जा चुका है। ऐक्ट के इम्पलीमेंटेशन में क्या कठिनाई है, क्यों यह सफ़ल नहीं हुआ, क्या इस में लूपहोल्स हैं आप इसको ज्यादा बता सकते हैं कि क्या करने से कर्मचारियों को भी बल मिलेगा और दहेज को रोकने में हर तरह से सफ़लता मिलेगी। पुलिस का एक अपना रोल होता है और मैजिस्ट्रेट का अपना रोल होता है। इस लिए दोनों को कोआर्डिनेट कर के आप अपने विचार

दें। प्रश्नावली का जवाब हमें पहले नहीं मिला।

श्री एम० एम० क़े० वली : कुछ गलतफ़हमी हो गई।

सभापति महोदय : सरकार को मैंने तीन पत्र लिखे इसके बारे में, लेकिन कोई जवाब नहीं आया। कोई बात नहीं है, अभी आपने तैयार कर लिया होगा वह आप हमें दे देंगे।

श्री एम० एम० के० वली : आज शाम तक दे देंगे।

श्रीमती प्रमिला दंडवते : राजस्थान में दहेज प्रथा के बारे में क्या हालत है यह भी आप हमें बता दीजिएगा तो अच्छा रहेगा। थोड़ी सी बैकग्राउन्ड दे दीजिएगा क्वेश्चनेयर के जवाब के अलावा।

SHRI M. M. K. WALI: This is one issue which has been agitating the State Government the most. There is a Central Act, but the State Government has an Act of its own. For quite some time we are considering to bring in an amendment to the Central Act as applicable to Rajasthan, because in our own opinion the Central Act did not go far enough. The system of dowry is as much prevalant here as it is anywhere else in the country. This evil is much more prevalent among the middle class families. The rich can afford to give dowry and among the poor it is the other way round, because the boy has to pay dowry. There is also a greater economic independence among the poor classes, which, in fact, is the main reason that the evil of dowry does not exist among the poor.

What we find is that boys and girls have become commodity in the market and transaction takes place. Where the woman or girl herself is economically independent, she can defy or choose not to marry a person or even after the marriage has taken place, if a demand for dowry takes place, she can say bye-bye to that man. But it is in the middle class families that this practice brings in much more problem or harassment to the girl and the girl's family itself.

The evil of dowry, as in other States, has been growing day by day among the middle class families. Perhaps one of the reasons is that the people want to live better and enjoy a better standard of living than they themselves can afford on their own income. So, when the question of marriage comes, the boy wants a scooter or motor car or some other things which on his own, possibly, he will not be able to afford. So, all these things come in because this gives him an opportunity to get these things. This again is mostly among the middle-class families, where the desire for a better standard of living is much more.

Now the State can and should do something about this social practice. The State has got to have a two-pronged approach. One is through educational institutions it should created a social consciousness among the people so that the people are weaned away from this evil. Personally, I feel that it will have a marginal effect on the evil of dowry as such because the motivating factor for dowry is agreed and not lack of education or ignorance. More educated persons want more dowry and are more greedy. Propaganda might be able to bring about greater amount of consciousness among the educational effort which is necessary parents of the girl. This kind of educational effort which is necessary but it will not have any dramatic result to beging with till more and more girls are working and the system of arranged marriages gets disappeared.

As regards the deterrant aspect the State Government have got a little more teeth to the Act. That has been the concern of the Rajasthan Government. We have prepared a Bill and we may introduce it in the next Session of the Assembly.

What we believe is that the Act or the Draft Bill that we have formulated does make the situation better and give more teeth to the 1965 Bill without reaching an ideal situation which we would like to do but because of practical difficulties we are not able to do. Basic scheme of our Act is that today the punishment provided is six months imprisonment and fine.

DR. RAJENDRA KUMARI BAJPAI: Please start with the definition part of the Bill.

SHRI M. M. K. WALI: We gave considerable thought to what should be the definition of 'dowry' and as to whether we should change the present definition. When you change the definition of 'dowry' then there are three or four alternatives in which you place a limit on dowry irrespective of whether 'in consideration' or not 'in consideration' of marriage. Our view is that it will be difficult and not possible to give monetary limit to dowry. Supposing we take the limit as Rs. 5,000/-. Rs. 5,000/- may not be anything for a rich man whereas it may be a big amount for a poor man who can manage in two to three thousand rupees. Gifts and presents also be considered as 'dowry' and limit should be put but if you define anything in terms of money then in this context it will act both ways. Those who are in a position to pay more than this can pay, but those who cannot, from them it will actually be extracted, because for them even Rs. 5,000/- is a great sum and that might become a normal standard. So, we felt that this is a complicated issue and a deep-rooted evil and by merely passing laws, you will only drive people underground and make them do all kinds of dubious things to bypass the law and the good purpose of the law will be defeated.

For us to be more practical, we have to attack the central point of the dowry system i.e. where it is extracted and is taken as a part of the bargain or contract, it should be something which we would first of all like to prevent, rather than build so many restrictions, which we will not be able to put in practice. If we put impracticable restrictions, the evil will continue and no purpose will be served.

We feel the definition as in the 1961 Act may continue. So far as the Rajasthan Act is concerned, we will be guided by what you enact. The definition of the dowry, we feel, should remain as it is.

On the punishment part, the Central Act says imprisonment for six months or fine. There is no minimum prescribed by it. There is not even punishment and fine. Therefore, we felt that this Clause is inadequate. So, what we have proposed in our drafting is that the punishment shall be imprisonment for six months and fine, and we also have provided a minimum punishment of imprisonment of one month and a fine of Rs. 5,000/-.

Secondly, the minimum punishment of one month and the fine of Rs. 5000/- is to be imposed when the Judge in his own judgement specifies the reasons for a minimum punishment and fine.

In our Act if there is harassment of the girl by the husband, sister-in-law, mother-in-law or any relations within a period of five years of marriage on account of not having brought dowry or that she is not allowed conjugal rights, tortured, or harassed, then the punishment is for two years.

That will be a more serious situation. There is no contract or specific bargaining after marriage, but it is noticed that cases of harassment are large. And because of harassment cases of suicide and murders are there. These are the cases which are now being found in common life. Of course, cases pending in law courts are no indication of the harassment to the girls, because most of the girls do not report. There is such a social situation that the girls suffer but don't speak. They try to hide. Such cases are large in number. There we provide punishment of two years and a fine of Rs. 5,000/-. Here again minimum punishment will be imprisonment for one month and fine. These are the major changes that we have proposed in the Act of 1961.

Another significant change we have proposed in the Act is that the offence should be non-bailable and compoundable. It should be compoundable through the courts. This proposal we have made because situations do arise, where by the intervention of the courts, intermediaries and by the intervention of the better sense at times, after the case has started against the person or his parents and they decide to live better and the guilty party is prepared to give a bond for a certain amount of money which can be forfeited and that there is a compromise in the party and they say that the case be withdrawn and that the things will be better in the future with assurances and guarantees, that is why we have kept it compoundable. But again our Act says that if after giving the bond and after the case is compounded or withdrawn, if they start the same thing, then again it can be reopened and revived apart from the forfeiture of the bond. That is another important point we have proposed. Then we have a full Section dealing with dowry prevention which will be looked after by the Social Welfare Department. These are in brief the scheme of our proposals in the amending Bill. In the Act we are saying that display of gifts and presents is going to be banned. We have deliberately chosen not to put restriction on the number of guests and meals and gifts from friends and relations for the simple reason because we felt by putting these restrictions we will be entailing the risk of petty officials intervening and harassing.

In the Act of 1961 the giver of the dowry is also guilty. In our amending Act both 'giver' and 'taker' are liable for punishment but we are having serious doubts about this as to whether we should not delete the 'giver'. If we include the 'giver' then we cannot expect him to go to the police station and report the case of extraction of dowry as it will involve himself.

श्रीमती संयोगिता राणे: हमारे यहां गोवा में शादी का रजिस्ट्रेशन होता है और उस समय जो सामान दिया जाता है उस को भी रजिस्टर किया जाता है। इस के बारे में आप की क्या राय है?

श्री एम० एम० के० वली : मैं तो एडमिनिस्ट्रेटिव प्वाइन्ट आफ व्यू से जवाब दे सकता हूं। मेरा ख्याल है---अगर आप रजिस्ट्रेशन रखेंगे तो यह फायदा जरूर होगा कि एक किस्म का लीगल सुबूत या सर्टिफिकेट मिल जायगा कि लड़की की शादी हुई थी। लेकिन डावरी लेने या देने पर उस का कोई असर नहीं पड़ेगा उस में कुछ भी लिखाया जा सकता है। सच्चाई तो यह है कि आज कल सामने तो देते ही नहीं हैं सब बक्स में बन्द कर के दे देते हैं। इस लिये इस का डावरी को खत्म करने के नजरिये से कोई फर्क नहीं पड़ेगा।

DR. RAJENDRA KUMARI BAJPAI: You have said that there should not be any change in the definition and it should remain as in 1961 Act. This Committee has been set-up to bring about a change and how can we do it without change in the definition.

श्री एम० एम० के० वली : मैंने जैसा शुरू में कहा था कि डावरी एक सोशल प्रेक्टिस है। इस को हम चाहें कि कानून के जरिये खत्म हो जाय, तो मेरी नजर में तो यह पासिबिल नहीं है। इस से ताल्लुक रखने वाले जो दूसरे एक्ट्स हैं जैसे मेरिजिज एक्ट या दूसरे एक्टस्, उन का किस हद तक पालन हुआ है यह हम जानते हैं, मेरे ख्याल में डावरी का भी यही भविष्य है। यह बहुत डीप-रूटेड पुरानी प्रथा है, यह कानून से हटने वाली नहीं है। इस के लिये जरूरत पड़ने पर कोई दूसरी सोशल फोर्सेज़ पैदा होंगी और उस वक्त जैसी सिचुएशन होगी उस के मुताबिक हल निकलेगा। अगर डावरी को रेस्ट्रिक्टिव बना देते हैं तो कागज पर देखने में अच्छा लगेगा, लेकिन उसका ब्रीच होगा। हां, किसी आदमी को अगर परेशान करना चाहें तो कर सकते हैं।

डा० राजेन्द्र कुमारी वाजपेयी: आज जिस तरह से लड़कियों की आत्म हत्यायें बढ़ रही हैं, लड़कियों को परेशान किया जा रहा है, जो लिमिट से बाहर क्रौस कर रहे हैं, तो सोचा जा रहा है कि इसमें ड्रास्टिक चेंजेज़ किये जायें। इसलिये इस ईविल को रोकने के लिये समाज ने ही आवाज़ उठायी है। हर स्टेट में यह बात आयी है। तो सोशल चेंज के लिये मुल्क तैयार है। ऐसी हालत में क्या आप ड्रास्टिक चेंज की आवश्यकता नहीं समझते हैं? क्या यही डैफ़ीनीशन आज की मौजूदा स्थिति में चल सकती है जो कि इम्प्लीमेंट नहीं हो पायी है? कहीं न कहीं इसमें कमी थी। तो इसको कैसे दूर किया जाय? क्या डेफ़ीनीशन में परिवर्तन नहीं करना चाहिये?

श्री एम० एम० के० वली : मैं आपकी बात से सहमत हूं। सवाल यह है कि हम किस चीज को बुरा मानते हैं? जो अपनी लड़की को देता है, या लड़के के पक्ष वाले जो पैसा मांगते हैं उसको डावरी मानेंगे? इसलिये प्रेक्टिकल पोइंट आफ व्यू से हमको देखना पड़ेगा। अगर इस हद तक ले जायेंगे कि केवल माला डाल कर शादी हो तो यह चीज़ नहीं चल पायेगी। कुछ सख्ती होनी चाहिये।

डा० राजेन्द्र कुमारी वाजपेयी: पहले डेफीनीशन को फूल प्रूफ होना चाहिये।

श्री एम० एम० के० वली: कानून को हम मजबूत करें और सजा कड़ी होनी चाहिये जो डावरी मागेंगे।

डा० राजेन्द्र कुमारी वाजपेयी: कैसे साबित होगा कि डावरी मांगी है?

श्री एम० एम० के० वली: साबित हो जायगा।

श्रीमती मोहसिना किदवई : राशनिंग के समय गैस्ट कंट्रोल आर्डर की वजह से 25 से ज्यादा कोई नहीं बुलाता था। तो कहीं न कहीं लड़की के पेरेन्टस की सेविंग होती थी। क्या आप समझते हैं कि डावरी का नाम हटा दिया जाय? जो भी हो वह लड़की को दिया जाय और उसी का हो। कैश का नाम ही इस डेफीनीशन से हटा दिया जाय। तो डेफीनीशन में कुछ तो चेन्जेज़ करने ही पड़ेंगे।

दूसरी बात यह है कि ऐसे जो केसेज होते हैं, उन में बहुत से मामलों में कोई कम्पलैंट नहीं होती है और जिन में होती भी है, तो लोग प्रूफ न होने के कारण छूट जाते हैं। कुछ लड़कियां दहेज के कारण मार दी जाती है या उन को जला दिया जाता है क्या एक्ट में ऐसा कोई प्रोविजन नहीं हो सकता कि पैरेन्ट्स के आने के बाद ही लाश को जलाया जाए। नौजवान लड़की की लाश को जहां ऐसे हालात में डैथ हुई हो, 48 घंटे के बाद ही उठाया जाए इस तरह की बात कानून में आ जाए। इस से यह होगा कि लोगों के मन में डर रहेग,

कि लड़की के साथ इस तरह का सुलुक न किया जाए। सारी मंशा इस कानून की यह होनी चाहिए कि जो मासूम लड़की है, उस को कैसे बचाया जाए। दहेज के लिए जो लड़कियां जलाई जाती हैं इसको कैसे रोका जाए।

श्री एम० एम० के० वली : आपने बिल्कुल सही कहा है कि जो रिश्तेदार हैं या फादर इन ला हैं, इनको कुछ नहीं मिलना चाहिए।

Whatever is given to the girl is the property of the girl. Gifts given to the girl and gifts given to the boy should be treated differently and for that a way-out can be found.

इस में इम्पलीमेंटेशन में डिफीकल्टीज जरूर आ सकती हैं। लड़की को जो दिया जाए वह कैसे दिया जाये। उसके लिए कोई अलग से लिस्ट बनाई जाये।

दूसरी जो बात आप ने अननैचुरल डैथ की कही है, चाहे वह सूसाइड हुआ हो या बर्निंग से उसकी डैथ हुई हो, आज का जो कानून है, वह भी यही कहता है कि ऐसे कैसेज के पुलिस को रिपोर्ट करनी चाहिए। बहुत से कैसेज में यह नहीं हो रहा है। इसलिए इसको कुछ स्ट्रेंथन करने की जरूरत है।

DR. (SHRIMATI) SATHIAVANI MUTHU: What should be the limit on expenses on marriage because otherwise there can be lot of pamp and show. Secondly, supposing there is a suicide I would like to know whether the burden of proof should be on the boy's side or on the girl's side.

SHRI M. M. K. WALI: In cases where girl has met with unnatural death then the burden of proof should lie on the boy's side. It is a very good suggestion if legally it can be acceptable. As for ostentatious display we have included in the definition about display but again there will be need for proof. We have not laid down any limit on expenditure.

DR. (SHRIMATI) SATHIAVANI MUTHU: What about the gifts from the boy's side? Are you for this? We can permit it. There is no bar in any case, though it is hardly likely.

If we include it in the law.

SHRI M. M. K. WALI: You mean we should also cover contingency where the price is paid by the boy.

DR. (SHRIMATI) SATHIAVANI MUTHU: If you accept.

SHRI M. M. K. WALI: In a very sizeable number of persons of the same community, it is the boy who has to pay money to the girl.

DR. (SHRIMATI) SATHIAVANI MUTHU: Gift from the girl is demanded from the parents of the boy, but the gift from the boy is not the demand of the parents of the girl. It is an understandable measure. So, why not make it a law when you give a gift, it can be from the boy also.

SHRI M. M. K. WALI: Boy does give gift.

DR. (SHRIMATI) SATHIAVANI MUTHU: I want to know whether the gift should be on both sides or on one side.

SHRI M. M. K. WALI: It is commonly on both sides. Boy's side also gives to the girl.

MR. CHAIRMAN: I would like to tell you it is there in the Act of 1961—"Any person or any party may give gift."

SHRI M. M. K. WALI: In 90 per cent of the marriages, boys' also give gifts, sarees and things like that.

MR. CHAIRMAN: If you read Section 4, it says: 'demands from the parents or guardians of either bride or the bridegroom'. it covers both.

SHRIMATI PRAMILA DANDAVATE: Now you are going to enact a legislation in this connection. I would like to know about the word 'in consideration of the marriage'. You may be aware of the fact that there was only one case in the court here and in that also the bridegroom was acquitted. It was because there is a basic difficulty in the Act itself,—in consideration of the marriage. The hinderence before the court is that it cannot be proved if anything is given. Nobody can prove it. If you cannot prove it, you cannot punish dowry offender according to the present Act. So, to overcome this difficulty, the onus of proof should be on the person to prove that he has not demanded dowry.

The second suggestion is that there should be registration of every marriage. At the time of the registration of the marriage, declaration has to be given that no dowry has been given or taken. And whatever is given to the bride, everything is to be recorded. Now, in case the girl is thrown out of her husband's house, if the record is there, the parents can claim that these are the things that they have given. At present there is no provision to record what you have given; and therefore you cannot claim. Now, there are number of cases where parents of the girls come, saying that they have given so many things. So, what provision do you intend to make in this connection?

Lastly, the Home Minister had made a statement on the floor of the House that he had issued instructions to the States that if there is death of a woman under unnatural circumstances or that there is a suspicious case of a suicide within five or seven years of the marriage, the police should investigate the truth and that the body should not be disposed of without the permission of the parents of the girl or somebody from that side; and that the post-mortem should be done by two doctors. A number of such cases in Rajasthan have come in the Press and you are from Rajasthan. Therefore, I would like to know what action has been taken by the police in such cases? If cases have been reported in the Press, what action has been taken?. And if anybody has approached you, then what action have you taken. In other words, I would like to know how far have you been effective in this direction?

SHRI M. M. K. WALI: It is very difficult to answer the first question. You are talking of actual life situation and I am talking of practical life situation. After all, you will notice that at the time of marriage or after or before the marriage, if something passes clandestinely, there is no proof. If there is a law, it has to be proved. How it is proved, depends upon the circumstances. The main constraint under the 1961 Act is that it has so many safeguards and restrictions that ultimately nobody comes forward.

Secondly, there has to be permission of the State Government. Now, who will have the patience to seek permission of the State Government? If it goes to the State Government, it will take couple of years or may be eight to six months. Then the heat of the moment will have gone. In our Act, we have deleted the clause for permission from the State Government and the prosecution is done by the District Magistrate.

SHRIMATI PRAMILA DANDAVATE: You have not given explanation, if you want to define 'in consideration of the marriage'?. How are you going to prove in the court that it was in consideration of the marriage?

SHRI M. M. K. WALI: It may be difficult to prove because in social kind of offences, people don't come forward. In the marriage, boy

says: I will not have food unless I am given something. Now the argument will go on between the girl's and boy's fathers. There will be fifty persons standing around and nobody is prepared to come forward and give evidence. But there is evidence and if it is reported and the Magistrate takes cognisance, possibly some people may report and some may not report. That is a different case. Earlier it was only the girl's father, who had only to go. In our Act we are opening it to the neighbours. If earlier there is some correspondence then that is a proof. Evidence is there but people may not come forward. As for registration and declaration it should be introduced.

SHRI G. C. SINGHVI: Some instructions on the lines of Central Government instructions are being complied with. From 1978 till today 15 cases were reported. Eleven cases have been put in the court. Three cases were found to be false and the twelfth case will also be going to the court.

श्रीमती विद्यावती चतुर्वेदी: आप ने अभी कहा था कि इसका जो सोशल फ़ार्म है उस को कानून के द्वारा खत्म नहीं किया जा सकता । यह कोई नई बात आप ने नहीं कही है, सभी इसको महसूस करते हैं लेकिन क्या आप इस बात को महसूस करते हैं कि बिना कानून के इस सोशल ईविल को रोका भी नहीं जा सकता, जनता के अन्दर डर पैदा नहीं किया जा सकता। आज की परिस्थितियों में कानून को सख्त बना कर जनता के अन्दर डर पैदा करना होगा कि अगर ऐसा काम किया तो सजा मिलेगी। आज कल पढ़े-लिखे लोगों में दहेज ज्यादा है, साधारण लोगों में उतना नहीं है। सजा होने से उनके अन्दर डर पैदा होगा कि समाज में हमारी बेइज्जती होगी। इसलिए क्या यह उचित नहीं है कि ऐसा प्रावधान किया जाय कि लोगों में डर पैदा हो? मैं आप से जानना चाहती हूं क्या इस में सिर्फ़ जुर्माना रखा जाय या सजा-और-जुर्माना दोनों रखे जायें?

दूसरी बात—खाली माला पहना देने और कोर्ट में जाकर शादी कर लेने से भी समस्या का हल नहीं होगा। हर मां-बाप चाहता है कि अपनी बेटी को कुछ दे तथा दहेज प्रथा चालू भी इसी तरह से हुई। जैसा हमारी बहन राने जी ने कहा था कि गोआ में ऐसी प्रथा है कि शादी के रजिस्ट्रेशन के साथ-साथ पिता की प्रापर्टी में लड़की का क्या हक होगा उसका रजिस्ट्रेशन भी उसी समय कर दिया जाता है। आज माँ-बाप जो दहेज लड़की को देते हैं—वह उसके पास नहीं रह पाता। अगर लड़की किसी समय विधवा हो जाय या उसको डाइवोर्स दे दिया जाय तो उसके पास एक कौड़ी भी नहीं बचती। लेकिन यदि वह सब गोआ की तरह शादी के समय ही रजिस्टर कर दिया जाये तो मुसीबत पड़ने पर उसके काम आ सकता है ।

आप ने यह भी देखा ही होगा कि आमतौर पर लड़की वाला कभी कोई शिकायत नहीं करता, इस उम्मीद में बैठा रहता है कि शायद सब मामला ठीक हो जाएगा, लेकिन जब उसकी लड़की की जिन्दगी बरबाद हो जाती है या उसको मार दिया जाता है तब कहता है—तब तक वह बहुत लेट हो जाता है, क्योंकि जो दहेज लेने वाला है वह क्यों कहेगा कि मैंने उतना लिया है। आप कानून को चाहे जितना सख्त बना दीजिए लेकिन जब तक साबित नहीं होगा कि इतना दहेज दिया गया तब तक कुछ नहीं हो सकता । इन हालात के बावजूद भी हमारे कानून में जो लूप-होल्ज हैं उनको तो कुछ ठीक किया जा सकता है—क्या आप उनके बारे में कोई सुझाव दे सकते हैं?

श्री एम० एम० के० वली : कानून को कारगर तो बनाना ही चाहिए। मैं इस बात को मन्जूर करता हूं कि रजिस्ट्रेशन की सैक्शन जरूरी है उसको रखना चाहिए। लेकिन जहां तक सजा का ताल्लुक है—मैंने खुद कहा है—राजस्थान में हम अपने कानून में संशोधन कर रहे हैं और उस में फ़ाइन और सजा दोनों रख रहे हैं।

श्रीमती विद्यावती चतुर्वेदी : सजा देने के लिए आप कानून को कैसा बनायेंगे जिससे कि उसको साबित कर सकें ?

श्री एम० एम० के० वली : यह बड़ा मुश्किल है आप चाहे कोई कानून बना दें, क्योंकि फ़िर दूसरे तरीके निकल आयेंगे। जब तक यह प्रथा चलेगी, तरीके निकलते आयेंगे। लेकिन हम इतना तो कर सकते हैं कि सजा को बढ़ाने के साथ-साथ कई किस्म की रेस्ट्रिक्शन्ज लागू की जाय जिन की वजह से आदमी कोर्ट आफ़ ला में या पुलिस के पास नहीं आ पाता है।

उसको तो हम कम से कम दूर करें जो कि हमने अपने अमेंडमेंट में कोशिश की है। तो डैफ़ीनीशन आप कुछ भी कर दें, जैसा आप ने कहा कि प्रौपर्टी लड़की के पिता की कितनी है और रजिस्ट्रेशन में लिखा जाय लड़की के बाप की इतनी जायदाद हैं, मेरे ख्याल से इसका कोई फ़र्क नहीं पड़ेगा।

श्रीमती विद्यावती चतुर्वेदी : जो भी लड़की को दिया जाय वह रजिस्टर हो। कई कैसेज जो मैंने भेजे हैं वह साबित नहीं कर सके।

श्री एम० एम० के० वली : कुछ भी डैफ़ीनीशन दीजिए, सबूत तो आपको देना ही पड़ेगा।

श्रीमती विद्यावती चतुर्वेदी : आपने कहा कोर्ट में कैसेज दिए हुए हैं वह कितने पुराने हैं, कितनों का फ़ैसला हुआ और क्या परिणाम निकला ?

श्री जो० सी० सिंधवी : एक में भी फ़ैसला नहीं हुआ। एक मामला 1977 का, 1 मामला 1978 का, 5 मामले 1979 के और 4 कैसेज 1980 के हैं।

श्रीमती विद्यावती चतुर्वेदी : इसका मतलब है कि कानून में कुछ कमी है, इसलिए कानून को काग्नीजैबिल बनाया जाय जैसा कि बाल विवाह ऐक्ट के अन्तर्गत हैं कि मैजिस्ट्रेट से वारन्ट लेकर गिरफ़्तार किया जाय कौन सी ऐसी खामी आती है जिसकी वजह से आप साबित नहीं कर पाते हैं और सजा नहीं दिला पाते हैं ? उसको कैसे दूर किया जाय ?

श्री जी० सी० सिंधवी : आई० पी० सी० के जितने भी कैसेज ट्राई हो रहे हैं उन में जिन कारणों से देरी हो रही है उन्हीं कारणों से इन कैसेज में देरी हो रही है।

श्री एम० एम० के० वली : हमने अपने अमेंडमेंट में समरी ट्राइल का प्रोवीजन किया है।

श्री बी० सत्यनारायण रेड्डी : नान-बैलेबिल, नान-कम्पाउन्डेबिल और काग्नीजैबिल अगर इसको बनायेंगे तो पुलिस नाजायज तरीके से लोगों को परेशान न कर सके इसका क्या इंतजाम करेंगे ?

श्री एम० एम० के० वली : हम नहीं चाहते कि लोगों को परेशान किया जाय डिप्टी सुपरिटेंडेंट आफ़ पुलिस से कम रेंक का आदमी हमारे ऐक्ट के अधीन इनवेस्टीगेशन नहीं करेगा

यह हमने सेफ़ गार्ड रखा है। नान-बैलेबिल इसको रखा है। कोर्ट बेल दे सकती है, लेकिन पुलिस नहीं दे पायेगी। प्रासीक्यूशन सैंटेंस डी० एम० करेगा।

श्री बी० सत्यनारायण रेड्डी: छोटे पुलिस कर्मचारी मन्डप में ही जा कर के गिरफ्तार करने लगेंगे।

श्री जी० सी० सिंघवी: इन्वेस्टीगेशन का मतलब ही होता है डी० एस० पी० उसी जगह से कार्यवाही करेगा। तफ़तीश गिरफ़्तारी से ही शुरु होती है। गिरफ़्तारी डी० एस० पी० से कम का कोई अधिकारी नहीं कर सकेगा।

सभापति महोदय: आपने डिनायल आफ़ कान्जुगल राइट्स की बात कही थी। मान लीजिए थोड़े समय के लिए चलती है और बाद में पैच अप हो जाता है और इसी बीच सरकारी दखल हो जाता है तो झगड़े में और खाई आ जाती है।

श्री एम० एम० के० वली: डावरी के हैरासमेंट के सिलसिले में हमने डिनायल आफ़ कान्जुगल राइट्स की बात कही थी। इसको हमने कम्पाउन्डेबिल कर दिया है।

सभापति महोदय: काग्नीजेंस लेने की पावर क्या वालेंन्टरी आर्गेनाइजेशन्स को भी होनी चाहिए?

श्री एम० एम० के० वली: शिकायत वह कर सकती है। उसकी बेसिस पर पुलिस या कोर्ट काग्नीजेंस ले सकेगी।

सभापति महोदय: आप ने कहा कि इस का आफेंस नान-बैलएबिल होना चाहिए। कोर्ट्स तो मर्डर के कैसेस में भी बेल दे देती है, इस तरह से यह जो कानून है, यह जो दूसरे कानून हैं उन से भी ज्यादा सख्त हो जाएगा। क्या ऐसा करना ठीक होगा।

एक दूसरी बात यह है कि यह स्टेट का सबजेक्ट है और जब तक यह सेंन्ट्रल सबजेक्ट नहीं होगा, तब तक सारे देश में यूनिफार्मिटी नहीं होगी। आप के यहां भी इस बारे में बिल बनाने की बात चल रही है। इसलिए मैं आप से यह रिक्वैस्ट करना चाहती हूं कि आप की सरकार के मुताबिक 1961 का जो डावरी एक्ट है, उस में क्या एमेंडमेंट होने चाहिए, डैफीनीशन डाउरी की क्या हो, क्या पनिशमेंट हो, इन सब के बारे में लिख कर भेज दीजिए क्योंकि अभी तक वह हमें नहीं मिला है।

श्री एम० एम० के० वली: वह दे देंगे।

सभापति महोदय: जो ड्राफ्ट बिल है, वह भी भेज दीजिए और हमारा जो यह बिल है उस में जो डैफीनीशन दी है और एक्सप्लानेशन है, उसके बारे में राजस्थान सरकार के क्या विचार हैं, वह आप हमारे पास जल्दी भिजवा दीजिए।

Both amendments and answers tc the questionnaire be sent early because we are going to start drafting of the Bill.

वह आप हमें उदयपुर भिजवा दें।

श्री एम० एम० के० वली: हम आप को उदयपुर भिजवा देंगे।

MR. CHAIRMAN: The Committee place on record the warm appreciation for the assistance rendered by the officers of the Government of Rajasthan in holding the sittings of the Committee at Jaipur to hear the views of representatives of various women's voluntary social organisations/Bar Councils/Bar Associations State Government/State Social Welfare Advisory Board, etc.

The meeting then adjourned.

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Wednesday, 2 June, 1982 from 15.00 to 18.30 hours in Conference Hall, State Institute of Educational Research and Training, Udaipur.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Shrimati Vidyavati Chaturvedi
4. Shrimati Pramila Dandavate
5. Shrimati Mohsina Kidwai
6. Shrimati Sanyogita Rane
7. Shri K. P. Unnikrishnan

Rajya Sabha

8. Dr. (Smt.) Sathiavani Muthu
9. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I Shri Bheekhabhai, *MP Sagwara, District Dungarpur, Rajasthan.*

II *Sewa Mandir, Udaipur.*

Spokesmen:

(1) Miss Anita Mathur
(2) Dr. Om Shrivastava
(3) Dr. Ginny Shrivastava
(4) Miss. Preeti Oza
(5) Mrs. Basanti Paliwal

III Shri Bhurelal Baya—*ex-Minister, Nav Nirman Sangh, Udaipur.*

IV *Mahila Samity C/o Sewa Mandir, New Fateh Pura, Udaipur.*

Spokesmen:

(1) Smt. Hem Lata Tellsara

(2) Smt. Sharda Jain
(3) Smt. Usha Bhatnagar
(4) Smt. Kamal Kanta Bhatnagar

V *Kasturba Gandhi National Memorial Trust, Udaipur.*

Spokesman:

Shri S. Dasholtar—*President, Ex-Councillor, Municipal Council, Udaipur.*

VI 1. Shrimati Premwati Saxena, *Modipara Bari, Dholpur.*
2. Dr. S. Bhan, *Modipara Bari, Dholpur.*

VII *Akhil Bharatiya Janwadi Mahila Samity, Udaipur.*

Spokesmen:

(1) Smt. Mumtaj Begum
(2) Smt. Rama
(3) Smt. Bhagwati Chauhan
(4) Smt. Kathun

VIII *Bar Association, Udaipur.*

Spokesmen:

(1) Miss Shakuntala Vyas, Advocate, C/o Shri Jaman Lalji Vyas, 84, Kailash Marg, Udaipur.
(2) Miss. Kamla Bhandari, Advocate.

IX Shri J. S. Bhatt, *Advocate, Motichanhatia, Udaipur.*

X Shri Hari Kumar Sharma, *Settlement Officer (Regd.), Udaipur.*

XI Rajasthan Mahila Parishad, Gandhi Ground, Udaipur.
Spokesmen:

(1) Smt. Shanta Trivedi—*Founder.*
(2) Smt. Chandra Kanta Dave—*Member, 13 Vidya Marg, Udaipur.*

XII Smt. Phool Kanwar Agarwal, *Member, State Social Welfare Advisory Board, Suraj Park, Udaipur.*

XIII Dr. Shibani Roy, 242, Old Fatehpura, Udaipur.

XIV Miss Razia Tehsin, 41, Panchwati, Udaipur.

XV Dr. (Mrs.) Raj Bhanti, Udaipur School of Social Work, Rajasthan Vidyapeeth, Udaipur.

XVI Shri Madan Modi, Editor, 'Bandhan Todo', 429, Hiran Magri Section 4, Udaipur.

I. SHRI BHEEKABHAI, M.P.

(The witness was called in and she took her seat)

सभापति महोदय : मैं आज आप सभी का संसद की संयुक्त समिति के समक्ष उपस्थित होकर अपने विचार व्यक्त करने एवं साक्ष्य देने के लिए स्वागत करती हूं । इसके लिए साथ ही मैं आप सब को यह भी बताना चाहूंगी कि दहेज प्रतिषेध अधिनियम, 1961, जो प्रारम्भ

में दहेज लेने तथा देने की परिपाटी को बन्द करने के उद्देश्य से बनाया गया था, अपने उद्देश्य की पूर्ति करने में असफल रहा है।

विवाह योग्य पुत्रियों के माता पिता को शादी हेतु लड़कों के अभिभावक का दहेज देने के लिए मजबूर किया जाता है। आजकल प्रतिदिन बड़ी संख्या में नव-विवाहित लड़कियों आत्महत्या करने पर बाध्य होती हैं या जिन्दा जला दी जाती हैं।

इन्हीं सब कारणों से सरकार ने संसद् के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्यकलाप की जांच हेतु गठित की है ताकि दहेज प्रथा के दोषों से प्रभावी रूप से निपटा जा सके। अतः वर्तमान अधिनियम की कमियों को दूर करने सम्बन्धी आपके सुझावों का यह समिति स्वागत करेगी।

आप साक्ष्य दें, इसके पूर्व में आपका ध्यान लोक सभा अध्यक्ष के निदेश में दिए गए निदेश 58 की ओर दिलाना चाहती हूं, जो कि इस प्रकार है :—

"जब साक्षी समिति के समक्ष साक्ष्य देने आयें, तो सभापति साक्षियों को यह स्पष्ट कर देगा कि उनका साक्ष्य सार्वजनिक समझा जाएगा और प्रकाशित किया जा सकता है, जब तक कि वे स्पष्टतः यह न चाहें कि उनके द्वारा दिए गए साक्ष्य का पूरा या कोई अंश गोपनीय समझा जाये। फिर भी साक्षियों को यह स्पष्ट बता दिया जायेगा कि भले ही व यह चाहें कि उनका साक्ष्य गोपनीय समझा जाये, वह साक्ष्य संसद् सदस्यों को उपलब्ध किया जाएगा।"

SHRI BEEKHABHAI: Madam, Chairman, Members of the Committee, Staff and Legislative Committee Officers, I, at the very outset, welcome you to the City of Lakes and Squares. I am very glad to express my gratitude to the Chairman, because she has included this backward State of ours on her itinerary. She has also visited the pink city of Jaipur. You know Mewar is the land of sacrifices. Here several thousands of ladies sacrificed themselves self-immolated for the honour and protection of their chastity. Mewar is called the area of the warriors. Meera Bahin also comes from this area. Though she was married to Mewar Maharana yet she came from Marwar. Dowry system is the product of the middle age. Earlier Swayamar was there and there was no difficulty as such. At the lower level we have in Rajasthan 'Dapa' system, namely, bride's price. The Committee may give serious thought to it as to how it can be stopped. With the growth of civilisation the dowry evil has increased and is penetrating from upper strata to power strata. This dowry evil is prevalent more amongst Aggarwals and Rajputs. Daily one reads in the newspapers that young girls are murdered for want of dowry.

सभापति महोदय: आप हमें ह बतलाइये कि कानून में आप क्या संशोधन चाहते हैं?

SHRI BHEEKHABHAI: We have to make this social legislation more effective. I would like to suggest that incentives be given to inter-caste marriages. Then on the punishment aspect there should be both fine and imprisonment and the limit of imprisonment should be raised to seven years. This offence should be made cognizable, non-bailable and non-compoundable and the abettor should also be given equal punishment. I also feel that police should not be given more powers. Social awareness should be created from the Taluka level. It should be widely published over the All India Radio and

Television. In the curriculum for the schools lessons concerning hatred towards dowry seekers should be included. I would not like to take more time of the Committee and will submit my views in writing also. I once again thank the Committee for allowing me to appear before it. Thank you.

(The witness then withdrew)

सेवा मन्दिर, उदयपुर

प्रतिनिधि

1. मिस अनिता माथुर
2. डा० ओम श्रीवास्तव
3. डा० गिन्नी श्रीवास्तव
4. कु० प्रीति ओझा
5. श्रीमती बसन्ती पालीवाल

(The witnesses were called in and they took their seatsL

सभापति महोदय: आप साक्ष्य दें इस के पूर्व मैं आप का ध्यान लोक सभा अध्यक्ष के निदेश में दिए गए निदेश 58 की ओर दिलाना चाहती हूं जो कि इस प्रकार है –

"जब साक्षी समिति के समक्ष साक्ष्य देने जायें तो सभापति साक्षियों को यह स्पष्ट कर देगा कि उनका साक्ष्य सार्वजनिक समझा जाएगा और प्रकाशित किया जा सकता है, जब तक कि वे स्पष्टत: यह न चाहें कि उनके द्वारा दिए गय साक्ष्य का पूरा या कोई अंश गोपनीय समझा जाये। फिर भी, साक्षियों को यह स्पष्ट बता दिया जाएगा कि भले ही वे यह चाहें कि उनका साक्ष्य गोपनीय समझा जाये वह साक्ष्य संसद् सदस्यों को उपलब्ध किया जा सकेगा।

एक बात मैं यह कहना चाहती हूं कि हमारी परिधि बहुत सीमित है, इस समिति में जो शक्ति प्रदत्त है उस की एक सीमा-रेखा है। हम केवल यह जानना चाहते हैं कि हमारा जो कानून है उस में कैसे संशोधन किया जाये जिस से वह प्रभावकारी बन सके। असफलता के क्या कारण हैं इस बारे में आप सुझाव दें। वर्तमान में क्या हो रहा है इसको सभी जानते हैं। यहां की कोई खास कस्टम है तो वह जरूर बता दें।

डा० ओम श्रीवास्तव: जो क्वेश्चनेयर आपने दिया है इसका उत्तर हम ने लिख कर दे दिया है। सेवा मंदिर संस्था डा० मोहन सिंह ने स्थापित की थी और इस समय से यह संस्था ग्रामीण विकास और प्रौढ़ शिक्षा के क्षेत्र में काम कर रही है और हम यहां की पंचायत समितियों में काम कर रहे हैं। पिछले डेढ़ वर्ष में एक महिला यूनिट भी शुरू की है जो तीनों पंचायत समितियों में काम करती है।

KUMARI ANITA MATHUR: Reference Question No. I, I would say that the traditions are so strong that people do not know how to change them.

The definition of dowry is no sufficiently clear.

People do not know about the existence of the law. Even if they know it, they do not know what to do. That is another reason for the failure of the legisiation.

There should be a limit on the expenditure on marriage and anyone who gives more than that limit should be punished as per the provisions of the Act. Both the persons giving as well as taking dowry should be punished. Dhapa system is very much prevalent in Rajasthan villages. In this system there is a bride price. If the Act defines the maximum expenditure for the marriage to be incurred, the Act would also take care of the Dhapa system.

There is a feeling that changes in the inhertiance Act giving share to the daughter in the father's property have also led to the failure of this Act.

The amount for dowry, gifts and expenses on marriage should be fixed. In other words, the expenses on the dowry, should include gifts, presents to the girls and boys, to the relatives, household goods and the expenses incurred in marriage, entertainment etc. should be part of dowry. All these expenses should not exceed Rs. 10,000. There should be freedom to them to spend this amount on whatever item they want.

We also think that group marriages should be encouraged within the castes. That would also take care of the excess expenditure.

There should be a limit fixed on the value of gifts given at festivals after the marriages or on auspicious days or events. When the girl returns to her in-law's house after visiting her parents one year after the marriage, the value of the gifts should not exceed Rs. 300/- per time and this limit should last only for five years.

The excess expenditure should be made joint responsibility of the parents of both the bride and the bridegroom. In this way one will be the check on the other.

The Legislation is too lenient. Keeping in view the number of dowry deaths, suicides, murders, the legislation should be made strict. Then there should be strict enforcement of the law. The punishment should be imprisonment for a minimum period of two years and for a maximum period of five years and a fine of the amount that the marriage expenditures exceeded Rs. 10,000. Mother and father of the boy and bride should bear all the burden of the punishment.

The court should not have a discretion to impose a lesser punishment than what is provided by the law.

The fine shoud be equal to the amount of the marriage expenses plus Rs. 10,000. The money so realised by way of fine should go towards supporting the family court system in the country and the small expenses of the dowry Prohibition Officers.

There is a need for the family courts dealing not only with the dowry cases, but also other matters relating to marriage breakdowns. Therefore, there is a need for new legislation in regard to the dowry excesses, because the present court system even in other cases that come before it is inadequate. The problem is that the number of judges is not adequate and it takes a long time to decide the cases. Therefore, there is a need for a new set up of courts for early disposal of cases.

We feel that offence should be made cognisable and no warrant should be required for those breaking the law. Relevant authorities should issue clear instructions for implementation of this piece of legislation quickly and effectively. Offences under this Act should be made bailable but they should not be compoundable. Sanction of the State Government need not be required before court may take cognizance.

We also feel that there is need for Dowry Enforcement Officer. Further citizens committees should be set-up and these committees should be official committees working under the Dowry Enforcement Officers. What I mean to say is that these committees should have official recognition and not just a committee of officials. A cross-section of public should be represented on these committees. Further, the Dowry Enforcement Officer should have some powers.

MR. CHAIRMAN: What is your concept of the family court, Dr. Shrivastava? Should lawyers be represented over there?

DR. GINNY SHRIVASTAVA: We have not gone into the details of the family court system but we feel judges

should be represented over there and also re-conciliation and counselling should be there. Social workers should also be represented over there.

MR. CHAIRMAN: I would like to know to what extent executive powers be given to the Dowry Enforcement Officers.

DR. GINNY SHRIVASTAVA: We have in mind powers like that vest in the Income Tax Officer. What we want is that his powers should be fairly free and open but details about the checks on his whimsical powers have to be worked out.

KUMARI ANITA MATHUR: We feel the number of the members in the Committee should be eleven and not five.

SHRI B. SATYANARAYAN REDDY: You might have gone through the present Act, where the definition of the dowry has been given. You also must have seen the Explanation that has been given. Do you think any amendment to the present definition is necessary?

DR. GINNY SHRIVASTAVA: I think we are quite clear on what we define as dowry. We can put 'dowry/ marriage expenses' because here we say anybody who gives dowry is also a guilty person, and those who have taken it are also guilty. So, when a marriage is seen by a Dowry Enforcement Committee or a Member of the Public that value of gold, feast, new clothes obviously exceeds Rs. 10,000, then a case can be made against these families. So, the definition of the dowry is the amount of expenditure at the time of marriage by the boy's as well as girl's side exceeding Rs. 10,000.

SHRI B. SATYANARAYAN REDDY: The Explanation says gifts given in the shape of cash, ornaments, clothes, all those things are not considered as dowry. Do you suggest these things should also be included in Rs. 10,000?

DR. GINNY SHRIVASTAVA: Yes.

MR. CHAIRMAN: You have not said anything about 'in consideration of marriage'.

DR. GINNY SHRIVASTAVA: We said nothing about that because there you have to prove it and it is always very difficult to prove. In this way we are ruthless for totalling up the value. Let people spend on the things they want. It may be more on food or more on cloths etc. but in total it should not exceed Rs. 10,000 from both sides put together. If that exceeds the fixed amount, then both the parties go into the hands of the Dowry Prohibition Officers.

SHRI K. P. UNNIKRISHNAN: Has your organisation at any time taken part in the anti-dowry campaign?

KUMARI ANITA MATHUR: Yes, last year in Udaipur there was a dowry case of Kanta Paliwal. We took up that issue and organised the city women. Since then we have a number of cases. In all those cases, sometimes there is evidence in the form of a letter asking for dowry, but in some cases there is no such evidence and the girl is just asked verbally to go and bring that thing or this thing. Our role comes in as a counsellor.

SHRI K. P. UNNIKRISHNAN: What has been the social response?

DR. GINNY SHRIVASTAVA: As far as the counselling side is concerned, it seems there is an appreciation of it. But still the satisfaction to us is that at least a couple of groups are there who are willing to spare some time to help women who are victims of dowry atrocities to stand on their own feet. The response of officials in taking up these things very seriously is a bit pessimistic. Udaipur is fairly a traditional city and unless we also go on ourselves, it will not be effective.

SHRI K. P. UNNIKRISHNAN: There have been instances of group marriages among the Muslims as well

as among the Bohras. Now, I ask you one question. Suppose the Parliament legislates with best of intentions and best of definitions. How far do you thnk it will be effective without the social sanctions? And what kind of climate would you want to be created for such social sanctions?

DR. GINNY SHRIVASTAVA: In the preamble of the cyclostyled note, we are looking forward merely to a new law, which will be strictly on the lines which we have presented before you; and it will not be effective unless organisations, like, Seva Mandir and others work on community basis. But if the law is weak, then our hands are also somewhat tied. So, there has to be a climate of working with the legislatures. So, you do what you can do and we do what we can do. Simply making legislation would not make much difference, but combined with various women's organisations and some men who are also concerned and angry about the conditions of women in regard to dowry and other things, something can be done towards this end.

KUMARI ANITA MATHUR: Considering the social conditions of women, it is very necessary that the official sources of law should join hands and support such cases of women.

The definition part is not worrying us, so much. Definition can be corrected over time. What is worrying and what has worried us in this case, is that the enforcement of the law, does not come to help, when its support is needed. We create social climate; people are ready to support, but we have the officers who say hands-up. Because of that we cannot do anything. So, the enforcement is of extreme importance.

DR. GINNY SHRIVASTVA: Whenever such cases have come, the process adopted by the court is so long that the support of the community that has been created, dies out. So, one thing which need to be taken up is the shortening of time in disposal of cases, otherwise the desired results cannot be achieved.

SHRI B. SATYANARAYAN REDDY: You have said the enforcing authorities are not cooperating. That is why you are not successful in curbing this evil. There is also a Hindu Code in the present Act and the authorities are taking advantages of that Act. So, we want to remove those defects in the present law. Therefore, what do you suggest in this direction so that they do not take shelter in the law?

KUMARI PREETI OZA: I accept this is one of the reasons, but loopholes will always be there even in the best made Act. It is the social awareness and the social response of the groups like Seva Mandir or other groups which have to create climate for other acts to be accepted or rejected. But the problem is that while we are highlighting the problem, the enforcers of the law should not keep on sleeping. If they are behind us, the favourable climate can be sustained.

(The witnesses then withdrew)

III श्री भूरेलाल बाया--भूतपूर्व मंत्री नव निर्माण संघ, उदयपुर ।

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parlimentary.

क्या आपको हमारी प्रश्नावली मिली है?

श्री भूरेलाल बाया: जी हां। उस का उतर मैंने भेजा है। इस के अतिरिक्त कुछ नोट्स मैंने विशेष रूप से तैयार किए हैं।

सभापति महोदय: आप का उत्तर हमारे पास अभी आया है। आप अपने नोट्स हमें दे दें।

श्री भूरेलाल बाया: किसी कारणवश मैं जल्दी नहीं भेज सका था।

सभापति महोदय: आप ने जो कागज दिया है, वह समाज-सुधार से ज्यादा सम्बन्वित है लेकिन एक्ट में क्या संशोधन होना चाहिए उसकी कहीं कोई चर्चा नहीं है।

श्री भूरेलाल बाया: नोट्स में तो नहीं है, लेकिन प्रश्नावली के जो उत्तर दिए हैं उन में है।

मुझे आप से यही निवेदन करना है कि हम चाहे जो कानून बनायें जब तक उस के लिए वातावरण नहीं होगा तब तक कोई कानून प्रभावी नहीं हो सकता। आप देखिए--हमारे यहां बाल-विवाह का कानून है उस का कितना पालन हो रहा है, ऐसा इस लिए है कि हम समाज में उस के लिए कोई वातावरण नहीं बना पाये हैं।

सभापति महोदय: आप ने जो नोट दिया है उस का हम पंजीकरण कर लेंगे क्योंकि वह सोशल-रिफार्म्ज से संबंधित है। आप इस समय इसके लिए कुछ मुख्य बिन्दुओं को कह दीजिए।

श्री भूरेलाल बाया: मैं चाहता हूं कि मेरे प्वायन्ट्स सब के ध्यान में आ जाएं इस लिए इनको जल्दी से जल्दी संक्षेप में पढ़ देता हूं--

1. दहेज निषेध अधिनियम, 1961 अधिक प्रभावी रूप से लागू करने के लिए उस के पक्ष में समाज का मत बनाने के लिए रेडियो, टी० वी०, चल चित्र आदि साधनों और जगह-जगह अभिभावकों तथा युवक-युवतियों के शिविर, सेमिनार, सभा सम्मेलन आयोजित किए जाने चाहिएं।

2. उक्त कार्यक्रम को सुचारू रूप से संचालित करने के लिए उक्त अधिनियम को भंग करने पर सामाजिक बहिष्कार की प्रक्रिया अपनाई जाय।

3. वैवाहिक जीवन के 15 वर्ष तक निःसंतान होने अथवा इस के पश्चात् पत्नि को गम्भीर बीमारी, दुर्घटना, आदि से मृत्यु हो जाने पर ही दूसरे विवाह की आज्ञा लेना अनिवार्य होना चाहिए। किन्तु पूर्व पत्नि या उस की नाबालिग सन्तान जीवित हो तो उसके भरण-पोषण और शिक्षा आदि के खर्च का भार वहन करने की ज़िम्मेदारी होनी चाहिए।

4. सामूहिक विवाह पद्धति को लोकप्रिय बनाने का प्रयत्न किया जाय।

5. ऐसे युवक-युवतियां जो दहेज लिये-दिये विना विवाह करने के इच्छुक हों उन को राज्य की ओर से पुरस्कृत या रोज़गार में लगाने में प्राथमिकता दी जाय।

6. विवाह योग्य युवक-युवतियों की जानकारी रखने वाले केन्द्र (मैरिज ब्यूरो) और विवाह भवन स्थापित किये जायं।

7. उपरोक्त प्रकार के कार्यक्रम को लोकप्रिय बनाने के लिए केन्द्रीय और राज्य स्तर के बोर्ड स्थापित किये जाऐं जिस के सदस्य ऐसे ही महानुभाव हों जिन का जीवन और व्यवहार उपरोक्त मान्यताओं के अनुकूल रहा हो ।

जीवन सादगी और संयम को पुनर्स्थापना होने पर ये सामाजिक सुधार सम्भव हैं । इस सम्बन्ध में समिति का क्या विचार है ?

सभापति महोदय: आप का धन्यवाद । समिति इस समय आप के विचार लेने आई है ।

(The witness then withdrew).

IV महिला समिति उदयपुर

प्रतिनिधि

1. श्रीमती हेम लता टैलसरा
2. श्रीमती शारदा जैन :
3. श्रीमती उषा भटनागर :
4. श्रीमती करन कान्ता भटनागर ।

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप सब का स्वागत है । मैं आपको केवल एक बात बताना चाहती हूं कि समिति के सामने कोई कागज़ पढ़ने का प्रावधान नहीं है । आपको अगर कोई खास बात कहनी हो तो वही कहें जा कि कानून से सम्बन्धित हो ।

श्रीमती उषा भटनागर : कानून की असफलता का पहला कारण तो यह है कि शादी और दहेज में जो प्रेजेण्टेशन देते हैं उसकी कोई सीमा निश्चित करनी चाहिए और मेरे ख्याल से अधिक से अधिक एक व्यक्ति अपनी आय का दस गुना या एक वर्ष की आय से अधिक शादी में खर्च न करे । लेकिन अभी इस तरह का कोई प्रतिबन्ध नहीं है, इसीलिए यह कानून असफल रहा है ।

दहेज लेने वाला और देने वाला, इन दोनों का समान रूप से दोषी करार दिया जाना चाहिए तभी दहेज देते हुए लोग डरेंगे । अभी तक समाज इस तरह का है कि व्यक्ति बिना जेल गये हुए भी बच सकता है उसकी बेल हो सकती है । ऐसा कुछ होना चाहिए कि व्यक्ति केवल कुछ पैसा दे कर छूटने जैसी स्थिति में न हो । सजा उसको होनी ही चाहिए, सामाजिक रूप से दंडित होना चाहिए जो सब को मालूम हो ।

श्रीमंत विद्यावती चतुर्वेदी : कारावास होना चाहिए और जमानत नहीं होनी चाहिए ?

श्रीमती उषा भटनागर : जी हां । एक बार तो उसे जेल जाना ही चाहिए । कम से कम 3 साल की सजा का प्रावधान होना चाहिए । फैमिली कोर्ट्स के द्वारा ऐसे केसेज का जल्दी डिसपोज़ल होना चाहिएं ।

श्रीमती प्रमिला दंडवते : आपने कहा है कि देने वाले और लेने वाले, दोनों को समान सजा होनी चाहिए तीन, तीन साल की। क्या लेने वाले को ज्यादा और देने वाले को कम सजा नहीं होनी चाहिए ? जो लोग देते हैं वह अपनी लड़की के सुख के लिए मजबूरी में देते हैं। अगर दोनों को समान सजा देंगे तो कोई भी शिकायत नहीं करेगा, यह भी हो सकता है कि पालिटिक्स में दूसरे के खिलाफ़ कुछ करने के लिए झूठी शिकायत हो सकती है। इस के बारे में गहराई से सोच कर बता दीजिए कि आप ने जो सुझाव रखा है कि दोनों को सजा होनी चाहिए, वह कहां तक प्रैक्टिकल है। इस में कम्पलैंट कौन करेगा ?

श्रीमती उषा भटनागर : इस बिन्दू पर भी सोचा था। दोनों ने गल्ती की है, इसलिए दोनों को सजा होनी चाहिए।

जहां तक बात है कि शिकायत कौन करेगा, इस के लिए मेरा सुझाव यह है कि हर स्तर पर एक समिति बने और उस में एक अफ़सर हो या इंस्पेक्टर हो और वह उस क्षेत्र के प्रतिनिधि के साथ इस बात के लिए जिम्मेवार रहे कि अगर वहां पर कोई ऐसी घटना घटी हो, तो उसको जिम्मेदारी बन जाए कि वह उस की कंपलेंट करे।

सभापति महोदय : आप को बहुत बहुत धन्यवाद।

(The witness then withdrew).

V--कस्तुरबा गांधी नेशनल मैमोरियल ट्रस्ट उदयपुर

प्रतिनिधि

(1) श्रीमती एस० दशोत्तर--प्रेसीडेंट एक्स-काऊंसलर, म्यूनिसिपल कौंसिल, उदयपुर।

(The wtness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती एस० दशोत्तर : सब से पहली बात तो मैं यह कहना चाहती हूं कि एक विजीलेंस कमेटी होनी चाहिए, जिसके सामने सारे डाउरी के केस जाएं और उन का निपटारा शीघ्र हो क्योंकि जब ज्यादा समय निकल जाता है, तो अपराध की इटेंसिटी कम हो जाती है। दूसरी बात यह है कि कई बार केस को सप्रेस कर दिया जाता है। इसलिए मेरा पहला सुझाव यह है कि इस के लिए कोई अलग से डिपार्टमेंट हो या कोई कमेटी इस के लिए बने, जो इस काम को करे।

दूसरा मेरा कहना यह है कि सोशल चैन्ज की हमारी कोई न कोई पालिसी होनी चाहिए। अगर हम एक्ट बना दें और उस को इम्पलीमेंट करने के लिए सोशल चेन्ज न हो, तो फिर काम नहीं चल सकता है। मेरा यह भी सुझाव है कि जो लोग इस कानून को लागू करने के लिए जिम्मेवार हों और वे इस का पालन न करें तो उन के लिए कामन मैन के मुकाबले में ज्यादा सजा होनी चाहिए। अगर कामन मैन को तीन साल की सजा का प्रावधान है, तो ऐसे आदमी को पांच साल की सजा होनी चाहिए।

डा० राजेन्द्र कुमार भंडारी: विजीलेंस कमेटी से आप का क्या मतलब है ?

वही केस को पकड़ेगी और वही कोर्ट का काम करेगी ?

श्रीमती ए० दशोत्तर : उस को मैजिस्ट्रेट की पावर हो और वह अपने आप में एक सम्पूर्ण कमेटी हो : वह बहुत पावर-फुल कमेटी होनी चाहिए और उस में जूडीशियेरी से कनेक्टैड लोग हों और दूसरे महानुभाव हों और वह एक हाई पावर कमेटी होनी चाहिए ।

दूसरी बात यह है कि कहीं कहीं पर कन्या-विक्रय की पद्धति है और लड़के वाले को रुपये देने पड़ते हैं । इस का इस कानून में प्रावधान नहीं है ।

डा० राजेन्द्र कुमारी वाजपेयी : डाउरी की डेफीनीशन क्या होनी चाहिए ।

श्रीमती ए० दशोत्तर : जो डेफीनीशन इस कानून में है, मैं उस से एग्री करती हूं ।

सभापति महोदय: आप का बहुत बहुत धन्यवाद ।

(The witnesses then withdrew).

VI--1 श्रीमती प्रेमवती सक्सेना } मोदीपारा
2 डा० एस० भान } वरी
धोलपुर

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप को अगर कोई नया पाइण्ट कहना है, तो बता दीजिए ।

डा० एस० भान : सब से पहला प्वाइन्ट तो मेरा यह है कि आज दहेज को कुछ लोगों ने अर्निंग का एक सोर्स बना लिया है । कुछ लोग अपनी वाइफ का मर्डर करते हैं और उसको मरे हुए थोड़ा समय यह बीतता है कि दूसरी शादी करने के लिए तैयार हो जाते हैं और वह यह सोचते हैं कि शादी करने में हमको 50 हजार रुपया डाउरी का मिलेगा । अगर 20 हजार रुपये लिटीगेशन में खर्च भी कर दिये, तो भी 30 हजार रुपये का नेट फायदा है । इसलिए ऐसा प्रावधान कानून में होना चाहिए कि जिन लोगों की पत्नी का मर्डर हुआ हो या डाइवोर्स हुआ हो, तो वे किसी विर्जिन से शादी नहीं कर सकते ।

दूसरे मेरा सुझाव यह है कि अगर दोनों गवर्नमेंट सर्विस में हैं, तो शादी करने के बाद दोनों में से एक को रिजाइन कर देना चाहिए लेकिन हरिजन लोगों को इस से छूट देनी चाहिए, जिससे उन के परिवारों को गवर्नमेंट सर्विस का बैनिफिट मिले ।

तीसरा मेरा यह सुझाव है कि डाऊट का बैनिफिट जो क्रिमिनल को दिया जाता है, उसको खत्म कर दिया जाए क्योंकि इस के कारण लोग छूट जाते हैं । ससुराल की चारदीवारी के अन्दर ये घटनाएं होती हैं, इसलिए आई-विटनैस का मिलना मुश्किल होता है । अगर कोई घटना

घटी है, तो क्रिमिनल को इस चीज़ को प्रूव करना चाहिए कि उस ने ऐसा नहीं किया है ।

श्रीमती प्रमिला दण्डवते : जो आपने एक्सट्रीम केसेज़ दिये हैं, लड़कियां जल जाती हैं, मर जाती हैं, मार दी जाती हैं, इसमें जो कानून बना हुआ है डाउरी रोकने के लिए यह कहां तक सफल हुआ है । अगर सफल नहीं हुआ है तो इसके क्या कारण हैं, यह समिति जानना चाहती है जहां तक बहू को तंग करते हैं, उसे मार देते हैं, तो उसको मरने से बचाने के लिए क्या करना चाहिए ? इसके बारे में आपका क्या कहना है ?

डा० एस० भान : स्त्री को हज़बैंड की आधी प्रापर्टी का मालिक बना देना चाहिये ।

श्रीमती प्रमिला दंडवते : गोआ स्टेट में एक कानून है, चाहे शादी हिन्दू में हो, मुसलमान, सिख, ईसाई किसी में हो सब रजिस्टर होती हैं, सारे देश में करने के लिए आपका क्या विचार है ?

डा० एस० भान : यह भी प्रपोज़ किया है ।

श्रीमती प्रमिला दंडवते : शादी के बाद अगर स्त्री संतान के बिना मर जाती है, तंग करके उसको मार दिया जाता है तो जो चीजें उसको स्त्री-धन के रूप में मिली थीं क्या वह उसकी मां के घर वापिस चलीं जायेगीं ?

डा० एस० भान : यह हमने प्रपोज किया है ।

एक लिस्ट रजिस्ट्रार आफिस में एक लड़के के पिता के पास और एक लड़की के पिता के पास होनी चाहिए । और यह कापियां रजिस्ट्रार के द्वारा हस्ताक्षरित होनी चाहियें ।

श्रीमती विद्यावती चतुर्वेदी : गांव में क्या होगा, क्या वहां रजिस्ट्री पंचायत में करें ?

डा० एस० भान : वह तो रजिस्ट्रार के सामने ही होना चाहिए । उनको रजिस्ट्रार आफिस में आना चाहिये ।

श्री बी० सत्यनारायण रेड्डी : इतने बड़े मुल्क में कुछ गांव में रहते हैं, कुछ जंगलों में रहते हैं, क्या सब के लिये रजिस्ट्रार के पास जाना संभव हो सकता है, उसमें बड़ा समय लगेगा है और कष्ट उठाने पड़ते हैं । फिर रजिस्ट्रार के आफिस में जो धांधली चलती है, वह क्या और नहीं बढ़ जायेगी ? क्या वह बात प्रैक्टिकल होगी कि गांव के लोग शहर में आकर रजिस्ट्रेशन करायें ? क्या ग्राम पंचायत के द्वारा यह काम हो जायेगा तो ठीक नहीं होगा ?

डा० एस० भान : यह तो रजिस्ट्रार आफिस में ही होना चाहिए ।

श्री बी० सत्यनारायण रेड्डी : क्या यह गरीबों के लिये पासिबल है ?

डा० एस० भान : यह लिमिट कर दीजिये कि जो स्टैंडर्ड की शादी कर रहे हैं, उनके लिये यह जरूरी है ।

डा० राजेन्द्र कुमारी वाजपेयी : क्या आप दो स्टैंडर्ड कानून में रखना चाहते हैं ? कानून तो सबके लिए एक सा बनता है ?

डा० एस० भान : जहां डाउरी ज्यादा चलती है, यह उन्हीं की समस्या है, जिनको डाउरी का इन्ट्रेस्ट नहीं है, वहां हो सकता है ।

(*The witnesses then withdrew*).

VII अखिल भारतीय जनवादी महिला समिति उदयपुर

प्रतिनिधि

(1) श्रीमती मुमताज बेगम
(2) श्रीमती रामा
(3) श्रीमती भगवती चौहान
(4) श्रीमती खातून

(*The witnesses then withdrew*). *took their seats*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती भगवती चौहान : हम अपना वक्तव्य लिखित में दें रहे हैं । सब कुछ इसमें लिखा है ।

इसके साथ ही हम यह कहना चाहते हैं कि दहेज के लिये बहुत कानून बने हैं और इस बारे में इनके द्वारा कुछ होता भी है और कुछ छिपा भी दिया जाता है, लेकिन कानून बनाने वाले ही कानून को तोड़ें तो उसके लिए कोई कानून नहीं है।

डा० राजेन्द्र कुमारी वाजपेयी : दहेज के इस विधेयक में क्या संशोधन करने चाहियें, दहेज कैसे रोका जा सकता है ?

श्रीमती विद्यावती चतुर्वेदी : दहेज आप किसको मानते हैं ?

श्रीमती भगवती चौहान : लड़की जब शादी हो कर जाती है और अपने साथ जो सामान लाती है उसी को दहेज समझा जाना चाहिए ।

श्रीमती विद्यावती चतुर्वेदी : दहेज लेना चाहिये या नहीं लेना चाहिये ?

श्रीमती भगवती चौहान :: नहीं लेना चाहिये बल्कि पैसा भी नहीं लेना चाहिये । लड़की ही घर की इज्जत होनी चाहिये, वही दहेज है ।

डा० राजेन्द्र कुमारी वाजपेयी : क्या इस की कोई सीमा होनी चाहिए ।

श्रीमती भगवती चौहान : जरूर होनी चाहिए ।

डा० राजेन्द्र कुमारी वाजपेयी : कितनी होनी चाहिए ।

श्रीमती भगवती चौहान : मां-बाप की हैसियत के हिसाब से होनी चाहिये ।

डा० राजेन्द्र कुमारी वाजपेयी : इस का मतलब है कि आप दहेज लेने की बात स्वीकार करती हैं ।

श्रीमती भगवती चौहान : उतना नहीं।

डा० राजेन्द्र कुमारी वाजपेयी : थोड़ा भी स्वीकार करती हैं ।

श्रीमती भगवती चौहान : थोड़ा तो होना ही चाहिए ।

श्रीमती विद्यावती चतुर्वेदी : मुसलमानों में मेहर की प्रथा है, वह होनी चाहिए या नहीं होनी चाहिये ? क्या उसी तरह का मेहर हिन्दुओं में भी रखा जाय ताकि औरत को यदि छोड़ दिया जाय, निकाल दिया या परेशान किया जाय तो मेहर जैसा कोई सिस्टम हो जिसे से उस को कोई एक मुश्त रकम मिल जाय ?

श्रीमती खातून : मैं ज्यादा पढ़ी-लिखी नहीं हूं लेकिन फिर भी यह कहना चाहती हूं कि जहां तक दहेज का सवाल है आज सारे देश में माहौल बना हुआ है कि दहेज लिया और दिया जाता है । अगर दहेज न दिया जाय तो लड़की पर जुल्म होता है । इस लिए जो दिया जाय उसको रजिस्टर किया जाय । जैसे एक बैल ही गाड़ी को नहीं चलाता है, गाड़ी दोनों पहियों से चलती है, लेकिन नाम एक बैल का होता है । आदमी ही सब कुछ नहीं है, औरत का भी अधिकार है । लड़का पैदा होता है तो बहुत खुशी मनाते हैं लड़की पैदा होती है तो खुशी नहीं होती है । लड़की शादी के बाद घर में जा कर चारदीवारी में बन्द हो जाती है । हर जगह नाम मर्द का होता है । यह झोंपड़ा किसका है? मर्द का नाम बताया जायगा कि फलां का झोंपड़ा है, औरत का नाम भी होना चाहिए । उसका पति नौकरी करता है तो पति के वेतन का आधा भाग औरत को मिलना चाहिये । मैं चाहती हूं कि औरत के साथ होने वाले जुल्म को मिटाया जाना चाहिये। एक औरत घर में बैठी है, उस के सिर पर दूसरी ले आते हैं । इन सब बातों के लिये सख्त कानून होना चाहिये ।

श्रीमती विद्यावती चतुर्वेदी : क्या आपकी बिरादरी में भी ऐसा ही होना चाहिये ?

श्रीमती खातून : पूरे देश में होना चाहिए । हम न हिन्दू हैं, न मुसलमां हैं, पूरे भारतीय हैं ।

सभापति महोदय : इन्होंने बड़े महत्व की बात कही है,– न हिन्दू हैं, न मुसलमां हैं, पूरे भारतीय हैं ।'

श्रीमती खातून : यह धरती मां है, भारत-माता है, यहां सब भाई-बहिन बैठे हैं, । औरत ही मर्द को जन्म देती है, लेकिन वही मर्द औरत के लिये राक्षस बन जाता है, ऐसा जुल्म नहीं होना चाहिये ।

एक किसान जो बहुत गरीब है, कितनी मेहनत से गेहूं पैदा करता है, लेकिन जब फसल आती है तो आप जरा उस की औरत का हाल पूछिए । किस तरह से वह खाना बना कर खेत पर ले जाती है, किस तरह से बच्चों को सम्भालती है, खेत में अपने मर्द की मदद करती है ।

श्रीमती प्रमिला दण्डवते : आप के विचारों को सुन कर मुझे बहुत खुशी हुई है । आप जैसे स्तर की महिला अपने अधिकार के लिए आगे आ रही हैं यह बहुत खुशी की बात है । मैं आप से यह पूछना चाहती हूं—दहेज प्रथा, चाहे हिन्दू समाज हो या मुस्लिम समाज हो, वह बन्द होनी चाहिए ?

श्रीमती खातून : यह जहर पूरे हिन्दुस्तान में फैला हुआ है । इसका नामोंनिशान मिटाना चाहिए ।

सभापति महोदय : धन्यवाद ।

(साक्षी उठ कर चले गए)

Bar Association, Udaipur
Spokesmen:

VIII 1. Kumari Shankutala Vyas. Advocate.

2. Kumari Kamala Bhandari, Adovate.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप हमें कानूनी रूप से इस कानून में सुधार की आवश्यकता को बतायें, डाउरी की परिभाषा में क्या परिवर्तन होना चाहिए और कहां परिवर्तन होना चाहिए । पनिशमेंट के बारे में बतायें क्या होना चाहिए और आप अपने को एक्ट तथा क्वेश्चेनेर तक ही सीमित रखें ।

कुमारी शकुन्तला व्यास : एक्ट के प्रीएम्बिल में जो लिखा है, एन एक्ट टु प्रोहिबिट गिविंग . . . . " तो हमारी राय में "गिविंग" शब्द को ओमिट करना चाहिए।

इस आफ़ेंस के बारे में ऐवीडेंस कहां से लैक्ट करेंगे अगर देने वाला व्यक्ति खुद ही ओफ़ेंडर है तो कोई भी आदमी खुद शिकाय नहीं करेगा । एक इन्नोसेंट होता है और दूसरा ओफ़ेंडर होता है । अगर दोनों को ही ओफ़ेंडर मानें तो ऐवीडेंस क्लेक्ट करना मुश्किल हो जायेगा । इसलिए शब्द "गिविंग" को डिलीट करना चाहिए ।

डाउरी की जो डेफ़ीनेशन दी गई हैं—

"Dowry means any property valuable secuhity given or agreed to be gicen....."

यह डेफ़ीनेशन बहुत हो नैरो कामप्रीहैंसिव बनाना चाहिए । कई बार मैरिज के बाद में ब्राइड को हैरास किया जाता है । डिवोर्स ला में हरासमेंट एक ग्राउन्ड होना चाहिए ।

डा० राजेन्द्र कुमारी वाजपेयी : कैसे इसको कामप्रीहैंसिव बनाया जाय ?

कुमारी शकुन्तला व्यास : कोई भी कार्य जिससे मेंटल टार्चर हो उसको आफेंस माना जाय ।

सभापति महोदय : लीगल टर्म्स में कैसे इसकी इनक्लूड किया जाये ?

कुमारी शकुन्तला व्यास : "any harassment for payment of money or dowry....."

ऐक्सप्लेनेशन (2) को डिलीट किया जाय ।

डा० राजेन्द्र कुमारी वाजपेयी : गिफ्ट्स के लिए आप कोई लिमिट तय करने के पक्ष में हैं ?

श्री बी० सत्यनारायण रेड्डी : सेक्शन 2 में ऐक्सप्लेनेशन में यही कहा गया है कि शादी के समय ...

by way of gift, money, cash, ornaments.

केवल ऐक्सेप्शन यह है कि ...

if not given in consideration of marriage

क्या इसमें कोई संशोधन की जरूरत है आपके ख्याल से ?

कुमारी शकुन्तला व्यास : जो दिया गया है वह तो ठीक है, लेकिन हमें मैरिज ऐक्सपेंसेज़ के अमाउन्ट को फिक्स कर देना चाहिए। अमाउन्ट फिक्स करने में मिनिमम अमाउण्ट फिक्स करना चाहिए । फिर अगर कोई अपनी लड़की को एफ़ेक्शन के आधार पर देना चाहता है तो वह दे सकता है । लेकिन शो नहीं होना चाहिए ।

श्री बी० सत्यनारायण रेड्डी : एक गरीब आदमी 200, 300 रु० से ज्यादा खर्च नहीं कर सकता है । उन पर भी यह कानून लागू होगा । जो अमाउण्ट आप फिक्स करेंगे तो हो सकता है कि उतना मिनिमम अमाउण्ट हर आदमी मांगे कि इतना तो आप दो ही क्योंकि इसमें लिखा हुआ है ।

कुमारी शकुन्तला व्यास : हमारे जो रीति रिवाज पहले थे, उन के मुताबिक तो एक नारियल से ही मैरिज हो जाती थी । मेरा सुझाव यह है कि इस के लिए कम से कम एमाउण्ट फिक्स होना चाहिए ।

श्री बी० सत्यनारायण रेड्डी : कम से कम एमाउण्ट कितना होना चहिए ।

कुमारी शकुन्तला व्यास : कम से कम 500 रुपये होनी चाहिए ।

श्रीमती प्रमिला दंडवते : अगर कोई 10 रुपये में शादी करना चाहता है, तो उसके लिए क्या होगा ?

कुमारी शकुन्तला व्यास : मैरिज में कुछ न कुछ खर्च तो होता ही है ।

श्रीमती प्रमिला दंडवते : और कोई एक रुपये में शादी करना चाहता है या नारियल की रस्म अदा करके शादी करना चाहता है या सिर्फ हार डाल कर ही शादी करना चाहता है, तो फिर यह 500 रुपये की मिनिमम लिमिट क्यों होनी चाहिए ।

कुमारी शकुन्तला व्यास : 500 रुपये मेक्सीमम लिमिट होनी चाहिए ।

MR. CHAIRMAN: Would you like to say something regarding 'consideration of' marriage?

KUMARI SHAKUNTALA VYAS: I do not want to say anything. There should be minimum punishment of six months and a fine of Rs. 5,000/-. Minimum punishment should be prescribed and no discretion left to the court. The offence must be made cognizable, bailable and non-compoundable. There should not be provision regarding sanction from the Government. The trial should be a speedy one and dowry prohibition tribunals should be set-up.

कुमारी कमला भंडारी : डाउरी के लिए आई-विटनैस मिलना मुश्किल है और इस के लिए सरकमटैंशियल एविडेंस पर डिपेंड करना पड़ता है । उस को कैसे कलेक्ट करें, यह बहुत बड़ा सवाल है । इस के लिए यह देखना होता है कि मैरिज के टाइम पर क्या क्या चीजें दी गई । डाउरी प्रोहीविशन एक्ट लागू होने पर लोग क्या करते हैं कि मैरिज के टाइम पर कुछ चीजें

नहीं देते हैं और मैरिज के बाद फिर चीजें दी जाती हैं । इसलिए मेरा कहना यह है कि मैरिज के बाद दो साल तक वर पक्ष को क्या क्या चीजें मिली हैं, अगर उन की कीमत 500 रुपये से ज्यादा है, तो उस का ब्यौरा होना चाहिए ।

दूसरा मेरा कहना यह है कि इस सम्बन्ध में पुलिस को इन्वेस्ट गेशन की पावर नहीं होनी चाहिये । अब आप कहेंगे कि अगर पुलिस को पावर न दी जाए, तो फिर किस को यह पावर दी जाए । इसके लिए मेरा सुझाव यह है कि एक कमेटी बनाई जाए, जिस में 11 सदस्य हों । उस में एक आफ़िसर हो और बाकी समाज के विभिन्न वर्गों के लोग हों । मेडीकल के, ज्यूडीशियेरी के और समाज के कुछ प्रमुख लोग उस में हों । जो आफ़िसर उसमें हों, उस को डी० एस० पी० की पावर्स हों ।

सभापति महोदय : आपने पहले कहा है कि पुलिस को इस की पावर्स नहीं होनी चाहिए ।

कुमारी कमला भंडारी : हम यह नहीं कहते कि एक डी० एस० पी० को एपाइण्ट कर दिया जाए ।

इवेस्टीगेशन के सम्बन्ध में यह है कि अगर दो साल तक उस परिवार के बारे में यह जांच होगी कि इन दो वर्षों में उन के यहां कोई प्रोपर्टी आई है या नहीं, तो उस से पता लग जाएगा कि दहेज के लिए कोई डिमांड रखी गई है या नहीं ।

श्रीमती प्रमिला दंडवते : इस में जो डाउरी की डेफीनीशन दी गई है, उस में जो एक्सप्लानेशन दिया हुआ है उस में यह है कि जो गिफ्ट्स **इन कंसिड्रेशन आफ मैरिज** नहीं होंगे, वे डाउरी नहीं माने जाएंगे । इस तरह से कोर्ट में जब केस जाएगा, तो इस को साबित करना मुश्किल होगा कि यह गिफ्ट **इन कंसिड्रेशन आफ मैरिज** दिया गया है । इस के बारे में आप का क्या कहना है ?

सभापति महोदय : इस के बारे में इन्होंने कह दिया है कि ये कुछ नहीं कहना चाहती ।

कुमारी कमला भंडारी : एमाउण्ट फिक्स कर देने के बाद, गिफ्ट, प्रैज़ैण्ट कुछ भी दिया जायेगा, उसको हम डाउरी में कंसीडर करेंगे । इसलिए डैफिनिशन में अमैंडमैंट होना चाहिए ।

श्रीमती विद्यावती चतुर्वेदी : जो एमाउण्ट फिक्स किया जाये, उसमें गिफ्ट भी शामिल किये जायें या उन्हें अलग किया जाये ।

कुमारी कमला भंडारी : दूसरे लोगों से जो गिफ्ट आते हैं, उनको अलग रखा जाये, उनका दिखावा नहीं होना चाहिए कि पेरेण्ट्स इतना दे रहे हैं । पिता अफैक्शन में कुछ भी दे सकते हैं ।

(The witnesses then withdrew).

IX—Shri J. S. Bhatt.

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:—

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the

witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI J. S. BHATT: Regarding the causes of the failure of the Dowry Prohibition Act, there are several reasons. The first reason is that no social malady can be remedied by a legislation alone. It is our social institutions that should take up this responsibility.

The definition of dowry will always be a problem. The question of how dowry was given and how it was taken, how it is to be proved will be just a jingle.

Black-money is playing a very great role in the society behind this giving of dowry. People who collect black-money and put up pomp and show and give gifts in the marriages are creating trouble for the middle class and the poor people. That is the first thing to be noted.

MR. CHAIRMAN: We will request you not to speak like one is speaking in a court. Please give us your suggestions for the amendment of the Act.

SHRI J. S. BHATT: You have asked reasons why the Act has failed.

MR. CHAIRMAN: You have asked the question in the context of the present Act. Why the Act has failed? Reasons for that. And what are the loopholes in it?

SHRI J. S. BHATT: The present Act has failed because the definition itself is not foolproof. The first loophole is that anything given as a marriage gift will not be considered as dowry.

Second reason for the failure of the legislation is that this social malady has not been studied province wise and castewise. Instead of a central legislation, there should be legal enactment.

SHRI B. SATYANARAYAN REDDY: Whether the word 'in consideration of the marriage' will have any loopholes in the present Act?

SHRI J. S. BHATT: Among the Hindus the marriages are not contract marriages. So, it will be very difficult to prove whether it was given in consideration of marriage or not. Anything can be settled privately. So, that is a meaningless definition.

As I was saying earlier, the problem should be studied castewise and provincewise. Now, since you are proceeding to Gujarat, I will tell yoo about Gujarat. Among the Patels, the expenditure for the bride through out her life are to be provided by the bride's parents. Even when she dies the funeral expenses are taken from the bride's parents. So, there should be a special enactment for that caste. In Gujarat only the business class, the Patels and the aristocrat Rajputs are suffering from this malady. In Rajasthan also the business class—Jain, Rajputs, Marwari etc. are suffering from this malady. In other castes minimum is prescribed, such as sowbhag chuunis, some weares and two or three sarees. Therefore, some such minimum is to be prescribed and any thing given above this should be considered as dowry. That should be in the definition.

The problem before us is that the money given with pomp and show or money extracted from the girl's parents is creating the trouble and has to be sorted out in different castes and classes separately. therefore, I say that the local legislation pertaining to the particular social conditions of a particular area will be more welcome than a central legislation providing for a general definition. That is why this Act is not working properly. Then there is some difficulty created by Hindu Succession Act. This provision is found nowhere in the world.

SHRIMATI SANYOGITA RANE: It is there in Goa.

SHRI S. S. BHATT: The Explanation nullifies the whole thing. So far as; the point regarding fixing of a ceiling is concerned, I would like to say that a ceiling can be put, but for putting up a ceiling a social survey should be undertaken, that is, in different castes what is the minimum given to the girl. Local conditions should be studied and local laws should be framed.

As far as marriage expenses are concerned I would like to say that marriage expenses are now in the fashion of dowry. Our social and political leaders should set standards. Marriage expenses are of three types. Sometimes the father of the son says that travelling expenses of the marriage party should be borne by the girl's father. That is one from. Second is the pomp and show created at the girl's residence. Third is that whatever is given to the daughter. There should be a limit prescribed to it. As far as presents after the marriage are concerned there are presents' made after the birth of the child and on that certain limit can be prescribed because in every caste one or two sarees are to be given or one or two untensils are to be given.

Then, Sir, giver of the dowry who makes a voluntary pomp and show can be punished but in certain circumstances where the 'giver' has to give out of compulsion then he should be exempted from punishment and then he can be the best witness. Further we feel that the discretion given to the court must not be disturbed. Of course, the guilty should not be allowed to go scot free, but discretion should be given to the court to give any punishment it likes.

Now, So far as the marriage law amendments are concerned, of course this will be the best deterrent for our Hindu Marriage Act as well as far the laws belonging to the Muslims and the Christians if it so amended that a girl, who is suffering from the torture from in-laws for not bringing in adequate dowry, can keep herself away from her husband and should not be taken to have deserted him.

This offence should remain bailable. It should remain cognisable by the Magistrate only. Arrest should not be made without a warrant.

The Act provides that there should be a special officer and without his sanction no prosecution should be launched. That provision should be abolished and any private complaint should be made entertainable by the Magistrate of the particular jurisdiction.

Section 4 of the Act which makes the demand of the dowry punishable, should be made more stringent. We are suffering mainly from this malady that the dowry is extracted. So, it is here that the punishment has to be stringent when the demand is proved to have been made.

I don't think there is any need for a special machinery. The present machinery is adequate.

Protection to the aggrieved party should be provided. As soon as a complaint is lodged in the Court, the girl should be asked to come to the court and she should be handed over to her parents and should remain in the custody of the parents. That is the best protection we can give in the present social circumstances.

SHRI K. P. UNNIKRISHNAN: Do you feel there is any need for any change in the Evidence Act?

SHRI J. S. BHATT: Yes. If we prescribe certain conditions in which the giver of the dowry is exempted and if he makes a statement in the court that such was the position at the time of the marriage, then he can be believed to be true just like it is in the rape cases where the prosecutrix sole evidence is sufficient to believe that the rape was done. In that manner an amendment can be made.

SHRI K. P. UNNIKRISHNAN: Won't you agree with me, if 1 say that the Hindu marriage should also be a contract, not a sacrament.

SHRI J. S. BHATT: It is easy to talk at the table. But I feel doubtful if this concept will be agreeable to the society at large.

SHRI K. P. UNNIKRISHNAN: Suppose a uniform civil code is made.

SHRI J. S. BHATT: If a uniform civil code is made even then whenever it is framed, it will have to take into consideration the social conditions in India. If it is a contract that is a happy thing for us. That is not derogatory for us.

(The witness then withdrew)

X Shri Hari Kumar Sharma

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आपका मेमोरेन्डम हमें पहले मिल चुका है और देखा भी है और आपके सुझाव अच्छे है । हमारे माननीय सदस्यों ने मेमोरेन्डम देख लिया है, उसके आधार पर प्रश्न करें तो समय की बचत होगी ।

श्री हरि कुमार शर्मा : ठीक है आप प्रश्न कर लें तो अच्छा रहेगा ।

सभापति महोदय : आप ने जो लिख कर दिया है, मैंने उस को देखा है और उसके आधार पर मैं एक क्लेरीफिकेशन चाहूंगी । आप ने लिखा है कि आप की जायदाद में लड़की का हक नहीं होना चाहिए, यह बताइए कि यह क्यों नहीं होना चाहिए ?

श्री हरि कुमार शर्मा : लड़की की शादी में दहेज देने में जो लड़की के माता-पिता को तकलीफ़ होती है, उस को कैसे दूर किया जाए, यह एक प्रश्नवाचक चिह्न है ।

होता क्या है कि दहेज के कारण जो निम्न परिवारों और मिडिल क्लास के लोग हैं, उन की शादियों में दिक्कत आती है । लड़कियों की शादी में उन की क्वालीफिकेशन्स की तरफ़ कोई ध्यान नहीं दिया जाता है और एकमात्र कंसिड्रैशन मनी कंसिड्रेशन होता है । जो बड़े बड़े इंडस्ट्रियललिस्ट्स हैं और अमीर लोग हैं, उन के मां-बाप को अपनी लड़कियों की शादी करने में कोई खास दिक्कत नहीं आती है । उन में तो आज कम्पीटीशन होता है । कोई 3 लाख रुपये देता है और कोई 5 लाख रुपये देता है । इसलिए मैंने जो सुझाव रखा है कि लड़की का हक उस के पिता की प्रोपर्टी में नहीं होना चाहिए, बल्कि उस को हक अपने पति की जायदाद में मिलना चाहिए । मान लीजिए किसी के चार लड़के हैं और 40 लाख की उस की हैसियत है । उस के एक लड़के को 10 लाख रुपये मिलेंगे । उस 10 लाख रुपये की प्रोपर्टी में उस की पत्नी का

50 प्रतिशत होना चाहिए । इस का सब से बड़ा लाभ यह होगा कि फादर-इन-ला की साइड वाले लड़की को मैन-हैंडिल नहीं कर सकेंगे । अगर उस को मैन-हैंडिल किया जाएगा तो वह अपना शेयर लेकर चली जाएगी ।

सभापति महोदय : आप ने यह भी लिखा है कि आय-कर अधिकारी को हर शादी में जाना चाहिए और उस में इसलिए जाना चाहिए कि कितना खर्च उस में हो रहा है लेकिन आप ने कहीं खर्च की सीमा निर्धारित नहीं की है कि शादी में इस से ज्यादा खर्च नहीं होना चाहिए । सीमा निर्धारित न करने का कारण क्या है ?

श्री हरि कुमार शर्मा : मैं बड़ा अनुगृहीत हूं कि आप ने बड़े डिटेल में मेरे मेमोरेण्डम को पढ़ा है । जैसा अभी कुछ देर पहले एडवोकेट साहब ने कहा था कि कुछ कम्युनिटीज हैं, जिन में यह डिसाइडेड है कि 5 मंगलसूत्र देने चाहिए और उन में यह प्रैस्क्राइब्ड है कि इतना तो कम से कम देना ही चाहिए लेकिन मिनीमम का मतलब यह होना चाहिए कि एक कंगाल से कंगाल भी उतना दे सके । किसी सेठ, साहुकार या किसी इंडस्ट्रियलिस्ट को यह हक नहीं है कि वह समाज के दूसरे आदमी की बेइज्जती करे । अब गरीब आदमी डेढ़, दो लाख रुपया कहां से खर्च करेगा । वह बगैर कर्ज लिए इतनी बड़ी शादी नहीं कर सकता । वह तो इससे बर्बाद हो जाएगा ।

सभापति महोदय : आप ने अपने जवाब में यह नहीं लिखा है कि जो बड़े अफ़सर बन कर निकलते हैं और उन के भाव लगा दिये जाते हैं उन के बारे में क्या किया जाए । एक आई०ए० एस० अफ़सर और आई० पी० एस० अफसर बन कर निकलता है तो तीन-तीन लाख रुपये की मांग होती है, उस की चर्चा आप ने नहीं की और न आप ने कोई सीमा खर्च की निर्धारित करने की बात कही है ।

श्री हरि कुमार शर्मा : मेरे पास क्वैश्चेनेयर नहीं था, इस लिए मैं इस के बारे में कुछ नहीं लिख पाया । एक मेरा सुझाव यह है कि दिखावे को बैन करना चाहिए ।

सभापति महोदय : आपने जो सुझाव दिए हैं वे सोशल रिफार्मस के बारे में ज्यादा दिये हैं लेकिन हमारा जो कानून है, उस में कहां कहां संशोधन होना चाहिए, उस के बारे में नहीं लिखा है । आप कहते हैं कि हमारा क्वैश्चैनेयर आप को नहीं मिला है । आप एक सप्लीमेंटरी मेमोरेण्डम भेज दीजिए ।

(*The witness then withdrew*).

XI—XV. Rajasthan Mahila Parishad, Udaipur.

Spokesmen:

(1) Shrimati Shanta Trivedi

(2) Shrimati Chandra Kanta Dave

(3) Shrimati Phool Kumar Agarwal

(4) Dr. Shibana Roy

(5) Miss Razia Tensin

(6) Dr. (Mrs.) Raj Bhanti

(*The witnesses were called in and they took their seats*)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they

specifically desire that all or any part of the evidence given by them s to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती चन्द्रकान्ता दवे : डाउरी के सम्बन्ध में जितनी भी वार्ता हुई है, उस में मैं यह कहना चाहूंगी कि लड़की को भी एक व्यक्ति माना जाए । और इस दृष्टि से जो भी पैसा या चीज़ उस को दी जाती है, वह उस के निजी नाम से दी जानी चाहिये क्योंकि पिता अगर अपनी सम्पत्ति में उसको हिस्सा देता है तो उसे डाउरी देने की आवश्यकता नहीं है । यदि लड़की उस हिस्से को स्वीकार नहीं करती है तो लड़की को कुछ न कुछ दिया जाना आवश्यक है क्योंकि वह भी अन्य सन्तानों की तरह ही सन्तान है । डाउरी ससुराल वालों को न दे कर लड़की के नाम से दी जानी ही चाहिए क्योंकि लड़की की ऐसी स्थिति नहीं होनी चाहिये कि न ससुराल में कुछ है और न मायके में कुछ है ।

दहेज के सम्बन्ध में जब किसी प्रकार की सजा दी जाती है तो उसकी एफ० आई० आर० भी दर्ज नहीं होती है । इसके लिये महिला थानों की हर स्टेट में व्यवस्था की जाये ताकि कम-से-कम एफ० आई० आर० तो दर्ज हो जाये ।

हर राज्य में अलग-अलग तरीके से डाउरी है । जब हम पूरे देश के लैवल पर कानून बनाने जा रहे हैं तो हर राज्य में डाउरी के जो प्रचलित तरीके हैं, उन की तरफ ध्यान देना चाहिये । कुछ जातियां ऐसी हैं जिनमें लड़की के पैदा होने से शादी होने और अन्त में जलाये जाने तक आवश्यक खर्चा पिता को ही वहन करना पड़ता है । जो इस दहेज के कानन में नहीं लिखा हुआ है । ऐसी पेशल स्थितियों को भी नोट किया जाये । दहेज न दिये जाने की वजह से जहां लड़की को तंग किया जा रहा है तो उन के लिये सरकार की तरफ से ऐसी व्यवस्था हो जहां वह रह सके ।

पिता सोचता है कि मैंने शादी कर दी, अब मेरी जिम्मेदारी खत्म हो गई, पति ने भी उस को निकाल दिया, ऐसी स्थिति में उस का कोई ठिकाना नहीं रहता है । उसे मेंटिनेन्स के लिये कहां जाना होगा, कहां रहना होगा ? हमारे नारी निकेतनों की स्थिति क्या है, यह हम सब जानते हैं । पिता, पति या सरकार की तरफ से उस के लिए कोई व्यवस्था की जाये जिससे वह अपना जीवन इज्जत के साथ बिता सके ।

डाउरी को कागनीज़ेबल औफेन्स की तरह से माना जाये ।

लड़की की स्थिति यह होती है कि वह दूसरी तरफ के लोगों से घिरी हुई रहती है, अकेली इन्सान होती है । सब की प्रैजेन्स में वह कुछ कह नहीं सकती । इसलिए ऐसी स्थिति में यदि वह कुछ भी कहना चाहे तो उस को स्वीकार कर लिया जाये न कि प्रूफ देने के लिए उस को बाध्य किया जाये । अभी प्रूफ देने के कानूनी मुद्दे इतने ज्यादा रहते हैं कि वह उन सब को पूरा नहीं कर सकती । यह हमारे कुछ सुझाव हैं ।

श्रीमतीफूल कंवर अग्रवाल : मैं ने आपकी प्रश्नावली का उत्तर पीछे लिखकर भेज दिया है । जो सीमा निश्चित की है, उस के बारे में मैंने यह सुझाव दिया है कि इन्कमटैक्स के स्लैब की तरह व्यक्ति की आय के अनुसार दहेज लेने और देने का प्रावधान होना चाहिये और लड़की के पिता के घर वालों को सजा नहीं मिले, यह विचार की बात है ।

डा० (श्रीमती) राज भानती : पहले हमारे शास्त्र में दहेज नहीं था, कन्यादान था । क्या हम इस एक्ट में ऐसे शब्द ला सकते हैं ? हमें दहेज शब्द हटा कर कन्यादान लिखना चाहिये ।

सभापति महोदय : आप इस सम्बन्ध में अपने विचार प्रकट करें ।

डा० (श्रीमती) राज भानती : मैं यह कहना चाहती हूं कि शब्द "डावरी" को हटाकर "कन्यादान" शब्द लेलें, क्योंकि गांव के लोग इस शब्द को ज्यादा बेहतर मानते हैं । हम चूंकि गांवों के अन्दर काम करते हैं इस लिये हम को इस बात का तजुर्बा है—वह कहते हैं कि हम कन्यादान दे रहे है, जिस को वे बहुत पवित्र मानते हैं ।

दूसरा सुझाव —आप के 1961 के सैन्ट्रल चिल्ड्रन एक्ट में बच्चों के लिए रेस्क्यू होम्ज़ का उल्लेख है । बच्चों के लिये चिल्ड्रन बोर्ड का भी उल्लेख है । इसी तरह के रेस्क्यू होम्ज़ और बोर्ड की व्यवस्था आप के कानून में भी होनी चाहिये । जब किसी महिला को डावरी के कारण परेशान किया जाता है तो आप के कानून में संवैधानिक व्यवस्था होनी चाहिये ताकि वह भी रेस्क्यू होम में जा कर रह सके । बोर्ड में ऐसे लोगों को रखा जाय जो उस की मदद कर सकें ।

जहां तक रजिस्ट्रेशन की बात है, उस के बारे में काफी कुछ कहा जा चुका है मैं उस पर ज्यादा नहीं कहना चाहती । राजस्थान में इस समय जो रेस्क्यू होम्ज़ चल रहे हैं उन की हालत बहुत ज्यादा खराब है । अगर उन में किसी डाउरी से परेशान औरत को भेज दिया जाता है तो वह प्रास्टीचूट बन जाती है । इसलिये ऐसे होम्ज़ की व्यवस्था होनी चाहिये, आपके कानून में इस वक्त कोई और व्यवस्था नहीं है ।

शहरों में फैमिली-काउन्सिल व्यूरो" बनाये जाने चाहियें जिस में इस तरह की पीड़ित महिलाओं को सही सलाह दी जा सके ।

कुमारी रजिया तहसीन : इस तरह के केसेज़ में पुलिस का डर काफ़ी अच्छा रोल अदा कर सकता है । मैं चाहती हूं कि इस काम पर स्पेशल पुलिस लगाई जाय लेकिन पुलिस ईमानदार होनी चाहिये जो दूसरी तरफ़ न मिल जाय और ईमानदारी से न्याय दिला सके ।

DR. SHIBANI ROY: We should start from home. It is directly concerned with the status of woman. It is the entire value system and re-orientation of society. There are areas where woman is not taken as a liability and the man has to pay for marrying the woman there the woman has some status. It is the inherent value system. How can you change the value system? In Rajasthan a woman is not expected to come out of the house. Here even today gold is weighed and given during the marriage.

I also feel police intervention will not help. After all our daughters are to get married I feel traditional customs prevailing amongst Muslims and tribals where money is paid by the husband is a welcome thing.

DR. RAJENDRA KUMARI BAJPAI: It seems you are not in favour of any form of legislation.

DR. SHIBANI ROY: I only said that legislation should not be common for all communities. We have to differntiate between different communities and I also said that value system has to be changed.

SHRI K. P. UNNIKRISHNAN: We

would like to know your views as to how to change this value system. How do you bring in change in value system?

DR. SHIBANI ROY: What I am suggesting, is that we have so many varieties of cultures in India, that one single law, will not help. Therefore, I say that each sub-culture should be taken separately.

When we talk of the Succession Law, in the case of Muslim women, there is a direct connection between Zar, Zan and Zamin—land, woman and money. Mahr is given to the woman. She has access to the property of her father but she does not claim it because she is getting married to her very first cousin, who also inherits the same property by which the landed property is not divided and it remains in the house. And since the girl does not claim it, when she visits her natal home, she thinks Maika is reciprocating her for not taking the share of the property, by giving her yearly presents.

DR. RAJENDRA KUMARI BAJPAI: Do you support dowry or not?

DR. SHIBANI ROY: I don't.

SHRI K. P. UNNIKRISHNAN: How do you relate your studies to this problem?

DR. SHIBANI ROY: It is not only dowry, it is the question of woman.

SHRI B. SATYANARAYAN REDDI: We want to amend the present Act. You might have gone through the present Act. I have got some doubts on what you have said. So, I want clarification.

Secondly, you have said that you are in favour of bride price and it was prevalent among the Hindus in immemorial days; it was called Kanya Shulka. It was also prevalent among the Muslims before Islam. In other words these things were there in the society, right from the beginning. But you have not clarified, whether you are in favour of dowry or not.

DR. SHIBANI ROY: I am very much against dowry system. Regarding your second question, there is nothing detrimental to the bride price. So while formulating your act on dowry, please note that there is nothing detrimental to the bride price. Rather bride price will enhance the status of the woman in the very low income group communities in India.

SHRI B. SATYANARAYAN REDDY: Secondly, you are working among the Muslim women. Do you feel it is prevalent among the Muslim women?

DR. SHIBANI ROY: It is very much there, not as bride price—but as a security money to be given at the time of divorce.

सभापति महोदय : आप ने बहुत जोरदार भाषण दिया है, उस के लिए धन्यवाद आप ने कोई किताब भी लिखी है।

डा० शीबानी राय : जी हां।

(The witnesses then withdrew).

XVI. **Shri Madan Modi**

(The witness was called and he took his seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be

treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री मदन मोदी : मैं एक सामाजिक पत्रिका 'बन्धन तोड़ो' का एडीटर हूं। इस में सामाजिक कार्यक्रमों के बारे में लेख होते हैं। मैं कुछ सुझाव देना चाहता हूं और संक्षेप में ही अपनी बात कहूंगा। यह जो कानून है, यह डाउरी की बुराई को दूर करने में पूरी तरह से सक्षम नहीं है।

सभापति महोदय : कानून सक्षम नहीं हो सका, प्रभावकारी नहीं हो सका, इस के बारे में हम सब जानते हैं। आप अपने सुझाव दें कि इस कानून में क्या संशोधन किये जाएं, जिनसे इस बुराई को दूर किया जा सके।

श्री मदन मोदी : मेरा पहला सुझाव यह है कि प्रदर्शन पर रोक लगानी चाहिए।

इस कानून को लागू करने के लिए एक सेपरेट सैल होनी चाहिए। वह ऐसे अपराधों में कार्यवाही करे और ऐसे मामलों की सुनवाई करें। यह सैल सरकार की तरफ से हो और उस में समाज के लोगों का एक ग्रुप होना चाहिए। 9 व्यक्तियों, 11 व्यक्तियों या 15 व्यक्तियों की यह समिति हो, जो तालुका, शहर और जिला के स्तर पर हो और यह दहेज के कानून को प्रभावकारी बनाने के लिए कार्य करे। विवाह का पंजीकरण होना चाहिए। इस से काफी सुविधा होगी क्योंकि दूसरे कानूनों का लाभ लोगों को मिल सकेगा। जो प्रजेन्ट्स दिये जाते हैं, उन की सीमा निर्धारित की जानी चाहिए और वे भी दहेज के अन्दर शामिल किये जाने चाहिए। उपहार के रूप में जो चीजें दी जाती हैं वे वास्तविक रूप में दहेज ही होती हैं।

विवाह के खर्च की अधिकतम राशि निर्धारित की जानी चाहिए और उस राशि से अधिक व्यय की इजाजत नहीं दी जानी चाहिए। जो उस राशि से अधिक व्यय करे, उस को अपराधी माना जाना चाहिए। उपहार भी उस राशि में सम्मिलित हों। यह राशि किसी भी परिवार की वार्षिक आय पर तय की जा सकती है।

हस्तक्षेपीय अपराध यह माना जाना चाहिए और इस में जमानत नहीं होनी चाहिए। कई ऐसी दुर्घटनाएं इस दहेज के कारण हो जाती हैं लेकिन अपराधी को सजा नहीं मिल पाती क्योंकि निचले स्तर के पुलिस के अधिकारी इस की जांच करते हैं और वहां पर गड़बड़ शुरू हो जाती है। कुछ ऐसी बातें इन्वेस्टीगेशन में रह जाती है, जिन से अपराधी छूट जाते हैं।

इसलिये उप-पुलिस अधिक्षक के नीचे किसी की जांच के अधिकार न हों। कहीं पर कोई दुर्घटना होने पर पुलिस उप-अधीक्षक उसकी जांच करें। ऐसी महिला की डाक्टरी जांच दो वरिष्ठ डाक्टरों द्वारा अलग-अलग की जानी चाहिए। उनकी रिपोर्टस् अलग-अलग लिखी जायें। कई केसेज में डाक्टर से लोग मिल जाते हैं।

यदि नव-विवाहिता की कहीं मृत्यु हो जाये, चाहे वह किसी भी कारण हो, उसका दाह-संस्कार तब तक न हो जब तक उसके माता-पिता भाई-बहिन या निकटतम संबंधी वहां न पहुंच जायें।

दहेज के कारण कोई महिला पीड़ित हो तो उसे उसी आधार पर तलाक लेने का अधिकार भी होना चाहिए।

(तत्पश्चात् बैठक की कार्यवाही समाप्त हुई।)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Thursday, 3 June, 1982 from 13.00 to 14.25 hours in Circuit House, Udaipur.

PRESENT

Shrimati Krishna Sahi, *Chairman*

MEMBERS

Lok Sabha

2. Dr. Rajendra Kumari Bajpai
3. Smt. Vidyavati Chaturvedi
4. Smt. Pramila Dandavate
5. Smt. Sanyogita Rane

Rajya Sabha

6. Shri B. S. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND LEGISLATIVE COUNSEL

Dr. Raghbir Singh—*Asstt. Legislative Counsel.*

WITNESSES EXAMINED

(1) Shri Ganpat Singh Bhandari, *District and Session Judge, Udaipur.*
(2) Shri P. N. Bhandari, *Vice-Chancellor, Udaipur University, Udaipur.*
(3) Shri P. S. Yadav, *Dy. Inspector General of Police, Udaipur.*
(4) Shri J. P. Singh, *District Magistrate, Udaipur.*

(*The witnesses were called in and they took their seats*).

MR. CHAIRMAN: You are welcome to this sitting of the Joint Committee of the Houses to examine the question of the working of the Dowry Prohibition Act, 1961. You are well aware of the purpose of visit of this Committee to Udaipur. Yesterday the Committee heard the views of some prominent individuals and social organisations.

Before we proceed, may draw your attention to Direction 58 of the Directions by the Speaker which reads as follows.

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

First of all the Committee would like to hear your views regarding the Draft Bill.

SHRI J. P. SINGH: It is a social problem. The definition of 'dowry' should be made more elaborate and the difference between presents and dowry should be more clearly defined. As has been provided, it is dangerous to make it cognizable and non-bailable. Adequate machinery should be created to enforce this piece of legislation.

SHRI P. S. YADAV: Legislation alone cannot solve this problem. It is a social problem and should be tackled at the social level by awakening social awareness. The present Act has remained only on paper because of vagueness in the definition. This offence should be made cognizable so that it may become more effective.

SHRI P. N. BHANDARI: Too many laws for social problems are not useful. Dowry evil is more in the urban areas. Controlling the expenses on marriage, will be fare and more beneficial. It is more important that we should discourage lavish marriages. Community marriages should be encouraged. If we are able to bring down expenses that itself would be a big gain. Incentives for community marriages should be given. Public places free of charge should be made available for community marriages.

SHRI GANPAT SINGH BHANDARI: Actually speaking the Act, as such, is such that it is most unpracticable. There are three things. If anything is given 'in consideration of' marriage that is an offence. If it is not then it is not an offence. If anybody gives any amount at the time, before or after the marriage and if he says that it is willingly given, then there is no case of offence. If it is in consideration of the marriage, then only this is an offence. So, it is impossible to prove in a practical way that this amount has been given in consideration of the marriage. Actually giving anything in marriage to a girl should not be an offence, because it is the right of any girl and any person may give whatever he likes to. Then it is contrary to the Hindu law also. If by giving of the dowry itself, the offence is to be made, then nothing should be given at the time of the marriage and lavish spendings at that time should also be treated as an offence. The evil of dowry never comes to the surface at or before marriage. It is only after the marriage. In divorce cases one of the main grounds is that the girl has been harassed by the father-in-law, mother-in-law, because of asking something in the form of dowry after marriage. If in the finding by the District Judge it is proved that dowry had been demanded, then it should be considered a very serious offence. Therefore, anything demanded after the marriage from the girl's father, mother or anybody should be the real offence and that should be non-bailable, cognisable and even the minimum sentence should be provided for that offence. Naturally it should also be non-compoundable by the Courts. The minimum sentence should be three months. Therefore, I say that whatever is given by the parents at the time of marriage should not be treated as an offence. But if this is done after the marriage, it should be treated as an offence. Thus offence of dowry should be made after the marriage, because most of the cases of dowry disputes arise only after the marriage. Therefore, I say whatever Act you make, it should be most stringent, but at the same time it should be practicable. Not a single case of dowry dispute arising before the marriage is pending with us.

सभापति महोदय : क्या यह आफेंस नान-वेलएविल होना चाहिए ?

श्री गनपत सिंह भंडारी : यह नान-वेलएविल होना चाहिए, कागनीजैविल

होना चाहिए और नान-कम्पाउंडएबिल होना चाहिए । मिनीमम सेन्टेंस तीन महीने होना चाहिए ।

मैं यह भी कहना चाहूंगा कि कस्टम हमारे यहां ऐसा होना चाहिए कि डाउरी की जरूरत ही न पड़े ।

मैरिज के पहले जो चीजें दी जाती हैं, उन को ले लेंगे, तो मैरिज टूट जाएगी और इस से लड़की वालों को बहुत कठिनाई का सामना करना पड़ेगा ।

सभापति महोदय : जो मर्डर के केस होते हैं, उन में भी कोर्ट वेल दे देती हैं तो फिर इस में नान-वेलएविल रखने का क्या फ़ायदा होगा ।

श्री गनपत सिंह भंडारी : नान-वेलएविल होने का फ़ायदा यह होगा कि एक दो दिन वह जेल में रह आएगा । इस का यह फ़ायदा भी होगा कि पुलिस विदआउट वारेण्ट एरेस्ट कर सकती है और इस से लोगों के मनों में डाउरी लेने और देने में डर बना रहेगा ।

SHRI B. SATYANARAYAN REDDY: The law is mainly for the middle class people who are not in a position to give dowry. I am sure the rich class will escape even after dowry is prohibited. So, when you suggest that the law should be made cognisable, don't you feel that there will be a general harassment?

SHRI GANPAT SINGH BHANDARI: When Child Marriage Act provides for this, why should there be apprehension in this case? After going into the case, the Police goes to the Magistrate saying that the case has been proved and that the person may be arrested. The Magistrate after examining the case and hearing the lawyers passes the order and issues the warrant. Cognisable means that when a person goes to the Police Station, his complaint will be registered with the police. But to avoid any harassment you can make special provision in the Act that for arresting you have to obtain clearance from the Magistrate.

सभापति महोदय : आप ने कहा था कि लड़के की शादी की जो कीमत पहले टीके के रूप में दी जाती है वही डावरी होगी । लेकिन शादी की कीमत सिर्फ टीका ही नहीं होती है बल्कि उसक साथ जो सामान दिया जाता है वह भी उस में शामिल होना चाहिए, यहां तक कि कभी-कभी यह भी कहा जाता है कि शादी का पूरा खर्च लड़की वाले को देना होगा या हम इतने बाराती ले कर आयेंगे उनका खर्चा लड़की वाले को देना होगा ?

SHRI GANPAT SINGH BHANDARI: That can also be covered. The definition has to be revised.

सभापति महोदय : लेकिन इस का आल्टरनेटिव आप क्या बतला रहे हैं ? क्या आप कोई नई डेफिनीशन चाहते हैं या इसी डेफिनीशन में अमेण्डमेण्ट चाहते हैं ?

श्री गनपत सिंह भंडारी : आफटर मैरिज कन्सीड्रेशन नहीं होता है । बाद में कन्सीड्रेशन प्रूव करना मुश्किल हो जाता है ।

SHRIMATI PRAMILA DANDAVATE: We want your concrete suggestions.

SHRI GANPAT SINGH BHANDARI: Demanding of anything in any form after the marriage should be taken as an offence.

सभापति महोदय : कुछ कम्यूनिटीज में ब्राइड-प्राइस की व्यवस्था है —इस से आप क्या समझते हैं ? ऐसी व्यवस्था से स्त्रियों का दर्जा उठता है या गिरता

है ? क्या इस तरह का सिस्टम करने से कोई फायदा होगा ?

श्री जे० पी० सिंह : यह तो उल्टा हो जायेगा, तब तो वह शादी ही नहीं कर पायेगा ।

SHRI B. SATYANARAYAN REDDY: What do you want to say about Explanation II.

SHRI GANPAT SINGH BHANDARI: This should continue but declaration should be made and it should be in the name of the girl.

SHRIMATI PRAMILA DANDAVATE: Home Minister has issued a circular to different States regarding deaths of women within seven years of marriage in suspicious circumstances. Have you come across a case where brother or father of the girl came to you with a complaint and also what action was taken by you.

SHRI P. S. YADAV: We register such cases and investigations are made.

श्रीमती विद्यावती चतुर्वेदी : आज जो दहेज पर प्रतिबन्ध का प्रश्न सामने आया है उस के दो कारण हैं । एक तो यह कि जिन के मां-बाप दे नहीं सकते हैं उन लड़कियों को आत्म-हत्या करनी पड़ती है या उन को ज़िन्दा मार दिया जाता है या जला दिया जाता है । इस कानून के अन्तर्गत ऐसे लोगों को किस तरह सज़ा मिले जिस से ऐसी घटनाये रुक सकें । यह ठीक है कि हर चीज़ के लिए कानून ही सब कुछ नहीं हो सकता है लेकिन कानून से शक्ति मिलती है, इस लिए प्रश्न यह है कि कैसे उस को सक्षम बनाया जाय । इस वक्त तो प्राबलम यह है कि जो दहेज दे नहीं सकता उस की रक्षा कैसे करें ।

SHRIMATI PRAMILA DANDAVATE: Now, I would like to ask a few questions. You are not opposed to giving anything at the time of marriage. I would like to ask you that under Hindu Succession Act 'stridhan' has been clearly defined and sufficient protection is given to 'stridhan'. So, if the word 'dowry' is ommitted and it is called 'stridhan' then it gives useful protection to the women. Nobody can touch it without her consent. Secondly, as has been suggested by you that a limit should be put on the expenses then we would like to know what should be the limit and how it should be specified in the Act itself, namely, whether Guest Control Act should be there; control on electricity consumption or band, etc. Thirdly, would you suggest that a special Dowry Prohibition Officer should be appointed who can take cognisance of the offence and also whether the offence can be registered by the aggrieved party or by even the social organisation?

श्री गनपत सिंह भंडारी : रीयल डिस्प्यूट यही है कि सगाई नहीं करेंगे, शादी नहीं करेंगे ।

डा० राजेन्द्र कुमारी वाजपेयी : चाहे लड़के को दें, तिलक में दें, वह सब डावरी की फार्म में आ जाता है । देश के सामने सवाल यह है कि समाज की इस बड़ी कुरीति को कैसे दूर करें ? आपने कहा कि केवल कानून बनाने से कुछ नहीं होगा । मुझे ऐसा लगता है कि आज जो वातावरण बन रहा है, उसमें गवर्नमेंट कोई ऐसा कानून बना दे जो फुलप्रूफ हो और समाज पर पूरी तरह लागू हो और जो आज की जैनेरेशन चाहती है, वह भी पूरा हो तो शायद इसमें हम आगे चल कर सक्सेसफुल हो सकते हैं । ऐसा तो हो नहीं सकता कि इस ईवल को हम खत्म कर ही नहीं सकते । इसकी परिभाषा और ऐक्सप्लेनेशन में क्या चेन्जेज़ होने चाहिये ऐंडमिनिस्ट्रेटिव पौइंट आफ व्यू से और

इमप्लीमेंटेशन के बारे में भी बतायें ताकि इस कानून को प्रेक्टिकल शेप दे सकें। क्या लेने वाले को ही शामिल किया जाय या देने वाले को भी शामिल किया जाय ? गिवर को इसमें से शायद निकालना पड़ेगा क्योंकि उसको मजबूरी में देना पड़ता है। "इन कंसीडरेशन" बहुत माइल्ड टर्म है, इसकी जगह दूसरा शब्द इस्तेमाल किया जा सकता है जिसमें सारी चीज़ें आ सकें। क्या आप यह नहीं फील करते हैं कि कानून ज्यादा ड्रास्टिक और हार्श होना चाहिए ? इसलिए इमप्लीमेंटेशन और डेफ़ीनीशन में क्या चेंजेज़ किये जा सकते हैं यह आप बतायें ?

SHRI GANPAT SINGH BHANDARI: If a person is allowed to spend any amount because he can do it, then there will be lot of problem. Say, there is a particular officer. He will go along whole of the country for finding out who will give him the most. In that case limit has to be fixed. But the ceiling of say Rs. 30,000 will be impossible for a poor person, but for Tatas and Birlas it will be nothing. They can spend a crore of rupees just on flower decoration. Therefore, the question is why should we allow this ostentation. All types of expenditures at the time of the marriage should be included in this limit. So many meals served, the length of the stay of the Barat and the expenditure on it. All these should be included in it.

MR. CHAIRMAN: There is an Order, 32(a) in the C.P.C. which provides that in the matter of family disputes, the Court can resort to a special procedure. How far have the Court till now applied this principle in this regard?

उसकी लड़की सुरक्षित नहीं है और ऐसी घटनायें हो रही हैं, तो उन को कैसे रोका जा.सकता है या रोका जाय ?

जो पैसा मिलता है वह लड़की को न मिल कर ससुराल वालों को मिलता है। दहेज की परिभाषा क्या हो ताकि एक गरीब की लड़की की जिन्दगी सुरक्षित रह सके अगर वह पैसा नहीं दे सकता। और जो वह देना चाहता है वह उस लड़की को ही ज़रूरत पड़ने पर उस के काम आ सके चाहे स्त्री धन के रूप में हो या दहेज के रूप में हो।

श्री गणपत सिंह भंडारी : जो प्रथम आफ़ेंस आपने बताया कि डावरी की वजह से मरी हो तो ऐसे केसेज़ में हम ट्राई कर रहे हैं कि फ़ादर-इन-ला और मदर-इन-ला दोषी हैं।

श्रीमती विद्यावती चतुर्वेदी : मरने से पहले उन को सताया न जाय इसकी क्या व्यवस्था होनी चाहिये ?

SHRI GANPAT SINGH BHANDARI: For that the Social Welfare Department should come to their help. And if any finding is given by any court on the complaint of the woman that she has been harassed, then that should be considered as an offence and it should be made a ground for punishment.

(The meeting then adjourned).

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Friday, 4 June, 1982 from 15.00 to 16.50 hours in Circuit House Annexe, Ahmedabad.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Pramila Dandavate
3. Shrimati Sanyogita Rane

Rajya Sabha

4. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri B. R. Atre—*Deputy Legislative Counsel.*
2. Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I. Shri Fulsinghji B. Dabhi, *Ex-MLA (Bombay) and ex-MP (Lok Sabha), near Vithal Kanya Vidyalaya (Gujarat).*

II. Km. Suraksha Maharaja, *Managing Trustee, Women's Equal Rights Group, D-3, Akashdeep Apartments, Ellisbridge, Ahmedabad.*

III. (A) *Vikas Grah, Fatehnagar, Post Anandnagar, Ahmedabad.*

Spokesmen:

(1) Smt. Puspavati Mehta, *President.*
(2) Smt. Sumitra Thakara, *Secretary.*
(3) Smt. Jayantikaben Jayant, *Member.*
(4) Smt. Praveen Lata Shodhan, *Vice-President.*
(5) Dr. Padma, Fadia, *Member.*

(B) *Jyoti Sangh, Relief Road, Ahmedabad.*

Spokesmen:

(1) Smt. Vidya Mehta, *General Secretary.*
(2) Smt. Hemalata Hegishte, *Vice-President.*
(3) Smt. Udayaprabha Mehta, *Ex-President and Member.*

IV. *Self Employed Women's Association Sewa Reception Centre, Ahmedabad.*

Spokesman:

Shrimati Ela R. Bhatt, *General Secretary.*

V. *Economic Development of Women Corporation, Gujarat State*, 25/291, *Adarsh Nagar, Ahmedabad.*

Spokesman:

Smt. Sushila Nagendra Vyas, *Member.*

VI. Dr. Jyotsna Shah, *Retd.* Director of Social Defence, Gujarat State, E-52, Ayojan Nagar, Ahmedabad.

VII. Shri Dilip H. Braham Bhatt, 16, New Satya Nagar Society, Bhrahampura, Ahmedabad.

I. Shri Fulsinhji B. Dabhi.

(The witness was called in and he took his seat)

सभापति महोदय : अब बैठक की कार्यवाही शुरू की जाती है।

मैं आप सभी का संसद् की संयुक्त समिति के समक्ष उपस्थित हो कर अपने विचार व्यक्त करने एवं साक्ष्य देने के लिए स्वागत करती हूं। इसके साथ ही मैं आप सब को यह भी बताना चाहूंगी कि दहेज प्रतिषैध अधिनियम, 1961, जो आरम्भ में दहेज लेने तथा देने की परिपाटी को बंद करने के उद्देश्य से बनाया गया था अपने उद्देश्य की पूर्ति करने में असफल रहा है।

विवाह योग्य पुत्रियों के माता पिता को शादी हेतु लड़कों के अभिभावक को दहेज देने के लिए मजबूर किया जाता है। आजकल प्रति दिन बड़ी संख्या में नव-विवाहित लड़कियां आत्म हत्या करने पर बाध्य होती हैं या जिन्दा जला दी जाती हैं।

इन्हीं सब कारणों से सरकार ने संसद के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्य–कलाप की जांच हेतु गठित की है ताकि दहेज प्रथा के दोषों को प्रभावी रूप से निपटा जा सके। अतः वर्तमान अधिनियम की कमियों को दूर करने संबंधी आप के सुझावों का यह समिति स्वागत करती है।

Before you start, I may point it out to you that in accordance with the provisions contained in Direction 58 of the Directions by the Speaker, your evidence shall be treated as public and is liable to be published unless you specifically desire that all or any part of the evidence given by you is to be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

जो मुख्य प्वाइंट्स हैं उनको ही आप बताएं। यहां पर कागज पढ़ने की कोई अनुमति नहीं दी जाती। पहले आप अपनी बात कह लें और उसके बाद माननीय सदस्यगण आप से प्रश्न पूछेंगे।

SHRI FULSINGHJI B. DABHI: I was the first Member of the Bombay Legislative Assembly who first brought forward this Dowry Prohibition Bill in 1940. In the first reading, this Bill was passed by an overwhelming majority but then it was circulated for eliciting public opinion. It was referred to the Select Committee. As the Central Parliament was considering Hindu Code Bill this was not pursued. I was elected Member of Parliament in 1952. In 1953 five Members of Parliament introduced a similar Dowry Prohibition Bill in Parliament. Shrimati Uma's Bill came in the ballot and, as such, it was taken up for discussion. Many Mem-

bers took an active part and at that time I also made a long speech. Then government said that they were fully in favour of the Bill, but there were some difficulties. Yet they assured us that government would bring forward a very comprehensive Bill in the future. I am not quite aware what happened afterwards. I have sent one copy of the proceedings to you also.

MR. CHAIRMAN: I have gone through the proceedings of the Parliament.

SHRI FULSINHJI B. DABHI : I nave gone through the Questionnaire. The first general question is, what are the reasons for its failure? My reply to this is that no social evil can be eradicated unless there is a strong public opinion for it. For creating a strong public opinion some social workers and social institutions wedded to the cause must come forward. However stringent the provisions you may make, they alone will not help in eradicating this evil.

Another reason for the failure of this legislation is that in the legal procedure the penal offence must be proved by the prosecution. And the prosecution cannot succeed unless there is sufficient and believable evidence. In such cases evidence and witnesses can be had only if the near relatives knowing such things come forward and give evidence then and there.

SHRIMATI PRAMILA DANDAVATE: You have stated that the law which was enacted in 1961 has not been effective at all. We would like to have your suggestions as to how to make that law effective. We agree with you that law will not alone help. Public opinion has to be created. But first of all please tell the Committee what amendments would you like to be incorporated in the present Draft Bill.

MR. CHAIRMAN: Mrs. Dandavate, the witness has already given his views and he has nothing more to add. So, there is no need to ask him more questions.

Thank you very much. Please send your suggestions in writing in detail. We have already devoted fifteen minutes to this witness.

SHRI FULSINHJI B. DABHI: Thank you.

(The witness then withdrew)

II—Kumari Suraksha Maharaja

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Commttiee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specilcally desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

हम आपका स्वागत करते हैं और आप से अनुरोध करते हैं कि आप संक्षेप में अपने विचार हमारे सामने रखें ।

कुमारी सुरक्षा महाराज : आप का 1961 का जो कानून है वह इफेक्टिव नहीं है, उस में बहुत से लूप-होल्ज़ हैं। इस में आप ने रखा है कि पब्लिक-ओपिनियन

क्रिएट की जाएगी, सेमिनार करवायेंगे, सोशल-वेलफेअर डिपार्टमेंट जागृति पैदा करेगा लेकिन ज्यादातर केसेज़ में लड़कियों की आयु इतनी हो जाती है कि माता-पिता को बाध्य हो कर हां करनी पड़ती है, अपनी हैसियत से ज्यादा देने के लिए हां करनी पड़ती है। वह सोचते हैं कि इस वक्त तो लड़की की शादी हो जाय, पीछे देखा जायगा ।

हम यह मानते हैं कि इसमें डावरी देने वाले का कसूर नहीं है, लेने वाले का कसूर माना जाना चाहिये । देने वाला तो इस लिए देता है कि हालांकि उस की हैसियत नहीं है, लेकिन उस की लड़की की शादी हो जायगी, सुखी रहेगी । लेकिन उसके बाद जब वह मांग होती है तो देने वाले का मेन्टल-टेन्शन बढ़ता है । इसलिये मैं देने वाले को लैस-एक्यूज्ड़ -पार्टी मानती हूं । इस में लेने वाला ज्यादा गुनहगार होना चाहिये क्योंकि उस की शर्तें होती हैं कि हमें फलां-फलां चीज़ दो । हमारे पास ऐसे 6 केसेज़ आये हैं । अभी एक केस जो हाल में आया है, जिस में लड़की मारी गयी है, हम ने उस की जांच की है । जो कारण पेपर में बतलाये गये हैं वास्तव में वह बातें नहीं थीं । इस केस में शादी के 10 साल बाद डावरी मांगी गई और उस के लिये लड़की को बहुत ज्यादा मैन्टल -टार्चर दिया गया और डावरी न लाने के कारण उस को मारा गया । उस के बाद अगर लडकी को जला दिया जाये तो फिर केस चलाने का कोई मतलब ही नहीं । रह जाता । जब पहले उस को टार्चर किया जा रहा था उस वक्त कोई वालन्ट्री आर्गेनाइज़ेशन आगे आती और उस लड़की में हिम्मत होती तब कुछ किया जा सकता था । लेकिन इस समय ऐसे कोई भी व्यवस्था नहीं है जिस को एप्रोच किया जा सके । इसलिए मेरा एक सुझाव यह है कि एक एड़वाइज़री सेल बनाया जाना चाहिये और उस सैल को पावर्स भी दी जांय ।

वालन्ट्री आर्गेनाईज़ेशन्ज़ का पूल बना कर उनका भी सैल बनाया जाय । सरकार के अन्दर अलग से काम चले और जो वालन्ट्री आर्गेनाईज़ेशन्ज़ काम करना चाहती हैं उन को अलग से काम करने का मौका दिया जाय ।

सभापति महोदय : आप का पूल से क्या मतलब है ?

कुमारी सुरक्षा महाराजा : कानूनी तौर पर उनका कोआर्डिनेशन सैल बनायें कोई भी दहेज की प्रक्रिया हो, वे वहां जा कर काम करें । इस से जिस के प्रति अत्याचार हो रहा है उस को विश्वास होगा कि उन के द्वारा उस को न्याय मिलेगा ।

श्रीमति प्रमिला दण्डवते : आपने कहा है कि गिवर को टेकर के बराबर ट्रीट न किया जाय, उस को सज़ा भी नहीं होनी चाहिये क्योंकि वह बाध्य हो कर देता है । मैं आप से जानना चाहती हूं कि--क्या आप ने डावरी की डेफिनेशन पढ़ी है ?क्या आप ने सोचा है कि आज जो केसेज़ असफल होते हैं उसका एक कारण यह है कि डेफिनीशन पूरी नहीं है ?

कुमारी सुरक्षा महाराजा : इस में सोशल और इकानामिक फैक्टर्स हैं--इस लिये मैंने ऐसा कहा है ।

SHRIMATI PRAMILA DANDAVATE: According to the definition whatever is given at the time of marriage by either party in cash or property becomes dowry.

अगर कंसीडरेशन में देते हैं तो वह डावरी है। इसके बारे में आपका क्या सुझाव है ?

कुमारी सुरक्षा महाराजा : परिभाषा में ही अगर कुछ विस्तृत स्पष्टीकरण दिया जाय कि सम्मति से दिया जाय तो डावरी नहीं माना जायगा, ठीक रहेगा । साथ ही मिनिमम एवरेज लिमिट रखी जाय । उससे ऊपर मांगा गया धन डावरी माना जाय। 500 रु० लिमिट होनी चाहिए ।

श्रीमती प्रमिला दण्डवते : लड़की के माता-पिता अपनी खुशी से कुछ देते हैं और अगर उसक' कीमत 500 रु से अधिक हो तो वह दहेज बन जायगा ।

कुमारी सुरक्षा महाराजा : मैंने कैश के बारे में 500 रु० की लिमिट कही है । काइण्ड में जो माता पिता देते हैं वह डावरी नहीं है ।

श्रीमती प्रमिला दण्डवते : मैरिज ऐंक्सपेंसेज़ के लिए तो आपने 500 रु० की लिमिट कही है लेकिन जो शादी के समय गिफ्ट्स दिये जायें उनका क्या रूप होगा ?

कुमारी सुरक्षा महाराजा : अगर कन्सेंट से दिया जाय तो कुछ नहीं । लेकिन अगर डिमाण्ड हो ता वह डावरी है, और वह प्रूव किया जा सकता है ।

श्रीमती संयोगिता राणे : सौराष्ट्र में बहुत टौर्चर किया जाता है ?

सभापति महोदय: आपके यहां तिलक में अधिक से अधिक और कम से कम कितना दिया गया है जिसकी आपको नालिज है ?

कुमारी सुरक्षा महाराजा : मैंने ऐसी भी फेमिली देखी है जहां 100 रु० और नारियल में शाद' हुई है और मैक्सिमम में 10,000 रु० का चैक जमाई क' उसी दिन मिला । यह मैंने ऐनगेजमेंट के समय अपनी आंखों से देखा ।

सभापति महोदय: क्या आप चाहेंगी कि यह कानून पूरे देश के लिए एक सा हो, या विभिन्न प्रान्तों में अलग अलग तरह का हो ?

कुमारी सुरक्षा महाराजा : सारे देश में एक ही प्रकार का कानून हो ।

सभापति महोदय : आपकी संस्था ने अभी तक कुछ ऐसे विवाह करवाये हैं जिसमें लड़की के मां बाप की कुछ सुविधा मिली हो ?

कुमारी सुरक्षा महाराजा : हमारी संस्था ने शादियां नहीं कराई हैं ।

(The witness then withdrew)

III—(A) Vikas Grah, Fatehnagar, Ahmedabad.

Spokesmen:

(1) Shrimati Pushpavati Mehta
(2) Shrimati Sumitra Thakara
(3) Shrimati Jayantikaben Jayant
(4) Shrimati Praveen Lata Shodhan
(5) Dr. Padma Fadia

(B) *Jyoti Sangh, Relief Road, Ahmedabad.*

Spokesmen:

(1) Shrimati Vidya Mehta
(2) Shrimati Hemlata Hegishte
(3) Shrimati Udayaprabha Mehta

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the

Speaker which reads as follows:

"58. Where witnesses appear before a Commttiee to give evidence. the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

समिति आपका स्वागत करती है, जो आपके सुझाव हों वह संक्षेप में कहें ।

श्रीमती पुष्पावती मेहता : हमारा सुझाव है कि देने वाले से लेने वाला ज्यादा दोषी है । कानून में दोनों का समान रूप से दोषी न माना जाय । लेने वाले को ही गुनहगार माना जाय । मुकदमा दायर करने के लिए सरकार की स्वीकृति की जरूरत नहीं है । जो भ· पैसा लड़की का देना हो वह उसके नाम से बैंक में जमा कर दिया जाय । क्योंकि अभी जो भी नगदी डावरी के रूप में द· जाती है वह लड़की को नहीं मिलती परन्तु कुटुम्ब के लोगों को मिलती है । इसलिए जो पैसा, सम्पत्ति, जवाहरात लड़की को उसके माता पिता देना चाहें वह लड़की को मिलना चाहिए ।

जो चीज़ भी दहेज के तरीके से देते हैं चाहे वह उस की डेफीनीशन में न आए, उस को गैर-कानूनी करार करना चाहिए । मैं यह समझती हूं कि जब तक गवर्नमेंट सख्त स्ट्रेप्स इस मामले में नहीं लेगी, वह सफल नहीं हो सकती है ।

श्रीमती विद्या मेहता : मैरिज के समय जो देते हैं, उस को दहेज कहते हैं लेकिन एंगेजमेंट से पहले दे देंगे, तो मेरा यह कहना है कि उस समय भी जो दिया जाता है, उस को दहेज ही गिनना चाहिए ।

श्रीमती उदय प्रभा मेहता : हम समूह में शादी करवाते हैं । 100 रुपये कन्या के बाप को देने पड़ते हैं और समूह में शादी लगन सब हो जाती है । लड़की के मां-बाप को खिलाने का पैसा नहीं देना पड़ता है और दूसरा और कोई खर्च नहीं करना पड़ता है । हम ने गुजरत में इस को शुरू किया है ।

सभापति महोदय : ऐसे दो-चार उदाहरण तो हर स्टेट में मिल जाएंगे । समूह-शादियों कुछ लोग कराते हैं लेकिन सब स्टेटों में इस के बहुत सारे उदाहरण हों, ऐसा हमारे ज्ञान में नहीं है । बहुत जगहों पर ऐसा नहीं हो रहा है ।

आप अपने सुझाव लिख कर भिजवा दीजिए । मैंने पहले निवेदन किया था कि यह कानून अभी बहुत कारगर नहीं हो रहा है, तभी हम आप के पास आए हैं । यहां क्या हो रहा है, उसमें हम ज्यादा इन्ट्रेस्टेड नहीं हैं । हम तो यह जमाना चाहते हैं कि जो वर्तमान कानून है, उस में क्या संशोधन हो, जिस से इस चीज़ को रोका जा सके ।

श्रीमती हेमलता हेगिस्ते : जो आत्म-हत्या करती हैं और जो इनडाइरेक्ट वे में सूसाइड होते हैं उन का मूल खोजेंगे, तो वह डाउरी ही होता है लेकिन उस को प्रूव करना मुश्किल होता है । हमारे पास 33 एप्लीकेशन्स आयी हैं । अब ऐसे केसेज में उस ने सूसाइड किया है या उस को मारा गया है, यह प्रूव करना मुश्किल है । इसलिए मेरा सुझाव यह है कि एक सैल बनाया जाए जो ऐसे डाऊटफुल केस को डैप्थ में जाए । 33 केसेज हम ने होम मिनिस्टर साहब को भेजे हैं । उन में से हमें एक

भी केस का पता नहीं है कि उस में क्या हुआ है ?

सभापति महोदय : हम तो सेण्टर के होम मिनिस्टर साहब को लिख सकते हैं और अगर कोई कार्यवाही नहीं होती है, तो प्रधान मंत्री जी को लिख सकते हैं। आप यह बताइए कि आप ने ये कागज गुजरात के होम मिमिस्टर को भेजे हैं ? हमारी कमेटी इण्डिविजुअल केसेज में वैसे जाती नहीं है ।

श्रीमती हेमलता हेगिस्ते : जी, हां ।

सभापति महोदय : आप को कुछ और इसके बारे में कहना है ।

श्रीमती हेमलता हेगिस्ते : मैरिज के एक्सपेंडीचर का जो बात है, कोई 500 रुपये कहेगा और कोई 5 हजार रुपये कहेगा । हमारा तो कहना यह है कि कुमकुम लगा कर शादी कर दी जाए और कुछ लेना-देना न हो होना चाहिए ।

सभापति महोदय : लड़की अच्छी हो और कुमकुम लगा कर शादी हो जाए, क्या यह व्यावधारिक होगा ।

श्रीमती हेमलता हेगिस्ते : मेरा कहना यह है कि लेना-देना कुछ नहीं होना चाहिए क्योंकि इसी से गड़बड़ होती है ।

डा० पद्मा फादिया : शादी बड़े और छोटे दोनों लोगों की लड़कियां की होती है लेकिन अब ऐसा देखा यह जाता है कि भोजन समारोह में बड़े लोग बहुत ज्यादा पैसा खर्च करते हैं और हमारे अहमदबाद में तो शादी समारोह का एक कम्पीटीशन सा हो गया है । इस में छोटे लोग मारे जाते हैं । इसलिए मेरा कहना यह है कि इस पर रेस्ट्रिक्शन लगानी चाहिए ।

श्री बी० सत्यनारायण रेड्डी : यह ज्योति संघ कब से काम कर रहा है ?

श्रीमती हेमलता हेगिस्ते : 1934 से ।

श्री बी० सत्यनारायण रेड्डी : आप का संघ आम तौर से देहातों के केसेज को भी देखता है । वहां पर भी आप जाती हैं या नहीं ।

श्रीमती हेमलता हेगिस्ते : देहात में जाते नहीं हैं लेकिन ज्योति संघ का नाम इतना है कि देहातों में अगर कोई ऐसी बात होती है, तो लोग हमारे पास लिख कर भेज देते हैं

श्री बी० सत्यनारायण रेड्डी : यह जो शहर की बीमारी है यह शहर तक ही है या गांव में भी फैली हुई है ? अगर गांव में भी है तो आपकी संस्था की तरफ से क्या कुछ ऐसे कार्य किये गये हैं जिससे इस प्रथा को खत्म करने के लिए आम जनता में ओपीनियन को बनाया जाये ।

श्रीमती पुष्पावती मेहता : ओपीनियन के लिए हमने सेमिनार किया है, और करते हैं ।

डा० पद्मा फादिया : प्रयत्न तो हम बहुत करते हैं, परन्तु रस्पोंस उतना नहीं मिलता है ।

श्री बी० सत्यनारायण रेड्डी : क्या आप ऐसा करेंगे कि जहां इतने बड़े पैमाने पर खर्चा हो उसका बायकाट किया जाये ? क्या इस तरह का कार्य आपने किया है ?

डा० पद्मा फादिया : हमने ख्याल किया था, लेकिन सफल नहीं हुआ । सब का सहयोग पूरा नहीं मिलता है ।

श्रीमती पुष्पावती मेहता : यह इफैक्टिव नहीं है ।

श्रीमती संयोगिता राणे : आपने कितनी फैमिलीज़ को विज़िट किया है ? यद्यपि सारी कार्यवाही नहीं हो पाई परन्तु आपकी ओर से क्या प्रयास किये गये ? क्या आपने किसी के घर जा कर किसी दुःखी के आंसु पोंछे ' आपकी संस्था ने इस बारे में क्या किया है ?

श्रीमती हेमलता हेगिस्ते : जब पता चलता है कि किसी औरत का दुःख है तो अगल-बगल के लोग हमको सूचना देते हैं और हम पहुंच जाते हैं । खबर मिले तो हम पहुंच जाते हैं, लेकिन अगर पता ही न चले तो हम कैसे जायें ?

सभापति महोदय : आपकी संस्था 1936 से काम कर रही है और दहेज का कोढ़ जो समाज में पनप रहा है, इसके बारे में सब ने कहा कि इसके लिए जागरूक होना चाहिए । सोशल वर्कर्स कैसे होते हैं, यह आपको पता है, लेकिन जितनी पुरानी संस्था हो, उतना ज्यादा इफैक्टिव होना चाहिए । आपकी संस्था द्वारा दहेज बन्द करने में क्या कार्य किये गये हैं । और क्या प्रगति हुई है ?

श्रीमती संयोगिता राणे : सारे केसेज़ शहर में ही हुए हैं या देहातों में भी ?

श्रीमती उदयप्रभा मेहता : देहातों में भी हुए हैं ।

सभापति महोदय : क्या कहीं ब्रांचेज भी आपने बनाई हैं ?

श्रीमती उदयप्रभा मेहता : ब्रान्चेज़ तो नहीं हैं, लेकिन हमारी बहिनें वहां जाती हैं और स[illegible] मिलती हैं ।

श्रीमती प्रमिला दंडवते : कानून में आप को यह पता है कि यह नान-काग्नीज़ेंवल है । अगर इसको काग्नीज़ेवल करें और किसी को भी पता चले कि दहेज लिया ज रहा है तो पुलिस उसमें दखल करेगी । बहुत सी आर्गेनाइजेशन्ज़ इसको काग्नीज़ैवल बनाना चाहती हैं, मैं पूछना चाहती हूं कि इसे काग्नीज़ैवल ओफेन्स बनाने के बाद पुलिस तो किसी को हैरेस नहीं करेगी ?

काग्नीजेंस तभी ली जाये जब लड़की के घर वाले शिकायत करें या आपके जैसी आर्गेनाइजेशन्ज़ कम्पलेंट करें, पुलिस के पास जायें ? पुलिस में भी ऐसी व्यवस्था होनी चाहिए कि आप कम्पलेंट करें तो वह एक्शन ले । आपको पता है कि चाइल्ड मैरिज रेस्ट्रेण्ट एक्ट में भी काग्नीजेवल ओफेन्स है, लेकिन उसमें गिरफ्तार नहीं कर सकते । जब वारेण्ट आता है तो उसको बुला लेते हैं एक दम पुलिस गिरफ्तार नहीं करती है ।

You are a member of the social organisation which is working for giving protection to the women on a number of things.

मैं यह पूछना चाहती हूं कि यह बहुत महत्वपूर्ण है, इसके बारे में आपने सोचा है य नहीं ?

श्रीमती पुष्पावती मेहता : यह काग्नीजैबल होना चाहिए । इसके काग्नीज़ेबल होने के कारण लोगों को तलाशी का डर रहेगा, अभी तो होता कुछ नहीं है । आज नान-काग्नीज़ेवल की कोई परवाह नहीं करता । इसमें दिक्कत यही है कि करप्शन बढ़ जायेगी । हमने अपने उत्तर में लिखा है कि एक पैनल बनानी चाहिए जैसे दूसरे एक्ट में है उनमें जितनी पावर प्रोववेशन आफिसर को होती है, उतनी देनी चाहिए । जो डिस्ट्रिक्ट में वर्कर है, उसकी अपने दिमाग में संज्ञा देनी चाहिए । आज हमारे पास कोई ऐसी एजेन्सी नहीं है जो पुलिस के

पास जाये । हमारी महिलाएं शोशल वर्कर की हैसियत से जाती हैं, प्रचार करती हैं ।

श्रीमती प्रमिला दंडवते : क्या आप स्टैट्युटरी पावर चाहती हैं ?

श्रीमती पुष्पावती मेहता : जी हां ।

We cannot ask the girl to come out of the house if she is under pressure of the parents and the relatives. So, she cannot say anything. We have tried to persuade the girls to come out of the house and not to live as a slave. In Gujarat, dowry is not so common except in some sections. But Kanya Vikraya is quite common. And in such situations, if husband expires. she has to marry with the younger brother of her husband. If the woman is 25 years of age and the younger boy of the husband is 15 years of age even then she has to marry the boy and live with him.

श्रीमती संयोगता राणे : जब हम लोग दहेज देते हैं और खुशी से देते हैं तो क्या उस से लड़का नहीं खरीदते हैं ?

SHRIMATI PUSHPAWATI MEHTA: There should be one clause for Kanya Vikraya in the Bill.

श्रीमति प्रमिला दडवते : दहेज में स्त्री की उतनी कीमत नहीं होती है, बल्कि वह परिवार में बोझ समझी जाती है । लेकिन जहां तक कन्या-विक्रय का प्रश्न है वह मां-बाप के घर का एसेट है जो दूसरे घर जा रहा है ।

SHRIMATI PUSHPAWATI MEHTA: There is at least a tinge of respect for the woman in the bride price but in the case of dowry the woman is of no value. There is no value or respect for women. For Kanya Vikarya, the father and the brothers of the girl only try to extract money from in-laws.

श्रीमती प्रमिला दंडवते : इस में दो बातें हैं—एक तो लड़की को देना और दूसरे शादी का खर्च । गोआ में एक कानून है कि हर मैरिज चाहे हिन्दू की हो, मुस्लिम की हो, क्रिश्चियन की हो कम्पलसैरिली रजिस्टर कराना होता है और बाप को प्रापर्टी में दूसरे भाइयों के साथ लड़की का जो हिस्सा होता है और जो चीजें शादी के समय लड़की को दी जाती हैं—उन को भी रस्जिटर कराना होता है । अगर लड़की मार दी जाय और उस के कोई बच्चा न हो तो वह सारी सम्पत्ति जो वह बाप के यहां से लेकर आती है, वापस करनी पड़ती है । अगर उस के बच्चा होता है तो वह बच्चे को मिलती है हिन्दू सक्सेशन एक्ट में स्त्री-धन का जिक्र है—क्या आप यह चाहेंगे कि वह सम्पत्ति भी वापस आये, पति को उसे लेने का अधिकार न हो ? क्या आप स्त्री-धन देना चाहते हैं ?

श्रीमती पुष्पावती मेहता : वह तो कम्पलसरी होता है ।

श्रीमती प्रमिला दण्डवते : कम्पलसरी कैसे होता है ? वह लड़की का होता है । लेकिन होता क्या है—बहू सब सामान ले कर आती है लेकिन लड़के के मां-बाप साल भर बाद अपनी लड़की की शादी करते हैं तो उस में बहू की चीजें दे डालते हैं । इस से आप देखेंगे कि उन चीजों पर बहू का अधिकार नहीं रह पाता है । इस लिए मैं जानना चाहती हूं क्या उन वस्तुओं पर केवल बहू का ही अधिकार रहे, वे चीजें उस से ली न जा सकें या आप स्त्री-धन से बहू को डिप्राइव करना चाहती हैं ?

श्रीमती हेमलता देशमुख : स्त्री-धन की रक्षा होनी चाहिए और वह रजिस्टर भी होनी चाहिए ।

(The witness then withdrew)

IV—*Self Employed Women's Association, Ahmedabad.*

Spokesman:

Shrimati Ela R. Bhatt.

(*The witness was called in and she took her seat*)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI ELA R. BHATT: Just by enactment of a law you cannot do anything. Personally we are all for this law, but still we feel that it is just an eye-wash and it will not be effective even if you impose stricter punishment or restrictions.

The first reason for its failure is that most people do not know anything about this law. They don't even know whether this law has been in existence for the last twenty years. So, if you want that it should have some effect, you have to make it widely known to the public. For this purpose you can use mass media, traditional, formal and informal, channels of information and propoganda.

Secondly, the offence has to be made cognisable and its implementation must be effective and immediate.

The only area where you can be effective is in curbing down the expenses on marriage. There are two components of the expenses on marriage—bride money and the expenses on the festivity. Dowry can be hidden, but the expenses on the festivity are very obvious. So, that can be curtailed. Specify a certain expenditure that a common Indian family can spend on the festivity. Stipulate it in the Act itself and make it effective so that if anyone exceeds this limit is taken to task. But cutting down the expenditure on the festivities particularly in the cities and at least among the elite sections of the society and with the avoidance of show, this malady can be curbed to a large extent. Here I must say that the Ministers and the Government dignitaries who attend such private receptions and wedding parties and whose photographs appear in the newspapers attending such festivities are responsible for setting such a pattern in the society. So, they should avoid attending such receptions and parties.

All efforts should be made to change the status of women. First of all, the women should be made economically independent. Of course, educated and employed women are also victims of the dowry evil, yet such women, if they want, can break up the marriage and live independently without such harassment. Advertisements and films which lower the image of the women should not be allowed. They should be persuaded to see that in their exhibition the status of the woman has to be raised. The Censor Board must see that the laws in practice which keep up the status of the women are not broken in the films.

Samooh Shadi is one of the ways to reduce the expenses on marriage festivities. Therefore, a platform should be developed where common people can have marriages of their sons and daughters in Samooh Shadi and the expenses should be borne on a co-operative or community basis.

My last suggestion is that there is a social custom where a widow is forced to marry the younger brother-in-law. If it is voluntary it is okay

but if it is forced then it is not welcome.

MR. CHAIRMAN: What specific steps should be taken for making the law known to rural women?

SHRIMATI ELA R. BHATT: State Governments should make use of the folk media like nataks, etc. The Censor Board should also play a positive role.

MR. CHAIRMAN: In Gujarat we understand a new thing like 'companion agreements' are coming about. Is it a fact that to avoid marriage these things have come up?

SHRIMATI ELA R. BHATT: This affects a very small number of people. It does not relate to dowry.

SHRIMATI PRAMILA DANDAVATE: You have been suggesting a number of things for enhancement of women's status. Don't you think this exercise will not be a futile one, if some authority is given to social organisations or a machinery whereby law can be effectively implemented?

SHRIMATI ELA R. BHATT: Okay, you do it, but I do not think, it will bring about much change.

SHRI B. SATYANARAYAN REDDY: You represent the working women's organisations. I would like to know from you—is there any one case of victim of this dowry system, harassment, suicide or death, that you have come across?

SHRIMATI ELA R. BHATT: Usual harassment case may be there, but I have not come across any dowry death—neither in the rural area nor in the urban area.

Now, on the question of curtailing the expenses on marriage festivities, I would say that the whole question of giving dowry will go away if there is no one to appreciate the dowry that is given. So, if the expenses on festivity are reduced, half the interest in the dowry would be lost.

(The witness then withdrew.)

V—Economic Development of Women Corporation, Ahmedabad.

Spokesman:

Shrimati Sushila Nagendra Vyas

VI—Dr. Jyotsma Shah.

(The witnesses were called in and they took their seats.)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the members of Parliament."

श्रीमती सशीला नगेन्द्र व्यास : जो बातें अभी तक हमने सुनी हैं, इन्हीं के लिये हमने काफी काम किया है, लेकिन फिर भी देखा यह जाता है कि प्रोपेगैंडा ज्यादा नहीं है । इसके लिए कुछ करना चाहिए । जिस प्रकार फैमिली प्लानिंग के लिए प्रचार होता है, उसी प्रकार इसके लिए भी करना चाहिए ।

सभापति महोदय : आपने क्या काम किया है, इसके बारे में ?

श्रीमती सुशीला नगेन्द्र व्यास : जहां भी डाउरी दी जाती है, हम जाते हैं ।

यहां पर पटेल जाति का बहुत जोर है जो कुछ करने नहीं देती । पहले नकद रुपया मांगा जाता था, लेकिन अब वह भी बदल गया है, सोना मांगा जाता है । अब कहते हैं मोटर-कार, फ्रिज, स्कूटर दो या लड़की को भेजते हैं । मेरा सुझाव है कि जिस प्रकार फैमिली प्लानिंग का प्रचार रेडियो, टी० वी० से हो रहा है, उसी प्रकार दहेज लेना गुनाह है, इसका प्रोपेगैंडा इन्हीं माध्यमों से होना चाहिए ।

जिस प्रकार सिगरेट के पैकट पर लिखा जाता है कि स्वास्थ्य के लिए हानिकारक है, उसी प्रकार माचिस पर लिखा जाना चाहिए कि दहेज लेना-देना पाप है यह गुनाह है । इसी प्रकार कागज की थैलियों पर छापा जाये ताकि घर की औरतों में इसका प्रचार हो । अगर यह होता है तो जिस प्रकार औरतों के हाथ में सामान लेते हुए लिफाफे आयेंगे, उनमें इसका प्रचार होगा । छोटे-छोटे सैमिनार आयोजित किये जाने चाहियें । औरतें जब खाली समय में बैठती हैं, तो कई तरह की बातें उनमें होती हैं, उनमें यह भी चर्चा होनी चाहिए कि डाउरी गुनाह है । छोटी जातियों में कोली, बागड़ी; भीलों में डाउरी की प्रथा नहीं है, अगर लड़की से वहां मांगा जाता है, तो वह अपनी पोटली उठा कर चल देती है ।

एक बड़े आदमी की लड़की की जब शादी हुई तो उसकी ससुराल वालों ने कहा कि तुम इतनी चीजें नहीं लाई हो । उस लड़की ने उनकी बातें नहीं मानी । यह दो, तीन साल पहले की बात है । सुसराल वालों ने ज्यादा दहेज न लाने पर उस लड़की के मुंह में चिड़वे में ज़हर डालकर खिलाया और बेलन से ठूंसकर उसके मुंह में भर दिया । बाद में वह मर गई । उसकी लाश को उन्होंने जला दिया और उस के पिता के घर वालों को बाद में पता चला । हमारे यहां पटेल कम्यूनिटी में दहेज का बहुत रिवाज़ है । मेरा सुझाव यह है कि जो भी कानून बनाया जाय उस पर पूरी तरह से अमल किया जाय । कानून में थोड़ी-बहुत लूप-होल्ज़ होती हैं जिन से लोग साफ़ बच जाते हैं । मैं चाहती हूं कि उन लूप-होल्ज़ को दूर किया जाय, कानून बहुत कड़ा होना चाहिए, जिस से लोगों में डर पैदा हो, अगर वह ऐसा काम करेंगे तो उन को सज़ा होगी ।

मेरा एक सुझाव यह भी है कि डावरी में जा भी चीज़ आती है उसको जब्त कर लिया जाय ।

श्रीमती संयोगिता राणे : ओपन देंगे, तब ही तो आप जब्त कर सकेंगे । इस डर से वे न ओपन लेंगे न ओपन देंगे ।

MR. CHAIRMAN: The Committee would like you to touch on the important points in brief and then the Members will ask you questions, if necessary.

DR. JYOTSNA SHAH: The definition of dowry is vague. Gifts and presents given are not to be considered as dowry. So, it is difficult to establish what is given as dowry. Punishment prescribed should be stringent. At present only six months imprisonment and/or a fine of Rs. 5,000 is provided and, the judiciary generally takes a very light view of this. A rich man does not mind paying a fine of Rs. 5,000 while for a poor man it is a big liability.

Further, the State Governments should lay down categorically in rules, as to who is the competent authority to give permission to prosecute. It is not specified by many State Governments. This explains why there is no action under the provisions of the present Act. I have tried to collect data about the number of cases tried by various courts

in Gujarat but the judiciary branch has got no figures as the offence is not cognisable. Nobody comes forward with a complaint. The offence should be made cognizable, non-bailable and non-compoundable.

(The witnesses then withdrew)

VII—Shri Dilip H. Braham Bhatt.

(The witness was called in and he took his seat.)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री दिलीप एच० ब्रह्म भट्ट : मैंने आज सवेरे रेडियो से सुना कि दिल्ली से कुछ भाई-बहिन दहेज के बारे में विचार जानने के लिए आ रहे हैं । मैंने सोचा कि हम भारत के नागरिक हैं हम को भी कुछ कहना चहिए, इसलिए हम टाइम निकाल कर आप के पास आये हैं ।

हमारी जाति में यह प्रथा बहुत वर्षों से चली आ रही है, लेकिन अभी तक इस को रोकने के लिये हम कुछ कर नहीं पाये हैं । परिवार में यह कहा जाता है कि हमारे बाप ने इतना दिया, तुम नहीं दोगे तो समाज में खड़े नहीं रह सकोगे । इस के लिए उन को पैसा कर्ज में लेना पड़ता है । अगर नहीं करते हैं तो कोई अच्छा वर नहीं मिलता है, झगड़ा होता है । मेरा कहना यह है कि इस प्रथा को ही समाप्त कर दिया जाय, नाबूद कर दिया जाय ।

सभापति महोदय : कैसे किया जाय ?

श्री दिलीप एच० ब्रह्म भट्ट : ऐसा सख्त कानून बनाया जाय जिस से यह नाबूद हो सके । जब दहेज दिया जाता है तो लड़के वाला कहता है कि तुम ने कुछ नहीं दिया, झगड़ा करते हैं ।

सभापति महोदय : आप सुझाव दीजिये । कौन सा ऐसा कानून लाया जाय जिस से दहेज बन्द हो सके ।

श्री दिलीप एच० ब्रह्म भट्ट : कानून तो सरकार बना सकती है ।

सभापति महोदय : कानून के बारे में ही सुझाव मांग रहे हैं ।

श्री दिलीप एच० ब्रह्म भट्ट : ऐसा कानून होना चाहिए जिस से यह बिल्कुल बन्द होना चाहिए । हमारी जाति में जो दूसरे भाई हैं वह कोशिश करते हैं फिर भी बन्द नहीं होता है ।

सभापति महोदय : इन्होंने वास्तव में क्वेश्चनेअर को नहीं देखा है, रेडियो पर सुन कर चले आये हैं । हम आप की भावना की बहुत कद्र करते हैं । आप क्वेश्चनेअर को ले लीजिए और अगर कुछ लिख कर देना चाहें तो दे सकते हैं ।

श्री दिलीप एच० ब्रह्म भट्ट : मैं लिख नहीं सकता, सिर्फ बोल सकता हूं ।

सभापति महोदय : इन का सुझाव यही है कि सख्त से सख्त कानून होना चाहिए। हम आप की भावना को सरकार तक पहुंचा देंगे ।

श्रीमती संयोगिता राणे : आप के यहां क्या रिवाज है ?

श्री दिलीप एच० ब्रह्म भट्ट : लड़की के लिए पैसा देना पड़ता है । जब सगाई करते हैं तब देना पड़ता है, पहले से तय हो जाता है कि लड़की वाला कितने तोला सोना लड़के वाले को देगा ।

सभापति महोदय : धन्यवाद । अब आप जा सकते हैं ।

(बैठक विसर्जित हुई ।)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Saturday, 5 *June*, 1982 *from* 11.00 *to* 12.40 *hours in Circuit House Annexe, Ahmedabad.*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Pramila Dandavate

3. Shrimati Sanyogita Rane

Rajya Sabha

4. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri B. R. Atre—*Deputy Legislative Counsel.*

2. Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I. *Bar Council of Gujarat State, High Court Building, Ahmedabad—Desaivago Bhawanidasni Khadki, Nadiad.*

Spokesman:

Shri Chandubhai Jethabhai Desai—*Member.*

II. *Gujarat Rajya Anuvrat Samiti, Terapanth Bhavan, Near Police Station, Shahibag, Ahmedabad.*

Spokesmen:

1. Dr. Manharlal Shah, Chairman

2. Shri Pramodbhai Shaha, Secretary

3. Shri Santosh Kumar Surana, Member

III. 1. Miss Nalini B. Dave, Navjiwan, 2, Kamalanayan Society, Ahmedabad.

2. Mrs. Sushila J. Parikh, 24, Chitra Ami Apartment, Opp. R. B. I., Ashram Road, Ahmedabad.

3. *Group representing Mahila Congress (I) Gujarat Pradesh, Sanskar Kendra Marg, Ellis Bridge, Ahmedabad.*

Spokesman:

1. Shrimati Tamiz Koreishi, Convener
2. Shrimati Razia Begum Sayed
3. Shrimati Jashoda Ben G. Mekwan
4. Shrimati Ma' Ben G. Rajput
5. Shrimati Shanti Ben Patel, ex-M.L.A.
6. Shrimati Nirmala A. Patel Joint Convener

IV. *Group representing Gujarat Pradesh Youth Congress, Congress Bhawan, Sanskar Kendra Marg, Ellis Bridge, Ahmedabad*

Spokesman:

1. Shri Irshad Mirza, President
2. Shri Sagar Raika, Vice-President
3. Shri Vijay Kella, General Secretary
4. Shri Poonam Makwana, Joint General Secretary
5. Shri Yusuf Pathan, Member
6. Shri Satish Parikh, Joint Secretary
7. Shri Hamid Sodagar
8. Shri Joseph Christian
9. Shri Nishith Desai
10. Shri Rashmikant T. Thakor
11. Shri H. B. Siddiqee
12. Shri A. A. Tirmizi

V. 1. Shri Yashwant Shukla 5 stri Sadma Society, Ahmedabad

2. Shri Ishwar Pedlekar 10, Panchsheel Society, Ahmedabad-13

VI. *Group representing INTUC, Gujarat Branch, E-2, Firdaz Flats, Kanpur, Ahmedabad*

Spokesmen:

1. Shri Chairman Mehta, Chairman
2. Smt. Lataben Trivedi, MLA
3. Smt. Rita M. Trivedi
4. Smt Meena B. Trivedi

I. *Bar Council of Gujarat State, Ahmedabad*

Spokesman:

Shri Chandubhai Jethabhai Desai—Member.

(*The witness was called in and he took his seat*).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desre that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be

treated as confidential such evidence is liable to be made available to the Members of Parliament."

हमें 1 बजे तक ही बैठना है इसलिए जो भी साक्षी और आयें वह संक्षेप में ही कहें। जो इस कानून के विशेषज्ञ हैं वह चाहें तो ज्यादा समय ले सकते हैं। जो समाज सेवी संस्थाऐं हैं वह विधेयक और प्रश्नावली तक ही अपने को सीमित रखें क्योंकि हमारी परिधी बहुत सीमित है। कुछ बहनें यदि समझती हों कि आप बीती घटनायें कहने से यह समिति यहां के प्रशासकगणों के विरुद्ध कार्यवयही करेगी, ऐसी बात नहीं है। यदि मीटिंग के बाद में आप मुझे लिखित सूचना देंगी तो वह मैं मुख्य मंत्री को जरूर दे दूंगी।

श्री देसाई, अब इस ऐक्ट के बारे में आपका क्या विचार है यह बतायें।

SHRI CHANDUBHAI JETHABHAI DESAI: The implementation of the Act is very difficult, because no one is ready to file a complaint with the result that the girl herself suffers wherever she goes. If we try to find out how far the implementation of the Act has been successful, we will have to take the help of the statistics to have some idea as to how many complaints have been registered in whole of the country.

If we have to enforce and implement the Act faithfully, then the Act should be made more stringent and geared to an effective implementation. By providing punishment of imprisonment, I don't think the Act can be implemented as we desire. To achieve the desired result youths of the country are to be educated and trained in such a manner that they understand and appreciate the evil.

I have studied the Act and the Questionnaire. Regarding Question No. 1, I have already stated that nobody is ready to file a complaint.

In regard to Q. No. 2, fixing of the ceiling of the presents is not practicable.

Q. No. 3—Here also the limit is not possible to be fixed.

Q. No. 4— No limit fixation is possible. Evidence would not be available.

Q. No. 5—No. The person who gives dowry, is under compulsion.

Q. No. 6—Minimum punishment should be fixed.

Q. No. 7—Yes.
Q. No. 8—Yes.
Q. No. 9—No.
Q. No. 10—Yes.
Q. No. 11—Yes.
Q. No. 12—Yes.
Q. No. 13—No.
Q. No. 14—No.
Q. No. 15—No.
Q. No. 16—No.
Q. No. 17—Yes.
Q. No. 18—Yes.
Q. No. 19—Yes.
Q. No. 20—At the district level.
Q. No. 21—Yes.
Q. No. 22—No.

Section 2—If presumption to this is to be added then the burden will be on the other side to prove that it is not in consideration of the marriage. We can add a Clause that 'whatever is given shall be presumed to be in consideration of the marriage, unless otherwise rebutted by the other side'.

SHRI B. SATYANARAYAN REDDY: Definition of Dowry is there in Section 2 and Explanation to it is also there. There dowry has been said to be paid in consideration of the marriage. Is there any difficulty in proving that dowry is in consideration

of the marriage? If it is so, what word would you like to add?

SHRI CHANDUBHAI JETHABHAI DESAI: In the Explanation Clause the word 'Presumption'—that it shall be presumed unless otherwise it is rebutted by the other side—would serve the purpose.

SHRI B. SATYANARAYAN REDDY: At the same time in the definition it has been stated that so far as gifts are concerned, if anything is given as gift—cash, ornaments, clothes, everything—will not be considered as dowry. What do you say about them?

SHRI CHANDUBHAI JETHABHAI DESAI: That is indirectly dowry itself. Whether you pay cash gift or in any other form if it is given at the time or after the marriage, itself is dowry.

श्रीमती संयोगिता राणे : हमारे यहां गोवा में मैरिज का रजिस्ट्रेशन कम्पलसरी है। किसी भी रिलीजन का मानने वाला हो, उस की जब शादी होगी, तो उस को रजिस्टर करवाना होगा। तब तक वह शादी वैलिड नहीं मानी जाएगी। लड़के-लड़कियों के प्रोपर्टी में बराबर के राइट्स हैं। जब शादी के वक्त में डाउरी देते हैं, तो बहुत से लोग लड़की से लिखवा लेते हैं कि बाप की प्रोपर्टी में उस का कोई हक नहीं होगा। वह विलिंगली लिख कर दे देती है कि फादर की प्रोपर्टी में उस का कोई हक नहीं होगा। मैं आप से जानना चाहती हूं कि क्या आप यह समझते हैं कि मैरिज का रजिस्ट्रेशन कम्पलसरी होना चाहिए। हमारे यहां पुर्तगीज टाइम्स से यह कम्पलसरी चला आ रहा है।

श्री चन्दूभाई जेठाभाई देसाई : मेरिज का रेजिस्ट्रेशन कम्पलसरी तो है। मेरिज को रजिस्टर करवाना पड़ता है।

MR. CHAIRMAN: It is not compulory in every State.

SHRI CHANDUBHAI JETHABHAI DESAI: It should be made compulsory.

SHRIMATI PRAMILA DANDAVATE: You have not said anything about the offence. Should it be made cognizable?

SHRI CHANDUBHAI JETHABHAI DESAI: It should be made cognizable but at the same time police officer of the rank of DSP should be authorised to take cognizance and prior permission of the 1st Class Magistrate should also be required.

SHRIMATI PRAMILA DANDAVATE: What have you to say about permission from the State Government?

SHRI CHANDUBHAI JETHABHAI DESAI: That will delay the things.

SHRIMATI PRAMILA DANDAVATE: Cognizance of the offence is taken if the complaint is made within one year.

SHRI CHANDUBHAI JETHABHAI DESAI: That limit should be increased.

SHRIMATI PRAMILA DANDAVATE: Do you think anti-dowry officer with adequate powers should be appointed. Secondly, do you think social organisations should be associated and given statutory powers?

SHRI CHANDUBHAI JETHABHAI DESAI: Only Government officer should be appointed for this purpose and social organisations should not be given statutory powers.

MR. CHAIRMAN: Thank you very much.

(The witness then withdrew).

II—गुजरात राज्य अनुव्रत समिति, अहमदाबाद

1. डा० मनहरलाल शाह...अध्यक्ष
2. श्री प्रमोदभाई शाह...सचिव
3. श्री संतोष कुमार सुराणा...सदस्य

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made avilable to the Members of Parliament."

डा० मनहरलाल शाह : हमारी समिति सारे भारत में इस काम को कर रही है। डाउरी के कारण मैरिज के बाद जो मृत्यू हो जाती है, उस का सवाल है। शादी के बाद जो लड़कियां सूसाइड कर लेती हैं और उन में बाद में जो इन्वेस्टीगेशन होती है, उस में गवर्नमेंट क्या कर सकती है और समाज के लोग क्या कर सकते हैं, यह एक मुख्य सवाल है। मेरा कहना यह है कि गवर्नमेंट को ऐसे मामलों में सख्त से सख्त सजा देनी चाहिए। इस में जो स्वंयसेवी संस्थाएं हैं, जैसे महिला संस्थाएं हैं, या हमारी जैसी अनुव्रत सस्थाएं हैं या शहरों में जो दूसरी संस्थाएं हैं, उन सब का सहयोग ले कर पूरी तरह से इन्वेस्टीगेशन करना चाहिए और इन्वेस्टीगेशन के बाद अगर यह पता चले कि डाउरी की वजह से डेथ हुई है या सूसाइड किया गया है, तो गवर्नमेंट को सख्त से सख्त सजा ऐसे व्यक्ति को देनी चाहिए। सोसाइटी को ज्यादा प्रभावी बनना चाहिए।

सभापति महोदय : आप चाहें तो लिखकर सुझाव देदें। आपकी संस्था ने अब तक क्या-क्या काम किया है, यह भी बता दें, लिखकर भेज दें। हमारी समिति के सदस्य जानना चाहते हैं कि आपकी संस्था ने दहेज को रोकने में क्या किया है?

डा० मनहर लाल शाह : हम लोग इस पर डिबेट करते हैं।

(The witnesses then withdrew)

III—1. Miss Nalini B. Dave:

2. Shrimati Sushila J. Parikh.

3. महिला कांग्रेस (आई) गुजरात प्रदेश, अहमदाबाद के प्रतिनिधि

1. श्रीमती तमीज कुरेशी :

2. श्रीमती रजिया बेगम सईद :

3. श्रीमती जसोदा बैन जी० मक्वाना :

4. श्रीमती मालती बैन जी० राजपूत :

5. श्रीमती शांति बैन पटेल, भूतपूर्व एम० एल० ए०।

6. श्रीमती निर्मला ए० पटेल :

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by

them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती शांति बैन पटेल : हम दस साल एम० एल० ए० रहे हैं । जब तक गांव में कुछ काम नहीं होगा, यह काम अच्छा नहीं हो सकता । इस प्रचार को हवा के कन्ट्रोल की तरह काम करना है । गुजरात में जितनी विकासकार्य की बातें हैं, उनकी एक कमेटी बननी चाहिए जिससे वह बात गांव तक पहुंच सके । डाउरी के प्रचार का कार्य सोशल वर्कर्स और संस्थाएं व पंचायतें करें । स्टेट लैवल की कमेटी हर स्टेट में रहे । इसमें ज्यादा-तर गरीब महिलाएं काम करती हैं । खेड़ा में इस तरह की बहुत औरतें हैं ।

श्रीमती तमीज कुरेशी : कानून तो बना दिया मगर एक भी केस उसके अन्दर नहीं आया । शादी के मौके पर कोई किसी की पोल खोलने को तैयार नहीं होता । अगर लड़की वाला दहेज नहीं देना चाहता है तो जबरन मांगा जाता है । हमने कानून भी बनाया लेकिन इस पर कोई रुकावट नहीं हुई है । कुछ जातियां इस देश में ऐसी हैं मुस्लिम हैं, शेख-पठान हैं, उनमें पंच होते हैं, उनके प्रमुख होते हैं कमेटियां होती हैं । अपनी जाति में जो वह तय करते हैं, उससे ज्यादा नहीं होता । यह तय होता है कि अगर कोई ज्यादा करेगा तो जाति के बाहर निकाल दिया जायेगा । इस तरह से कई कौमें हैं, जिन्होंने पंचायत के फैसले को मान लिया है । इस तरह की जो कमेटियां हैं, उनकी मीटिंग बुलाइये और बात करिये उनके कहने को लोग ज्यादा मानते हैं । उनसे आप इस काम में मदद मांगिये, इस तरह से कार्य हो सकता है । उस की बेटी की शादी हुई । उसने कहा कि मैं दहेज दूंगा लेकिन मैं खुले-आम नहीं दे सकता हूं, क्योंकि मुझे सजा हो जायगी : चुपचाप बांध कर दे दिया । मेरा यह कहना है कि कानून के होने से कम से कम इतना डर तो पैदा हुआ । लेकिन अब फिर लोगों के मन से डर हट गया है । हम को टी० वी० के जरिये, रेडियो के जरिये, इस के खिलाफ जोरशोर से प्रचार चलाना चाहिए ताकि लोगों को पता चले कि यह गुनाह है, ऐसा काम नहीं करना चाहिए ।

पोलिटीकल पार्टीज में जो बहनें सोशल वर्कर के रूप में काम करती हैं वे अपने-अपने हल्के में इस को रुकवाने की कोशिश करें । इस सिलसिले में जबरदस्ती करना भी अच्छा नहीं है । हम लाख कानून बना दें जिन को लेना और देना है वे चुपचाप ले-दे लेंगे ।

आज कल की जो युवा पीढ़ी है, नौजवान लड़के और लड़कियां हैं उन के अन्दर जाग्रति लानी चाहिए । लड़का खुद मां-बाप से कह दे कि मैं दहेज नहीं लेना चाहता हूं, अगर आप ने दहेज की बात की तो मैं शादी नहीं करूंगा, तब मां-बाप लाचार हो जायेंगे ।

पाठशालाओं और स्कूलों की किताबों में इस के बारे में चैप्टर जोड़ा जाना चाहिए और इस के बारे में एजूकेशन दी जानी चाहिये ।

इस का भी आने वाली नस्लों पर अच्छा असर पड़ेगा ।

श्रीमती मालती बैन जी० राजपूत : हमारे यहां इस वक्त जो कानून है उस को सख्त से सख्त बनाना चाहिए ।

श्रीमती संयोगिता राण : आप ने कहा कि इस बारे में एजूकेशन दी जाय, लेकिन एजूकेटेड लोग ही इस को ज्यादा मांगते हैं। लड़के की डिग्री के आधार पर मांग की जाती है। इस के लिये क्या करना चाहिए ?

श्रीमती तमीज कुरेशी : यह कैसे हो सकता है–इसके बारे में सोचना चाहिए। जगह-जगह ग्रुप बना कर काम करना चाहिए।

श्रीमती संयोगिता राणे : समिति बनाई जा सकती है, लेकिन जब पकड़ने जायेंगे तो वारन्ट की जरूरत होगी। इस में दुश्मनी भी निकाली जा सकती है।

श्रीमती तमीज कुरेशी : यह ठीक है, फिर भी इस में थोड़ी अथारिटी तो होनी ही चाहए।

श्री बी० सत्यनारायण रेड्डी : आप ने कहा कि हर कम्यूनिटी में पंचायत बैठती है और उन के कहने से सब तय होता है, जैसे जैन हैं, पटेल हैं, सब अपनी अपनी पंचायत में बैठते हैं और दहेज का लेन-देन करते हैं। क्या इन पंचायतों में आपने कभी कोशिश की कि दहेज के खिलाफ़ राय बनाई जाय या उस के खिलाफ़ कोई फ़ैसला लिया जाये ?

श्रीमती तमीज कुरेशी : हमारे यहां कुरेशी जमायत में फ़ैसला हुआ है, मन्सूर जमायत में भी फ़ैसला हुआ है कि वे दहेज नहीं लेंगे।

श्री बी० सत्यनारायण रेड्डी : जो मौजूदा कानून है–क्या आप चाहते हैं कि यह सभी जातियों के लिये लागू हो या अलग-अलग जातियों के लिये अलग-अलग कानून बनाया जाय ?

श्रीमती तमीज कुरेशी : सब के लिये एक कानून होना चाहिए।

श्रीमती प्रमिला दण्डवते : आप दो-तीन मुस्लिम वहनें यहां आई हैं। मैं जानना चाहती हूं कि दहेज प्रथा मुसलमानों में है या नहीं है ?

श्रीमती तमीज कुरेशी : वहुत ज्यादा है।

श्रीमती प्रमिला दण्डवते : आप के यहां जो मेहर जाता है उस पर यह कानून लागू हो या न हो ?

श्रीमती तमीज कुरेशी : शरियत में ऐसी बात नहीं है कि दहेज दिया जाना चाहिए। यह तो एक बनी-बनाई बात है। इसको रोका जाय तो कोई आब्जैक्शन नहीं है।

श्रीमती प्रमिला दण्डवते : शादी के अलावा जो शादी के लिये धूमधाम होती है उस के बारे में आप की क्या राय है ? क्या इस के लिये कोई लिमिट होनी चाहिए ? अगर होनी चाहिये तो कितनी होनी चाहिए ?

श्रीमती तमीज कुरेशी : शादी में दावत की जाती है जो कर्ज़ा ले कर की जाती है। इस की जगह शर्वत की प्याली पिला दी जाय। जो शरियत को मानने वाले हैं वे सादी किस्म की शादी करते हैं, सिर्फ़ एक प्याली में शर्बत पिला देते हैं। शरियत के मुताबिक तो कुछ भी नहीं किया जाना चाहिए। मैं एक मिसाल देती हूं– हमारे यहां एक शादी में हम ने दहेज लेने से इनकार कर दिया कि दहेज नहीं चाहिए। लेकिन दूसरी तरफ़ के लोगों ने फ़ोर्स किया कि यह हमारी इज्जत का सवाल है। हम ने समझाया अगर हम खुद पहल नहीं करेंगे तो दूसरे कैसे करेंगे।

सभापति महोदय : आप ने कहा कि सब के लिये एक ही कानून होना चाहिए। मैं अपनी मुस्लिम वहनों से पूछना चाहती हूं क्या आप चाहती हैं कि देश भर

के लिये एक ही कानून होना चाहिए। आप के यहां डावर का कानून है, मेहर का कानून है इस के बारे में आप क्या चाहती हैं ?

श्रीमती तमीज कुरेशी : मेहर को मत लीजिये, दहेज पर जाइये। मेहर तो तलाक के वक्त काम आता है और ऐसा 100 में से एक केस होता है।

सभापति महोदय : जब दहेज के कानून का संशोधन कर रहे हैं तो इस में डाइवोर्स को भी रखेंगे। शादी के रजिस्ट्रेशन के वक्त लिखा होगा कि कितना सामान दिया गया है, वह सब वापस होना चाहिए। जब ऐसा कानून बन जायगा तो फ़िर मेहर के रखने की क्या जरूरत है ?

श्रीमती तमीज कुरेशी : पत्नि कभी-कभी अपने पति को मेहर माफ़ कर देती है। मुस्लिम कम्यूनिटी में तलाक के बाद औरत किधर भी जाय, मर्द का कोई हक नहीं रहता। मैं चाहती हूं कि शरियत के इस कानून को इसी तरह रहने दिया जाय लेकिन औरत जब तक दूसरी शादी न करे उसका पिछला खाविन्द उस को माहवार देने के लिये बंधा रहे।

श्रीमती प्रमिला दण्डवते : आपने जो कहा है उसके बारे में सूचना हमें दे दीजिये क्योंकि जस्टिस ऐयर ने तलाक के बाद मेंटेनेंस का प्रश्न उठाया था।

श्रीमती तमीज कुरेशी : जी हां, भेज देंगे।

(The witnesses then withdrew)

IV. Group representing Gujarat pradesh Youth Congress, Ahmedabad.

प्रतिनिधि

1. श्री इरशाद मिर्जा, प्रेसीडेंट, गुजरात यूथ कांग्रेस (आई०)
2. श्री सागर रायक, वाइस-प्रेसीडेंट
3. श्री विजय वेला
4. श्री पूनम मकवाना
5. श्री युसुफ़ पठान
6. श्री सतीश पारिख
7. श्री हमीद सौदागर
8. श्री जोसेफ़ क्रिश्चियन
9. श्री नितिश देसाई
10. श्री रश्मी कान्त टी० ठाकुर
11. श्री एच० बी० सिद्दीकी
12. श्री ए० ए० तिरमीजी

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parlaiment."

हमारे क्वेश्नेयर का जवाब जो आपने लिखा हो वह दे दीजिये और संक्षेप में अपने सुझाव दें।

श्री इरशाद मिर्जा : क्वेश्चनयेर का जवाब लिख कर दे देंगे। हमारा सामाजिक ढ़ांचा इस तरह का है कि हमारे भाई बहनों के दिमाग में यह बात बैठी है कि शादी में इतना तो खर्च होना ही चाहिए। तो पहले उनके दिमाग से यह बात निकालनी है कि इसमें कोई सामाजिक कस्टम है। जहां तक धर्मों का सवाल है किसी में यह नहीं बताया गया कि इतना खर्च करना ही चाहिए, मुसलमानों में भी कोई ऐसी बात नहीं बतायी गयी है। यह कस्टम तो हमारे अपने बनाये हुये हैं इसीलिये समाज के सभी वर्गों को साथ ले कर अपने द्वारा बनाये हुये रस्मों रिवाज को खत्म करना है, इन रुढ़िवादी विचारों को निकालना है। हां, कोई पहल करने को आगे नहीं आता

इसलिये कानून सख्त से सख्त बनाना चाहिए इससे लोगों में डर होगा।

सबसे बड़ा सामाजिक दोष गुजरात में शिक्षा कम है जब कि और सूबों में काफ़ी है।

श्री बी० सत्यनारायण रेड्डी : क्या आप कानून में तबदीली चाहते हैं जिससे सख्त से सख्त सजा मिल सके ?

श्री इरशाद मिर्जा : सामाजिक तौर पर विवाह की जो विधि है इसको कुछ लोगों ने इतना कामप्लीकेटेड बना दिया है कि उसी से सारे दोष पैदा हुए। इसलिए इसको सरल बनाया जाय। हमारे एक साथी ने चुपचाप शादी की और खुश हैं। मुसलमानों में भी वही सच्चा मुसलमान है जो मस्जिद में जा कर 4 इन्सानों के बीच में जा कर कह दे कि हमने यह निकाह किया है और हमको मंजूर है। जिस तरह चुनाव खर्च की एक मर्यादा रखी गई है जिसका हिसाब देना होता है उसी तरह शादी पर होने वाले खर्च की भी एक लिमिट होनी चाहिए ; ज्यादा खर्च करने वाले को सजा मिले।

उपहार वगैरह सब कस्टमरी हैं, इनका निषेध कर दिया जाय।

सभापति महोदय : आपका कहना है कि जो जो आजकल होता है उसको बन्द किया जाय ?

श्री इरशाद मिर्जा : जी हां।

ऐसे व्यक्तियों को दंड देने की बात है, हम तो यह चाहते हैं कि ऐसे लोगों को आजीवन दंड देना चाहिए लेकिन क्योंकि समाज में रहना है, इसलिए उतना शायद न हो सके और इसलिए हमारा सुझाव यह है कि ऐसे मामलों में 5 वर्ष की सख्त सजा हो और 5 हजार रुपये का जुर्माना होना चाहिए और ये दोनों एक साथ देने चाहिए।

प्रश्न 7 के जवाब में यह कहना है कि न्यायालयों को जितने ज्यादा से ज्यादा अधिकार दिए जा सकते हैं वे दिए जायें, जिस से ऐसा अपराध करने वालों को सख्त से सख्त सजा मिल सके। जुर्माना की बात यह है कि जितना डाउरी में लिया है, उतना ही होना चाहिए।

प्रश्न 10 के बारे में यह कहना चाहूंगा कि क्रिमिनल कोड में जैसे एवैटमेंट के लिए सजा रखी हुई है, वैसे ही इस में भी होना चाहिए। दूसरों के नाम से जैसे जेठानी, ननद और दामाद के नाम से ले लिया जाता है कि इतना देना पड़ेगा। इसको एवैटमेंट माना जाना चाहिए और उनको भी सजा का भागीदार होना चाहिए। इस का प्रावधान इस कानून में होना चाहिए।

मेरा अगला सुझाव यह है कि इस को नान-बैलएविल, नान-कम्पाउण्डएविल और कागनीजैविल बनाना चाहिए।

प्रश्न 17 के बारे में यह कहना चाहूंगा कि डिस्ट्रिक्ट लेविल पर एक अधिकारी होना चाहिए जैसे समाज कल्याण विभाग में समाज कल्याण अधिकारी होता है और वह फ़र्स्ट क्लास आफ़िसर होता है। उस अधिकारी का तहसील और ब्लाक लेविल पर एक आफिस होना चाहिए। गुजरात में एक समिति बनी हुई है जिस में बड़े-बड़े अधिकारी होते हैं और उस की हर महीने मीटिंग होती है। इस तरह की एक समिति हो और उस को ज्यादा से ज्यादा पावर्स दी जाएं। पुलिस का इस को सहयोग मिले और न्यायालयों का सहयोग भी उस को मिले। उसमें महिलाओं और युवकों के प्रतिनिधियों का ज्यादा से ज्यादा समावेश किया जाय। उस को एक आफिस दिया जाए और काम करने के लिये गाड़ी और टेलीफोन की सुविधा उसको प्राप्त हो। टेलीफोन न होने से जल्दी स संपर्क नहीं हो पाता है और मैरिज में डाउरी देने के बारे में वक्त पर सूचना नहीं मिलती है। डिस्ट्रिक्ट मजिस्ट्रेट उस समिति में

बैठे और उस में जो कार्यवाही होती है, उस को देखें ।

जो त्रस्त लोग हैं, उन को ज्यादा से ज्यादा संरक्षण दिया जाना चाहिये और पुलिस डिपार्टमेंट में इस के लिये अलग से एक सेल बना दिया जाय जैसे कम्युनल सैल या हरिजन सैल बनाया हुआ है । एक स्पेशल सैल बनाया जाये, जो इस काम को देख ।

श्री सतीश पारिख : हमारे गुजरात के अन्दर कई कम्युनिटीज हैं, जिनमें हम ने 50, 60, 80 लोगों की शादी एक साथ कराई है । इसमें करप्शन कम होता है और लेन देन की बात भी बहुत कम हो जाती है । गुजरात के अन्दर 4-5 डिस्ट्रिक्ट्स ऐसे हैं, जहां पर समूह मैरिज होती है और 60-60 शादियां एक साथ होती है। इसमें खर्च बहुत कम होता है क्योंकि अगर बाहर जा कर शादी करें, तो उसमें खर्च बहुत ज्यादा हो जाता है ।

श्री सागर रेका : आदिवासी एरियाज में ऐसा होता है कि बहुत सी लड़कियों को भगाकर ले जाते हैं और फिर धापा देना पड़ता है । आदिवासियों की पंचायत साल में एक बार मिलती है और उस में वह तय करती है कि कितना धापा किस को देना है ।

सभापति महोदय : आप में से किसी ने बिना दहेज लिये शादी की है ?

एक साक्षी : मैंने 21 रुपये में शादी की है ?

सभापति महोदय : उत्तराधिकार अधिनियम के अन्तर्गत लड़कियों को संपत्ति में बराबर का हक है लेकिन लड़की की शादी होने के बाद वह बहुत दूर चली जाती है, तो वहां वह जायदाद में हिस्सा लेने के लिये झगड़ा नहीं करेगी । कोई गोवा की लड़की है और बिहार चली गई है, उस के लिये गोवा में जा कर झगड़ा करना मुश्किल होगा । जब आप दहेज को पूर्ण रूप से समाप्त करने की बात कहते हैं तो क्या इससे ऐसी लड़कियों की स्थिति और गंभीर नहीं हो जायगी ?

मैंने पूछा है कि कानून में इसे क्या स्थान देना चाहिये ?

श्री इरशाद मिर्जा : कानून को सख्त बनाया जाये ।

सभापति महोदय : कानून से ही सारी बुराइयां दूर नहीं हो जातीं । आप मुहल्ला पंचायतों का फैसला समाप्त करने के पक्ष में हैं या नहीं ?

श्री इरशाद मिर्जा : बिल्कुल हैं ।

सभापति महोदय : यदि किसी मंत्री, बिजनेस मैन या सोशल वर्कर के यहां शादी होती हो और आपको सूचना मिले तो क्या आप वहां जायेंगे और कुछ कार्य करेंगे? यदि 10 केसेज में ऐसा हो जायगा तो यह बुराई काफी हद तक दूर हो सकती है, क्या आप ऐसा करना चाहते हैं ?

श्री इरशाद मिर्जा : बिल्कुल करना चाहते हैं। हमारा तो अपना कार्य यही है ।

श्री बी० सत्यनारायण रेड्डी : शादी कहीं भी होती है, यहां यह सवाल है कि लेन देन की बात सब के सामने तय नहीं होती है, दूर बैठकर हो जाती है । आप डाउरी एक्ट के सैक्शन 2 की डैफिनीशन देखिये क्या आप उसमें तबदीली चाहते हैं ? एक तो पैसा मैरिज में कंसीडरेशन में दिया जाता है, वह डाउरी माना गया है और दूसरे में कहा गया है कि जो गिफ्ट होते हैं कैश या ओरनामेंटस होते हैं, उन

को डाउरी नहीं माना जायगा । इसके बारे में आपका क्या सुझाव है ?

श्री इरशाद मिर्जा : इसमें घपला हो सकता है ।

श्री बी० सत्यनारायण रेड्डी : इसमें कोई लिमिट रखनी चाहिये ।

श्री इरशाद मिर्जा : खर्चे में लिमिट कर दी जाय। अगर कुछ देना चाहते हैं तो वह दे दें । इसके बारे में हमने सुझाव लिख कर भेज दिये हैं ।

श्री बी० सत्यनारायण रेड्डी : इसको कागनीजेबल बनाया जाये या नहीं ?

श्री इरशाद मिर्जा : आपको कुछ तो स्वीकार करना ही पड़ेगा, नहीं तो काम नहीं हो सकता । मेरा सुझाव है कि रिव्यू करना चाहिये ।

पुलिस को जो पावर दे रखी है, उन से मिसयूज होता है, इसके बारे में भी सोचना चाहिये ।

श्रीमती प्रमिला दंडवते : मैं आपकी भावनाओं की कद्र करती हूं । कागनीजेबल ओफेंस अगर इसको करते हैं तो परेशानी हो सकती है । अगर शादी चल रही है, पासिबलिटी यह है कि कांस्टेबल शिकायत करे और कहे कि 100, 200 रुपये दे दो नहीं तो शिकायत करेंगे । चाइलड मैरिज रैस्ट्रेन्ट एक्ट में वारन्ट के बिना अरेस्ट नहीं किया जा सकता है । मैरिज में हम चाहते हैं कि पति पत्नी सुखी हों, अगर कोई गलत बात हो जाय तो ठीक नहीं होगा । इसलिये कागनीजेबिल ओफेंस के बाद आपने जो कहा कि रिव्यू किया जाये, उसके लिये इसलिये इसमें कुछ व्यवस्था हो सकती है, जैसे आप ने रिव्यू की बात की है, वह हो सकती है ।

मैं एक बात और कहना चाहती हूं--पोलिटीकल विल के बगैर कुछ नहीं हो सकता। आप जवान हैं, इसलिये पूछती हूं चाहे आप किसी भी पार्टी के हों--किसी के घर के सामने शादी की धूम धाम होती है--क्या ऐसे घर के सामने आप ने कभी कोई डिमान्सट्रेशन किया ? क्या आप ऐसा महसूस करते हैं कि जो आपका सदस्य ऐसा करे उस को पार्टी से निकाल दिया जाय उसको आगे चुनाव का टिकट न दिया जाय ?

श्री प्रमोद पुरोहित : उस को एक साधारण आदमी की तरह से ट्रीट किया जाय, उस को आगे टिकट देने से डिबार कर दिया जाय ।

श्रीमती प्रमिला दंडवते : अगर हम वास्तव में चाहें तो ऐसा कर सकते हैं ।

श्री इरशाद मिर्जा : ऐसा भी होना चाहिये कि पीपुल्स रिप्रेजेन्टेशन एक्ट में इसके बारे में अमेंडमेंट होना चाहिये कि जो व्यक्ति दहेज ले उस को चुनाव लड़ने से डिसक्वालिफाई कर दिया जाय । हम तो इसके हक में हैं कि बल्कि इससे भी ज्यादा करना चाहते हैं ।

सभापति महोदय : धन्यवाद ।

(The witnesses then withdrew)

V--1. श्री यशवंत शुक्ल

5 स्त्री सदन सोसायटी,

अहमदाबाद

2. श्री ईशवर पेडलेकर

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to

Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

मुझे आप का भेजा क्वेश्चनेअर मिला है, मैंने इस को देखा है। मुझे यह कहते हुये दुख होता है कि जैसे लैक्चर का फोरम होता है उसी तरह से आप ने इस का जवाब दिया है, लेकिन इस में सजेशन कोई नहीं दी है। जैसे प्रश्न 18 में आप ने प्रोटेक्शन की बात कही है। जब कोई घटना घट जायगी तो प्रोटेक्शन कैसे दिया जायगा ?

SHRI YASHWANT SHUKLA: My emphasis is on how to prevent it and I believe no legislation can be effective in this matter because when a party agree to pay then there is no protection from an outside agency. The point is that those who are law abiding will respect the law.

सभापति महोदय : क्या सब को ऐसे ही छोड़ देना चाहिये, यह कहां तक उचित है ? आप तो वाइस-चांस्लर रह चुके हैं।

SHRI YASHWANT SHUKLA: I am an educationist. I think it should be persuasive. There should be educational propaganda and at the same time there should be legislation in aid of it.

MR. CHAIRMAN: You have said that things may be allowed to take their own course. Will it not be desirable to prevent the event?

SHRI YASHWANT SHUKLA: If you succeed my sympathies are with you.

MR. CHAIRMAN: I would like to have your suggestions on how to end the dowry system and also how to provide security to the women in their in-laws house.

SHRI YASHWANT SHUKLA: When the law is enforced in the case of one, others take a hint from it. So, it becomes preventive in the case of others, not in the case of the person who has committed the crime. If you frame a legislation, it must be enforceable and effective.

SHRIMATI PRAMILA DANDAVATE: Every time whatever is given at the time of the marriage is not by force or extraction. Many times parents give to the daughter willingly. Don't you think there is a distinction between dowry and Stridhan, because according to the Hindu Succession Act whatever is given to the daughter becomes Stridhan. It is her property and nobody has a right to dispose it off. So, don't you feel that instead of saying prohibition of dowry it should be called abolition of dowry so that whatever is given at the time of the marriage is Stridhan?

There is a suggestion that in order to prevent it, in marriages of all communities and all religious groups whatever is given at the time of the marriage to the girl from other parties should also be registered along with the registration of the marriage so that if the girl is driven out of her husband's house later on or if the marriage fails or if she dies without an issue, all that has been given to the girl at the time of marriage will go back to her parents and not to her in-laws or even to her husband. So, I would like to ask you whether you would agree to the suggestion that

the law should be 'abolition of the dowry' and that it should be 'Stridhan' only and that it can be safeguarded only if it is registered at the time of the marriage.

SHRI YASHWANT SHUKLA:: If it is called abolition of dowry, I have no objection. Secondly, if it is completely registered by way of Stridhan in the existing socio-economic situation, I would also agree to this suggestion, but the point is that they will not solve the problem. After all the woman will have children and so many other relationships. So, necessarily the money will not go back to the parents when she dies or when the marriage is broken. Therefore, I would suggest that a condition should be laid down in the Act itself that for a marriage to be effected, only a limited amount has to be spent. Limited spending at the marriage must be made compulsory. And the concerned parents should give an affidavit that they have not spent more than the fixed amount. Maximum can be specified, but minimum can be anything. Say for instance, both the parties together should not spend more than Rs. 5,000/-.

SHRI ISHWAR PEDLEKAR: This is a social evil but it has its roots in the economic and cultural set up. with the advance of education so many social evils are removed, but this is the one which has been growing up. The highest dowry is extorted by the Panikar community. The women also take pride in the fact that they are bringing that much of dowry with them. They are not ashamed of it. They feel that by extracting greater amount of dowry their status is enhanced.

By mere legislation nothing can be done to eradicate or control this evil.

SHRI YASHWANT SHUKLA: I stand to differ with him. There should be both legislation and persuasiveness.

MR. CHAIRMAN: Thank you very much.

हम आप के अनुगृहीत है कि आप जैसे विद्वान हमारी समिति के सामने उपस्थित हुए ।

(The witness then withdraw)

VI—INTUC, Gujarat Branch, Ahmedabad, Spokesmen:—

(1) Shri Chiman Mehta
(2) Smt. Leelaben Trivedi
(3) Smt. Rita M. Trivedi
(4) Smt. Meena B. Trivedi

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI CHIMAN MEHTA: This legislation is not effective because penal clauses are very mild. The offence should be made cognizable, non-bailable and non-compoundable. Dowry is a bad thing: that awareness is not there. It is there only in a mild manner. People should understand that

it is a crime. Awareness should be created. Legislation also will help. When you make it a cognizable offence then there will be fear that police may harass but care should be taken to see that police does not unnecessarily harass. I do not believe in persuasion. Selfishness does not go by persuasion. It can only go through severe punishment. The pity of the situation is that the more a person is advanced the more he wants dowry.

MR. CHAIRMAN: Thank you very much.

अब और कोई साक्षी नहीं है, इस लिये आज की बैठक की कार्यवाही समाप्त करते हैं।

(The meeting then adjourned)

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961.

Monday, 7 June, 1982 from 1000 to 1215 hours in Circuit House, Rajkot.

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shrimati Suseela Gopalan
5. Shri Satyanarayan Jatiya
6. Shrimati Sanyogita Rane

Rajya Sabha

7. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri B. R. Atre—*Deputy Legislative Counsel.*
2. Dr. Raghbir Singh—*Assistant Legislative Counsel.*

WITNESSES EXAMINED

I. Shri Hemant T. Pandeya, *Secretary, District Congress Committee, Surinder-nagar (Gujarat).*

II. Dr. B. N. Acharya, MA, Ph. D., *Advocate,* 8, Housing Board Society, Block No. L. 39, Kalavad Road, Rajkot.

III. *Kasturba Stree Vikas Griha, Jamnagar*

Spokesmen:

1. Shrimati Manjulaben Dave, Hon. Secretary
2. Shrimati Tarlikaben Dave, Member
3. Shrimati Urmiben Dave, Social Worker

IV. *Kanta Stree Vikasgarh, Rajkot*

Spokesmen:

1. Miss Hiralaxmi K. Sheth, President
2. Miss Susheela K. Sheth, Secretary

V. Shrimati Arunaben Desai, Secretary, Vikas Vidyalaya, Surendranagar (Gujarat).

VI. Shrimati Surabhi Ben Punjani, Lioness, Co-Chairman Distt. 323, M. 19, Housing Board Society, "Neeraj', Rajkot.

VII. Shrimati Ansuyaben C. Shah, ex-MLC, Saurashtra, Ex-Chairman Social Welfare Advisory Board, 1, "Bharat", Bhaktinagar Society, Rajkot.

VIII. Shrimati A. Taraben Shah, Honorary Secretary & Trustee, Putlibai Udyog Mandir, Gitanagar, Rajkot.

IX. Shrimati Taraben Kothari, Sadar Bazar, Rajkot.

X. *All India Women's Conference, SUVAS, Near Moti Tanki, Rajkot*

Spokesmen:

1. Smt. Harganga Desai, *President*
2. Shrimati Ushaben Jani, *Secretary*

XI. *Akhil Hind Janwadi Mahila Sangh, Prarthana Samaj, Rajkhad, Char Rasta, Ahmedabad*

Spokesman:

Shrimati Damayanti Parekh, *Secretary*

XII. *Samajik Nyaya Samiti, Taluk Panchayat Kacheri, Mukam Thoriyari, Venkarvas, Distt. Rajkot*

Spokesman:

Shri Nathubhai Khengarbhai Jala, *Ex-President.*

XIII. *All India Social Health Association, Rajkot Branch* 11, *Ramnik House, Jubal Chowk, Rajkot*

Spokesman:

Shri Yashwant Janani—*Secretary*

XIV. Shri Popatbhai Hirjibhai Patel, Ex-President, Rajkot Municipality, Gundabadi Main Road, Rajkot.

XV. Shri Dayabhai Haribhai Gohel, President, Pachat Barg Sureksha Samiti, (Bakshi Panch), Ashapura Road, Ganesh Hair Art, Rajkot.

XVI Shri Rasiklal C. Mehta, General Secretary, Saurashtra Mazdoor Mahajan Sangh, Majoor Madhee, Bhaktinagar Circle, Rajkot.

XVII. Shri Vinubhai M. Rana, Hon. Physician and Administrator, Vridh Niketan, Junagadh.

XVIII. Shri Wikram Kishore B. Buch, Hon. Secretary, Shishumangal, Junagadh.

XIX *Congress Mahila Panth, Kadun, 5 Nehru Nagar, Rajkot*

Spokesmen:

1. Shrimati Ramaben R. Mavani, President
2. Shrimati Nirmalaben Chavada, Member
3. Shrimati Kanchanben Bhatti, Member
4. Shrimati Kanta Devi R. Vaisya, Member
5. Miss Jaishri R. Vaisya, Member
6. Miss Palvi Vyas, Member
7. Miss Vanitaben Haribai Patel, Member

8. Miss Hainaben Haribai Patel, Member
9. Miss Kamlaben Pathiyal, Member
10. Miss Nalini H. Upadhyaya, Member

XXI. Prof. Yasin Dala, *Professor-in-charge, Department of Journalism, Saurashtra University, Rajkot*

XXI. Shri A. S. Lashar, *Superintendent, Kathiawad N. Balashram, ajkot.*

XXII. *Rajkot District Youth Congress (I) Samiti, Head Office, Gondal, District* Rajkot.

Spokesmen:

1. Shri Patel Kishore Kumar Andipara—*President*
2. Shri Himal Lal Chotelal Kagda—*President, Youth Congress, Josdan, District Rajkot*
3. Shri Kanjibhai L. Patel—*President, Gondal Taluka, Youth Congress, Rajkot*

I—Shri Hemant T. Pandya

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सभापति महोदय : मैं आज आप सभी का संसद की संयुक्त समिति के समक्ष उपस्थित होकर अपने विचार व्यक्त करने एवं साक्ष्य देने के लिये स्वागत करती हूं। इसके साथ ही मैं आप सब को यह भी बताना चाहूंगी कि दहेज प्रतिषेध अधिनियम, 1961 जो प्रारंभ में दहेज लेने तथा देने की परिपाटी को बन्द करने के उद्देश्य से बनाया गया था, अपने उद्देश्य की पूर्ति करने में असफल रहा है।

विवाह योग्य पुत्रियों के माता-पिता को शादी हेतु लड़कों के अभिभावक को दहेज देने के लिये मजबूर किया जाता है। आज कल प्रतिदिन बड़ी संख्या में नव विवाहित लड़कियां आत्म हत्या करने पर बाध्य होती हैं या जिन्दा जला दी जाती हैं।

इन्हीं सब कारणों से सरकार ने संसद के दोनों सदनों की एक संयुक्त समिति दहेज प्रतिषेध अधिनियम, 1961 के कार्य-कलाप की जांच हेतु गठित की है ताकि दहेज प्रथा के दोषों से प्रभावी रूप से निपटा जा सके। अतः वर्तमान अधिनियम की कमियों को दूर करने संबंधी आपके सुझावों का यह समिति स्वागत करेगी।

मैं आपसे निवेदन करना चाहती हूं कि जो 1961 में दहेज के संबंध में कानून बनाया गया था वह कारगर नहीं हुआ। यह आप सभी जानते हैं कि इसके प्रभावकारी प्रभाव नहीं बढ़ सके। जो कानून बनाया गया था, वह हमारे सामने हैं, वह अब आगे संशोधनों से किस प्रकार प्रभावकारी हो, यह आप लोगों के समक्ष है। उसमें आमूल-चूल क्या परिवर्तन हों, आप यह बतायें।

केवल यह कहने के लिये आप लोगों को नहीं बुलाया गया है कि नियम में यह त्रुटियां हैं । यह सभी जानते हैं कि त्रुटियां हैं तभी हम आपके पास आये हैं । आप यह बताइये कि इस अधिनियम में सैक्शन वाइज क्या होना चाहिये । जैसे दहेज की परिभाषा से शुरू होता है तो आपके मुताबिक दहेज की परिभाषा एक्ट में क्या होनी चाहिये ।

यह भी सभी कहते हैं कि यह समाज की बुराई है, कानून से दूर नहीं होगी । सही बात है लेकिन फिर भी हमारे यहां जो पहले बाल विवाह होते थे, उनके लिये कानून बनाया गया । लोगों को शिक्षित किया गया । इसी तरह लोगों के मस्तिष्क में इस बात की भावना पैदा करने के लिये कानून बनाना जरूरी है ।

इसके दो पहलू हैं । एक हमने आपके पास प्रश्नावली भेजी थी, मैं नहीं जानती कि वह आपको उपलब्ध हुई है या नहीं । हमारी समिति को प्रदत्त शक्तियां सीमित हैं । किसी वैयक्तिक दुर्घटना के बारे में उदाहरण स्वरूप आप एक बार बोल सकते हैं, लेकिन उसका पूरा ब्यौरा कि पुलिस में क्या हुआ, सरकार ने क्या किया, उस पर हम कार्यवाही नहीं कर सकते हैं । कोई ऐसी बात अगर किसी को कहनी हो तो मीटिंग के बाद वह लिखित रूप से हमें दे दें, हम सरकार तक उसे पहुंचा देंगे, गृह मंत्री, प्रधान मंत्री को उससे सूचित कर देंगे लेकिन उस पर कार्यवाही हम तत्क्षण नहीं कर सकते । यह हमारी समिति को शक्ति प्रदत्त नहीं है ।

आप साक्ष्य दें, इसके पूर्व म आपका ध्यान लोक सभा अध्यक्ष के निदेश में दिये गये निदेश 58 की ओर दिलाना चाहती हूं जो इस प्रकार है:—

"जब साक्षी समिति के समक्ष साक्ष्य देने जाये, तो सभापति साक्षियों को यह स्पष्ट कर देगा कि उनका साक्ष्य सार्वजनिक समझा जायेगा और प्रकाशित किया जा सकता है, जब तक कि वे स्पष्टत: यह न चाहें कि उनके द्वारा दिये गये साक्ष्य का पूरा या कोई अंश गोपनीय समझा जाये । फिर भी, साक्षियों को यह स्पष्ट बता दिया जायेगा कि भले ही वे यह चाहें कि उनका साक्ष्य गोपनीय समझा जाये, वह साक्ष्य संसद सदस्यों को उपलब्ध किया जा सकेगा ।"

SHRI HEMANT T. PANDYA: First of all I would like to say that this is more or less a social problem and legislation can do little. What we should do is to arouse social consciousness and educate people properly so that they may not give or ask for dowry. I do not think legislative sanction in the form of punishment, will work. It has not worked so far. Recently, there was a case, where at the last moment the boy side demanded money and the girl side refused. But now the girl is finding it difficult to find a suitable match. So, until and unless there is social awareness this evil cannot be eradicated. We must concentrate on educating both boys and girls.

As regards punishment I would like to say that there should be very rigorous imprisonment when there is harassment on account of dowry after marriage.

MR. CHAIRMAN: Thank you very much.

(The witness then withdrew)

II—Dr. B. N. Acharya

(The witness was called in and he took his seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to

the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

DR. B. N. ACHARYA: One of my suggestions is that this legislation can also be made a subject of civil law and it may be made part of marriage laws and a ground for divorce. If it is made part of civil law and marriage law and a ground for divorce then it will deter the parties. In the civil court the matter is gone on different aspects as compared to criminal courts.

As regards punishment and the offence the present law makes the offence non-cognisable. I sugest that it should be made cognisable and to avoid any unncessary harassment to any party. I suggest that the offence can be got registered only on the complaint of either 'giver, or 'taker' of dowry. We know there are so many things punishable in law. The man giving and taking bribe, both are punishable under the law, but this is going on. The reason is that when one Mr. A goes to the police and says that he has given Rs. 200/- as bribe to the public servant, Mr. B. the police will say you sit here and you are guilty because you yourself say that you have given bribe, which itself is an offence. So you are an offender. The penal laws in Germany are such that the man giving bribe is not liable to be punished. Only the man receiving bribe is punishable. Similarly in the case of dowry, the man who says that he has given dowry, according to our law, he is also to be punished. So, according to me, if the person giving dowry is made immune from punishment in the eyes of the law, then the cases will come forward.

You know the quarrel arises only some time after the marriage. Suppose the parties are not having good relations. The girl's side will say that the other party has demanded dowry from them. Therefore, there should be limitation of the period for entertaining such complaints, if the offence is to be made cognisable, so that, no *mala-fide* party will complain that dowry has been demanded. Therefore, I would say that the complaint should be registered within one year of the marriage so that after one year if relations are spoiled no cognisance should be taken of this. The parties should not be allowed to go to the civil court with the help of this cognisable offence.

If there is a false complaint, the complainants should be severely punished. It should not be that the other party suffers by spending lakhs of rupees to defend itself going to the court and that the person who files a false complaint is allowed to go without any punishment.

The punishment prescribed under the Act is not deterrent. It will not deter the parties from committing the offence or indulging in the evil of the society. Therefore, the punishment should be more severe.

Then I find there are some difficulties in the Explanation to Section 2. It says that if at the time of the marriage something is given to the bridegroom or to the bride, it is not dowry. There is a loophole in this. If something is given, they will say that this is not in consideration of the marriage. It is a gift. And whatever is given as gift to the bride is Stridhan. So, my humble submission is that in the Explanation there should be no loopholes. The Explanation is so loosely worded that such things will take place. They will not give anything to the bridegroom and will say that this is only a gift to the bride.

According to the Gift Act, they will pay the tax and say that this is not in consideration of the marriage.

Lastly, if a man is punished, he should be ordered to refund the entire amount he has received. The court must order him to refund the entire amount, otherwise there is no sense in passing a Legislation like this. The reason why I say this, is that one may not mind going to jail for one or two months or even for one year if he is able to pocket Rs. 10 lakhs. Therefore, there must be a provision to refund the entire amount besides a provision for a deterrent punishment.

SHRIMATI SUSEELA GOPALAN: You have said that this should be incorporated as a part of the Marriage Law, but there are different marriage laws. So, do you want a common marriage law to be made?

DR. B. N. ACHARYA: Of course, the evil does not exist only in the Hindu society. Yes, whatever laws there may be, this should be one of the ground for securing divorce by the girl.

श्री सत्यनारायण जटिया : यह आप जानते हैं कि रिश्वत लेने वाला और देने वाला दोनों अपराधी होते हैं और रिश्वत देने वाला अगर किसी प्रोपर आथोरिटी को इन्फार्म कर दे कि उसने रिश्वत दी है, तो उस को भी ट्रेप किया जा सकता है। इसी तरह से अगर दहेज देने वाला जा कर यह बता दे कि मुझ से दहेज लिया जा रहा है और दहेज देते हुये वह भी ट्रेप हो जाय, तो उस को भी सजा हो सकती है, यह क्या मुनासिब बात होगी ?

DR. B. N. ACHARYA: If one says my relation one Mr. 'A' has accepted Rs. 2 lakhs for his son's marriage then the court will say that you first sit in the dock and we will also try the 'taker' Mr. 'A'. But if the complainant is immune against punishment then he will freely come forward and lodge the complaint.

MR. CHAIRMAN: You have said that giving of dowry be made a ground for divorce. Do you think it can be proved in the court of law with sufficient evidence? Please explain this.

DR. B. N. ACHARYA: There is distinction between dowry in civil law and criminal law. Dowry Act of 1961 is mainly a criminal law. It has absolutely no civil aspect. Giving and taking of dowry are both an offence. My suggestion is that 'giver' should be immuned from punishment.

MR. CHAIRMAN: Do you think, the father of the girl, thinking about the future of the girl, will come forward with a complaint in the court?

DR. B. N. ACHARYA: This law of dowry can be compared to law of supply and demand in Economics. Because bridegrooms are not available for well-cultured and educated girls this evil of dowry has come in. The petitions under the Hindu Marriage Act are filed only after straining of relations and demanding of dowry can be one ground and in the civil law the parents can be made a party.

MR. CHAIRMAN: When there is a dacoity or theft then in the police there is identification parade.

सभापति महोदय : किसी की आइडिएन्टीफिकेशन करने से लोग डरते हैं। जानते हैं कि डकैती के लिये अगर कोई घर आया तो वह डर से यह नहीं बताते हैं कि यही आया था और यही औरनामेंटस वगैरह ले गया है। लोग डकैतों की आंख देखकर ही डरते हैं। इसलिये नहीं बताते हैं। इसीलिये बहुत सारे केसेज में कोई एस्टैब्लिश नहीं होते।

बहुत से वकीलों ने कहा है कि नान-बेलेबल किया जाये।

And if it is made non-bailable, the police will have the power to keep

the person in the police station for 24 hours.

DR. B. N. ACHARYA: There may be flaws in the procedure, but there is no flaw in the Indian Penal Code. If a murderer escapes, there is no fault in Section 302 of the IPC. Therefore, I say that the law should be complete in itself.

MR. CHAIRMAN: We have been going around so many States. 90 per cent of the individuals and social organisations are in favour of establishing family courts in the country. You being a former Judicial Officer may like to give your reaction to such a demand. If you are in favour of the establishment of family courts, kindly state what should be their structure?

DR. B. N. ACHARYA: I think nothing can be done by law in this field. I am not in favour of family courts.

(The witness then withdrew)

III.—*Kasturba Stree Vikas Griha, Jamnagar).*

Spokesmen:

1. *Shrimati Manjulaben Dave, Hony. Secy.*
2. *Shrimati Tarlikaben Dave, Member.*
3. *Shrimati Urmiben Dave, Social Worker.*

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI MANJULABEN DAVE: The definition of dowry should be amended to include presents given and expenses incurred at the time of the marriage. For example, railway fare given for coming and going of the Barat, big feasts and other expenses incurred in the marriage should form part of the marriage expenses of the presents should be limited. Whatever limit is there, the excess over it should be considered as dowry.

SHRIMATI SUSEELA GOPALAN: What do you suggest for the limit?

SHRIMATI MANJULABEN DAVE: Maximum should be Rs. 25,000. The law should apply equally to everybody. When an offence is proved then the money given in dowry should be returned to the Government and not to any party and the returnable amount should be double the amount of dowry taken. Both the parties should be liable to the offence. The structure of the courts should be more civilian than criminal. The offence should not be made cognisable. It should be bailable. Police should not be allowed to play any part.

MR. CHAIRMAN: Are you in favour of family courts?

SHRIMATI MANJULABEN DAVE: Completely.

सभापति महोदय : आप अपनी बात बतला दीजिये । उस के बाद हम यह जानना चाहेंगे कि फैमिली कोर्टस का ढांच क्या होना चाहिये ?

SHRIMATI MANJULABEN DAVE: We will send in writing to your Secretariat at Delhi. As regards permission from the Government, it is not advisable because on account of that there can be delay. At the district level, there should be an officer solely devoted to these offences.

सभापति महोदय : : आप ने कहा है कि किसी प्रकरण के निपटारे के बाद डाउरी सरकार को जानी चाहिये, न कि कन्सर्न्ड पार्टी को जिस से डावरी ली गई है। क्या यह उचित होगा ? ऐसी स्थिति में कौन आदमी शिकायत करेगा , जिस को कुछ मिलने वाला नहीं है, क्या उसकी रुचि कुछ कम नहीं हो जायगी ? जो शिकायत करने वाला है, उस को इसमें क्या फायदा होगा ?

श्रीमती मंजुलाबेन देव : फायदा कुछ नहीं होगा , लेकिन समाज के लिये एक दृष्टांत हो जायेगा ।

सभापति महोदय : लेकिन इस में शिकायत करने वाले की रुचि कम हो जायेगी क्योंकि वह उस के परिवार को नहीं लौटाई जायगी । दहेज कोई खुशी से नहीं देता है ।

श्रीमती मंजुलाबेन देव : लेकिन आज कल जो श्रीमंत हैं, वे बहुत खुशी से देते हैं ।

SHRIMATI SUSEELA GOPALAN: You have suggested that the limit should be Rs. 25,000/-. Dowry evil is penetrating into the middle-class and also lower middle-classes. Don't you think this limit of Rs. 25,000/- is too high?

SHRIMATI MANJULABEN DAVE: This is the maximum that I have suggested. This limit of Rs. 25,000/- also includes dowry as well as other expenses.

श्री सत्यनारायण जटिया : अगर आप डावरी को समाप्त करना चाहते हैं तो 25 हजार की लिमिट को क्यों रखते हैं ?

श्रीमती मंजुलाबेन देव : इसमें एक्सपेन्सेज भी शामिल हैं । हम तो कम्पलीटली खत्म करने के पक्ष में हैं । यदि ऐसा हो जाय तो इससे अच्छी कोई बात नहीं है ।

(The witnesses then withdrew)

IV.—Kanta Stree Vikasgrah, Rajkot
Spokesmen:

1. Miss Hira Laxmi K. Seth ,

2. Miss Susheela K. Sheth

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

MISS HIRALAXMI K. SHETH: We have given our views in the notes. There is only a difference in the amount of minimum and maximum to be given for dowry.

MR. CHAIRMAN: We have got your notes.

(The witness then withdrew)

V.—Shrimati Arunaben Desai

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRIMATI ARUNABEN DESAI: I think by legislation alone, we will not succeed. We can succeed only by creating opinion against dowry amongst the youngsters and the boys and girls. In other words, a social awakening against the system of dowry has got to be created, because this problem of dowry, suicide, atrocities committed on the women for not bringing dowry and even murders are increasing day by day.

SHRI SATYANARAYAN JATIYA: You see here we are to consider legal aspects.

सभापति महोदय : कानूनी कार्यवाही पर ही आप कहें ।

श्रीमती अरुणाबेन देसाई : कानून कभी सफल नहीं होगा जब तक सामाजिक चेतना लोगों में नहीं होगी ।

सभापति महोदय : आपने जो कहा, धारा 4 में, दहेज मांगे जाने की स्थिति में ही केस दायर किया जा सकता है । केस दायर करने के लिए सरकार की स्वीकृति चाहिए । यदि दहेज लिया या दिया जा चुका है तो सरकार की स्वीकृति की ऐसी सूरत में जरूरत नहीं है ।

SHRIMATI ARUNABEN DESAI: ऐसा नहीं कहा है ।

Then there is a problem, if the concerned officer permits, only then we can go to the Court. This should not be so.

MR. CHAIRMAN: Officer is a Government officer, he is not an individual. But the question is that if there is demand for dowry, only then you can file a case, but if it has been given or taken, after that you don't have to take the sanction of the Government, but we can go to the court straightaway.

SHRIMATI ARUNABEN DESAI: The problem is faced by the social worker, not by the Government officer.

(The witness then withdrew)

VI.—Shrimati Surabhiben Punjani

(The witness was called in and she took her seat)

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they

might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

यह जो कानून है, इसके बारे में आप की क्या राय है, यह आप बतायें । इसमें कोई भाषण नहीं देना है बल्कि कानन के बारे में बताइये कि उसमें नया संशोधन होना चाहिये ।

श्रीमती सुर्भीबेन पुंजानी : डाउरी के बारे में जो कानून है, उस के बारे में लोगों को पता नहीं है कि कानून क्या है । अनपढ़ लोगों को तो इसके बारे में कुछ भी पता नहीं है कि डाउरी लेना और देना एक आफेंस है । इसलिये समाज में जागरूकता लाने की बहुत जरूरत है ।

सभापति महोदय : यह तो आप लोगों का काम है कि उन को इसके बारे में जानकारी दें ।

श्रीमती सुर्भीबेन पुंजानी: मास मीडिया के जरिये से काम होना चाहिये और जो सोशल वर्कर्स है, उन को भी इस कार्य को करना चाहिये ।

मुझे इस पर इतना ही कहना है ।

सभापति महोदय : धन्यवाद ।

(The witness then withdrew)

VII.—Shrimati Ansuyaben C. Shah

VIII—Shrimati A. Taraben Shah

IX—Shrimati Taraben Kothari ,

(The witness was called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती अनुसूय्या बेन सी० शाह: मुझे सिर्फ इतना ही कहना है कि यह जो दहेज के बारे में कानून है, यह हमारी बहनों की समझ में नहीं आया है । कानून बन जाता है, तो इससे लड़कियों को क्या मिलेगा । मैं चाहती हूं कि कानून में कोई ऐसी चीज हो, जिस से जो पढ़ी लिखी लड़कियां नहीं है ,उन को कुछ फायदा हो । इसके बारे में कुछ आप को सोचना पड़ेगा ।

श्रीमती ए० तारा बेनशाह : मेरा कहना भी यह है कि लड़कियों के लिये कुछ होना चाहिये । लड़कियों से भाई के फेवर में या पति के फेवर में जो साईन करवा लेते है, इसको कैसे बन्द किया जाय, इसके बारे में कुछ कानून में होना चाहिये । दहेज के बारे में अगर कोई सोशल वर्कर एवीडेंस देता है, तो उस को सोलिड मानना चाहिये । शंका का जो लाभ अपराधी को मिल जाता है, वह खत्म होना चाहिये ।

श्रीमती ताराबेन कोठारी : हमें क्वेश्चेनेयर नहीं मिला है ?

सभापति महोदय : आप बाद उसको ले कर लिख कर भेज दीजिए ।

श्रीमती ताराबेन कोठारी : मेरा पहला सुझाव यह है कि अगर यह प्रूव हो जाता है कि डाउरी ली गई है, तो ऐसे

अपराधी को सख्त सज़ा मिलनी चाहिए, जिस से लोगों में डर पैदा हो । बच्चों का शुरू से ही डाउरी के बारे में इस बात की ट्रेनिंग दी जाए कि वे इस बुराई से बचें ।

सभापति महोदय : डाउरी के क्या कारण हैं, यह हम सुनने नहीं आए हैं क्योंकि उन का हमें पता है । आप यह बताइए कि कानून में क्या संशोधन किये जाएं जिस से डाउरी बन्द हो । हमारा जो क्वेश्चेनेयर है, उस को आप ने देखा नहीं है । आप उस को पढ़ कर उस के उत्तर हमारे पास भेज दीजिए ।

श्रीमति ताराबेन कोठारी : शादियों में जो बड़े बड़े लोग, मिनिस्टर, आदि हिस्सा लेते हैं और उन में बहुत ओस्टेनटेशियस शो, फिजूलखर्ची होती है, उस के बारे में जरूर इन्वेस्टीगेशन करवाना चाहिए और इस बारे में डिस्ट्रिक्ट लेबिल के अफसरों और सोशल वर्कर्स में तालमेल रहना चाहिए और उन के सम्बन्ध अच्छे रहने चाहिएं ।

बस मुझे और कुछ इस बारे में नहीं कहना है ।

सभापति महोदय : आप को बहुत बहुत धन्यवाद ।

(The witnesses then withdrew)

X—*All India Women's Conference, SUVAS, Rajkot.*

Spokesmen:

1. Shrimati Harganga Desai
2. Shrimati Ushaben Jani

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती हरगंगा देसाई : दहेज देने का रिवाज हमारे सौराष्ट्र में बहुत कम है । जहां यह ज्यादा है वहां पर सरकार की तरफ़ से प्रचार की आवश्यकता है, विशेष कर बहनों को इसकी जानकारी होनी चाहिए । लोगों को पता चलना चाहिए कि इस तरह का कानून है । लड़की को प्रैजेण्ट वगैरह जो देते हैं, उसे डाउरी नहीं समझा जाना चाहिए, वह तो बिरादरी का रिवाज होता है । जहां डाउरी समझ-कर ज्यादा देते हैं उसे कम करना चाहिए और वहां डाउरी एक्ट लागू करना चाहिए, जहां शादी होती है वहीं पर उसका रजिस्ट्रेशन होना चाहिए । दहेज लेने देने पर 5 साल से कम की इम्प्रीज़नमैंट नहीं होनी चाहिए । उस व्यक्ति का फोटो भी पेपर में आना चाहिए

दहेज देते हैं, मांगते हैं उससे लड़की को भी तकलीफ़ होती है उसे जला देते हैं । ऐसे लोग छोटे खानदान के होते हैं । बड़े खानदान के लोग तंग तो करते हैं, लेकिन मारते नहीं हैं । सहन लड़की को ही करना पड़ता है । जो सामान दिया जाये उसकी लिस्ट होनी चाहिए । गवर्नमेंट को भी लिमिट करनी चाहिए कि इतना ही देंगे, इससे ज्यादा नहीं ।

शादी में गैस्ट कण्ट्रोल भी होना चाहिए। कोई भी शादी हो तो उसमें बारात में 10, 20, 50 व्यक्ति ही आवें, इससे ज्यादा नहीं।

SHRIMATI USHABEN JANI (Translation of Gujarati): For every society to regulate it, a legislation is necessary. But the working of the legislation should not be ambiguous; it should be clearly defined. There should be no loopholes. Registration of marriage should be compulsory and even things given at that time should also be listed and registered so that any party entering into marriage can take advantage out of it. The voluntary organisations may be given due importance for implementing such social legislations. There should be a committee attached to this Act in order to get information regarding this and also to elicit public opinion. In the educational curriculum a chapter should be introduced which may highlight the evil of dowry.

(The witnesses then withdrew)

XI—*Akhil Hind Janwadi Mahila Sangh Prathana Samaj.*

Spokesman:

Shrimati Damayanti Parekh.

(The witness was called in and she took her seat).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential, it shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्रीमती दमयंती पारिख : दहेज के सम्बन्ध में हमारा अनुभव यह है कि यह प्रथा ज्यादातर पटेल, अलावी, इन दोनों कम्यूनिटीज़ में है जहां 75 हज़ार रुपया नकद, सोना और दूसरा सामान मांग कर लेने की प्रथा है। वे सोचते हैं कि औरत मर जायगी तो दूसरी आयेगी, उस के साथ ही दहेज आयेगा। इस में औरत के मरने का काम पटेलों और अलावों में ज्यादा होता है।

कायदे के अन्दर ऐसा होना चाहिए कि दहेज को खत्म करना चाहिए। पटेल लोग कहते हैं कि हमें देना भी पड़ता है। अगर कानून में ऐसा प्रावीज़न हो जाये कि दहेज खत्म कर दिया जाये तो समस्या सुलझ सकती है।

दूसरी बात हर मैरिज रजिस्टर होनी चाहिए और उस टाइम पर यह जानकारी भी दी जानी चाहिए कि दोनों ने क्या लिया और दिया है। इस से लेना-देना कुछ कम हो जायगा। लड़की का बाप की प्रापर्टी में जो हक़ है उस पर अमल नहीं होता है।

सभापति महोदय : कानून में क्या सशोधन करें उस के बारे में बतलाइए।

श्रीमती दमयंती पारिख : मैंने अभी कहा है कि मैरिज का रजिस्ट्रेशन होना चाहिए। लड़की को उस का हक मिलना चाहिए। बाप अगर उस को बेदखल कर दे तो उस को नहीं माना जाना चाहिए, लड़की को ईक्वल-राइट मिलना ही चाहिए।

यदि डायवोर्स तय हो जाता है तो जितना सामान दिया गया है वह सब वापस होना चाहिए जिससे लड़की की सुरक्षा हो सके।

इस समय कानून की जो भाषा है, वह इस प्रकार की है कि उस को किसी तरफ़ भी तोड़ा-मोड़ा जा सकता है जिससे कोर्ट में जा कर केस फ़ेल हो जाता है ; कभी-कभी तो लड़की भी अपना बयान देने से हट जाती है और उस को कोई लाभ नहीं मिल पाता है । हम चाहते हैं कि कानून की भाषा ठोस होनी चाहिए जिस से उस का भिन्न अर्थ न निकाला जा सके ।

जो हमारे सोशल वर्कर्स हैं, जो नेता है, कानून बनाने वाले हैं उन को खुद इस कानून का पालन करना चाहिए, सब के सामने उदाहरण पेश करना चाहिए जिस से दूसरों पर उस का असर पड़ सके ।

मुझे यही निवेदन करना था ।

सभापति महोदय : धन्यवाद

(The witness then withdrew).

XII—*Samajik Nyaya Samiti Taluk Panchayat Kacheri*
Spokesman:

Shri Nathubhai Khengarbhai Jala

XIII—*All India Social Health Association, Rajkot Branch.*

Spokesmen:

XIV—Shri Yashwant Janani.
Shri Popatbhai Hirjibhai Patel.

XV—Shri Dayabhai Haribhai Gohel.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

श्री नाथूभाई खेंगरभाई जाला : मैं भारत सरकार और पार्लियामेंट्री कमेटी को धन्यवाद देता हूं । युवकों में जो दहेज की बुराई चल रही है उस के लिए यह कमेटी आई है । 1948 से अब 1982 तक इस देश में लोकशाही को चलते हुए हो गया, स्त्री जाति का मानव अधिकार अभी तक नहीं मिला है, इस का कारण यह है कि शुरू से यह प्रथा चली आ रही है, सब लोग स्त्री-जाति को गुलाम रखना चाहते हैं ।

सभापति महोदय : आप यह बतलाइए कि कानून में कैसे सुधार करेंगे ?

श्री नाथूभाई खेंगरभाई जाला : दहेज लेने और देने की प्रथा को खत्म करना चाहिए । कास्ट-सिस्टम को खत्म करना चाहिए । शादी का कोर्ट में रजिस्ट्रेशन होना चाहिए तथा वहां से प्रमाण-पत्र लेना चाहिए । अन्तर्जातीय विवाह को बढ़ाना चाहिए । स्त्रियों को समान अधिकार मिलना चाहिए ।

श्री यशवन्त जनानी : मेरी आप से प्रार्थना है कि दहेज के लिए कानून बनाने के मैं विरोध में हूं । क्योंकि जब कानून बनेगा तो उससे कोई परपज़ सर्व नहीं होगा । यह बुराई सामाजिक परिवर्तन से ही दूर हो सकती है । इसलिए जनता में ऐसी जागृति होनी चाहिए, इससे अच्छा परिणाम निकलेगा ।

सभापति महोदय : आपको क्या कहना है ?

श्री पोपटभाई हीरजी भाई पटेल : पटेल समुदाय में ही दहेज प्रथा है जो धनी हैं और काला बाज़ार से पैसा पैदा करते हैं । 80 प्रतिशत सौराष्ट्र के लोगों में दहेज प्रथा नहीं है क्योंकि उनके पास पैसा नहीं है । दहेज के लिए हमारा समाज, आर्थिक और सामाजिक परिस्थितियां, जिम्मेदार हैं । इसमें बगैर चेंज किए काम नहीं बनेगा । सोशलिस्ट कण्ट्रीज़ में यह कुप्रथा नहीं है । कानून के इमप्लीमेंटेशन के लिए ऐडमिनिस्ट्रेशन जिम्मेदार है जो कि करप्ट है । मेरा सुझाव है कि तालुकावाइज़ कमेटी फ़ौर्म करनी चाहिए और उसमें योग्य आदमियों को नियुक्त करना चाहिए और शासन को उसकी कार्यवाही पर नज़र रखनी चाहिए ।

श्री दयाभाई हरिभाई गोहिल : (गुजराती में साक्ष्य दिया) — क्वेश्चनेयर हिन्दी या क्षेत्रीय भाषा में होता तो अच्छा रहता । मेरी राय में समाज में जागृति पैदा करनी चाहिए ।

सभापति महोदय : आप को इस के बारे में क्या कहना है ।

श्री दयाभाई हरि भाई गोहिल : जो नियम हैं, उन का पालन अच्छी तरह से हो, इस के लिए यह है कि गवर्नमेंट कानून बनाने से पहले दहेज प्रथा के बारे में लोगों में जागृति पैदा करे, और यह रेडियो, टी० वी० और सामाजिक फिल्मों द्वारा किया जा सकता है ।

इस के अलावा मेरा सुझाव यह है कि इस कानून की कापी गुजराती भाषा में भी होनी चाहिए ताकि लोग उस के बारे में जानकारी प्राप्त कर सकें ।

सभापति महोदय : आप का बहुत बहुत धन्यवाद

(The witnesses then withdrew)

XVI—Shri Rasiklal C. Mehta

XVII—Shri Vinubhai M. Rana

XVIII—Shri Wikram Kishore B. Buch

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

SHRI RASIKLAL C. MEHTA: I have five points to make. First, the question of dowry is more or less a socio-economic question and as such, Government interference in day-to-day domestic life may not be desirable. It should be left to the social institutions to create an atmosphere so that this evil could be avoided. We have to cultivate an atmosphere of re-thinking in the minds of youngsters. The youngsters should prevail upon their parents not to give or take dowry but unfortunately the new generation is thinking otherwise. When this is the thinking then the problem gets more difficult and cannot be solved through law.

Secondly, the custom of dowry varies in connotation, form and magnitude from place to place, and

from community to community, and time to time. Therefore, uniform central legislation may not be practicable. Dowry prohibition subject should be in the State List. In Gujarat dowry system is different from Punjab and other States. Here something is given by the parents of the girl out of love to the daughter which is called Kariyavar. If something is negotiated to be given before marriage then it is dowry. Also when it leads to exhibition of wealth that should be prohibited. It is a question which can be solved by social institutions. If possible, certain funds should be left at the behest of social institutions to create a good atmosphere. At the school level a subject concerning bad effects of such social customs should be introduced.

SHRI VINUBHAI M. RANA: There should be legislations to punish the evil doers, but the present legislation punishes only the innocent girls who become the victim of the present dowry system. If the dowry is not given, the girl is harassed in the family.

SHRI B. SATYANARAYAN REDDY: How does the present Act punish the girl instead of helping her?

SHRI VINUBHAI M. RANA: The punishment is in the form that though the Act is there, it is only in name and it does not come to her help.

The present-day situation is such that the parents of the girls vie with each other for giving dowry while the parents of the boys want more and more dowry with the result that the girl suffers. Therefore, some protection to the girl should be given.

SHRI WIKRAM KISHORE B. BUCH: In other communities though the dowry is given at the time of the marriage, but on our side there are customs that there is a bride price. After the girl has been married say at the age of 18, and her husband dies say after six years she cannot go out of the husband's family till the parents of the girl give a certain amount to the husband's family. If her parents do not give, she has to remain in the husband's family and per force marry the younger brother of the husband who may be even six months old. Here you will find several couples where the girl is only 24 years old and husband is only six months old or 80 years old. I only wanted to bring this fact to the notice of the Committee that even after the marriage such an amount has to be given to the husband's family if she is to be married out of the family. Such a system also should be stopped.

(The witnesses then withdrew)

XIX कांग्रेस महिला पंथ, काड्न, 5, नेहरू नगर, राजकोट

प्रतिनिधि

1. श्रीमती रमाबेन आर० मावानी, प्रधान
2. श्रीमती निर्मला बेन० चावडा
3. श्रीमती कंचन बेन भट्टी
4. श्रीमती कांतादेवी आर० वैश्य
5. कु० जयश्री आर० वैश्य
6. कु० पल्लवी व्यास
7. कु० वनिताबेन हरिभाई पटेल
8. कु० हैनाबेन हरिभाई पटेल
9. कु० कमलाबेन पथियाल
10. कु० नलिनी एच० उपाध्याय

(The witnesses were call in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to

the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

आप सब का स्वागत है । आप दहेज कानून को सुधारने की दृष्टि से अपने विचार संक्षेप में बतलायें ।

श्रीमती रमाबेन आर० मावानी : मैं सब से पहली बात तो यह कहना चाहती हूं कि इस कानून को कड़क बनाया जाय । इस समय लड़कियों की समस्या सारे देश के सामने है, हम चाहते हैं कि ऐसा कानून बनाया जाय जिस में लड़कियों को सुरक्षा मिल सके । इस समय जो सज़ा होती है वह बहुत कम है, हमारा सुझाव है कि सज़ा ज्यादा दी जाय ।

हमारी प्रार्थना यह भी है कि इस सम्बन्ध में जब कोई अपनी शिकायत लेकर किसी कौन्सिलर, एम० एल० ए० या एम० पी० के पास जाता है तो उन को उस की शिकायत को सुनना चाहिए और जहां तक हो सके उस की मदद करनी चाहिए ।

कु० नलिनी एच० उपाध्याय : मेरा यह निवेदन है कि जितनी डाउरी ली गई है, मान लीजिए किसी ने 50 हज़ार डाऊरी ली है तो उसके ऊपर उतना ही जुर्माना किया जाना चाहिए ।

मांगने वाला तो मांगता ही है, वह दोषी भी है लेकिन हमारी दृष्टि में देने वाला भी उतना ही दोषी है । इसलिए थोड़ी बहुत सज़ा देने वाले को भी मिलनी चाहिए । कानून के मुताबिक फरियाद पुलिस से करनी होती है । हमारा यह कहना है कि अगर कोई सोशल वर्कर्स से या रजिस्टर्ड संस्था को बहनों से फरियाद करे तो उन की फरियाद के अधार पर भी पनिशमेण्ट दी जानी चाहिए ।

इस समय कानून वेलेबिल है, हम चाहते हैं कि यह नान-वेलेबिल होना चाहिए ।

रिसेप्शन के मौके पर बहुत सारे प्रेज़ेण्ट्स दिये जाते हैं, रिसेप्शन पर बहुत ज्यादा खर्च किया जाता है । हमारे विचार मे यह बिलकुल बन्द किया जाना चाहिए तथा अधिक से अधिक 10 आदमियों की बारात जाये ।

सभापति महोदय : बहुत धन्यवाद ।

(The witnesses then withdrew)

ONE WITNESS: I want to give only two suggestions. The implementation of the Act must be very strong and a person who is proved to have taken dowry should be given severe punishment. Secondly, if possible, we should provide in the Bill that public opinion should be aroused against this evil. Thank you.

(The witnesses then withdrew)

XX Prof. Yasin Dalal

XXI Shri A. S. Lashar

XXII Rajkot District Youth Congress

(I) Samiti sh

Spokesmen:

1. **Shri Patil ishore Kumar Andipara**
2. **Shri Himal Lal Shotelal Kagda**
3. **Shri Kanjibhai L. Patel**

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

PROF. YASIN DALAL: To my mind legislation alone cannot eradicate this evil. Enforcement of the legislation should be strict and prior sanction of the Government should not be necessary. A strong public opinion has to be created against this evil of dowry. Thank you.

अध्यक्ष महोदय : आप सब का स्वागत है । क्या आप ने इस एक्ट को पढ़ा है ?

श्री पाटिल किशोर कुमार अंदीपाड़ा : पढ़ा नहीं है । हम ने अखबारों में पढ़ा है कि आप की समिति यहां आने वाली है । तब हम ने अपने यूथ कांग्रेस की मीटिंग बुलाई जिसमें सभी सदस्य शामिल हुए ।

सभापति महोदय : आप अपना सुझाव दीजिये ।

श्री पाटिल किशोर कुमार अंदीपाड़ा : हम ने जो सुझाव देने थे वे हम ने लिख कर दे दिये हैं ।

श्री बी० सत्यनारायण रेड्डी : : आप दहेज के खिलाफ़ हैं या उस के पक्ष में हैं ?

श्री पाटिल किशोर कुमार अंदीपाड़ा : दहेज प्रथा हमारे सौराष्ट्र में है । हम सारे भारत की बात नहीं जानते हैं लेकिन सौराष्ट्र के बारे में हम कह सकते हैं कि दहेज प्रथा हमें मन्जूर नहीं है । दहेज प्रथा इसलिए मन्जूर नहीं है क्योंकि पति पत्नी में झगड़ा रहता है । लेवा पाटीदार पटेलों में थोड़ी दहेज प्रथा है, ज्यादा नहीं है । 15, 20 हजार तक दहेज चलतो है । कड़वा पाटीदार पटेलों में दहेज प्रथा नहीं है । लेकिन क्षत्रीय, जाति में काफ़ी दहेज प्रथा है ।

MR. CHAIRMAN: The Committee place on record their warm appreciation for the cooperation and assistance rendered by the Officers of the Government of Gujarat and the District Offices here in Rajkot in holding the sitting of the Committee at Rajkot to hear the views of the representatives of various women's and Social voluntary organisations, and social voluntary organisations, Social Welfare Board, and Advisory Board on the acute and intricate problem of dowry.

The Committee offer their thanks to all Officers who have done such hard work and who have looked after the Committee very well.

The witness then withdrew

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES TO EXAMINE THE QUESTION OF THE WORKING OF THE DOWRY PROHIBITION ACT, 1961

Tuesday, 8 June, 1982 *from* 1115 *to* 1220 *hours in Circuit House, Ahmedabad.*

PRESENT

Shrimati Krishna Sahi—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Vidyavati Chaturvedi
3. Shrimati Pramila Dandavate
4. Shrimati Suseela Gopalan
5. Shri Satyanarayan Jatiya
6. Shrimati Sanyogita Rane
7. Shri K. P. Unnikrishnan

Rajya Sabha

8. Shri B. Satyanarayan Reddy

SECRETARIAT

Shri M. G. Agrawal—*Senior Table Officer*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

1. Shri B. R. Atre—*Deputy Legislative Counsel*
2. Dr. Raghbir Singh—*Assistant Legislative Counsel*

WITNESSES EXAMINED

I. *Gujarat State Social Welfare Advisory Board, Gandhinagar*

Spokesmen:

1. Shrimati Urmila Bhatt—*Chairman*
2. Shrimati Pushpavati Mehta—*Member*
3. Shrimati Shantaben Y. Makwana, *MLA.*

II. *Government of Gujarat, Gandhinagar*

Spokesmen:

(a) Shrimati Kokila Vyas, Minister of Social Defence.

(b) 1. Shri R. V. Chandramowli, *Secretary, Home Department*

2. Shri K. M. Satwani, *Secretary, Legal Department*

3. Shri P. P. Rathod, *Secretary, Social Welfare and Tribal Development Department.*

4. Shri K. Ramamoorthy, *Secretary, Education Department.*
5. Shri P. B. Malia, *D.G. of Police, Ahmedabad.*
6. Shri Manmohan Singh, *Police Commissioner, Ahmedabad.*
7. Shri P. M. Bhatt, *Director Social Defence, Department, Ahmedabad.*

I—*Gujarat State Social Welfare Advisory Board, Gandhinagar.*

Spokesmen:

1. Shrimati Urmila Bhatt—Chairman.
2. Shrimati Pushpavati Mehta—Member.
3. Shrimati Shantaben Y. Makwana, MLA.

(*The witnesses were called in and they took their seats*).

सभापति महोदय : थोड़ा सा इन्ट्रोडक्शन आपस में कर लें और उसके बाद थोडी देर के लिये आप रूक जाइये क्योंकि आप से पहले दूसरे सेट आफ विटनैस आने वाले है।

यह समिति आप लोगों का स्वागत करती है। यह आप को बताने की हमें कोई आवश्यकता नहीं है कि स्वयंसेवी संस्थाओं के प्रतिनिधि और व्यक्तिगत रूप से जो लोग उस कानून के बारे में अपनी राय देना चाहे, तो दे सकते हैं। यह जो 1961 का एक्ट बना है, इसके बारे में हम आप की गवर्नमेंट के व्यूज जानना चाहते हैं कि इस में कहां-कहां संशोधन किये जायें, जिससे यह कानून कारगर सिद्ध हो सके। अभी जो एक्ट बना है, यह क्यों प्रभावकारी नहीं हो सका और इसका इम्पलीमेंटेशन ठीक से क्यों नहीं हुआ, इसके बारे में जो प्रश्नावली है वह तो आप को मिल गई है और उस का उत्तर भी आप ने दे दिया है लेकिन हम आप के विचार जानने चाहते हैं और यह चाहते हैं कि आप अपने सुझाव दें ताकि यह समिति लाभान्वित हो सके।

आप साक्ष्य दें, इससे पूर्व मैं आपको यह बता दूं कि अध्यक्ष द्वारा दिये गये निदेशों के निदेश 58 के उपबंधों के अनुसार आपका साक्ष्य सार्वजनिक समझा जायेगा और प्रकाशित किया जा सकता है जब तक कि आप स्पष्टत: यह न चाहें कि आपके द्वारा दिये गये साक्ष्य का पूरा या कोई अंशगोपनीय समझा जाये। भले ही आप चाहें कि आपका साक्ष्य गोपनीय रखा जाये, फिर भी वह साक्ष्य संसद सदस्यों को उपलब्ध किया जा सकेगा।

(तत्पश्चात साक्षी कुछ समय के लिये बाहर चले गये)

श्रीमती उर्मिला भट्ट: सोशल वेलफेयर बोर्ड, सामाजिक कार्य करता है। कानून में संशोधन करना चाहिये। सामाजिक विचार-धारा में परिवर्तन लाने की कोशिश समाज कल्याण बोर्ड कर सकता है। गुजरात में 500 से भी ज्यादा संस्थाएं सामाजिक कार्य करती हैं। गुजरात में दहेज के मामले में दो तीन कम्युनिटी ऐसी हैं जहां दहेज चलता है। हमारी जानकारी में अब तक कोई भी केस ऐसा नहीं है जो गलत हुआ हो।

श्रीमती प्रमिला दंडवते : क्या आपने सोचा है कि कानून में अगर इस प्रकार का बदलाव हो जाता है तो आप जैसी आर्गेनाइजेशन्ज क्या महिलाओं की मदद कर सकती हैं ?

श्रीमती उर्मिला भट्ट : हमारी कम्युनिटी में सीमायें हैं। हमारी राय में कानून में विगरस इम्प्रीजनमेंट का प्रावधान होना चाहिये।

श्री सत्यनारायण जटिया : कानून के परिपालन में सामाजिक संस्थायें मदद

करेंगी तो काम हो सकेगा, पुरसने कानून में क्या कमी है और उनको दूर करने के क्या सुझाव हैं ?

श्रीमती उर्मिला भट्ट : हमने इस संबंध में प्रश्नावली लिखकर भेज दी है, उसे आप देख सकते हैं ।

SHRIMATI SUSEELA GOPALAN: You are telling that this is not the problem in Gujarat. It is only in some communities in Gujarat. But the Chief Justice of Gujarat High Court has commented that Gujarat is leading in the matter of dowry deaths.

SHRIMATI URMILA BHATT: I did not say that there is no problem of dowry in Gujarat. I said it is only in some communities. I said this problem is not so much here as it is existing in other States.

SHRIMATI SUSEELA GOPALAN: The Chief Justice of the Gujarat High Court said it is very much prevalent here and Gujarat is top on the list.

SHRIMATI URMILA BHATT: It is among the Patels, Anavils and Desais.

II—*Government of Gujarat, Gandhinagar.*

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4. Shri K. Ramamoorthy, *Secretary, Education Department.*

5. Shri P. B. Malia, *D. G. of Police, Ahmedabad.*

6. Shri Manmohan Singh, *Police Commissioner, Ahmedabad.*

7. Shri P. M. Bhatt, *Director Social Defence Department, Ahmedabad.*

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Before we proceed, may I draw your attention to Direction 58 of the Directions by the Speaker which reads as follows:

"58. Where witnesses appear before a Committee to give evidence, the Chairman shall make it clear to the witnesses that their evidence shall be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. It shall, however, be explained to the witnesses that even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament."

सबसे पहले में आप से एक बात पूछना चाहती हूं--क्या हम इस कानून में ऐसा संशोधन करें जिससे सोशल वेलफेयर बोर्ड का भी इस में इंवाल्वमेंट हो ? यदि सीधे न हो तो किस रूप में उनका रोल इस में हो सकता है ? मेरा तात्पर्य यह है कि दहेज बन्द कराने में हम उनकी मदद कैसे ले सकते हैं ?

SHRIMATI KOKILA VYAS: I also believe that the Social Welfare Board can play an important role. I do believe that legislation cannot help as much as the social worker in bringing about social awareness against this evil of dowry. Social Welfare Board is a grass-root organisation having its branches at the taluka and district level. Before Independence the social workers played a commendable role for spread of Swadeshi and resorted to picketing. Like that picketing should be done against those who indulge in this evil and do vulgar exhibition of wealth. I believe Social Welfare

Board can organise such programmes wherever and whenever such vulgar exhibition is done. The eminent persons should also do social boycott of all such marriages. We can organise through Social Welfare Board such groups who can do picketing work and create atmosphere for anti-dowry.

SHRI B. SATYANARAYAN REDDY: You have said that Social Welfare Organisation can play an important role and boycott such functions where dowry is either demanded or given. I would like to know did you take any initiative in those functions where such things are being done. Did you instruct your Organisation or your colleagues to boycott such functions?

SHRIMATI KOKILA VYAS: Actually speaking, we have not so far held such demonstrations. In Gujarat this dowry evil is not as much prevelant as in other States. In Gujarat only Patels and Anavils are involved in this evil of dowry. For creating public opinion amongst women we have organised seminars and symposiums on this subject. We want to involve young people because it is they who can bring social change.

SHRI B. SATYANARAYAN REDDY: Conducting seminars is another thing. What is needed is action.

SHRIMATI KOKILA VYAS: To change public opinion is a process.

SHRI B. SATYANARAYAN REDDY: Apart from this there is need for action.

Even those sections of the people are also indulging in such things. It is prevalent in whole of India. Suppose all those people say that they are not going to attend those marriages unless the system of taking dowry is banned there, then this can have some effect. Your saying that it is prevalent only in two or three communities may be correct, but the Chief Justice of the Gujarat High Court has said that the incidence of dowry deaths is the highest in the State. It may be that larger deaths are from those particular communities. But what I want to say is that some action is needed. There is no necessity to resort to some violence to stop this thing. Simply saying we are not going to attend such marriages will have its effect. If, you being the Minister, say we are not going to attend such marriages, and register your protest in this way, it will definitely have impact on the people as well as on the communities.

SHRIMATI KOKILA VYAS: Yes, we should do it.

SHRIMATI PRAMILA DANDAVATE: One and a half year back, the Union Home Minister made a statement on the floor of the House that he had issued instructions to the State Governments that if there is a death of a housewife within five years of her marriage under suspicious circumstances, action would have to be taken and the police has to investigate the matter. Now, the police have received thirtythree complaints that brides have died under suspicious circumstances. I would like to know what action has the police taken and what help have they provided? According to the Jyoti Sangh no acvtion has been taken.

MR. CHAIRMAN: Excuse me for the interruption. According to the Jyoti Sangh no action has been taken. The lady social worker of the Jyoti Sang has reported to the Committee that thirty-three such deaths have occurred. She said she had written to the State Government as well as to the Union Home Minister, but no action has been taken.

SHRIMATI KOKILA VYAS: Was she office bearer of the institution?

MR. CHAIRMAN: I don't know, but she represented the organisation and she said that they had written officially in this regard.

SHRI P. B. MALIA: We have made it compulsory for officials up to the rank of DSP and above to receive complaints of deaths in the families where newly married females live with in-laws and where deaths under suspicious circumstance are reported. A Divisional Officer visits the scene of occurence and sees that the inquiry is conducted properly. Such instructions are issued from time to time and our senior officers in charge of sub-divisions visit such scenes. So far only two cases have been registered—one in Baroda City in 1981 and another also in 1981 in Surendranagar district. These are the two cases in which complaint was lodged with the police by the parents of the deceased bride saying that the death of the girl was the outcome of dispute over dowry. The accused were charge-sheeted, but in both the cases the accused have been acquitted by the Court. In one case the police registered an accidental death, since nothing incriminating was found. These are the three dowry death cases which have come to the notice of the Gujarat Police.

MR. CHAIRMAN: Did you not get even a single complaint from the Jyoti Sangh?

SHRI P. B. MALIA: No, not a single complaint is received from the Jyoti Sangh.

SHRIMATI KOKILA VYAS: We will definitely enquire into this.

MR. CHAIRMAN: It is also possible that even some petty quarrels are interpreted as dowry disputes.

SHRIMATI PRAMILA DANDAVATE: From a number of organisations suggestions have been coming that dowry offence should be made cognisable, non-bailable and compoundable. If it is made cognisable, what is your suggestion to prevent harassment of the families by the Police? So, I would like to know whether you believe that by making it cognisable harassment will be avoided and what should be done about it. And while making it a cognisable offence, do you feel that social organisations also should be associated in investigation or in rendering any assistance? And if you feel that it should not be made a cognisable offence, then I must tell you that one of the reasons attributed for the failure of the law is that it has not been made a cognisable offence.

SHRI P. B. MALIA: I would like to submit that after independence, the police force has been burdened with increasing number of social legislations which they are called upon to enforce. We already have on our hands a number of Acts, at the State as well at the Central level which are made cognisable and that the hands of the Police force are over full. I am, therefore, not in favour of making the dowry laws cognisable, because I also apprehend that it may ultimately result in more corruption in the Police Department. If I may put it very frankly, I am of the opinion that the Dowry Law need not be made cognisable. I would also go still further to say that the police department should not be given the responsibility of investigating the complaints of dowry. Instead the Social Defence Department of the State Governmnt should empower a special officer to go into the investigations and he can be helped by the Social Women's organisations for collecting the evidence. Police should not be brought into the picture.

MR. CHAIRMAN: In your answer to the Questionnaire you have said that all the offences under the Act be made cognisable, but here you are saying it may be non-cognisable? So, whether this is your own view or that of the Government?

SHRI P. B. MALIA: What I have stated before the Committee are my personal views and the answers to the Questionnaire have not been sent by my Department.

MR. CHAIRMAN: The replies with me to the Questionnaire are from the Social Welfare Department.

SHRIMATI KOKILA VYAS: I will verify from my Department but I agree with the views of Mr. Malia that the offence should not be cognisable.

SHRIMATI SUSEELA GOPALAN: Will it be all right that a special cell is created and then only this offence is made cognisable?

SHRI P. B. MALIA: The definition of congnisable is that any officer in the Police Department can take cognizance of it. We can provide that the complaint should be made before the Judicial Magistrate who is empowered to pass on the inquiry to a special officer to be appointed by the State Government from the Social Welfare Department and this offence may be made compoundable with the permission of the court,

MR. CHAIRMAN: In reply to Q. No. 9 you have said:

"...amount of fine should be equal to the value of dowry plus expenses incurred..."

हम यह जानना चाहेंगे कि इसका वेल्यूयेशन करना कहां तक प्रेक्टिकेबिल होगा कि कितने हजार की या कितने सौ रुपये की फलां चीज है । क्या कोई लिमिट फिक्स करनी चाहिये ?

SHRIMATI KOKILA VYAS: I agree with the Chairman that the limit should be fixed

सभापति महोदय : इसमें अगर लिमिट रखी जाय, तो कितनी होनी चाहिये । 20 हजार रुपये हो या 5 हजार रुपये हो, इसके बारे में आप सोच कर लिख कर भेज दीजिये ।

SHRIMATI KOKILA VYAS: We will make the correction and then send it to you.

MR. CHAIRMAN: So, we will expect another answer to the Questionnaire from you.

श्रीमती कोकिला व्यास : हम इसका जवाब भेज देंगे ।

सभापति महोदय : कितना पनिशमेंट हो, कितना इम्प्रिजिनमेंट हो और कितना जुर्माना, यह आप लिख कर भेज दें । कुछ फीगर तो आप बता ही सकती है ।

SHRIMATI KOKILA VYAS: We will correct this also.

SHRIMATI SUSEELA GOPALAN: Recently the Chief Justice of Gujarat High Court has commented that dowry deaths in Gujarat are on the increase and this State is at the top in the matter of dowry deaths. What is the reason for this comment?

SHRIMATI KOKILA VYAS: We do not have any record for dowry deaths.

SHRI K. M. SATWANI: Murder cases may have been clubbed with dowry deaths, perhaps.

SHRIMATI KOKILA VYAS: It is a complicated matter. I don't know how to interpret it.

SHRI K. P. UNNIKRISHNAN: How many murders took place in the last year, in 1981, in Gujarat?

SHRI P. B. MALIA: About a thousand.

SHRI K. P. UNNIKRISHNAN: How many women in the age group between 18 and 25 were involved in these deaths with burns?

SHRI P. B. MALIA: I don't have the figures.

SHRI K. P. UNNIKRISHNAN: Please find out and send it to us.

MR. CHAIRMAN: Mr. Malia, you know the Police has got a public conduct.

पुलिस थोड़ा भी कुछ करती है तो ज्यादा बदनाम हो जाती है, दूसरे कुछ करते हैं तो उनकी बदनामी कम होती है।

So, would you prefer to take the reponsibility about the dowry investigation with the Magistrates? And would you like to share the burden with the social welfare organisations even up to the block-level? If you think that the social organisations should cooperate with the administration also, then to what extent the powers should be given to the Social Welfare Organisations?

SHRIMATI KOKILA VYAS: We have one cell in the Home Department called Defence Cell, Whenever a complaint comes from a lady that her in-laws are harassing her and that she is apprehending that they will murder her, immediately the cell will come to the help of the woman. I myself have worked with the Home Department and I know that we will go even to the remote village. So, we have been successful in solving the problem. So, immediately the Defence Cell will come to the help of the social workers also.

श्रीमती विद्यावती चतुर्वेदी : बाल विवाह कानून में ग्रौफेंस काग्नीजेबल है, किन्तु जब तक मजिस्ट्रेट का वारन्ट न हो तो पकड़ नहीं सकते हैं। क्या ग्रापका मतलब यह है कि इसको ऐसा ही काग्नीजेबिल बनाया जाये ताकि हरेक को हैरेस न किया जा सके? क्या इससे ग्रापको हैल्प मिलेगी?

श्री पी० बी० मालिया : पुलिस को हैल्प तो मिल सकती है, लेकिन कम्युनिटी की एजेन्सी वीक नहीं होनी चाहिए।

SHRI K. M. SATWANI: You see law is there, but the boy and the girl are unable to settle. This is generally found. But our longer objective should be that the families are happy. That the magistrate has to decide. If the case is serious let him do it there. But with mandatory imprisonment, ties of the family are broken, and ultimately nobody is able to live together.

श्रीमती विद्यावती चतुर्वेदी : हमारे एक्ट में एक जगह ग्राता है कि 6 महीने की सजा या जुर्माना। यह मजिस्ट्रेट पर छोड़ दिया जाता है। जो एक डेढ़ लाख शादी में लगाते हैं, उनके लिए 10, 15 हजार का जुर्माना कोई मायने नहीं रखता। क्या ऐसा ग्रच्छा रहेगा कि सजा जरूरी हो ग्रौर मजिस्ट्रेट पर न छोड़ा जाये, बिल्कुल कम्पलसरी रखा जाये? सजा एक महीने की भी हो जाये तो इसका लोगों पर डर रहता है?

SHRI K. M. SATWANI: Recently a case came before the Supreme Court. They were on the point of separation. Ultimately the Judge said, settle it among yourselves within twenty four hours, and they settled it. So, it is never too late.

श्रीमती विद्यावती चतुर्वेदी : दोनों की ग्रापस में तालमेल होनी चाहिए, यह बात सही है, लेकिन ग्रौरत तभी बाहर ग्राती है, जब उसकी जान पर बन ग्राती है। जब यह साबित हो जाता है कि मारा या जलाया गया है, तभी लोग कोर्ट में जाते हैं। लड़की के माता पिता, ग्रार्गेनाइजेशन्ज, यही कोशिश करते हैं कि मेल हो जाये, कोर्ट में जाने की बात उसी समय होती है, जब उसकी जिन्दगी खतरे में हो या जिन्दगी खत्म कर दी गई हो।

शादी का रजिस्ट्रेशन जरूर करना चाहिए, जहां बड़े शहरों में कोर्ट-कचहरी हैं वहां तो ठीक हो सकता है, लेकिन छोटे लेवल पर जहां गांवों में पंचायतें हैं, सोशल आर्गेनाइजेशन्स जैसी संस्थाएं हैं उनको अगर पावर दे दी जाये तो क्या वहां पर चीटिंग की बातें हो जायेंगी ? क्या वहां पर सोशल वैल्फेयर बोर्ड का भी एक प्रतिनिधि हो ?

श्रीमती कोकिला व्यास : वैरीगुड ।

श्रीमती विद्यावती चतुर्वेदी : आप क्या चाहती हैं ? जैसे गांव है, वहां जब शादी होती है तो जैसे कोर्ट में सभी को अपनी मैरिज की रजिस्ट्रेशन करवानी पड़ती है, तो क्या आप यह पसन्द करेंगी कि पिता की प्रापर्टी में जो उसका हिस्सा बनता है वह भी उसी समय लड़की के नाम रजिस्टर करवा दिया जाये ? लड़की जब शादी हो कर दूसरी जगह जाती है तो उस के हिस्से का अचल-सम्पत्ति नहीं जाती थी, इस लिए लोगों ने चल-सम्पत्ति के रूप में लड़की को देना शुरू किया, जिस का रूप आज बहुत बिगड़ गया है । मैं जानना चाहती हूं—क्या ऐसा हो सकता है कि शादी के समय ही जब शादी रजिस्टर की जाय उस के हिस्से को भी उस के नाम से रजिस्टर कर दिया जाय ? आज कल मां-बाप लड़का को लाखों रुपया देते हैं लेकिन वह सब लड़की को नहीं मिलता है —क्या वह सब लड़की के नाम से रजिस्टर हो ?

इस में एक खतरा हो सकता है कि लोग उस लड़की का मर्डर कर दें, उस की प्रपार्टी को ले लें और फिर दूसरी शादी कर लें । क्या इस तरह का संशोधन किया जा सकता है कि यदि उस लड़की का बच्चा हो तो वह उसका हक़दार बने, उस के पति या इन-लाज उस के हक़दार न बनें ? अगर बच्चा न हो तो वह प्रापर्टी उस के मां-बाप को लौटा भी जाय—क्या आप इस सुझाव को पसन्द करेंगे ?

श्री के० एम० सतवाणी : आप जानतीं हैं कि हिन्दू सक्सेशन एक्ट के मुताविक आजकल लड़की को भी हिस्सा दिया गया है । मौत के बाद लड़के और लड़की दोनों को बराबर का हिस्सा मिलता है ...

श्रीमती विद्यावती चतुर्वेदी : आप का मतलब है कि वह चाहे तो फादर की प्रापर्टी में हिस्सा ले सकती है ।

श्री के० एम० सतवाणी : बाप के मरने के बाद । लेकिन आम तौर से लेती नहीं है ।

श्रीमती विद्यावती चतुर्वेदी : ठीक है, बाद में कोई क्लेम नहीं करना चाहता है । इसी लिए मैं कह रही हूं कि जो उस का मिलना है या जो मां-बाप खुशी से उस को देना चाहते हैं वह उसी समय मिल जाय, उस के नाम से शादी के समय ही रजिस्टर हो जाय । इस में क्या दिक्कत है ?

श्री के० एम० सतवाणी : आज कल लड़कियां एजूकेशन के लिहाज़ से या सोशल लिहाज़ से इतनी मज़बूत हैं कि वे अपने हक का रक्षण खुद कर सकती हैं

श्रीमती विद्यावती चतुर्वेदी : यह तो ऐसी बात हो गई जैसे अंग्रेज़ कहा करते थे कि हम यहां से जायेंगे तो हिन्दुस्तानी कितना रक्षण कर सकते हैं इस में संदेह है ।

SHRI K. P. UNNIKRISHNAN: Have you received the figures about deaths?

SHRI P. B. MALIA: The hon. Member wanted to know the deaths of

young brides of age group 19—30 during the past five years. The figures are during 1977 six hundred and nineteen such cases were reported, 1978—736 cases, 1979—639, 1980—659 and 1981—784. These are all cases of unnatural deaths.

SHRI K. P. UNNIKRISHNAN: How many of these cases were taken up by you?

SHRI P. B. MALIA: We inquired into all these cases but only two resulted in prosecution.

SHRIMATI PRAMILA DANDAVATE: Have you received complaints from brothers and fathers of these young women that they had been driven to un-natural deaths?

SHRI P. B. MALIA: We received innumerable such complaints. Mostly these cases are suicide cases. Post-mortem says that there are no external marks of injury and other circumstantial evidence goes to show that no violence has been done.

SHRIMATI PRAMILA DANDAVATE: In how many cases bodies of the women were disposed of before the parents of the girl arrived at the stage. Present instructions are that the body should not be cremated without the permission of the relatives of the young woman.

SHRI P. B. MALIA: The moment the police come to know of any foul play they ensure that the body is not disposed of without a postmortem examination.

SHRIMATI PRAMILA DANDAVATE: How many cases have you got where the dead body was not cremated and that you insisted that there should be postmortem?

SHRI P. B. MALIA: We have issued instructions to all police stations that dead body should be sent for postmortem examination and so far we have not come across any case. Data is not readily available with me to show whether the dead body was disposed of before the arrival of the police. There is no sanctity of the law unless parents of the girl come forward.

SHRI K. P. UNNIKRISHNAN: This is only a directive from the Home Ministry, it is not under law.

SHRI P. B. MALIA: After collecting all evidence, we find that the death is either by suicide or incidental, but you cannot say it is a murder.

SHRI K. P. UNNIKRISHNAN: Well, you please send these figures officially to the Committee.

श्री सत्यनारायण जटिया : जब से यह कानून बना है क्या किसी एक केस में भी किसी को सजा हुई है ? जितने केसेज़ रजिस्टर हुए उनमें से किसी एक केस में भी सजा हुई ?

श्री पी० बी० मालिया : एक भी केस नहीं है ।

MR. CHAIRMAN: The Committee places on record their warm appreciation for the cooperation and assistance rendered by the Officers of the Government of Gujarat for holding the sittings of the Committee at Ahmedabad to hear the views of the representatives of various women's and voluntary organisations, Bar Council, Bar Association, State Government, State Social Welfare Advisory Board, Lawyers and other individuals on the acute and intricate problem of dowry. We are very thankful for all the help rendered by you for looking after the Committee very well. We express our gratitude.

(The Committee then adjourned)

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