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14.22 hrs.

Title: Consideration and passing of the Indian Evidence (Amendment) Bill, 2002 (Bill passed).

MR. DEPUTY-SPEAKER: The House will now take up legislative business. The next item is consideration and passing of Indian Evidence (Amendment) Bill. Time allotted is two hours.

...(Interruptions)

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): I beg to move:

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration. "

Sir, it is a small amendment, but it will go a long way in rendering justice to our womenfolk. We have been reading in the newspapers that the rape cases are increasing leaps and bounds. When the victim undergoes this rape, she is in a trauma. She feels utterly humiliated. She is brought to the courtroom. In the cross-examination, the counsel, representing the accused, starts putting questions with regard to her personal character prior to this rape. That is allowed in the Evidence Act. The Supreme Court has also held that whatever may be the right of the accused to cross-examine the prosecutrix, still care must be kept in mind. She will be feeling humiliated if she were to be put questions with regard to her prior character.

It is well known that the accused is there for committing the rape. The question is not about the character of the woman but the question is about the act of the accused. When the act of the accused is in question, I cannot understand what right the accused could have to question the very character of the woman whom he has raped. That becomes a further humiliation for the woman who has been raped.

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There is another anomaly in the Evidence Act. There is a provision in the Evidence Act that the character of an accused prior to the crime cannot come into question. Under the Evidence Act, it is prohibited to question whether he was a man of a dubious character or what was his conduct prior to committing a particular crime. On the other hand, the very same Evidence Act says that when a woman is raped and she stands as a prosecutrix, her character prior to the act of rape is questionable. So, we are moving an amendment to see that the victim of the rape is saved from this humiliation, which is a second humiliation, so to say. That is why, in the Act as such, we have now stated that after Section 146 (3) of the Evidence Act, there would be a fourth sub-section:

"Provided that in a prosecution for rape or attempt to commit rape, it shall not be permissible to put questions in the cross-examination of the prosecutrix as to her general immoral character."

I would like to place here one more additional point. Even if a woman is of a questionable character, if she does not allow a male to invade her body for his own personal purposes, just because she happens to be a woman of an immoral character, can she be taken for granted by the accused person? So, under these circumstances, the amendment is timely and it will save our womenfolk. Consequent to amendment to Section 146, we are providing that Section 155 (4) of the principal Evidence Act shall be omitted. These two amendments taken together will render justice to women who have been subjected to rape.

When this matter was taken up by the Cabinet and this Bill was approved, the entire Press supported it. I am quite sure the House would also support this Bill.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration."

MR. DEPUTY-SPEAKER: The first preference goes to lady Members. I now call Shrimati Margaret Alva to speak.

SHRIMATI MARGARET ALVA (CANARA): Sir, I stand to fully support this amendment. In fact, this has been the demand for several years, if I may say so, of the National Commission for Women and all the others. I stand up in support of this amendment also as the Chairperson of the Committee on Women's Empowerment. I am sure, across party lines, even with the overwhelming majority of men here, everybody would agree that this is a long awaited amendment.

The trauma that a woman goes through could be imagined. In fact, the hon. Deputy Prime Minister recently said that it is even worse than the murder of a woman because she has to live with this assault on her. The society, unfortunately, over the centuries, has always blamed the victim rather than the one who assaulted her. Every time, the question asked is: 'How is it that only she was raped? There must be something wrong with her. Why did she go out? It was only because she went out that she was raped.' So, always, the onus of proving that she is not the one to blame has been on the woman's head.

The other most deplorable aspect is that when it comes to a trial of rape, the woman's character is brought into question. She has to show in the evidence that she is not of an immoral character or that she is not what is called of a "bad character". Now, who is to give her a certificate? Who is the one who would declare her to be of a good character or of a bad character? Is it the police or is it the public? Is it a public trial where people have to declare her to be of a good character before she seeks protection and justice from the court?

Sir, pardon my saying it, these were the laws drafted by men for protection of men. Women were never in drafting committees and they were never consulted. These are old laws which have outlived their utility. I must say that we were also in the Government for so many years and I also plead guilty that we have allowed such clauses to remain in the law despite the demand from various organisations and the public that these should be amended.

Sir, I have heard from women about the trauma of the victim who comes before a court. It must be admitted that the overwhelming number of rape cases are never reported and are never complained about because the stigma is always on the woman. So, she prefers not to complain. But now with the public awareness, with the media and with all the other support systems, women have begun to file FIRs, their family complains about it and the public these days are knowing facts and figures. It is a tragedy the way the number of rape cases now – I am endorsing the tragedy – are reported, but the numbers that we see today shows that they are being reported. This was happening earlier also, but nobody reported, nobody recorded and nobody took notice of it. Today from the bus, to the school, to the medical colleges, to trains in Mumbai and in every single place, these cases are being reported.

Now, recently, in Delhi, a 40-year old woman was raped in her own home. So I suppose she must go to the court and prove: "She is of good character, saying they came to her house and raped her". What is even more amazing is that boys of 14 years, 15 years or 16 years are indulging in these rapes. एक केस अभी चल रहा है। They are trying to produce the school certificate that the boy is a minor and so he should not be punished. If he is a minor, the punishment should be even worse, that at this age, he has started violating the woman's modesty and the woman's body. पता नहीं यह क्या हो रहा है। I do not know what is going wrong with us as a people and as a nation.

Sir, I welcome the amendment that is being brought here by the hon. Minister. I must say that we had earlier in the amendment brought this requirement that if trial for rape should take place, it should be held *in camera*. There should be no publicity and there should be a closed-door trial. This never happens. The lawyers fill the court rooms. I have heard from Counsel as well as women activists that the most embarrassing and humiliating questions are asked. The woman is repeatedly asked to retell the whole story as to what happened to her, where, how and who did it. These are very humiliating things and the woman literally breaks down in the course of the trial. पोस्टपोनमेंट होते हैं, फिर बुलाते हैं। There is coming and going to courts as if she is a kind of a public woman to be humiliated in the court room. The insistence is that these cases should be held *in camera*, preferably in a way that would not make it even more of a trauma for the woman. I would say women judges, maybe more sensitised judiciary, are required to deal with this crime.

Sir, I plead that these trials should be time-bound. There should be a time-limit for the filing of the FIR, the posting, the hearing and the final decision; otherwise there will be absolutely no sense. Dragging rape trials for two to three years and constantly adjourning and making the women come and go must stop.

The most important thing in a rape trial is the medical examination of the victim. These trials always fall because the doctor, the police, and the accused are hand in glove somewhere and neither a proper test is done nor the clothes are preserved or things like that, because of which there is absolutely no way of finally convicting the accused. I think, we need to look at the Evidence Act, a little more in detail as far as the rape trials are concerned.

The last but not least thing is, this whole question. ...(*Interruptions*) I am only agreeing with you. Even in the case of a murder, you do not ask about the character of the man who is murdered. It is immediately taken as something for which Section 302 is applied and he must be hanged if he is found guilty. I am not one who believes that by making the punishment as death penalty in the case of rape – though there are people who think so – that the problem is going to be solved. I think the important thing is to know that the trial will be conducted quickly and that the guilty will be punished. You increase the punishment if you want. But, I think, the entire law of rape, in the present circumstances, with a very senior Minister in charge, should be reviewed. I hope that there will be a review of these trials in rape cases and you make them really meaningful and quick so that the victims get justice.

The other day somebody was paid a compensation of Rs. 2,000. Can a woman's honour be restored with a

compensation of Rs. 2,000 or Rs. 3,000? It is crazy. We are asking that the women be looked upon with the same respect and the same sensitivity realising that each family has its daughters, its mothers, its sisters and its own family members who are women, whom you would like protected. Let us not think about a different law for others and a different law for our families.

If you want your daughters and your grand-daughters safe, time has come for Parliament to take every step to see that the rape trials are quick and rape accused receive the worst condemnation and immediate punishment....(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Sunder Lal Tiwari, please do not disturb. Please hear her. It is a very important matter.

15.01 hrs.

DR. (SHRIMATI) BEATRIX D'SOUZA (NOMINATED): Mr. Deputy-Speaker, Sir, I rise to support the Indian Evidence (Amendment) Bill, 2002. But it is unfortunate that after 100 years, the amendment to the law regarding rape is being done in this piecemeal fashion. Though this is a welcome amendment but much more has to be done.

This amendment was first recommended by the 84th Report of the Law Commission in 1980. It stated that a woman who is raped, undergoes two crises – rape as well as the trial. The courtroom experience of the raped woman is both negative and destructive. In fact, the proceedings of the courtroom very often resemble a B-grade movie. The rape victim first has to face an insensitive police mechanism, a hostile courtroom and also an insensitive Judiciary.

Here, I will give you two examples of insensitive Judiciary. In the first case of Mathura (*Tukaram versus State of Maharashtra*, 1978), the Supreme Court acquitted two policemen who had raped a 16-year old girl, saying that there was no injury on the person, and secondly that her testimony was suspect because she had eloped with her boyfriend.

In the second case of Suman Rani (*Prem Chand versus Haryana*, 1989), the Supreme Court reduced the mandatory sentence of 10 years to five years in a gang-rape by policemen – this was also by policemen – stating that this girl had also eloped with her boyfriend and therefore, her character was suspect.

Sir, this piecemeal amendment of the Act will not be sufficient if a rapist is to be convicted. A complete overhaul of the rape laws – substantive and procedural – is necessary. There is a need to amend laws relating to sexual assault and sections of the Indian Penal Code and the Code of Criminal Procedure.

Section 375 of the IPC needs to be changed to include non-penetrative sexual assault. There is an urgent need to reform the legal provisions of rape under Sections 375 and 376 to include child sexual abuse and sexual assault with objects and also forced oral sex.

The offences categorised under the following Sections of the IPC should be brought under one heading, namely, "Sexual Assault". Sections 374, 375, 376, 509 and 511 are all relating to rape, violating modesty and indecent behaviour.

SHRIMATI MARGARET ALVA (CANARA): Sir, the hon. Minister should listen and take note of all these things said by her.

MR. DEPUTY-SPEAKER: Mr. Minister, please.

DR. (SHRIMATI) BEATRIX D'SOUZA : The age of consent should uniformly be raised to 18 years and the exception clause to marital rape in section 375 should be deleted. The punishment should be enhanced even to life imprisonment if the rapist transmits HIV to the victim.

Finally, a conducive atmosphere and environment should be created in police stations itself. Not only should the defence be barred from asking questions to the victims, but in the police stations itself, questions should not be asked by the police to the victim relating to her past sexual experience etc.

As Shrimati Alva has also mentioned, trial in rape case should be held in camera and, if necessary, dealt with in fast-track courts. Rather than the sensationalised demand that the rape victim be awarded death sentence, which is highlighted in the Press, it would be more important if this particular amendment comes through, as it will. The proposals which I have mentioned are supported by the women groups and they will prove sufficient to indict and convict the rapist.

15.06 hrs. (*Shrimati Margaret Alva in the Chair*)

PROF. A.K. PREMAJAM (BADAGARA): I thank you for giving me this opportunity to speak. This piece of legislation, which appears to be very brief, is the most welcome.

The principal Act, that is the Indian Evidence Act, was passed in 1872 when the Britishers were ruling India. It may perhaps be their mindset that brought in clause 4 of Section 155 of the Indian Evidence Act. Since then 55 years have passed. It is now that we are bringing in this very important amendment. Actually, this was the long-standing demand of many of the women organisations.

As is shown in the Statement of Objects and Reasons, the Law Commission of India in its 84th and 172nd report has observed the traumatic experience which the victim undergoes in such cases on account of this particular clause. The National Women Commission also has observed in a study that the Defence Counsel usually refers to prior sexual contact of the victim and this way her life is made very difficult. Thus, apart from the traumatic experience of the rape, she has to undergo humiliation in front of the society. Character assassination is undertaken in the court room and all this gets greater publicity in Press and other media. The stigma attached to her dies only with her death. Women are ostracised on this account in the society as also in their families.

In that sense, it is a very welcome measure. We are indeed grateful for this. This amendment assumes great significance in the light of increased incidence of violence and sexual assault on women which are reported almost every day. Of late, daily we are hearing cases of attempted rape and other types of assaults on women, including eve teasing.

We are not wholly satisfied with this piece of amendment alone. Unless a holistic approach is brought in, women at large will not be getting full-fledged justice and they will not be able to enjoy the rights enshrined in the Constitution. So, in this connection, while supporting this amendment, I would like to make certain suggestions which must be incorporated in future legislation at the earliest.

Last week, while responding to a question on rape, the hon. Deputy Prime Minister said that death punishment is the answer. But we cannot agree to that. It is not that because of the lack of very strong legislation or deterrent punishments these cases are increasing, but there are other factors which are actually hindering the grant of justice to women in such cases. One of them is the lengthy process of legal proceedings. Sometimes more than 10 years are taken for deciding a case. All of us can imagine the experience of a woman who has to undergo lengthy legal proceedings and that too in a very publicised manner, and then finally not receiving justice. So, the lengthy process of legal proceedings should be cut down and the time limit should be applied as far as these cases are concerned. As has already been mentioned by Shrimati Margaret Alva earlier, the proceedings of these cases should be made in-camera.

Another important fact is that still the Judiciary, the bureaucracy, and the police authorities are governed by prejudices and bias against women. Something should be done to remove such bias. Of course, I know it cannot be done in a short span of time. It will take a long time. But we should make an earnest and sincere effort to remove these prejudices and bias as far as women in the society are concerned. For example, in one of the cases, the accused was acquitted on the basis that upper class men do not rape lower class women. Actually, this is bias only. Our experience is that lower class women are helpless and defenceless. They are at the mercy of the upper class men. So, such incidents do happen. In spite of other evidences, the accused was let off because he happened to be an upper class man and the woman who was raped happened to be a lower class woman. So, such prejudices are still governing even the Judiciary, the bureaucracy, and the police authorities. There should be proper sensitisation of this problem. I do not think death punishment will make any difference as far as meeting justice to women is concerned.

So, I would request the hon. Minister to see that a holistic approach is made and that too by bringing an urgent legislation to cover all the loopholes in the existing system.

श्री सुन्दर लाल तिवारी (सीवा) : माननीय सभापति महोदया, भारतीय साक्ष्य (संशोधन) विधेयक, 2002 का मैं सम्मान करता हूँ और समर्थन भी करता हूँ। बड़े लम्बे अर्से से यह मांग महिला पक्ष की तरफ से उठाई जाती रही है कि उनके साथ अन्याय होता है।

महोदया, जब कोई रेप का मामला अदालत में जाता है। जब वे कठघरे में खड़ी होती हैं और जब उनसे प्रश्न किए जाते हैं, तो वकील उनसे ऐसे प्रश्न करते हैं जिससे महिलाओं के सम्मान को चोट लगती है।

महोदया, रेप केसेस में यह भी देखा गया है- जैसा इसके आब्सर्वेटर्स के बारे में बताया गया है कि महिलाओं का भविष्य भी अंधकारमय हो जाता है। निश्चित ही यह सम्मान-योग्य विधेयक आपके द्वारा लाया गया है। हम इसका सम्मान करते हैं, लेकिन मैं इसमें थोड़ा सा निवेदन करना चाहूंगा कि जब इस पवित्र हाउस द्वारा कोई कानून बने, तो उसे बनाते समय पूरी तरह से केवल भावनाओं में ही बहकर कानून न बनाया जाए, बल्कि यथार्थ की दिशा में भी हमें थोड़ा सा ध्यान देना चाहिए।

महोदया, इंडियन एवीडेंस एक्ट का जो सैक्शन 155 बना है, उसके क्लॉज 4 को हम ओमिट करने जा रहे हैं। सब क्लॉज 4 जो है वह केवल धारा 376, 366 और 363 के अन्तर्गत केवल सैक्चुअल ऑफेंस से संबंधित है, वह जनरल क्लॉज नहीं है कि सभी आई.पी.सी. की धाराओं में सैक्शन 155 भी लागू होगा।

जब हम इसे ओमिट कर रहे हैं तो इसमें विशेष सतर्क रहने की आवश्यकता है। हमारा तर्क यह है कि जैसा आपने कहा कि कोई किसी को कत्ल कर रहा है, कोई

अपराध कर रहा है या मार रहा है तो मरने वाले का पहले का करैक्टर नहीं देखा जायेगा। मैं नहीं समझता कि कोई आदमी किसी अपराधी को ऐसा बोलेगा कि तुम आकर मेरा कत्ल कर दो। जो धाराएं हैं, एक्ट हैं या जो अपराधी हैं, उनको हम एक श्रेणी में नहीं रख सकते। इसमें यह स्पेशल इनएक्टमेंट इसलिए हुआ था क्योंकि महिलाएं, बहुत बार देखा जाता है कि बाई जेस्चर या कुछ और परिस्थितियों में, दोनों पक्षों से सैक्सुअल रिलेशन को कई बार आमंत्रण भी मिलता है, लेकिन कत्ल में कोई यह नहीं कहता कि तुम आकर मेरा कत्ल कर दो। इसलिए उस नजरिये से न देखा जाये। इसे इस नजरिये से भी देखा जाये कि कभी-कभी महिला भी इसमें ऐकम्प्लुशड रहती है। ऐसी परिस्थिति से निपटने के लिए कहीं किसी निर्दोष व्यक्ति को आजीवन कारावास या कोई गंभीर सजा न हो जाये, इस पर माननीय मंत्री जी को विचार करने की जरूरत है। हम सैक्शन 376, 363 की तुलना धारा 302 या 304 से नहीं कर सकते। इसकी तुलना धारा 320 या 324 से नहीं कर सकते।

जहां तक सम्मान की बात है, हम पूरी तरह से चाहते हैं कि हमारी माताओं और बहनों का सम्मान बरकरार रहना चाहिए, लेकिन जैसा मैंने कहा कि ऐसी भावना में न बहा जाये कि किसी भाई के साथ भी अत्याचार हो जाये। इसलिए इस पर भी विचार करने की जरूरत है। मेरा यह भी कहना है कि जनरल इममोरल करैक्टर के बारे में प्रश्न नहीं पूछा जायेगा **during the course of cross-examination** - उस पर प्रतिबंध लगाया जा रहा है। मेरा आपके माध्यम से कहना है कि जनरल इममोरल करैक्टर को हमने डिफाइन नहीं किया है - **What is general immoral character?** जनरल शब्द हटा दिया जाये तो केवल इममोरल करैक्टर बचेगा। फिर क्या होगा ? उसे हम क्या मानेंगे ? इसलिए जनरल इममोरल करैक्टर शब्द को हम पूरी तरह से डिफाइन कर दें, कोडीफाई कर दें जिससे न्यायालय भी निर्णय लेते समय सजग रहे और दोनों पक्षों को यह लगे कि हमें यहां से न्याय मिला है।

अंत में मेरा कहना है कि व्यभिचारिणी महिलाओं की कमी तो नहीं हुई, उनकी भी संख्या बढ़ती जा रही है। उनके साथ आप क्या दावा करेंगे ? एक साथ सारी महिलाओं को पूरी तरह से पवित्र मान लेंगे, यह कौन से कानून की बात हुई ? सब महिलाएं तो पवित्र नहीं हो गई हैं, न तो सारे पुरुष पवित्र हैं और न सारी महिलाएं पवित्र हो गई हैं। मेरा कहना है कि अगर कोई महिला वास्तविक व्यभिचारिणी है तो उसके लिए आपका कानून फिर क्या करेगा ? उस स्थिति में आप इस कानून को न्याय के तराजू में बराबर रखेंगे - यह कैसे संभव होगा ?

अंत में **Let us suppose some virgin is there.** किसी ने उसके साथ सैक्सुअल इंटरकोर्स कमिट कर दिया। **The matter went to the Police Station and she was referred to a doctor. She has been subjected to medical examination.** यह मालूम है कि वह वर्जिन है, शादी नहीं हुई तो एक जनरल प्रिजम्पशन रहता है और मेडिकल एग्जामिनेशन में यह कहा गया कि **She is habitual to sexual intercourse.** इस तरह इममोरल करैक्टर के बारे में पूछने का, कॉस एग्जामिन करने का, जो हथियार हमारे हाथ में है, वह पूरी तरह से खत्म हो रहा है। इन तमाम बिन्दुओं में गहनता से विचार करने की जरूरत है। मैंने इन बिन्दुओं को रेज किया है, इसका मतलब यह नहीं है कि हम इसके विरोध में हैं। हम पूरी तरह से इसके पक्ष में हैं। मैं अपनी बातें इसलिए कह रहा हूँ कि कल ऐसा भी हो सकता है, ऐसा भी विचार हमारे सामने आये जब निर्दोषों को सजा होने लगे और यह निर्णय उचित न लगे, लोगों को लगे कि न्याय नहीं हो रहा है बल्कि अन्याय हो गया है तब इस तरह की बातें आयेंगी।

इसलिए मेरा कहना है कि बिना भावनाओं में बहे अगर आवश्यकता हो तो आप विचार कीजिए या जल्दी नया कानून लाइए जिसमें महिलाओं के सम्मान की रक्षा हो, उनको और सम्मान मिले तथा निर्दोष लोगों के साथ भी गलत न हो।

श्री प्रभुनाथ सिंह (महाराजगंज, बिहार) : सभापति महोदया, मैं इस बिल का पूर्ण समर्थन करता हूँ लेकिन साथ ही कुछ सुझाव भी देना चाहूंगा। इसमें कोई दो मत नहीं है कि इस समय देश में महिलाओं के साथ छेड़छाड़, बलात्कार की घटनाएं काफी संख्या में बढ़ रही हैं। जैसा हमें अखबारों में पढ़ने को मिल रहा है, मुम्बई के समाचार पत्रों में निकला था कि चलती रेलगाड़ी में किसी महिला के साथ बलात्कार की घटना घटी। ट्रेन में बैठे यात्री मूकदर्शक बन कर तमाशा देखते रहे। दिल्ली में मैडिकल की छात्रा के साथ घटना घटी। आज के जनसत्ता में हमने पढ़ा कि किसी पुलिस पदाधिकारी के साथ भी ऐसी घटना घटी। ये घटनाएं अब सिर्फ यहां तक ही सीमित नहीं रह गई कि कमजोर या मजबूत तबके के साथ हों, बल्कि ये घटनाएं दिन-प्रतिदिन बढ़ती जा रही हैं और हम समय-समय पर कानून भी मजबूत बनाते हैं। एक शोचनीय बिन्दु यह है कि हम दिन-प्रतिदिन कानून मजबूत बनाते जाते हैं, कठोर से कठोर सजा की व्यवस्था करते हैं, बावजूद इसके ऐसी घटनाएं बढ़ती जाती हैं। इसके पीछे क्या कारण है। क्या ऐसा नहीं है कि हम कानून बनाते हैं लेकिन उसका अनुपालन करने में काफी त्रुटि हो जाती है जिससे बलात्कार की घटना करने वाले लोग कानून से, न्यायालय से निर्दोष साबित हो जाते हैं जिससे उस वर्ग का मनोबल बढ़ता है और घटनाएं भी बढ़ती हैं।

तिवारी जी चले गए, उन्होंने कुछ सवाल खड़े किए थे। मैं उन शब्दों का इस्तेमाल नहीं करूंगा लेकिन एक बात जरूर कहना चाहूंगा कि दो एकपक्षीय नहीं होता। बहुत सी घटनाएं बनावटी होती हैं। आपको मालूम होगा, थोड़े दिन पहले आपकी पार्टी के विधान सभा के अध्यक्ष सदानंद बाबू पर न्यायालय में बलात्कार का मुकदमा हुआ था। कुछ दिनों बाद, जिसने मुकदमा किया, उसने न्यायालय में लिखित रूप से दे दिया कि लोगों ने हमको बहकावे में लाकर इन पर मुकदमा करवा दिया। मुझे कुछ ऐसी घटनाओं की सच्चाई के साथ जानकारी है कि मुकदमे दर्ज कर दिए जाते हैं और फिर दस हजार, बीस हजार रुपये लेकर बयान बदल दिए जाते हैं कि मैंने इनको नहीं पहचाना।**â€**(व्यवधान)

सभापति महोदया : बयान बदलवाने के लिए भी प्रेशर डलवाते हैं।

श्री प्रभुनाथ सिंह : सभापति महोदया, इसे सिर्फ प्रेशर मत कहिए। इतना मान कर चलिए कि कुछ पेशेवर महिलाएं इस तरह का पेशा करती हैं, जिनकी वजह से पूरी महिला समाज के चरित्र पर बुरा असर पड़ता है। इसलिए हम मंत्री जी से एक निवेदन करना चाहते हैं कि अगर आपको और भी कठोर सजा देने का कानून बनाना हो तो बनाइए, हम आपके साथ हैं, सदन आपके साथ है लेकिन इसके साथ ही एक बात यह भी उसमें जरूर शामिल कीजिए कि यदि कोई महिला इस ढंग का मुकदमा करती है, क्योंकि मैडिकल रिपोर्ट की जो चर्चा चल रही है, वैसे देहाती इलाकों में डाक्टरों की गलत मैडिकल रिपोर्ट देने की फीस 32 रुपये हैं। कोई व्यक्ति इंटरस्टेड होकर मुकदमा कराता है तो उसकी फीस का रेट बढ़ जाता है।

यह फीस 100, 200 या चार सौ रुपये भी हो जाती है और वहां महिलाओं को इस्तेमाल किया जाता है, किसी विरोधी को, प्रतिद्वंदी को फंसाने में, दुश्मनी साधने में - चूंकि इस मुकदमे में जल्दी जमानत नहीं होती है - और जब मैडिकल रिपोर्ट तैयार हो जाती है तो पुलिस कहती है कि अब तो साक्ष्य हो गया, हमारी मैडिकल रिपोर्ट तैयार हो गई - उसी समय पैसे का लेन-देन की बात शुरू हो जाती है। 50-50 हजार और एक-एक लाख रुपये लेकर फिर बयान बदल भी जाते हैं।

हम आपसे निवेदन करना चाहते हैं कि इस कानून में आप एक बात जरूर शामिल कीजिए कि अगर इस तरह के मुकदमे किये जाते हैं और न्यायालय द्वारा अगर यह प्रमाणित हो जाता है कि महिला ने किसी को फंसाने की नीयत से गलत मुकदमा किया, डाक्टर ने किसी को फंसाने की नीयत से गलत रिपोर्ट दी, इसमें गवाही देने वाले लोग किसी का चरित्र हनन करने की नीयत से गलत साक्ष्य दे रहे हैं तो जो बलात्कारी को सजा होती है, कम से कम उससे आधी सजा उसके गवाह को, मुकदमा करने वाले लोगों को भी हो। हम मानते हैं कि तभी इस तरह के गलत मुकदमे रुकेंगे। अगर आप इस ढंग से काम नहीं करेंगे तो आपका कानून सिर्फ कहानी बनकर रह जायेगा। रोज तो आप कानून बनाते ही हैं, सब जानते हैं कि हत्या की सजा फांसी होती है, लेकिन हत्या की घटना नहीं रुकती है। इसलिए दोषक्षीय आप इसमें कार्रवाई करिये।

हमें लगता है कि कानून बनाने में थोड़ी कठिनाई भी होती है। मंत्री जी, आप इसे अदरवाइज मत लीजिए, चूंकि एक संयोग ऐसा होता है कि कानून का पालन करने

वाले और कानून के अन्तिम आदेश देने वाले जो न्यायपालिका के लोग होते हैं, वे सब लोग एयरकंडीशंड में पैदा होकर एयरकंडीशंड तक सीमित रह जाते हैं, व्यावहारिक जिंदगी वे नहीं जीते हैं और चूंकि व्यावहारिक जिंदगी नहीं जीते हैं, इसलिए व्यावहारिक बात का उन्हें ज्ञान नहीं होता है। इसीलिए कानून बराबर गलत बनता है। हम आपसे निवेदन करेंगे कि बलात्कारी को ज्यादा से ज्यादा, कठोर से कठोर सजा हो, उसी तरह गलत मुकदमा करने वालों पर भी, जितनी बलात्कारी पर कठोर सजा हो, उससे कम से कम आधी सजा गलत मुकदमा करने वाले, गलत मैडीकल प्रतिवेदन देने वाले, गलत साक्ष्य देने वाले व्यक्ति को मिले।^{â€} (व्यवधान)

सभापति महोदय : आप चेयर को एड्रेस करिये, उधर मत देखिये।

श्री प्रभुनाथ सिंह : हम ज्यादा नहीं बोलेंगे। हम एक सुझाव देकर अपनी बात समाप्त करेंगे। आप अपने भाषण के क्रम में कह रही थीं कि बलात्कार के मुकदमे को देखने के लिए न्यायपालिका में महिला जज की नियुक्ति होनी चाहिए, लेकिन उसे आप एकपक्षीय नहीं मानतीं, कहीं एक महिला महिला का पक्ष लेकर एकपक्षीय निर्णय नहीं कर दे। हम तो चाहेंगे कि न महिला हो, न पुरुष हो, कोई हिजड़ा यदि नियुक्त किया जाये, जो ऐसे मामले में न्याय दे तो वहीं ज्यादा इंसाफ होगा।

इन्हीं शब्दों के साथ हम अपनी बात समाप्त करते हैं।

सभापति महोदय : आपने बहुत अच्छा सजेशन दिया, इसे मानना चाहिए।

श्री चन्द्र भूषण सिंह (फरुखाबाद) : सभापति महोदय, भारतीय साक्ष्य (संशोधन) विधेयक माननीय मंत्री जी लाये हैं, मैं इसका स्वागत करता हूं।

लेकिन मैं इसे दुर्भाग्यपूर्ण मानता हूं कि 1872 के बाद समय दर समय इसमें कुछ परिवर्तन तो अवश्य होते रहे होंगे, लेकिन जो आवश्यक परिवर्तन है, उसमें आपने काम शुरू किया है, इसके लिए हम आपको बधाई देते हैं। हमारे सभी पूर्व वक्ताओं ने बात कही, लेकिन मैं महसूस करता हूं कि आज देश में जो दूरदराज के इलाके हैं, जो निरीह और गरीब हैं, उनके 90 फीसदी केस रजिस्टर नहीं होते हैं। पुलिस प्रधान हमारा देश है और उसके तहत गांवों में दूरदराज इलाकों में महिलाएं अपनी इज्जत न चली जाये, उनके परिवार की बात रह जाये, वे केस रजिस्टर नहीं करते हैं। क्या माननीय मंत्री जी ने कुछ ऐसी व्यवस्था की है कि अधिक से अधिक केस रजिस्टर हों और जो भी बलात्कारी है, उसे अधिक से अधिक सजा मिले। इसके लिए भी आपको प्रयास करना चाहिए।

रही शहरी सभ्यता की बात, जहां तक मेरी जानकारी है और समझदारी है, मैं दावे के साथ कह सकता हूं कि पाश्चात्य सभ्यता का जो बड़े शहरों में रीति-रिवाज चला है, उसका भी प्रभाव इन बलात्कार की घटनाओं पर पड़ा है। मेरा निवेदन है और यह मानना है कि इसे रोका तो नहीं जा सकता, क्योंकि किसी के कपड़े कौन और कैसे पहने, इसे आप नहीं रोक सकते, लेकिन इतना जरूर है कि इसका प्रभाव इन बलात्कार की घटनाओं पर पड़ता है।

जैसा सभी वक्ताओं ने कहा, मैं भी एक बात कहना चाहता हूं कि रेप के केस की जांच के लिए यदि इन्क्वायरी आफिसर जिला स्तर पर महिला विंग की एस.आई. या एस.एच.ओ. हो तो निश्चित तौर पर पीड़ित को न्याय मिल सकता है - ऐसी मेरी भावना है और ऐसी मेरी सोच है। जैसा अभी प्रभुनाथ सिंह जी ने कहा, मेरा भी मानना है कि शहरों में भले ही इस कानून का दुरुपयोग न होता हो, लेकिन गांव में पार्टीबंदी के आधार पर समय-समय पर देखने में आया है कि ऐसी महिलाओं को पैसा देकर राजी कर लिया जाता है और बलात्कार के मुकदमे लिखा दिए जाते हैं। मैं उनकी बात से सहमत हूं कि यदि जांच रिपोर्ट में ऐसी बात सामने आए तो उस महिला को दंडित करने का भी प्रावधान होना चाहिए।

हिन्दुस्तान में कानूनों के होते हुए भी अपराधों की और बलात्कार के मामलों की संख्या बढ़ रही है। उसका एक मुख्य कारण कानून का महंगा होना और जजमेंट में िलम्ब होना भी है। जजमेंट में जितनी देरी होगी, आदेश जितनी देर में मिलेगा, उतनी ही घटनाओं में वृद्धि होगी। इसलिए इसमें सरकार को बढ़कर आगे आना चाहिए, ताकि जिसके साथ बलात्कार हुआ है, उसको कानून सस्ता मिले और जल्दी मिले।

जैसा सभी वक्ताओं ने कहा, मैं भी अपने को सम्बद्ध करता हूं और सरकार से निवेदन करता हूं कि कानून बनाना और उसका इम्प्लीमेंटेशन होना दो अलग-अलग बातें हैं। हमारे देश में पहले भी कानून बने हुए हैं, यदि उनको ठीक तरीके से इम्प्लीमेंट किया जाए तो हो सकता है कि सभी चीजों में इतनी अराजकता और खराब स्थिति नहीं होती। आप अच्छा कानून बना रहे हैं, इसको बनाएं और मजबूत बनाएं। इसमें निश्चित ही हमारी सहभागिता होगी, लेकिन वह पूरी तरह से और नीचे तक लागू होगा, इसके लिए भी सरकार को व्यवस्था करनी चाहिए।

SHRI A.C. JOS (TRICHUR): Madam, I also generally support the amendment moved by the hon. Minister. It is a very essential thing because the Act itself is of 1872. The conditions prevailing a century ago have to be changed. The Law Commission and the other opinion-makers have all reported about it and they are all in favour of such an amendment.

The suggestion that I want to make is in respect of Clause 2, which amends Section 146 of the Indian Evidence Act. The hon. Minister himself has moved an amendment to this clause. In this amendment, he has used the words "general immoral character." As my friend Shri Tiwari mentioned it, unless there is a definition of "immoral character", how would it help? Can a lawyer question the moral character of a woman? What do you mean by "immoral character?" So, an ingenious advocate can put it in such a way saying that he is not questioning her immoral character and questioning her moral character only. Why should it go for immoral and moral character? If you can say about the character of the victim in general, that would be better. I say this because an ingenious lawyer can say that he is not questioning the immoral character. Otherwise, you should define the immoral character somewhere. Even if the definition is there about immoral character, the advocate or the victim can be cross-examined on the moral character which will indirectly become the cross-examination of her immoral character.^{â€} (Interruptions) She can be cross-examined.

MADAM CHAIRMAN : It shall not be permissible.

SHRI A.C. JOS : I read clause 2 which says:

"Provided that in a prosecution for rape or attempt to commit rape, it shall not be permissible to put questions in the cross-examination of the prosecutrix as to her general immoral character. "

Cross-examination is permissible.

MADAM CHAIRMAN : But this cannot be a subject of cross-examination.

SHRI A.C. JOS : The victim's immoral character cannot be a subject of cross-examination, but her moral character can be a subject of cross-examination. So, it would have been better if the Government had worded the amendment which says that it shall not be permissible to put questions in the cross-examination of the prosecutrix as to her general character. Otherwise, an ingenious lawyer would misuse this provision and ask questions about her moral character.

DR. (SHRIMATI) BEATRIX D'SOUZA : Madam, the hon. Member is doing hair-splitting.

SHRI A.C. JOS : Some lawyer might do that. Splitting of hair is the job of a lawyer. Some ingenious lawyer will do that. That is why I have underlined it here. Otherwise, I welcome this amendment and I support it fully. It is an absolutely essential amendment. Rather I would say that it has been brought very late.

I would like to mention another point which you and other hon. colleagues have also highlighted during the debate and that is, we should have a general relook into the rape law because as Shrimati Rodriguez mentioned earlier ...(*Interruptions*)

MADAM CHAIRMAN : Who is Rodriguez here? She is Beatrix D'Souza.

SHRI A.C. JOS : I am sorry for that.

MADAM CHAIRMAN : You get the names of the lady Members right at least.

SHRI A.C. JOS : Last week also, in her submission, she mentioned about the elements of rape and whether assault to the body of a woman is considered a rape or not etc. This has to be considered.

Then, as far as punishment is concerned, it is generally accepted that punishment for rape is not as severe as it should be. The number of rapes is increasing in our country now and it is a shame for our country. So, we should have a very serious look into the rape law once again. Therefore, I would request the hon. Minister to bring a serious and comprehensive amendment to this law.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदया, कानून मंत्री जी जो एवीडेंस एक्ट में संशोधन के लिए प्रस्ताव लाए हैं, अभी यह विषय बड़ा ही प्रासंगिक है। वर्ल्ड हेल्थ ऑर्गेनाइजेशन की रिपोर्ट है कि हिन्दुस्तान में प्रति 54 मिनट पर एक बलात्कार होता है। एक रिपोर्ट और है जिसमें कहा गया है कि प्रतिदिन 42 महिलाओं के साथ बलात्कार होता है। जब यह आंकड़ा हम देखते हैं और यह भी जानते हैं कि बहुत सी बातें प्रकाश में भी नहीं आती - इस तरह की घटनाएं और महिलाओं के साथ जो वारदातें हो रही हैं, उस समाज को सभ्य समाज कहा जाए या न कहा जाए? सभ्य समाज के लिए इस तरह की घटनाएं बहुत बड़ा कलंक है जबकि हमारे शास्त्रों में कहा गया है कि: 'यत्र नार्यस्तु पूजयन्ते, रमन्ते तत्र देवता' अर्थात् जहां नारियों की पूजा होती है, वहां देवता का वास होता है - यह शास्त्र का वचन है। यह हमारी संस्कृति में पहले से ही है लेकिन ये लोग दावा भी करते हैं कि हम सभ्य हो रहे हैं लेकिन रोज-रोज की जो घटनाओं का जिक्र होता है, जानकारी दी जाती है, उससे तमाम समाज कलंकित होता है और जिस समाज में इस तरह की प्रवृत्ति मौजूद हो तो उस समाज के लिए सभ्य समाज का दावा कैसे किया जा सकता है कि हम सभ्य हो गये हैं।

अभी हाल ही में दिल्ली के एक मैडिकल कालेज की छात्रा के साथ एक सनसीखेज घटना घटी है, जिसके बारे में अखबारों में आया है। वास्तविकता यह है कि बहुत सी बातें तो दब जाती हैं और केस रजिस्टर भी नहीं होता है। इसलिए विधि आयोग और महिला आयोग तथा अन्य सभी ने अनुशंसा की है कि एविडेंस एक्ट जो सन् 1874 का अंग्रेजों के समय का बना हुआ है, जिसमें क्लाज-4 के तहत महिला द्वारा दुर्कर्म साबित किया जा सकता है, उसमें परिवर्तन होना चाहिए। समाज में बलात्कार होना हत्या से ज्यादा घिनौना अपराध है। हत्या से तत्काल जान चली जाती है, लेकिन जिस महिला के साथ हुआ है, वह समाज में छन-छन के मरती है और अपमान के कारण समाज में रहना मुश्किल हो जाता है। वास्तविकता यह है कि कोर्ट में जब पीड़िता जाती है, तो वकील उससे तरह-तरह के सवाल पूछ कर डिमोरलाइज़ करने का काम करते हैं, ताकि बलात्कारी को बचाया जा सके। इस तरह से सवाल पूछने की प्रक्रिया को महिला के साथ दूसरे बलात्कार की संज्ञा दी गई है। एक तरफ महिला पहले से ही पीड़ित है और दूसरी तरफ इस तरह से सवाल पूछकर, डिमोरलाइज़ करके उसे चरित्रहीन साबित करने का प्रयत्न किया जाता है। अब सरकार ने यह अच्छा प्रयत्न किया है कि इस बिल के पास होने से उस तरह के सवाल पूछने की इजाजत नहीं दी जाएगी। डाक्टर लोहिया हमेशा से नर-नारी समता और सप्त क्रान्ति के बड़े भारी पक्षधर थे। उनका कहना था कि महिलाओं के साथ छेड़खानी, विश्वासघात और बलात्कार - इन तीनों को किसी भी हालत में सभ्य समाज बर्दाश्त नहीं कर सकता है। इसलिए इस बारे में सख्त कानून बनना चाहिए और सख्त कानून है भी। यह भी कहा गया है कि बलात्कारी को फांसी की सजा होनी चाहिए, लेकिन उसमें भी मत, सम्मत और विमत के प्रश्न खड़े हो रहे हैं कि यही अंतिम समाधान नहीं है। जिस तरह से शैड्युल्ड कास्ट्स के लिए थाने का प्रावधान है, उसी तरह से महिला के लिए भी थाने का प्रावधान होना चाहिए, जिसमें महिला पुलिसकर्मी हो। इस सुविधा से महिलाओं को संरक्षण मिलेगा और अपराधियों को दंडित करने में सुविधा होगी। यह भी ठीक बात है, जहां-जहां कड़ा कानून बनाया जाता है, जैसे डाउरी मामले में जमानत ही नहीं होती है, वैसे ही बलात्कार के मामले में भी जमानत नहीं होती है और अनुसूचित जाति पर एट्रोसीटिज के मामले में भी कड़ा कानून है, जमानत नहीं होती है, लेकिन व्यवहार में देखने में आया है कि कड़ा कानून होने की वजह से से दुरुपयोग होने की संभावना भी रहती है। इसलिए सरकार को सावधान रहना चाहिए। **Jurisprudence is an eye of the law.** एक कसूरवार छूट जाए, वह उतना खराब नहीं है, लेकिन एक बेकसूरवार को सजा नहीं होनी चाहिए। **â€**(व्यवधान)

SHRI P.H. PANDIAN (TIRUNELVELI): Dr. Raghuvansh Prasad Singh, hundred persons may go scot free. One should not be convicted on account of false evidence.

MADAM CHAIRMAN : They would not go scot free. Do not worry.

डॉ. रघुवंश प्रसाद सिंह : हम लोग कानून नहीं पढ़े हुए हैं, लेकिन मोटा-मोटा कानून समझते हैं।

इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ और सरकार से कहना चाहता हूँ कि जो सुझाव दिए गए हैं, उन पर अमल किया जाना चाहिए।

SARDAR SIMRANJIT SINGH MANN (SANGRUR): Thank you Madam Chairperson for giving me five minutes. I will complete my speech in five minutes.

I totally support the amendments brought into the Evidence Act by the hon. Law Minister. I wish to state that prevention is better than cure and rape cases are going to increase if the crime of female child infanticide and feticide is not curbed very heavily and is brought at par with Section 302 of the IPC, if there is any crime of female child infanticide and feticide.

Secondly, my worthy colleague and hon. Member of Parliament, Shrimati D'Souza has brought to your notice several crimes committed by police officers. I would also humbly request the Law Minister to bring the security forces, for violation of chastity of women, within the purview of the National Human Rights Commission because the security forces and the paramilitary forces are not brought under the purview of the National Human Rights Commission for the crime of rape or molestation of women.

Thirdly, I think, if a Government servant or a public servant is convicted for molestation or for rape, he should be dismissed from service. I fail to understand why Shri K.P.S. Gill was made the Advisor to the Government of Gujarat, where mass scale rapes of Muslim women took place, as he was convicted by the Punjab and Haryana High Court for the molestation of Shrimati Rupen Deol Bajaj, a senior IAS Officer. I wish the Government would give this House an explanation as to why a Dracula was made to guard the blood bank.

Fourthly, as most police officers and security personnel have been quoted in this House for committing the crime of rape -- Section 25 of the Evidence Act strictly says that the statement made to a police officer is not admissible in law according to the Evidence Act -- so I may also pray to the hon. Law Minister that under POTA and TADA, statements made to a police officer should have the same strength of law as they have under Section 25 of the Evidence Act.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): I may be please allowed to speak one sentence only. I am not going into the Act itself.

MADAM CHAIRMAN : All right, only one sentence.

SHRI ANADI SAHU : After the amendment itself, it will not have the desired results.

Madam, sub-clause (I) of Section 155 has not been amended. It says:

"(I) by the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit."

Unless this is amended, we will not have the desired results.

MADAM CHAIRMAN: Can you repeat it please?

SHRI ANADI SAHU : Again I will repeat it. Section 155 (1) says: "by the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit". The prosecutrix will be a witness. Unless we amend this particular section itself by omitting sub-section (4), it will not have the desired result and the defence lawyers can play havoc.

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): Madam Chairperson, I am extremely happy that this amendment to the Indian Evidence Act, irrespective of Party differences, has secured the unanimous support of this House. I am also equally happy that the Members who participated in this discussion without confining themselves purely to this particular amendment, also brought out the different dimensions of this problem. I can assure this House that the Government shares the anxiety and the concern of everyone who took the opportunity to express the views that a comprehensive look at various sections and provisions of various enactments like CPC, Cr.PC, IPC, Evidence Act, etc., should be had so that whatever loopholes are there today are plugged, justice in connection with the commitment of rape is rendered quickly and it is also made severely punishable. They also expressed their views that there should be a separate court; woman Justice should be there; justice should be rendered at the earliest possible date; and the punishment should be so deterrent that other persons dare not indulge in these things. All these things are various welcome suggestions which the Government does bear in mind. I will not hesitate to interact with the leaders of various political parties in this House. Taking their suggestions, I hope, the Government will be able to come back to this House earlier than later with a

comprehensive amendment of these laws so that the crime of rape shall need to be paid very heavily.

One or two other suggestions have come. One of the suggestions that was expressed is that there may be unscrupulous persons who may try to take advantage of the provisions of this enactment or the amendment that we are now providing, in order to wreck vengeance on an individual or a group of individuals. I do not say it is not possible. Laws are intended to protect the citizens. Knife is there for the surgeon to save the life, but if somebody takes the knife and tries to use it to take away the life of another person, then it is not the crime or the mistake of the law as such. We will have to see and prevent such persons who try to unscrupulously utilise the provisions of the law for their own personal gains. There are sufficient safeguards in the law. ...(*Interruptions*)

MADAM CHAIRMAN : Please do not disturb the Minister when he is speaking. Let him finish. Please sit down. Do not disturb your own Minister.

SHRI K. JANA KRISHNAMURTHY: Let me complete.

That care will have to be taken. It will be taken.

Then, an apprehension was expressed about the use of the words 'immoral character'. Why do you use the words 'immoral character'? When you interpret the law, when there is a particular word used in a section of the law, you have to look at it with reference to that particular context. These particular words, 'immoral character' have been used in this particular amendment because we have found in our experience that at the time of cross-examination, the advocate, who represents the accused, tries to utilise that opportunity to assail the character of the woman.

That is why I said earlier that under a Supreme Court decision, even if a woman is of an immoral character, that cannot be probed during the course of cross-examination to assail the character of that woman or to justify the act of rape. I have with me the 1996 Supreme Court decision with me and I would like to seek the permission of the Chair just to read one sentence which is very relevant in this matter:

"Even if the prosecution in a given case has been promiscuous in her sexual behaviour earlier, she has a right to refuse to submit herself to sexual intercourse to anyone and everyone because she is not a vulnerable object at prey for being sexually assaulted by anyone and everyone. No stigma should be cast against such a witness for, after all, it is the accused and not the victim of the crime who is on trial in the case."

So, under these circumstances, the words 'immoral character' fit in properly. Whenever a court tries to interpret an action, it always takes the intention with which it has been done. So, this should be properly understood and there should be no scope for misinterpretation by a lawyer.

Some hon. Members expressed an apprehension that through this cross-examination regarding immoral character, we are trying to insult and humiliate the womenfolk as such. It is not a question of insulting or humiliating our womenfolk alone. If the society cannot take care of its womenfolk – I feel personally and I am sure every hon. Member would have the same opinion – it is not an injustice done to the womenfolk alone but it is an injustice done to the society itself. That type of attitude should be developed in the society. I think, all of us would agree that we shall give no room for anybody to try to misuse the law or to try to misuse situations and circumstances that are present in the society today to see that women are insulted or humiliated.

Many suggestions have been made by hon. Members. A suggestion was made that some other sections also need to be amended. That need not be taken up in this Bill. I would like to assure this hon. House that when the next occasion comes, after ascertaining the views of the entire House, we would try to bring forth a comprehensive rape law so that we would have the support of the entire House and see that this type of things that go on in our society, which lower the estimate and prestige of our society in the world, are put an end to as effectively and as quickly as possible. I can give this much of an assurance to this House.

MADAM CHAIRMAN : I hope, it would be very soon.

SHRI K. JANA KRISHNAMURTHI: It would be in the next Session itself.

Now, I request that this Bill may be passed by this House.

MADAM CHAIRMAN: The question is:

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration."

The motion was adopted.

MADAM CHAIRMAN: Now, the House will take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

SHRI K. JANA KRISHNAMURTHI: I beg to move:

"That the Bill be passed."

MADAM CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.
