

[Mr. Deputy Speaker]

Wealth-tax Act, 1957, the Gift-tax Act, 1958 and the Companies (Profits) Surtax Act, 1964 be taken into consideration."

The motion was adopted

MR. DEPUTY-SPEAKER: We shall now take up Clause by Clause consideration of the Bill.

The question is:

"That Clauses 2 to 189 stand part of the Bill"

The motion was adopted

Clauses 2 to 189 were added to the Bill

SHRI C. MADHAV REDDI (Adilabad): Sir, this is for the first time in the History of Parliament that all the Clauses - Clauses 1 to 189 - have been passed without any amendment.

(Interruptions)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted

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

SHRI NARAYAN DATT T'WARI: Sir, I beg to move:

"That the Bill be passed"

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed"

The motion was adopted.

12.16 hrs.

PETITION RE: RE STRUCTURING OF PUBLIC SECTOR BANKS PARLIAMEN-TARY CONTROL OVER THE PUBLIC SECTOR BANKS, NATIONALISATION OF ALL BANKS IN THE PRIVATE SECTOR AND FOREIGN BANKS ETC.

[English]

SHRI K. RAMAMURTHY (Krishnagiri): Sir, I beg to present a petition signed by Shri K.K. Nair, General Secretary, Indian National Bank Officers Congress and Shri R.P.K. Murugesan, General Secretary, Indian National Bank Employees Federation and others and countersigned by me regarding restricting of Public Sector Banks Parliamentary control over the Public Sector Banks, nationalisation of all banks in the private sector and foreign banks etc.

12.17 hrs.

COMMISSION OF SATI (PREVENTION)
BILL

[English]

MR. DEPUTY-SPEAKER: The House will now take up the next item.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): On behalf of Shri P.V. Narasimha Rao, Sir, I beg to move:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be taken into consideration".

Sir, the House had discussed earlier the crime committed against Roop Kanwar, in the Deorala Village of Rajasthan, and Members had shown a rare unanimity in their speeches, which were characterized by emotion, introspection and determination, to fight the evil of Sati and ensure that such an incident never occurred again. Members had also called for a strong and deterrent Central law, to provide for the effective prevention of the commission of Sati, and its glorification, covering the entire country. There are at present only the old enactments of Bengal and Tamil Nadu and the recently enacted Rajasthan Sati (Prevention) Act, 1987. Although the offence of 'attempt' to commit suicide is contained in Section 309 of the Indian Penal Code, and has been held by various High Courts to include the commission of Sati, the punishment is not deterrent enough to prevent such a practice. Besides, there is no provision to prohibit the glorification of Sati.

We have, therefore, introduced the Commission of Sati (Prevention) Bill. The Bill defines Sati comprehensively to include not only the burning or burial alive of a widow with a deceased husband but also of a widow or woman with the husband or relative. This is because it has come to our notice that there have been cases where a woman has been burnt alive with a brother or a stepson.

Anyone who abets the commitment of Sati by inducement, encouragement, participation in processions, preventing the widow from saving herself, etc. would be punishable with the maximum penalty i.e.

death or imprisonment for life. The abetment of an attempt to commit Sati would be punishable with imprisonment for life.

In the case of persons prosecuted under these offences, the burden of proving that he had not committed the offence shall be on him. This is a principle already accepted by the House, in the Dowry Prevention Act. Those convicted of such offences, shall be disqualified from inheriting the property of the victim. Further, persons convicted of such offences shall be disqualified under the Representation of the People's Act 1951, from the date of such conviction and shall continue to be disqualified for a further period of five years after release. The propagation of the practice or the commission of sati or its glorification by a candidate or his agent shall be deemed a corrupt practice under the Representation of People's Act.

For the attempt to commit sati, we have provided the same punishment, as for the attempt to commit suicide in the Indian Penal Code. This is necessary as the abetment of the attempt to commit Sati has been made a major offence. However, since only a person under very great pressure, or not in sound mind, would attempt to commit Sati, we have provided that the court trying such an offence should, before convicting any person, take into consideration the circumstances leading to the commission of the offence.

Glorification of Sati has been defined in detail but not exhaustively and includes observance of ceremonies, collection of funds and construction of temples. We propose punishment by imprisonment which may extend to seven years for the offence of glorification of Sati. While the provisions of the Bill have necessarily to be prospective all acts of glorification carried out in future even, at old existing temples/structures would be covered. We have specifically provided powers to the Collector/State Government, if satisfied that, in any temple or structure, any

[Shrimati Margret Alva]
ceremony is carried out with a view to perpetuating the concept of Sati (as dealt with in this Bill), the State Government, in the case of older structures, and the Collector in other cases, to direct the removal of such temple or structure. I may mention here that the Rajasthan Act did not apply to temples and structures constructed before the commencement of the Act - this exception has been struck down by the Rajasthan High Court. The Collector can also seize properties collected for the glorification of sati. These provisions are essential if we are to launch an all-out attack on this perverse practice and strengthen the hands of State Government to bring it to an end.

The Bill lays down procedures for setting up of Special Courts and appointment of special public prosecutors, laying an obligation on certain persons to report on commission or possibility of commission of the offence, etc. All laws in force immediately before the commencement of the proposed Central Act will stand repealed, but anything already done under the laws so repealed shall be deemed to have been done under the corresponding provisions of this Act.

Mr. Deputy-Speaker, Sir, I am confident that the hon. Members will welcome the Bill with the same spirit and commitment with which they discussed the Deorala incident earlier during this session. I commend the Bill for their consideration.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be taken into consideration."

MR. KALI PRASAD PANDEY.

[*Translation*]

SHRI KALI PRASAD PANDEY (Gopalganj): Hon. Deputy Speaker, Sir, I welcome the communication of 'SATI' Prevention Bill 1987 moved by hon. Minister.

(*Interruptions*)

The hon. Members of both sides of this House had demanded, earlier also at the prime of discussion on Deorala incident that stringent law against persons compelling any woman to immolate herself should be passed by introducing radical changes in the existing provisions. Government deserve congratulations for making provisions to eliminate this tradition by bringing comprehensive legislation for the purpose.

Deputy Speaker, Sir, what do our 'Shastras' say in this contest, some preceptors and sages had welcomed Deorala incident, but this incident is unparallel in the history of India. One can only imagine the feelings of the woman who is told that she has to immolate herself today. This type of heinous crime in the history of India is unprecedented. This custom was glorified by terming it as 'SATI'. This is a very old custom. When Ram returned from exile he heard a washerman beating his wife and uttering following words:-

"yee chooli padchalan har, main nahin tujhe rakh sakata hoon.
Too rahi rat bhar bata kahan, badnami nahin sah sakata hui.
Main Ram sareekha mard nahin jo tere chakkar mein aa jaun.
Main itana nadan nahin, jo tria jal mein phans paun."

In this way Sita had to pass through "*agni-pariksha*" by the order of Ram. If Sita had not maintained her chastity she would

have burnt to ashes in the fire. It may be understandable definitely if definition of truth is linked to 'sati'. People say that after the incidence of Deorala, family of the immolated gathered so much wealth through donations offered by thousands of devotees which may sustain whole family for life time. Once Madhu Dandvateji & Balkavi Bairagiji had said in this House that even if a member of their own party participates in such ventures, they will not hesitate in condemning him. Madhu Dandvateji and Balkavi Bairagiji said that there are so many persons at Deorala and elsewhere who participate in it deliberately. They presume that they may get votes as a result of such participation. If you had made provisions in this Bill that any person whosoever participates in such ventures, he will be disqualified to contest election in this democratic country, then such trend could have been checked definitely.

(Interruptions)

PROF. MADHU DANDAVATE (Raichur). There is provision for disqualification

KUMARI MAMATA BANERJEE (Jadavpur): Have you not read the Bill?...

(Interruptions)

SHRI KALI PRASAD PANDEY: I have gone through the Bill. It is possible that in your speech all these things may have not been mentioned. If it is there, I welcome it. This legislation brought forward by you in the House should not be only matter of discussion in the House but its provisions must be implemented in the country. With this I conclude.

[English]

SHRI M.Y. GHORPADE (Raichur): Mr. Deputy-Speaker, Sir, this is a very important and historic occasion.

(Interruptions)

[Translation]

SHRI MANNENDRA SINGH: The people who participate in such functions, should not have the right to vote.

[English]

MR. DEPUTY-SPEAKER: There is no point of order.

SHRI M.Y. GHORPADE: Sir, this ghastly incident which took place in Deorala, a remote village in Rajasthan had its reaction in the whole country and reflected in no uncertain terms the national mood in the country today. The media, of course, played its part. It reflected a state of social awakening that was there in this country.

Sir, I would like to say that if such an incident had taken place in the past, perhaps several such incidents have taken place in the past without a similar focus in national reaction. So, to this extent, what happened in Deorala has had a full reaction. Parliament is taking full notice of it. Government has come out with a legislation, a Bill which in a sense is a symbol of its determination to flight it is a symbol of its will to see that the nation does not once again slide back into obscurantism. Sir, we all know, in this country, what happened in the days of Raja Ram Mohan Roy, what Mahatma Gandhi said in those days, how he strongly condemned sati, not only Sati, but the kind of thinking that was behind Sati. When Jawaharlal Nehru was the Prime Minister for 17 years, at every step he tried to take this country away from obscurantism and towards a more rational, a more human and a more scientific way of life.

Today I would like to say - there are no two opinions on this Bill and I am sure that everybody in this House to whichever Party he belongs to is bound to support it will full

[Sh. M. V. Ghorpade]
conviction. We should take advantage of this occasion to remind ourselves and the nation as to what lies behind this kind of activity. Obscurantism and casteism have a common source. They both arise out of, as everybody knows, social backwardness and economic backwardness. It is only when areas remain backward that this kind of activity, thinking and social behaviour can survive.

I must say that the development that has taken place in this country for the last forty years was to a large extent able to subdue casteism. Casteism is no longer the same as it was forty years ago. Casteism in the sense of a closed, stratified, hierarchical society based on birth and a traditional occupation, has gone down because it would only survive in a backward situation where villages were isolated, where there was no connection between one village and another. That kind of situation, that kind of isolationism, that kind of narrow loyalty which found it difficult to transcend to higher loyalties have been dealt an effective blow by development.

But the same development unfortunately has enabled a weakened caste consciousness, a weekend obscurantism to join hands all over the country. Casteism is weak, but it has joined hands all over the country. Therefore, it is necessary for the country to take a serious note of it. It is therefore that Jawaharlal said even in those days that socialism and casteism cannot co-exist. Vinobaji said that this is an age of science and spirituality and not an age of religion and politics.

In the Preamble to this Bill, justifying this Bill, it has been found necessary to say that it has been brought in because Sati is revolting to the feeling of human nature and is nowhere enjoined by any of the religions of India as an imperative duty. I would go a step

further and say that even if it was, we are duty bound to fight forces which offend human nature.

Take for instance animal sacrifice. Animal sacrifice clearly offends human nature. There has been legislation and there has been a movement in this country to stop it irrespective of the fact whether there is something in some religion, some religious texts in favour of it or not. That, I think, is not relevant or necessary as a justification for what we are doing. That kind of attitude has to go.

So far as Hindus are concerned, I think I am fairly a good Hindu but I have never been told that I have to believe in a particular scripture or a particular book in order to qualify, or claim to be Hindu. I am proud of my heritage that even an atheist is not disqualified from being called a Hindu. Therefore, it is important to remind ourselves that a 'fundamentalist Hindu' is a contradiction in terms.

Therefore, I would like to take this opportunity to emphasize that whether it is Hinduism or any other religion, the essence is spirituality. Spirituality is not something negative and self-destructive; it is something positive which enables you to dedicate your entire inner resources for service, which is social goal.

Sir, having said that I want to draw your attention to the legislation itself. The law which is being sought to be brought in is a very good law. The Minister has already explained to us the various components. I welcome this Bill and I congratulate the Government for having made the punishment harsher.

I would only like to suggest that since you admit that the woman is not in a proper state of mind when such a thing happens, it should be specifically taken into account so

that in our anxiety to have a deterrent law we do not ignore the situation from the women's point of view and it should be more specifically recognised that she should not necessarily be punished because more often than not she is innocent and it is somebody else who out of obscurantism is trying to commit a serious offence. Sati is more often a murder than a suicide. Therefore, this has to be more specifically recognised.

Finally not only Sati but there are hundreds and thousands of other things which are obscurantist, casteist, backward, oppressive and anti-national happening everyday in this country. If this has to go it is not only legislation but what is necessary is to expedite the socio-economic development in the country. In Kerala for instance two-third of the people are literate whereas in the country as a whole two-third people are illiterate. Therefore, inevitably the situation has been created in Kerala where whether there is legislation or no legislation nobody does this Sati. It is the social climate, literacy, compulsory education, economic development and a programme which will give employment skills and a better chance of living with hope and dignity to our people which will be the ultimate answer to social evils. We are all for the social legislation because it expresses in clear terms the thinking in the country and gives the Deputy Commissioner the specific right to interfere, obstruct and remove things which are obviously bad. But in addition to that I think we should remind ourselves that in the ultimate analysis it is the programme which gives socio-economic freedom to the people that will be the ultimate answer which would fulfil the hopes and aspirations of reformists like Raja Ram Mohan Roy, Mahatma Gandhi and Jawahar Lal Nehru who did so much to bring the women of this country into the mainstream of life more than perhaps in other parts of the world.

SHRIMATI BIBHA GHOSH GOSWAMI

(Nabadwip): Sir, the whole country was shocked and felt humiliated at Deorala incident. There were women's movement throughout the country condemning and demanding prevention of this type of crime and my party and the women's organisations to which I belong, namely, AIDWA were in the forefront of that struggle. A huge women's rally was organised here in Delhi and only after that the Government have been forced to bring in this legislation.

But, Sir, what is really shameful and shocking is that they brought forth a legislation which is full of serious flaws without consulting any of the women's organisations who have done a lot of work in this sphere. Therefore, while I support a central legislation for the abolition and prevention of crimes against women in the name of religion or custom and against perpetuation or glorification of such practices or customs, this Bill has to be suitably amended before it can be passed.

There is no question of passing this Bill as it stands now.

I go to the Bill itself. Part I, clause I, sub-clause (3) says:

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

What is this, Sir? If they are serious, why have they brought in this kind of a thing? What does it mean? They want to use it for their political expediency. No option should be left to the Prime Minister or any other Minister on this count. This, to my mind, means that this Act will not be implemented. The Prime Minister took twenty days to condemn the atrocity at Deorala. This Government is always compromising with relig-

[Shrimati Bibha Ghosh Goswami]
ious fundamentalists.

SHRI AMAL DATTA: Sir, the Minister is not listening.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA). I am listening.

SHRI AMAL DATTA: No, you are not listening. You are talking. For the last five minutes, I have been watching you.... (*Interruptions*)

SHRIMATI MARGARET ALVA: I am sorry for your concern. I have been listening to her.

SHRI AMAL DATTA: No, you are talking.

SHRI AJAY MUSHRAN: When Shri Indrajit Gupta was disturbing her, we did not object. He came and disturbed her

PROF. MADHU DANDAVATE: She has two ears.

SHRIMATI BIBHA GHOSH GOSWAMI: Sir, there is cause enough to think that this Bill will not be implemented. I raise serious objection against this sub-clause. That must come into force at once in the whole of the country.

Secondly, this entire Bill reeks of the reactionary understanding that 'Sati' is voluntary and, therefore, it talks only of abetment and not of the actual offence which is burying or burning alive woman on funeral tyre. It punishes the poor woman who is the victim of social circumstances.

Now look at Part II, clause 3. The first offender is the woman herself. She is the only offender. She is the only criminal. Others are only abettors. In this entire section, the premise is that 'Sati' is voluntary though that word 'voluntary' is not written here... (*Interruptions*)... It punishes the poor woman in this entire section. The premise is that Sati is voluntary. The under-current is that. Therefore, punishment is given to: firstly, the woman who is actually the victim. She is made the criminal; secondly, the abettors who are, in fact, the murderers. Sir, giving the extreme punishment to the abettors does not obliterate the present socio-economic reality that the circumstances, the degradation and humiliation of a widow in India ensures that no Sati is voluntary. In the Rajya Sabha and in this House also, this was established. Sir, Rammohan Roy understood it more than 150 years back that Sati can never be voluntary. But now the present Government failed to understand this. Therefore, in the Statement of Objects & Reasons in one breath... (*Interruptions*)... it says that attempt to commit Sati will be punishable as suicide. In the same breath it says:

"... the widow or the woman is compelled to commit Sati and invariably she will not be in a fit state of mind or will be labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;"

If the woman is forced to die, then the charges should be against her murderers and not against herself. But that is exactly what this Bill has done. So, this is my objection against the Bill. With this faulty understanding, the Bill gives enough loopholes to the criminals, for instance, encouraging the woman 'to remain fixed in her resolve'. What can that be? That must be pushing the woman back into the fire, when she wants to

escape, and 'aiding the woman in her decision'. What are all these? These must go. The whole of Part II must be reframed with proper understanding.

'Sir, clause 3 of Part II must be deleted. I gave amendments only this morning. But I see that they have not come. The amendments should be taken in and there should be opportunity for us to move them.

The Bill has to mention directly the actual crime which is murder, a special kind of crime against women, namely, burying or burning alive the woman on the funeral pyre. In page 3, Clause 4, there is a mention about abetment which will have to be framed with correct understanding of the crime. The whole of Part 2 has to be reframed. I must mention specially the word 'intentionally'. In page 3, Clause 4, Sub-clause 2(d), the word 'intentionally' is there, How can you prove intention? Here with this word it has been ensured that all the guilty will go scot-free. It is like the definition of dowry where the phrase 'in consideration of' occurred. This word must go if the Government has got any seriousness to punish the guilty. Clause 4, Sub-clause 2(d) says:

"Participating in any procession in connection with the commission of sati or intentionally aiding the widow or woman in her decision to commit sati by taking her along with the body of her deceased husband or relative to the cremation or burial ground."

That word must go if the Government has got any seriousness and not just want to show to the people of this country that they are doing something about 'sati'.

The biggest loophole is that the offence has not been categorised as cognizable and non-bailable. This is really surprising. A crime is punishable by death and then it not

cognizable! How can that be? Do they want to ensure that the criminals are not punished at all? The offence must be cognizable and non-bailable.

Part III is regarding the powers of Collector or District Magistrate to revert offences relating to Sati. The village level authority who are there in the area itself should also be empowered with the necessary authority to prevent such offences if the law has to be efficiently implemented. By the time the DM knows about the crime, the crime may have already been done. The woman may have been burnt already.

This bill excludes donors from punishment. In page 2, Clause 2(1) (iv), the donors are not included. Donation of funds or donation of land are not included as offence. I wonder whether this Government wants to save the big business houses they are the biggest donors. Donation of funds or land must also constitute an offence under this Act.

Sir, when I went through the objects and reasons, I was horrified. The whole nation revolts and you say 'apprehension'. Again it says, "there has been an attempt to collect funds." It came out in the Press that Rs. 90 lakhs or more was collected and here they say 'attempts to collect'! Then again "various steps have been taken by the State Government of Rajasthan." What did the Government of Rajasthan do? They did not do anything, they sat closed and even after the High Court injunction, the State Government allowed the chunnri ceremony to be held. Therefore, women of this country sent thousands of Telegrams demanding the resignation or dismissal of Hardeo Joshi Government. I demand the resignation or dismissal of Hardeo Joshi Government. The Bill, as it is now, if it is passed, it will not serve any purpose whatsoever unamended this Bill may fulfil the purpose of reaping some political benefit out of it by the ruling party but it will

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defeat the purpose of prevention of crime against women in the name of religion. Women of this country will never forgive that

This Bill has come primarily because of women and they will continue to fight for a proper legislation.

[*Translation*]

MR. MAHENDRA SINGH (Guna): Hon. Deputy-Speaker, I support this Bill and congratulate hon. Minister for introducing a very good Bill to prevent Sati custom. Any amount of condemnation to 'Sati' like incidents would be less.

This is a sorry state of affairs that even after 40 years of freedom we have not been able to prevent incidents like Sati. With the expansion of education evil practices like communalism, castism, are increasing side by side. It is a matter of great concern. We will have to make concerted efforts to curb such practices.

We should not allow foreign powers to succeed in their evil designs which are trying to fissipar unity and integrity of our country. These very foreign powers are also promoting terrorism and seperatism in our country. We must deal with them firmly.

We should eliminate social evil practices as soon as possible. While supporting this Bill I would like to bring to hon. Minister's notice few important points. Widows are compelled to put on white dress in our villages. Our society does not permit them to put on bangles and 'bindi' (red dot). This is the reason why condition of widows is highly desperate even today. In these circumstances if our society can't provide respectable life to those women then it would not be possible for us to prevent 'Sati'. In these circumstances widow prefer death to lead a miserable life. Even young widows of our villages are compelled to put on white

clothes. Those widows are not allowed to take part on the marriage ceremony or other auspicious occasions. They have to hide into room. It happens owing to the presumption that widows are not good for auspicious functions. So it is very necessary to take steps against it. Only after that objective of this Bill would be fulfilled.

Now I want to give some suggestions. My first suggestion is that in every state government should set up special institutes for training and for providing jobs to young widows.

My second suggestion is to make provisions so that children of young widows may get scholarship. My third suggestion is that youths who marry with young widows should given job guarantee. Besides more and more youths should be motivated to marry young widows.

With these words, I support the Bill.

[*English*]

SHRI DINESH GOSWAMI (Guwahati): I will not go into the different aspects of sati because that has been discussed here in a short-notice discussion. The only thing that I would like to point out is that though this Bill tries to cover one social evil, the fact remains that the widows in this country are virtually believing in sati in many areas and the Government should seriously consider as to how their conditions can be improved. But I have got strong reservation against a clause about which Shrimati Bibha Goswami has already made a mention and that is Clause 3 which says:

"Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit sati and does any act towards such commission shall be punishable with imprisonment for a term which

may extend to one year or with fine”.

Of course, the court has been given the power to take into consideration the facts that lead to such an act and reduce the sentence. Let us look to the position.

Any girl who attempts to commit sâti will have to undergo the trials in the court. She will be prosecuted. Just see her condition. She has lost her husband. She was forced by her relative to go to the pyre and after that she shall have to face the prosecution. We all know how the trials in our court proceed. She will have nobody to help. All her relatives will be against her. She will have no money. She will have to suffer for the trials in the court at least for the minimum of one year. And thereafter the court may have to give some token punishment. So, I do not know on what ground you have introduced this section. Unless you make it punishable, abetment cannot be made punishable. That may be the only ground.

In fact, Sir, when we had discussion with the Home Minister and I think the Law Minister was not there, the word 'voluntary' was there in the clause itself. It was said that:

“If a person who voluntarily attempts to commit sati”. I know that there is the problem to the introduction of the word 'voluntarily' because the law does not comprehend that there can be voluntary sati. I think it is very correct. I do not think anybody commits sati voluntarily and the introduction of the element that somebody may commit sati voluntarily may go against the present provisions of this Act. Therefore, I have given one amendment as an escape route. Under this provision anybody who commits sati shall have to be prosecuted. The investigating agency has no other alternative but to prosecute her and to take her for the trials. She shall have to face the trials. So, my first amendment is:

“Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit sati without any resistance on her own part.”

So, if the investigating officer finds no evidence that she resisted, she is not to be prosecuted. Then I have given a proviso. Unfortunately I have given the proviso late as the Bill was circulated late. And my proviso is provided that if the person attempting to commit sati is not in a state of mind to offer resistance, it will be deemed that she offered resistance. I am trying to find out an escape route by which if the Investigating Officer finds the minimum of the evidence that she tried to offer resistance, then she is not to be prosecuted.

13.00 hrs.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): That would still subject her to the process of investigation that she will have to undergo. You have to give evidence; you have to show it was done or not. you cannot just without evidence...

SHRI DINESH GOSWAMI; Mrs. Alva I do agree that she will be subjected to the investigation because the investigating officer will have to take the evidence but the point is that the investigation and the trial are two different things. If at the investigation stage, the investigating agency finds that she offered resistance or that she was not in a state of mind to offer the resistance....

MR. DEPUTY-SPEAKER: He is addressing you. So, please pay attention to what he is saying.

SHRI DINESH GOSWAMI: Sir, this is a

[Sh. Dinesh Goswami]
 very serious point which we are discussing. I think this is one of the most serious flaws and I do not know how we can overcome it. The point is unless we make it an offence the abetment has no relevance. If we make it an offence then we will put the poor lady in deep predicament. Therefore, the escape route that occurred to me - if somebody could find a better escape route I will be very happy-if there is some evidence before the investigating officer that she offered resistance or that she was not in a state of mind in which she could offer resistance: if her state of mind was such that it was not possible for her to offer resistance, it will be deemed that she offered resistance. Then she should not undergo the process of trial. According to me this is the escape route and it is for the Minister to find a better escape route.

I think that the clause itself is such that we cannot support it. We are punishing the poor lady who has lost her husband and has been brought to the pyre. Then she will have to face the trials for very very long period without any assistance from any quarter.

Through some newspaper report we have come to know that the film makers are making films glorifying sati. We should prevent such practice and, therefore, I have given the other amendment and I think Shri Indrajit Gupta has also given an amendment on this. My amendment is:

"The Collector of the District Magistrate, if he is satisfied, shall also, by order, prohibit any picturisation or recording of any audio visual presentation depicting sati or its glorification"

I hope the Hon. Minister will accept these two amendments."

MR. DEPUTY-SPEAKER: We now

adjourn for Lunch to reassemble at 2.00 P.M.

13.05 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Four minutes past Fourteen of the Clock

[MR. DEPUTY - SPEAKER *in the Chair*]

[*Translation*]

SHRI RAM NAGINA MISHRA (Salempur): Mr. Deputy Speaker Sir, I thank the hon. Minister for presenting the commission of Sati (Prevention) Bill. As the hon. Minister himself has observed in his statement, nowhere has anything been said about this practice. This practice should definitely be stopped. It is good that as far as possible all provisions, have been included in this Bill.

Sir, prior to this also there has been a discussion on this issue in the House.

Many learned people have expressed their views. We have read about the views of religious personalities also in newspapers. Through this House I shall first of all request those people who claim that the practice of Sati is in accordance with our 'Shastras'. I would like to tell those people and especially the respected Shankaracharya, that since the time religion came into existence this practice was never approved by our 'Shastras'. He said in his statement that this is in accordance with our 'Shastras'. In this way he has tried to misguide the followers of the Hindu religion. For this I would like to give them an example. Guru Vashisht was one the most important torch-bearer of this religion in Lord Rama period. On king Dashrath's demise he never ad-

vised any of his wives to commit Sati. At that time nobody had heard about Sati. (*Interruptions*). The second example I am giving is that of Mahabharata. At the time of Mahabharat when King Pandu died a learned sage like Dronacharya was present. He never advised Pandu's wife Kunti to commit Sati. These examples have been taken from the periods of Mahabharata and Ramayana-periods which are even now looked upon with reverence.

Another example is that of Sati Savitri. Savitri never thought of committing Sati. So I would request that the respected Shankaracharya has given a misleading statement. In the Hindu religion the practice of Sati has never found the acceptance of the 'Shastras'. The so-called fundamentalist religions heads who actually have no real knowledge of religion, are the ones who are spreading such stories. There are such stories available in Rajasthan and Bengal. During Mughal attacks Rajput queens used to perform 'Johar' and not commit "Sati". These kind of statements are not justified. In this way they are misguiding the masses.

Sir, it has also been mentioned in Shastras that Ravana was a very learned person and on his death his wife Mandodari did not commit Sati but married second time. When king Bali died, his wife Tara did not commit Sati but married second time. Not only this, Sir, but the writers of our 'Shastras' say that followers of Hinduism recite a prayer on getting up every morning. There is a shloka which says-

"Kunti, Ahilya, Tara, Draupadi, Mandodari tatha Panchkanya japate niyam shrutam, har at papani".

These five girls have been accepted as model girls. If this is written in our 'Shastras' then the respected Shankaracharya should refer to it in his statement. This really amounts to misguiding the Hindu religion.

This has never occurred in our 'Shastras'.

SHRI VJOY KUMAR YADAV (Nalanda): What punishment should be awarded to those, who encourage the practice of Sati?

SHRI RAM NAGINA MISHRA: I want to give one more example, I want to talk about the Adi-Shankaracharya on whose seat the present Shankaracharya sits and claims to preach the former's teachings. These fundamentalists have troubled the same Adi-Shankaracharya, who is treated as God today. When the Adi-Shankaracharya's mother was about to die, he reached there. On her death so called similar hypocrats prevented Adi-Shankaracharya from performing the last rites because he was a hermit. He was not even allowed to touch his mother's corpse. The Adi-Shankaracharya protested but ultimately he had to cremate the body in the house. I would like to inform the Shankaracharya, who is treated as God, that this is fundamentalism and not religious acceptance. The rule which is being framed now is very important for stopping this evil custom and for the well-being of society. The strictest attitude must be adopted. I would like to give some suggestions. The Child Marriage Act was passed but the same was not implemented for a long time. But when the people were educated as to its merits and demerits they themselves accepted it gradually. Today a law is in force which says that acceptance of dowry is an offence. But this is more in theory than in practice. However tough the Anti-Dowry law might be, the dowry-system is on the increase. I mean to say is that merely introducing a law will not do. People will have to be enlightened on the difference between fundamentalism and religion. Through the House I request our religious personalities to note that the practice of untouchability was not prevalent in earlier times. This is what our 'Shastras' say. Widow re-marriage has been allowed in our 'Shastras'. The re-

[Sh. Ramnagina Mishra] expected Shankaracharya who is a follower of Hinduism, should be emphatically told that widow re-marriage is in accordance with the religion and accepted in 'Shastras' and acceptance of dowry is against religious trend. Such are the things that should be publicized and not that the practice of Sati is alright. The condition of widows of caste Hindus in Hindu religion is a pitiable one. Although many people in the present times have acclaimed widow re-marriage it has not been given practical shape as yet. I would request the administration and the intelligentsia to encourage widow re-marriage in the same way as the administration encourages other activities. The caste Hindu widows who re-marry should be encouraged by the administration by providing them with jobs. If a caste Hindu boy marries a widow he should be provided with a job. If a person belonging to any caste marries a widow...*(Interruptions)* I would request that whosoever marries a widow should be given employment. This should be encouraged. I want to say that various laws are being framed. Different laws are being made for Hindus, Muslims and Christians. But in reality there should be a common law for all citizens of India so that there can be fulfilment in their lives. For everyone there should be one law. Exemptions given to different religions should not be lopsided. Otherwise it creates a rift in society. There should be religious tolerance whatever be the religion. People should be free to go to churches, temples, mosques or gurudwaras. They should be free to perform any religious rites or functions but for fulfilment in life there should be a common law for all people. I would like to put up this request to the hon. Minister and also the government. As a result of this it would be an enlightened society and everybody can work together to strengthen India.

With these words I whole heartedly support the bill and hope that the hon. Min-

ister will consider the suggestions given by me.

SHRIMATI SHEILA KAUL (Lucknow): Mr. Deputy Speaker, the hon. Members have expressed their views on this Bill in detail. The Bill which is before the House is logical. It has been brought at a time when we have witnessed a grave incident in the recent past. The memory of the incident of 4th September is heart-rending and even today it is very much fresh in our minds. We think that the provisions of this bill will provide enough courage to fight against this evil. We should just imagine, had there been our daughters, instead of that girl, then, could we allow her to be killed or burnt in our presence. Even the cremation of dead bodies causes us great pain and sorrow but no one had any objection in burning that girl alive. We talk about non-violence in India and say that our country is a non-violent Country but there happened such a violent incident in this very Country and no one bothered about it. The action which was to be taken at that time was taken up after 25-30 days, when the Rajput boys stood there with the swords in their hands. Such an opportunity might not have been given to them.

In our Country, the 'Sati' custom is very old and not merely 150 years old. Formerly it was started in Bengal, Maharashtra, Madras and Rajasthan for different reasons. But you will find that it was not in Orissa, and Uttar Pradesh. We should take note of this thing also why it was not in Orissa and Uttar Pradesh. We may observe one thing that where the wives were the legal heirs of the property of their husbands e.g. in Bengal, the people of that particular region thought it proper to burn the widows to finish the matter. In this way the Sati custom started there. It was encouraged in those regions which were ruled by Kings—'Jagirdars' or greedy persons who always wished to acquire the entire property of the deceased and did not

want to give anything to his widow. As Mishra ji has said that in the times of Raja Ranjit Singh women were not burnt but they performed *Johar* (Mass Immolation) and besides this they believed that it was within their rights to do so. But abatement to commit Sati is heinous crime. Therefore, I feel that the provision for awarding deterrent punishment to the person who abets to commit Sati is an appropriate step. Because since the ancient period so many evil customs are prevalent in our Country and until and unless we eradicate them by taking stringent measures from our country we cannot make progress speedily. Whenever any new work is done in our country or the incident like 'Sati' happens here, the whole world look towards us. People in foreign countries think that women in India has no respectable place. Sometime ago, when I was sent to the United Nations. There came to me lady T.V reporter who asked me about the 'Sati' incident. I had no reply to her question and I had to say this much that this is a painful thing which seldom happens in our country, but what will you get by asking about this incident, we are already distressed because of this incident. Therefore, it is shame on our part that such an incident took place in our country. The Bill, which is under the consideration of Parliament to eradicate this evil custom deserves appreciation. I support it and congratulate the hon. Ministers who has paid his attention towards the evil customs of our society and has brought this Bill.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Deputy Speaker, Sir, it is really a tragedy that we have to discuss this Bill. But I am not going into the generality of it. We have discussed it under 193. But I want to put one thing on record and that is that for quite some time we have been seeing that very important Bills belonging to women and their social rights are being

presented to the Parliament or passed in the Parliament on the very last day when all are running; and this Bill particularly when we discuss we will see that there are certain provisions on which members are really even double minded. Even then we got the Bill only now and we have to give amendments within one day.

PROF. MADHU DANDAVATE: It was delayed because she had gone to the United Nations.

(Interruptions)

SHRIMATI GEETA MUKHERJEE: Whatever may be the reasons, there is a great commotion in the nation about this 'Sati' incident. This should have been really brought earlier and enough time should have been given to us to really discuss the Bill as it is, not just some principles; principles always do not reveal the Bill. Therefore, I hope, in future this practice will not be repeated and this kind of a Bill on social questions, particularly on women, will have its proper priority, as it should have, in the country. On the whole, I generally support the Bill.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): Thank you very much.

SHRIMATI GEETA MUKHERJEE: There is no question of not supporting it. We have been canvassing for a Bill immediately; we have been campaigning for it. Shri P. Chidambaram might think that women organisations are sleeping on it; that is not the situation. I would remind Mr. Chidambaramji that ours was the first women organisation whose women were lathi-charged before the hon. Minister's, S. Buta Singh's house for protesting. Not only I want to put on record that many of other women's organisations of

[Shrimati Geeta Mukherjee]
left hues, of middle hues of without any hues have also been protesting against sati incident. That is why we have not given any amendments to send it to the Select Committee because that would delay its passing. But I would request you particularly after you pass the Bill today once again to consult the women organisations and see in future if other amendments are necessary; that is very essential and I want to put it on record. I believe Shrimati Margaret Alva will do it and consult them.

Before going into the substance of the Bill as it is given here, I want to make another submission and that is that among the women organisations there was a talk and a general agreement on this question that not only sati but certain other offences which are being committed against women and girls like cruel behaviour, inhuman behaviour in a degrading manner in the name of religion also should be brought under the purview of the Bill.

For example, burning as witches, then forcing the widows to do certain things, etc., should be there. I understand that at this late stage it will not be possible. But it is a very relevant thing, a very relevant question. I hope this will be considered and some other legislative measures will have to be brought and these questions have also to be thought over.

PROF. MADHU DANAVATE: The Indian Penal Code provides for that.

SHRIMATI GEETA MUKHERJEE: Madhuji says that the Indian Penal Code provides for that, but not all of them.

In the first page of the Bill, in the beginning it is mentioned, "Whereas Sati or the burning or burying alive of widows or women is revolting to the feelings of human nature..." That is quite understandable. Then,

another set of words are added, saying "and is nowhere enjoined by any of the religions of India as an imperative duty". So far so good. But had any religion wanted that as an imperative duty? Would you go in for this? So, the main question is if somebody claims that it is religious, that is no ground on which it should be allowed.

Anyway, coming to the details of the Bill, I will not proceed page to page, but I will go by some topics. First, I will come to this Clause which has evoked a lot of controversy, and it is definitely one which cannot but evoke it.

On Page 2, para 2, Clause 3 says about "Attempt to commit *sati*". Here, the woman has also been given a punishment, or she is put in a situation where she can be punished. My previous speakers—some of them—have already mentioned this, Shrimati Bibha Ghosh Goswami has mentioned and another speaker has also mentioned it. This is a case where actually the woman is the victim. Therefore, she should not be punished. There should not be any provision for punishing her. I strongly feel that that should be the case.

I gave an amendment yesterday for deleting the clause, knowing fully well that an amendment to delete a clause will not be circulated or would be ruled out of order. Even then I gave a notice of an amendment to delete the clause, because that is the feeling which I first of all wanted to be put on record. This is the feeling of all women's organisations. Now, I understand that the Government is probably thinking that some Indian Penal Code provisions are there, that unless some provision for punishment is there for the woman here, the abettors cannot be punished. In my opinion, in that case, those provisions in the Indian Penal Code should be revised. And cases like *sati*, or cases pertaining to dowry death etc., should be taken out from the idea of suicide and

such an amendment should have been there in those Acts, instead of putting here, that for any attempt to commit Sati the woman will be punished. Therefore, since this main amendment of mine is ruled out of order, I would still request the Government to think over very seriously how this can be further watered down.

Shri Dinesh Goswami has made certain suggestions. I also exercised my mind but I am not a legal expert and within such a short time it is very very difficult to come up with anything. Even then, though without withdrawing my principled opposition to the clause, for the consideration of the Government, I am suggesting this.

It is given in Clause 3-

"Provided that the special Court trying an offence under this section shall, before convicting any person, take into consideration the circumstances, ..etc., etc.

There, I would like to qualify the circumstance by the word "compelling" and hope that you will consider. After the "circumstance" it may be put if any as a legal language. I believe that all the circumstances are compelling, because in your own objects, on Page-9, you have stated clearly that this is because in most cases the widow or the woman is compelled to commit sati and invariably she will not be in a fit state of mind or will be labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will". You yourself are saying invariably, she will not be in a fit state of mind. In the proviso also, I think, some reflection of this compulsive circumstances must be there for judging it. I do not know the exact legal language. I feel that the compelling circumstances should be there. If the Minister *suo motu* brings any other amendment, I have no objection. But this idea must be clearly put in it. With regard

to other things, that is IPC. etc., you make a commitment that you will revise the IPC accordingly. Instead of doing the other way round bringing the IPC first, why not amend that itself. This is my first submission with regard to this Clause.

Then in Clause 4 many other - friends have said; some amendments have just now come and I had also given an amendment, that is Clause 4 (d), where the question of 'intentionally' comes. It says:

'participating in any procession in connection with the commission of sati or intentionally aiding the widow or woman in her decision to commit sati,..etc.,

Who will examine, in the mind of the person whether it was intentional or unintentional? Nobody knows. This 'intentionally' should be forthwith taken out from here Sir.

After that, there is another Clause, i.e. Clause 7. There also, we have given an amendment i.e. power to remove certain temples or other structure. Clause 7(1) says:

'The State Government may, if it is satisfied that in any temple or other structure which has been in existence for not less than twenty years, any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person committing sati, by order, direct the removal of such temple or other structure.

Originally, I did not understand this. I sought clarification from Shrimati Alva and she clarified it to me privately that actually two categories have been made.... (Interruptions)

SHRI AZIZ QURESHI (Satna) : Private things should not be discussed in public.

SHRIMATI GEETA MUKHERJEE: Between me and Alwaji, it cannot be such a private affair.

PROF MADHU DANDAVATE: It is between ladies and ladies.

SHRIMATI GEETA MUKHERJEE: Anyway Sir, she would make it public. Why I am saying was that two phases have been separated. One is the Collector, who has been authorised to take any step with regard to the structures which have been built up in twenty years upto now and for the others it is State Government. But, Sir, in this twenty years also, I have an objection. What is sacrosanct about twenty years? There may be a temple existing for forty years. If these things are going on, what is the difference between the two? Therefore, I am for removing this 'for not less than 20 years'. That means, to make it applicable to all temples.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): It applies to all temples

SHRI AZIZ QURESHI: Temples including in West Bengal.

SHRIMATI GEETA MUKHERJEE: Our Government did take steps that the Sati mela is not held. On that day, in a discussion under rule 193 I said that it is not a question of political bickering, but political responsibility is there. Every State Government will have to do something. That is why, I think, this has been put under the purview of the State Governments. I do not know why the Central Government should not have taken the responsibility. Why should it become the responsibility of the State Governments?

Because we want this to be applicable immediately to the whole of India except Jammu & Kashmir.

PROF. MADHU DANDAVATE: It is nationalisation of demolition.

SHRIMATI GEETA MUKHERJEE: On page 2 glorification is being described. This covers a lot. Even then some loopholes remain. Therefore, we have suggested that as far as possible, these loopholes should be plugged. Later on, what the *satiwala* will do, I do not know. We cannot think of those now. We will see what happen at that time.

This question of manufacturing or selling of pictures, pamphlets, videos, cassettes or other material perpetuating the memory of sati or attempting to glorify sati per se may also be included. A lot of business is going on by selling postcards. I do not know how many thousands of postcards are being sold.

DR. PHULRENU GUHA(Contai): It is in lakhs.

SHRIMATI GEETA MUKHERJEE: Yes, in lakhs. Of course, that should be prevented. In our country, lot of people have quite a field day in the manufacture or selling of pictures, pamphlets, videos, cassettes or other material perpetuating the memory of sati or attempting to glorify sati. All these should come under the offence of glorification.

Collecting of funds for glorification has been brought in, but not giving donation. Therefore, giving donation for such things should also specifically be covered, because big donations are given. If they donate, they should also be punished. For example, Birlaji is such a "humanitarian" person that everywhere there are Birla temples. The funds are not of Shri G.D.Birla but company's funds. Therefore, company's

question should also be clearly laid down. They should not get out of the purview of this.

About the vigilance committee, I do not want to go at length because in Amendment No. 19, that we have tabled, we have mentioned that vigilance committees should be set up in every State. It is regarding Amendment No. 19. In it, Mr. Indrajit Gupta, myself, Shri Narayan Choubey, Shri Ramashray Prasad Singh and other peoples' names are there. Regarding the Vigilance Committee, we say it should be specified in the Act itself and not just for rules. Because quite often it happens that even if it is specified in the rules, it is not set up. Take for example dowry. For that, very little has been done.

Another thing which I want to say is regarding the question of the obligation of the Government servants. Many women's organisations have very seriously discussed it. I quite understand — although I could not give any Amendment quickly — that the obligation of the Government servants should also be considered. That is very serious. It may not only be for a District Magistrate or a Collector, or any such person, but also for general Government servants. Therefore, I would say, even if we can't put it in the Bill at the moment, the Central Government and the Minister for Personnel should consider to issue a special directive to the Government servants through their circulars, etc. Of course, they are not always honoured. Take for example circular regarding posting of husband and wife. It is not at all honoured. So even then you have to issue a circular..

SHRI P. CHIDAMBARAM: You tell me how many couples have been brought together? Dozens have been brought together.

SHRIMATI GEETA MUKHERJEE: Dozens may be there. But still thousands are left.

(Interruptions)

SHRI. P.CHIDAMBARAM: Don't criticise us for the sake of criticism.

SHRIMATI GEETA MUKHERJEE: If you tell me, I shall send all those people.

SHRI P. CHIDAMBARAM: Please send.

SHRIMATI GEETA MUKHERJEE: The rules may be there with regard to Government servants' special duty. They should take into cognizance where it is happening.

Certain other Amendments have also come regarding women's organisation and their participation in it. I think that should also be specifically mentioned in the idea regarding the Vigilance Committee.

These are some of the concrete ideas wherein I want Amendment. I would lastly say that it is easy to pass a law like that but it is very difficult to implement. I hope that there will be a unanimous political will to very seriously implement this law. For that you will have to consult the women's organisation afresh to take their opinion if they want any further Amendments in the Bill.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Mr. Deputy Speaker, Sir, I thought that intravention of this Bill will be welcomed by the whole House in one voice and congratulate the Prime Minister for this step. But I was very much astonished to hear from one section of the house that Prime Minister spoke very late i.e. after 20 days on this subject.

The Prime Minister was the first person who publicly and in a very clear terms described this incident as a murder. The oppo-

[Dr. Rajendra Kumari Bajpai]
 sition parties should appreciate and also congratulate the government for their good performance very few occasions come in the life of the nation when we can speak in one voice and this is such occasion. I therefore, congratulate the Prime Minister in particular because a comprehensive Bill has been brought forward after considering the all the aspects. If this takes the shape of as an Act then this Bill will be a great forceful instrument for eradicating the Sati custom. This is the Bill which would increase the dignity and status of women and this will establish that right i.e. the equal right for man and woman which is provided in our constitution.

14.44 hrs.

[SHRI SOMNATH RATH *in the Chair*]

The spirit behind this custom sati has been that the society and the people of her own family considered the woman helpless and used to burn her alive at the funeral pier. To eradicate two custom of Sati, the first law was enacted on 4th December, 1829 and today i.e. on 15th December, 1987 we have to reconsider this matter again. It means that we shall have to take some concrete steps in this direction. After independence this Bill has been brought forward by the government. This has been necessitated because of an incident happened in Deorala. And after that different versions came in the press and it became clear that quite a young, 18 years girl was intoxicated and later on burnt on the funeral pier. The whole nation got *stunned* by this. This was condemned by all institutions, by the women institutions and by men through newspapers. If this was not condemned at that time by any body, he was Shri Kalvi of the Janata Party of Rajasthan unit, who organised processions, public meetings and glorified this custom by telling the people that Sati custom is good. But our party and our leader said in no uncertain terms that this is very wrong. When the

House was discussing the Deorala incident we had demanded expulsion of Sh. Kalvi from the Janata Party but he has not yet been expelled.

The people try to get political advantage even from such occasions. But I am glad that while amending the People's Representation Act, a clause has been added in this Act that any person who abets and glorify it, and sentenced for doing such things, he will be disqualified to contest any election. This is a very good thing. Besides, I would like to say on this occasion that it would be better if this clause is also added in the Divorce and Anti-Dowry Acts in due course because the custom of Dowry has become the problem of every home. As far as the custom of Sati is concerned I neither treat it as the religious thing nor the custom. The custom is that which is adopted by the whole society. The thing which happens occasionally can not be defined as custom. The custom of Sati is a part of the evil customs of the society by which atrocities are committed on the women. Therefore, the stringent measures brought forward to stop this evil are necessary. I fully agree with 4-D of page 3 which states as under:-

[*English*]

"4(2) (d) participating in any procession in connection with the commission of Sati or intentionally aiding.."

[*Translation*]

The word "intentionally" can be removed and I hope that hon. Minister will accept this proposal while replying on the subject because some people may misuse provision therefore, it should be better to delete this word, only then this Act would become effective. I donot agree with the issue raised by the opposition members that a woman who commits Sati should not be victimised as provided in part 2 of the Act.

It becomes all the more important because the women who perform sati must know what the law of the land is. If we consider suicide as a crime, then the woman who tries to commit sati should also face the same consequences. Besides fine one year imprisonment for this has been suggested. The proposed proviso is alright. Besides, history is also a proof. Some people in Rajasthan also told me that a woman is compelled to take opium at time of committing Sati. She is compelled to burn herself. They believe that it would bring name to the family and the woman will be nearer to her husband. They persuade her to become sati by weakening her mind. She is compelled even if she does not want. In order to prevent her from crying and weeping, a lot of celebrations are done and hymns are sung. This is also done so that her cries are not heard. Even then if she tries to run from the funeral pyre she is forced to lay down:

I was told that this happened in Deorala case. I have read in some cases the woman is tied with ropes, beat and forcibly layed on the funeral pyre. Then she is said to have committed Sati. Raja Ram Mohan Roy started a crusade against this. William Benthick enforced a law in 1829 against this. Popular movement and public opinion was built against it in Bengal and the Governor was urged time and again to enact it. Akbar, Jehangir and even Aurangzeb banned it during the Mughal rule. It has never been pleasing. So I would congratulate the Government for introducing this Act.

Besides, the words "attempt" and "birth certificate" are also important. Though the opposition has criticized it but we have accepted it in section 302 of CRPC as murder or suicide.

[English]

"punishable with death or imprison-

ment for life and shall also be liable to fine".

[Translation]

Now it has been strengthened by improving it. It had not been enforced earlier. We have considered the attempt also as punishable offence which was quite important.

At the time of Deorala case there was great hue and cry that the Central Government should make an Act. There was a similar Act in Rajasthan. But some people challenged it in the court and the court also enforced some rules. Now the law is being enacted and it will be enforced in the whole of the country and a notification to this effect will be issued accordingly. It is a timely step. Gandhiji had said that women should not depend on others for their rights.

[English]

"Women must fight for their rights. It would be wrong to imagine that your rights will be given to you or that they will drop down somewhere if you simply sit at home".

[Translation]

The Bill has been passed but it is quite important to create public opinion in this regard. The widow Marriage Act was enacted in 1856 but it has not been implemented properly. The society is not ready to accept the fact that when a girl becomes widow she has to be married. There would be no case of sati if the society accepts it. The constitution provides us right to equality. But woman is believed to be weak and the society pities her. We have to build up public opinion against this to revolutionize these ideas.

Women are fighting against the evil traditions today. But it is not a question

[Dr. Rajendra Kumari Bajpai] concerned only to the women, but to men also. Both of them have to fight against it. It is the prime responsibility of the parents to see that such incidents do not happen. Usually everyone in the society force the widow to die. So this issue does not concern women alone but both men and women.

With these words, I support this Bill and hopes that it will be passed unanimously.

* SHRIMATI N.P.JHANSI LAKSHMI (Chittoor): Mr. Chairman, Sir, I congratulate the hon. Minister for bringing forward this Bill. Nearly one hundred and fifty years ago Raja Ram Mohan Roy, a great social reformer had raised the banner of revolt against the practice of Sati, But, unfortunately even after 150 years of relentless struggle we could not eliminate the practice of Sati. Even to this day, it remains as one of the foremost problems faced by our society. One of the important factors which is keeping the practice of Sati alive is the superstition. Sir, we come to know only those cases which are reported in the press. We are not aware of countless other cases which have taken place in villages and other remote areas of the country. Whatever may be its form, the practice of Sati must come to an end. Now it has become a practice and a tradition to build temples and other structure to perpetuate and glorify the practice of Sati. Sir, now the Govt. is taking steps to ban the construction of temples and other structures to glorify Sati. But how about the existing temples? These temples constructed long ago continue to provide a sort of inspiration for practicing Sati. Hence action must be taken against the management of such old temples also. It is necessary if we want to avert the evil influence of these so called Sati temples. Similarly photos, cassettes etc. which publicise and glorify Sati should also be banned. Sir, at present Sati is being

treated as a bailable offence. It should not be so. This practice must be made non-bailable offence. I hope, the hon. Minister would take note of this point.

Sir, the practice of Sati is evident only in Northern India. It is not heard of in South India. It shows how backward the women in these areas are. They are backward economically and socially and also educationally. We must feel sorry for their condition. Sir, it is unfortunate to hear that even in the State to which a Prime Minister who ruled the country for 14 years belonged, this evil practice is still being continued. One feels sorry to know such a bitter truth. A lot has to be done to rescue women from the shackles of poverty and ignorance.

Sir, Vigilance Committees should be constituted at the village levels to effectively counter this evil practice. Social workers, gram sevikas and teachers should be the members of such Committees. There should be an apex Vigilance Committee at the district level to coordinate the activities of vigilance committees. I hope, the Govt would take steps in this direction.

Sir, if this practice is to come to an end, it is necessary to instil courage and confidence in our women. Efforts should be made to make the women to stand on their own legs. Only courageous and confident women can bring this evil practice to an end. The Govt should take necessary steps in this direction. Sir, mere passing of this Bill is not enough. Simultaneously, we have to take steps for its effective implementation of the Act. I hope and trust that the follow up action would be taken at all levels to bring this evil practice to an end.

With these words I conclude my speech.

* The speech was originally delivered in Telugu.

15.00 hrs.

[English]

DR. PHULRENU GUHA (Contai): I rise to support the Sati prevention Bill 1987.

I hang my head in shame that in the year, 1987 we are going to pass this type of Bill. Are we going back to the 19th century instead of marching towards 21st century? Are we marching backward? Of course, not. It is an act of the few who do not want India to march forward. They do not want India to be united. They do not want national integrity. They do not want that the Constitution of India is to be honoured or is to be followed. They are against the progress of India. But they themselves like to enjoy all the technical and scientific development of modern India. Today we are witnessing the growth of religious fundamentalism and communalism in our country. India is a land of diverse cultures and rich with a variety of traditions. But, unfortunately there are still some very orthodox people in their personal life and who enjoy modern development in their social life. There are some people still with outdated orthodox beliefs. Most of them believe in it for their own selfish purposes. They do not want the freedom of women. They want that women should only obey them. Women should not have any individuality. They should obey and nothing else.

SHRIMATI MARGARET ALVA: Even after they are dead.

DR. PHULRENU GUHA: What do we see in actual life? I may mention the Sati worship of the Hindus from a long time. But, according to Hindu mythology and religious belief, Sati, wife of Shiva was worshipped because Sati is supposed to be a very devoted wife who could not hear abusing her husband by her father. Hindus worship Sati, wife of Shiva but not a woman who is forced to be burnt with her deceased husband. In

course of time, crazy people have changed one Sati for another Sati for their own selfish reasons. It is a matter of great sorrow that steps taken by Raja Ram Mohan Roy in 1828 are required to be taken again in 1987. The history of more than 50 years ago is being repeated. During these many years, unfortunately some of our people are not able to come out of their superstitions and of their orthodox beliefs. We have to find out the real cause behind Sati practice. That is for the purpose of getting the property and wealth of the widow. It is done with economic and financial motives of the relatives. Some villagers are also responsible for the glorification of Sati because they want to help the people who are for the wealth of the widow. According to the property rights of Hindu family, if a man dies without a child, the property goes to the widow. So, if a widow is killed, the property will go to the nearest kith and kin. There are some people who respect property more than the human life. That is the tragedy. We are still suffering from that disease. Here, I would like to suggest that there should be a mass campaign against Sati. In this connection, it is to be remembered that Raja Rammohan Roy played a great role to create necessary climate by his mass campaign and the mass education which he undertook at that time. It is quite unimaginable that during that time he campaigned and educated people against this sati practice.

In this Bill on page 2, in Clause 3 and also in Clause 5, there is a provision for punishment and I feel strongly that one year's punishment is not enough. If the person is guilty, it should have been at least three years. What is the meaning in imposing a punishment for one year only? If person is not guilty, no punishment is to be given. (Interruptions)

Further, the Bill should include punishment for manufacturing certain items regarding Sati. I find that they have given

[Dr. Phulrenu Guha]

amendments in this regard. But before seeing that, I have included this. I would suggest that this should include punishment for manufacturing and selling of pictures, pamphlets, video, cassettes or other materials produced in memory of a woman who is killed in the name of Sati. This Bill should have included this aspect also. This Bill should also have included that offences committed under the Act should be cognisable and non-bailable. Donors must also be punished.

At the end, I would like to say that we all must try to bring about a social revolution and root out conservatism and fundamentalism in our country. It is not the question of women's right only. It is our national honour and our human existence as a nation. There is absolutely no doubt that majority of our people in India, belonging to any political party, any caste, any religion, will join hands in this crusade against sati to discharge their supreme responsibility towards our Constitution and towards the dignity of our women.

Before I sit down, I would like to request Mrs. Alva that the Ministry should go through the Bill once again later on. Today, we must pass this Bill, no question whatever it be. But later on, they should go through the Bill and elicit the opinion from the various organisations and come to Parliament with necessary amendments.

Lastly, I would like to say that vigilance Committees should be set up not for this Act alone but for all other social legislations such as the Dowry Act, the immoral Trafficking in Women Act etc.

With these words, I support the Bill.

[*Translation*]

SHRI UMAKANT MISHRA (Mirzapur):

Mr. Chairman, Sir, I welcome the Bill which has been brought against the Sati practice. This cruel practice was prevalent in our country some three hundred years ago with the efforts of the great social reformer Raja Ram Mohan Roy the Sati practice nearly came to an end, though some incidents used to occur, even then. Recently the country was stunned when Roop Kanwar was burnt alive in Deorala. We felt ashamed before the world. I welcome the Bill because it is being brought forward in such circumstances. Some fundamentalists in Rajasthan are trying to get political and economic mileage out of such cases. We, therefore, strongly condemn them. I would suggest that if there are any loopholes in this law they should be plugged and it should be made more effective. India is a multi-religious country and there are many religions throughout the world. Many such practices which are evil are general linked with religion. That is why people are neither able to understand the religion properly nor are they able to interpret it. Nobody bothers about the definition of 'Dharma' as given in the Hindu scriptures. Vyasji has said in Mahabharata: "*Dharanad dharama Itiahu, Dharamo dharyati Praja.*" It means religion is that which can support the society the country and can lead man to progress. Karanad Muni has also said. "*yato bhuday Ni shreyas.* Religion is that which can provide comfort and prosperity in this world and peace and salvation after death. Religion does not pertain to any function as such. We never try to understand the definition of religion as propounded by these great men but misconceive religions with traditions, fundamentalism and superstition. Religion is meant for man and it is supposed to safeguard the interest of the entire mankind and not harm even a single person or a class of people. If religion arouses hatred between two persons it is not religion but an evil. Therefore, there is need to change the definition of religion in modern times. Just as man, society, nation and history changes with the passage of time similarly change in

the definition of religion is essential. Old scriptures contain same positive as well as negative features. The negative features which have become irrelevant in the present day circumstances and therefore should be shunned. We shall have to change the negative concepts. The great poet Kalidas has said, "*Puranamitiven Sadhusarvam.*" It means that man should accept old concepts if they are in his interest. Our old scriptures do not contain good concepts alone. There are many negative concepts also. For this we shall have to study our religious scriptures in the present day context and create a new secular religion, a religion for the entire mankind which would help in the progress of the nation and the society, so as to improve the human life.

Religion in India has undergone change from time to time. It has been defined by many great saints. We shall have to study those tenets of our religion once again which made us spiritual leaders throughout the world and which were meant for mankind. That was the true religion. Whether it is Hinduism, Islam, Christianity or any other religion, the external form; the ostentations, the evil customs, and the dogmatism is eating into the vitals of our religions. A religion which does not serve the interests of making cannot be called a religion even if it is written in the religious scriptures. We shall have to make the necessary amendments if it is so. Whatever is against humanity is not religion, but sin. We must give freedom so far as faith and belief in a particular religion is concerned. Our Constitution and law is our religion today as it is relevant and beneficial for the society.

It was pointed out during the discussion here that out of the five Shankaracharyas in the country the Shankaracharya of Puri supported the Sati incident while the rest of them did not comment on the episode. I think *Smritis* occupy an important place in our society. Out of the 24 *Smritis* only 4 are

considered authentic. *Manu, Yagvalkyā, Narad* and *Parashar*. I have studied all the four *Smritis* thoroughly but nowhere has it been mentioned that after the death of the husband; the wife should also sacrifice her life or die on the funeral pyre of her husband. Instead *Manu Smriti* and *Yagvalkyā Smriti* have recommended cohabitation for childless widow after the death of her husband so that she can lead a happy life thereafter.

Devradha Sapindadha Striya Samyangniyuktaya.

Prajapistadhigantavya Santanasyaparikshye. (Manu 59, Chapter 9)
if a widow is childless she can bear children unto the younger brother-in-law and thereby lead a happy life after the death of her husband. It has nowhere been mentioned that the widow should burn herself on the funeral pyre of her husband.

Manu Smriti also says:

*Yasya Mriyet Kanaya Vacti. Satye Krite Pati,
Tamnen Vidhanen Nijodvindet Devarah*

(Manu 69, Chapter-9)

It has been mentioned in Shaloka 59 of chapter 9 that after the death of the husband a girl can have children from agnate younger brother-in-law. *Yagvalkyā* has also made similar observation in the chapter relating to marriage:

*"Aputram Gavarnogyato deverah Putra Kanya.
Sapindova Sagotrove Ghritamyukta Ritaviyat."*

Yagvalkyā has thus supported *Manu*, whereas *Parashar* and *Narad* have not only made provision for the marriage of wife after the death of the husband, but also if the husband is impotent or becomes a *sanyasi*

[Sh. Umakant Mishra]
or is a fallen man.

*"Nashte, Mrite Pravarjite, Klibechptite
Patto.
Panchsvapatsa Narinaam Patiranyo
Vidhiyate"*

Any caste Hindu woman or non Hindu woman can go in for second marriage in the event of death of the husband, or if the husband is impotent or has become a *san-yasi*. This has been categorically mentioned in *Narad* and *Parashar Smriti*. Manu has also stated what a woman should do after the death of her husband. Shaloka 32 of chapter 4 of *Parashar Smriti* says: "Bhaattrim Ya Nugachatti." The woman who remembers her husband will live in heaven for many years, but this is not applicable to a childless widow. Two types of provisions have been made. One for the childless widow and the other for widow having children. All *Smritis* recommend child bearing for childless widows, whereas a widow with children must follow the path of celibacy besides, the ideals, and conduct of the late husband and try to mould the children accordingly.

It is totally wrong on the part of preachers of religion to misinterpret these *smritis*. Often they speak lies in this regard. Only after fully understanding these scriptures should they make statements otherwise they don't deserve to be preachers of religion.

PROF. MADHU DANAVATE: Don't quote *Manu*. He had assigned a lower position to women, prohibited them from marrying again and had stated that if lower castes undertake the study of religious scriptures, lead should be stuffed into their ears.

SHRI UMAKANT MISHRA: I have already said that we should renounce and reject whatever is bad. Manu has also stated:-

*"Yatranaryastu Poojyante Ramante
Tatra Devta.
Yatretastun Poojyante Sarvasrafala
Kriya."*

Manu has assigned highest position to the women in the society. According to him gods live there, where woman is worshipped whereas all activities become ineffective in places where women are maltreated. We find instances of Gargi and other women who were highly respected in their own times in our scriptures. Decline of women started from the medieval period. I welcome the steps that the Government has undertaken to improve the lot of women and also support this Bill. I congratulate the Government and the Hon. Prime Minister for bringing forward a Bill against Sati practice. With these words, I conclude.

SHRI RAM BAHADUR SINGH (Chapra) : Sir, the burning of widows alive is a symbol of degradation of women and their utter neglect. It is a symbol of our barbarism and ruthlessness. But it is an irony that there are also such people in the society, who describe these heinous crimes to be in conformity with religion.

I believe that any religion allowing such heinous crimes cannot be termed as a religion. If people think that it is still a religion there should be no objection to the destruction of the books which preach such a religion. But the wicked people having faith in such heinous crimes bring forward new arguments and cite examples in support of their contentions like the right to commit suicide. But they don't understand the conditions under which a person commits suicide. Suicide is attempted by a person when he loses all hope in life and is totally dejected. If we lend support to the demand for the right to commit suicide, then it means that covertly we are leading support to the ruthless system which has compelled man to demand such a right.

Burning alive women is a symbol of denial of freedom to them. I believe that exploitation is being done on the basis of sex throughout the world. In the most advanced country of the world also, men have got more rights than women, but the exploitation of women on the basis of sex can be seen in our country in the worst form. Shri Mishraji has said"-

"Yatra Naryastu Poojyante, Ramante Tatra Devta."

This is only preached. Not a single word of it is practised. From the day of her birth till her death, Indian women is neglected all along. The women in India are exploited, insulted and neglected. The birth of a male child in a family in our country is celebrated and there is lot of rejoicing. Sweets are distributed. But the birth of girl brings despair to the family. In spite of all this we make tall claims in this august House that women are worshipped in our country. What provision is there in the *Manusmriti*? A girl will remain under her parents, supervision before her marriage, under her husband after marriage; and after her husband's death she, can be burnt alive or will have to lead a life of widow. Is this the fate of our women? To see a widow's face is conceived to be ominous in our country. Nobody wants to see the 'face of a widow before starting a journey, just because it is believed to be inauspicious. What can be more tormenting than keeping a widow away and aloof from the main ceremonies at her son's marriage she is not allowed to participate in it and, can just stare at the things. Not only this, she does not even have the right to welcome her new daughter-in-law.

Maltreatment of women in our country is an endless story. What to talk of two hours, even so many hours will be insufficient for such a discussion in the House.

The plight of women in our country is really miserable. There is no proper ar-

range ment of even public toilets. Families having their own private toilets are also very few. So, women have to go on the paths outside the villages for this purpose. There too they are restricted to go either before sun-rise or after sun-set. So much so that they cannot go during for nature's call. They are forced to lead such a degraded life. Even then we claim that we are civilized, making rapid progress and going to enter 21st Century.

Not only this, eyes of half of our population are affected badly by the smoke due to the lack of smokeless stoves

Now, for instance let us take the right to property. The daughter has no right over her fathers' property. She attains this right over her husband's property only after his death while it remains that of her husband's right during his life time. Generally, it has been seen that this right, remains on paper, whereas practically the property is transferred to the son. The husband is responsible for providing basic necessities of life to his wife. But, after his death, her identity card and ration card are cancelled. Even the Government does not sanction loan to the wife during her husband's lifetime. This is what is happening in our country. Nothing fruitful is to be gained until some solid and strong steps are taken against these things.

Unless we treat it as a national problem and get rid of all the prejudices and start a movement against it we cannot solve these problems.

Further, I would like to ask a few questions regarding this Bill. There is not provision in this Bill to encourage those who help in restraining the people to commit such heinous crime as Sati. If such a provision is not made no woman organisation or person will ever make efforts to stop such crimes. Besides, the Government has not considered it as cognizable offence. If it were so, there

[Sh. Ram Bhadur Singh]

would have been the provision of non-bailable warrant. But there is no such provision in the Bill. The Home Minister had assured that he would seek the opinion of woman organisations in the country before introducing the Bill in the House. But he is guilty of breaking his promise by not doing so. I will not oppose this Bill at this stage because it will delay the matter but ever then I would urge you to utilize this opportunity. You must elicit opinion from all the woman organisations in the country after passing the Bill and be ready to make amendments if there are any.

Now I would like to appeal to people of that community who are supporting this practice and are brandishing swords perspective. They do not look at it from the proper historical perspective. This is the main cause of its turning into an evil. They must know that this is not a Sati practice as such. This system started during Mughal rule in Rajasthan. Women burnt themselves for the sake of their honour when they knew that their husbands died in the battlefield. It was Johar system. I would like to ask those brandishing swords that are they so weak, impotent and coward that they cannot even save the honour of the widows of their family? If they can, they will have to raise the sword, the Sati practice itself.

With these words, I conclude.

SHRIMATI MANORAMA SINGH
(Banka) : Mr. Chairman, Sir, I fully support this Bill, brought by the government. The Government has taken an important step for the protection of women by bringing this Bill. Crores of women of our country will have the right to live with respect as a result of this measure.

The provisions made by the Government in this Bill are very important. The incidents of Sati which occurred in Deorala

today or also earlier, had one thing in common. There was an important factor of property behind them because after the husband's death, the relatives and family members consider the widows as a burden and therefore want to kill her, so that they have the right to her property. Raja Ram Mohan Roy opposed this custom, in Bengal when his sister-in-law Alok Manjari Devi was forced to commit Sati.

He was deeply moved by this incident and he took this brave step. Surely, women are worshipped in India, but it is a matter of concern because they are worshipped after death, and not when they are alive. The woman is treated as goddess..But what is this custom of worshipping her in the Sati temple after she commits Sati. We are trying to eradicate this social evil and its glorification through this Bill. It is a very important step in this direction. I appeal to all parties, to cut across the barriers of caste, community and creed and support this bill, thereby strengthening the Government. Every woman is someone's mother, sister or daughter and therefore everyone of us should support this important Bill which is protecting the rights of women.

Mr. Chairman, I will like to submit two-three points. Firstly, Deorala incident happened due to very low propagation of education in Rajasthan. Women are illiterate there and that's why these type of incidents happen there often. Social organizations and women organisations should be involved and the conscious people of that region, that community should also be involved in this work. The most important thing is that through T.V. and seminars, public opinion should be built against the Sati practice. Laws in favour of women should be given wide publicity in villages. The women in every society should be made aware about their rights. Such incidents will always occur with them unless they are not aware of their rights.

Secondly, when the Deorala incident happened, what were the officials doing there? This law is made for those who encourage or glorify Sati but what has been done regarding those officials who were watching the spectacle? There should be strict action against them. They should be suspended from service. Strict punishments should be given to the village level employees and police officers. By bringing this Bill, the Government has taken an important step in protecting the women. Thirdly, I would suggest that there should be no age-bar for those widows who want to eke out a living by doing a job or business.

With these words I conclude and thank you.

SHRI VISHNU MODI (Ajmer): Mr. chairman, Sir, in a far off village in our country, innocent girl of 18 years was burnt alive. All the political parties, women's organisations and mainly the media in the country reacted sharply and it led to an open discussion as a result of which today we have brought a Bill which seeks to ban this social evil. I agree with Dr. Rajendra Kumari Bajpai that the Sati Custom may have been an ancient custom but now there is no such custom. Deorala village, where the incident occurred, is 30 kilometres from my village. All such incidents occurred within the range of 30-40 kilometres of Neem Ka Thana sub-division, where I live. 80-85 percent of sati cases in Rajasthan occurred in this area. I congratulate the hon. Minister and the Hon. Prime Minister for having brought this Bill which seeks to ban this evil practice after due thought and consideration. But so far as the word Sati is concerned we have to go back into history. The meaning of sati was truth and penance. The reference to satis in our scriptures—whether Sati Savitri, Sati Sita, Sati Anusaya, Sati Urmila, Sati Uma, Sati Usha or Sati Ganga has no mention of any one of them being burnt. As my predecessor said that Shiva's first wife was Sati, but she

was Sati only by her name. No temple was raised on her ashes. (Interruptions) She was not a widow, she did not commit Sati on the pyre of her husband. Since Lord Shiva was insulted, she burnt herself. So far as the word Sati in our scriptures is concerned, I want to submit that sati means truth and penance. The Agni Pariksha through which Sati Sita went, was only a test. She was not burnt. So, to say, that the word Sati is not related to our scriptures, will be injustice to Hinduism. According to the bill, the definition of Sati is any —widow or woman who is forced to burn herself or buried alive....In 1829, when the bill came in Bengal, the people in the name of religion tried to politicise the issue and the same is being done even today. In the name of religion, a great leader of our country we shot dead. But have we brought any law against the practise of taking "Amrit"? So far as Sati is concerned, this word signifies truth and penance in our culture. It is associated with religion. Some people are defiling it. They are burning widows for socio-economic reasons. In order to save themselves from such heinous crimes they use the word sati.

So far as my knowledge of history is concerned, one collector in Bengal had written to the Governor General about this practice and this is how this word came into the notice of the British Government. The Anti-Sati Act was then passed in 1829.

Sir, I want to submit that in our scriptures the term sati is associated with truth and penance. In other words, it is linked with religion. Let me cite an example. In Jodhpur, there is a widow who lived for 40 years after her husband's death but never took any food and survived on water and air. A few days before she died, she had even left drinking water. She died recently. In Rajasthan earlier, only a few women were involved in women's organisations but since the Deorala incident occurred women in large numbers are joining them. There is a Sati temple

[Sh. Vishnu Modi]

at Wala village. The district collector issued orders to confiscate all offerings made by the people in that temple. On the top of that, orders have been issued to restrict people from going there. I belong to this area. When I got married, I and my wife were made to offer prayers in the Sati temple according to traditional rites, as is the practice in our area before entering our house. During the festival of Deepawali the women here drink water and eat food only after worshipping Sati Devi....*(Interruptions)* Some of them are Sati Sita, Sati Savitri and Sati Urmila. Do you want to restrict people from worshipping them? I think the people are afflicted by this....*(Interruptions)*....

Mr. Chairman, Sir, I feel that so far as the question of burning anyone alive is concerned, it is a heinous crime and therefore, it should be condemned strongly. I think that the Deorala incident was horrible and barbaric. But, I believe that you cannot deny that the word Sati signifies truth and penance in our scriptures.

I am not opposing the Bill which you have brought and which provides for awarding stringent punishment for burning widows alive. I support it and would congratulate and thank the hon. Minister for bringing this Bill. In addition to this, I want to submit that the misinterpretation of the practice of Sati during the British Rule should not be repeated. We should not play with the sentiments of one particular community. Efforts are being made to eliminate one community from the mainstream and this community is not only residing in Rajasthan alone but in all the four directions in the country. Besides, the issue is also being politicised. I want to request that decisions should be taken after due considerations so that it can safeguard the interests of the country.

With these words, I thank you.

[English]

SHRI N.V.N. SOMU (Madras North):
Mr. Chairman, it is very sad that religious fanaticism, communalism and orthodoxy are raising their ugly heads again. It is only because we have not used effective reforms in various fields that they are raising their heads again. After independence, no radical measures were brought. Dr. Bal Ram Jakhur, the hon. Speaker and MP from Sikar Parliamentary constituency in which Deorala, the 'Sati Sthal' falls has expressed the view that the unfortunate incident could have been avoided if the Government agencies had acted on time. I endorse the view. The Speaker is reported to have said like that. This government is secular but at the same time, it should not patronage any particular religion. One Minister is reported to have welcomed the screening of Ramayana on television. If you patronise a particular religion, how is it possible to curb the superstitious ideas which are prevalent in our country?

I read in the newspaper with a lot of agony that three lakhs of people attended the sati ceremony. It seems that superstition is deep-rooted in North India. Legislation only is not going to be sufficient; effective education, social reform and propaganda is needed more. Prevention is better than cure. Legislation is only an injection, but social education is inoculation. This Government is only giving injections instead of applying inoculation. I request the hon. Minister to think of inoculation and that will definitely deter the people from doing all these nasty things.

In South India and particularly in Tamil Nadu, due to the effective propaganda of Periyar E.V. Ramaswamy, the mentor of Dravida movement, no such things have happened there. Periyar and Dr Anna paved the way for women liberation, equality and respect. The title 'Periyar' was given by the

women of Tamil Nadu for his untiring tirade against the social evils. Therefore, effective education for women is very important.

My leader, Dr Karunanidhi, even thirty years before as a play-wright in a Tamil picture Devaki said in Tamil, which in English means that the superstitious idea that women should confine only to kitchen and bed room is no more valid now she is flying abroad for education. That is the change of time. He wrote like that even thirty years before. Therefore, women education should be intensified and religious instructions should not be taught in colleges and schools.

Prof. Madhu Dandavate is reported to have said that if there exists any scripture containing sanction of sati, he would not hesitate to burn it in public. I welcome this and I join him in this.

In Tamil Nadu, our late lamented leader, Dr Anna, while he was the Chief Minister, legalized all self-respect marriages retrospectively. Such social reforms should be introduced throughout India.

Government abolished privy purses in 1971, but still we have some fiefdoms—we have one maharaja here and one maharaja there. Since sati is primarily the royal martial custom, it can be effectively controlled and curbed when you wipe out these fiefdoms by deconcentration of wealth.

Not only effective implementation of legislation should be there, but to make this legislation more effective, there should be vigilance committees everywhere. These should be constituted in villages and everywhere so that they can check the recurrence of these nasty things and should help in the prevention of such heinous crimes.

[*Translation*]

SHRIMATI USHA CHOUDHARI (Amravati): Mr Chairman, Sir, I would like to speak in my mother tongue Marathi. today I am reminded of late Shri Rambhau Mhalgi, the opposition Member who used to speak in Marathi in this House, I lend my full support to Commission of Sati (Prevention) Bill which is the result of the commitment and efforts of our Prime Minister and Government.

In the preceding speeches, many references were made to mythology and religious scriptures. But a woman who is aspiring to enter the 21st century, an ordinary woman in a village who is confined to the four walls of her home but who is anxious to move into 21st century is not bothered about what Manu says or what the teachings of the religion are. She is concerned about the treatment she receives at the hands of her husband, son or the society. That is why there is lot of difference between the expectations of woman in olden times and the expectations of women of present times who are standing on the threshold of the 21st century. The questions that the women of present times are posing are entirely different.

When Raja Ram Mohan Roy saw a women's hands and feet being tied down and then thrown into the funeral pyre, tears rolled down his cheek. It led to a revolt in this country and created great social awakening. Sati prevention Bill was passed and the evil was eradicated at that time. But the incident which Ram Mohan Roy saw cannot be compared with Deorala incident. The movement which Raja Ram Mohan Roy led created a stir in the country and led to wiping out of this evil. But it is regrettable that even after 40 years of independence and in spite of all progress in the sphere of education and

* The speech was originally delivered in Marathi.

[Shrimati Usha Choudhari]

many other fields, a young girl was thrown into funeral pyre in Deorala and the society remained a silent spectator. Though we have vigorously implemented 20 point and several other programmes of social welfare, yet there is a section in our society which is bent upon exploiting the poor masses and indulges in corruption and obstructs our progress. We are taking several measures for the upliftment of adivasis. We have Ministry of Women's Welfare. Even then women are burnt. It only means that there is a section of society which is creating dissension and coming in the way of progress. These obscurantist forces make a political capital of certain issues and we must deal with them very firmly.

A member of Opposition was questioning the achievement of our Government. The measures that our Govt. has taken for the upliftment of weaker section since independence is in fact a separate topic of discussion. Ever since I became the Member of Parliament. Our departed leader Smt. Indira Gandhi appointed many Committees for amending anti dowry and other laws. After a lot of study, these Committees suggested amendments in order to remove lacunae in those laws.

I am sure that these problems cannot be tackled with the help of laws alone. An ordinary women who has to live with traditions and religious customs always thinks as to why any honour or credit always goes to man whereas any exploitation sacrifice or injustice has to be tolerated only by women. Sati practice is one such evil to which women were subjected. Women are always considered as burden to family. One has to give dowry if a girl is to be married. If the financial position of her parents is poor, she is victimised. Cruel and inhuman treatment makes women utterly helpless and then they have to become devdasi or adopt manbhav cult. Economic deprivation is the sole cause

of her misery and the cruel society under the name of religion and custom subjects her to untold harassment which finally leads to her death.

I request hon. Minister Smt. Alva to take note of this plight of women. I may point out here that hon. Minister during the last 5 years was on many Committees which were considering amendments to several legislations and made a valuable contribution as an alert member and guide.

Recently I visited a hospital. A women patient told me that Deorala incident had attracted a lot of publicity through press and other media. A Bill was also going to be passed by the Parliament. But what about those hundreds of women who are burnt for dowry or on account of some other injustice everyday. Who will ventilate their grievance and find a solution to their miseries.

Now I would like to express my opinion regarding some of the provisions of this Bill.

It is mentioned in the Bill that a women who commits Sati would be punished. I am not prepared to believe that a women would voluntary commit Sati by blindly following religious and social customs. Therefore, while we are applying this provision we must be very cautious. We must make a distinction between suicide and murder. Killing a women by drugging her and she herself committing suicide are two different things. It is possible that the provisions of this Clause may be misinterpreted and in laws or the relatives of a widow may shirk their responsibility by saying that she herself committed suicide and they were not responsible. It has also to be remembered that women in our society cannot be courageous enough to make a public statement that they were harassed by their in-laws or relatives. Therefore, it is necessary to make this Clause more clear.

Under Clause 7 of this Bill power of demolition of any structure or temple has been given to State govt. I may point out that Sati memorial is not confined to temples alone but some rich people support this cause and many forms of Sati memorials market. Therefore the State Govts much carefully find out whether there is Sati idol in such buildings and take appropriate action. If it is not possible to demolish such a structure at least its nature should be changed.

I welcome the provision regarding special courts. I only like to request that many women should be appointed as judges and members of this court. If such courts are dominated by men, I am afraid women will not be forthcoming in giving their explanation.

16.00 hrs.

An hon. Member of the opposition suggested that this offence should be treated as non-bailable offence, I fully support this suggestion. In many rape cases the criminals went scot free because it was a bailable offence. Therefore, in respect of this offence it must be treated as a non-bailable offence.

The provision regarding holding representatives of the people as responsible in the event of their involvement in such an offence also deserves to be welcomed:

I am very thankful to the women's organisations who highlighted Deorala incident and mobilised the public opinion throughout the country.

As I pointed out earlier economic deprivation is responsible for the plight of women. Therefore, it is necessary that women enjoy the share of their husband's or father's property. The laws must be made more stringent so that women are not deprived of their due share in the property and they do not lose

their source of livelihood. If this is ensured, I am quite sure all the crimes like prostitution or killing the women will be stopped.

While discussing this Bill we should not make political capital of any issue. I again request the hon. Minister to conduct full enquiry into Deorala incident and punish the culprits. If publicity is given to this I am quite sure it will be more deterrent than any law and it will create the impact in our society.

With these words I conclude my speech.

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad): Mr. Chairman, Sir, I do not want to deliver a long speech but by restricting myself within the ambit of the Bill, I want to offer two or three suggestions. There are no two opinions regarding the fact that the practise of Sati had never been a part of the Hindu religion. It was just a convention which was discouraged during the time of Raja Ram Mohan Roy and subsequently a law was made to ban its practice. Since then, some isolated incidents of Sati have been occurring once in 4 or 5 years or even 10 years. The Deorala incident has not only shaken the people of this country but also of the whole world. I want to inform the hon. Minister that dowry deaths and bride burning are similar heinous crimes which occur in our country everyday. We come across incidents of bride-burning quite often. Sometimes women are tied with ropes and at other kerosene is poured over them. Therefore a comprehensive Bill should be brought in this regard. I think that if awareness is created among the women in our country and a sense of responsibility develops in them once this law is passed, then perhaps these incidents of sati will never occur anywhere in the country in future. I hope that after the Deorala incident, the people in our country will seriously think in this direction and ensure that it does not recur. Therefore, I demand that Government

[Dr. Chandra Shekhar Tripathi] should bring a comprehensive Bill in this regard, so that hundreds, of widows like Roop Kanwar are saved.

There is wrong practice in our country. Everyone in our society including our leaders are responsible for perpetuating it. We frame very stringent and deterrant laws no doubt, but in every law, there are loopholes. It is like locking the gates of a prison and keeping the windows open. This enables the criminal to run away and move about freely in our country. I will cite an example. We passed the anti Dowry Bill in the House some time back and all of us strongly supported it. There is a provision in that Bill that if a politician is involved in a dowry case he will be barred from contesting elections, but there is no provision for the bureaucrats. I.A.S. I.P.S. and I.F.S. officers have been exempted and they can ask for any amount of dowry. After all, why do we allow them to play with our laws? Why are there so many loopholes? Our Constitution guarantees equal opportunity to all. If this is our aim, then we should make efforts in this direction earnestly.

I am glad that Section 8 of the People's Representation Act has been amended to provide for barring a politician from contesting elections for 5 years in case he is accused or found guilty of being associated with the sati incident. Sir, I think that this provision is also inadequate. I want that such politicians should never be allowed to contest election throughout their life time. Besides, there should be a provision that if a retired officer is involved in a sati incident his entire pension should be confiscated. If an officer serving in the Indian Administrative Service is involved in such an incident, he should be dismissed from service. Our laws should not be discriminatory. The legal system should provide similar punishment to all for similar crimes.

Great scholars, experienced and capable persons from all over the country are present in this august House but I regret to say that even today we extend such suggestions which encourage discrimination. If hon. Choudhuriji does not take it otherwise, I would like to suggest that an atmosphere conducive to national harmony and integration should be developed so that Hindus have faith in Muslims, Muslims have faith in Hindus, the Scheduled Castes have confidence in the Thakur Community and there is mutual harmony among other communities also.

Country will disintegrate if the demand is made that the cases of particular castes or community should be heard by the judges belonging to their respective castes or community. Country will then be torn to pieces and the talk about national integrity will be reduced to a joke. Sir, very humbly I submit that after becoming members of this august House, all of us must treat whole of the nation as our country and all the people as our brothers and sisters. We must develop confidence in each other. It is really painful to think that one could get justice from the judge of one's own caste or community. It is most unfortunate if we make such statements in this august House.

Sir, we are here making discussion about special courts and I say with confidence that setting of special courts do not matter at all in the country, it only matters that Sati incidents do not occur in future. So Special Courts may not serve any purpose if the cases will not be there for hearing. In the absence of time-bound execution of laws we are not able to exercise a check on bride burning, dowry death and other such incidents, so if the Government wants to set up Special Courts, then all these things should also be brought in the purview of Special Courts. Sir, I would like to highlight on incident which reflects an attack on judiciary. It is in English. It's translation may distort the

meaning, therefore I will tell it in English only:-

[English]

[English]

A gentle lady went to a Judge and complained that her husband had beaten her brutally by disfiguring her face. The Judge looked at her face and asked her: "Gentle lady, when did this incident occur?" The lady replied: 'Sir, today.' The Judge told her: "There is no mark of injury on your face'. And the lady replied: 'Sir, I have got two witnesses.'

Now, the entire story is based, in our democracy and our judicial system, on two witnesses, and it is very difficult for anybody to produce two witnesses, on whose evidence, that accused may be punished. So, that is the difficulty we are facing in our day-to-day lives, as regarded the implementation of the various laws framed by this august House.

[Translation]

Sir, I would like to State one more thing, please give me one minutes more. There is no justification for giving rewards to Police by State Governments for apprehending some big culprits by them, because it is their duty to check crimes and apprehend criminals and for this only they are provided with all facilities and salary by the Governmer. But no provision has been made in this Bill to provide for giving reward to any brave village boy, who might risk his life or receive such injury which crippled him, in preventing such incidents, if the Police and Collector are informed late because it is not his duty and provision must be made for rewarding persons who take initiative to prevent Sati.

It is a long story to State as to when and how Sati system came into existence. I thank you for providing me an opportunity to speak on this topic.

SHRI PIYUS TIRAKY (Alipurduars): I support this Bill. But I wonder on the wisdom of this government because the government is expecting that such cases will come in the near future and again and again. In this Bill a provision is there to give punishment to the guilty persons who have committed an offence or who are likely to commit an offence or abetment has been done or something like that has been done; it will be done only after the commitment of an offence. But the government should know that it is not a preventive Act; it is supposed to be an Act which is coming now and will punish the guilty persons, that is all. Now that will continue just like any other crime. This is the wisdom of the government. If the government had any wisdom they would have brought a preventive Act which would prevent an action. Government should first commit that no funeral right would be performed without the presence of the police. You could have said like that. But there is nothing like that. ..that is why I am not speaking on the Bill; I am speaking on the preventive measure.

The social custom, this sati is followed by the religious background, social background, sometimes the *pratha* also So, how to prevent this *pratha* which is coming out of social background, religious background and some *prathas* also? So, the government first should bring out such measures which should prevent all these *prathas*, how to check that these *prathas* should not occur any more. This is the first and the last what has been happened in Deorala. In that way, government should first bring out preventive measures how to check them.

Take the case of a marriage system. Suppose both the lovers die. Who will be punished then? That is also a kind of *pratha*. So, there is social discrimination. I fall the marriages today are registered in the court,

[Sh. Piyus Tiraky]
then there will be some preventive measure. Legal marriage should only be allowed when they are registered. Then perhaps dowry *pratha*, other *prathas* and so many social systems can be checked. This Bill will punish the culprit only; it will not prevent an act to happen. That is why you have to bring preventive measures so that these incidents would not occur in India at all and the Deorala incident is the first and the last one. So, you should bring a comprehensive Bill for all the societies, a common social law.

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Public opinion will only prevent it.

SHRI PIYUS TIRAKY: I am telling you that this government is expecting that such things will happen and when they happen then this law will punish the culprit; that is all you have done. But I am saying that such incidents should not happen any more and the law should be made in such a way that there will be preventive measures rather than punishing a culprit after the incident has taken place.

I am requesting the Government to begin with the preventive laws, the social customs, or the marriage customs or dowry deaths etc. Also, the presence of the police at the funerals must be made a must and the priests must not be allowed to perform them without the police.

[*Translation*]

Burn, Bury do anything you feel like but Police must be present at funeral site.

[*English*]

Then only you can prevent.

I am once again appealing to the wis-

dom of the Government that conditions should be created that this law need not be used at all. That is why I am again and again appealing to the wisdom of the Government.

[*Translation*]

SHRI C. JANGA REDDY (Hanamkonda): Mr. Speaker, Sir, I am grateful to you for providing me an opportunity to speak on this topic. I rise to support this Bill. The Sati incidence of Rajasthan is one that has not been seen by us earlier. With such incidents our heads hang in shame. This Bill should have been brought forward much earlier but still I support it. This matter is pending before Rajasthan High Court at present, because there was some dispute about it.

All the provisions made in this Bill are very useful. Any person abetting Sati will also be persecuted, it is a good provision. Provision debarring persons from contesting elections is also a good one.

I would like to bring to your notice that all the acts like Sharda Act, Marriage Act which have so far been enacted in this regard are not being implemented properly. Instructions should be issued to Officials for their proper implementation. Similarly, steps should be taken to eradicate the dowry system.

With these words I conclude my speech, while lending my support to this Bill.

SHRIMATI USHA THAKKAR (Kutch): Sir, I rise to support the Prevention of Sati Bill. Neither the religious scriptures nor the 'vedas' support the practise of Sati. Hon. Members have cited a lot of examples in this connection. I will not take much time of the House on speaking on this subject.

When the victorious army made the beautiful queen of Rajasthan, Padmini Devi,

as a target of their lust, then around one thousand other beautiful women sacrificed their lives with Maharani Padmini Devi to save their honour. This heroic deed on part of our mothers later on turned to be a curse for us. I mean to say that those revered mothers sacrificed their lives to save their honour, but by a coincidence, it was later glorified as a religious act. Women are by nature very emotional. They were imbibed a lesson from their very childhood that commission of Sati is a religious act. But every since our respectable Mrs. Indira Gandhi became the Prime Minister, the ladies of our country have awakened. Yet once in a while some such incidence does take place.

The provision made in this Bill that if a woman tries to commit Sati, then her relatives are bound to prevent her from doing so, is a welcome step. I also want to thank the Government for awakening the women through the medium of T.V. I request hon. Mrs. Alva to agree with whatever steps hon. Mrs. Bajpai has suggested with regard to do away with the custom of dowry.

SHRI KAMMODILAL JATAV (Morena): Mr. Chairman, Sir, various hon. Members have given very good suggestions in the House but one thing has been left out. A number of members said that the veda scriptures do not contain any incident of a widow committing sati but in fact in the Ramayana there is the incidence of Sulochana who commits sati. Even today act of Sulochana performing sati is staged in Ramlila in North India. Therefore, my submission is that the couplet which describes this incidence of Sulochana committing sati, should be omitted from the Ramayana.

I support this Bill.

[English]

THE MINISTER OF STATE IN THE

DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): Sir, I am grateful to all the Members who have supported the Bill. Some Members have questioned our wisdom, some have questioned the delay and some others have come out with concrete suggestions and amendments. I am grateful for all the advice that has been given to us.

I would like to point out the reason why this Bill has been brought on the last day of the Session. A commitment was made by the Home Minister in the Consultative Committee for Home Affairs that this Bill would be brought before the Parliament during this Session and he had also made commitments that there would be discussion with the leaders of the opposition and the draft would be brought. As you know, after the Rajasthan Ordinance, some matters were pending in the Court. Therefore, we self that once all these issues were settled, we would be able to come before the Parliament with a comprehensive Bill. I would like to say that the draft which we have now brought before the House is definitely an improvement on the Rajasthan Ordinance which was passed by the Rajasthan Assembly in the last month.

PROF. MADHU DANDAVATE: It could still be improved.

SHRIMATI MARGARET ALVA: Sir, we do agree that laws can always be improved. We did not say that this is the last word of any law and with experience, we can come back for amendments and so on. Some Members have said that we have women's organisations, who are experts on the question of sati and we should have consulted them. I don't think there is anybody or any organisation which can claim to be an expert on this subject, because this act of sati which was

[Shrimati Marget Alva]
 committed in Deorala came as a shock to the whole nation. Therefore, we are prepared, as has been suggested by some Members, to take suggestions from the Women's Organisations if they can improve on the legislation. As far as implementation part is concerned, we need the cooperation of everybody and it cannot be fully the Government's responsibility. So, we have made provisions, for instance, a Bill was passed in the Parliament, for Family Courts four years back. How many State Governments including the opposition State Governments have set up the Family Courts? A lot of woman problems would have been sorted out through the Family courts with counselling and other provisions which have been made in the Central legislation. We have been repeatedly writing to the Chief Ministers asking them to set up the Family Courts. Again, we gave a special status to Women's Organisations in the Dowry Amendment Bill and in other legislations for registered voluntary organisations to be notified and to be involved in the process. I have reports from the State Governments that they are not able even to get Women's Organisations which they can notify at the district level. So, there are very various problems. It is not that only my Department or the Government is responsible for the implementation; various agencies have to come into the process of making the legislation meaningful. So, don't think that by passing or piloting this Bill, I can ensure its implementation.

16.24 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

With regard to the main suggestions, I would like to say that I do agree that the whole problem of sati or of other evils are connected with the status of woman in this country because of religious justification or social evils or various other factors. But I think, we have now reached a stage where

we are, as a nation, committed to improve the status and give equality to women in all fields.

One of the suggestions that has been made is about the question of the victim itself. I would like to point out that section 309 of the IPC deals with attempt to commit suicide. And all courts upto now have held that attempt to commit sati is an attempt to commit suicide. Upto now when there was no other legislation, this has been the clause under which all sati or rather all attempted sati incidents have been dealt with. There are findings of the courts which have said that it would amount to attempt to commit suicide. Unless we are prepared to punish an attempt to commit the crime, I cannot ask you to punish those who abet the crime. And here we are talking about very severe punishment for those who abet in the commission of sati. If you say that the attempt to commit suicide or commit sati is not a crime, then how do you say that abetment at committing sati is a crime? And now we have introduced life imprisonment or death penalty for such abetment. Therefore, it becomes very necessary for us also to consider some kind of punishment for an attempt at sati or suicide.

SHRI INDRAJIT GUPTA (Basirhat): This is considered to be murder and not suicide.

SHRIMATI MARGARET ALVA: If it is murder, then it becomes totally different. It becomes a crime and we have, therefore, provided for death penalty.

SHRI DINESH GOSWAMI: Your statement of Objects says that it will be treated under section 309 of IPC. That is the main point.....(*Interruption*)

SHRIMATI MARGARET ALVA: Please give me a chance to explain. I do agree and we have ourselves said in the Objects and in

the Explanation that a woman who is rescued from the funeral pyre of her husband is certainly not in a fit condition, perhaps, even to know what she was doing very often or because of fear or psychological pressure she was compelled to do it or because she had no alternative. We do agree that there are various circumstances because of which she might have been compelled or it is most often—in 99% cases—she does it simply because there is no way out of it. It is an offence under the Penal Code as an attempt. As a protective thing we have said 'maximum of one year imprisonment'. Even this, I am prepared to concede, could be reduced, because most courts, when they deal with this matter, do not ever sentence a woman to one year. It is always either to the rising of the court or just a kind of thing that the court takes. But we have added a proviso there which makes our intentions very clear. Proviso to section 3 says:

"Provided that the Special Court trying an offence under this section shall before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed, the state of mind of the person charged of the offence at the time of the commission of the act and all other relevant factors."

This Proviso gives total discretion to the court to consider this offence on a different level altogether. That is why, I do not think, there is any fear that a girl, who is rescued, they are straightway going to send her to jail.....

SHRI DINESH GOSWAMI: But she will be convicted. The court has the power to reduce the sentence, but she will be convicted.

SHRI INDRAJIT GUPTA: She will be subject to trial.

SHRIMATI MARGARET ALVA: Wherever there is a sati case, she is bound to be put in the box, bound to be examined, cross examined because evidence has to be led and she is going to be the prime witness one way or the other in every trial of on sati. You cannot have a trial without having this girl, innocent as she may be, for what has happened. How can you know what has happened unless she is examined? So, there is no way by which you can prevent this. I realise that this hapless, perhaps, helpless girl which is bound to be questioned in the courts for investigation purposes. But the point is that we have also discussed that it might become necessary for the court that she might be held and there may be circumstances when the girl may have temporarily to be removed from the immediate environment in which she is and put her into a home, in different custody, in order to protect her from what may follow after she has been forcibly rescued or after she has been pulled out of the fire or prevented her from being burnt because of the other pressures. The court would then place her in custody, place her in a home away from the family for some time to give her the necessary protection and it would help the court to do that.

SHRIMATI GEETA MUKHERJEE: Why don't you at least include the word 'compelling' before the word 'circumstances' and say, "compelling circumstances"?

MR. CHAIRMAN: You can ask her when you come to the amendment to the clauses.

SHRI INDRAJIT GUPTA: Sir, it is accepted in regard to the question of circumstances. Why not say 'compelling circumstances', if any?

SHRIMATI GEETA MUKHERJEE: Because we wanted to omit that clause. This is the difficulty.

MR. CHAIRMAN: At that stage you can say.

PROF. MADHU DANDAVATE: At that stage, you may say that those in favour may say 'Ayes' and those against may say 'No', the amendment is lost.

MR. CHAIRMAN: Why do you anticipate so?

SHRIMATI MARGARET ALVA: Sir, the other point which has been made is about the period of 2 years. I think they are misunderstanding this. We are not exempting any temples or structures, howsoever old or howsoever new. Rajasthan Government Ordinance did make an explanation.

SHRI RAM SINGH YADAV (Alwar): That is not in the Ordinance.

SHRIMATI MARGARET ALVA: Originally it was in the Ordinance. Section 10. It was struck down later and now it has been deleted. Therefore, all exemptions which had been given in that Act have now become invalid. There are no exemptions. In that sense this is an improvement on the original Rajasthan Act because, here we have said that in regard to structures there is a dividing line. You may say why should there be a dividing line. It is because there has to be a cut-off stage and the structures which have existed for 20 years or more would be dealt with by the authority of the State Governments while those which have existed for less than 20 years would be dealt with by the Collector or the District Magistrate at the local level, as the case may be. Under 20 years means immediately after this, may be today, or tomorrow or yesterday whatever it is. But those which have been there for more than 20 years will be dealt with under orders of the State Governments. That is the only classification we have made. There is no exemption for those temples or the structures which have been existing for more than

20 years. I think this has been clarified and there is no misunderstanding.

Sir, the other point which has been repeatedly made is about the Vigilance Committee. Now, the rule making power is there and there are Social Welfare Organisations and you will agree that in every district in the country, there is really a problem of this kind of practice. Therefore, in districts where there is a problem, it is upto the local Collector for setting up committees, women's organisations, voluntary bodies etc. for creating public opinion and for preventing this kind of repetition of crime. The other point that was made is about the amendment given by Shrimati Geeta Mukherjee and my colleague, Shrimati Rajendra Kumari Bajpai, about the word 'intentionally' in Section 4, Clause 2(d). We are accepting this amendment and we feel that that should be brought into the purview of crime and anybody who gets involved, whether it is intentional or not, must pay the price and this amendment we are accepting. *(Interruptions)* Whatever is possible and reasonable we are trying to accommodate and let me also say that we have had, not we, but there was a discussion with Leaders of the Opposition when the draft was circulated, was placed before you.....

SHRI BASUDEB ACHARIA (Bankura): The draft was not circulated at that time, only the salient features of the Bill.

SHRIMATI MARGARET ALVA: Okay. The main features were discussed with you and there was no possibility after that again of circulating the draft because it was after consultation with you...

SHRI DINESH GOSWAMI: The draft has been changed. In the draft, in Section the word 'voluntary' was there. Now you have changed that draft without consultation with us.

SHRIMATI MARGARET ALVA: That may be so. There must have been reasons why, if necessary, one or two words have been changed, but they were discussed with Mr. Chidambaram. He will probably clarify this. (*Interruptions*).

Sir, there is one more point and that is, it was repeatedly said that this Act is meant only to come into operation after the crime has been committed and we have no provision for preventing it. I would like to point out that Section 6, that is, part III of this legislation makes substantial provision giving powers of preventing the crime when there is either a threat or information that such an event or crime is about to take place, and so the prohibition clause is there and I would like to say that as far as the question of being cognizable and non-bailable is concerned, there seems again to be some misunderstanding because for any crime the punishment is of seven years imprisonment or more, life imprisonment or death penalty which is automatically cognizable and non-bailable. We have not mentioned it here, but the I.P.C. provision automatically come into being and therefore,.....

SHRI SOMNATH RATHI: Cr.P.C.

SHRIMATI MARGARET ALVA: Yes, Cr. P.C. I am sorry. I thank you for correcting me. It is Cr. P.C. And therefore, it is both cognizable and non-bailable and therefore, about this doubt that was raised, I think you are satisfied.

DR. PHULRENU GUHA: Sir, I would like to know.....

MR. CHAIRMAN: Let her finish. Then you can ask.

Madam, please complete your speech. Then I will allow her to ask.

SHRIMATI MARGARET ALVA: Yes, I

am just answering. One minute.

Sir, one of the Members said that this law was being legislated against one particular community or that there was isolation of one community in a particular part of the country. I wish to go on record that this is not so. This practice or whatever you call it, I call it a crime, is not limited to any particular community or caste or to any one particular part of the country. As you know, this is practised by various communities and has been done at different times and this will now apply to the entire country without any exception and therefore, there should be no feeling that it is aimed at any one particular community or any one particular sect. (*Interruptions*).

Sir, there is a question that has been raised of rehabilitation of widows, which is not directly connected with any provision here. I do want to say that this is a matter which concerns many of our Departments and not only our Department, but also the social welfare organisations and others. As I have already said earlier, the Rajasthan Government was the first to announce that employment of widows in Government service would not be covered by age limitations any more and that their employment does not have to be done through employment exchange. This was done immediately after this had happened, and I have taken this Order of the Rajasthan Government immediately and sent it to all the Chief Ministers in the country with an appeal that they may also implement similar orders in their own States and I hope that the Members of Parliament will bring in enough pressure to see that the Opposition States will also follow it up and see that the orders are passed by the State Governments like the Rajasthan and one or two other governments have done.

SHRI RAM SINGH YADAV: But there should be provision for providing maintenance to a widow till she gets regular em-

[Sh. Ram Singh Yadav]
ployment in Government service.

MR. CHAIRMAN: Afterwards. Let her complete her speech.

SHRIMATI MARGARET ALVA: One other point which has repeatedly been made is that of the definition of "glorification". The Members have pointed out that things like films, video recording, pictures and so on have not been included in the definition. I would like to point out that this definition is not exhaustive; it is only illustrative. We have here specifically said, "and anything else". We have made it wide enough. But besides that, some others have pointed out that "donation" has been left off. It is not so. Donations would come under the definition of "glorification" because money, or donation of any kind would be support to the cause. As far as the other things video films and so on are concerned, we have brought them under the phrase "propagating the practice". It is propagating in any form, through pictures, through statues or through images or whatever it is. We have made it not really exhaustive but we have made it illustrative and as far as possible, I think, all the things that you have mentioned have been covered under this definition.

PROF. MADHU DANDAVATE: Just like Kesavanand judgement.

PROF. N.G. RANGA (Guntur): When rules are made, you mention these things.

SHRIMATI MARGARET ALVA: We have made that provision in the Act itself, both for the special court to be set up and for special prosecutor wherever necessary, as well as for the rule making power. As we have said, this would come into force immediately. We will make rules and we will announce them. But the actual enforcement in each State would become the responsibility of the State Government. We have no prob-

lem. We are anxious to implement it, as quickly as you are. There is no delay on this ground. We are already working on the draft rules and the moment, the two Houses have passed the Bill and once the Act comes into force, the rules will be announced.

So, on the first part of it, i.e. definition of "sati" itself, it is again an improvement on the Rajasthan Act definition because, after that was passed, it was brought to our notice that there were cases where women were sometimes buried not just burnt. We have had cases where women is burnt, not necessarily with her husband, sometimes with her step-son, with her brother or another relation, sometimes, with some object. If the husband had died somewhere far away, either with his ashes or clothes or other belongings, she was burnt. To cover all these things, we have not made it only the "widow" but we have said any woman and her relative or other objects to make it as wide as possible, so that nobody escapes because of the loopholes.

PROF. MADHU DANDAVATE: Other objects include "lover" also!

(Interruptions)

AN HON. MEMBER: He has that memory!

SHRI DINESH GOSWAMI: What have you done that Mr. Dandavate is threatening to commit "sati" ?

SHRIMATI MARGARET ALVA: There are quite a number of amendments which have been suggested. We have gone through, at least studied all of them. I think, I have answered most of these points, in the course of my speech. As I said, I am myself moving a few amendments, as the clauses come up. The main among them, is about the words-instead of just " a person committing such sati", we are putting "in respect of

whom sati has been committed". It is substituted because, "person committing the sati" would smack of totally voluntary sort of act. Therefore, we are changing it to "person in respect of whom sati has been committed" so that, it is a crime against woman and not something she had voluntarily committed.

There are one or two consequential amendments which I will move, as the clauses come up for consideration. With these words, I once again thank you for your support and seek your cooperation in implementing this measure.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be taken into consideration."

The Motion was adopted.

MR. CHAIRMAN: The House will take up clause-by-clause consideration of the Bill.

CLAUSE 2 (Definitions)

MR. CHAIRMAN: for clause 2, there are amendments by Shri Indrajit Gupta, Shrimati Geeta Mukherjee, Shri Narayan Choubey, Shri Ramashray Prasad Singh and Shrimati Margaret Alva. Shrimati Geeta Mukherjee, are you moving your amendment?

SHRIMATI GEETA MUKHERJEE: Yes. I am moving.

MR. CHAIRMAN: Shrimati Bibha Ghosh Goswami, are you moving your amendment?

SHRIMATI BIBHA GHOSH GOSWAMI: Yes. I am moving.

MR. CHAIRMAN: Shrimati Margaret Alva, are you moving your amendment?

SHRIMATI MARGARET ALVA: Yes. I am moving.

MR. CHAIRMAN: Shri Indrajit Gupta. He is not present. Shri Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE: Sir, I beg to move:

Page 2

(i) after line 11, insert—

(iv) the manufacturing or selling of pictures, pamphlets, videos, cassettes or other material perpetuating the memory of sati or attempting to glorify sati per se, or"

(ii) line 12

for "(iv)" substitute "(v)" (15)

Page 2,—

After line 16 insert—

"(vi) donating or selling land for the purposes stated in sub-clause (iv) or being a member of a trust or fund or donating to a trust or fund which has one of its aims, the perpetuation or glorification of Sati." (16)

The hon. Minister has given an advance reply saying that all these are covered. But even then I am moving this amendment because this is one of the very popular and very wide form of glorification. That is why, I thought that this should be specifically mentioned. I have mentioned it specifically. That is why I have to mention it and I think still it should be mentioned.

SHRIMATI BIBHA GHOSH
GOSWAMI: Sir, I beg to move:

for "person committing *Sati*" substitute—

Page 2

"person in respect of whom *Sati*" has been committed, (29)

After line 16 insert—

[SHRIMATI MARGARET ALVA.]

"(v) donation of funds or donation of land;" (21)

MR. CHAIRMAN: The question is:

I want to move this amendment to the Bill about the donation of funds or donation of land. the hon. Minister has explained but still it should be there. It should be mentioned clearly.

"That Clause 2, as amended, stand part of the Bill."

The Motion was adopted.

Clause 2, as amended, was added to the Bill.

MR. CHAIRMAN: I put amendment Nos. 15 and 16 moved by Shrimati Geeta Mukherjee to the vote of the House.

CLAUSE 3 (Attempt to Commit Sati)

MR. CHAIRMAN: There are amendments of Shri Dinesh Goswami. Are you moving?

Amendment Nos. 15 and 16 were put and negatived.

SHRI DINESH GOSWAMI: I am moving.

MR. CHAIRMAN: I put amendment No. 21 moved by Shrimati Bibha Ghosh Goswami to the vote of the House.

SHRI SHANTARAM NAIK (Panaji): I have given one application under 345. Because the time for the requisite notice was not given, I have made a request for waiving of that notice period.

Amendment No. 21 was put and negatived.

MR. CHAIRMAN: I am sorry. The time is not waived and the rule which you are quoting is not applicable. Your amendment is not being referred to me.

Amendments made:

Page 2, line 3,—

SHRI SHANTARAM NAIK: What is that amendment?

for "Whether committed" substitute—

"whether such *Sati* was committed" (27)

MR. CHAIRMAN: There is no question of what is that amendment. The amendment is not in time.

Page 2, line 17—

for "the burning" substitute "the act of burning" (28)

SHRI SHANTARAM NAIK: Therefore, I have asked for condonation of delay and waiver of motive. the matter relates to women.

Page 2, line 29,—

SHRIMATI MARGARET ALVA: I have no problem.

MR. CHAIRMAN: The hon. Minister has no problem. I will put it to the House that the delay in moving this amendment be condoned.

MANY HON. MEMBERS: Yes.

SHRI SHANTARAM NAIK: Sir, I beg to move:

"Page 2, line 41, for the words "One year", substitute the words "six months". (35)

My reasons are these. Sati is sought to be provided here with one year imprisonment. In fact, personally I would say that there should be no punishment. In this amendment, I am seeking to reduce that punishment from one year to six months.

SHRIMATI MARGARET ALVA: Sir, I am prepared to accept that amendment.

SHRI DINESH GOSWAMI (Guwahati): Sir, I beg to move:

Page 2, line 39,—

after "sati" insert—

"without any resistance on her own part" (10)

Page 2,—

after line 41, insert—

"Provided that if the person attempting to commit *Sati* is not in a state of mind to offer resistance, it shall be deemed that she offered resistance". (34)

Sir, I am moving these amendments at Clause 3. In fact, after the amendments that

have been introduced by Mrs. Margaret Alva, Clause 3 looks very peculiar because in all other Clauses, now you have changed the words—instead of "committing sati" you have substituted the words "person in respect of whom Sati has been committed."—indicating thereby that we do not accept the position where Sati is really committed by the person concerned. Now, the effect of Clause 3 is that where a person is put into the burning pyre, the offence is committed against her, she does not commit any offence. In fact, the object in this Bills makes it very clear. She does not commit any offence. An offence is committed against her. But I appreciate the difficulty that unless we make it an offence, abetment cannot be made an offence. That is why, Mr. Chidambaram will bear me out, when we had a discussion the word 'voluntary' was there. We wanted that those persons who voluntarily commit Sati, they will be covered under that act. Then the problem arose that we do not agree to the concept of voluntary Sati. We do not accept it. Now, the position will be, as you have said, that a girl who will attempt to commit Sati which is an involuntary act, forced upon doing so by her relatives, she shall have to go for trial. She will be convicted. The Court has the power. You have accepted the amendment. The limitation of sentence will be six months. But she will be convicted. You cannot set aside the conviction. The sentence may be very nominal. There may not be any sentence. I feel a person who was compelled to go to the burning pyre, you want to convict her also. That is why I have given an amendment and my amendment is that instead of the word 'voluntary' which, I feel, is improper what I have said is that if she commits Sati "without any resistance on her own part" and realising fully well that she may not be in a mental position to offer resistance, I have given a further amendment "Provided that if the person attempting to commit *Sati* is not in a state of mind to offer resistance, it shall be deemed that she offered resistance....."

[Sh. Dinesh Goswami]

What I am saying is that in such a case, in the investigation it will appear that she offered resistance or she was in such a mental state of mind that she could not offer resistance, then she should not face trial and she will not be convicted. I am protecting the girl and that is the Clause which I am making. I believe that if you do not do it, the girl will face the problem of trial. You know the problem of a trial. Besides, for this girl, there will be nobody to support her. Her own family will be against her; her father and in-laws will be against her and in that circumstances to convict her and to put her to trial and convict her is creating double punishment for her. So, I not understand why the Government is not prepared to accept this amendment.

SHRIMATI MARGARET ALVA: I have mentioned earlier also that just because you put that one- Clause 3—the question of having a trial into the whole incident or having it, does not go away. There is to be an investigation. The acquittal has to come, at the end, in a trial. But before that there has got to be.....

(Interruptions)

SHRI DINESH GOSWAMI: I do not want her as accused. I do not understand your stand. Mrs. Alva, the legal background is this. Do you think that a witness and the accused is the something. Do you put both together?

(Interruptions)

MR. CHAIRMAN: That is all right. She is not accepting. I will first put the amendments of Shri Dinesh Goswami to the vote of the House—Amendment, Nos. 10 and 34 both together.

SHRI DINESH GOSWAMI: Sir, the Government is putting the amendments to *Sati*. That is the problem.

MR. CHAIRMAN: I shall now put the amendments Nos. 10 and 34 moved by Shri Dinesh Goswami to the vote of the House.

Amendments Nos. 10 and 34 were put and negatived.

MR. CHAIRMAN: I shall now put the amendment moved by Shri Shantaram Naik. The question is:

Page 2, line 41—

for the words 'one year', substitute the words 6 'six months'." (35)

The motion was adopted.

MR. CHAIRMAN: I shall not put Clause 3, as amended.....

SHRIMATI GEETA MUKHERJEE: Sir; I would just like to seek a clarification. We gave as amendment for the deletion of this Clause. But, anyhow, in the course of my speech, I suggested and again wanted the Minister to qualify this last line as "to take into consideration the circumstances"..... I want the word 'compelling' to come before 'circumstances'. This is the amendment I want to propose.

SHRIMATI MARGARET ALVA: That will narrow down the scope. We want to give more scope for the judge rather than limit it to 'compelling circumstances'. It is now wider in scope.

MR. CHAIRMAN: There is no formal amendment before the House. So, there is no question of putting it to vote.

The question is:

"That Clause 3, as amended, stand part of the Bill".

The motion was adopted.

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

[English]

CLAUSE 4 (Abetment of Sati)

SHRI SOMNATH RATH (Aska): Sir, I beg to move:

Page 3, line 23,—

for "and thus" substitute "or" (1)

Page 3, lines 28 and 29,—

omit "an active" (2)

Page 3, —

after line 34, insert—

"(h) obstructing or interfering with any social organisation or person in the discharge of its duties of taking any steps to prevent the commission of *sati*". (3)

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip): Sir, I beg to move:

Page 3, line 25,—

omit "intentionally" (22)

[Translation]

SHRI RAM BAHADUR SINGH (Chapra): Mr. Chairman, Sir, I beg to move:

page 3,—

after line 34, insert—

"(h) obstructing or interfering with any social or women welfare organisation or person in the discharge of its duties of taking any steps to prevent the commission of *sati*." (23)

SHRI SOMNATH RATH: At the outset, I thank the Government because during the discussion on this issue I had suggested that the punishment for abetting, if *sati* is committed, should be death or imprisonment for life, and that was been accepted by the Government.

Now I want to submit Clause 4(2) (c) reads: .

"encouraging a widow or woman to remain fixed in her resolve to commit *sati* and thus instigating her to commit *sati*."

Here instead of the words "and thus" it should be "or".

Then, Clause 4(2) (e) reads:

"being present at the place where *sati* is committed as an active participant to such commission....."

My amendment is that the words "an active" should be omitted because as an advocate you also know that it will be interpreted whether the participant was active or not. So, the words "an active" should be omitted.

My third amendment is this. Hon. Member Shri Piyus Tiraky wanted to know whether there was any provision for prevention. Certainly there is a provision for prevention and that is Clause 4(2) (g) which reads:

"obstructing, or interfering with, the police in the discharge of its duties of taking any steps to prevent the commission of *sati*."

My amendment is to add another sub-clause, namely, (h) as follows:-

"(h) obstructing or interfering with

[Sh. Somnath Rath]

any social organisation or person in the discharge of its duties of taking any steps to prevent the commission of *sati*."

I think, Government will accept this because it is giving scope to any voluntary organisation or any person to come forward to prevent this offence.

SHRIMATI BIBHA GHOSH GOSWAMI: In my Amendment No. 22, I have asked for the omission of the word "intentionally" because otherwise it leaves a loophole. The Minister has already accepted it.

[*Translation*]

SHRI RAM BAHADUR SINGH (Chapra): Sir, we are all equally concerned that this abhorrent crime should be banned at the earliest. But mere enactment of laws will not help in rooting out this practice. Therefore it is essential that the co-operation of women is also sought. This amendment of mine will help in creating confidence among the women to the extent that they will come forward to prevent this crime, realising that there is a provision for their protection. Therefore, I want that the Government should accept this amendment.

[*English*]

SHRIMATI MARGARET ALVA: As far as Mrs. Bibha Ghosh Goswami's amendment is concerned, we have accepted it. The other points which have been raised will be looked into when the rules are drafted under the Act.

SHRI SOMNATH RATH: The rules cannot go beyond the Act.

MR. CHAIRMAN: I shall now put the Amendments moved by Shri Somnath

Rath.....

SHRI SOMNATH RATH: Sir, I would like to withdraw my amendments.

17.00 hrs.

MR. CHAIRMAN: Has the Hon. Member leave¹ of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: yes.

Amendments Nos. 1, 2 and 3 were by leave, withdrawn

MR. CHAIRMAN: I shall now put the amendment moved by Shrimati Bibha Ghosh Goswami. the question is:

Page 3, line 25,—

omit "intentionally" (22)

The motion was adopted.

MR. CHAIRMAN: Now I put amendment number 23 moved by Shri Ram Bahadur Singh to vote.

Amendment No. 23 was put and negatived

MR. CHAIRMAN: The question is:

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

MR. CHAIRMAN: We take up Clause 5. Shrimati Bibha Ghosh Goswami.

SHRIMATI BIBHA GHOSH GOSWAMI: Since the Minister has already explained that it is automatically cognizable

and non-bailable. I think that explains the matter.

MR. CHAIRMAN: Are you not moving? I will put the Clause 5 to vote.

MR. CHAIRMAN: The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

CLAUSE 5A

MR. CHAIRMAN: We take up Clause 5A suggested by Shrimati Geeta Mukherjee, Amendment number 17.

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 3,—

after line 39, insert—

Offences by Companies '5A (1) Where any offences under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the

consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary, executive members or other officers, of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.' (17)

My point is, person might be covering in the legal sense. But generally, people will not look to companies and they look only to persons. I want this "company" to be strictly mentioned because big donations come from companies in this respect.

MR. CHAIRMAN: I will now put Amendment number 17 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 17 was put and negatived

CLAUSE 6 (Power to prohibit Certain Acts)

MR. CHAIRMAN: We take up Clause 6.

SHRI DINESH GOSWAMI: I beg to move:

Page 3, line 45,,

for "may" substitute "shall" (11)

[Sh. Dinesh Goswami]

Page 3, line 48,—

for "may" substitute "shall" (12)

Page 3, —

after line 50, insert,

"(2A) the Collector or the Director Magistrate, if he is satisfied, shall also, by order, prohibit any picturisation or recording of any audio visual presentation depicting *sati* or its glorification.
(13)

There are two amendments. One is in Clause 6 and another is in Clause 6 (2A). It is a very minor one. I have only asked the substitution of the word 'may' by 'shall' to provide some urgency. The point is when the collector or district magistrate is of the opinion that sati or abetment is about to be committed. It says, "he may by order". I think, some urgency should be granted and it should be "he shall by order." You may say that court may interpret "may" as "shall". But it is up to accept it.

My other amendment is that glorification of sati has been made punishable. Glorification has been made punishable but there is no preventive measure. We know that there were newspaper reports that some British companies, foreign companies were filming sati instance here in India. I want that that should be prevented because you cannot punish them as they will be out of India after filming. Under this Act you can only prosecute them.

SHRIMATI MARGARET ALVA: Clause 6(2) prohibits any glorification. Under definitions, that clarification is taken care of.

SHRI DINESH GOSWAMI: I wanted to make it clear because under Prohibition of

glorification you may say that somebody is bringing out a procession and all that. What I want is that the Collector or the District Magistrate if satisfied shall also, by order, Prohibit any picturisation or recording of any audio-visual presentation depicting Sati or its glorification. You see that there is a distinction. The distinction under the law is that supposing I record something which I don't make public, whether this Act will be covered or not till I make it public is a matter of dispute. Supposing I film something and I don't depict it before the people, I am not glorifying it before the people. I am only taking some pictures; the glorification will be there when I put it before the people. Therefore, before it is put to the people, if there is some information that some audio-visual or recording is done, that should be prevented. I want to make it specific; it is for the Government to accept it or not to accept it.

SHRIMATI BIBHA GHOSH GOSWAMI: I wanted to insert after 'District Magistrate' in Clause 6(1), 'or Sarpanch/Village Authority'. (25) Because it may well happen that before the District Magistrate is contacted, the commission of this crime is done. So, this should be inserted because the Village Authority or the Sarpanch is in the area itself. It cannot escape his knowledge and he should be empowered with powers to prevent this kind of crime. That is my argument Sir.

SHRIMATI MARGARET ALVA: I don't accept the amendments Sir.

MR. CHAIRMAN: I shall now put all the amendments to the vote of the House.

PROF. MADHU DANDAVATE: I want to oppose his amendment and support her amendment. What will you do?

MR. CHAIRMAN: I will put them separately.

I shall now put amendments at Sl. Nos. 11,12 and 13 moved by Shri Dinesh Goswami to the vote of the House.

Amendment Nos. 11,12 and 13 were put and negatived.

MR. CHAIRMAN: I shall now put amendment at Sl. No. 25 moved by Smt. Bibha Ghosh Goswami to the vote of the House.

Amendment No. 25 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 6 stands part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

CLAUSE 7—(Power to remove certain temples or after structure)

SHRI SOMNATH RATH: I beg to move:

Page 4, lines 8 and 9,—

omit "for not less than twenty years" (4)

page 4, lines 14 and 15,—

omit "other than that referred to in subsection (1)" (5)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 4, lines 8 and 9,—

omit "which has been in existence for not less than twenty years". (18)

SHRIMATI MARGARET ALVA: I beg to move:

Page 4, line 11,—

for 'Person committing sati' substitute—

person in respect of whom *sati* has been committed" (30)

Page 4, line 17, —

for 'person committing sati' substitute—

'person in respect of whom *sati* has been committed" (31)

Page 4, line 20,—

after 'Collector or the District Magistrate' insert', as the case may be," (32)

SHRI SOMNATH RATH: We are against the glorification of Sati. We want that this monstrous system should be wiped out from the memory of the society. Clause 7 empowers the State Governments to remove certain temples and other structures. Under these circumstances, why is this clause it has been limited mentioning that these temples or other structures in existence for not less than twenty years? Why do you discriminate like this? This clause may be struck down by the Courts. For the reasons to wipe out this monstrous system from the memory of the society as well as to ensure that this clause may not be struck down by the courts because of the discrimination, I hope the Minister will agree to my amendment.

SHRIMATI GEETA MUKHERJEE: Sir, in the course of my speech I gave the justification for my amendment. The Minister also replied but even then I am moving it with the same reasoning as has been put forth by Mr. Somnath Rath.

17.11 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRIMATI MARGARET ALVA: Sir, I am not accepting.

SHRI SOMNATH RATH: I seek leave of the House to withdraw my amendments No. 4 and 5.

Amendment Nos. 4 and 5 were, by leave, withdrawn.

MR. DEPUTY SPEAKER: I will now put amendment No. 18 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 18 was put and negatived.

MR. DEPUTY SPEAKER: I will now put amendment Nos. 30, 31 and 32 moved by Shrimati Margaret Alva to the vote of the House. The question is:

Page 4, line 11,—

for "person committing *sati*" substitute—

"person in respect of whom *sati* has been committed" (30)

Page 4, line 17,—

for "person committing *sati*" substitute—

"person in respect of whom *sati* has been committed" (31)

Page 4, line 20,—

after "Collector or the District Magistrate" *insert*, "as the case may be," (32)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

CLAUSE 9, (Trial of offences under this Act)

SHRI SHANTARAM NAIK: Sir, I beg to move:

Page 4, —

after line 48, insert—

"(5) No person who is in active service as a judicial officer shall be appointed as a special judge nor the State shall confer as the judge of a special Court power to act as a judicial officer under any other law, not connected with this Act, unless the State Government is convinced that conferment of powers on a judge of a special court, to discharge judicial functions under any other Act, is in no way going to affect the speedy disposal of cases pending before such judge under the Act." (7)

Sir, my amendment seeks that there is a special court appointed under this Act and special judges are to be appointed. The only question is if District & Session judges or any other judges who are already functioning and are over-burdened are entrusted with the power of the special courts then the fate of any such proceedings can be known.

Therefore, those who are already judges should not be conferred powers under the special courts. The question may arise if there is no necessary work under this Act what is to be done? Then special courts can be amalgamated and one special court can be created so that District and Session judges are not over-burdened.

SHRIMATI MARGARET ALVA: Sir, we are certainly not foreseeing so many Sati incidents that there will be need for as many courts as he is talking about. If it happens as an emergency one judge may be asked to officiate as a special judge and finish it quickly so that there are no delays.

SHRI SHANTARAM NAIK: Sir, I seek leave of the House to withdraw my amendment No. 7

Amendment No. 7 was, by leave, withdrawn.

MR. DEPUTY SPEAKER: The question is:

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 to 16 were added to the Bill.

CLAUSE 17 (Obligation of certain persons to report about the Commission of offence under this Act)

SHRI SHANTARAM NAIK: Sir, I beg to move:

Page 6,—

line 19, *insert—*

"(3) If any Member of Parliament, Member of a Legislative Assem-

bly, member of a Legislative Council, Member of any local self body, such as, Zila Parishad, Municipal Corporation, Municipality, Gram Panchayat or called by any other name, having direct knowledge that Sati is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station." (8)

(i) Page 6, line 20, —

for "(3)" substitute "(4)"

(ii) Page 6, lines 20 and 21,—

for "or sub-section (2)"

substitute "sub-section (2) and sub-section (3)" (9)

SHRI SHANTARAM NAIK: This is in respect of information to be given to the police station by the people. Now I will just read that clause which I propose to insert and which will make the things clear:

Page 6,—

after line 19, insert—

"(3) If, any Member of Parliament, Member of a Legislative Assembly, Member of a Legislative Council, Member of any local self body, such as, Zila Parishad, Municipal Corporation, Municipality Gram Panchayat or called by any other name, having direct knowledge that Sati is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station." (8)

SHRIMATI MARGARET ALVA: I regret, I cannot accept this amendment.

SHRI SHANTARAM NAIK: I seek leave of the House to withdraw my amendment No. 8 and 9.

Amendment Nos. 8 and 9 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

CLAUSE 18—(Person convicted of an offence under section 4 to be disqualified from inheriting certain properties)

Amendment made:

Page 6, lines 25 to 27,—

for "person committing such *sati* or the property of any other person to which he would have been entitled to inherit on the person committing such *sati*."

substitute—

"person in respect of whom such *sati* has been committed or the property of any other person which he would have been entitled to inherit on the death of the person in respect of whom such *sati* has been committed" (33)

[SHRIMATI MARGARET ALVA]

MR. DEPUTY-SPEAKER: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

CLAUSES 18-A AND 18-B

SHRIMATI GEETA MUKHERJEE: I beg to move:

Vigilance Committee.

"18A. (1) Every State Government shall by notification in the Official Gazette, constitute at least one and, if necessary more Vigilance Committees in each district.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely:-

- (a) the Deputy Commissioner, or a person nominated by him or her, who shall be the Chairperson;
- (b) two social workers, resident in the district, to be nominated by the Deputy Commissioner;
- (c) three persons, preferably women, to represent non-official agencies in the district connected with women's development;
- (d) two lawyers, preferably women, attached to the local legal aid body; and
- (e) two representatives of women's organisations in the area, if any exist in the particular district.

Powers and functions of the Vigilance Committee.

18B. (1) The functions of each Vigilance Committee shall be:-

- (a) to advise the Deputy Commissioner or any officer authorised by him or her as to the efforts made, and action taken to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;
- (b) to keep a record of the number of offences of which cognisance has been taken under this Act;
- (c) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act; and
- (d) to make a complaint to the Public Prosecutor of facts which constitute an offence under this Act, on receiving which the Public Prosecutor shall institute appropriate proceedings in the Special Court immediately.

(2) The District Vigilance Committees shall submit a report based on its findings every six months to the Legislative Assembly.

(3) The district Vigilance Committees may set up village level committees consisting of school teachers, gram sewaks, gram sevikas or any public servants." (19)

The purpose of my amendment is that all the districts should have the Vigilance Committees and they should function effectively. That's why I want this amendment to

be accepted.

SHRIMATI MARGARET ALVA: All this will be taken care of under the rules because this is a very localised thing. If necessary, we will provide in the rules. We may set up this committee. This is going to be looked after in the rules.

SHRIMATI GEETA MUKHERJEE: In view of this assurance, I seek leave of the House to withdraw my amendment.

Amendment No. 19 was, by leave withdrawn.

MR. DEPUTY SPEAKER: The question is:

"That clauses 19 to 22 stand part of the Bill."

*The motion was adopted.
Clause 19 to 22 were added to the Bill.*

CLAUSE 1—(Short Title, Extent and Commencement.)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 1,—

for lines 14 to 16 substitute—

"(3) It shall come into force at once"
(14)

SHRIMATI MARGARET ALVA: President's assent has to come before we notify. We will notify as soon as it is received.

In view of this, I cannot accept this amendment.

SHRIMATI GEETA MUKHERJEE: I seek leave of the House to withdraw my amendment.

*Amendment No. 14 was, by leave,
withdrawn*

MR. DEPUTY-SPEAKER: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula, Preamble and the Title were added to the Bill.

MR. DEPUTY-SPEAKER: The Minister may move that the Bill, as amended, be passed.

SHRIMATI MARGARET ALVA: I move:

"That the Bill, as amended, be passed."

PROF. N.G. RANGA (Guntur): I am very happy that through this Bill we need to protect our women from this tribal practice. It has been moved on behalf of the whole House by a woman and I wish to congratulate her and congratulate all the Members also for having given this opportunity to one of our woman Member to move this Bill and have it in her favour.

Secondly, I congratulate the able manner in which she piloted this Bill in this House. This is the first time I think, subject to corrections, that a woman has been given an excellent opportunity. She has performed this function so ably and I admire the manner in which she was reviewing the various features that have been made by our Members and answer their questions.

Next, I wish to congratulate my friend from the north-east State, Mr. Tiraky for making cryptic statement and expressing

with hope in one sentence as 'Let us hope that this thing would not happen again'. I support that statement. If such a happy consummation would give a good fortune to our country, then this country and the women folk of this country can congratulate themselves.

PROF. MADHU DANDAVATE (Rajapur): I rise to say the last word on this Bill. I am very happy that the views expressed both inside and outside the House unanimously by all sections of the population have been responded to by the Government. There are occasions in the life of our country and Parliament when the issues cut across party lines. This is one such issue which is purely for the liberation of women in the modern age. Only when the women are liberated, we will be able to march towards the 21st century. I welcome the march towards the 21st century. I congratulate all those who generated the public opinion inside and outside the House and in that context, I wholeheartedly welcome the Bill which is at the last stage.

SHRI C. MADHAV REDDI (Adilabad): I rise to support this Bill on my own behalf and on behalf of my party. I extend my wholehearted support to this Bill. We have not moved any amendment to this Bill as some understanding was reached in the meeting of the opposition leaders and we support this Bill.

SHRI BASUDEB ACHARIA (Bankura): On behalf of my party, I give my full support to this Bill. We submitted some suggestions as also the leaders of the Opposition and she has accepted some of our suggestions. Since there is further scope for improvement of the Bill in future, I hope that she will consider our suggestions. I again extend my full support to prevent this evil practice and root out this evil practice from our country.

SHRIMATI MARGARET ALVA: I do

wish to thank all the Members, particularly our own leader, Shri Ranga, Prof. Dandavate and others, not only for their appreciation they have expressed and for the support which I received in getting this Bill passed. All sections of the House have given us their support both inside and outside the House during the consultations and I certainly would say that we are prepared to study together the improvements as we go along because our aim is common; this incident should never be seen in India.

MR. DEPUTY-SPEAKER: The question is:

"That Bill, as amended, be passed".

The motion was adopted.

17.26 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY-GENERAL: Sir, I have to report that Rajya Sabha at its sitting held on the 15th December, 1987 passed a motion referring the Indian Medical Council (Amendment) Bill, 1987, to a Joint Committee of the Houses consisting of 45 members, 15-members from Rajya Sabha namely:-

1. Shri Pawan Kumar Bansal
2. Shri Mirza Irshadbaig
3. Shri Bhagtram Manhar
4. Shri P.N. Sukul
5. Shri Thindivanam K. Ramamurthy
6. Dr. R.K. Poddar

7. Shri G. Varadaraj
8. Dr. G. Vijaya Mohan Reddy
9. Shri K.G. Maheswarappa
10. Miss Saroj Khaparde
11. Shri S.S. Ahluwalia
12. Shri Mahendra Prasad
13. Kumari Sayeeda Khatun
14. Shri Pramod Mahajan
15. Shri Virendra Verma

and 30 members from Lok Sabha and recommended that Lok Sabha do join in the said Joint Committee and communicate to that House the names of members to be appointed by Lok Sabha to the said Joint Committee.

17.27 hrs.

CHANDIGARH (DELEGATION OF POWERS) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): I beg to move:

"That the Bill to provide for the delegation of powers vested in the Administrator of the Union Territory of Chandigarh, be taken into consideration."

The statutory powers of the Central Government and the State Government under certain laws in their application to the Union Territory of Chandigarh are with the Administrator of the Union Territory of Chan-