

15.32 hrs.

CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL\**(Insertion of new section 250A)*

SHRI A. T. PATIL (Kolaba): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973."

*The motion was adopted.*

SHRI A. T. PATIL: Sir, I introduce the Bill.

15.33 hrs.

CRIMINAL LAWS (AMENDMENT)  
BILL\*

SHRI A. T. PATIL (Kolaba): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973."

*The motion was adopted.*

SHRI A. T. PATIL: Sir, I introduce the Bill.

15.33 hrs.

CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL\**(Amendment of section 199)*

SHRI A. T. PATIL (Kolaba): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973."

*The motion was adopted.*

SHRI A. T. PATIL: Sir, I introduce the Bill.

15.34 hrs.

DOWRY PROHIBITION (AMENDMENT)  
BILL—contd.*(Amendment of sections 2, 3, etc.)*

MR. DEPUTY-SPEAKER: The House will now take up further consideration of the following motion by Shrimati Pramila Dandavate on 5th December, 1980:—

"That the Bill to amend the Dowry Prohibition Act, 1961, be taken into consideration."

and also further consideration of the amendment moved.

Mr. Sunder Singh to continue.

श्रीमती प्रमिला दंडवते (बम्बई उत्तर मध्य) : डिप्टी स्पीकर साहब मेरी प्रार्थना है कि आज 2 घण्टे का समय और बढ़ा दिया जाय इस डिस्कशन के लिए ।

MR. DEPUTY-SPEAKER: The time allotted was two hours and we are left with 34 minutes. Let those 34 minutes be over and then I will take the sense of the House. For your information, there are still twelve more speakers.

Mr. Sunder Singh. You have already spoken for eleven minutes. Now, you have only four minutes.

श्री सुन्दर सिंह (फिल्लोर) : इससे काम नहीं बनेगा, कम से कम 10 मिनट दिये जायें ।

डिप्टी स्पीकर साहब, मैं बड़ा हैरान हूँ कि पहले जमाने में तो लड़कियाँ विकती थीं, अब लड़के विकते हैं और लड़के भी वह जो बड़े बड़े इंजीनियर हैं, आई० ए० एस०, पी० सी० एस० हैं जिनकी हजारों रु० तनखाह होती है, आम तौर पर ऐसे ही लड़कों की वजह से दहेज की लानत है । मैं बड़ा हैरान हूँ कि हमें आज़ादी मिले 33 साल हो गये हैं, मगर सोसाइटी की यह लानत अभी तक नहीं गई । इसका मेन काब यह है कि लोग लालची हैं । आमतौर पर देखा जाता है, अखबारों में रोजमर्रा पढ़ते हैं कि हिन्दू जाति में इसका ज्यादा असर होता है । मुसलमानों में यह बहुत कम है । उसकी वजह यह है कि मुसलमानों में यह होता है कि अगर एक लड़का हो और दो लड़कियाँ हों तो उनको बराबर हिस्सा मिलता है । और शादी के बाद, निकाह के बाद हक मेहर होता है, वह भी मिलता है । हक मेहर जो लड़की पति के पास होती है, उसको भी वह मिलता है और उसके बालिद से भी मिलता है ।

आज रोजमर्रा यह देखा जाता है कि लड़कियों को जला दिया जाता है क्योंकि

वह दहेज की (demand) पूरी नहीं कर सकती । शादी के मौके पर भी शर्तें होती हैं और शादी के 2 साल के बाद भी फिर उनको तंग करते हैं । इस तरह से लड़की खुदकशी कर लेती है या उसे किसी न किसी ढंग से मार देते हैं । यह सोसाइटी क्या है, जहां इस तरह की लानत हो ? मैं कहता हूँ कि ऐसे लोगों का बायकाट क्यों न किया जाता ? जिस कौम में यह लानत है, उनके वास्ते लड़कियों के लिए कोई हमदर्दी नहीं है । जिसकी अपनी लड़की होती है, उसके साथ यह हालत हो तो उसको पता लगे कि यह कितनी बुरी बात है ।

अब मुसलमान लोगों में भी थोड़ा-थोड़ा असर होने लगा है । जैसा मेरा ख्याल है जो दहेज के मुकदमें चलते हैं, मुसलमानों में जो निकाह होते हैं वह जबानी भी हो सकते हैं और लिखित में भी हो सकते हैं । हिन्दुओं में उनको तलाक देना हो तो महीनों लग जाते हैं और हजारों रुपये खर्च होते हैं; फिर साबित होता है कि उनकी शादी हुई है । शादी के बाद जो लड़की को छोड़ते हैं तो बालदेन की लड़ाई करनी पड़ती है और मुश्किल से उनको खर्चा मिलता है, नहीं तो मिल ही नहीं सकता है ।

मैं समझता हूँ कि निकाह, व्याह में रजिस्ट्रेशन जरूर होना चाहिए, हिन्दुओं में भी होना चाहिए ताकि जल्दी उसका फैसला हो जाये ।

हम लोग रोज अखबारों में पढ़ते हैं लड़की स्टोव से जल जाती है, मर जाती है लेकिन उसको दहेज के लिए तंग किया जाता है । किसी की लड़की मर जाये, यह कितनी बुरी बात है । मैं बड़ा हैरान हूँ कि लोग कितने लालची हो गये हैं । लोग किताबें पढ़ते हैं, गुरुद्वारों और मंदिरों में जाते हैं, वहां पढ़ते हैं और कहते हैं—

[श्री सुन्दर सिंह]

The degree of unselfishness marks the degree of success everywhere.

लेकिन आज पढ़े-लिखे लोग भी इतने लालची होते हैं। वे demand करते हैं कि ज्यादा से ज्यादा जहेज हो। वह लड़की का फ्यूचर डार्क कर देते हैं, मार देते हैं। हमारा यह टारगेट है कि हमने सोशल पैटर्न आफ सोसाइटी बनाना है यह तभी होता है जब आदमी यह सोचे—

Even a morsel of food we eat is taken away from another man's mouth.

यानी अगर रोटी खाई है तो यह सोचना चाहिए कि यह दूसरे के मुंह से निकलकर आई है, इसे दूसरा खा सकता था। ये लोग पैसे के लालची हैं। जो सोसाइटी पैसे की लालची होती है, वह दुनिया में तरक्की नहीं कर सकती।

मुसलमानों में मुसावात ज्यादा है। इसलिए मैं कहूंगा कि जो हिन्दुओं की सोसाइटी है, इसमें आमनौर पर लड़कियां मरती हैं, उनको सजा मिलती है और हम लोगों को ऐसे लोगों का बायकाट करना चाहिए। हम लोग क्यों ऐसे लोगों को नज़दीक आने देते हैं?

अन्त में प्रार्थना करता हूँ कि जो बहिन जी का रैज्यूलेशन है, मैं उससे जिल्कुल सहमत हूँ और support करता हूँ।

SHRIMATI GEETA MUKHERJEE (Bansura): Mr. Deputy-Speaker Sir, I thank you for giving me this precedence since I am going to attend a Parliamentary Committee meeting.

Let me first take this opportunity to thank my friend and my esteemed colleague, Shrimati Dandavati, for

bringing forward this Bill. Let me also thank Shri Shiv Shankar to indicate that he agrees with the view of the Opposition and I must congratulate him for this liberalism and I thank you for having brought forward this motion for referring the entire question to the Joint Committee.

Since this is being referred to a Joint Committee, I shall not spell out many of the things which are there in the Bill many of which I support. But, some need further examination. On one point in the Bill, I will make an observation. I shall deal with important aspects of it now.

One is that the dowry-giving or dowry-taking should be made a cognisable offence in the Bill. I think this is an absolute 'must' for any bill that we will be passing dealing with dowry. You will see that in reply to my question, some figures were given in this House. When asked as to how many prosecutions had taken place, the Government said that they would make enquiry. Subsequently some enquiry was made and replies have also come from ten States. In ten States, there was not even one prosecution that had taken place. I can say that it was a dismay.

Finally, a Bill was passed by the West Bengal Assembly which I myself brought in the beginning and the Government adopted it subsequently. But, then not a single prosecution had taken place. So, it is clear that whatever law we may make, unless the offences are made cognisable, no prosecution could be started against the offender. This is a must. About the shortcomings, as I have said, I shall have an opportunity to bring forth our views before the Joint Committee. But, on certain things, I want to speak. That is on the dowry bill. I request through you the Government and Shri Shiv Shankar, as also the Prime Minister, particularly, to take this question. I am glad that to-day is the 19th December and this year is about to end. The new year is about to begin—1981. Let us declare the year 1981 for declaring a

war against dowry and make a comprehensive legislation to put an end to this pernicious system which is grinding down our young women absolutely debasing and demoralising, leading to their deaths later. As far as this legislation is concerned, I believe, that this will be passed within that year—1981. This is the first thing. Secondly, there are a number of things which shall not be covered by this legislation; there are a number of things on which some amendments are needed in the Cr.P.C. You will see that while dealing with the dowry deaths etc. the present provision is nothing. The Government has passed an order after our agitation. What is happening to-day? Is there any monitoring cell? Not yet. I can tell you that the Government order contains that one DIG will be there to investigate into the death. He will not be below the rank of a D.I.G. I think it is totally inadequate. That is my experience. You all know that in this House itself there were six cases of death brought out. Enquiries were made and ultimately after that enquiry through the Central Intelligence Bureau, you will be surprised to hear that their report said that in all these six cases, there is not a single case of death or case of murder or leading to suicide. This is the order of the day.

Therefore, I repeat that in the Government orders as well as in the legislation pertaining to punishing for this kind of offence, I think a number of things will have to be put in the Cr.P.C. and they will have to be put in the legislation,—not only by orders, so that those could be studied in depth. I am not going into the details of this.

Now, Sir, if you really want to make the young girls feel that the entire nation is taking up their cause, I will say declare this year 1981 as 'Anti Dowry Year'. Then, Sir, for creating public opinion for preventing dowry and for bringing these cases to the public notice and for creating an atmosphere so that dowry-takers and dowry-givers will feel a little ashamed. It is necessary that from Central level to the village level a really nation-wide campaign is

built up. In this connection, I would like the government to remember the year which was declared as International Women's Year by the UNO. There was some campaign. From the Central level to the village level committees should be set-up specifically to deal with dowry cases. On this question let the nation converge. Sir, I am aware that what is written, what is said and what is done are not the same thing. I am urging you to act according to what you are saying. That is why I want committees at all levels. Now, who will be in these committees? It should contain members from broad sections of public opinion. Almost the entire Opposition should be represented on these committees. There are many social organisations and elected bodies. A cross-section of the whole nation's conscience should be there. There should be pre-dominance of women on such committees. Whatever investigations are made by the government side on dowry deaths will have to be reported to these bodies so that they can intervene. They should have the power to go into the case and make necessary recommendations.

My second contention is to really build up a national campaign. In this year from village level to the Central level let there be innumerable meetings, innumerable demonstrations and innumerable expositions where this vow will be taken in every single meeting that neither shall we give dowry nor shall we take dowry. In those meetings there should be public disclosure of facts as to where dowries were taken. If in villages such meetings are held and if the government machinery and others who are interested in it are there, then it will be possible to create an atmosphere.

Mr. Deputy Speaker, government should earmark a special fund for this campaign. It is no use saying that pamphlets have been published. The funds should be earmarked and on these committees women's organisations which have been there for such a long time should get representation. If this entire thing is backed from le-

[Shrimati Geeta Mukherjee]

gislative side, popular campaign side, Cr.P.C. side and if it is made a cognisable offence then altogether we may even then touch only a fringe of the problem. But, Sir, at least let the fringe be touched. At least let the passage of laws be done. But, I know this: There is no enthusiasm in the minds of young girls and women because they have seen many such laws having been passed and many laws have been brushed aside and have not been acted upon. So, I make a submission to them: Take all the other measures which are also equally necessary and called for. So, Sir, that should be the spirit of the Anti-Dowry War which I want all our friends to declare. With these words I conclude. Thank you.

**श्रीमती ऊषा प्रकाश चौधरी (अमरावती):**

माननीय उपाध्यक्ष जी, दहेज की प्रथा एक सामाजिक गुनाह है जिस पर नियन्त्रण करने के लिए हमारी बहन प्रमिला जी ने कानून में संशोधन करने के लिए प्रस्ताव रखा है। सन् 1961 में महिलाओं की सुरक्षा के लिए दहेज पर प्रतिबन्ध लगाने के लिए एक कानून बनाया गया था लेकिन आज ऐसा महसूस होता है कि उसमें कुछ कमी है। इसीलिए आज यहां संशोधन करने की मांग की जा रही है। प्रमिला जी की भावनाओं को हम समझ सकते हैं लेकिन बलात्कार तथा महिलाओं पर अत्याचार करने वाले लोगों के खिलाफ जो कानून बनाए गए हैं उनमें जो कमजोरी रही जिसके कारण हमको उनमें संशोधन करने की मांग करनी पड़ी उसी प्रकार दहेज प्रथा को रोकने के लिए जो कानून बनाया गया वह अपेक्षाकृत और भी कमजोर साबित हुआ है क्योंकि जब हम देखते हैं कि इस कानून के अन्तर्गत कितने मामलें आज तक दर्ज हुए हैं और कितने गुनाहगारों को सजा दी गई है तो एक-आध मामले ही हमारे सामने आते हैं। इसका मतलब यही है कि कोई भी लड़की या उसके माता-पिता जाकर शिकायत करना पसन्द नहीं करते हैं क्योंकि लड़की

को अपनी ससुराल में ही जीवन गुजारना पड़ता है। इस प्रकार से केवल कागज़ पर रहने वाला कानून हम को संतोष प्रदान नहीं कर सकता है। हर एक कानून अच्छा होता है और उसके पीछे जो भावना रहती है वह अच्छी रहती है लेकिन उसके इम्प्लीमेंटेशन में दिक्कतें आने के कारण लोगों को उनके हक नहीं मिलते हैं और न समाज को फायदा पहुंचता है।

एक बात मैं प्रमिला जी से भी कहना चाहती हूँ कि आज हम कानून में संशोधन करना चाहते हैं लेकिन कितने माता-पिता या लड़कियां शिकायत करेंगी कि हमसे दहेज लिया जा रहा है या दहेज मांगा जा रहा है क्योंकि उनके सामने उनकी आगे की जिन्दगी का सवाल आ जाता है। माता-पिता भी सोचते हैं कि हमारी लड़की अच्छे खानदान में जाए, उसको पढ़ा-लिखा लड़का मिले ताकि उसका जीवन अच्छी तरह से बीते। जिन लोगों की आर्थिक स्थिति अच्छी होती है वे खुद ही दहेज या प्रेजेण्ट देने के लिए तैयार हो जाते हैं। इसलिए इस संशोधन का समर्थन करते हुए भी इसमें जो कुछ कटिनाइयां हैं उनके बारे में कहना चाहती हूँ कि केवल कानून से ही दहेज प्रथा को नहीं रोका जा सकता है। अस्पृश्यता निवारण या दहेज या दहेज प्रथा का निवारण केवल कानून बना देने से हो जायेगा ऐसा मेरा विश्वास नहीं है लेकिन फिर भी इस संशोधन का समर्थन करते हुए मैं अपनी भावना यहां पर रखना चाहती हूँ। इसके लिए एक आवश्यक सामाजिक वातावरण कायम करने के बारे में मैं कहना चाहती हूँ।

सदन में जो संशोधन की मांग की गई है, प्रमिला जी के द्वारा उसमें उन्होंने जो लिखा है कि शादी के पहले या बाद में जो रकम या कोई भेंट दी जाती है अगर वह दो हजार ६० से ऊपर होती है, तो उसको सजा दी जानी चाहिए।

कानूनी दृष्टि से यह बहुत सत्व की बात है कि यदि कोई भी दो हजार ६० से ज्यादा हो, उसको दहेज के खिलाफ गुनाहगार ठहराया जाना चाहिए, सजा मिलनी चाहिए। व्यावहारिकता की इस मांग का मैं समर्थन करती हूँ।

इसलिए मैं यह कहना चाहती हूँ कि इस संशोधन के साथ-साथ, कानून बनाने के साथ कुछ और बातें भी हम लोगों को सोचनी चाहिए। मेरे से पहले जो वक्ता बोल कर गए थे उन्होंने बतलाया था कि मुस्लिम समाज में भी आर्थिक हिस्सा स्त्री को मिलता है। स्वतन्त्रता के बाद भी हम लोग उपेक्षित रहे हैं और इसका एक ही कारण है और वह कारण है—आर्थिक विषमता। इसलिए मैं कहना चाहती हूँ कि आर्थिक दृष्टि से हम महिलाओं को समान हिस्सा घर में और समाज में प्राप्त नहीं हुआ। इसलिए मैं शासन से मांग करती हूँ कि यदि दहेज की वजह से शादी टूटी हो या लड़की ने उसके कारण आत्म-हत्या की हो या शादी के बाद बाप से दहेज की मांग की गई हो और इस वजह से उनको तकलीफ हुई हो या उसको जान से मार डाला गया हो—इन हालात में शासन को तुरन्त कार्यवाही करनी चाहिए। चाहे इसके लिए सरकार को अलग से कमिश्नर की नियुक्ति करनी पड़े, लेकिन जल्दी से कार्यवाही करके उनको कड़ी से कड़ी सजा देनी चाहिए।

इसके अलावा मैं आपको एक सच्चाई की बात बताती हूँ। हमने कई बार देखा है, जैसा श्रीमती प्रमिला व अन्य माननीय सदस्यों ने कहा, जिन महिलाओं को मार दिया जाता है, उनकी जान ले ली जाती है दहेज के लिए या और किसी कारण से; जब उनको अस्पताल ले जाया जाता है, मैं खास तौर पर महिलाओं के बारे में कहना चाहती हूँ ....

MR. DEPUTY-SPEAKER: Now, the time is over. Two hours were allotted for this discussion. There are still about 10 speakers. So we have to extend the time. Now, is it the pleasure of the House that the time for this discussion be extended?

SOME HON. MEMBERS: Yes.

SHRI P. SHIV SHANKAR: We will leave it to the mover of the motion.

SHRIMATI PRAMILA DANDAVATE: The discussion can be extended upto 5.50 P.M.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House that the time for this discussion be extended up to 5.50 P.M.?

SOME HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: The time for this discussion is extended upto 5.50 P.M.

श्रीमती ऊषा प्रकाश चौधरी : मैं यह कहना चाहती हूँ कि जब उस को अस्पताल में ले जाया जाता है और उससे डाइग्नोस्टिक स्टेटमेंट लिया जाता है तो वह कभी नहीं कहती है कि उस की मुसराल वालों या उस के पति ने जान ली है। इसका मतलब यह है, जैसा कि मुझे पता लगा है कि उस के बच्चों का ठीक तरह से पालन पोषण हो सके और जो परम्परागत समर्पण और सहनशीलता की भावना उस के मन में है, इस वजह से उस अन्याय के बारे में वह कुछ नहीं कहती है। यहां सदन में बताया गया कि कमेटी में ऐसे लोग होने चाहिये जिन्होंने न दहेज लिया हो और न दहेज दिया हो।

### [श्रीमती ऊषा प्रकाश चौधरी]

मैं पूरे सदन से पूछना चाहती हूँ कि ऐसे कितने मेरे संसद्-भाई होंगे जिन्होंने अपनी शादी में सप्रेम कोई भेंट न ली होगी या अपने बेटे-बेटी की शादी में दहेज न लिया या न दिया होगा ? इसलिए मेरा कहना है कि कानून के साथ-साथ हमें अपना मन बनाने की भी आवश्यकता है, इसके लिए मन को तैयार करने की आवश्यकता है ।

मैं यह भी सुझाव देना चाहती हूँ कि जब तक आर्थिक समता नहीं आती तब तक महिलाओं पर अन्याय दूर नहीं हो सकता । इसके लिए जैसे कि हमारी हिन्दू संस्कृति में, हिन्दू ला में लड़की को हिस्सा मिलता है, वह उसे बराबर मिलना चाहिए । आप कहेंगे कि कानून बने हैं, लेकिन मैं कहना चाहती हूँ कि महिलाओं के लिए कानून कागज पर ही रहते हैं, उनको व्यवहार में नहीं लाया जाता । इसलिए महिलाओं को बराबर हिस्सा मिलना चाहिए । शादी के पश्चात् यदि स्त्री को कोई तकलीफ दी जाती है, या उसे पति त्याग देता है तो उस परित्यक्ता स्त्री को उसके पति का आधा हिस्सा मिलना चाहिए और अगर पति सर्विस में है तो उसकी पे का आधा हिस्सा उसको दिया जाना चाहिए । क्योंकि हमारे देश की स्त्री कितनी ही तकलीफ में क्यों न हो लेकिन वह डायवर्स लेने के लिए तैयार नहीं होती, कोर्ट में नहीं जाना चाहती । दहेज के कारण या अन्य किसी कारण से उसको जिंदगी भर भी तकलीफ दी जाए तब भी वह उसको सहती रहती है । इसलिए मेरा सुझाव है कि पति की सम्पत्ति का आधा हिस्सा या तन्खवाह का आधा हिस्सा उसको मिलना चाहिए । इसके लिए सख्त कानून की आवश्यकता है ।

अभी हमारे यहां का, अमरावती जिले का एक केस है, वहां बर एक लड़की के

नाम से कुछ खेती थी, उस खेती को प्राप्त करने के लिए उसको इतनी तकलीफ दी गई कि उसकी जान चली गई । ससुराल वालों ने उस की जान ले ली । उस लड़की का पिता पुलिस विभाग के और सब जगह के चक्कर लगाकर हार चुका है, लेकिन उसको अभी तक

16.JJ hrs.

[SHRI K. RAJAMALLU in the Chair]

न्याय नहीं मिला है । अंत में हार कर वह गृह मंत्रालय को अब लिख रहा है । खेती के कारण उसकी बेटी की जान ले ली गई । उसके नाम से जो खेती थी वह पिता को मिलनी चाहिए । मेरा गृह मंत्रालय से निवेदन है कि वह इस ओर ध्यान दे । ऐसे केसेज आपके पास तक बहुत कम ही पहुंच पाते हैं । कानून बहुत सारे हैं, लेकिन न्याय जल्दी नहीं मिलता । जो आर्थिक दृष्टि से गरीब हैं वे न्यायालय या पुलिस थाने में जाना नहीं चाहते । इसलिए हमारी न्याय व्यवस्था में परिवर्तन लाने की आवश्यकता है ।

अखिर मैं मैं स्वर्गीय संजय जी का उदाहरण देना चाहती हूँ । उनकी याद आज हमें आ रही है । उनका का जो पंच सूतीय कार्यक्रम था, उन्होंने जो राष्ट्र के सामने रखा था उसके द्वारा उन्होंने देश की युवा शक्ति का आवाहन किया था कि युवा शक्ति को इस ओर आवाज उठानी चाहिए और दहेज न लेने की शपथ ग्रहण करनी चाहिए ।

आज हमारे ऊपर अन्याय हो रहे हैं । क्या हम समाज का हिस्सा नहीं है । हर क्षेत्र में महिलाएं बराबर का हिस्सा बंट रही हैं इसलिए हम पर जब अन्याय होता है तो उसके लिए आपका कर्तव्य है कि हमारे साथ-साथ आप भी हमारा साथ देने के लिए तैयार हो जाय ।

श्रीमती गीता मुखर्जी ने तथा दूसरी महिलाओं ने तथा संस्थाओं ने भी लोगों का आह्वान किया है कि वे अपथ ग्रहण करें कि वे न दहेज लेंगे और न ही दहेज देंगे । जब से यह अन्तर्राष्ट्रीय महिला वर्ष शुरू हुआ है तब से हम लॉग आन्दोलन करती आ रही हैं, क्रान्ती लाने के लिए, जागृति पैदा करने पर जोर देती आ रही हैं और उस में राजकीय नीति या पार्टी की कोई भावना नहीं है बल्कि यह एक सामाजिक कार्यक्रम है, इस सामाजिक कार्यक्रम के लिए हमारा मन तैयार हुआ है और सभी को इस में योगदान करना चाहिए । इस देश की महिलायें आज जागरूक हो गई हैं और अपने हकों की मांग कर रही हैं ।

प्रमिला जी के संशोधन का जहां तक सम्बन्ध है उसको पारित करने में कुछ कठिनाईयां हैं । कर्मटी बैठेगी और वह उन कठिनाईयों को दूर करने के उपाय सुझायेगी । आपने जो यह कहा है कि एक हजार रुपये में शादी होनी चाहिए उसको भी देखा जाना चाहिए कि आज के महंगाई के जमाने में इस राशि में शादी करने में कितनी मुश्किल होगी । घर के जो मँबर होते हैं उनका खानपान का खर्चा भी उसमें शायद नहीं हो सकता है । इस तरह की बहुत सी चीजें हैं जिन पर विचार करने के लिए यह समिति बनी है । आपने जो प्रस्ताव रखा है इसके लिए तो मैं आपको धन्यवाद देती हूँ और साथ ही साथ प्रमिला जी को भी इस विधेयक को लाने के लिए धन्यवाद देती हूँ ।

श्रीमती कृष्णा साही (बेगूसराय) :  
विधी मंत्री श्री शिव शंकर ने जो दहेज के सम्बन्ध में प्रस्ताव रखा है मैं उसका हार्दिक समर्थन और स्वागत करती हूँ । बहुत प्रसन्नता की बात है कि मंत्री महोदय ने यह सोचा कि जल्दवाजी में, टिट बिट्स

में, छोटे छोटे टुकड़ों में कोई काम करने से उसका जनमानस पर उतना प्रभाव नहीं होगा जितना उसके ऊपर गम्भीरता से, उसके सारे पहलुओं को देखकर, समझ कर हो सकता है । समिति जो प्रतिवेदन प्रस्तुत करेगी सरकार उसके सभी पहलुओं को देखेगी और किस प्रकार दहेज का उन्मूलन हो सकता है उसके ऊपर गम्भीरता से वह विचार करेगी ।

श्रीमती प्रमिला दंडवते जी ने जो संशोधन विधेयक रखा है उसमें क्या इस दहेज की समस्या का समाधान हो सकता है ? छोटे मोटे शब्दों का हेर-फेर करने से इस समस्या का समाधान नहीं हो सकता है । यह अभिशाप सैकड़ों बरसों से चला आ रहा है । यह कोई नई चीज नहीं है । डेढ़ सौ वर्ष पहले डा० राम मोहन राय ने दहेज के विरुद्ध अभियान चलाया था । उसके बाद महात्मा गांधी ने तथा कांग्रेस की जो सरकारें बनी या जो भी सरकारें बनी उन्होंने समय समय पर और उनके साथ साथ गैर सरकारी संस्थाओं ने, समाजसेवी संस्थाओं ने भी अपने तरीके से अभियान चलाए । बहुत से कानून भी बनें और बहुत से उपाय भी बूढ़े गए । नवयुवकों और नव युवतियों द्वारा इस अभिशाप के विरुद्ध प्रदर्शन भी किए गए । महिलाओं ने भूख हड़तालें भी कीं और सभाएँ भी कीं । लेकिन लगता ऐसा है मर्ज बढ़ता ही गया ज्यों ज्यों दवा की । जो सभ्य कहा जाने वाला समाज है या जो शिक्षित समाज है उस में दहेज प्रथा ज्यादा व्याप्त है और जो निर्धन लोग हैं जिनके पास कुछ भी नहीं है उन में दहेज प्रथा है ही नहीं ।

प्रमिला जी ने अपने संशोधन में कहा है कि धारा दो में कि जो सामान आदि दिया जाता है उसका कुल मिला कर मूल्य दो हजार रुपये से अधिक



[श्रीमती कृष्णा साहू]

वहीं होना चाहिए। यह चीज व्यवहारिक वहीं जाए पड़ती। मैं उन्हीं से पूछना चाहती हूँ कि वह या मैं अपनी बेटी को घर में जब विदा करें तो क्या दो एक साड़ियाँ और एक मंगल सूत्र भी उन के गले में डाल कर उसको विदा न करें? दो हजार रुपयों में क्या ऐसा करना सम्भव हो सकता है? लड़की का जब जन्म होता है उसके अधिकारों को लेकर झगड़ा शुरू हो जाता है कि इसका क्या किया जाये या क्या नहीं, क्या दिया जाये और क्या नहीं। जब उसकी शादी होती है तो बड़ी भावनायें लेकर वह अपने पति के घर जाती है और लड़की को लोग विदा करते हैं। यह सही बात है। सारी बहनें इस भावना की कद्र करती हैं। दहेज के समान कोई कलंक की बात हमारे समाज के लिए नहीं है। लेकिन इस तरह के संशोधन से इस समस्या का हल नहीं हो सकता है क्योंकि यह व्यावहारिक नहीं है। बहन दंडवते ने दूसरा संशोधन दिया है कि 2,000 रु० से अधिक सजावट पर खर्च न हो। मेरी राय में यह भी उचित नहीं जान पड़ता है। मेहमानों की खातिर के लिए मामूली माला और फूल खरीदने में ही इतना रुपया खर्च हो जाता है। आज कल मेरे विचार से इस कुप्रथा का निराकरण केवल कानून बना कर नहीं हो सकता। यह तभी संभव हो सकता है जब हमारी शिक्षा प्रणाली में कुछ ऐसी भावनाओं को प्रेरित किया जाये जो बच्चों के दिमाग पर प्रभाव डालें, जैसे धर्म के बारे में कहते हैं कि क्या अच्छा है और क्या बुरा है, ऐसे ही यह बात उनके दिमाग में आनी चाहिए कि दहेज लेना पाप और अभिशाप है। तभी इस समस्या का निराकरण हो सकता है। यों-तो यह प्रांतीय विषय है और पंजाब, बिहार,

गुजरात; महाराष्ट्र आदि प्रांतों ने समय समय पर कानून भी बनाये हैं और एमरजेंसी के समय स्वर्गीय संजय गांधी के नेतृत्व में कुछ नौजवानों ने जैहाद भी छोड़ा था जिसका इम्पैक्ट भी हुआ था। कहने का मतलब यह है कि केवल कानून बनाने से ही हृदय परिवर्तन नहीं होता, बल्कि भावना पैदा करने से काम होगा। मेरी बहन प्रमिला जी से निवेदन है कि महिलाओं का इसमें बहुत बड़ा योगदान होता है। जब वह घर में आती है तो हमारी बहनें ही वह का स्टेटस देखती हैं कि वह अपने साथ क्या लायी है और दहेज में लाये हुए समान से ही वह का स्टेटस निर्धारित करती हैं। यदि महिलायें संकल्प लें कि हम अपने लड़के के लिए तिलक, दहेज नहीं लेंगी, मतलब घर को बरबाद करके जो दहेज लेने की प्रथा है उसके विरुद्ध जैहाद छेड़ेंगी तो अच्छा होगा।

मंत्री जी ने संयुक्त समिति का जो प्रस्ताव रखा है उसमें अच्छे सुझाव आयेंगे। लेकिन मेरा एक सुझाव है कि जिस तरह से हर साल इनकम टैक्स रिटर्न भरा जाता है उसी तरह से शादी के खर्च का ब्योरा डावरी सैल या सरकार द्वारा बनाई हुई कमेटी में दें कि लड़की की शादी में कितना खर्च किया गया। इससे थोड़ा बहुत चैक होगा। इसी तरह से जो राजनीतिक, सामाजिक और शैक्षणिक संस्थायें हैं वह दहेज विरोधी अभियान को प्राथमिकता दें और विवाह स्थलों पर जहां लेन देन का व्यापार चलता हो ऐसी जगह वे न जायें, एक तरह का सोशल वाइकाट करें तो अच्छा होगा।

पहले भी मैंने कहा है कि कानून से ही इसका समाधान नहीं होगा, जो बहनें आत्म हत्या करती हैं क्या कारण है कि बहनों की ही संख्या ज्यादा होती है, घर

की जो हैड ग्राफ दी फैमिली महिला होती है उनको नहीं होती। यही सुनने में आना है कि बहू स्टोव पर काम कर रही थी और जल गई। कभी कुछ, कभी कुछ बहाना किया जाता है। परिवार में बहू की ही ज्यादा होती है, दूसरे सदस्यों की नहीं होती। इस लिए सरकार इस को भी देखे कि जो घात-हत्याएँ होती हैं, वह क्यों होती हैं? यह एक दिन में तो होती नहीं हैं, लड़की को बराबर टार्चर किया जाता है और कहा जाता है कि तुम पीहर में लिखो कि यह-यह सामान चाहिए, तकलीफ होती है। जब तक औरतें इन बातों को नहीं देखेंगी, तब तक पुलिस का हाथ इतनी दूर तक नहीं जा सकता है। इस लिए मैंने पहले भी कहा कि इसमें मानसिक प्रवृत्ति को बदलने की जरूरत है और हम महिलाओं को इसमें बहुत बड़ा योगदान करना होगा।

इस लिए मैं कहना चाहती हूँ कि देहेज के सम्बन्ध में देश में जो एक नया वातावरण तैयार हुआ था आपत्कालीन स्थिति के समय, वह क्यों हुआ, कैसे हुआ यह सब आप भी जानते हैं और हम भी जानते हैं। मैंने पहले भी कहा है कि इस बारे में अधिक काम देहातों में करने की जरूरत है, क्योंकि वहाँ की बहनें पढ़ी-लिखी नहीं होती हैं। शहर में देख सुनकर भी ज्ञान हो जाता है लेकिन देहात में नहीं होता है। इस तरह से हमारी फिल्म डिवीजन को देहातों में जाकर इन बुराइयों से बहनों को देहातों में फिल्में दिखाकर अवगत कराना चाहिए। सरकार की ओर से यह व्यवस्था होनी चाहिए।

जैसे और बहनों ने भावनाएँ व्यक्त की हैं, जो मर्मित बनाई जा रही हैं उसमें मेरा सुझाव है कि हमारी महिलाओं की संख्या अधिक होनी चाहिए। मैं यह कह कर पुरुषों पर अक्षेप नहीं कर रही हूँ,

लेकिन कहना चाहती हूँ कि इसमें महिलाएँ ज्यादा से ज्यादा रहें तो वह अपनी भावनाओं को व्यक्त कर सकती हैं और सभी बातों पर खुले दिल से विचार कर सकती हैं। इन्हीं शब्दों के साथ मैं आपका धन्यवाद करती हूँ।

✓ SHRIMATI SUSEELA GOPALAN (Alleppey): Mr. Chairman, I congratulate Shrimati Promila Dandavate for giving us an opportunity to go into the details of a Bill like this. Actually the Act which was passed in 1961 remains the biggest joke of the century, because when Government tried to collect some information from the States, it was found that only one prosecution was launched. For so many years this is what is happening. When historians write about our country, they can write that there was such a legislation passed in Indian Parliament in such and such time and as a historical record it can be kept in the archives also, so that there will be historical record that there was such a legislation. It never served the purpose for which it was meant. One of the reasons for that being so is the general socio-economic conditions. It is one of the major handicaps in this society. I think women should take a more active part in the social process, social production; they should be given an opportunity to do so. They should come out of the house and understand what the world outside is. If such a perspective is not there, I do not think women can be saved from all these sufferings. Even in the Sixth Plan that you have drafted, I do not think such a perspective is there; you are thinking of family where women will remain in the House and do some household job generating some kind of income, some kind of handicrafts in the house. The concept is not to save her from the shackles of the present social outlook. If that is to be achieved, they should be taken out of the family life and brought into social production. Only if this is done more and more, they can be saved from such atrocities. Women should have the right of inheritance and right to property. In several communities, includ-

[Shrimati Suseela Gopalan]

ing Christians, women have no right of inheritance. When we talk about stopping of dowry with Christian girls, they say, "How can we ask for abolition of dowry, because we have no property right?" If we say that the Christian law should be amended, the party in power will say that it concerns the sentiments of a community. Articles 44 and everything is there. If this was the attitude in the olden days, I do not think it would have been possible to pass the Sati Abolition Act, because so much sentiment was there in the country at that time. Even in the present day, they are able to mobilise women, and make them parade in the streets demanding observance of sati. So, you can understand what would have been the sentiments in the country at that time. This is a very objectionable thing. So, if you want that dowry should be abolished, it is necessary to bring forward legislation in every connected field. Together with that, opportunity should be given to women to come forward and take part in social production. That should be the objective of the five year plans. That objective is not there. That is my objection.

Even in this legislation, Mrs. Pramila Dandavate has suggested so many amendments. But whatever legislation you pass, how can we implement it? That is the major impediment. We should discuss this matter in detail. I feel there should be public participation at every level. Free legal aid should be given to dowry victims in all cases, whether they come from the richer section or poorer strata. Also, at every level starting from the village, as Mrs. Geeta Mukherjee suggested, there should be committees. If complaints are made to them, they can make enquiries and if they give their report, a case should be registered.

In the Criminal Procedure Code and inheritance law, so many changes have to be made. Dowry deaths are there. Even after a dowry death, the man who killed the girls gets all her properties

and ornaments. That is the present legislation. To cover up that, you must make some provision in this law itself. Recently when I participated in a working women's meeting, the girls were telling, "We are employed girls. Tomorrow if we are killed, even then our provident fund, gratuity, etc. will go to our husbands." Those things should be covered up. Sometimes it concerns inheritance law. A comprehensive legislation should be brought out because daily cases are increasing. Even in Kerala, where there is property right for women, it is increasing daily. In north Kerala, in Malabar area, this evil was not there before, but it is spreading there also now. Even among the working class, it is there. Recently a case was brought to our notice. A girl was working in a factory. Another man wanted to marry her. He said, she should give dowry. That girl had to resign from her job in order to get a lump sum amount from the factory so that she could give that amount to that person and then get herself married. Even in lower ranks this evil is spreading. This evil was prevalent only among big people—landlords, zamindars, etc.—who used to decorate the women with ornaments in order to show her to the people. We must have a comprehensive legislation to stop all these things.

More than that, a social consciousness should be developed. For doing that, there should be the participation of all political parties and social organisations.

Shrimati Geeta Mukherjee suggested that we could earmark a year for that. We had a women's year, a child year but no improvement is there. But to focus the attention of the public, we can earmark a year for that purpose.

The most important factor is the economic factor. The socio-economic programmes which you visualise, are entirely conservative. Your attitude is that women should remain in homes to look after children, do the household work, plus some earnings. If she remains in the house, she cannot be sav-

ed from the clutches of the man. Yours is a feudal outlook. You have to bring her out and give her employment. Wherever women are working, you are bringing in more and more machines and getting them out of employment. This is the present attitude of the Government. In order to help capitalists and monopolists, you are doing that. In tobacco industry, in match industry, big imported machines are being installed. You should change such an attitude.

When we go in the details of the Bill in the Committee, we will bring forward more suggestions.

In socialist countries, there is no dowry.

There women are working. I have seen with my own eyes how women are being emancipated in socialist countries. They feel that they are also participating in the social production and in the running of the country. Here a re-orientation in the perspective of the economic programme should be there. Unless and until that is there, no amount of social legislation will help us in any way.

**श्री रीत लाल प्रसाद वर्मा (कोडरमा) :**  
सभापति महोदय, दहेज विरोधी बिल जो श्रीमती प्रमिला दंडवते जी लायीं हैं, उस का मैं हार्दिक समर्थन करता हूं। यह एक बहुत ही अहम प्रश्न है जो सारे देश में विकराल सुरसा के रूप में अपना बदन बढ़ा रहा है। सारे देश में आज मैं समझता हूं कि इस दहेज के कारण हजारों वधु आत्महत्या कर रही हैं, कभी आग लगाकर जल जाती हैं कभी किसी और तरह से आत्महत्या कर लेती हैं क्यों कि दहेज की एक ऐसी मांग है कि जिस को लेकर निर्दोष वधुओं पर जब दबाव डाला जाता है या उस की ससुराल वाले हर दम उसे उल्हाना देते हैं तो उसे बहुत संकटग्रस्त हो जाना पड़ता है और बेमौत मरना पड़ता है। इसलिए इस सवाल पर प्रतिबन्ध लगाने की बात रखी गई है उस का मैं समर्थन करता हूं

बल्कि मैं तो यह समझता हूं कि यह चीज सरकार की तरफ से आनी चाहिए थी क्योंकि सरकार भी बार बार महिलाओं की सुरक्षा और दहेज प्रथा को बन्द करने के लिए कदम उठाने की बातें करती रहती है और आश्वासन देती रहती है परन्तु आज तक सरकार इस प्रकार का बिल नहीं लाई। अब अगर विरोध पक्ष की ओर से ही यह बिल आया है तो ट्रेजरी वेंचेंज को अपना पूरा समर्थन इस को देना चाहिए। इस प्रकार का ऐतिहासिक उदाहरण यहां पर उपस्थित हो सकेगा। साथ ही साथ मैं यह भी कहना चाहता हूं कि यह जो बिल है वह कांप्रिहेंसिव नहीं है, और भी बहुत सी बातें हैं जो कि इसमें जोड़ी जानी चाहिए। इसमें जो सजा का प्रावधान है उसको भी कठोर बनाने की आवश्यकता है ताकि इस कुप्रथा को निर्मूल करने में सहायता मिल सके।

समाज में जाति प्रथा का रूप इतना विकराल है कि एक जाति से दूसरी जाति में शादी विवाह की प्रथा नहीं है। हमारे समाज में आज भी ऐसे वर्ग हैं जहां अगर कोई डाक्टर, आई० ए० एस०, आई० एफ० ए० या आई०पी०एस० अफसर बन जाता है तो उसके माता पिता डेढ़-दो लाख का आंकड़ा पहले से ही लगा लेते हैं कि जितना कुछ उसकी पढ़ाई निखाई पर खर्च हुआ है वह सब शादी में निकल आयेगा। उसी के अनुरूप वे उसके तिलक में पैसे की मांग करते हैं। समाज में ऐसे बहुत से लोग आपको मिलेंगे जिनको अपना घर और जमीन तक बेचनी पड़ी है। इसलिए ऐसे बंधन लगाकर एक सामाजिक वातावरण पैदा किया जाना चाहिए कि सारी नारी जाति एक है और उसकी आबरू और इज्जत एक समान है। शादी विवाह में कोई जाति बंधन नहीं होना चाहिए। इस सम्बन्ध में सरकार की ओर से भी प्रोत्साहन मिलना चाहिए। जितने आई० ए० एस० आफिसर्स नियुक्त किए जाते हैं उनके लिए यह व्यवस्था होनी चाहिए कि अगर वे अन्तर्जातीय विवाह

[श्री रीत लाल प्रसाद वर्मा]

करेंगे तो उनको सेंसिटिव (संवेदनशील) पोस्ट्स दी जायेंगी और जो जातिगत परम्परा से विवाह करेंगे उनको नान-सेंसिटिव (असंवेदनशील) पोस्ट्स दी जायेंगी। सरकार की ओर से इस प्रकार के प्रोत्साहन दिए जायेंगे तो धीरे धीरे समाज से जाति प्रथा समाप्त हो सकती है। इस दृष्टिकोण से भी अगर इस बिल में कोई प्रावधान रहते तो अच्छा होता। फिर भी मैं समझता हूँ माननीय सदस्यों को इस को मान लेना चाहिए ताकि समाज में एक अच्छा वातावरण बन सके।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Chairman, a very important and burning question has been brought before this House through this Bill by Mrs. Dandavate and she deserves our congratulations. I hope all the hon. colleagues will join me in congratulating her. At the same time, I join Shrimati Geeta Mukherjee and Shrimati Krishna Sahi in congratulating the hon. Law Minister for moving the motion for referring this Bill to a Joint Committee. It is because of this that I have to congratulate Mrs. Dandavate once again, because she has succeeded in her objective by bringing this particular Bill.

While I support the intentions behind this Bill, I have my own doubts as to whether the Act of 1961 or this amendment Bill would serve the purpose for which it is moved. This Bill is aimed at the removal of the very ugly system of dowry. This Act came into force in 1961. Various suggestions have been made, like the one that it should be made a cognisable offence. I am one with you. But my suggestion is that it should be made not only cognisable but also a non-bailable offence. But the question is whether we would achieve this object by making the

offence, cognisable and non-bailable, because in Himachal Pradesh and Bihar the State Governments made amendment to this particular legislation and made this offence a cognisable one and especially in Bihar, it is also made non-bailable in addition to being cognisable. With all this, the question which I would like to pose to the hon. Law Minister is whether the objects or the intentions have been achieved. How many cases have been filed in Himachal Pradesh and in Bihar? (*Interruptions*). I say, though Bihar has amended and made it cognisable and non-bailable and though Himachal Pradesh has made it a cognisable offence, still not a single case has gone to the court.

SHRI P. SHIV SHANKAR: Very few.

SHRI BAPUSAHEB PARULEKAR: Yes, very few. And I do not know out of these very bad cases, how many have ended in conviction. We have to introspect and find out the reasons as to why this happens. It is because of the callousness of we, people, that we are not in a position to go to the police station to give information if we come to know that the offence is committed.

Mr. Chairman, one father of an unfortunate girl from Indore came to me and told me that because the bride could not carry any wealth with her to the groom's house, she was burnt in her legs and she was burnt in the back. She shouted for help, but none went to her rescue. Not only that but none went to the police station to give the information. When the information is not given, the police machinery does not move, there is no charge-sheet and no court. How can you prevent dowry taking by legislation! Even if you make it bailable or non-bailable offence or even if you make it cognisable offence the ugly system cannot be stopped by legislation alone. Since 1961, as this report goes up to 1977 there was only one case in the entire country and that was in Kerala and ultimately I am told that also ended in acquittal. What is the reason behind this? So, the question which I would

like to pose to the hon. Minister is, unless you make suitable amendments to the Hindu Marriage Act by which a provision for divorce would be made on the ground of dowry, how can the bride or the bride's relations go to the police station? Assume for a moment the bride's father files a complaint, it being a cognizable offence. His son-in-law and his father are prosecuted and they are convicted. What would be the plight of the bride who is married to the son who is convicted? Will she be in a position to stay and continue in the family? Is it not necessary for us to give a thought to this problem? Therefore, I would suggest that it would be absolutely necessary to make amendments in the Hindu Marriage Act and I would suggest this to the hon. Law Minister: Why not consider section 12 and add an additional clause (e) that this should be made a voidable marriage?

PROF. N. G. RANGA (Guntur): If they are not going to make any complaint?

SHRI BAPUSAHEB PARULEKAR: You have not appreciated me, Mr. Ranga. That I said about the crime. I am speaking about the dissolution of marriage. If you make it a voidable marriage, the petitioner can go and file a suit for divorce dissolution of marriage. Otherwise, Mr. Shiv Shankar, you will find that she will not be in a position to prosecute and there will be any impediment for prosecution. If she had a remedy in a court of law to come out of the family by way of divorce by making this particular marriage a voidable one the purpose may be served. And at the same time make a provision that all gifts and presents made to the groom or the groom's family shall be returned to the petitioner on the day when the decree is passed for dissolution of marriage and also make a provision for a permanent alimony. That would be a check on this. I am aware that this will not solve the entire problem. This is only by way of a suggestion I have made. I have to make 5 or 6 important suggestions ultimately. If you throw a glance at

this particular system, we find that this is a system, which was not prevalent in ancient times. In ancient times it was the reverse of it. The bride's father was paid by the bridegroom's father, but our *dharma shastras* did not recognise this because in case of such a marriage, the bride was not treated as a legally wedded wife, but she was treated as a *dasi* and no legitimacy was given to that particular marriage. In Maharashtra, during Shivaji's reign, the Prime Ministers of Shivaji the Peshwas, also issued notifications and made this particular thing penal. But we find that only very recently, by about the end of 19th century also this system is coming up. This is of a recent origin.

In recent years unfortunately it has assumed a formidable form, and it has spread like cancer. Even during Vedic times we find mention of presents given to the bride, but they were made on affectionate grounds, there was no element of compulsion. At that time there was no provision made for Hindu married women, unmarried daughters and married daughters, and as the hon. Law Minister knows, prior to 1937 they were all helpless. It was because of Dr. Deshmukh that the Act of 1937 came into force, and they did get something. In 1956 we conferred some rights on them. In the circumstances, the parents felt that in case of necessity something should be given by way of affection, without any element of compulsion. That is how this system started.

But times have changed, the minds of the youth have changed, and I have to appeal to the younger people to consider in what plight they are putting the parents of the unfortunate girls. They should not forget that they have also their own sisters to be married. What will a young man feel if his brother-in-law demands in the same way?

What is the demand these days? Shrimati Sushila Adivareker, in an article that she has published in the *Encyclopaedia on the Women of India*

[Shri Bapuscheb Parulekar]

has said that dowry is the price tag on every boy. Rightly she says that the present youth ask for four F's—flat, flat, fridge and foreign tour. How many parents are there in India who will be in a position to provide this four to their son-in-law even assuming that he is an M.A., FRCS? They may very well wish, but they cannot provide all these. The youth should remember and understand that by this they will land the parents of the girls in complete ruin. It is because of this that I join the sentiments expressed by my hon. colleagues, Shrimati Chaturvedi and Shrimati Krishna Sahi when they made an appeal to the youth of this country.

This Question has to be approached not only from the legal aspect. Other aspects also have to be taken into consideration. Did the Government really intend that the dowry system should be prohibited when they passed the Act of 1961? The intention is good, but the Act is boneless, that is my contention. There is an opinion by a jurist, De'lome, if I remember alright, who has said:

“But the fate of the Act without teeth is the same as that of the Legislator who, on the point of making an earth-shattering pronouncement, finds he has spat out his dentures with the betel juice.”

That is how we find the implementation of this law.

If you refer to the definition of dowry in the Act of 1961 it says that it is anything that is given in consideration. Remove that word “consideration” and apply the same yardstick and principle that we have laid down in the Prevention of Corruption Act, namely presumption. Anything given at the time of the marriage shall be presumed to have been given as dowry. You yourself say in the Act that it has to be proved as a consideration. If the friends, parents and relatives say that there was no consideration,

that it was given out of love and affection, they get out of the clutches of the law. Not only that I am surprised to see that you have made an effort to see that this dowry system is accentuated. Kindly refer to the Explanation under Clause 4:

“Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman for whom the dowry was received before the marriage within one year. If the dowry was received at the time or after the marriage, if the dowry was received when the woman was a minor, pending such transfer, he shall hold it in trust for the benefit of the woman.”

You accept the principle of dowry in this clause. This is the loophole you have to plug.

I have with me a quotation, an incement about judicial irony.

I have with me a quotation, an instance of an English Judge. For the information of all the hon. Members of this august House I would like to read that. That would throw light. It is in connection with the divorce system, though not with the dowry system.

“In a well known classic of Judicial irony, to which Lord Campbell referred in the Lords' Debate on the Matrimonial Causes Bill of 1856 in Britain, a prisoner had just been convicted of bigamy; Mr. Justice Maule asked him whether he had anything to say why sentence should not be passed upon him. The prisoner exclaimed ‘My wife was unfaithful, she robbed me and ran away with another man and I thought I might take another wife.’”

What did the Judge say? That is the tragedy of our law, of the law all over the world.

Justice Maule said, “You are quite wrong in supposing that, you ought to have brought an action for criminal

conversation; that action would have been tried by one of Her Majesty's Judges at the Assizes; you would probably have recovered damages and then you should have instituted a suit in the Ecclesiastical Court for a divorce *a Mensa et thoro*. Having got that divorce you should have petitioned the House of Lords for a divorce *a Vinculo* and should have appeared by counsel at the Bar of their Lordship's House. Then if the Bill was passed it would have gone down to the House of Commons, the same evidence would possibly be repeated there and if the royal assent had been given, after that you might have married again. The whole proceedings would not have cost you more than £ 1000/-.

The prisoner "Ah, my Lord I never was worth a thousand pence in all my life".

Mr. Justice Maule "That is the law and you must submit to it."

(Interruptions)

This is exactly what I say. By the time Dowry Prohibition Act is passed, young daughter-in-law would be mother-in-law. You kindly take into consideration this particular fact. Somebody has to go to the police station. Somebody has to give information. That information has got to be registered. It is a cognisable offence. Then the police personnel will come. They will record the statement. Then case will be filed. Then magistrate's court, sessions court, high court, supreme court. This would be a mockery of this particular law.

Without going into other details I would like to make a few suggestions. On this subject many things can be said. We have experience of it. Hon. Law Minister is having wide experience in the bar and a Judge. He would have much more experience than myself. I should not tell him anything more, but I will make my suggestions to him.

(Interruptions)

It is said that the whole problem can be solved by rousing social conscience.

This in my opinion, is only an attractive approach. There is hardly any evidence of social conscience. I mentioned an instance of Indore.

It was mentioned by Shrimati Usha Chaudhari that there should be increase in economic freedom and job opportunities for women to the extent that the practice of dowry becomes obsolete. It will be a very long process. We have to take into consideration immediate steps. I would like to suggest—I do not know whether the hon. Law Minister will find it ridiculous, but this is my suggestion—very small but significant step could be taken by the Government by declaring the taking or giving of dowry to be against Government servants conduct rules by including this act as an act of *Misconduct*. Such a lead was given earlier to prevent bigamous marriages, when the Bigamous Marriage Act was passed in Maharashtra.

This is a suggestion to start with. This is just a gesture. There is no necessity of going to courts, going to police. These days they will not go because they are scared of getting themselves blinded.

The second is an amendment of the definition of the word 'dowry'. Remove the word 'consideration' and remove Clause 6 from the Act.

The third suggestion which I would like to make is that all gifts made to the bridegroom or his parents in excess of Rs. 500 or which can be so used to reduce his financial liability should be made punishable. I may invite the attention of the hon. Minister to the position obtaining in Great Britain. The dowry system is there. I would quote a relevant portion:

"Her situation was mitigated by settlement made by courts or chancery, and in England some provision to safeguard the dowry was made by placing in the hands of trustees the property brought to the marriage by either party; thus, while the wife owned nothing, she had some equity."



[Shri Bapusaheb Parulekar]

He is speaking of gifts from parents and friends and he says that it is not possible for him to legislate a measure to prohibit that. As I submitted, an amendment or some provision should be made in the Hindu Marriage Act.

The fourth suggestion is that you make all the offences cognisable, see how they can be implemented and also make them non-bailable.

Then, what happens is that once you pass an Act, nobody bothers. If Mrs. Pramila Dandavate had not brought forward this Bill, the Government, I believe, would not have considered this. If I am wrong, I am happy. Here, I would make a suggestion that a provision for evaluation of the impact of this Act should be made after every five years. It will help on plugging the loopholes which would facilitate the evasion of law.

The other suggestion which I would like to make is establishment of family courts which are established in other countries also. Instead of giving this matter to a constable who is ready to blind the people, there must be a person having a heart who can look into this problem. It is a problem; it is not a crime as such. It is a civil wrong to be converted into a crime.

Then, I suggest the setting up of an Anti-Dowry Commission with statutory powers as was done in Great Britain in the year 1869. We have a record of all that in the library. Some very valuable suggestions have been made there.

Coming to hardships that may be caused, there again there is a solution which I would like to place before the Law Minister for his consideration. To overcome harassment, I would suggest that the enforcement of social laws, like, the Dowry Prohibition Act; the Child Marriage Restraint Act, should be entrusted to a separate administration to which I made a refer-

ence with which social workers and enlightened members of the society or the community should be associated.

I request that all the suggestions which I have made may kindly be taken into consideration by the hon. Minister and these may be passed on to the Joint Committee for a threadbare consideration by them so that let us all come together and try how best we can stop this particular menace and save the lives of our innocent young sisters.

With these words, I support the intentions of this particular Bill.

\*SHRI ANANTHA RAMULUMALLU (Nagarkurnool): Mr. Chairman, Sir, it is surprising that Shrimati Pramila Dandavate has brought forward this Bill, which she could not do earlier when the Janata Government was in power for three years. I have every regard for Shrimati Dandavate and her views, but Sir, I fail to understand why she could not bring this Bill when Janata Party had an absolute majority in this august House. Did she forget the women of this country during that time? Why could not they think about enacting anti-dowry legislation? Our hon. Minister for Law Justice and Company Affairs has repeatedly assured us that the present Government is seriously thinking of taking suitable steps in near future. Sir, hon. Members have already spoken at length about this. So I will confine myself to only a couple of points.

If we go deep into the matter, we will find this dowry system confining only to richer section of the society. One must agree on this point. The educated class of people are also victims of this evil practice. These educated men and women are really the worst sufferers. Many a family has been ruined on this account, but Sir, legislation cannot cure or control this evil practice. I do not think by mere enactment of some statute we will find an answer to this social malady. Giving or accepting dowry cannot

come to a standstill by legislation. In the past we had many laws to cure many ills of our society including the one prohibiting the practice of untouchability. But, did we succeed in eradicating this evil from society? How many people were prosecuted for violating those laws? How far could these Acts help up in building the society we wanted? Did we succeed completely? Perhaps, not a fraction of it. That is why I suggest that all of us, irrespective of our political affiliations, should work together to propagate this ideal. People should be educated about the evils of dowry system. There should not be any room for groupism or casteism etc. All the parties should close up and work together for transformation of this society by taking up a massive programme of educating the people against the evil of dowry system. Then only we can do justice to the cause. Like Veereshalingam there were many social reformers who sacrificed their lives for the sake of this society. They fought for widow remarriages etc. It is better for us if we follow their path.

It would not be out of context if I remind this House the policies and programmes, ideals and achievements of the ruling party in this connection. Under the leadership of Shrimati Indira Gandhi and our immortal leader Sanjay Gandhi, a programme was taken up throughout the country to see that the dowry system was rooted out once for all from our society. The movement had a spontaneous response throughout the length and breadth of the society. If there is any one who holds this cause very dear to the heart, it is only Shrimati Indira Gandhi. It is the sacred goal of the Youth Congress. I have doubt that under able leadership Youth Congress will succeed in rooting this evil system out of our soil.

In this connection let me give an example as to what happened in my State when late Shri Sanjay Gandhi toured Andhra. About 300 marriages

were celebrated. All were inter-caste and inter-religious marriages. Those were the ideal marriages which could be an inspiration to the coming generations.

I have every hope that our leader Shrimati Indira Gandhi will succeed in her efforts to eradicate this malady of our society in very near future. That day is not far off.

The Government is already seized of the matter. Let us not doubt the intentions of the Government. It is needless to say that our present hon. Minister of Law is a sincere and dedicated man. He was a distinguished judge of a High Court. I have full confidence in him and I am hopeful that under his able guidance every section of our society will get justice. Let us trust him and trust this Government.

So I request Shrimati Pramila Dandavate to withdraw this Bill and cooperate with the Government whose efforts will root out the dowry system from our society.

I thank you very much, Sir, for allowing me an opportunity to participate in this important discussion.

PROF. N. G. RANGA (Guntur): Mr. Chairman, Sir, I wish to congratulate Mr. and Mrs. Dandavate...

SHRIMATI PRAMILA DANDAVATE: Mr. has nothing to do with this.

PROF. N. G. RANGA: ...on their happy marriage in public life also, on their presence as Members of this House

[Prof. N. G. Ranga]

together at the same time during this period, because it is only through such happy marriages that we can set an example to our youths, boys and girls, as to how to behave towards each other and treat each other as equals, as comrades, and march together hand in hand in order to achieve social progress in our country. It is given to very few married couples like this—this high privilege. We had earlier Mr. and Mrs. Kripalani in our House. I am glad that, on this occasion, Mrs. Dandavate has been fortunate enough not only to bring forward this Bill but in right time and in good atmosphere when Indiraji happens to be once again the Prime Minister.

17.00 hrs.

Mr. Parulekar made a very good speech to-day and made very good suggestions. He followed Mrs. Gopalan and the good suggestions made by Mrs. Gopalan were accepted by him and I reinforce it that all Parties should get together and treat this problem as a non-political all-Party matter and give every possible co-operation in seeing to it that not only constructive suggestions are made but constructive amendments are made to this Bill at the Joint Select Committee's stage so that it would be possible for us to give this Bill a more comprehensive shape and afterwards get it passed as soon as possible.

Mr. Parulekar was wondering whether this Bill is going to solve this pernicious problem. I wish to remind him as well as the House of the salu-

tary effect the Sarada Act—the Child Marriage Act has had on our society. Although even to-day in some far away places some child marriages do take place, generally child marriages are no longer the fashion and are no longer justified even by the most conservative people and generally, the girls themselves are aware of the fact that child marriage is not a good thing and they themselves begin to assert themselves against any kind of a proposal from their families for a child marriage. In the same way, once a law is there on the statute book, it will have some effect.

Now, this Bill is going to be passed as an Act and, thereafter, it will be followed by an all-Party co-operation in our country and I am sure a solution for this terrible evil will come to be seen on the horizon. I agree with my friend, Mr. Anantharamulu and I am glad he has reminded the House also of the constructive contribution made by Indiraji and Sanjay Gandhi and the Youth Congress in our country. Just a little earlier or about the same time, Jayaprakashji also raised his voice on the example set by earlier social reformers like Ishwara Chandra Vidyasagar, Kandukuri Veeresalingam Pantulu in Andhra and Brahmarishi Venkataratnam Naidu. So many of our own social reformers have been pleading against this system. Yet it is persisting in its evil ways. Why, Sir?

Mrs. Gopalan has put her finger on the right point. The socio economic conditions in our country have been changing. The middle classes are

moving more and more towards services and in order to get into services, they have got to spend money on the education of their children and as they move into the services, they become money-minded and that is why this trouble is becoming more and more insoluble. Mrs Gopalan said that in the socialist countries this evil is not there. But in socialist countries properties are not given such a high place as we give in our society. We are moving towards a socialist society but we have not reached even the fringe of it. That is one of the reasons why we are so property-minded people and property-minded people naturally run after this kind of property also. You are seeing it in Delhi. My hon. friend, Mr. Parulekar cited one instance. In Delhi everyday we are having this experience in the case of these people who are employed in government service and private service also where salaries ranging between Rs. 1000 to Rs. 3000 are paid and these are highly educated people. Men as well as women who are their mothers-in-law or prospective mothers-in-law or their mothers are all conspiring and indulging in this evil.

And how are we to tackle these people? That young man came forward; on the strength and advice and support of his mother, he roused our young people once again. I felt so happy at that time when that movement was going on. Let the House also try to rouse itself into that atmosphere and strengthen that atmosphere against dowry system. Dowry system is not the only social evil that we are suffering from. So many other evils are there. The worst of them is population. A boy and a girl get married, Sir. I do not know what is wrong with the mind of these people in our country.

\* But, in the last fifty years, I had been pleading for population control on the inspiration of Bertrand Russell and various other Western socialists. But, our people did not take it up

seriously. Within the very first year after their marriage they want to have a child. This is a kind of disease a mental disease with our people and within the third year, they would like to have another one because they would not be satisfied with one. When I asked them why, are they having the third they said that suppose something happens to one or the two. This is the kind of mind with which we have got to battle with. This can be taken up in our schools and colleges most effectively—not by us, old men, middle-aged people, who are supposed to be politically influential and powerful—power minus moral authority—because we are afraid to go and canvass for the votes of these people. We are suffering from this disease of power—mongering and we are competing with each other for it. Most of them are all diseased minds. They can sway the results of our elections. So much so, all of us are guilty when we go to these people in simply pampering their vanities and not taking them to task. It is only the youth who can deal with them.

Let us appeal to the youth and let me reinforce the appeal that was made by my sisters on this side and on the other side and I hope that not only the sisters but also the brother and fathers among ourselves—the Members—will try not only be content with making speeches here but also take these matters to the hustings and have the courage to say to the people that they stand for these reforms and fight against such and such social evils. This is where, we should all be impartial and non-political and let us give credit to the masses of our country for having placed at the head of this Government, Indiraji, a woman. And Indiraji has not been satisfied only with the votes like so many of us. But she has had the courage to put herself behind this programme of social reform and the laws to enforce them. So far as the social reform is concerned, let us all support her and give her the strength to see to it that not only this legislation but also some of the neces-

[Prof. N. G. Ranga]

sary sister legislations that would come to be passed by us here that public opinion is created in order to ensure that this and such other legislation—become a reality.

\*SHRI S. MURUGIAN (Tiruppattur): Mr. Chairman, Sir, I welcome the Dowry Prohibition (Amendment) Bill of Shrimati Pramila Dandavate and wish to say a few words in support of it.

We are talking about equality among man and woman. But, at the time of marriage proposals, the man demands dowry for marrying a woman. This is prevalent even after 30 years of our independence. I need not say that we have been talking all this while glibly. I should say that we have been only garrulous about the abolition of dowry. We have not followed our talk with concrete action. We have to analyse the causes for this and find out a lasting solution to this evil. Then only we will be having equality among men and women. I appeal to our talented Law Minister to pay his personal attention to this social evil.

I cannot enumerate the difficulties being undergone by the middleclass people in our country in marrying off their daughters. The boy and the girl may agree to marry without fanfare. But the parents of the boy expect dowry; particularly the mother of the bridegroom insists on getting dowry from the parents of the bride. Similarly the mother of the bride is keen to gift something to her girl during her marriage. Firstly this mental attitude on the part of two mothers should be changed. This can be better done through voluntary organisations committed to social reforms than through legislation. The affluent sections of our society want to exhibit their wealth in the form of huge dowry. This creates a feeling of compulsion in the minds of middle class people, even if they are not financially able to do this. In turn, this creates a sense of frustration in the minds of common people also, who fight for their two square meals.

The Government and the voluntary agencies should restrain the affluent sections of society from showing of their wealth. This will set in a healthy trend in the society. Mahatma Gandhi launched several campaigns for the abolition of this social evil. Our Vaikkam here, Thanthai Periyar Ramaswamy sacrificed his life at the altar of social reforms. He ceaselessly strived for reforms in the marriage systems. In encouraging inter-cast marriages and in solemnising marriages in a simple manner of exchanging-garlands. This he started in Tamil Nadu 55 years ago. If today there is at least 10 per cent of population in Tamil Nadu who believes in unmostentatious simple marriages, it is mainly due to the endeavours of Periyar Ramaswamy, Arignar Anna and my leader Dr. Kalaignar Karunanidhi whose life has been a sagh of social reform.

We politicians in season and out of season talk about abolition of dowry system in our society. But we should practice what we preach. In our own homes we should celebrate marriages without offering dowry. We should set an example for others to emulate. Our hon. Law Minister, who was a Judge and a practising lawyer and who has proved his competence on more than one occasion on the floor of this House, should formulate a comprehensive legislation for abolishing dowry in our country. We should also commend the efforts of Mrs. Pramila dandavate, who has brought this Bill solely guided by the good of the nation in her heart, not only for the present but also for the posterity.

We should evolve a system of punishing those who insist on dowry. For example, if a lawyer bridegroom demands dowry, inspite of his knowledge about the laws of the land, then he should be penalised by debarring him from practising law for 20 years. Similarly, a medical man should be debarred from practice, if he insists on dowry at the time of his marriage. If necessary, I would even demand the amendment of criminal procedure Code declaring dowry as a crime.

Alongwith our legislative efforts, we should also discourage giving of jewellery at the time of marriage. If we stop the habit of pricking of ears and pricking of nose of girls, then the need for giving ear-tops and nose-tops would not be there. This should be done through social reforms. The Dowry Prohibition Act, 1961 is riddled with loopholes and that is why we have not been able to abolish dowry so far. The recommendations of the Committee on the Status of Women, constituted by the Government of India, have not yet been given the legislative shape. Similarly, the Mahila Dakshat Samiti, a social welfare organisation, convened recently a Seminar on this problem and the Seminar has given certain constructive suggestions which should also become the base for our Law Minister to formulate legislative proposals.

[SHRI HARINATH MISHRA in the Chair]

We have to bring in social resurgence, which should have a lasting effect on our social set up. We have to enact laws which will have permanent impact on the society. I am sure that our hon. Law Minister will rise to the need of the hour and bring in a regorous law to root out the system of dowry from the sacred soil of our country.

**श्री राम सिंह यादव (अलवर) :**

माननीय सदस्या श्रीमती प्रमीला डंडवते ने जो विधेयक रखा है वह प्रशंसनीय है और आज की सामाजिक आवश्यकताओं के अनुकूल है। जो एक कुरीति समाज में विद्यमान है दहेज उसका प्रतीक है। यह कुरीति हिन्दु संस्कृति के अंग के रूप में या धर्म के नाम पर व्याप्त है और इस कुरीति को दूर करना समाज के साथ साथ राज्य का भी कर्तव्य हो जाता है।

भारतीय संस्कृति में नारी के बारे में यहां तक कहा गया है :

यत् नारियस्तु पूज्यन्ते रमन्ते तत्र देवताः  
लेकिन आज समाज में दूसरी ही धारणा चल पड़ी है :

सर्वे गुणाः कांचनाश्रयन्ते

जब समाज में यह कर्सेप्शन हो कि सारे गुण स्वर्ण में निहित हैं, सोने के ऊपर ही लक्ष्मी, दौलत के ऊपर ही सब कुछ आश्रित है तब आप समझ सकते हैं कि इन कुरीतियों का समाप्त होना कितना आवश्यक हो जाता है।

इस कुरीति को समाप्त करने के लिए समाज ने समय समय पर बहुत से कदम उठाए हैं। मैं मानता हूं कि आज युग की यह मांग है कि इसको खतम किया जाए। राष्ट्रीय स्तर पर ही नहीं बल्कि अन्तर्राष्ट्रीय स्तर पर भी महिलाओं ने लिब्रेशन आफ विमैन, लिबेशन आफ फ़ेमेल सैक्स जैसी मूवमेंट्स चलाई है और उनमें दहेज को भी शामिल किया गया है।

माननीय सदस्या ने इसमें प्रावधान किया है कि मुस्लिम महिलाओं और क्रिस्चियन महिलाओं पर यह लागू नहीं होगा। इससे भारतीय समाज का एक बहुत बड़ा हिस्सा छूट जाता है जो इसकी एम्बिट में नहीं आता है। मैं मंत्री महोदय से पूछना चाहता हूं कि क्या एक इंटीग्रेटेड ला नहीं होना चाहिए जो सब पर लागू हो? इससे दूसरी महिलाओं को भी लाभ मिल सकेगा। क्या यह कुरीति मुस्लिम समाज में नहीं है? है। और भी महिलाएं दूसरी समाजों की इस रोग से रुग्ण हैं। उनको नजात दिलाना भी हमारा लक्ष्य होना चाहिए। मंत्री जो को एक केम्प्रिहेंसिव बिल लाना चाहिये जो धर्म के दायरे में न बंधा हो और सभी महिलाओं पर जो भारतीय समाज में रहती हैं, लागू हो सके और उन सभी महिलाओं को इस रोग से नजात मिल सके।

जो संशोधन माननीय सदस्या ने रखा है मैं उसका पूर्ण रूप से समर्थन करने के लिए तैयार नहीं हूं। इसका कारण यह है कि उन्होंने यह कहा है जो कुछ

[श्री राम सिंह यादव]

सामान भी दिया जाएगा उसकी राशि दो हजार से अधिक नहीं होगी और इससे अधिक की राशि का सामान देना एक अप्रॉक्स होगा। मैं पूछना चाहता हूँ कि क्या ऐसी जातियाँ नहीं हैं देश में जिनमें एक मंगल सूत्र या ईअररिंग या नाज़ रिंग या और दूसरे कुछ आभूषण देना, जिनको कस्टमरी आर्जमेंटस माना जाता है, अनिवार्य नहीं समझा जाता? इसको आप सौभाग्य अलंकरण कहें क्या कुछ भी कहें, हर कोम और हर जाति में ये अलग अलग अलंकरण हैं जिनको वर पक्ष या वधु पक्ष वाले एक दूसरे को लेते या देते हैं। ये जो वीयरिंग स्पेरेल हैं जो निसैसरी और कस्टमरी हैं और इन में यदि एक दो तोला सोना दिया जाता है तो क्या मौजूदा सोने की कीमत को देखते हुए यह काम दो हजार रुपये में हो सकता है? या दो तोले सोना भी रखा तो वह जुर्म का भागी हो गया, चाहे वर पक्ष हो या वधु पक्ष हो। यह जो प्रथा है इसके अन्दर भावना यह है कि जबरदस्ती अगर कोई दहेज लेता है तो वह जुर्म है। इस सिस्टम को अवायड करने के लिये इस कानून में प्रावाधान करना चाहिये।

**सभापति महोदय :** वह तो सन्जेक्टिव कंडीशन हो गई।

**श्री राम सिंह यादव :** डावरी अपने आप में तब खत्म होगी जब उसका डिसप्ले आप न करें। केवल आवश्यक परिधान ही रखें। सूर्य की साक्षी में शादी करें जैसे सरदारों में होती है। इससे विजली और डेकोरेशन पर होने वाला खर्च बचेगा। मैरिज पार्टी पर कंट्रोल कीजिए कि 6 घंटे से ज्यादा न रहे, गेस्ट कंट्रोल आर्डर सद्यती से लागू कीजिये।

**सभापति महोदय :** दरोगा जी कैसे नहीं पहुँचेंगे यह बताइये।

**श्री राम सिंह यादव :** दरोगा जी की उपस्थिति में शादी अपेक्षित नहीं है। हिन्दु समाज में शादी कंट्रैक्ट नहीं है, यह तो एक संस्कार है। जैसे 16 संस्कार हैं, उनमें से एक शादी भी संस्कार है। इसके साथ साथ हिन्दु मैरिज एक्ट में प्रावधान करें कि शादी का रजिस्ट्रेशन जरूरी होना चाहिये, अभी लाजिमी नहीं है। इसी के साथ साथ सामुहिक शादियों को प्रोत्साहन दिया जाय, जैसे हमारे राजस्थान में पुष्करणा ब्राह्मणों में कम्युनिटी मैरिजेंस होती हैं। अन्तर्जातीय शादियों को प्रोत्साहित करने के लिये कुछ सुविधायें दीजिये जैसे नौकरी में प्राथमिकता मिलेगी या कोई और लाभ मिलेगा। यही नहीं इंटर रिलीजन शादियों को प्रोत्साहन देना चाहिये। पुष्करणा ब्राह्मणों में केवल एक नारियल देते हैं, कोई ज्यादा खर्चा नहीं होता, और जो भी खर्चा होता है, वह सब मिलकर देते हैं। समाज में ऐसी भावना पैदा करें कि इस तरह की शादियों को प्रोत्साहन मिलेगा। जो विधेयक पेश हुआ है इसके बारे में मंत्री जी अगले सत्र में एक काम्प्रोहिंसिव बिल लायें और पुलिस, जिसके बारे में बहुत चर्चा होती है, उसको शादी के अवसर पर उपस्थित होने का मौका न दिया जाय, ऐसी व्यवस्था उस विधेयक में हो तो अच्छा रहेगा। पुलिस का शादी के मौके पर उपस्थित होना अपने आप में बड़ा दोष है। बस मुझे यही कहना है।

\*SHRI C. PALANIAPPAN (Salem): Mr. Chairman, Sir, on behalf of my party the Dravida Munnetra Kazhagam. In extend my wholehearted support to the Dowry Prohibition (Amendment) Bill, 1980 which has been brought forward by the hon. Shrimati Madhu Dandavate and I would in brief express my views. This is a social reform legislation. You can establish a socialistic secular society through law. You can usher in an egalitarian era through law. But a social menace like dowry cannot be eradicated merely by statutory provisions. If you consider that this evil is undermining the very existence of a society, then you should go even to the extent of amending the Criminal Procedure Code after declaring taking and giving dowry as a crime. I doubt very much whether any law would wipe out the tears of young girls in Chettinad area of Tamilnadu where the dowry system is the stumbling block in their life. The day when mind substitutes money then this evil will evaporate.

In 1916, Sir P. Thiagarayan, hailing from an affluent family started an Association named THENNINDIA NALAURIMAI SANGAM for the benefit of educated, influential and wealthy sections of the society enjoying franchise and other rights. In the name of Justice Party, in 1920, 1923 and 1926 Elections, the members belonging to this Association contested and they extended their support in forming Ministries twice and in 1929 also Party won in the elections. This became the forerunner for the self-respecting movement of Thanthai Perivar. In 1932 in Erode, plans were formulated for a party committed to self-respect and equality. It was also adumbrated that all the property should be formed into a Trust for the benefit of the common people. In 1944 it became Dravida Kazhagam and it transformed into Davida Munnetra Kazhagam in 1949. For the past 31 years the Dravida Munnetra Kazhagam has been the harbinger of all movements fighting for the rights of women. The D.M.K.

has been spearheading the movement for inter-caste marriages and also for widow remarriage. When 50 per cent of population is women, we cannot just treat them as child-bearing institutions. Pandit Nehru used to instill a sense of idealism in the minds of his only young daughter they referring to the hereism of Joan of Arc and her saga of sacrifice coupled with heroism. Today imbued with that fervour, Mrs. Indira Gandhi is leading the nation and the women of our country need have no doubt about her commitment to their Welfare. During the reign of Queen Victoria the women in England had made remarkable progress and you can find proof of this in Travelin's English History. Similarly, you can find in the writing of Nehru that 1930 was the year of landmark in India so far as women of India were concerned. In that year there was an unprecedented awakening among women of India who rose in thousands against *purdah* system and other social drawbacks they were suffering from. In 1938 on November 13th in Tamil Nadu a Conference of women was convened under the leadership of the daughter of Maraimalaiyalar, Neelambikai Ammaiyar and Dr. Dharmambal and Moovalur Ramamrithaammayar shouldered heavy responsibility in making this Conference a success. In 1961, Panditji was the inspiration for the Dowry Prohibition Act. Panditji had appointed a Committee to go into the problems of creeping poverty and find out the reasons for every rich people becoming poor in the course of years. The Committee reported that many rich people became poor because of the competition in ostentatious marriages of their daughters and in giving huge sum as dowry. This report formed the basis for Pandit Nehru to direct his Government to formulate a Bill for prohibiting dowry, the root cause for the creeping poverty. Now under the discriminating leadership of Shrimati Indira Gandhi, I have every hope that this social evil will be eliminated from our society.



[Shri C. Palaniappan]

We should not end our efforts by enacting a law. This kind of law should become the starting point for a net-work of social welfare organisations to start a nationwide campaign against the evils of dowry and how it is derogatory to the women of the world. The social resurgence should be throughout the nook and corner of our country. Social condemnation coupled with legal compulsions will root out this menace of dowry from our society. The hon. Law Minister known for his pragmatic approach to the social problems will no doubt bring in a comprehensive legislation for this purpose, incorporating the ideas contained in the Bill of Mrs. Dandavate. Yet we have to commend Mrs. Dandavate's effort in focussing the attention of this House on this very important social problem. I support her efforts in this regard and I resume my seat.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Chairman, Sir, I seem to be in a very tight corner as the mover of the Bill wanted 15 to 20 minutes and I would try to give her as much time as possible because we have got to finish it by 15.50 hrs.

MR. CHAIRMAN: I hope you will take as little time as possible. That is my hope.

SHRI P. SHIV SHANKAR: Sir, I recall one of the Hon. Members having laid down a qualification that those who speak on this Bill should be the persons who should not have taken the dowries.

SHRI R. K. MHALGI (Thane): I said this on that day. Not taken and not given.

SHRI P. SHIV SHANKAR: I can assure the Hon. Member that I could claim myself to qualify in the test that he has laid down. But Professor Saheb not having spoken, I will not say anything further.

MR. CHAIRMAN: The question arises whose brief you have accepted.

SHRI P. SHIV SHANKAR: Sir, from the statement which I have made it is obvious, whose brief I have accepted. Sir, I would not like to go into the details at this stage. And I admire, appreciate, and must express my gratefulness to Smt. Dandavate for having brought this Bill. It is to get over a social evil that is persisting in our society and has crept so much into our social life that it has almost become a menace and, particularly in recent times, the hydra-headed demon has spread its tentacles so much that the effects of it have come to affect quite a large number of families and it has aroused the conscience of every right-thinking persons. I am aware, Sir, the Hindu society which has been a highly traditionalist society is the victim of this menace to a large extent.

Some hon. Members were saying that the Dowry Prohibition Act did not apply to other communities. In fact, it applies to all those residing in this country. The whole difficulty is this infirmity in the society—the social approach and the problems present in this country seem to be the main reason for this evil. And if I may be permitted to say so, this evil percolates from the top brass down to the poorer classes. I am aware of some of the families which are economically shaken, and are not able to get their girls married for the simple reason that those families are not in a position to offer dowries at all. In fact, I know a few cases among my own relations where 4 girls in a family between the ages of 30 and 45 were not married because their financial status was such that they could not offer any dowry. What happens, unfortunately, is—as the adage goes—imitation is the best form of flattery. The poorer people, seeing the manner in which rich people display dowry, imitate it because of social compulsions. Ultimately, they wreck themselves in the process.

Many very good suggestions have been made on the floor of the House

by various hon. Members. In fact, this matter was engaging my mind for the last 6 to 7 months, when item after item started appearing in the papers about dowry deaths. I had myself, after going into various reports of the commissions etc., formulated my own views and wanted an amendment to the Act itself. But now I would prefer to restrain myself from saying anything about the various amendments which we are contemplating because it is a very happy coincidence that I happened to move a resolution for the reference of this Act to a Joint Committee for making amendments, only to-day. I would give the compliment for this to the mover of the Bill.

MR. CHAIRMAN: So, the Chair could guess all right, in spite of its not being an astrologer.

SHRI P. SHIV SHANKAR: I am also confident that quite many Members who have spoken here, and particularly those for whom the qualification was fixed by Shri Mhalgi would be included by the Speaker in the Joint Committee to be constituted from this House. Anyway, I am absolutely confident that the mover of the Bill in any case would be included in it, before whom I would feel most privileged to appear and produce all the material that I have collected, so that they can consider what amendments can be brought in to the Act itself. I am deliberately not saying anything more about this because I have been told that I should complete by 5.50, and leave ten minutes to the mover of the Bill. On behalf of the Government, I would like to thank all the hon. Members who have participated in this debate and those who have very patiently listened, particularly Professor Sahib, who has been sitting here and listening to the debate. I am sure the sentiments expressed by many might have been assimilated to a very great extent by the listeners also, even though they may not have had occasion to speak. With these

few words, again, I thank the hon. Mover of the Bill and would request her, that having regard to the motion that I have already moved, she may kindly consider to withdraw this Bill so that a comprehensive amendment could be brought in, including the various suggestions made here. Some of the Members referred to the suggestions that I took note of. I assure all the hon. Members that the suggestions that have been made would be available to the committee for their consideration, because they are all recorded.

श्रीशक्ती प्रशिक्षा बंडवते: (बम्बई उत्तर मध्य) : सभापति महोदय, मैं पहले सारे माननीय सदस्यों को धन्यवाद देती हूँ कि उन्होंने मेरे इस प्रस्ताव का समर्थन किया। साथ ही साथ जो हमारे ला मिनिस्टर हैं उनको मैं विशेष रूप से धन्यवाद देना चाहती हूँ कि जिस दिन मैं यह बिल मूव कर रही थी उसी दिन उन्होंने एक ज्वाइन्ट कमेटी बना कर कांप्रिहेंसिव बिल लाने का प्रस्ताव रखा। मैंने इस प्रस्ताव को मूव करते समय जो बातें कहीं थीं उनको दूसरी बार दोहराना नहीं चाहती। मुझे ऐसा लगता है कि हमारे समाज की हालत ही ऐसी है कि जिस समाज में आज यह कानून लाने की जरूरत पड़ी। मैं आप सब को याद दिलाना चाहती हूँ कि गांधी जी के नेतृत्व में जब हमारे देश में संघर्ष चल रहा था उस स्वातंत्र्य संघर्ष में गांधी जी ने यही कहा था कि स्वातंत्र्य के लिए, आजादी के लिए हमें काबिल बनना चाहिए। और हमारे अंदर जो बुराइयाँ हैं, जो विपमताएँ हैं उनको दूर करना चाहिए। हमारे अंदर, जो सामाजिक बुराइयाँ हैं जिस प्रकार से महिलाओं के साथ बर्ताव किया जाता है उसको सुधारने की आवश्यकता है। उस समय हमारे समाज में इस प्रकार की हवा बनी थी। मैं आप को उस समय की याद दिलाना चाहती हूँ। मैं तो

[श्रीमती प्रमिला दंडवते]

उस समय बहुत छोटी थी, बंगाल में एक लड़की थी—स्नेहलता जिसकी शादी की बातें उस के मां बाप कर रहे थे। स्नेहलता ने वह बातें सुनीं। उस को मां-बाप कह रहे थे कि लड़की की शादी के लिए हमें दहेज देना है लेकिन इतना पैसा अभी हमारे पास नहीं है तो अपना घर बेच कर शादी कर दें। इन बातों को सुन कर स्नेहलता दूसरे दिन स्वयं आग लगा कर जल गई। यह खबर अखबार में आई। उस समय अखबार ज्यादा लोग पढ़ते नहीं थे। लिटरेसी भी कम थी। फिर भी उस खबर से ऐसी हवा बन गई कि देश के नौजवान इस बात के लिये तैयार हो गए कि हम शादी में दहेज नहीं लेंगे। यह हवा इसलिए बनी क्योंकि उस समय सारा समाज कुछ मूल्यों के लिए लड़ रहा था। उन के जीवन में कुछ वसूल थे जिन के लिए वे लड़ रहे थे। इसलिए बिना कानून बने भी हमारे देश के नौजवानों ने निर्णय कर उस पर कार्यवाही की। लेकिन आज की जो हालत है, हम रोज ही दिन बेदिन सुनते हैं कि किसी लड़की को जला दिया गया, कहीं कोई ऐक्सीडेंट हो गया या किसी ने आत्म हत्या कर ली, फिर भी हमारे नौजवानों पर उस का कोई असर नहीं होता है। इसका कारण यह है कि हमारे समाज का जमीर मर गया है। समाज में किसी को एहसास नहीं होता कि हम सामाजिक बुराइयों को खत्म करने की कोशिश करें। मुझे ऐसा लगता है कि इस के मूल कारण में यह बात है कि समाज में स्त्री का दायम स्थान है। यह एकोनामिकली इंडिपेंडेंट नहीं है। दूसरा कारण यह है कि समाज में लालच की भावना बढ़ गई है। अगर खुद हम चीजें नहीं ला सकते या लड़का नहीं ला सकता तो शादी के समय दूसरों की कमाई से हमारे घर में वह चीजें आ जानी चाहिए।

आज मैं समझती हूँ राजनैतिक क्षेत्र में काम करने वाले लोगों को यह सोचना चाहिए कि आज हमारे जवानों को ऐसा क्यों नहीं लगता कि हम स्वयं अपने पैसे से अपनी नौकरी से अपना घर बनाएं। आज समाज में दिखावे की भावना भी बहुत आ गई है। इसलिए मुझे ऐसा लगता है कि समाज में जो बीमारी है उस के मूल कारण को हमें देखना चाहिए।

मैं अभी आमूल डेरी देखने के लिए गई थी। मैंने देखा कि भैंस से भी कम कीमत महिलाओं की हो रही है। वहां पर डा० कुरियन ने हमें दिखाया कि यह दवाखाना है, यह इंजेक्शंस हैं, सारा कुछ दिखाया और कहा कि जब कभी कोई भैंस बीमार होती है तो फौरन मेडिकल एंड भेज कर उसको ठीक किया जाता है। मैंने कहा कि आप ने भैंस के लिए इतना सब किया है लेकिन भैंस का दूध तो महिलाएं निकालती हैं उन के लिए आप ने क्या किया है? भैंस का दूध निकालने वाली महिला अगर मर जाती है तो उस के मरने के बाद दूसरी महिला दहेज लेकर आ सकती है। उसकी बीमारी खत्म करने की कोई जरूरत नहीं। लेकिन अगर एक भैंस मर जाय तो उस की जगह दो हजार खर्च कर के दूसरी भैंस लानी पड़ती है। तो आज देश में महिलाओं की ऐसी इज्जत है। यहां दिल्ली में जो अस्पताल हैं महिला दक्षता समिति ने जा कर डा० से बात की तो उन्होंने बताया कि अगर घर की बहू बीमार हो जाती है और उस को खून देने की जरूरत होती है तो बहुत कम घरों के लोग खून देने के लिए आगे आते हैं क्योंकि वे समझते हैं कि अगर महिला मर जाय तो उस का दहेज तो आया ही हुआ है, दूसरी स्त्री और पैसा और दहेज लेकर

आ जायेगी । इस प्रकार में आज समाज में पैसे को इंसान से ज्यादा महत्व दिया जा रही है । मुझे ऐसा लगता है कि समाज के मूल्यों को बदलने की आवश्यकता है । आज राजनीतिक और सामाजिक क्षेत्र में काम करने वाले जो लोक प्रतिनिधि हैं उनको इन बुराइयों को दूर करने के लिए कोशिश करनी पड़ेगी । मैं तो इस समय यहां पर यह भी कह देना चाहती हूं कि यह अमेन्डमेन्ट बिल जो मैं लाई हूं इसके पीछे प्रेशर टिकट्स थी क्योंकि सरकार रोज एलान करती है कि हम बिल लाने वाले हैं परन्तु हम कब तक राह देखें ? मैंने सोचा कि अगर मैं बिल ले आती हूं तो सरकार को मजबूर होकर बिल लाना पड़ेगा । परन्तु मेरा विश्वास है कि सिर्फ कानून बनने से ही यह बीमारी दूर नहीं होगी । इसके लिए लोगों में जागृति पैदा करनी होगी । यह कानून जो है वह बहुत छोटा है और इसमें लूपहोल्स भी हैं, जब मैं इसको पढ़ती रही तब वह ध्यान में आया लेकिन साथ साथ लोक जागृति लाना भी आवश्यक है । जिस प्रकार से पुरुषों के मन में स्त्री-पुरुष की समानता की भावना को जागृत करना है उसी प्रकार से लड़कियों के मन में भी इस समानता की भावना को लाना है । आज मैं लड़कियों से भी पूछती हूं कि वे अगर बी० ए० हैं तो उनको एम० ए० पास पति क्यों चाहिए ? अगर उनका पति कम तनखाह लेने वाला होता क्या बिगड़ता है ? जिम्मेदारी दोनों पर होती है । ईमानदारी से रहना और एक दूसरे पर प्यार और विश्वास करना—यही विवाह की बुनियादी बात है । इसलिए मुझे ऐसा लगता है कि इस विषयता को मन से निकालने की जिम्मेदारी पुरुषों की ही नहीं, महिलाओं की भी है और इसके लिए महिलाओं को भी काम करना चाहिए । मुझे ऐसा लगता है कि पहली बार

महिलायें उनके ऊपर होने वाले अन्याय के खिलाफ लड़ने के लिए वालंटरी आर्गनाइजेशन के रूप में आई है । यह बातें आज तक नहीं होती थीं । खुशी की बात है कि आज पढ़ने वाली लड़कियां भी उसमें शरीक हो रही हैं । मेरी सरकार से प्रार्थना है कि आगामी जो बजट सेशन आने वाला है उसमें एक कांफ्रिहेंसिव बिल सरकार की ओर से पेश होना चाहिए । अगर नहीं होता है तो हम आगे चल कर उसे पोस्ट-पोन ही करते रहेंगे । इस में फ.मंल-इन्फार्मल शिक्षा के जरिये भी इन बुराइयों के विरोध में मन बनाने का जो सुझाव दिया गया है, वह भी अच्छा है । दहेज कानून के बारे में मैंने कहा कि 2000 रुपये रख दीजिए, आप कहते हैं, कि इम्प्रेक्टिकेबल है, लेकिन मेरा विश्वास है कि आज नहीं तो कल यह इम्प्रेक्टिकेबल नहीं रहेगा । हमारे समाज में कभी न कभी समाजवाद आयेगा तब दो हजार या एक हजार रुपये की जरूरत नहीं रहेगी । क्या अमीर लोगों को ही गहनों की जरूरत है, क्या उन्हें ही अच्छी साड़ियों की जरूरत है । हमारे देश में करीब 50 फीसदी लोग गरीबी के स्तर से नीचे हैं और हजार, दो हजार रुपये उनके लिए बहुत हैं ।

कम्युनिटी मैरेज का मुझाव भी अच्छा है । आर्य समाज जैसी संस्थायें गरीब लोगों की मदद कर सकती हैं । इन संस्थाओं के माध्यम से हमारे समाज में विचार-जागरण चलाया जाना चाहिए । सामाजिक संस्थाओं को और एजुकेशन इंस्टीट्यूट को इसमें सम्मिलित कर देंगे, हमको वालंटरी आर्गनाइजेशंस की मदद भी लेनी चाहिए । जैसे नेशनल कमीशन आफ विमेन है उसी तरह से एंटी डाउरी कमीशन विद स्टेचुटरी पावर होना चाहिए, जिसमें शोसल आर्गनाइजेशन से प्रतिनिधि, पुरुष-स्त्री दोनों आ सकते हैं, स्त्रियां ज्यादा आयें, क्योंकि

[श्रीमती प्रमिला द डवते]

सवाल बहनों का ही है। इस मुझाव को मैं बिलकुल मान्य करती हूँ।

दूसरी बात है फैमिली कोर्ट्स बनाना बहुत आवश्यक है नहीं तो जैसा श्री पद्मनेकर जी ने कहा कि मेरे पोते की शादी तक इस पर कार्यवाही नहीं होगी। अभी उसका बच्चा शादी लायक है। इस लिए मेरा यह निवेदन है कि यह मुझाव जो कि कई लोगों द्वारा यहां पर लाया गया है इसे मान लिया जाये, क्योंकि जैसे रेप केसेज हैं, बच्चों के केसेज हैं और बाकी सारे केसेज हैं, घाज के कोर्ट्स से उनको इन्साफ नहीं मिलेगा। जैसा कि कहावत है कि "लेट जस्टिस इज डिनाइन जस्टिस"। इस लिए मेरी प्रार्थना है कि यह जो बिल आपके सामने रखा गया है उस पर बहुत गहराई से विचार करना पड़ेगा, सुझावों पर विचार करना पड़ेगा। एक कांफ्रिडेंसियल बिल होना चाहिए। बिल में कमियां हो सकती हैं, मेरे बिल में भी बहुत कमियां हैं, इन कमियों को दूर करने के लिए ज्वाइंट सलैक्ट कमेटी सब जगह जाकर मुझाव एकत्र करेगी, कुछ सुझाव यहां पर भी दिए गए हैं, इन सब पर विचार करके और सरकार की ओर से जो सुझाव आयेंगे उन पर विचार करके निर्णय लेना आवश्यक है।

अंत में मैं आपके सामने कहती हूँ कि हमारे ला मिनिस्टर ने ज्वाइंट कमेटी का एलान कर दिया है, इसको ध्यान में रखते हुए और इस भाषा के साथ कि वे बजट सेशन में ही सरकार की ओर से आफिसियल बिल लायेंगे, मैं अपना बिल वापिस लेती हूँ।

MR. CHAIRMAN: There is an amendment already moved by Shri Virdhi Chander Jain. Is the hon. Member withdrawing his amendment?

SHRI VIRDHI CHANDER JAIN: I seek leave of the House to withdraw my amendment No. 2.

*Amendment No. 2 was, by leave, withdrawn*

SHRIMATI PRAMILA DANDAVATE: I beg to move for leave to withdraw the Bill to amend the Dowry Prohibition Act, 1961.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to amend the Dowry Prohibition Act, 1961."

*The Motion was adopted.*

SHRIMATI PRAMILA DANDAVATE: I withdraw the Bill.

17.58 hrs.

#### COUNTRY FISHING BOATS PROTECTION BILL

SHRI R. K. MHALGI (Thane): I beg to move:

"That the Bill to provide for the protection of country fishing boats from the competition of motor boats and trawlers, be taken into consideration."

\*At the out set I would like to make it clear that the Bill I have moved now is not political in nature. Just now, the House has discussed the Bill of Shrimati Prāmila Dandavate and it was supported by all hon. Members because it seeks to protect the interests of the weaker section of society. I expect a similar support to my Bill too, on the same grounds.

The Bill I have moved has 6 clauses. I wish that certain provisions should be made to achieve the object of the Bill. It is entitled "the country fishing boats protection Bill, 1980". Clause 2 of the Bill contains definitions. The terms "country boat", "motor boat", and "trawlers" have been defined.

\*The original speech was delivered in Marathi.