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further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1959-60, be taken into consideration."

Mr. Speaker: Motion moved:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1959-60, be taken into consideration."

Shri Narayanankutty Menon (Mukandapuram): When the actual supplementary demands were discussed in the House, certain important matters relating to the construction of a national highway for which additional staff was asked for, were raised in the House. But, Shri Datar did not make any mention of it in his reply. I beg to submit that there are actual difficulties in obtaining iron quota and ualess that is obtained, this supplementary demand for additional staff will be futile. So, something should be done about this.

Mr. Speaker: The hon. Member knows what exactly to do in such cases. If really he wanted an answer for this, he could have sent me a notice, and I would have requested the Minister-in-charge to be here to attend to whatever has not been disposed of.

Shri Narayanankutty Menon: I only wanted to point out that.

Mr. Speaker: This hon. Minister will not be in a position to reply to that straightaway. Anyway, he will pass it on to the other Minister.

The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1959-60, be taken futo consideration." The motion was adopted.

Mr. Speaker: We shall now take the Bill clause by clause. As thereare no amendments, I shall put all the clauses together. The question is:

"That clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

Dr. B. Gopala Reddi: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

12.48 hrs.

DOWRY PROHIBITION BILL-contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Hajarnavis on the 3rd December, 1959, namely:

"That the Bill to prohibit the giving or taking of dowry, as reported by the Joint Committee, be taken into consideration."

Five hours are allotted for this **Bill**. Shri Narayanankutty Menon may continue. He has already taken 20 minutes.

Shri Narayanankutty Menon (Mukandapuram): I will finish in five minutes. Yesterday while I was referring to the fact that there should be some consequential changes in the law of inheritance also, my hon. friend, Shri Maniyangadan interrupted and said that as far as Kerala Christians were concerned, it was in cases where stridha**n** only not been paid that they had

## [Shri Narayanankutty Menon]

were entitled to inheritance. But I submit that there is a lot of difficulty involved in that affair also. because even in cases where dowry is not paid, a woman of the Christian family is not entitled to an equal share with her brothers or other male members of the family, Furthermore, the conception of joint family is entirely unknown to the Christian families; that happens only in the case of intestate succession. Therefore, the difficulty of actually sharing and having inheritance arises immediately the Dowry Bill comes into force, as far as other communities are concerned.

Yesterday I said we support this Bill not because we are confident that by the passing of this legislation, we will be able to eradicate completely the evil of dowry, but because the time has come when with the economic and social changes in the -country, corresponding changes in society also should take place. I will conclude my speech by pointing out the real criticism that is coming forward. That criticism seems to be because of the tradition of the Indian family, especially Hindu family, for hundreds and hundreds of years. which family is accustomed to laws of Manu Smriti. the Tt is impossible and also sometimes atrocious to the conscience of the Hindu to come forward with the conception that the dowry is also to formulate a new family relationship. It might be understandable that the weight of these traditions for years has affected us so much. But, at the same time, the passage of all these years has transformed the economic, political and social circumstances in the country, and it is precisely because of the pressure of the economic changes that are taking place in the country today that 8 change in the mental outlook and conception of the social order are coming and compelling us so that all these traditions could be changed. And if Manu Smriti is quoted as happening to be the tradition of India, what we fail to understand is that

Manu Smriti itself has undergone a lot of changes during the British days. Hon, Members will understand that not only Manu Smriti, but the interpretations given by Yajnavalkya also came in for discussion before the learned Lords of the Privy Council, and certainly it has undergone transformation and the interpretations in most cases have been conditioned by what is happening in the western society. Moreover, whatever that is good in the Manu Smriti that is available now, nobody is going to oppose that, because people are for it. But because Manu Smriti was conditioned for a society which existed some two thousand years ago. what is bad in the past will have to be removed, because of the social and economic pressures that are being felt in the country today. Therefore, what is wrong in the past, we will have to shed and there is no point in clinging to them. What was good for the past will not hold good for the present. I am reminded of a saving by one of the greatest philosophers that it is verv dangerous to inherit everything. When we inherit the best, the wisdom of those centuries, the badness óf those centuries also creep into our heads at times and it is our duty to distinguish what is the wisdom that we have to inherit, from the past and what is the badness that has crept in, which is unsuitable to the present day conditions.

Then, when Manu wrote his Smriti he never contemplated, he never claimed, that it is to be in vogue for long long years till the world is over. In the very first star.ra itself of the Manu Smriti he defines what is the law of the land.

"श्रुतिः स्मृतिः सदाचारः यस्य सः प्रियमात्मनः

He has stated that Srutis and Smritis, which are absolute in character they are to live till the world is over. That is what he has stated. But when society changes, when economic surroundings charge, he has stated: "वस्मिन् संकल्पजः कामो धर्ममूलमिदम् स्मृतम्"

So, today what the society feels correct, that should be the law.

# "यस्मिन् संःल्पजः कामो धर्ममूलजिःम् स्मतम"

The society feels what is right today, what is desirable today. Therefore, when Manu himself has stated that law is not to be built in an iron structure for years together, certainly we should encourage this change.

I will point out another instance. In the Manu Smriti there are certain things which will live for long years. The interpretation given bv Yajnavalkya to the Manu Smriti, as far as partition relating to Hindu families are concerned, remains even today in spite of the fact that the conception of property has undergone Yajnayalka changes. gave an interpretation to partition:

> "विभागो नाम्न सर्वसमुदाय विषयाणां म्रनेक साम्यानं तरेकदेशेष् व्यवस्थाधितं"

Even though two thousand years have passed, even today, the law of partition, whether it is the Hindu family or the Christian family, whether it is the law of succession or the Indian Succession Act, modelled on the pattern of the British Act, the law interproted by Yajnavalkya stands even today. Therefore, my submission is that what is wrong in the past, what is unsuitable for application to the present day social conditions, that we will have to reject and model them or mould them to suit our present day social conditions, for there is no point in clinging to those unsuitable things of the past.

I must emphasize one more thing, and that is that we are not to rest content that we have passed the law today. Legislation in relation to social transformation, and also economic transformation, is only a certain instrument in the hands of the people. Unless a resurgent force is there, the generating force is there behind the instrument to use the instrument properly for the moulding of the society, the instrument will become not only blunt but it will become inactive and the purpose that is sought to be achieved by the legislation will be lost.

Yesterday also I made a reference to the attitude adopted by the Congress party in the Kerala Legislature. I refer to it because we from all sides of this House should feel today, apart from party considerations, that this is a social evil which we have to fight in the name of transforming our society, where we have no differences of opinion, and if this desire is to be accomplished by using this instrument of legislation that we are passing today, we will have to vitalize and regenerate the entire social sanction behind it, and unless we are able to regenerate that social sanction, this will remain a dead letter. Therefore. I make an honest appeal to all my friends opposite, of all parties, that while we are making tremendous changes for the transformation of an entire society-we have already lagged behind for two hundred years because of the British rule-let us all unite together to light a bonfire of what is unsuitable in the past, and let us mould a new society which is suited to the present day circumstances, to the present day civilisation and to the present day economic changes that are taking place in our country and also in the rest of the world.

Shrimati IIa Palchondhuri (Nabadwip): This Bill that has come before this House, I think, deserves the warm support from all sides, as my hon. friend opposite has already stated, and I give my full and warm support to it. But while doing so, I would like to bring to the notice of the House one or two things.

### [Shrimati Ila Palchoudhuri]

Dowry, as it existed in the past, was not always an unmitigated evil. It gave the woman some sort of provision in case of her husband's death. Under the Roman law she had some share in the property so that she was provided for if any untoward circumstances occur. In Athens under the law it was provided that the land which she inherited should be inalienable. For this reason, in India today the law gives some protection to the woman in the sense it is provided that when she gets a dowry, it may rest with her. But, at the same time, we must have a clarification of this dowry.. The idea that the woman should have every advantage, from whatever quarters she can get them, should not be lost sight of. The Bill, as it has emerged from the Select Committee, is not clear on certain points. Under clause 2, suppose a husband gives something to his wife on the occasion of the marriage, would that also be considered as dowry? That would be entirely unacceptable to Indian conditions. because here a husband is considered as the giver of all things to the wife. So, what he gives should not be considered as dowry.

Mr. Speaker: I do not know what the hon. Member means. The words used here are "as consideration for the betrothal or marriage". So, that is a voluntary gift for love and affection to the wife.

Shrimati Ila Palchoudhuri: Clause 2 does not make it clear. There should be an explanation, and that is why I support the amendment of Pandit Thakur Das Bhargava, which reads:

"Any presents of ornaments or other articles customary on the occasion of the marriage by friends and relations of the spouse will not be regarded as dowry unless they are made for the purpose of bringing about marriage or as consideration for the marriage." Mr. Speaker: That is clear. Whatever is consideration alone will become gift.

Shrimati Ila Palchoudhuri: What about the present from the husband to the wife?

Mr. Speaker: It is not a consideration for the marriage.

Shrimati Ila Palchoudhuri: It might be, when the marriage is taking place. What is the objection to that? If the husband is to give something to the wife when he is going to marry her, that is all right and no woman should be deprived of that.

Shri Tyagi (Dehra Dun): That he may give afterwards.

Shrimati Ila Palchoudhuri: But why should it not be made clear in the Bill? That is my contention.

The defect of the dowry system lies in any demand being made, and that certainly should be guarded against everywhere that we can, and that is where the evil has come in. when demands are made. And marriages have become difficult to be performed, and even such terrible things as taking away the bridegroom on the day of the marriage has occurred, leaving the bride stranded. The bridegroom follows his father like a very obedient son on that occasion, as if he listens to anything his father says, because the dowry demanded has not been paid, whereas he has not listened to many things in life that his father has spoken to him. and the bride is left stranded. These very heart-rending tales have occurred not only in one part of India, but all over India. This Bill, I hope, will certainly help to focus public attention on it and prevent any dowry being given when it is on demand. This feeling, I hope, will come to the men all over India that they will think it a dishonour and discredit to demand anything as dowry.

## 38 hrs.

I would also say this. My hon. friend opposite has claimed that it should be a cognisable offence. There, I certainly disagree. Because, if it is going to be a cognisable offence, if the police is going to be allowed to come into every aspect of our private life, I think that would be a sad day. No matter, even if it is the Sub-Inspector of Police as was suggested by my friend opposite, that should never be allowed, because, after all, it is a sacrament. It is a day of rejoicing. If the police is going to poke its nose to find out if anything is being done that is not in order, it would be absolute harassment. This should never be agreed to, no matter whatever arguments are put forward. I hope the Minister will take care that he is not influenced to consider it a cognisable offence.

I think there is a very little more that one can say except that we cannot accomplish much only by legislation and that it is the social conscience that has to be changed. Although we say that we cannot accomplish much, yet, I am sure, any legislation does accomplish quite a good bit, because, after all, it focusses attention and it gives you a channel you through which can protest. should it become necessary. Such a Bill has become very imperative. Without this Bill going through, all the other social legislation that you have passed, the Succession Act and the various phases of Hindu Code that we have passed from time to time, would become meaningless, The only way that we can at least now say that the whole social legislation has taken a composite effect is by passing this legislation. Dowry on demand should be thought absolutely beneath the dignity of man to demand or for the girl's side to give should also be treated similarly. In this, I can only quote the words of Mahatma Ganrhi which he sa'd many years ago, that any young man who makes dowry a condition of marriage discredits his education and dis-290(Ai) L.S.D.-5.

honours woman. I hope all the young men in India will have these words ringing in their years and never demand any dowry because it was never in the tradition of India to demand dowry. If anything was given, it was given by the father for love of his daughter.

When we make any legislation, let us take care that we do not have any police force enter into the cognisableness of any offence, because by that sort of thing, we would make it a police state where everything is enquired into by the police and we also detract from the colourful ceremony and the beauty of an Indian marriage where salankrita vastra. vrita kanyadan takes place. It is a beautiful ceremony. Anything that detracts from its sanctity, sacramental qualify and beauty should never come in and any such demand should always be opposed.

पंडित ठाकुर वास भागंग (हिसार): जाव स्तीकर साहब, हाउस के सामने यह जो डाउरी प्राहिकान बिल पेश है उसके बारे में में घरब से घर्ज करना चाहता हूं कि जहां तक इसका घच्छां प्रसर है, जिस वक्त रह ज्वाएट कमेटी को भेजा गा था उस वक्त में ने उसके बारे में घर्ज किया था घीर घव मी में उस हित्से को समोर्ट करता हु ।

में देखता हूं कि जहां तक इस विल के अन्दर कुछ बातें लिखी गई हैं भीर जो कई बात इसके बारे में कही गई हैं वे इसनी कार्स्स हैं कि मुझे अफसोस है बीर मुझे यह कहा। पड़ता है कि चन्द अस्तवास की जो राग है वह इसरे एक्स-ट्रीम की कही जा सफतीं है । चुरांचे मैं ज्वाएट कनेटी की रिरोर्ट में सफे इ पर पड़ता हं जिसमें कि यह दर्ज है:---

"In the opinion of the committee the fixing of a limit of rupees two thousand for presents,

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[Pandit Thakur Das Bhargava] ernaments, clothes etc., made at the time of marriage to either party thereto may have the effect of legalising dowry upto that amount and encouraging the giving or taking of dowry upto that limit. This would be defeating the very object of the Act namely, to do away with the system of dowry. They, therefore, feel that item (ii) may be omitted."

मेरी झदब से गुजारिश यह है कि दरप्रसल ग्रगर यह बिल इस गरज के बास्ते पेश किया गगा है कि डाउरी की तारीफ इस में दी गई है उस डाउरी सिस्टम को ही खत्म कर दिया जाये तो मेरी राय में इस बिल को ही सत्म कर देना चाहिए । बेहतर गह होगा कि बिल खत्म कर दिया जाय और पास न किंगा आय बजाय इसके जैसा कि इसमें दर्ज है कि उस **क्षिस्टम भ्राफ डा**उरी को ही हमेशा के बास्ते खत्म कर दिना जाय । यह सिस्टम भाफ डाउरी हिन्दुस्ताः में बहत जमाने से चला झाता है, चाहे इसे एनशिएंट कानन समझिवे मयवा रिवाज समझिये, यह बहुत प्रनी चीज है जो कि हमारे यहां रागज रहा है सोर यह बडी कदरती चीज है ग्रंट इसे खत्म कर देना कि कोई शरूस आ नी लडकी को या कोई रिश्तेदार शादी के वक्त लड़के या लडकी को कोई चीज भ द संके और उसको इसको देने से रोफना मेरे खनाल में वाजिब नहीं है मौर जिसके कि मागने यह होंगे कि स्ती धन जिसको कि म्रब तक हिन्दू ला रैकग तइज करता है और दीगर सारे माज रैका प्रदेज करते हैं प्रीर जो कि लड़ ती का हक है, उरासे भी उसे महरूम कर दिन जाय । इसका एक असर तो यह होना ।

हमारी सारी सोसाइटी में जो खराबी रही है मंतर जिसको फि हटाने के लिए बड़े मरसें से कौशिश करते माये हैं कि हमारे यहां भीरतें फाइरेन्शिली बहत विपंडेटस है मार सारी उम्र वे साविन्द बर, बाप पर या सड़के के ऊ'र डिपैडेंट रहती हैं, मैं उसको कतई परस्द नहीं करता भौर में च इता हं कि हमारी बहनें फाइनैन्शिएल इस कदर डिपैंडेट न हों। जिस तरह मादमी फाइनेंशिएली इंडिपैडेंट होता है झगर मारतें भी फाइनेंशिएली इंडिपेंडेंट हों तो कोई वजह नहीं है कि में उसकी कोई मुखालफत करूं प्रौर मझे उसमें किसी भी तरह का उज न होगा । योड़ा प्रसी हुआ हालांकि बहत मेम्बरों की ऐसो राय थी कि लड़की को बाप के वुरमे में हिस्सा न दिया जाय तो भी इस हाउस के मन्दर पास किया ग्रा कि बाप के वरसे में लडकी को हिस्सा दिना जाय । मैं उसकों इस मॅंके पर नहीं उठाना चाहता । लेकिन इतना जरूर कहंगा कि मभी बहत प्ररसा चाहिये कि उस ला के जरिये विरसे क, एकैक्ट मिले और लोग फिलवाकया लडफियों को हक देने लगे लेकि। वह तो जब होगा तब होगा लेकिन लडकी की शार्दा में उसका वाप या कोई और उनका रिश्तेदार लड की को शारी के वक्त कुछ कपड़ा वगेरह म दे, यह बहुत मुश्किल है क्योंकि लड़की को शारी के बक्त कपड़ा वगैरह देने का म्राज से महीं बल्कि कार्फा जमाने से रिवाज और सिलसिला चला ग्राता है मार मारतों को शादी के वक्त स्त्री धन देने का रिवाज चला भाता है . . . . . . . . .

Mr. Speaker: I have my own doubts: "consideration for marriage" that would exclude all this. Whatever is given as stridhanam to the girl by the father would be excluded. It is not in consideration of the marriage.

पंडत ठाकुर वास भागंवः मेरी धदव से रुजारिश थह है कि यह इन्टरप्रेटेशन मेंने उद्य बक्त दिया था जबकि यह ज्वाइष्ट कमेटी को सुपुर्द हुन्दा या भीर ज्ञानरेनुल ला मिनिस्टर

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ने भी बड़ी मेहरवानी करके उस इंटरप्रेटेशन की कबूल फरमाया मौर यह कहा कि स्त्री बन इसके अन्दर एक्सक्लूड होगा लेकिन जब यह बिस ज्वाएण्ट कमेटी को गता मार जब म प्रव उसको पड़ता हंतो उसको बिल्कुल उससे जुदा पाता हूं। झभी मैंने श्री मेनन साहब की तकरीर सुनी । उससे मालूम होता है कि कुछ झरुहाब ऐसे हैं जो कि डाउरी के माने वही समझ ते हैं जो कि इसकी लारीफ में दिये गये हैं। ऐ। कन में बहुना चाहता हं कि डाउरी की डैफिनी शन में भी यह बात साफ नहीं की गई है और इस मामले को साफ कर देना चाहिये क्योंकि सारे मुल्क में एक तरह से भूचाल सा ग्रा जायेगा ग्रगर ग्रापने इसको यह समझा कि कोई शख्स लडकी को शादी के वक्त कुछ न दे सकेगा। में जहां तक समझता हूं हाउस के प्रन्दर ९९ फीसदी लोगों की यह राय हरगिज न होगी कि शादी के बक्त लड़की को कूछ न मिले मलबत्ता २, ४ परसेंट ऐसे हो सकते हैं जो कि सोशल रिफाम्स के लिये बड़े जैलस रहते हैं हालांकि वह सही भायने में सौशल रिफार्म्स हैं इसमें हमें एक्सलाफ है लेकिन उनकी राय में वे सोशल रिफार्म्स हैं और वे शायद इसकी कबुल कर सें लेकिन आम तीर पर यह बात कबुल नही की जायगी कि लड़की को शादी पर न तो उस के मां, बाथ कुछ दे सकें ग्रीर न उसके दूसरी रिश्तेदार दे सकें । चुनांचे इसको साफ करने के लिये में ने दो झमेंडमेंट दिये ह झार यह में ग्रानी खुइविस्मती समझता ह कि बनाब ने भी उसी खाल का इजहार फरमाया जो कि मेरे अमेंडमेंट में है श्रीर यह यह है कि जब तक कंसिडिरेशन आफ मैरेज न हो उस बक्त तक बहु डाउरी महीं बम्ती। जनाबवाला, यहां हमारे हिन्दूस्तान में डाउरी सब देते हैं गार मानी ईसियत के मुताबिक देते हैं गार बेनी भी चाहिये । कई लड़के के मां, बाप इसरे पारीक से लड़की के वालवैन से इसना रैसा मांगते हैं जितना कि वह देते के काबिल नहीं होते चार उससे शतें करा लेते हैं कि वह इसना पैसे हॅंगे मार वे प्रथने सर्च पर लडके

को विलायस पढ़ने के वास्ते भेजेंगे और इसी किस्म की कई और शतें लगा देते हैं और जिसके कि कारण कई लोग तवाह हो जाते हैं और नतीजा यह होता है कि वे लड़कियां जिल्की कि शादियां होती हैं वे बेचारी दुखी होकर भौर मधने मां बाथ की तवाही को देख कर भएने बदन पर तेल खिडक कर भाग लगा कर जल जाती हैं और मर जाती हैं। कई लड़कियां यह सोच कर कि उनके गरीब मां, बाप को उनकी शादी की मुसीबत के कारण दूख न हो प्रात्म हत्या कर लेती हैं। प्रब यह मसल बिदत है और स्माज में बुराई है और इसको हमें दूर करना चाहिये। हमें इसके लिये माकुल इन्तजाम करना होगा ताकि इस सरह से जो लडकी के मां बाप को तंग किया जाता हैं और शादी के मौके पर तबाह किया जाता है वह न हो सके। यह वागई में बिद्द है भीर हमें इसका जरूर कोई भ कोई इलाज सोचना चाहिये । लेकिन इसके झागे जाकर यह कहनी षा चंकि यह बिदत है, बीमारी है मार एक शस्स चुमि बीमार रहता है इस वास्ते बीमार को ही मार डालो, यह कोई इलाज करना न हुआ । चुंकि यह बीमारी मौर खराबी हमारे बीच में विद्यमान है इसलिये सिस्टम आफ मैरिज को ही हटा दिया जाय पह तो कोई उरका इलाज करना नहीं हुआ। प्रब ग्रगर कोई वाकई में ३०३ का जुर्म करता ह ग्रीर वह लड़की के बाप से शादी मंजूर करने के लिये इतना डिमाण्ड करता है जो कि उसके रोजनेबुल फाइनेः हियल कॉम्पी-टेंस के बाहर होता है तो यह वाकई नामूना सिब है और उसको बन्द करना चाहिये। मब हमने एरवस्टीकंन के मन्दर ४ साल की कजा रक्खी है ग्रीर उसके मन्दर तीन साल की तो रूजा कम से कम झाम तार पर वी जाती है। इसके लिये हम क्षजा जरूर रक्ल कि झगर कोई शस्स दूसरी पार्टी से जबर्दस्ती वैक्त बगैरह एक्स्पोर्ट करता है तो वह सताबार ठहराया जाय मार उसको कातून के मुताबिक सजा वी जाय।

[पंडित ठाकूर दास भागव]

इसी वास्ते मेंने एक घमेंडमेंट इस झम्प्र का दिया है कि पोर्टी के बाद यह जोड़ दिया जाय:

"beyond the reasonable financial competence of the other party or any other person on behalf of such other party."

४९ एक कस में कोई को यह मालम करना तोगा कि फता शब्स की फाइ रेशियल कीर्माटेंस करा है। अब अगर किसी की तैसि-यत हजार इगरं की है और उससे ३००० रुपया हे लिया जाता है तो वह बेशक तबाह हो जायगा लेकिन ग्रगर फर्न कर लीजिये कि किसी लड़ ही का बाप करोड़ पति है और झगर वह शादी के नौत पर अपने लड़की को २, ४ जाज हाथा देद तो वह उसकी फ;इ-नें नशियन कोम्नीटेस के बियौंड नहीं कहा जा सकता और इस वास्ते वह अनरीजनेवल नहीं है और उसको आपको इसके अन्दर नहीं पर्वड़ना चाहिये । मब एक जाप बेटे के उतार तो सारी उम्म गैसा खर्च करता है. उसकी पढाई लिखाई पर रुपया खर्च करता हैं और लड़का ही सारी उन्त्र बाप के पैसे भौर जायदाद को इस्तैमाल करता है लेकिन लड़के को बाप पंसा देकर ही कारोबार कराता है लेकिन वही शख्स अपनी उस वेचारी लड़ की को जिसका कि शादी की सुरत में एक दूसरा जन्म होता है और जो कि दूसरे सानदान में चली जाती है, उसका अपने बाथ के खानदान से अमलन ताल्जक छट जाता है उसको ग्रगर ग्राप या रिश्तेदार कुछ देना चाहे तो उसे ग्राप नामुनामिब समझे, मेरी समज में यह कुछ ठीक नहीं है.....

 एक माननीय सदस्य : हिन्दुस्तान में करोड़ रति कितचे हैं ?

Shri Ajit Singh Sarhadi (Ludhiana): But there must be definiteness in law. Your amendment has only put in the words "beyond the reasonable financial competence of the persons". There is no definition in this vague expression. Shri Tyagi: How can there be definiteness in the expression, because all are not equal in financial status?

पंडित ठाकूर बास मार्गन : मेरी गुजारिश यह है कि शरू में जब यह बिल आया.था उस वक्त २००० रावे की ही रकम थी झौर जिसमें कि लिखा गया था कि प्रेजेंट्स, ज्वैलरी, कपडे और बतन वगैरह यदि शादी पर .२००० रुपये की मालियत के दिये जायें तो वह डाउरी नहीं समझी जायगी । इस को ज्वाएण्ट कमेटी ने हटा दिया उसमें से निकाल दिया और यह रक्खा गया कि २००० रुपये के मायने यह हैं कि सिस्टम झाफ़ डाउरी को एनकरेजमेंट मिलेगा । जैसा कि मैंने इसको समझा है, कमेर्टा की राथ यह यी ग्रीर जैसा कि चेग्ररमैन साहब ने अपनी रिरोर्ड में लिखा है कि कमेटी यह चाहती है कि सिस्टम ग्राफ डाउरी को खत्म कर दिया जाय ग्रौर जिसक कि माती यह हुए कि कोई भी अपना लड़की को गहन, बतन और कपड़े वगैरह न दे संकेगा और इस तरह से तो आज जो जादी के नौत पर लड़ ही वाला बारात को जिमाता है, बरातिया की आवभगत करता है और कई कई रोज बरात को जाना देता है यह भी न कर सकेगा मौर वह भी इस डाउरी की डैफी तिशन के भन्दर आ सकता है झोर उसका यहां तक स्ट्रैच किया.जा ज सकता है । इसलिये में चाहता है कि इस चीज को साफ कर दिया जाय.....

Mr. Speaker: I was not here. I would like to know from the hon. Minister one thing. In our country in every part of it as soon as a girl is married, she is given ornaments and also vessels so that she may go and set up a family; even clothing for so many months or years, a cot, this and that, so that she may go and settle down. If it is out of all proportion and if it is meant as a consideration, I can understand, but it is normal. Even in our part all òf them do not earn, and therefore if it cuts at the root of even such provision for daughters.....

Shrimati Renu Chakravartiy (Basirhat): Any amount can be given.

Mr. Speaker: The difficulty has arisen this way. It appears the hon. Law Minister said even this is consideration. When I get my daughter married, I give jewels to her. If that is the interpretation, I am afraid one of two things will happen. Either they will give it privately after some time, or the girls will not get married in our country. Already there is trouble.

श्वी स्थानी : जिन लड़ कों की शादिया नहीं हो सका है या जो शारी के काबिल नही है यह जनका ही कहना है। जिनकी शारी हो चुकी है वह तो इन चीजों को समझते हैं।

The Deputy Minister of Law (Shri Hajarnavis): Voluntary gifts to any extent, in any form, are outside the scope of the Bill. It is only when the money is extorted, or any property is extorted as a consideration, as you have rightly observed, Sir, that it comes within the mischief of the Bill.

Shri Tyagi: What about voluntarily giving? What about the ornaments voluntarily offered?

Shri Hajarnavis: In any form, in any quantity it can be given. It is not hit by the Bill at all.

Shri Tyagi: Thank you. That is what we want.

पंडित ठाकुर बास भागव : दोगों ला मिनिस्टर साहिबान ने जो राय जाहिर की है वह बैलकम है। कल भी आपने फरमाया था कि हम इस पर झगड़ा नहीं करत और आज भी उन्होंने साफ कर दिया और मुझे तो बड़ी तसल्ली है कि उनकी वही राय है जो कि लीगल है और जो कि देश की प्रथा के मुताबिक है।

पंजाब में तो यह कायदा है कि शादी के बक्त लड़की को सारी चीर्जे दी जाती हैं, फरनीचर दिया जाता है ताकि वह जाकर मपना धर बसा सके । भौर माज तो हालत यह है कि बड़ी उभा के लड़के लड़कियों की शादी की जाती हैं जो कि जाकर प्रपना घर बसाते हैं । मैं भपने दोस्त मेनन साहब से म्रजं करना आहता हूं कि उनको तो हर चीज की जरूरत होती हैं मपना घर बसाने के लिये । इसी लिये पंजाब में हर चीज दी जाती है । ताकि लड़की भौर लड़का म्रपना घर बसा सकें।

Mr. Speaker: Whatever is reasonable. That is so all over India.

पंडित ठाकुर बास भागव : ग्रनाज दिया जाता है, बरतन दिए जात हैं । मुझे बड़ी खुरी है कि जनाद काला ने भें। भी कही राप जाहिर की है जो कि मेरी राय है ।

Shri D. C. Sharma (Gurdaspur): Whatever happens in Punjab is utterly undesirable.

भी स्थागी : जब श्रानरेबिल मेम्बर की शादी हुई होगा उस वक्त तो उन्होंने सब कुछ ले लिया होगा । त्रब दूसरों के वास्ते इस तरह कह रहे हैं ।

Shri D. C. Sharma: I was married when I was a student of the eighth class in middle school.

पंडित ठाकुर वास भागंब : जनाब वालन, मैं यह अर्ज कर रहा था कि डाउरी का बह हिस्सा जो कि किसी को मजबूर करके लिया जाता है उसके वास्त इस बिल में हमने ठीक इन्तिजाम नहीं किया है । इस बिल में यह नहीं द्विया गया है कि कौन कम्पलेंट करेगा । यह तो ठीक है कि यह जुर्म नानकागनिजेबिल है । हम भी इसको कागनिजेबिल बनाना नहीं चाहते । किमिनल प्रोसीज्योर कोड में जो दफात ४६२ से ४६० हैं वे मैरिज के मुताल्लिक हैं । उनके मुताबिक एग्रीव्ठ पार्टी के झलावा भौर कोई घिकायत नहीं कर -सकता ।

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Mr. Speaker: Whoever has been rejected as a bridegroom will complain.

# पंडित ठाकुर दास भागेंव : There are others who will complain.

ऐसे केस में जिसमें कि किसी ने समधी को बहुत ज्यादा डाउरी लेकर तबाह कर दिया, तो वह समग्री एग्रीब्ड पार्ट होगा ग्रीर उसके लडके वगैरह एग्रीब्ड पाट होंगे । ग्रगर किसी की हैसियत दो हजार की है मौर उसके पास से दस हजार ले लिया गया तो वह शख्स एग्रीव्ड पार्टी होगा । लेकिन वह शायद मदालत में जाना पसन्द नहीं करेगा । इसलिये में चाहता हूं कि कूछ सोश न आरगेनाइ जेशन्स को. जिनको कि गवनंमेंट रिकागनाइज करती हो, यह मुकदमा लाने का अस्तियार दिना जाए । भगर ऐसा किया गया तो किसी के खिलाफ किसी की दूश्मनी नहीं एराउज होगी । अगर ऐसा नहीं किया जाएगा तो इस तरह के केस अदालतों में जायेंगे ही नहीं । समधी, जिसने अपनी लड़की दी है वह कभी नहीं कहेगा कि उसके दामाद को या समघी को कैद कर दिया जाए । इसलिये जरूरी है कि यह मल्तियार सोशल मारगे-नाइजेशन्स को दिया जाय । या क्रिमिनल प्रासीज्योर की दफा १४१ के मातहत जजमेंट देने वाली कोर्ट को यह अख्तियार हो कि जिसको कोर्ट ठीक समझे वह मुकदमा ला सके मौर उसको प्रासीक्यशन का खर्चा भी दिया जाए । मैंने एक ममेंडमेंट मी दिया है कि प्रापर केसेज में जिनमें यह साफ हो कि किसी को ढाउरी लेकर तबाह किया गया है तो उसको मुम्रावजा दिया जा सकता है भौर साथ ही प्रासीक्यूशन का खर्चा भी दिया जा सकता है। भगर यह तजवीज मंजर कर ली गयी तो कुछ केसेज इस किस्म के भदालतों में झार्बेंगे वरना कोई ऐसे केसेज नहीं लाएगा भौर यह कानून इनफक्ष्युमस हो बाएगा झौर सारे काम इसी तरह होते रहेंगे जैसे कि माज हो रहे हैं।

## 13-22 hrs.

## [MR. DEPUTY SPEAKER in the Chair.]

डाउरी के प्रलावा भी कृष ऐसी बीजें है जिनको कि दूर करना चाहिये, पर उनकी तरफ गवनैमेंट की तवज्जह नहीं गयी और न मेम्बरान की ही तवज्जह गयी है। हमारे दोस्त वाल्मीकि जी ने इस मताल्लिक कुछ अमेंडमेंट दिए हैं जो कि गो इस बिल के जरमेव नहीं हैं लेकिन बहत माकुल हैं। झाज लोग क्या करते हैं कि डाउरी के बजाए घौर तरीके से लुटते हैं। कहते हैं कि बारात ग्रशोक होटल में ठहरायी जाए, जो काश्मीर का कमरा है, २४० रुपए रोज का, वह नौशे के लिये रखा जाए, बारातियों को चांदी की थाली. चांदी का गिलास और चांदी की कटोरी दी आए भौर भातिशवाजी में हजारों रुपये सर्च करते हैं, ग्रौर जब बिजली जगमगाती है तो मालम होता है कि सूरज की रोशनी कम है भौर बिजली की रोशनी ज्यादा है। इन सब चीजों को कुछ लोग अपनी शान बढ़ाने के लिये अरूरी समझते हैं। ये सराव चीजें हैं। लड़की को देना खराब नहीं है। लड़की को तो हर एक ग्रादमी को भपनी हैसियत के मुताबिक देना ही चाहिये ।

डा० मा० सी० घणे : यह जो बिल लाया गया है इससे शादी करना सुलभ होगा या विकट होगा ?

पंडित ठाकुर दास भागंब : जनाब वाला, मेरी नाकिस राय में तो माम तौर पर चन्द बरसों तक तो शादी करना मुस्किल ही नहीं बल्कि नामुमकिन होगा ।

में मदब से पूछना चाहता हूं कि वह कौनसी शादी हो सकती है कि जिसमें कन्यादान न हो । क्या कोई हिन्दू उसको समझ सकेगा । भौर फिर दान तो सबसे बड़ा कन्या-दान है । उसके मुकाबले में इपया पैसा क्या चीज है । मैं कहता हूं कि जब तक कम्या को सुभूषित वह घलंकृत करके शास्त्रों के भनुसार नहीं दिया आएगा कोई उसको कन्या दान ही नहीं समझेगा । ऐसी शादी को लोग बआए शादी के गमी समझेंगे । क्या भाप बाहरे हैं कि लड़की के सारे रिश्तेदार गमगीन बैठे रहें भौर न किसी को कुछ दें या खिलाएं पिलाएं । इस तरह की शादी गैर मुमकिन है । खराबी बहीं है जबकि जरूरत से ज्यादा लिया जाए । भौर इस शादी को मैं समझता हूं कि यह कानून दूर बहीं कर सकेगा । जो इसमें घल्फाज दिये गये हैं उनको मुलाहिजा फरमाइये ।

उपाष्यक महोदयः जो साय भाते हैं उनको दिया जाय, लड़की को न दिया जाय।

पंडित ठाकुर दास भागवः यह बिल तो यह करना चाहता है कि उनको भी न दिया जाए । इसमें दिया गया है:

"to one party to a marriage or to any other person on behalf of such party. . . . .".

मौर मैंने पहल भी मर्ज किया था कि मैरिज की जो दो पार्टियां होंगी वह तो ब्राइड भौर बाइडग्रम होंगी। त्यागी साहब समझते थे कि पार्टीज से मतलब दोनों फरीक से होगा । लेकिन में मर्ज करना चाहता हं कि बाइड की तरफ से कौन देता है भौर दूसरे फरीक यानी बाइडप्रम की तरफ से कौन देता है। लडकी का बाप दामाद को देता है जो कि भव उसका रिश्तेदार हो चुका है । भौर दामाद लडकी के मर जाने के बाद भी उम्र भर उसका दामाद रहता है। मालूम होता है कि जिन लोगों ने इस बिल को बनाया है उनको यह नहीं मालूम कि वह कौन सी बला है जिसके खिलाफ वह लड़ रहे हैं। जैसा कि मेरी बहिन इला पालचौधरी ने जोर से कहा है, साविन्द भौर बीबी के दरम्यान कोई भी बीज जो ते हो जाए वह बिल्कूल जायज है। यक सडकी जब १० बरस की हो जाती है को वह खुद अपनी शादी कर सकती है, अपनी सारी जायदाद किसी को दे सकती है। यह बो हमारा फंडामेंटल राइट है कि कोई मादमी ग्रपनी प्रापर्टी को जैसे चाहे डिसपोज ग्राफ कर सकता है।

Shrimati Renu Chakravartiy: May I request Pandit Thakur Das Bhargava to speak about this point in English, because we could not follow exactly the point that he was making?

Pandit Thakur Das Bhargava: T was submitting that when we consider the question of the relations between husband and wife, it should be open to the husband and the wife to agree to any terms at the time of marriage. For, in some communities, and in some cases, marriage is only a contract; whereas, in the Hindu community, it is considered 85 8 sacrament, and certain others also regard it as a sacrament. Therefore, it should be open to the husband and the wife to give away anything to the other spouse just as he or she likes; and there should be no law whereby any compulsion should be made in this regard.

So far as dower or mahr is concerned, it has been stated that they are excluded from the purview of this Bill, because the Shariat law provides for it. But so far as the Hindu law is concerned, may I submit that this was what Sita said to Rama:

मितं ददाति हि पिता, मितं भ्राता मितं सुतः भमितस्य हि दातार मर्तारम् का न पूजयेत ।

So, according to the Hindu law, and according to our traditions, a husband gives everything to his wife, and the the wife gives everything to husband. So, between the two, there should be no impediments and no restrictions. So far as contractual terms are 'concerned, I can understand 2 wife just choosing a husband even considering the prospect that after he is dead, she will get enough to live by; similarly, I can understand 2 husband choosing a wife thinking that she is the real heiress, and he would get the benefit if he marries her. This is not a thing which can be ignored in society. Every father wants that his daughter be married

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in a rich family; similarly, every man wants that he may be married in a rich family. Why should you make any obligations, so far as these persons are concerned? After all, what is dowry? Dowry is not what each husband gives to his wife or what each wife gives to her husband. Dowry is one which in popular parlance is understood to be what the parents of the boy give to the girl or the parents of the girl give to the boy.

Shri Tyagi: Here, it is not a question of the parents; according to the terms of this definition, the parents might give any amount; that will not be objectionable. It is only the parties which should not give between themselves.

Pandit Thakur Das Bhargava: That is my hon. friend's view. But this matter can only be decided by a court at the lower level or by the High Court in case there is a conviction and there is an appeal against that.

If we pass this law as it is, then people will understand that dowry means any property; even the food given at the time of marriage may be considered as property. Even some little thing given by a party may be construed as dowry; as my hon. friend has been pleased to construe. even a little thing given by one party to a marriage to any other person may be considered as dowry. The court may also construe like that. So, I want that everything may be made absolutely clear. It is with this object in view that I have given notice of so many amendments.

As a matter of fact, I may submit that it interferes with article 19 of the Constitution. Any person has got the right to dispose of his property in any way he chooses; of course, I agree that so far as he misuses that right in respect of extortion of dowry, he should be prevented from doing so. To that extent, I agree. You might enhance the punishment also in such a case. At the same time, you must see that the law is effectuated by allowing complaints to be made by social organisations or by the aggrieved persons.

All the same, I feel that if the Bill is construed in the manner in which it has been construed in the Joint Committee's report, then, I am afraid, that first of all, article 19 will be contravened, and secondly, the financial position of the ladies in our country will become very much worsened, and they will not be able to get anything at the time of marriage which is the starting point for their life.

I was also submitting that it was opposed to public interest. If we pass this Bill in its present form. then it is not the Members who will be held responsible for it, but the whole sarkar; everybody would say that this sarkar is doing some things which are so very much opposed to public opinion and to traditions in the country, that this sarkar is no good at all. This will be the result. I am, therefore, anxious that so far as this Bill is concerned, we ought to pass it after great consideration; and we must make it absolutely clear that we do not want to do things which the public does not like.

Of course, dowry is a social evil, which we must remedy, but it is not such a great social evil that we must send the bride or the bridegroom or their parents to jail. Why should we send them to jail unless there be a proper case for doing so, unless the person has misbehaved in a very bad way? In fact, I had given the example of the misbehaviour of a husband last time; I do not want to repeat it now. I can understand if people are sent to jail in such cases. But, ordinarily, I should think that fine should be the proper remedy and not jail sentence, unless there are grounds on which such sentence may be justified. But what do we find in clause 7 of this Bill? We find that

sending to jail is mendatory. It has been stated that it is compulsory that jail sentence must be given. I submit that such a drastic provision should not have been approved by the Joint Committee.

Then, again, in clause 7, as I had pointed out earlier, the words are based on a complaint'. This must be made clear as to whose complaint is contemplated. Who will complain? Ordinarily, if you allow every kind of person to make a complaint, that will not be proper. To allow every person to make a complaint will be opposed to the accepted principle, that is, the principle which we had accepted the other day in regard to sections 493 to 498 of the Criminal Procedure Code; you will remember that the other day there was a private Member's Bill in regard to section 198, which we had passed with certain amendments. Even then, we did not allow any person to file a complaint. It will not be proper to allow all sorts of persons to file complaints and harass the parties after marriage. In that way, there will be another extortion. The first extortion is already there. The second extortion will be in the form of the possibility of a complaint from any person against this person who has already undergone extortion.

Therefore, my humble submission is that in regard to all these matters, we must be very circumspect. Since I have tabled a large number of amendments to this Bill, I do not want to take much time at this stage. I will only submit so far as the word 'betrothal' is concerned, that it need not be there. A betrothal need not necessarily end in marriage. If it has to be effectual, it has to end in marriage. Otherwise, betrothal by itself will mean nothing. So why should the word 'betrothal' be there? I say this because we have said here 'before the marriage as consideration for the betrothal or marriage'. If it is marriage, it is all right. But betrothal may not be effected into marriage. After all, the

betrothal may break off. So I do not know a person should be penalised for that. If a person enters into a betrothal without meaning to enter into a marriage, it is useless. As a matter of fact, a person may be duped into a betrothal. In such cases, section 420 of the IPC is there. A person may make a misrepresentation and get money from another on the basis of making a betrothal. As a matter of fact, it is presumably a case of cheating. Even today, there are such cases and they are dealt with under section 420 of the IPC and in proper cases punishment given. Therefore, so far as the word 'betrothal' is concerned, we are not justified in having it in clause 2.

Then again, there is an article in the Constitution which says that so far as laws are concerned, there should be the uniformity of laws for all communities. This is a matter in which all communities are equally interested. So in this matter why should the Muslims be allowed to have more powers than the Hindus, Christians etc.? Therefore, my humble submission is that it is but fair that we have the same law. So this exception regarding dower or mahr should be taken away and we should make this uniformly applicable as between spouses belonging to every community.

It has been repeatedly said, by Shri Narayanankutty Menon and others that among the Christians and others when there is a succession law. there is no need for a Dowry Bill. I for one would not agree with that argument. I know the succession law has been passed in spite of our protest. At the same time, perhaps Shri, Narayanankutty Menon does not know that in the Punjab, there is a movement to revert to the old law and custom. In the Punjab, so far as the peasantry is concerned, we do not want that girls married should succeed to their parents' property. That question apart-I am not dealing with that problem now-we are very anxious that the rights of the girls in the Punjab and all over in

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the country, in the whole of India. should be fully safeguarded by allowing the system of dowry to remain as it is, and only penalising the giving or taking of such kind of dowry as is extortionate or objectionable is justified. Unless this principle is accepted, I think so far the 85 Punjab and other parts of the country and many Governments are concerned, where this system of extortionate dowry is giving not rampant, they should be excluded from the purview of this Bill. I have also tabled an amendment to that .effect

Then the hon. Minister was pleased to say at the time the Bill was being sent to the Joint Committee that among the peasantry, there was no such practice of dowry but it. was confined to the higher classes or the upper middle classes or those literate people who wanted money for sending their sons to England etc. So why make it disastrous for the whole of the country? Why should the girls feel dissatisfied that their age-long customs in their favour should be disturbed in this way?

Therefore, I would beg of the House to kindly consider this question and make in this Bill amendments which are proper. Otherwise—if these amendments are not carried out in the Bill—I would rather like that the Bill were dropped than be passed in the form in which the Joint Committee has presented it eliminating altogether the system of dowry.

श्रीमती उमा नेहरू (सीतापुर) : श्रीमान् जी, इस हाउस में डावरी बिल पर बहुत एक्साइटिड स्पीचिज हो रही हैं और मैं समझती हूं कि इससे भी ज्यादा जोश मरी स्पीचिज होंगी । लेकिन मुझे इस हाउस को एक बात बतानी है और वह यह है कि डावरी के बारे में हम चाहे कितने ही कानून बनायें, या उस पर एतराज करें, लेकिन झसल बात यह है कि डावरी इटसैल्फ, बखुद, औरत के लिए

एक जिल्लत की बात है। यह वह जमानां है कि भौरतें रीयलाइब करने लगी हैं कि डावरी हमारे लिये जिल्लत की बात है, आज समाज में हमारी हैसियत यह है कि हम बेची जायें, हमारा भाव-तौल हो, हमारा बार-गेनिंग हो, भौर यह हमको बर्दास्त नहीं है। हमारे भाई इस बात को मन्जर करें या न करें लेकिन ग्रीरतों ने तो पक्का इरादा कर लिया है कि इन के मन्जूर करने या न करने से बात नहीं चल सकती, भव तो हमको अपने पैरों पर खड़े होना है। माज इस हाउस में यह जिक हो रहा है कि बिटिया को क्या दिया जाय भौर का न दिया जाय । मैं यह कहना चाहती कि भव सवाल यह है कि क्या भव विटिय कुछ लेना भी पसन्द करेगी या नहीं ग्रौर मगर उसके बारे में भाव-तोल किया जाता है, तो वह शादी भी करेगी या नहीं। में चाहती हूं कि भाज सब को यह महसूस करना चाहिए कि स्त्री की इज्जत रुपए पैसे. जेवर भौर कपडे से ज्यादा है। जहां तक इस बिल का ताल्लुक है, यह तो एक छोटा सा बिल है ग्रीर हमने बहुत सोच समझ कर, हर एक चीज को देख कर इस को तैयार किया है। यह बात हम ग्रीरत की हैसियत से कहते हैं, क्योंकि यह बिल ज्यादातर हम से वास्ता रखता है, मरदों से नहीं । इस बारे में सब से ज्यादा भहमियत इकनोमिक फ़ैक्टर की है **।** यही वजह है कि झाज लड़कियां घर छोड़-छोड कर नौकरी करने लगी हैं, ताकि उनको इकनोमिक इंडिपेंडेंस मिले ।

इस बिल को हमको जोश से नहीं देखना है, बल्कि उंडे दिल से बैठ कर इसको देखना है। जब इस बिल का जिरू माता है, तो स्त्री का सारा इतिहास सामने भा जाता है। हमने इतने सोशम रिफ्रार्म्ज के लाज पास किये हैं। मैं यह मर्ज करना जाहती हं कि यह डावरी बिल उन्हीं सोशल रिफ़ार्ग्य का एक छोटा सा दकडा है, उनसे अलग नहीं है। यह मैं मानती हं कि स्वी को हक दिया गया है कि उसको भी जायदाद का कुछ हिस्सा मिलेगा, लेकिन भभी श्री ठाकर दास जी ने इस सिलसिले में यह तस्वीर सींबी कि हन अपनी लड़कियों को गिफ्ट भी नहीं कर सकते । उन्होंने यह भी कहा कि मगर हम सडकी की शादी सनातन धर्म के रिवाज के मताबिक करें, तो हम कन्यादान कर नहीं सकते । मैं उनसे एक ही बात कहना चाहती इंकि जब नौ दस बरस की लड़कियों की शादी होती थी, तब तो कन्यादान होता था, लेकिन मब बीस, चालीस बरस की लड़-कियों का कन्यादान कैसे होगा ? वह तो पहले ही मिथ्या हो गया है।

पंडित ठाकुर दास भागँवः मनुस्मृति का कानूनयह था कि ग्रठारह बरस के बाद लड़की ग्रपनी शादी खुद कर सकती थी।

र्भी बाल्मीको (बुलन्दशहर-रक्षित-म्रनु-सूचित जातियां) : जब तक नारी विवाह नहीं करती, वह कन्या ही है ।

श्वीमती उमा नेहरू: मुझे प्रफ़सोस इस बात का है कि अगर प्राज कोई प्रठारह बरस की लड़की कहे कि मैं फ़लां से शादी करूंगी, सो प्राज प्राफ़त मच जाती है।

पंडित ठाकुर दास भार्षव : मैंने इस बार में तरमीम पैश की थी जो की मंजूर हो गई थी, कि प्रठारह बरस से बड़ी लड़की को शादी के बारे में किसी से पूछने की उरूरत नहीं है उसको खुद शादी करने का प्रस्त्यार है । माननीय सदस्या ने उस वक्त उसकी हिमायत में वोट दिया था भौर तकरीर में बुसे सपोर्ट किया था ।

भी स्थागीः लेकिन फिर मी पूछ लेना श्राच्छा है।

धीनती उमा नेहरूः हमारे यहां कई सरीके की शादियां हैं। माज इस बारे में सीता भीर राम का भीर सत्यवान भीर सावित्री का खिक किया जाता है, मैं चाहती हूं कि जो कानून उस खमाने में थे, जो मैरिज के कस्टमरी लाज थे, जिनके मुताबिक लड़की अपने वर को माप पसन्द करती थी, जयमाल डालती थी भौर भपनी किस्मत भयने साथ लेकर चली जाती थी, फिर चाहे उसको कम्बल पर रहना पड़े, चाहे दोशाले पर, भगर उनको ले माया जाय, तो बहुत मच्छा हो।

इस बिल में, जिस पर हमने बड़ी मेहनत की है, हम को ताज्जुब की कोई बात नखर नहीं माती है। मसल बात यह है कि दुनिया इस वक्त बड़ी तेजी से उन्नति कर रही है भौर इतनी तेजी से चल रही है कि मगर माप खामोघा खड़े रहें, तो भाप खत्म होते हैं। माज माप को दुनिया में सब चीजें---चल मार मचल सब चीजें---चलती हुई दिखाई दे रही हैं। मगर इस दुनिया में स्त्री म्रपने पैरों पर खड़े होकर तेजी से चलना चाहे तो उसके रास्ते में रुकावटें माती हैं। उन रुकावटों को मब स्त्री दूर करेगी, छोड़ेगी नहीं, क्योंकि मब उसको ज्ञान भा गया है।

उपाम्यक्ष महोदयः पंडित जीने धीरत के चलने पर ऐतराज नहीं किया । उन्होंने कहा है कि वे इतनी तेजी न आर्ले कि विर पहें।

श्रीमती उमा नेहरू : ग्रगर हमारी रविश दुनिया की रविश के संग न हो, तो मेरी समझ में नहीं भ्राता कि फिर समाज घौर इंसान की क्या हालत होने वाली हैं।

इन बातों को छोड़ कर में यह कहना चाहती हूं कि किसी ने भी लड़कियों को गिफ्ट देने पर ऐतराज नहीं किया है, सेकिन उनके लिये यह कितनी जिल्लत की बात है कि उनके लिये बारगेनिंग किया खाय, पचास हजार, एक लाज या दो झाज की बात की जाये और फिर उनको ब्याहा जाबे।

# [श्रीमती उमा मेहरू]

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कोई नहीं कहता कि मुहस्बत से, प्रेम से अपनी बेटी को गिफ्ट न दो, लेकिन सवाल यह है कि गिफ्ट क्या होता है । कोई लाखों इपयों का गिफ्ट नहीं होता है । बाखिर कितने लोगों के पास लाखों रुपए होते हैं ? में तो डावरी का मतलब यह समझती हूं कि शादी से पहले डिमाड करना कि इतना दोगे, तब तुम्हारी लड़की हम लेंगे । इसी लिये भेंने शुरू में कहा कि मब सवाल यह है कि लड़कियां खड़े होकर कहें कि जहां से कुछ डिमाण्ड किया जाता है, वहां हम शादी नहीं करेंगी ।

मब रहा यह सवाल कि हम कोमल हैं, हम निर्वल हैं, हम बिल्कुल मरदों के ऊपर पड़ी हुई हैं। आज समाज में हमारी यह स्थिति है। उस हालत में अगर शादी होती है, तो घर का सब सामान, कपड़े, बेवर वगैरह सब कुछ दिया जाता है। मेरी समझ में नहीं माता कि जिस घर में लड़की जाती है, क्या बह ऐसा निखट्टू है कि उस घर में कुछ भी नहीं है, फ़रनीचर नहीं है, और कुछ नही है। लेकिन सब देते हैं----हिन्द्र भी देते हैं, मसल-मान भी देते हैं ग्रौर ईसाई भी देते हैं---यह रिवाज चला माता है----भौर इस वजह से देते हैं कि हमेशा से यह समझा गया है कि स्त्री वीकर सैक्स है ग्रौर इकानोमिक तौर पर हम पर डिपेंडेंट हैं उसको गृह-लक्ष्मी नाम दिया गया है। मैं सिर्फ़ यह कहना चाहती हं कि अगर कोई एफ़ेक्झन में कुछ देता है, तो उसके लिये किसी ने मना नहीं किया है। भगर कोई गिफ्ट देता है, तो वह रावरी में नहीं माता है।

भव रहा यह सवाल कि कौन इत्तिला करेगा कि इस घर ने डावरी ली है। मैं खुद मी इस को काम्नीजेवल झाफ़ेन्स नहीं बनाना बाहती थी, क्योंकि राजनैतिक काम करने वाली मैं कम हूं---मैं ज्यादातर समाज में काम करती हूं झौर मैं झच्छी तरह से वाकिफ हूं कि कानून पास करने से हमें थोड़ी बहुत मंदद जरूर मिलेगी, लेकिन उस से यह बात हटने वाली नहीं है। उस के लिए हम को समाज का परिवर्तन करना है और मैं अपने भाइयों को यकीन दिलाती हूं कि हम ने सोब लिया है कि हम अपनी स्त्रियों की झारगनाइबेशन्ज में काम करेंगी। चाहे इस पालियामेंट में हम माना-जाना कम करें, लेकिन हम सब काम करेंगी ताकि स्त्री की स्थिति समाज में ठची हो।

इस बिल से हम को घवराना नहीं चाहिए । मगर कोई मुझ से पूछे तो हम तो समाज में बिल्कुल उलट-पलट करना चाहते हैं ।

श्वी स्थानी : स्त्रियों का झलग झारग-नाइजरान करना ठीक न होगा । मैं मर्ज करना चाहता हूं कि झगर स्त्रियां करेंगी, तो हम मर्द भी करेंगे । इस से झापस में झगड़े शुरू होंगे । इसलिए झलग झारगनाइ बेशन करना ठीक नहीं है ।

धीमती उमा नेहरू : मैंने त्यागी जो की बात मुनो है और में समझती हूं कि हर बच्चा इसी तरह की बात करता है । मुझे ग्रापसे केवल इतना कहना है कि ग्राप समाज के हित के जितने भी बिल बनायें, जितने भी बिल पास करें, समाज का कल्याण तब तक नहीं हो सकता जब तक कि हम स्त्रियों . . . .

उपाध्यक्ष महोदयः भापने लड़की के लिए कह दिया कि अगर १८ साल की हो तो कन्या न कहा जाय, कन्यादान के क्या माने, भीर त्यागी जी को चाहे वह कितनी ही उम्प के हों, भाप बच्चा ही कहेंगी ?

भी बी० भं० इामां : इस बच्चे का मुंडन संस्कार होने वाला है ।

भीमती उमा नेहरू : मुझे त्यागी जी से बह कहना है कि स्त्रियां जो यह करती हैं इसलिए करती हैं क्योंकि वे भारतीय नेशक को देख रही हैं, उसकी दशा को देख रही हैं। बे सोबती हैं कि इन मधौं में, जिनको कि माताओं की हैसियत से पैदा किया गया है, कमजोरियां क्यों झा गई हैं और क्यों ये मड़वर्ने रास्ते में खड़ी करते हैं। मां का स्वरूप आप स्त्री को देते हैं और फिर भी आप उनके रास्ते में झड़चन डालते हैं। किर जो मर्द हैं, जोकि दावें के साथ कह रहे हैं कि हम कमाने वाले हैं, आज स्त्री का माव तोल करने बैठ हैं, यह क्यों, मेरी समझ में नहीं आता है।

बाकी सब चीत्रों को छोड़कर में इतना ही कहना चाहती हूं कि इस बिल को मैं पूरे तौर स सगेर्ट करती हूं । कागनिज्ञेबल आफस इसको बनाया जाना हमें बिल्कुल मंजूर नहीं है क्योंकि पुलिस का काम हम खुद स्त्रियां करेंगी भौर मैं समझती हूं कि यह बिल्कुल गलत बात होगी मगर हम पुलिस को कहीं भी प्रभने करोब लाये । ठाकुर दास जी से तथा त्यागी जी से, जोकि बोलने वाले नहीं हैं, लेकिन इतनी दिलचस्पी इसमें ले रहे हैं कि बैठे ही रहेंगे, मैं यह कहना चाहती हूं कि यह बिल हम इसलिए लाई हैं कि हम समाज में परिवर्तन लाना चाहती हैं ग्रीर चाहती हैं कि इससे समाज का कल्याण हो । समाज के नुकसान के लिए हम हॉग्ज इसको नहीं लाई हैं ।

श्वी स्थागी : जब ग्रापकी शादी हुई थी तब सोचना था ।

श्रीमती उमा नेहरू : काश्मीरियों में यह चीच नहीं है ।

Shri Nathwani (Sorath): Mr. Deputy-Speaker, Sir, I rise to support the principle underlying the B ll. But it is my painful duty to point out certain objectionable features of the Bill.

In the Statement of Objects and Reasons, it is claimed that the Bill will go a long way in the eradication of the evil of this dowry system. The Bill, as it was introduced, contained certain drawbacks. As it has emerged from the Joint Committee not only have those drawbacks not been taken away or removed but also one or two more have been added. Therefore, I am afraid that even the limited purpose which this Bill seeks to serve will not be served by it as it has emerged from the Joint Committee.

There are two factors to be borne in mind in considering any social legislation. The first requisite is that there must be a proper and congenial atmosphere for that kind of reform. Secondly, the legislation should be so conceived and framed as to ensure its effective implementation.

I say that the first requisite is the proper climate. I mean we want social consciousness; I mean enlightened public opinion. Though it is recognised as an evil, it is an evil of long standing, still today somehow or other public opinion seems to be inured to this practice. There is no condemnation or disgrace incurred by the persons indulging in this evil. What is an all the more disquieting feature is the fact that this practice exists and flourishes also in educated and so-called advanced people. I am putting it mildly. Therefore, this evil practice differs from other social evil prac ices because whereas other evil practices like child marriage etc. could be got over by the spread of education. here is a practice which, on the contrary, gets aggravated by persons receiving high school and college education. I need not speak at length about the reason why this enthusiasm or zeal for social reform has faded or waned but it occurs to me that one reason is that there seems to be a growing tendency to rely more and more on legislation. It appears to me that some reformers are trying to lay balm to their uneasy conscience by getting a Bill like this, in this form passed so that they can take satisfaction that they have done their best. We do not view the progress as an entire one; we think progress can be achieved in water-tight departments. Therefore, we have never given due importance that we should have given., to social reform,

#### [Shri Nathwani]

I now come to the provisions of the Bill. There were two drawbacks in the original Bill and in this category was the provision which made the giver of dowry a guilty person. Shri Malkani in his able note of dissent has dwelt at length upon this aspect and I do not want to repeat the arguments. He has stated that the person who is to give is compelled to give and he deserves sympathy and so on. Coupled with this fact you have to see how to implement the provisions of the Bill and then you will realise the necessity of making an exception and not punishing those who have been forced to give dowry. This was an original drawback and I expected the Joint Committee to give serious thought to it. But somehow or the other, the provision has remained as it was.

The other drawback is clause 7 which says that no court can take cognisance except on a complaint. Having regard to the nature and circumstances of the case, the persons who can know about the affair, barring very few cases, would be the persons who are either relations, friends or acquaintances. They may not like to come forward and give evidence or lodge a complaint before a magistrate. They can go and pass on information either to a police officer or to the magistrate. By restricting the jurisdiction of the court to take cognisance only on a complaint, you are preventing the court from taking cognisance from other normal agencies which are provided for in section 190 of the Criminal Procedure Code. If you wanted it to be really effective. really you should have seen to that that a person is encouraged to come forward and put the criminal law in motion.

**Shri Subiman Ghose** (Burdwan): Even if it is made cognisable, there is no bar for a private person to come and lodge a complaint.

Shri Nathwani: My friend has not understood my point of view. Having regard to the circumstances, a person who can know whether any consideration has been given will be either a relation, friend or acquaintance or a marriage broker, if he exists. Someone who feels that some wrong is being done may not still like to go and lodge a complaint in the court of law. That is the effect of the provisions. You cannot write privately to the Magistrate or go and ask the police to investigate in the case. You have to lodge complaint in the court. This is the legal aspect. I will give an illustration. Supposing my cousin is being married and her father had to pay something, I may feel that I must move in the matter. I would not like to come and appear as a complainant in a court of law, and to give evidence. But I may write a letter to the magistrate giving information.

Shri P. E. Patel (Mehsana): How can the offence be proved?

Shri Nathwani: It is for the police to investigate. They will look to the pecuniary circumstances of the person and they may try to know. Suppose the father of the bride borrowed moneys from a bania or a well-to-do friend like my hon. friend who intervened just now, the police can go and check up the account and find out and then evidence would be collected this way.... (Interruptions.)

An Hon. Member: Is it consideration for betrothal or marriage? It must be proved.

Shri Nathwani: Let us take this illustration which I have given. Suppose I pass on information saying that my uncle has paid Rs. 10,000 to get my cousin betrothed or married. I do not want to go before the court. 1 write to the magistrate. I say that my uncle on a particular date borrowed Rs. 10,000 from Mr. X; he has mortgaged his property and moneys have gone to the other party. The police can go and ask these questions: Have you mortgaged the property? Where are the moneys? From whom did you receive those moneys and to whom have you passed them on?

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**Shri Hem Raj** (Kangra): If you write a letter to the magistrate, would not that letter itself be the first information report of the police?

Shri Nathwani: It is not an information or report to the police. I am writing to the magistrate. That is the illustration I gave you.

Mr. Deputy-Speaker: The hon. Member would only write when he wants to harm his uncle and not save him his money.

Shri Nathwani: I do not want my uncle to be harmed and I, therefore, suggest that the giver should be excepted and should not be made guilty of the offence. That is a serious drawback in this Bill.

Now in their over-enthusiasm, the Joint Committee Members have made the offence compulsorily punishable with imprisonment and fine. Here the enthusiasm has gone far beyond what is expected in the present state of affairs.

Shrimati Uma Nehra: We have got both of them here because otherwise the rich people would pay the fine and not go to jail. We want they should be sent to jail if they commit this offence.

Shri Nathwani: I quite understand the hon. Member's remark. Originally, the Bill provided for either of this and discretion was left to the magistrate. Having regard to the prevalence of this system of giving dowry and other aggravating circumstances, the court would have been justified in awarding a deterrent punishment. As per the original provision, there was nothing to prevent the court from sending the accused person to jail if he was found guilty of an offence. I do not know whether more serious thought was given to this aspect. By tightening the provision, maybe, they have, as I said in the beginning, laid a balm to their conscience saying that they are making provision for deterrent punishment. But the real purpose of bringing as many culprits to book as possible will not be served.

Some discussion took place about the definition of 'dowry'. I do not understand why a lot of criticism is being hurled at the definition as it stands because whatever may be given by way of voluntary gifts or what is usual or customary cannot certainly be included in the term 'consideration'. In a marriage, what is the 'consideration'? My promise to marry A and A's promise to marry me is the only 'consideration' for marriage. When you say that one should pay something or someone else should pay something, then that pecuniary part also forms part of the 'consideration'. But whatever is given by way of showing affection, out of natural love and affection. will not fall within the definition of 'dowry'. In actual practice, it will be rather a difficult thing to apply.

#### 14 hrs.

Mr. Deputy-Speaker: Will the police separate what is given through affection and what is given as consideration?

Shri Nathwani: In practice, Sir, in border-line cases, there will be difficulties; I admit it. But the difficulty is inherent in the situation, in the subject matter with which we are dealing. Therefore, as I started by observ. ing, in social matters legislation alone can never achieve its desired goal. That is common knowledge, that is common ground here also. Nobody believes that by passing this Bill, we will be eradicating this evil. The claim is that this Bill will go a long way, but even in order to go some way some changes were necessary on the lines indicated by me.

Pandit Thakur Das Bhargava: If these words are not kept there, harassment will be there.

Shri Nathwani: Harassment will be there, there may be some hard cases, genuine cases also. In such cases, the persons will have to stand their trial, but it is always a question of degree.

I have suggested two minor amendments. I know their fate. So far as

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the definition of the word "dowry" is concerned, I asked the hon. Minister vesterday whether if some consideration is given at the time of betrothal before the marriage takes place such payment of consideration will amount to an offence. The hon. Minister was pleased to observe that according to him, it would amount to an offence. I relied on the words: "one party to a marriage giving to the other party". At the time of betrothal, you cannot describe them as being parties to a marriage. Therefore, either you add the words "proposed marriage" and say: "by one party to a proposed marriage" or you can say: "by one party to a betrothal or a marriage". In the Bill that was introduced sometime ago by Shrimati Renuka Ray, those words were there. Except for those words and some minor changes, the definition is the same as it was in that Bill. I do not know the exact reasons why those words have been dropped.

Then, there is another small verbal change suggested by me in the definition and it refers to: "given by one party to another, by the other party to the marriage or by any other person on behalf of such party". I fail to see the force of the words "by any other person on behalf of such party". Consideration need not be given by or on schalf of a person who is a party to the contract of marriage, but it may proceed from a third party. If a father gives any consideration, he need not pay on behalf of the bride. Therefore, I do not see the reason for introducing the words: "on behalf of such other party". Where the party himself or herself gives or any other person gives some property as a consideration, then it is an offence. He need not say: "I give you on behalf of my child". Really such a thing never takes place, and technically and strictly speaking this may give to the iver a defence which is not intended to be given.

This is all that I have to say. I have said that at least so far as punishment is concerned, we should not try to make it as deterrent as is sought to be done.

Shri Hem Barea (Gauhati): Sir, about this Bill as it has emerged out of the Joint Committee, there are certain observations that have been already put forward by the different speakers. This is a very welcome Bill, a very welcome bit of legislation, I would rather say. But the trouble is most of the speakers have expressed grave doubts about its possible functioning. I have also my doubts that this Bill would not be able to serve the purpose for which it is meant.

I just remember, Sir, the League of Nations, because due to the lack of an instrument to implement the intentions of the League of Nations, it was ultimately described as the "Tomb of Peace". I feel the same thing about this. I feel that because of the lack of an instrument to implement, this bit of legislation, except the social sanction or social conscience, it is likely to be the grave-yard of pious wishes and nothing more.

Whatever that may be, this has occurred in our country or this has happened in our country, so far as social legislations are concerned. We had the Immoral Traffic Act. We feel that we have succeeded in killing this social evil of prostitution to a certain extent. But, as a matter of fact, we have not succeeded completely in doing it. This institution is destroyed to a certain extent but it has gone underground. This social evil has crept underneath the carpet, but when opportunities are there it peeps out in the corner from behind the sofa. That is what has happened in our country. We have succeeded in eliminating prostitution from the red-lamp areas, but it appears or emerges as the most modern version of Eve at the Taj in Bombay, Grand in Calcutta or Ashoka in Delhi. That is what is happening, because we have failed to arouse the social conscience.

At the same time, in order to rouse social conscience, we must have the economic sanction. Women must have economic freedom, and this problem of dowry that has degenerated into a social evil in our country is associated with economic freedom. About this problem of prostitution, I would rather say that in countries where public opinion has been enlightened as in the United Kingdom this exists. I would like to quote from the Wolfender Report. There it says:

"Without a demand for her services, the prostitute could not exist. There are enough men who avail themselves of prostitutes to keep the trade alive. There are women who, even when there is no economic need to do so....".

Mr. Deputy-Speaker: Why should he bring that here?

Shri Hem Barua: I want to point out that even in an enl ghtened country social legislation has not succeeded in destroying this social evil. That is a country where social conscience has been roused. Compared to that country, our social conscience is not at all roused. That is why I want to say that this bit of leg slation, however progressive it might appear to be, would fail in its ultima'e purpose.

When I say about social conscience I mean economic freedom for women. As soon as women enjoy economic freedom, the problem of dowry would evaporate. They do not enjoy that economic freedom. When I was in the States, people asked me repeatedly as to why the Indian women love ornaments so much. My reply was, it is all because of econom c compulsion. There is a psychological aptitude in the Indian women for ornaments because the ornaments that they get as presents at the time of marriage from their parents and also from the families of their husbands are the only basis of their social securi y in case of any crisis in their life. That economic compulsion has produced a sort of psychological aptitude or attachment in them for ornaments. This has happened in our country. That is why I say that social sanction 299(Ai) L.S.D.-6.

or social conscience cannot be roused by passing legislations or by pious wishes; there must be economic sanction as well.

At the same time, there should be a sort of catharsis in the mind. An individual must have that amount of dignity in himself and he should realise that to marry a woman for a certain dowry means to allow himself to be purchased by the woman. That has happened in my life as well. There was a tea planter who offered his daughter and promised to put Rs. 15.000 in the bank to my credit. M♥ father was enamoured of that proposal but good sense dawned on me and I opposed it. Today when I tell my wife "Give me freedom, I will give you dominion status" she readily agrees to it; but if I had married the tea planter's daughter and said the same thing to her possibly she would not have agreed, she would have made a counter proposal and told me: "Give me freedom, I give you dominion status". That would have happened Therefore, this dignity is also necessary.

Mr. Deputy-Speaker: How was the tangle resolved ultimately; who got the freedom and who got dominion status?

Shri Hem Barua: I got freedom and she got dominion status. She has agreed to it. In the other case, it would have been the other way round. That is what I say. The success of this legislation depends upon the sense of dignity that an individual possesses.

There are certain provisions in this Bill. What are those provisions? Before I deal wi h the provisions? I would' rather like to say one thing about what Pandit Thakur Das Bhargava said. He said that in certain communities marriage is a contract, and that with the Hindus, it is not a contract but a sacrament. But I feel that even with the Hindus marriage is a contract and it is the sense of contract that has produced this dowry system. In ancient times, in the days of Lilavati, Gargi and o her great

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women, when they enjoyed complete social and economic freedom, the question of dowry did not creep in at all.

An Hon. Member: Thousands of years ago.

Shri Hem Barua: It is very difficult to count. But I would say that society tried to interpre. marriage as a sacrament. I do not know how far it has succeeded in that interpretation and how far marriage as a sacrament has succeeded. I feel that all marriages are contracts. You would agree with me when I say tha marriage is a stupid contract in which a young man tr es to provide for an older man's daughter. That is marriage. There is an element of economics in it. It is like that.

#### An Hon. Member: In your State.

Shri Hem Barua: I feel marriage is always a private contract. There is no hing sacramental about it. That is why this question of dowry has been brought up in this age of decadence, when we are living in an age of decadence, an age of corruption and an age of lost values, to carry forward the bankrupt people along these lines. We have become aggre sive in our instincts and that is why, as some people have said, the presents do not mat er much with the illiterate people but that they matter much with the literate people.

It is also a fact that because of this aggress ve instinct, because of this emphasis on individual progress, when a certain young man is educated in a university, he wants to go to a foreign country for further studies and if he does not have money, he sells himself to another party, gets money and trics to keep his position. It is because of th's aggressive instinct in us that our social customs have deteriorated into such an ugly aftar.

At the same time, dowry has an ugly connotation. Because of these associations and because of this decadence creeping in o its fabric, we are having an ugly connotation for dowry. Further, this Bill does not define properly what is dowry and what s not dowry. I feel dowry is a gift or a present which is not a voluntary present or a gift, but a present that us ex orted under compulsion. That is how I feel.

What happens? It is a traditional fact that when a man woos a woman, he might do it with flowers, perhaps with a bouquet of honeysuckle, or he might do it with a diamond ring. But whenever he woos a woman, ne woos a woman with a gift, and that wooing might ultimately result in life-long union of marriage. It is a historical fact, a traditional fact that in ancient times, when people used to live in communes, when the men wen! out to hunt, they came back with colourful feathers or colourful horns as presents for their wives. That is how they lived, and that is why a tradition or a biological fact has become a reality. That is why, when dowry is interpreted in that narrow sense as a present that might come from the man or from the woman-it might be loveless dowry-t is sought to be made an offence under this Bill, an offence for which both fine and imprisonment are provided. But then I would say that that sort of punishment would mean cruelty to man. I was taken aback when Shrimati Renu Chakravartty who presided over the Joint Committee on this Bill made this provision. I can understand her feeling but I feel that Shr: A. K. Sen, who is very much of a he-man, who represents the male population or has the male spur in him, forgot to take this aspect of things into account. I have described him as very much of a he-man, and I was taken aback when I saw the Bill as reported by the Joint Committee. He should have taken all aspects into consideration.

Shri Subiman Ghose: That he-man was absent all along. Mr. Deputy-Speaker: Is there a proposal for recommital, with a different Chairman?

Shri Hem Barua: if it could be done, that would be most welcome. But I know that this piece of legislation is going to be only a refrigerator legislation. It will be in the refrigerator.

An Hon. Member: It may be in cold storage.

Shri Hem Barua: Yes; it may be in cold storage.

**Shri Hajarnavis:** When Mrs. Barua goes home, let us see how she fares there after Shri Barua's speech here.

Mr. Deputy-Speaker: Mrs. Barua would be a mother and not a girl!

Shri Hem Barua: Yes.

Shri N. R. Muniswamy (Vellore): Has not the hon. Member got daughters for marriage?

Shri Hem Barua: No; I have two boys. As I said, this piece of legislation is going to be in cold storage. Social sanct on or social conscience is not going to be roused. There is a provision about complaints. But in the case of dowry, who is going to bring up the matter to the law court, and who is going to complain against one party or the other in a law court?

Pandit Thakur Das Bhargava: Both are guilty.

Shri Hem Barua: I think neither party would bring in a complaint. If any of the par ies bring in a complaint to a law court, it would be disturbing the harmony of the newly-married people and nobody, no parent, would like to offer his daughter in marriage to another or bring in a daughter-inhaw to the family who is likely to disturb the harmony in the family by lodging a complaint against the dowrygiver or taker. If dowry is taken, or Siven, there is no agency to lodge a complaint against the people who

infringe the provisions of this law. It may be said that there are o her social organisations to do it, but what about the social organisations in our country? Social organisations in our country do not operate in these mat.ers, because marriage is after all a personal affair and they do not want to operate even in regard to other pieces of social legislation that we have passed in this country. That is what has happened. No social organisation comes forward for lodging a protest. Again, there is the question of finance also. Where is the fund? They do not possess any funds for this purpose, and the Government do not propose to put any funds at their disposal so that they might lodge protests aga nst the people who err in this way. Therefore, there is no effective instrument in order to implement legally the provisions of this Bill.

But I feel the whole problem can be solved-and I hope to live to see that happy day-very easily and more quickly not by legislation but by rousing the social conscience. As soon as our women get economic opportunities economic freedom, as and soon avenues of employment and other opportunities are open to them, as soon as hey become independent of their families, possibly there would not be any occasion for this law to operate. With economic freedom, there would come free mixing also, and free mixing would produce better results in the sense that free mixing would generate love. Love like electricity can be generated. It can be generated only by free mixing, and when it is generated, possibly there would be no scope for a third party, there would be no scope for you or for me. Really the younger people would settle their affairs

Pandit Thakur Das Bhargava: Why not bring forward a Bill for free mixing?

Shri Hem Barua: It is coming; it will come and it must come. It will solve all these problems not for us, but for the younger generations. [Shri Hem Barua]

Sir, I welcome this Bill.....

## Some Hon. Members: Welcome?

Shri Hem Barua: Yes; I welcome this Bill in spite of its defects. I know it is a defective Bill, but I welcome it because it announces our decision or our mind to the world that we are capable of progressive legislation. It is because of this that I welcome this Bill. But the defects are there and I feel that this is not going to operate well because of the social difficulties. When the social difficulties are liquidated, it will operate and let us hope to see that bright day when this dowry dies like a door nail.

भी प्रकाश वीर शास्त्री (गुड़गांव) : उपाध्यक्ष महोदय, संस्कृत में एक कहावत है :

> "विनाय कं वि हु र्रा गो रचया नास वानरम्।"

जिसका अर्थ यह है कि गंगेग की मुर्ति बनाने के लिए कोई चतुर चित्रकार तैयार हुप्रा । भावना शद्ध थी, लेकिन गणेशकी मृति बनाते वह एक बन्दर को मृति बना बैठा। इसी प्रकार इस बिल के पीछ जो पृथ्ठ पूमि है, जिससे विवश हो कर हमारो सरकार को यह बिल सदन के समझ उपस्थित करना पड़ रहा है, वह पुष्ठभूमि तो शुद्ध है क्योंकि हमारे समाज में दुईलतायें इतनी भविक बढ़ चुको है कि उन के ऊार मगर इस प्रकार के बिल या इस प्रकार को चेतावनियां आ कर समाज के कानों से न टकराय तो बहत सम्भव है कि समाज माने प्रन्दर इन दुई लताओं को आगे भो ज्यों की त्यों चालू रखे। लेकिन बिल पर विवार करते समय हमें इस बिल के दोनों पहनु प्रों को देखना होगा । यह सही है कि कूद इस प्रकार की घटनायें हैं जिन्होंने सरकार को और समाज को विवश किया है कि वे इस प्रकार की समस्याधों पर गम्भीरता से सोचे । स्वयम् में ने अपनो आंखों से एक इस प्रकार को घटना देखी है। कून साल पहले की शिमले की यह षटना है। एक कन्या ने गुसलकाने में जा कर, जहां बिजनी का बल्ब लगता है, वहां से उसे निकाल कर, उस में अपना हाय लगा कर भपनी मृत्य को । मृत्य से पहले उसने एक चिट डी लिडो जो उस को लाश के साथ निकाली गई। बह चिटडो उस ने धरनी सास के नाम लिजो बी। उस में उस ने यह लिखा या कि मैं इन्हारे पुत्र को दूसरी पत्नी बन कर झाई थो। मूस से पहले तुग्हारे पुत्र का विवाह हुपा था किन्तु मभाग्यवंश वह रुली पत्नी तपेदिक या मन्य कितो रोग से प्रस्त हो कर मर गई। मैं भी ऐतो हो परेशानियों से विवश हो कर भारती जीवन जीता समाप्त कर रही हूं। लेकिन कुवा कर के यदि ग्रब का बार ग्राप पूत्र का तोतरा विवाह करें तो इतना ध्यान रजना कि कित्तो ऐते परेवार में करता जो मुंड मांगा पैता विवाह में ग्राप को दे सके। इत प्रकार का एक नड़ों न जाने कितना बटनायें हैं जो समाचार-पत्रों में आगे दिन प्रहाशित होती रहता है मोर जिन्होंने हमारे समाज को इत बात पर सोवने के लिए विवश किया है कि हम अपनो दर्ग नताओं पर, ग्रपता कम जो, रेगों पर विवार करें।

लेकित जब हम इर बिल को सदन में उत्तरिगत कर रहे हैं प्रोर इत को पास करने का स्थित में हैं तो हम को साथ साथ यह नो सोवता होगा कि जो इत बिल का दूसरा रूत है, हम उस पर भो बिवार करें। यह बिल पास हो रहा है। कु इ समग पहले इता सदन में एक बित पास किंगा गथा था जो खेटे बच्चों के बिवाह के सम्बन्ध में था। इत में कोई सन्देह नहों कि उत बिल के राखे भो मावता बड़ो पच्च र हम इत बात को प्रविकारदूम आधा में नहां कह सक्ते कि साज हमारे देश में खाडे बच्चां के विवाह बिल्कुर बन्द हो गरे। परन्तु उत बित में प्रोर इत में बड़ा सन्दर है। उस बिल के पास होने पर इतना ती बा कि होटे बच्चों के सम्बन्ध में प्रगर पुलिस में शिकायत हो कि यह बच्चा मनी विवाह के बोग्य नहीं है सौर उसे विवाह बन्वन में बांधा बा रहा है, तो प्रलिस जा कर उसे देख सकतो दी, डाक्टरी इम्तहान हो सकता था, पता बनाया जा सकता था कि बच्चा कितनो मायु का है, लेकिन दहेज के सम्बन्ध में स्थिति बड़ी बिनरीत है। कहीं ऐसा नहीं होता है कि दहेज को बड़े भारी रूप में ढोल बजा कर प्रदर्शन किया जा रहा हो । भगर यह बिल इस रूप में मा जायेगा तो किर पुलिस के लिये, जो कि पहले से बदनाम है, हम करण्शन का एक नया दरवाजा भार खोल देंगे मौर इस प्रकार की स्थिति ला कर खड़ी करेंगे जिस से बहत हानि होने की सम्भावना है। मान ली.जये कि माज एक विवाह हो रहा है। पड़ोस का एक भादमी है भौर वह विवाह के ग्रानन्द को देख कर प्रसन्न नहीं है, या पुरानी शत्रुता है। उस ने पुलिस को १०० या २०० ० दे कर, विवाह में विच्न डालने के लिये इस प्रकार की बात उपस्थित को कि उस भादमी ने दहेज लिया है, या उसने दिया है, तो विवाह के वातावरण में धौर कुछ हो या न हो लेकिन वह प्रसन्नता दु:ल में परिणत हो जायेगो । इतना तो वह मवरय हो कर लेगा। हमें थोड़ा सा इस दिशा में भी सोचना चाहिये ।

DOWNY

वैसे भी जहां तक हमारे समाज की परम्पराओं का सम्बन्ध है, जब पिता विवाह के समय कन्या का हाथ पति के हाय में देता है तो हमारी सांस्कृतिक परम्परा इस प्रकार की है, बैसा हमारे शास्त्रों में कहा गया है:

"इमां झलंकृतां कन्यां प्रतिग् हण्यातु भवान् ।"

इसका घर्ष यह होता है कि मेरो कन्या भामूवर्षों से सुसज्जित है। इस का हाथ में तुम्हारे हाथ में रखता हूं। घव तक यह हमारी कन्या ची, धव में पत्नी रूप में इसे तुम को देता हूं मौर तब पति उसे स्वीकार करता है। धवांशाद के यूप में घव मी इस जकार की स्विति है कि बब माता पिता घपनी कन्या का विवाह करते है तो शायद कोई पत्थर हृदय पिता हो इस प्रकार होगा जो झपनी प्यारी पुत्री को पहलो बार मपने परिवार से विदा करे भौर जब वह पुत्री विदा हो कर भपने पतिगृह को जाने लगे तो वह उसे बिना कुछ दिये हुए भेज दे । पिता तो उस समय इतना भरा हुमा होता है कि मगर उसके पास कुवेर का खजाना भी हो तो वह अपनी 'यारों भन्या पर न्यौछावर बर दे। यह ्मारी सामाजिक परम्परायें हैं। तो हमें इस बिल को पास व रते समय थोड़ा सा इस दिशा में भी विचार करना माहिये कि जहां इस का गलत उपयोग हो सकता है, पुलिस इस का भनुचित लाभ उठा सकती है करण्शन की दुष्टि से, वहां हम अपनी सामाजिक परम्परामों पर बिल्कुल प्रतिबन्ध न लगा दें कि जब कन्या हमारे परिवार से पहली बार विदा हो कर पस्ती के रूप में किसी दूसरे घर में जाय तो वह हमारे परिवार से बिल्कुल खाली हाथ जाय। हां इस प्रकार के नियम दहेज के सम्बन्ध में जरूर रखें जिन से नोगों को कष्ट होता है।

अहां तक दहेज के सम्बन्ध में इस बिल की परिभाषायें हैं, मेरा मनुमान है कि संयुक्त समिति के निर्णय के पश्चात्भी मभी तक दहेज की पूरी व्यास्या इस बिल में नहीं ही पाई है। मेरा भनुमान इस प्रकार है कि भगर दहेज की ब्याख्या छोटी सी या मोटी भाषा में की जाय तो बह यह है कि वह धन जो माता पिता को विवध कर के लिया जाता है उसे दहेज कहा जाता है। मगर जो घन माता पिता ढारा प्रसन्नता के साथ पुत्री को दिया जाता है उसे भी दहेज के रूप में स्वीकार कर लिया जायेगा तो शायद हम माताः पिता के मार्ग में बड़ी कठिनाई उपस्वित कर देंगे । इस प्रकार की बीज, जहां पर लड़की बालों को विवश किया जाता है या इस प्रकार की परिस्थितियां पैदा की जाती हैं कि अगर इतना पैसा नहीं दिया आयेगा तो विवाह नहीं होगा, यह परम्परा सचमुच इस प्रकार की 🛔 वो हानिकारक है। समाज इतना जीम हो चुका है कि धगर हम इन परम्पराधों को जीवित

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रखने हैं तो हमारा काम नहीं चन सकता। जिन बरों में लड़कियां जवान दंधे हैं उन में जाकर आप माता पिता में पुरेगे तो पता चलेगा कि उन को रात में नींद नहीं भाती । वे इस बात के लिए उत्पुक हैं कि जल्हो से जल्दी लड़की के हाथ पीने कर दें प्रौर कड़ें कि श्रब दूसरे घर में तूम पत्नी बन कर जागी। तो समस्या के पहनु दोगों हैं ग्रीर दोगों पहनुओं पर विचार कर के तोसरा मार्ग अपनाना होगा । मैं अपनी दुद्धि के क्रावार पर जो सुझाव दे सकता हूं वह यह कि हमारा शासन थोडा सा इस दिशा में सावगान रहे। जहा हम इस बिल को पास करो समय शासकीय नियम बनाने जा रहे हैं सोर विगान बनाने जा रहे हैं, वहां थोड़ा इन दिशा में शो सी दें कि हमें सामाजित सः यात्रां का भी सहयोग प्राप्त करना चाहिए । ग्रनर हन प्र.म:-जिक संस्थाओं का सहगोग प्राप्त करेंगे तो इवर शासन या नियन और उवर सामाजिक सम्थाओं के प्रवार द्वारा बनाया हता वजा-बरग, दोतों इस कूरथा को भारत से हटाने में बहत सहायक हो सर्केंगे। इस में निरोग सम्बन्ध हिन्दू समाज से है । इसलिए जहां तक सन्मव हो हिन्दू समाज के जितने भंग हैं, सित हैं, सनातन धर्न हैं, आर्यसमाज है, सभो का सहयोग इस के लिए प्राप्त किया जाय । वैते भो में माननीय विधि मंत्री से कह देना चाहता हं कि केवल नियम बना कर अगर आप सन्तोब कर लेंगे ग्रीर सरकारी मशोनरी को इस काम में लगायेंगे तो, क्षमा कोजिने, म्राज सरक री मशीनरो इतनी करप्ट हो चुकी है, इतनो इषित हो च को है कि जब वह सरक/रो बिल्ला लगा कर समाज के झन्दर जाती है तो उस पर कोई विद्वास नहीं करता है। जिस प्रकार शराब बेचने वाली म्रपने सिर पर दूध का त्रड़ा ले कर भी जाय तो किसी को विश्वास नहीं होता कि वह दूध बेचने धाई है, वही स्थिति सरकारी मशीनरी की है। इसलिए जो सामाजिक संस्थायें हैं भाप उन का सहयोग

प्राप्त करें और उन का सहयोग ले कर तब इस कानून को थोड़ा और व्यापक रूप दें जिससे समाज से यह क्राबा हट सके । इसके लिए आप को वितेर कर नारो समाज भीर संगठ तों का सहयोग प्राप्त करना चाहिए । अगर उन का सहशोग आप को मिलेगा तो आप अविक सफनता इस में पा सकेंगे। ऐसी भी एक घटना है कि जब एक लड़ हो का विवाह होने लगा तो उस से पहले लड के बालों ने एक बड़ी भनराशि ठहराई । पड़ी लिजी लड़ती थी। उस समय वह कु इ नहीं बो नो लेकिन बडी साववानी के साथ उसे देखतों रहो । जब बारात चढ़ कर आई और संस्कार के लिए दोनों पक्ष के लोग वहां बैठे तो लडको को यज्ञ को वेदो पर ब् गाया गया। जब पडित जो ने उस से वहां गैं 5ने को कहाती उस ने वहां बैधना स्रो गर नहीं कया। जब उसने बैठना स्वाकार नही िया तो किए उस के पिता वहां ग्राये ग्रीर पुतां से पूज़ने लगे क्रालिर यह विचार क्यों ? तो लड़ ही ने कहा कि मैं इस व्यत्पारो के साथ ग्रानी गांठ नहीं बाता सकता । पिता ने सावधान हो कर पूडा, "लेकिन बेटो बताम्रो, फिर लड़का मिले या न मिले।" जब उसने लड़ ही से यह कहा तो उस ने कहा "पिता जो, मै ग्रग्नि के सम्नुख खड़ो हो कर विश्वास दिलातो हं कि अगर में अविवाहित हो रहो तो मैं अपने जीवन में आप के माथे पर कतंक का टीका नहीं लगने दुगी, लेकिन मैं इस व्यापारो के हायों में अपनो गांठ बंगवाने के लिए तयार नहीं हूं । म्राज म्राप के पास पैसे हैं म्राप उसे दे देंगे लेकिन भगर तीन वर्ष के बाद माप के पास पैसा न रहे मौर इस व्यापारो ने फिर मांग को तो आप उस को मांग कैसे पूरो करेंगे। उस के बाद भी इस की क्या गारेन्टों है कि यह मुझे इसी सम्मान के साथ रखेगा ?" बाप ने जब अपनी टोनी उस के पैर पर रख दी तो पुत्री ने टोनी उठा ली मौर माथे से लगाई । कहा, "नहीं, पिताजी, भाप की टोरौ मेरे सिर माथे पर, लेकिन झाप यह बताईयें कि

आप की टोरी की लाज रखने के लिए तो इस ब्यापारी के साथ में भारती गांठें बंगा लूं, लेकिन भारतवर्श में जो मेरो जै रो क रोड़ों बहतें हैं जी बिना पैसे के अगने को इस बन्दन में नहीं बंधा पातीं, उन की लाज ब बाने के लिगे कौन भागे भायेगा।" तो मेरे कहने का तात्प्यं यह है कि हम समाजिक संस्थाओं का सहयोग जरूर प्राप्त करें, लेकिन जो नारिगों के संगठन हैं हमें उन का भी सहयोग प्राप्त करना चाहिए। इस देश में भाप विधान भी बनायेगे, लेकिन विधान बनाने के साथ इन सामाजिक संस्थामों को भी आप साथ लेगे तभी आप का विधान जो है बह पूरी तरह से लागू हो सकेगा।

#### 14.30 hrs.

COMMITTEE ON PRIVATE MEM-BERS' BILLS AND RESOLUTIONS

FIFTY-SECOND REPORT

Mr. Deputy-Speaker: We will now take up non-official business.

Shri Nathwani (Sorath): I beg to move:

"That this House agrees with the Fifty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 2nd December. 1959."

Mr. Deputy-Speaker: Motion moved:

"That this House agrees with the Fifty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 2nd December, 1959."

Shri D. C. Sharma: (Gurdaspur): I beg to submit that the time allotted for my resolution should be extended, because there are a large number of hon. Members who want to take part in the discussion. Further, this is an all India question a very vital question. So, I request that the time allotted for this discussion should be extended.

Mr. Deputy-Speaker: How many hon. Members would like to participate? I find that I can accommodate all of them within the time.

Shri Harish Chandra Mathur: (Pali): May I point out this is a very important subject?

Shri Nagi Reddy (Anantapur): There is a second resolution, which is also equally important.

Mr. Deputy-Speaker: So far as could see. I think this number can be accommodated in this time. Anyhow, a decision was taken by the this House on the earlier report. though there is reference to it in this report also. Nine minutes have already been taken and 2 hours 21 minutes now remain. There will be only nine minutes left for the second resolution. One minute might be left for that and the eight minutes can also be taken for this. Otherwise, it would be depriving the other hon. Members of an opportunity which he has secured in the ballot; now we cannot just throw that out. That is the difficulty. Otherwise, I would give him as much time as possible and I would not stand in his way.

Shri Harish Chandra Mathur: We have nothing to say against your accommodating the other friend in moving his resolution. But, in spite of the limited number of members who want to participate, this is such a vast and important subject that it will take some time to cover the entire field, and if we are to get some benefit out of it, it is just not possible to get it by having discussion for a very short time.

Mr. Deputy-Speaker: I quite agree with my hon. friend. But that difficulty can be solved only if Government brings forward a proposal and