

[Shri Ashoke Kumar Sen]

V. Arunachalam and Shri Bir Bhadra Pratap Singh be appointed to the said Joint Committee to fill the vacancies."

*The question was put and the motion was adopted.*

MR. CHAIRMAN: Now Mrs. Margaret Alva to move the Dowry Prohibition Bill. After that I will allow special mentions on the strict conditions that only three minutes will be allowed for each.

SHRI DIPEN GHOSH (West Bengal): Sir, before that there is a bill for introduction only.

MR. CHAIRMAN: I am sorry, there is a Bill for introduction. Mr. P. A. Sangma.

#### THE CHILD LABOUR (PROHIBITION AND REGULATION) BILL, 1986

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Sir, I beg to move for leave to introduce a Bill to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.

*The question was put and the motion was adopted.*

SHRI P. A. SANGMA: Sir, I introduce the Bill.

#### THE DOWRY PROHIBITION (AMENDMENT) BILL, 1986

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT (SHRIMATI MARGARET ALVA): Sir, I beg to move:

"That the Bill further to amend the Dowry Prohibition Act, 1961,

and to make certain necessary changes in the Indian Penal Code, the Codes of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, be taken into consideration."

Sir, in pursuance of the recommendations contained in the report of the Joint Committee of the Houses to examine the question of the working of the Dowry Prohibition Act, 1961, presented on 11th August, 1982, the Dowry Prohibition Act was amended by an Act of Parliament on the 11th September, 1984, which makes the provisions of the original Act more stringent and effective against offenders.

The Central Government issued a notification on the 19th August, 1985 for bringing into force the Dowry Prohibition (Amendment) Act, 1984 with effect from the 2nd of October, 1985. Although the Dowry Prohibition (Amendment) Act, 1984 was an improvement on the existing legislation, there was a general feeling that the amendments were still inadequate and fall markedly short of the recommendations made by the Joint Select Committee.

Accordingly, wide-ranging consultations with women Members of Parliament, representatives of women's and voluntary organisations, legal-aid groups and women lawyers were convened by the Department of Women and Child Development to discuss implementation of the Act as well as its deficiencies.

MR. CHAIRMAN: You will make a sweet speech...

SHRIMATI MARGARET ALVA: Very short, Sir.

MR. CHAIRMAN: ...which means short.

SHRIMATI MARGARET ALVA: Very short. The Dowry Prohibition (Amendment) Bill, 1986 seeks to further amend the existing Act making the provisions more stringent and

effective. The highlights are as follows:

The definition of "dowry" is being further broadened by substituting the words "or after the marriage" by "or any time after the marriage".

The punishment for giving or taking dowry has been further increased to five years minimum imprisonment and fine of Rs. 15,000 minimum or the value of the amount of dowry whichever is less.

An important innovation has been made in the proposed amendment to section 4 by including offers through advertisements in newspapers within the scope of the Act. In certain parts of India, matrimonial advertisements advertise offers or demand dowry in language such as share in property. Through this amendment such activities are sought to be curbed.

In section 6 amendments are sought to be introduced which will protect the property transferred to the woman in case she died within seven years of marriage under suspicious circumstances or unnatural causes by making her children the inheritors of such property. Where she has no children, then, her property would revert to her parents.

Another important amendment proposed to be made is to make all offences non-bailable. This is to counteract the tendency on the part of the magistrates who give bail to dowry offenders very freely.

Along with this amendment, another amendment is about the appointment of the Dowry Prohibition Officers by State Governments. They will be responsible for overseeing the implementation of the Act and to help the prosecution in proving offences and in preventing such offences.

There is also a new provision being made for the burden of proving that there was no demand for dowry which is being shifted to the person

who takes or abets the taking of dowry. The statement made by the complainant shall not subject him to prosecution under the Act.

These are the main provisions of the new Bill. I now commend the Bill to the House.

*The question was proposed.*

MR. CHAIRMAN: It is now open for discussion. Shrimati Mukherjee.

SHRIMATI KANAK MUKHERJEE (West Bengal): While welcoming the move to amend the Dowry Prohibition Bill and most of its amendments I do record my protest against the way the Government is introducing and passing it in such a hurry. Yesterday the Government passed an important Bill called Suppression of Immoral Traffic in Women and Girls Bill and today they want to pass this Bill. These are two most important bills affecting women and we should have been given time for proper study and for collecting opinion from the people outside, especially the women's organisations as we did before. I don't know what is the intention of the Government to pass this important Bill in such a hurry. Do they want to appear as champions of the women's cause after passing such a retrograde Muslim Women's Bill or is it just a propaganda to show that they want to do some good for the women. Anyway, I still welcome this Bill and most of its amendments.

But, I would like to point out that some of the major recommendations of the Dowry Prohibition Joint Select Committee have still been left out. They have not been included here. The Dowry Prohibition Joint Select Committee, which included the present hon. Minister and myself also, took two years to study the matter and they made exhaustive recommendations, but still its major recommendations have been left out. The major women's organisations especially the All India Democratic Women's Organisation, the National Federation of Women, AIWC, all took

[Shrimati Kanak Mukherjee]

interest. After consulting all of them the Dowry Prohibition Joint Select Committee made some major recommendations. These major recommendations included the recommendations about the definition of the term 'dowry'. It said dowry is anything that is given in consideration of the marriage or in connection with the marriage. The first recommendation says:

"The Committee have reluctantly arrived at the conclusion that 'those who are' should be omitted and without omitting them the provisions of the Act cannot be made to serve the purpose which they are intended to."

This was their first recommendation.

The All India Democratic Women's Organisation after meeting Shri Rajiv Gandhi on the subject on 8th April, 1985 sent an exhaustive letter to him in which they said:

"We feel that the Law Commission's Recommendations in regard to the 91st Report on the dowry deaths and Law Reports of 10th August, 1983 in this regard should be by and large accepted."

The definition of the dowry was:

"Dowry means money or any other thing estimable in terms of money demanded or taken from the wife or her parents or others on her behalf by the husband or his parents or his relatives or others in his behalf where such a demand is not referable to any legally recognised claim or is relateable to the wife having married into the husband's family."

That was the recommendation of the Law Commission. We also recommended the same definition.

The second recommendation was about the ceiling on both the presents given and the expenses incurred in relation to marriage.

The third recommendation was in regard to the punishment to the giver and taker of the dowry. It was recommended that both should not be equated. The taker should be punished more.

Then it was recommended that the annual review of the working of the Act should be done by the Central and State Governments.

Another major recommendation was in regard to equal property and inheritance right of women. Till today woman is not the joint owner of the property and in case of desertion, abandonment or separation she is just thrown out. So, it is necessary amendment in relation to inheritance of property laws are also made.

We must remember that the dowry system is a deeprooted social evil. In spite of the fact that we are passing more and more laws and amendments and obscenity of women and atrocities on women are increasing day-by-day. Why is it increasing even after four decades of independence? Sir, the economic policy of the Government are throwing more and more women out of employment. Similarly through the education policy of the Government the children of the masses are not getting opportunities of education. So these women when they are not having the chance of education and employment, they have to depend economically on men. So economic independence is very essential for raising the status of women. If economic independence is not there then evil of dowry and evil of prostitution cannot be eradicated. So long as their cultural level, educational level and economic independence are not improved this evil of dowry system would continue. The marriage system in our country has become something like commercial under the capitalistic and feudal system. So the marriages are linked up with commercial motives. So I say it is all related with the present economic, educational and cultural policies of the Government.

The cultural standard of our young boys are becoming more and more degrading. They are not learning to respect their mothers, sisters and wives. This is the way of life they are leading. So all these things are related. So it is of very little use to pass such important Bills though it is of some use. This Bill will not have any effect on the dowry system unless we go to the root cause and find out all these things. The evil of dowry cannot be completely eradicated unless the boys and girls are culturally advanced and are educated. The self-respect among boys and girls must be there to eradicate evil of dowry. (Time bell rings) So I say these marriages are related and fixed with the commercial motives. I would like to say that equality between men and women is assured. But our Government of India is just comprising with the fundamentalists and communal forces and following the footsteps of the Britishers to divide and rule the people. They are dividing among the castes, communities and even among women. They are differentiating between Hindus, Muslims, Sikhs and others. Instead of following the policy of our Constitution to bring all the communities under the fold of Uniform Civil Code, they are just dividing the people like that. With the economic, educational cultural, social and political policies of the Government, the dowry system cannot be fully eradicated. Still I welcome the Bill which the Government seeks to do something through this Bill. But I think it could have been improved further if it was done in a proper way and if time was given to the Members to go through it and collect opinion from the house-wives. Thank you.

डा० बापू कालदाते (महाराष्ट्र) :  
सभापति महोदय, सामाजिक सुधार के सन्दर्भ में कल ही मैं बहुत कुछ कह चुका हूँ, इसके लिये आज इस पर ज्यादा जोर देने का मेरा मानस नहीं है। मैं दो-तीन बातों की तरफ आपका ध्यान अवश्य खींचना चाहूँगा क्योंकि सुप जानते हैं कि इस देश में सामाजिक आधार के जो प्रयास चल रहे हैं उसमें हमने

अस्पृश्यता निवारण के लिये कई कानून बनाये हैं, हमने नशाबंदी के लिये कानून बनाये हैं, हमने सामाजिक बुराइयों के लिये कानून बनाये हैं, लेकिन जैसा कि मैंने कल कहा था... (व्यवधान)... इतना वह समझ सकते हैं, इनके खिलाफ जो कानून बनाये हैं, इसमें जैसा मैंने कहा— एक डिटेरेण्ट एक्शन के रूप में मदद कर सकते हैं, लेकिन आमतौर पर जब तक समाज का मानस इसके खिलाफ नहीं बन जाता है, तब तक यह कानून कुछ हद तक कमजोर ही रह जाते हैं। मैं आप को याद दिलाना चाहता हूँ कि हमने संविधान में तो अस्पृश्यता निवारण पूरा कर दिया कि इस देश में कोई किसी को अस्पृश्य न माने। यह तो हमने संविधान में प्रावधान किया है, लेकिन कुछ साल पहले एक संशोधन कार्यकर्त्ताओं ने या रिसर्च स्टूडेंट्स ने एक किताब प्रसिद्ध की है, जिसका नाम है— एक्स अनटचेबल्स। एक्स अनटचेबल्स क्योंकि अब इस देश के कानून के हिसाब से कोई अस्पृश्य नहीं है, लेकिन इस किताब में जो कहानियाँ लिखी हैं, वह कहानियाँ अगर आप पढ़ेंगे और आज की वास्तविकता देखेंगे तो आपको पता लगेगा, भले हमने माना अस्पृश्यता का निवारण हो गया है, लेकिन हमारी जिंदगी में अस्पृश्यता वैसे का वैसे कायम है। हम यह कहेंगे कुछ हद तक उसको हम ज्यादा ही नजर में पा रहे हैं। यह डावरी की बात भी वैसी है। कौन कहेगा, अगर किसी कालेज में एक डिबेट चलवाइये... (व्यवधान)... मैं देहात से आता हूँ, इसलिये मैं कहता हूँ कि ज्यादा सख्त बन गया है। आप यह मत मानियेगा। यही कारण है कि आज अस्पृश्य लोग शहरों की तरफ भाग रहे हैं। क्यों ये भाग रहे हैं? इसका कारण यही है कि उनका वहाँ रहना मुश्किल हो रहा है और जो फिर शहरों में आते हैं, वे भी गांव के बाहर रहते हैं, जो अस्पृश्य लोगों की अलग कालोनियाँ बन रही हैं। यह जो आपस में अन्तर है, आज भी चल रहा है।

सभापति महोदय, समय बहुत कम है, इसके लिये मैं कहूँगा यह जो दहेज की बात है, आप शायद जानते हैं, कम से कम मेरे इलाके में मैं जानता हूँ कि आजकल दहेज

[डा० बापू कालदाते]

नहीं कहा जाता है बल्कि इसको टेंडर कहते हैं, जैसे यह एम० बी० बी० एस० लड़का हो, उसका टेंडर क्या निकल रहा है। जैसे कॉन्स्ट्रक्शन के टेंडर होते हैं, वैसे ही कई समाज इस देश में हैं, जो दहेज को टेंडर मानते हैं, मेडीकल कॉलेज में पढ़ने वाले का टेंडर दो लाख रुपए, इंजीनियरिंग कॉलेज का डेढ़ लाख रुपये और बी० ए० का और कुछ टेंडर है। यह जो टेंडर वाले लोग हैं, इसका मतलब यहों है कि आज भी यह बात चल रही है। मुझे डर है, आपने यह विधेयक में 15 हजार रुपये से उनको दंडित करने का प्रयास किया है, यह 15 हजार का दण्ड उनको लगेगा तो शायद हो सकता है कि दहेज कम से कम 30 हजार तक चला जाएगा यानी उसका मिनिमम रेट और बढ़ जाएगा, ऐसा मुझे डर लगता है। दण्ड करना आवश्यक है, मैं यह नहीं कहता कि करना अनावश्यक है, करना तो आवश्यक है।

अब इसमें जो दो प्रावधान हैं, उनकी ओर मैं आपका ध्यान खींचना चाहूंगा। एक तो जो प्रावधान आपने किया है कि आप डावरी प्रोहिबिशन ऑफीसर का एक सेल बनाने की बात सोच रहे हैं, डावरी प्रोहिबिशन ऑफीसर एपॉइंट करने की बात आप सोच रहे हैं। जैसा मैंने पहले कहा नशाबंदी के बारे में, इसमें भी कई राज्यों के एण्टा प्रोहिबिशन के स्क्वाड हैं, लेकिन हम देखते हैं कि आज भी उसका अमल ठीक ढंग से नहीं होता है। अमल ठीक ढंग से हो, इस बारे में भी सोचना है।

दूसरी बात जो आपने की है, जो अच्छी बात की है, इसे मैं मानता हूँ। The State Government may, for the purpose of advising and assisting the Dowry Prohibition Officers in the efficient performance of their functions under this Act, appoint an advisory board consisting of not more than five social welfare workers (out of whom at least two shall be women)...

यह भी आपने बहुत ठीक किया है। मैं यह कहता हूँ कि इसमें दो महिला ही क्यों? अगर पांच लोगों की यह कमेटी है, यह एडवायजरी बोर्ड है, तो इसमें मेजोरिटी

महिला क्यों नहीं होनी चाहिये? आप यह दो क्यों रख रहे हैं? मैं तो यह कहता हूँ, मैं आप के साथ हूँ और मैं यह मानता हूँ कि इसमें पांचों महिला रखिये या आप यह कहिये कि "नाट मोर देन वन मेन"। जहाँ आपने यह लिखा है कम से कम दो महिलायें, मैं कहता हूँ कि वहाँ आप कीजिये एक पुरुष से ज्यादा पुरुष नहीं होने चाहिये। इसमें उल्टा कीजिये आप।... (व्यवधान)...

One male and four ladies is there...

... (व्यवधान) ...

मैं इसका जिक्र नहीं करना चाहता। लेकिन इसकी संख्या बढ़ाना बहुत आवश्यक है। यह विधेयक महिलाओं के संदर्भ में है, उनकी रक्षा के बारे में है, इसलिये यह करना है कि जितनी ज्यादा महिलायें आप नियुक्त कर सकते हैं, उतनी अवश्य करनी चाहिये। इसके साथ ही मैं यह भी कहूँ कि यह अधिकार मेहरबानी करके फिर पुलिस हो मत दीजियेगा। यह जो डावरी प्रोहिबिशन ऑफीसर हों, यह पुलिस से मत बनाइयेगा। इसके लिये मैं कहूँ कि इन ऑफीसरों की नियुक्ति कोई अच्छे सोशल इंस्टीट्यूशंस से या कई जानकार अच्छे लोग हों, उनसे कीजिये तो ज्यादा अच्छा रहेगा। पुलिस के हाथ में यह कार्यवाही न दे, वे भी इसमें मदद करेंगे ऐसे गुनाहगारी प्रवृत्ति को बढ़ाने के लिये।

ये दो ही सुझाव मैं आपको देना चाहता हूँ। मैं मानता हूँ कि इस विधेयक में आपने जो कुछ भी प्रयास किए हैं, उसका शायद और भी अधिक अच्छा अमर हो सकेगा। धन्यवाद।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, everybody is cooperating with you today.

MR. CHAIRMAN: Oh, yes. Only I want the men to give preference to women. Shrimati Renuka Chowdhury.

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Sir, I welcome the Bill on the one hand and on the other, I protest against the

haste with which an important issue like this is being rushed through. This is a repeated crime against women which has been persisting and the inclination is more on the rise than on the decrease, despite all the steps the society has taken to prevent such deaths. We have to take into consideration the social structure in which a woman lives. Now it is very nice to have amendment Bills like this on paper which are not exactly practical to execute. We have to go to the root-cause and see why women, semi-literate women, urban-dwelling women are still dying in numbers like this even today. Despite this awareness and education—we have used all the media to hammer it into people's heads—we are still having women dying like this. Especially in the capital every day or every alternate day, there is a woman dying. Why is this happening? It has something to do with the way a women is brought up. There has to be an analysis to see what is the income group in which women are dying like this. To a large extent, it is the semi-urban women who are affected. The rural masses are not really affected with dowry deaths. And the rich have their own means of dealing with such problems. Now it is in the semi-urban middle class, the lower and upper middle class, the semi-literate class, in which dowry deaths are taking place. There the women are prohibited from going out and say "We suspect that our husbands are going to harm us". They are ashamed to complain that their husbands are demanding a refrigerator or a scooter because they are afraid of going back to their families and becoming a burden there. It is important that we provide for rescue cells in all areas where there is a concentration of these families living, a home where a girl can rush to or a telephone by which she can communicate and say, "I am getting into trouble; I am being pressurised into bringing certain things from my mother's house. I would like to put this in writing with you before I write to my home." In the event of

something happening later, it can be taken as evidence. Dowry death is pre-meditated, deliberate, cold-blooded murder. And who is contributing to it? The society as a whole. Let the society answer for these problems tomorrow. You must involve the neighbours. How is it possible that a girl is burnt to death in a bathroom in a multi-storeyed flat where people are living in thousands and thousands of people are going up and down the stairs all the time and nobody hears her cry? Why do the neighbours remain silent? There should be an Act by which we can prosecute the neighbours for failing to report any act of violence on women. Action should be taken against those people. There must be investigative teams to whom a girl under stress, under duress can go and say, "I have this trouble", and then a team of volunteers may be people from the Government or social volunteers, can come forward and investigate with the neighbours if there was repeated wife-beating, if the mother-in-law had been harassing that girl. Unless we take concrete social steps like this, it is going to be impossible to tackle this problem. No amount of Dowry Amendment Bills passed on the last day of the session, no amendment to the Act passed every two years can prevent these dowry deaths. It is important to educate the society. Repeatedly I have been asking, where do you have a large number of dowry deaths taking place? What is the community involved? Repeatedly it has been pointed out that it is the Hindu community. It is the Hindus who are burning their women. So what do we do? Why are they burning them? For monetary gains. What is the status of a semi-literate, semi-urban woman? She has a share in her father's property. If there had been amendment to the Hindu Succession Act, sections 49(a) and 49(b), by which women will inherit by birth, then the husbands will hesitate to ill-treat them. Now we are enforcing a seven-year rule by this amendment by which if a woman dies within seven years, her property reverts back to

[Shrimati Renuka Chowdhury].

her parents. So the temptation for the husband to burn her will not be there. And he will on a long-term analysis think. May be, he will inherit more than the cash-flow that the family can generate at a given point of time. So he may hesitate. Therefore, as I have repeatedly emphasised, the status of women in every field has to be improved. Women must feel that they are better than men, not their equals. There is a saying, as long as women fight for equality with men, they lack ambition. I agree with that. We have to be better than men in order to call our own cards. Women should be protected from this evil on a more practical basis. Hence I was a little upset that a Bill of such monumental importance which is aimed at dealing with people who are aiding and abetting such crimes against women in the urban cities today, we are passing that Bill with unseemly haste. I wish the Minister would take this into consideration and give a concrete shape to the suggestions made.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Mr. Chairman, I rise to support the Bill. In any law women are a class apart if at all it is remembered that they exist. In the interpretation of statutes also it has been laid down that the word 'man' embraces 'woman' also. Half the time even in the Constitution it is forgotten that women exist. Very often you find an odd stipulation in various laws that such and such a committee shall consist of so many members one of whom shall be a woman, the rationale obviously being that women are all irrational characters totally devoted to the pursuit of irresponsible pleasures and will have no place by right in any serious body having deliberative functions. Even in the law of torts, in all the statutes, all laws are based on the concept of what a reasonable man would do and there is absolutely no mention of women, the reason being nobody seems to think that there is a thing called a reasonable women. This is so patent that the law of contracts takes the cake. Even till today in the Indian law of contracts, in the law relating to contracts, minors, women, idiots and lunatics are **classed** in one chapter—till

today. This is the status of women today in our country. And we pride ourselves on a Constitution wherein we claim that total equality is given to men and women. Actually the Indian Constitution itself coolly contemplates a totally male-dominated society. There is a gender bias even in our Constitution. Though a superficial glance at the Constitution guarantees equality, there is a gender bias even in the Constitution and this gender bias is against women. If you look at the Constitution carefully, you will find that women are mentioned only six times in the entire Constitution of India and five times out of the six they are classed along with men and children. The only provision in the Constitution which contains a specific reference to women is the provision that provides maternity benefits to women and even in regard to those benefits...

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): As a lawyer she should know 'man' includes 'woman'. Even in regard to those benefits now the recommendations of the Fourth Pay Commission say that in view of the Problem of family Planning, when a Central Government woman employed has a third child, she may be denied even those maternity benefits. Therefore, what I am trying to say is all our laws are based on a totally patriarchal ideology. I welcome this Bill but I feel that all our laws have to be looked into carefully. Even a law which is meant to protect women really does not protect women, because, take, for instance, the law on rape. What happens is rape is conceived of not as a crime against a woman but as a crime against another man, as an invasion of one man's property by another man, the chastity of one man's property has been invaded by another man. This is the rationale—in the concept of rape. Even in the concept of adultery if you look at the Indian Penal Code what happens is for adultery one can prosecute another man for having committed adultery with one's wife and in such proceedings the woman has no right to say or defend her chastity even when she is the person who is being talked about in the court of law. Therefore, the system is entirely patriarchal. And in this

entirely patriarchal system the law-makers are trying to protect us, they are trying to push us into a closet. What we want is not protection but equality. We have a responsibility to face our problems. What we want is our share in development, a share in education, a share in decision-making in every body. We do not want half-way homes; we do not want rehabilitation homes for fallen women. We want a share in resources, we want a share in decision-making, we want a share in education. We want to take our rightful place in the society. Therefore, what I am trying to say is Acts such as the Dowry Prohibition Act are extremely laudable and extremely welcome and I welcome this Bill wholeheartedly. But I feel, in my humble submission, an Act such as the betrays an allopathic response to this type of problem. So, we all know that in allopathy what is done is that only the symptoms are treated and not the root cause. You are trying to treat the symptoms only and you are only trying to treat what has happened and what has come out of the problem instead of treating the problem itself. The very root of the problem of dowry is that in all our laws women do not have an equal share in property. In the Hindu Law, especially in the Hindu joint family property, women do not have any share by birth. In the Muslim Law, women have only half the share. In the Christian Law, in a judgement in a case under the Travancore Succession Act, women were given only one-third share of the property of the brother or five thousand rupees whichever is less. Unless you change the status of women, you cannot expect any progress. The concept of conferring equality on women is something which itself is appalling and is abhorrent because equality is there and it is not that somebody has to give it or confer it. As George Orwell said, "Some people are more equal than others.", it should not be like that. I want our Government to do something in this regard. Therefore, my humble suggestion to the Minister would be to look at all the laws so that all laws are changed to see that women are given total equality, especially in property. Unless this is done you cannot solve the problem of

dowry and dowry deaths and if this is done, we will not have the problem of dowry or dowry deaths and there will be no need to bring forward such Acts.

I welcome the amendments made to section 304 and I welcome 304B. I think this is a very important provision under which an amendment has been made in the Indian Penal Code. Through this amendment a new offence has been created, that is, the offence of dowry death, which has not been there till now. The reason why I wholeheartedly welcome this amendment to the Indian Penal Code is that, for the first time, dowry death is treated as a problem of the entire society and has been incorporated in the Indian Penal Code instead of being viewed in isolation as a woman's problem as all the other Acts in regard to women are viewing it. There should be a penalty for dowry death. If a dowry death takes place, the man will know that unless he proves his innocence, he will be made responsible and he will go to the jail for a minimum period of seven years. So, this is a very effective deterrent against dowry deaths and the reason for this is—we all normally know that this is an unpleasant truth—that the attitude of the society to the problem of dowry and dowry death is very sad, is pathetic, to say the least. The person is not shocked and the soul or conscience of a man or even of a woman is not shocked by a dowry death. In Madras, when we went as a Women's Group to protest against a dowry death, all of us were standing outside the man's house and were protesting and shouting. But the women there were just unmoved and they were smiling at the women who were shouting outside the house and the man himself was sitting totally unmoved and he did not even think that he had committed a heinous crime! This is the attitude of the society! At the same time, if a woman commits adultery, she is stoned and the soul of the society is shocked if a woman commits adultery. But the soul of the society is not shocked by a man who burns a woman for the sake of dowry. Therefore, this new amendment, the new section 304B, is a very welcome amendment because now it puts

[Shri Parvathaneni Upendra]

the problem in perspective. Even in the case of a dowry death, what happened was that the High Court Judge acquitted the mother-in-law and the son and the husband of a woman of the crime of dowry death and a Women's Group went and protested against this acquittal. But, whether the judgement was right or wrong, that Judge hauled them up for contempt of court. This is the attitude of the patriarchal society that we are living in. Therefore, the present amendment under section 304 is a very welcome amendment.

And, Sir, the last suggestion that I have to make, because of paucity of time, is that the only way the State can accept responsibility, the only way you can make or ask the State to take the responsibility for the equality of women is by wholeheartedly moving towards a uniform Civil Code because unless there is a uniform Civil Code, there will be no equality at all for women because the responsibility has to be fixed squarely and the State has to implement it. Of course, it cannot tamper with the Personal Laws as that would create other problems. So, unless we have a distinct and separate law and a uniform Civil Code is provided for the entire country the problem will remain in a desperate state for a long time to come. Thank you, Sir.

MR. CHAIRMAN: I am reminded of a Shakespearean quotation:

"The words of Mercury are harsh after the music of Apollo."

After hearing two nightingales, I would not like any man to enter the race. Now, Mr. J. P. Yadav.

श्री जगदम्बी प्रसाद यादव (बिहार) :  
आदरणीय सभापति जी, मैं इस डाउरी प्रोहिबिशन विधेयक पर कुछ बात कहूँ इसके पहले आपके द्वारा माननीय मंत्री से दो निवेदन करना चाहूँगा। एक तो यह कि बार-बार यह शब्द आया है कि महिलाओं को बराबरी का अधिकार मिलना चाहिये। जब से यह बराबरी के अधिकार की बात हुई है तब से ही महिलाओं पर अत्याचार बढ़ते चले गये। एक बार एक बड़े संत से, बहुत

बड़े विचारक से दर्जनों महिलाओं की संख्याओं में इस बारे में विचार पूछा गया कि महिलाओं के बराबरी के अधिकार क्या हैं तो उन्होंने कहा कि मैं महिलाओं को माता के स्थान पर रख कर बराबरी का विचार कर सकता हूँ। श्रीमन, जब तक महिलाओं के प्रति माता के भाव का विचार का संवर्धन नहीं होता है तब तक बराबरी का विचार हो नहीं सकेगा। इसलिये आज आवश्यकता है चिन्तन की धारा में, जो भारतीय चिन्तन द्वारा पूर्व में ही उस ओर ले जाने की ओर जब तक उस ओर हम नहीं ले जायेंगे तब तक महिलाओं के प्रति अगर न्याय करना चाहिये तो नहीं कर सकेंगे।

दूसरी बात यह कहना चाहता हूँ कि जब दहेज की बात होती है और महिलाओं पर कष्ट की बात होती है तो अध्यक्ष का आसन भी इस बात को विचारने लगता है कि शायद इस बात पर महिलाएँ ही सटीक बात कह सकती हैं। लेकिन मेरा कहना है दहेज का भार महिलाओं पर बहुत ही कम पड़ता है। मैंने कई लड़कियों की शादी की है। एक अनुभवी पिता के नाते मैं कह सकता हूँ कि लड़कियों की शादी के लिये जो व्यवस्था मुझे करनी पड़ी शायद पत्नी को इस बात के लिये कोई कष्ट का हिसाब नहीं देना पड़ा। जहाँ तक महिलाओं की बात की जाड़ी है अगर सही मायने में ठीक जवाब सोचा जाए तो, दूसरी जगह तो नहीं कह सकता लेकिन दिल्ली की बात कह सकता हूँ कि जितनी महिलाएँ जली हैं, जितनी महिलाओं को जलाया गया है, या मौत के घाट उतारा गया है उसमें तीन हिस्सा काम महिलाओं का रहा है और उनके साथ सास का रहा है। डाउरी में भी अगर किसी की ज्यादा दिलचस्पी रही है और किसी ने प्रेसराइज किया है तो वह महिला समाज है, पुरुष समाज नहीं है। पुरुष समाज को ही दहेज ज्यादा जुटाना पड़ता है महिलाओं को कम। महिलाओं की कमाने वालों की संख्या बहुत कम है इसलिये उनकी संख्या भी इसी दृष्टि से नगण्य है। पुरुषों की संख्या अधिक है। इसलिए मेरा कहना है कि सही परिपेक्ष्य में इस बात पर कभी विचार नहीं किया जाता। इस बात से जितनी

पुरुष को पीड़ा होती है उतनी महिलाओं को नहीं होती। इसलिये इसी कानून के परिपेक्ष्य में जो उद्देश्य उसका होना चाहिये वह उद्देश्य इन दो मुद्दों को भद्देनजर रख कर विचार हो तब ही कुछ हो सकता है।

दूसरी बात मैं यह कहना चाहता हूँ कि दहेज के प्रति जब तक समाज में वृद्धि की ऊँचाई की भावना होती है तब तक दहेज को कोई कानून भी नहीं रोक सकता है। आज समाज में पूछा जाता है कि फलों परिवार में, फलों टाइप के लड़के में कितना तिलक आया है और जितना अधिक तिलक वह ले सकता है ग्रामीण समाज में और दूसरे परिवारों में उसकी उतनी ही प्रतिष्ठा होती है। यह कानून उनकी प्रतिष्ठा पर आघात करता है। यह कानून उन्हीं जगहों को टटोलता है जो अंधेरे में हैं। कहीं तिलक में लेने वाला बाप यह कहेगा कि मैंने इतना तिलक लिया है या लड़की की शादी में तिलक देने वाला बाप यह कहेगा कि मैंने लड़के को इतना तिलक दिया है? क्या वह अपने ही जंबाई को या अपने समर्थों को फंसायेगा? जब तक आपस में उसका अगड़ा नहीं होता तब तक कोई कुछ नहीं कर सकता। यह विधेयक जो है यह विधेयक किस पर लागू होगा, कहाँ लागू होगा? जब तक दोनों में आपसी अगड़ा नहीं हो तब तक यह विधेयक किमो को नहीं पकड़ सकेगा। हमारे डा० बापू कालदास ने कहा कि इस विधेयक में अधिकार आपने पुलिस को दिये तो जिस तरह से पुलिस मरने वालों से और मारने वालों से दोनों से पैसा लेती है इसी तरह से पुलिस इस दहेज के मामले में भी करेगी। दहेज लेने का अधिकारी वही होगा जिसके हाथ में यह दंड देने का अधिकार सौंपा जायेगा। इसलिये मैं चाहता हूँ कि दहेज के प्रति समाज में जो आस्था है, समाज में जो प्रतिष्ठा है और जो सवाल इससे जुड़े हुये हैं, उन सवालों पर आघात कैसे हो, इस पर विचार करने की जरूरत है। क्या इस कानून से दहेज प्रथा पर आघात हो सकता है? मैं समझता हूँ कि अगर आज कोई आवश्यकता है तो समाज सुधार की आवश्यकता है। जब तक समाज सुधार की बात हम नहीं करते हैं, जब तक समाज में जो कुरीतियाँ हैं और जो दिन प्रति दिन बढ़ती जा रही हैं, उन पर हम आघात नहीं

करते हैं तब तक इस समस्या का निदान नहीं हो सकता है। मुझे याद आता है कि जब गांधी जी हमारे देश की आजादी की लड़ाई लड़ रहे थे तो उन्होंने रचनात्मक लड़ाई भी लड़ी थी, समाज में जो कुरीतियाँ हैं उनके विरुद्ध भी लड़ाई लड़ी थी। उस समय हमारे समाज में एक से एक बढ़ कर समाज सुधारक हुये। शैक्षणिक क्षेत्र में, धार्मिक क्षेत्र में, और सामाजिक क्षेत्र में, सब स्थानों पर इन समाज सुधारकों ने लोगों को रास्ता दिखाया। लेकिन आज तो राजनीति का वर्चस्व हो गया है। जब समाज में राजनीति को सम्मान मिलने लगता है तो सामाजिक और शैक्षणिक क्षेत्रों में काम करने वालों का सम्मान घट जाता है। यही कारण है कि आज समाज में प्रोफेसर को वह सम्मान नहीं मिलता है जो पहले मिला करता था। आज पुलिस अधिकारी को अधिक सम्मान दिया जाता है।

MR. CHAIRMAN: One minute more, please.

श्री जगदम्बी प्रसाद यादव : श्रीमान्, अगर आप इस तरह से हमें बँटा देंगे तो यह कानून ज्यों का त्यों धरा रह जायेगा। मैं एक दो बातें और माननीय मंत्री जी से कहना चाहता हूँ। मैं चाहता हूँ कि वे इन दो तीन मुद्दों पर विचार करें। यह ठीक है कि जब दहेज की बात आती है तो आप कानून बनाते हैं। लेकिन आप कानून कितना इस प्रथा के समाप्त करने में सहायक होता है, इस पर भी आपको विचार करना चाहिये। सिर्फ कानून बना देने से यह प्रथा समाप्त नहीं हो सकती है। इसलिये यह बात मेरी समझ में नहीं आती है कि यह कानून कहाँ तक दहेज की प्रथा को समाप्त कर पायेगा। मैं यह कहना चाहूँगा कि अगर इसके उद्देश्य में कम से कम ये शब्द और जोड़ दिये जायें कि दहेज समाज के लिये एक भयंकर कुरीति है। इसको लेने वाला समाज के लिये एक अभिशाप है। उस अभिशाप के प्रति जंग छेड़ी जा रही है। उस अभिशाप के प्रति समाज में प्रबल जागरण पैदा किया जा रहा है। शायद इस जागरण शब्द से समाज में कुछ जागृति आती। मैं चाहता हूँ कि सदन में इस बात पर विचार किया जाना चाहिये कि आज समाज में इस प्रथा के प्रति जागरण की

[श्री जगदम्बी प्रसाद यादव]

आवश्यकता है, जागृति की आवश्यकता है, समाज को जगाने की आवश्यकता है। हमें दहेज प्रथा को समाज से समाप्त करना है। हमारी वचनियाँ दहेज प्रथा के कारण हमारे लिये कठिनाइयाँ पैदा करती हैं। मैं इस संबंध में एक बात यह भी कहना चाहता हूँ कि आज विज्ञान ने यह बता दिया है कि माँ के गर्भ में पैदा होने वाला बच्चा है या बच्ची है। आज स्थिति यह हो गई है कि अगर वह बच्ची है तो उसको मारने की योजना बनाई जाती है। पहले तो लड़की पैदा होने के बाद उसको मारने की बात सोची जाती थी, लेकिन अब उसके पैदा होने से पहले ही उसको मारने की बात सोची जाने लगी है। इस प्रकार की स्थिति आज इस दहेज प्रथा के कारण पैदा हो गई है। मैं चाहता हूँ कि समाज में परिवर्तन लाने के लिये सिर्फ कानूनी सुधारों की ही आवश्यकता नहीं है, इसके लिये समाज सुधार की भी आवश्यकता है। आपने एक समिति बनाने की बात कही है। सरकार को सिर्फ संसदीय समिति ही नहीं बनानी चाहिये बल्कि इसमें सामाजिक कार्यकर्ताओं, सामाजिक विचारकों और समाज सुधारकों को भी लेना चाहिये। अगर आप ऐसे लोगों को भी समिति में लेंगे तो वे समाज से इस कुरीति को दूर करने का प्रयास करेंगे। इस लिये मैं चाहता हूँ कि सरकार कानून बनाने के साथ-साथ इस ओर भी ध्यान दे और इस प्रथा को समाज से समाप्त करे।

श्री राम अवधेश सिंह (बिहार) : माननीय सभापति महोदय, मैं अपनी सीट पर जाऊँ या यहीं से बोलूँ ?

MR. CHAIRMAN: Today I make all exceptions.

श्री राम अवधेश सिंह : सभापति महोदय, जहाँ तक इस विधेयक का सवाल है इसके विरोध में कुछ बोलने का किसी का मन नहीं है और इसके उद्देश्य से किसी को असहमति नहीं हो सकती। लेकिन मैं एक बात साफ कहना चाहता हूँ कि यह सरकार आमतौर पर समझती है कि संसद में कानून बना देने से वह कानून कारगर हो जायेगा और वह समाज

में प्रभावी हो जायेगा। यह सरकार की आज तक की लगातार असमझदारी, गैर-समझदारी रही है। मैं कहना चाहता हूँ कि सफल कानून संसद में नहीं बनते, सफल कानून सड़क पर बनते हैं, जन-सभाओं में बनते हैं, और संसद में उस पर मुहर लगती है। लेकिन यह सरकार इस रास्ते पर नहीं चल रही है, यह सरकार कोई भी कानून संसद में ला देती है और उस पर जल्दी में अपनी मुहर लगा देती है और अपने दायित्वों से मुक्त हो जाती है कि उसका काम खत्म हो गया जो उसने कानून बना दिया लेकिन कानून पहले तो सड़कों पर, जन-सभाओं में और आन्दोलनों में बनते हैं। आज एक आन्दोलन करने की जरूरत है कि डावरी लेना पाप है। लोगों में ऐसा भाव पैदा हो कि दहेज लेना अनैतिक है। लेकिन अगर आप केवल कानून बना देंगे और जैसा अभी यादव जी ने कहा मैं भी उस बात का समर्थन करता हूँ कि इसलिये जो भी एजेंसी आप बनायेंगे, दहेज के खिलाफ मामले निपटाने के लिये, आप यह निश्चित समझिये कि एक नया घूस लेने वाला, एक नयी अपराध करने वाला संगठन बनकर खड़ा हो जायेगा। हमको अनुभव है पिछले इसरजेंसी पीरियड का। उस अवधि में दहेज लेने पर कुछ कड़ाई हुई थी और इससे पुलिस के लिये घूस लेने का एक नया रास्ता खुल गया। वे किसी के यहाँ भी जाते कि तुमने दहेज लिया है, इतने दहेज लेने की बात की है और उस भले आदमी को पकड़ कर ले आते और वह बेचारा अपने को बचाने के लिये 5 हजार, 10 हजार रुपये घूस में देता था। तिलक में जितना लड़की वाले को देना पड़ता है उससे 5 हजार रुपये ज्यादा उसको वहाँ देना पड़ता था। इसलिये यह कानून इसका कोई निदान नहीं है। इसका जो मूल कारण है उसकी ओर मैं आपका ध्यान खींचना चाहता हूँ। सभापति महोदय, समाजवादी मुल्कों में दहेज प्रथा नहीं है, पूँजीवादी मुल्कों में भी, जो बड़े मुल्क हैं, अमेरिका, इंग्लैंड और जर्मन वहाँ भी दहेज नहीं

है। क्यों, क्योंकि वहां पर सोशल सिक्युरिटी का प्रबन्ध है, एक एक मिनट बोम्ब टु टोम्ब, गर्भ से कब तक एक एक क्षण वहां इंसान सुरक्षित है। वहां पर जब बच्चा गर्भ में आता है तो वह स्टेट की प्रापर्टी हो जाता है, चाहे वह सोशलिस्ट कन्ट्रीज हों या कैपिटलिस्ट कन्ट्रीज हों, इस ओर सरकार देखती है। जब बच्चा पैदा होता है तो उसको अलाउन्स मिलता है, जब वह स्कूल जाता है तो उसको अलाउन्स मिलता है और उसमें यह तैयार होता है। जब लड़का बड़ा हो गया, लड़की बड़ी हो गयी तो वे साथ में घूमते हैं और आपस में शादी कर लेते हैं। इस कारण वहां गार्जियन के ऊपर कोई दबाव नहीं होता। उनकी तरफ से न बाप को चिंता है न माता को चिंता है। न लड़की के बाप को चिंता है न लड़के के माता को चिंता है क्योंकि उनको इम्प्लाइमेंट की गारन्टी है। अगर उनको इम्प्लाइमेंट नहीं मिलेगा और उनको अनइम्प्लाइमेंट अलाउन्स मिलेगा। उनको पता है कि हमारे बच्चों का भविष्य सुरक्षित है। हमारे यहां तिलक इसलिये चलता है कि हम सोचते हैं कि हमारी लड़की को दो रोटी और पांच गज कपड़ की तकलीफ कभी जीवन में न हो। इसलिये सुरक्षा के भाव को ध्यान में रखकर हम तिलक देने की बात करते हैं और अपना सब कुछ बेचकर, अनेक कष्टों में पड़कर भी हम तिलक की व्यवस्था करते हैं। इसलिये इसका मूल कारण यह असुरक्षा की भावना है। जब तक यह असुरक्षा का भाव इस समाज में कायम रहेगा तब तक आप लाख प्रयत्न कीजिये, इस एक्ट के अलावा और भी एक्ट ला दीजिये और ज्यादा उसको कठोर बना दीजिये, उस में ज्यादा दण्ड की व्यवस्था कर दीजिये, उससे कुछ भी होने वाला नहीं है। यह बात जब तक पूंजीवादी समाज रहेगा और पूंजीवादी समाज में सोशल सिक्युरिटी का प्रबन्ध नहीं होगा, बच्चों को रोजगार की पूरी गारन्टी नहीं होगी, रोजगार की गारन्टी जब तक आप नहीं देंगे आप इस बुराई

को किसी भी कीमत पर रोक नहीं सकते हैं। (व्यवधान)

MR. CHAIRMAN: Please conclude now. You have also got another chance to speak as you have given a special mention.

श्री राम अवधेश सिंह: वस एक मिनट में समाप्त कर रहा हूँ।

MR. CHAIRMAN: All right, one minute.

श्री राम अवधेश सिंह: महोदय, मेरा अनुरोध है सरकार से, खास कर के मैं इस बात की ओर ध्यान खींचना चाहता हूँ कि एक विशेष सेल शिक्षा के प्रचार के रूप में हो, केवल दण्ड देने वाला सेल नहीं हो बल्कि प्रचारित करने के लिए हो कि दहेज लेना अनैतिक है। हर थाने में हर जिला लेवल पर यह सेल बनाया जाना चाहिये क्योंकि सोशल सिक्युरिटी का प्रबन्ध करने की क्षमता इस सरकार के पास नहीं है और न रोजगार देने की क्षमता इस सरकार के पास है। यह हम कहें कि पहले तमाम लोगों के लिए रोजगार की व्यवस्था करो, सब को काम दो यह तो सरकार के बूते के बाहर की चीज है इतना हम कर सकते हैं कि सामाजिक शिक्षा का प्रचार हो, नैतिक शिक्षा का प्रचार हो। यह आप कर सकते हैं। शासन इससे ज्यादा नहीं कर सकता है। मैं इतना कहकर समाप्त करता हूँ। धन्यवाद।

MR. CHAIRMAN: Yes, Mr. Suraj Prasad, three-three minutes each.

श्री सूरज प्रसाद (बिहार): जैसे आपने दूसरों पर कृपा की है वैसे हम पर भी कीजिये। महोदय, इस दहेज प्रथा के कारण औरतों पर जो आज अमानुषिक अत्याचार हो रहा है शायद ही कोई ऐसा दिन होगा जिस दिन अखबारों में इस अमानुषिक अत्याचार की कहानी हम लोगों को सुनने को नहीं मिलती हो। इसलिए धीरे-धीरे कर के यह बीमारी काफी व्यापक हो गई है। क्यों यह औरतें जलाई जाती

[श्री सूरज प्रसाद]

हैं ? दहेज में अगर पिता ने स्कूटर नहीं दिया फ्रिज यदि दहेज में नहीं मिला, मोटर साइकिल नहीं मिला, रुपये नहीं मिले, इसी कारण औरतें जलाई जाती हैं। यह बीमारी केवल दिल्ली तक ही सीमित नहीं है बल्कि और जगहों में भी फैल गई है। समाज में आज मानसिकता यह हो गई है कि आज औरतों की कीमत एक स्कूटर मोटर साइकिल या उससे भी कम हो गई है। इस तरह से मानसिकता में गिरावट आई है। यह प्रथा कब से शुरू हुई यह तो कहना बड़ा मुश्किल है लेकिन देखने को यह मिलता है कि सामन्ती में व्यवस्था के अन्दर यह प्रथा प्रचलित थी और उस समय राजा-महाराजा या समाज के जो धनी लोग थे वे दहेज लिया करते थे। अब हमारे देश में सामन्ती व्यवस्था के स्थान पर पूँजीवादी व्यवस्था हो गई है फिर भी हमारे यहाँ देखने को यह बात क्यों मिलती है ? पूँजीवादी व्यवस्था के अन्दर शिक्षा के प्रचार और धन के कुछ बढ़ने के बाद भी इस प्रथा में जहाँ कमी आनी चाहिये थी वहाँ इसका परिवर्धित रूप देखने को हमें मिलता है। अब यह बात कुछ धनी लोगों तक ही सीमित नहीं है बल्कि सामान्य लोग भी जो समाज के हैं उन लोगों में भी दहेज की प्रथा चालू हो गई है। सरकार ने कानून पहले भी इसके लिए बनाए थे लेकिन देखने को यह मिलता है कि दहेज की प्रथा कम होने के बजाय और भी बढ़ती चली जाती है। सरकार ने इस बिल में कानून को कठोर बनाने और अमल करने के बारे में कुछ बातें कही हैं लेकिन इस तरह के कानून तो बहुत बने हुए हैं लेकिन वे कानून लागू नहीं होते। इसलिए इस तरह के कानून महज सरकार का जो अलमारी हैं उसकी शोभा बढ़ा कर रह जाते हैं। इसलिए मेरा ख्याल यह है कि कानून कठोर अवश्य बनना चाहिये लेकिन अमल करने की दिशा में भी सरकार को दृढ़ता से 12.00 NOON काम लेना चाहिये। लेकिन इतना ही काफी नहीं है। सरकार के द्वारा जो कानून लाया गया है, बिल लाया गया है, हम उसका स्वागत करते हैं लेकिन

इसके लिए और अधिक आगे बढ़कर काम करने की जरूरत है और वह यह कि समाज को एक सांस्कृतिक क्रांति की जरूरत है, लोगों की मानसिकता को बदलने की जरूरत है। जब तक देश के अन्दर सामाजिक क्रांति नहीं होगी तब तक देश के अन्दर दहेज और इस तरह की दूसरी तरह की कुरीतियाँ जो समाज प्रचलित हैं वे खत्म नहीं की जा सकती हैं हम विभिन्न दलों के लोग यहाँ बैठे हैं हम लोग बिल पर हाथ रखकर देखें कि हम लोग अपने बेटे की शादी में तिलक लेते हैं या नहीं। हम लोग समाज के नेता हैं और समाज के नेता होने के नाते हमारा यह कर्त्तव्य होता है कि हम समाज को रास्ता दिखायें। लेकिन हम लोग खुद उस बीमारी से पीड़ित हैं। इसलिए जरूरत इस बात की है कि विभिन्न दलों के लोग आज एक यह भी प्रतिज्ञा करें कि हमारे बेटे की शादी होगी तो हम तिलक नहीं लेंगे। हम तो प्रतिज्ञा करते हैं कि हम तिलक नहीं लेंगे न लेते हैं, न लेंगे लेकिन दूसरे लोगों को भी इस तरह की प्रतिज्ञा करनी चाहिए तभी समाज के अन्दर एक सामाजिक क्रांति आयेगी। लोग देखेंगे कि विभिन्न दलों के लोग अपने बेटों की शादी में तिलक नहीं लेते हैं तो समाज के जो दूसरे लोग हैं वे भी इसका परिपालन करेंगे।

दूसरी बात जो इस संबंध में मैं कहना चाहता हूँ वह यह है कि हमारा जो रेडियो है या दूसरे जो प्रचार के माध्यम हैं उन माध्यमों के जरिये भी इसके खिलाफ प्रचार होना चाहिए। महिलाओं के जो संगठन हैं वे संगठन भी इसके बारे में काफी भूमिका अदा कर सकते हैं। हम लोगों को कुछ महिलाओं के संगठनों के बारे में जानकारी है जिन्होंने यह प्रस्ताव पास किया है कि जो कोई समाज के अन्दर तिलक और दहेज लेगा उसका हम लोग वायफाट करेंगे, उसके यहाँ धरना देंगे। इस तरह की सामाजिक सांस्कृतिक क्रांति के लिए एक आंदोलन शुरू किया जाये देश

अन्दर तो मेरा ह्याल है कि दहेज प्रथा पर रोक लगायी जा सकती है इसका समूल नाश किया जा सकता है और स्त्रियों की हालत में सुधार करने की दिशा में जरूरत इस बात की है कि स्त्रियों को प्राप्टी राइट दिया जाना चाहिए। लेकिन आज सबसे ज्यादा जरूरत है कि एक सामाजिक क्रांति हो ताकि लोगों की मानसिकता को बदला जा सके।

**श्री धर्मचन्द्र प्रशान्त** (जम्मू और काश्मीर) : सभापति महोदय, सदन के सामने दहेज प्रतिषेध (संशोधन) विधेयक है। इस पर बहुत सी डिस्कशन हुई है। इसका मैं स्वागत करता हूँ और समर्थन भी। दहेज एक ऐसी कुप्रथा है जो पिछले 40-50 साल से चल रही है। पुराने जमाने में ऐसा नहीं था। लड़की का बाप जितना दहेज देता था लड़के का पिता वह स्वीकार करता था लेकिन आज जिस तरह हम एडवांस हुए हैं हमें ज्यादा लाइट आई है, ज्यादा प्रगति हुई है, हमारे दहेज लेने में भी उतनी अधिक प्रगति आई है। आज दहेज के साथ फ्रिज मांगा जाता है, कलर टी वी मांगा जाता है, कार स्कूटर या मोटरसाइकिल तो है अब एक नयी प्रथा यह भी हुई है कि कुकिंग गैस भी मांगने लगे हैं। मुझे एक ने बताया कि दहेज के साथ लड़के के बाप ने कहा कि तुम्हारे पास टेलीफोन है वह हमें शिफ्ट कर दो। यहां तक चला गया है कि जितनी हमारी जरूरतें हैं, आवश्यकताएं हैं वे हम लड़की के बाप से मांग रहे हैं। लेकिन पुराने जमाने में यह नहीं था। इस जमाने में यह शुरू हुआ है और लड़के वाले बहुत अत्याचार और क्रूरता उन लड़कियों से करते रहे हैं जो दहेज नहीं लाई हैं दहेज कहां तक जा रहा तक जा रहा है? 40-40, 50-50 हजार लाइट पर खर्च कर रहे हैं, लाखों रुपये दहेज पर ले रहे हैं। लड़की के पिता के पास खाने को नहीं है लेकिन लड़की देनी है और लड़के का बाप मांगता है मुझे यह चाहिए वह

चाहिए। वह कहां से लाए। ऐसा यहां कहा गया है कि कितनी लड़कियां जल गयीं, कड़ियों ने आत्मघात कर लिया इसलिये कि उनके पिता दहेज नहीं दे सके लेकिन जब तक कोई कड़ा कानून न हो यह चीज थम नहीं सकती। इस कानून में जो 5 साल का दण्ड बढ़ाया गया है वह ठीक है। 15 हजार जुर्माना भी रखा गया है, वह भी ठीक है, परन्तु एक चीज है, एक धनवान आदमी अपनी लड़की को चाहे जितना धन दे सकता है, लेकिन एक गरीब आदमी जो नहीं दे सकता है, उस पर जब प्रेशर डाला जाता है, उसको मजबूर किया जाता है कि दो, तो वह कहां से देगा? (समय की घंटी) मैं एक मिनट और लूंगा। अब यह कहा गया है कि पुलिस को इसमें इन्वाल्व नहीं करना चाहिए, लेकिन पुलिस प्रासिक्व्यूटिंग अथारटी है, अगर पुलिस इसमें नहीं आएगी तो जो जुर्म करने वाले हैं उनको कैसे पकड़ा जाएगा। उनको भी रखना चाहिए और जो डौअरी प्राहीविशन अपिसर्स कमेटी पांच सदस्यों की बनी है, उसमें यह कहा गया है कि उनमें दो स्त्रियां भी हैं। अगर इनकी संख्या दो से ज्यादा बढ़ाई जाए तो इसका मैं समर्थन करता हूँ जैसा हमारे सदस्य ने कहा कि दो से अधिक होनी चाहिए क्योंकि स्त्रियों के मामले में खास इसको हमने देखा है कि सास, ससुर से अधिक धन लेने के लिए तड़पती है और क्रूरता लड़की पर ज्यादा सास की होती है, ससुर की कम होती है।

इसलिए मैं चाहता हूँ कि औरतें भी इसमें आ जाएं ताकि वह यह जान सकें कि कहां-कहां जुर्म हो रहा है। धन्यवाद।

MR. CHAIRMAN: Mr. Kadharsa. Short and sweet.

SHRI M. KADHASHRA (Tamil Nadu): Mr. Chairman, Sir, women are considered to be the embodiment of virtue. Therefore, I welcome this Bill. But as women are kept in the

[Shri M. Kadhharsha]

rear side in Indian society, this Bill also has come at the fag end of the Session.

Sir, there can be no two opinions that the dowry menace should be eradicated at any cost. The Joint Committee of Members of Parliament, which was constituted way back in 1980, after touring the whole country and taking evidence of many public men, submitted its report in 1982. But it is unfortunate that many of the recommendations of the Joint Committee have not been given due consideration in this Bill. Sir, the Dowry Prohibition Act, 1961, defines dowry as 'property given directly or indirectly by one party to another party before or after marriage'. The amending Bill defines dowry as anything given in connection with marriage, thus making the definition wider. The punishment and penalty have also been increased. This is the only welcome change in this Bill.

This legislation does not take into account the amount which is spent in marriages. Huge amount of money is spent in marriages which is a colossal waste. But there is no restriction on this huge spending. Secondly, the Bill does not regulate the presents given at the time of marriage by the relatives and friends. It simply says that according to the social standard, gifts can be given. There is no ceiling on the gifts.

Sir, the Father of the Nation, Mahatma Gandhi, asserted that future India could not be built without the willing co-operation of one-half of its population, namely, women. But I am astonished to find from a recent report of the Ministry of Social Welfare that in the Five Year Plans, Government has not given much importance to the welfare activities for women. The areas of critical importance to women, namely, education, health and drinking water accounted for less than one per cent of the expenditure in the Sixth Five-Year Plan. Sir, the dowry menace can be eradicated only

if we give proper attention to the education of women and enhancing their social status and standard of living. But unfortunately, women do not get good education. The problem starts even from the birth of a girl baby. The birth of a baby girl is considered to be a liability, but on this occasion, I would like to say that the late Prime Minister, Madam Indira Gandhi, was the only child of Panditji and she was acknowledged as the world leader. So, there cannot be any differentiation whether it is a male or a female child, it should be accepted as a blessing. Unfortunately, the parents themselves show disparity in all fields, whether it is education, medical care or food. They show disparity between a boy and a girl baby. So, Sir, the parents, first of all, should give proper treatment to the girls. Unless and until a social change is brought about there is no hope of putting this evil under control.

Religious leaders also should play an important part. They should give preaching to the people that dowry should not be accepted, but unfortunately, even our public sector banks are not giving proper assistance to women.

In many families the dowry items are shown as a status symbol. This evil system should also be put an end to. In many cases the police is not able to get eye witnesses. Even the neighbours are reluctant to come forward and give evidence against an accused. In a recent case in Delhi one Shashi Bala was killed because of dowry but the court acquitted the accused. The case was that the in-laws had demanded a scooter after the lady gave birth to a child but in the observation of the learned Judge, demanding of dowry after a birth of the child does not come under the purview of the dowry Act. So, the accused were acquitted. If this is the situation even in the court there is no hope of eradicating this evil.

As I have said the dowry evil is prevalent mostly in the northern parts of the country. In South this problem

is very much less due to the social awareness created by the late Parivar and Dr. Anna. So, unless and until a social change is brought about, a social awareness is created, there is no hope of this evil being eradicated from our land.

With these words I conclude.

**SHRIMATI MARGARET ALVA:** Mr. Chairman, Sir, the evil of dowry is something which has roused the conscience not only of the women of this country but of all sections of our people for a long time.

**SHRI DHARANIDHAR BASUMATARI (Assam):** All nations.

**SHRIMATI MARGARET ALVA:** Exactly. This is a social evil and it is not, therefore, the concern of the women alone. To every crime of dowry you have a whole chain of circumstances and a whole lot of people who are responsible. It is true, as has been said, the mother-in-law, the women in the family do play a very important part in the crime, but in reply to what somebody here said a little while ago that education is necessary in order to fight the evil, I must say that our experience is just the contrary. The better educated the boy the bigger the demand for dowry and the higher the price tag. In fact, recently we had a poster competition on dowry and the one which was adjudged the best was one by a college girl in which she had shown a whole range of youngmen and the title was bridegrooms on sale. Each one of the youngmen carried a price tag depending on whether he was an IAS, an IFS or he had a green card in the United States or if he was something else. I mean the range various according to his qualifications and his upper status, educationally or otherwise. Therefore, I feel it is not just a question of education but something much deeper. The religious sanction that has been given to it and certain other factors have really created problems which, I agree with the Members, cannot be solved overnight just by legislation, but I think the awareness require, a certain amount of legal

support so that where necessary legal and preventive measures can be taken to protect the bride.

There were nine Members who participated in the debate. I thank all of them for their short but very useful and constructive suggestions. I do not want to go into all the details of the factors leading to dowry, the amendments and so on, but I would certainly like to say—a Member said that perhaps we should have gone to a Select Committee or through more debate—that there have been detailed reports of the last Select Committee of which I was also a Member and we have tried our best to get whatever is possible out of the Select Committee's recommendations that could immediately be included and we have had a wide ranging consultation, as I said in the beginning, with various groups in order that whatever can be done immediately can be included.

Mrs. Kanak Mukherjee spoke about a civil code. It is true that perhaps women could get a better status if some of the problems which they face under their own personal code could be done away with and a common civil code was made available. It is already known that Government is in the process of preparing an optional civil code and all those who would like to opt for it would be free to opt for it, but I would like to see how many mothers would get their own daughters married under the civil code and forget their religious sort of background in which they are brought up.

Dr. Bapu Kaldate spoke about the need for deterrent laws. This is a social evil and social legislation, as I said, cannot correct every thing. We are trying to see how and where we can make it a little more difficult and therefore we have increased the punishment. We have also provided for certain presumptions because up to now one of our main problem has been the question of evidence, because the bride is generally burnt or the wife is burnt behind closed doors

[Shrimati Margaret Alva]

in her in-law's home. You have never really heard of a girl being burnt while cooking in her mother's huse or her husband's house. It is always in the mother-in-law's house that she catches fire and is burnt in the kitchen. Therefore getting evidence immediately becomes a great bit problem. Therefore we have brought in a couple of amendments which give certain presumptions where the burden of proof shifts to the husband and to his people to show that it was not a dowry death or that it was not deliberately done.

Dr. Kaldate also said that there should be more women on the Advisory Board than just two. We not only don't want to have discrimination in the reverse by making it an all-women body but at times I must tell Dr. Kaldate also that women may be available for this commitment in Delhi or Bombay or somewhere but not in all places can we find sufficient number of women to make it an all-women Board. It is upto them to have all women or to have four women but at least two of them have to be women on every Board.

SHRI PARVATHANENI UPENDRA: The remaining men should be pro-women.

SHRIMATI MARGARET ALVA: We will consider that. Mrs. Renuka Chowdhury spoke about the problem that women themselves are afraid to complain and it is normally too late before they can be rescued. This is one of our main problems. We are now in the process of setting up flying squads. Delhi has already got a couple of them. Besides that we have got the system now of para-legal training of free legal aid cells of women organisations which are running special cells called the Voluntary Action Bureau for dealing with this problem when women come and complain. I must tell you that most often the parents of the bride because of social customs are so hesitant to take back the bride even

when they know that they are being harassed. They come to our centers asking for protection. When we suggest that they should bring the girl home so that we could try and do something about it, they say:

“दुल्हन बन कर गई तो कैसे ले आयेगे, लाश हो निकलने है।”

We cannot take out the girl until she is dead. She now belongs to her husband. You have to protect her. How can I go and protect her in her in-law's house unless the parents and the family of the girl are prepared to take her back? So, most often she kills herself. She has nowhere else to go.

SHRIMATI RENUKA CHOWDHURY: Therefore, there is need for them to have a home to go to.

SMT. MARGARET ALVA: That is why we are now setting up homes for women in distress, where they can take refuge with their children. But we have also other problems like the custody of the children. Because of the question of the custody, most often the mother does not want to leave the child and go unless she has the custody of the child. So, there are various other laws, as you said, which need to be reviewed and which need to be strengthened so that women could get support also from the amendment of those laws. We are in the process of reviewing them to make consequential amendments and help us in these problems.

We have also involved the womens organisations in a big way in dealing with this problem. And like what every body has been demanding, even in the last amendment womens organisations have been given legal status for filing complaints and in helping with investigation of dowry crimes.

Mrs. Jayanthi Natrajan made a very interesting observation. She is not here. She did talk about the discrimination in the laws, in the Constitution and so on, on which I do not wish to comment, Sir, at least on the

floor of this House. But I must say that equality is still a big challenge which we face not only in the Department of Women but, I think, in every walk of life. Even in Parliament, out of 800 Members, I think, we have hardly 10 per cent women Members. I wish that all the political parties would decide that at least 50 per cent of their Members of Parliament would be women. That would make a big change.

Sir, I agree, what is needed today for women in this country is justice, and not charity. The feeling is that by giving women some sort of assistance or something we can make them keep quiet. Here I would say that the State Government have a great responsibility also in the implementation of the Dowry (Amendment) Bill as well as any other social legislation. I must say that at times we do have problems about coordination. We get blamed for everything. Unless the State administration at the local level is also vitalised, it becomes very difficult for us to implement even what we want to do through legislation.

Shri Yadav spoke again about the need for equal rights and the problem of protecting the complainant. Sir, it is true that earlier the giver and the taker were equated. So, most often the father or the relation was afraid to complain because the moment he complained he was also liable to be picked up for the violation of the law. We have now in this amendment provided for protection to the complainant that no statement or complaint made by him shall be used against him, in the sense that he is completely protected if he makes a complaint and even admits that he had to pay, provided he makes the complaint and stands by that to defend the bride so that she can be saved.

Sir, there was a suggestion that leaders themselves should set the example. I would also appeal that if

Members of Parliament themselves first decide that they would neither given nor take dowry, I think the first step would be taken. I certainly cannot...

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: We assure you that we will not take dowry hereafter.

SHRIMATI MARGARÉT ALVA: Sir, when it comes to the marriage of their sons, they forget all social reforms. When their daughters are to be married, they all turn social reformers and say that they must not take it. I say the parents or the young men.

Sir, in conclusion, I draw attention to two or three amendments. One is, there was a mention about the definition of "dowry". It is true that the Law Commission had made certain recommendations. But the Amendment of 1984 had incorporated most of what was expected. We have now, in order to satisfy the Law Commission's definition, in order to give the maximum weightage to it, have amended it to bring in "or any time after the marriage" because we feel that this demand does not end with the marriage. It goes on for years and years. So we have widened it and not just limited it to just or immediately after the marriage. We have made it much wider. Besides, they spoke about the limiting of the expenses on marriage. Here I think the guest Control Order would be the only answer. It is not possible to get it under this Bill, but that is where the State Governments would have to take some steps. It is very difficult to fix a limit on marriage expenses uniformly for everybody. If we are to say Rs. 10,000 may be spent, then even the poorest of the poor will ask at least Rs. 10,000 may be spent, even though the person may not be able to afford even Rs. 1,000. Therefore, it is very difficult to set a common pattern for everybody. It would have to be done through other means by the State Governments.

[Shrimati Margaret Alva]

The right to property has been mentioned. It is difficult for me to say that it could be done straight away, but I think this is a demand which has been coming from women's organisations and others and may be as we go along, there will be a sufficient response for that.

Development programmes for women education are receiving very high priority. As pointed out yesterday, even the 20-point programme now has introduced a whole set of priorities for women's status and equality.

The role that religious leaders have to play cannot be underestimated, but the media has a very important role to play. We had protested against the advertisements that had been coming out earlier like 'save for your son' education and for your daughter's marriage. Such advertisements were put out even by the public sector banks.

SHRI PARVATHANENI UPENDRA:  
LIC also.

SHRIMATI MARGARET ALVA: I am not saying that anybody is exempt from it. It shows their thinking. Many other companies whenever they advertise their goods and which are particularly beyond the common man's pocket, like the refrigerators, videos etc. say it is for your daughters marriage. But I must say media now has been extremely positive and responsive to this problem and we do have a great deal of support not only from individual journalists and others, but also from the Government media also on many many issues.

Of course, it has been said that police misuse the law and create problems. This could happen with any law, not only with the Dowry Prohibition law.

I am skipping some of the points, because you have said that I should be very brief.

There are three consequential amendments which are coming. One is in the Indian penal Code of after Section 304,

we are adding Section 304B. For the first time we are defining dowry death in the Penal Code, which, I think, is a very important step forward.

Mr. Upendra sent me a note asking about the suicide notes. Very often either the FIR itself has been wrongly filed because of collusion between the police and the bridegroom or his people. Sometime the most crucial evidence is destroyed even before anything can happen. Even dying declarations are sometimes wrongly taken down. But as far as the question of suicide notes is concerned, now the presumption shifts to the husband to prove that it was not a dowry death. If there are certain ingredients, it is presumed to be a dowry death and it is for her husband and her people to prove that they were not involved.

SHRI PARVATHANENI UPENDRA:  
But in the Bill you have not mentioned anything about the suicide notes.

SHRIMATI MARGARET ALVA: No, we are not mentioning the suicide notes. But in the Evidence Act we have said where certain circumstantial evidence exist, it is for the husband and his people to prove that it was not done. The burden of proof has been shifted to the husband and his people, which, I think, is going far beyond defining just suicide notes.

SHRI PARVATHANENI UPENDRA:  
But is it that inspite of the suicide note, investigation will be there?

SHRIMATI MARGARET ALVA: Yes, circumstantial evidence before the death will also form part of the whole crime and so it would be taken into consideration.

SHRI P. BABUL REDDY (Andhra Pradesh): Presumption should be limited to mother-in-law.

SHRIMATI MARGARET ALVA: Sir, I would like to point out to the hon. Member, Shri P. Upendra, that in the Indian Evidence Act, 1872, after section 113 A, the following section shall be added:

"113B. When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected to such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death."

SHRI N. K. P. SALVE (Maharashtra): Sir, the Minister deserves to be congratulated for what she is saying, but one point deserves to be clarified. Undoubtedly the presumption will shift on to the parents of the husband ... (Interruptions). Sir, it is an important point. A difficulty arises that the criminal laws have been saying continuously that behind every death of a bride 99.9 per cent times it is the mother-in-law who is responsible and many times the husband do not come to know about it. I would like her to clarify: How could the law take care of a situation where really conspiring villain of the scene is the mother-in-law? The male people have nothing to do with this.

SHRI PARVATHANENI UPENDRA: If the husband is hen-pecked, the blame goes to the mother-in-law only.

SHRIMATI MARGARET ALVA: Sir, whoever is responsible will be punished. There is no distinction between mother-in-law and husband. Sir, I think I have covered almost all points.

DR. BAPU KALDATE: What about appointment of police officers?

SHRIMATI MARGARET ALVA: Sir, we are not appointing police officers. But there will be dowry prohibition officers who will be given powers to investigate and prosecute the offenders. They are not going to be police officers. It could be woman who are going to be appointed as the dowry prohibition officers. That has not been specified here. So with these words, I thank once again every one for the support that has been extended and I commend the Bill to the House.

MR. CHAIRMAN: I include Margaret in the nightingales of the House. The question is:

"That the Bill further to amend the Dowry Prohibition Act, 1961, and to make certain necessary changes in the Indian Penal Code, the Codes of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, be taken into consideration."

*The Motion was adopted.*

MR. CHAIRMAN: Now we shall take up clause-by-clause consideration of the Bill.

*Clause B to 12 were added to the Bill.*

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

SHRIMATI MARGARET ALVA: Sir, I move:

"That the Bill be passed."

*The question was put and the motion was adopted.*

MR. CHAIRMAN: Now we proceed to Special Mentions.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : श्रीमन्, मेरा स्पेशल मेंशन के संबंध में एक निवेदन है कि ...

MR. CHAIRMAN: Today I told you it is free for everybody. Only you must agree to sit till 12 O'clock. That is one condition.

#### REFERENCE TO THE LARGE- SCALE INFILTRATION FROM BAN- GLADESH INTO BIHAR

श्री कैलाश पति मिश्र (बिहार) : सभापति महोदय, 1981 में बिहार के खुफिया विभाग ने केन्द्र सरकार के पास एक रिपोर्ट भेजी थी। फिर 1982 में बिहार के खुफिया विभाग ने केन्द्रीय गृह विभाग को बिहार के तीन जिलों—कटिहार, पूर्णियाँ और राजमहल—में घुसपैठियों की जो समस्या पैदा हो गई थी उसके बारे में रिपोर्ट भेजी थी। इस रिपोर्ट के अंदर यह भी बताया गया है कि 12 लाख घुसपैठिए वहाँ पर