

of Community Development and Co- i
operation (Department of Co-operation):—

(i) Notification G.S.R. No. 1105, dated the 17th September, 1960, amending Notification No. F. 8-4/ S6-Coop. I, dated the 1st November, 1956. [Placed in Library. See No. LT-2416/60].

(ii) Notification G.S.R. No. 1270, dated the 13th October, 1960, publishing a corrigendum to the Government Notification G.S.R. No. 998, dated the 29th August, 1960. [Placed in Library. See No. LT-2445/ 60].

AMENDMENTS IN THE INDIAN ELECTRICITY RULES, 1956

THE DEPUTY MINISTER OF IRRIGATION AND POWER (SHRI J. S. L. HATHI) : Sir, I beg to lay on the Table, under sub-section (3) of section 38 of the Indian Electricity Act, 1910, a copy each of the following Notifications of the Ministry of Irrigation and Power publishing certain amendments to the Indian Electricity Rules, 1956:—

(i) Notification G.S.R. No. 422, dated the 7th April, 1960.

(ii) Notification G.S.R. No. 991, dated the 10th August, 1960. [Placed in Library. See No. LT-2418/60 for (i) and (ii)].

ALLOTMENT OF TIME FOR CONSIDERATION OF MOTION RE REPORT OF THE AD HOC COMMITTEE ON AUTOMOBILE INDUSTRY

MR. CHAIRMAN: I have to inform Members that under rule 153 of the Rules of Procedure and Conduct of Business in the Rajya Sabha I have allotted two hours for the consideration of Shri M. P. Bhargava's Motion regarding the Report of the *Ad Hoc* Committee on the Automobile Industry and the decisions of Government thereon.

THE DOWRY PROHIBITION BOX, 1959—continued

श्री श्रीलभद्र याजी (बिहार) : माननीय चेयरमैन महोदय, कल दहेज निषेध विधेयक पर बोलते हुए मैंने दहेज प्रथा की जो बुराईयाँ हैं और साथ साथ जो मौजूदा विधेयक इस सदन के सम्मुख उपस्थित है उस पर कुछ रोशनी डाली थी। मेरी आज शिकायत हमारे जो कानून मंत्री, विधी मंत्री, हैं उनसे ज्यादा है क्योंकि उस सदन में जब उन्होंने इस बिल को पेश किया था तब हम लोगों को यह आशा थी कि वे लोक सभा में इस बिल की ग्रहणियत को और उसकी उपयोगिता को अच्छी तरह से वहाँ रखने की कोशिश करते। गत १० मार्च को इस बिल पर बोलते हुए इस सदन में जो उन्होंने तकरीर की उससे पता चलता है कि उन्होंने सभी लोगों को इतनी स्वतंत्रता दे दी थी कि जैसे चाहें छोट दें, और इसी स्वतंत्रता के वे भी शिकार हो गए। जिस प्रान्त से वे आते हैं और जितने वे चतुर हैं, कानून में पंडित हैं और प्रगतिशील भी हैं, उससे हम लोगों को, इस सदन के सदस्यों को यह अभिलाषा थी कि वे उस हाउस में यह जो हमने क्लास २ में दिए गये शब्दों के बाद जो "आइडर डाइरेक्टली जोर इन्डाइरेक्टली" देने की हमने जो व्यवस्था की थी उसको उस सदन के सम्मुख अच्छी तरह से रखते तो आज यह नौबत नहीं आती। जब वे गत १० मार्च को बोलने लगे तब मालूम हुआ कि वे लोक सभा द्वारा सुझाये संशोधन की वकालत कर रहे थे और कह रहे थे कि उस जगह तो उसकी व्यवस्था कर दी गई है और यदि इसकी व्यवस्था यहाँ नहीं भी होती है तो उससे कुछ नुकसान नहीं होता है। माननीय चेयरमैन महोदय, जो इस दहेज प्रथा की बुराई को अच्छी तरह से जानते हैं और खास कर के हमारे बिहार सूबे और जिस प्रान्त से हमारे विधी मंत्री आते हैं उनके सूबे के लोग जानते हैं कि किस प्रकार से प्रत्यक्ष रूप में और अप्रत्यक्ष रूप

[श्री शीलभद्र याजी]

में, दोनों तरह से, दहेज लिया जाता है। उसकी सभी जो खूबियां हैं उनको वे अच्छी तरह से जानते हैं। इस लिये यदि हम लोक सभा का जो संशोधन आया है उसको स्वीकार कर लेते हैं तो यह बिल ठीला पड़ जाता है और यह गुंजायश रहेगी कि जिस तरह से खंग अप्रत्यक्ष रूप से और प्रत्यक्ष रूप से दहेज लेते हैं उनको तो रास्ता निकल जाएगा। इसलिये हम तो उनसे आशा रखते हैं कि इस तरह का एक अहम समाजी कानून है कि जिस तरह से संविधान में हमने व्यवस्था की कि छुआ-छूत की बीमारी हटनी चाहिये और जब वे जानते हैं कि हमारे हिन्दुस्तान में यह हालत है कि जब से लड़की पैदा होती है, तब से वह परिवार में भार स्वरूप हो जाती है, ऐसी स्थिति में राज्य सभा से जो हमने संशोधन दिया था कि दहेज की प्रथा मिट जाय तो उसको वे मंजूर करा लेते। आज समाज के अन्दर यह मनोवृत्ति है कि लड़की के बारे में सोचते हैं कि इसको कोई बीमारी हो जाय या चली जाय और जितनी जल्दी हो उतना अच्छा। नाम तो उसका गृह लक्ष्मी है लेकिन वह परिवार के लिये भार स्वरूप हो जाती है। मैं साफ साफ कहता हूँ कि पढ़ लिख जाने के बाद भी लोगों की मनोवृत्ति सुधरी नहीं है। तो इस बिल की अहमियत को देखते हुए हमने पहले पेज की नवीं पंक्ति में दूसरे खंड में जो प्रत्यक्ष या अप्रत्यक्ष रूप से देने की व्यवस्था की है, उसको हटा देने के बाद इसमें बड़ी खराबी रह जायगी। यह एक समाजी कानून है और जब कि हमने, जैसा कि मैंने आपसे शुरू में कहा, संविधान में यह व्यवस्था की है कि हम छुआ-छूत को हटाएंगे, और यह छुआ-छूत से भी ज्यादा बुरी चीज है...

श्री पा० ना० राजभोज (महाराष्ट्र) :
छुआ-छूत कहां हटी ?

श्री शीलभद्र याजी : हट गई है।

श्री पा० ना० राजभोज : नहीं भाई।

श्री शीलभद्र याजी : तो इस तरह की व्यवस्था सरकार की तरफ से तथा जितनी पार्टियां हैं वे सब करती तो इसकी यह नीबट नहीं आती कि यह बिल फिर इस सदन में आता और फिर एक संयुक्त अधिवेशन करने की बात होती। हमारे विधि मंत्री को इस बात का ख्याल रखना चाहिये था कि इस सदन की जो स्वाहिश थी कि डाइरेक्टली और इन्डाइरेक्टली शब्दों की इस बिल में व्यवस्था होनी चाहिये थी तो इस बात को सरकार की ओर से महसूस किया जाना चाहिये था और इस चीज की इस बिल में व्यवस्था करनी चाहिये थी। सरकार की ठूल मुल नीति के कारण और खास कर ला मिनिस्टर साहब ने जो नीति अख्तियार की है उससे तो ऐसा मालूम पड़ता है कि यह एक प्रेस्टीज का सवाल बन गया है। लेकिन इस तरह के समाजिक बिल में किसी को प्रेस्टीज की बात नहीं सोचनी चाहिये। यदि इस बिल को जोर दार बनाना है तो हमारे ला-मिनिस्टर साहब को हम लोगों के अमेन्डमेंट्स को सरकारी अमेन्डमेंट्स मानकर पास करवाना चाहिये था। मैं उन से फिर अपील करूंगा कि सरकार ने इस बिल में वोट देने की स्वतंत्रता दे रखी है लेकिन फिर भी कांग्रेस पार्टी का बहुमत है और सरकार ने जिस तरह से समाजिक कार्यों के लिए देश में कानून बनाये हैं उसी तरह सरकार को इस कानून बनाने के लिए भी बकालत करनी चाहिये।

[MR. DEPUTY CHAIRMAN in the Chair]

दूसरी बात मैं यह कहना चाहता हूँ कि इस बिल के दूसरे पेज की परिभाषा में जो स्पष्टीकरण दिया गया है उससे इस बिल का पेट बहुत ज्यादा बड़ा हो जाता है। उसमें एक लाख, दो लाख, चार लाख, अर्निमैंट, कैश, हाथी, घोड़ा आदि सब चीज की व्यवस्था हो जायगी अगर इस बिल में इस तरह की व्यवस्था रहती है तो बिल की जान ही निकल जाती है। इसलिये हमें इस बिल

में इस तरह की व्यवस्था करनी चाहिये जिससे यह बिल सचमुच में जनता के लिये फायदेमन्द हो। मुझे आशा है कि हमारे विधि मंत्री जी जो कानून के विशारद हैं दूसरे सदन के सदस्यों को हमारे अमेंडमेंट्स के बारे में अच्छी तरह से समझावेंगे और जो चीज राज सभा ने पास की है उसी चीज को फिर से पास करावेंगे। मुझे यह भी आशा है कि दूसरे सदन के सदस्य अवश्य हमारे अमेंडमेंट्स पर गौर फरमावेंगे और उन्हें अवश्य मंजूर करेंगे।

यह बात सही है कि लोक सभा ने चार खण्ड रखा है वह बहुत उपयोगी है। इस धारा द्वारा दहेज मांगने पर जो सजा की व्यवस्था रखी गई है वह ठीक है। इस धारा द्वारा दहेज मांगने पर लोगों को सजा दी जा सकेगी और यह चीज सब से ज्यादा प्रभाव जनता में लायेगी। लोक सभा ने जो यह अमेंडमेंट भेजा है उसका हम सब लोगों को स्वागत करना चाहिये। इस तरह की बात नहीं सोचनी चाहिये कि लोक सभा से यह अमेंडमेंट आया है और हमने पास नहीं किया है। मौलिक बिल में भी इसी तरह की व्यवस्था थी। अतः राज्य सभा को सर्वसम्मति से इस अमेंडमेंट को स्वीकार कर लेना चाहिये। इसलिये हमारे जो अमेंडमेंट हैं—प्रथम पेज के दूसरे बलाज में जो लोक सभा द्वारा छोड़ दिये गये हैं उन्हें जोड़ दें और दूसरे पेज में एक पंक्ति से ६ पंक्ति तक जो स्पष्टीकरण है उसको हटा दिया जाना चाहिये। उसके बाद लोक सभा ने जो चार खण्ड जोड़ कर अमेंडमेंट भेजा है उसको पास कर देना चाहिये। अगर हम इस तरह की व्यवस्था इस बिल में कर देते हैं तब ही यह बिल सार्थक हो सकेगा। इसलिये तमाम सदस्यों से हमारी यह अपील है कि इस बिल को जल्द से जल्द पास करने में अपना पूरा सहयोग दें। यह बिल तो पहले ही पास हो जाना चाहिये था अगर अब भी इस में देरी लगती है तो समाज में जो बुराई फैली हुई है उसको दूर करने

में और ज्यादा समय लग जायेगा। आन्ध्र और बिहार में इस तरह के कानून बने हुये हैं। जब हम सामाजिक कानून बनाते हैं—छुआछूत दूर करने के लिये हमने संविधान में व्यवस्था कर दी है तो यह भी एक सामाजिक कार्य है जिसके लिये कानून बनाना बहुत आवश्यक है। जिस तरह से मठों की उपयोगिता और उनके प्रबन्ध के बारे में हम कानून बनाने जा रहे हैं उसी तरह से दहेज प्रथा को खत्म करने के लिये जल्द से जल्द कानून पास होना चाहिये।

जिन लोगों के घरों में कन्याएं पैदा होती हैं उन्हें लड़की की शादी के लिये कितनी चिन्ता हो जाती है, इस बात को सब लोग भली भाँति जानते हैं। हम लोग यहां पर लड़कियों के गारजियन के रूप में इस सदन में बैठे हैं और जो बहिनें यहां पर बैठी हैं वे भी उन लड़कियों की प्रतिनिधित्व करती हैं और हम सब लोगों का यह कर्तव्य हो जाता है कि इस बिल को जल्द से जल्द पास करें। यदि हम यह चीज समझते हैं कि यह बिल बहुत उपयोगी है, उसका पास होना नितांत आवश्यक है तो राज्य सभा ने जो अमेंडमेंट्स रखे थे और लोक सभा ने चार खण्ड में जो अमेंडमेंट रखा है उसको हम सब लोगों को स्वीकार करना चाहिये। अगर हम यह चीज करते हैं तो एक तरह से दोनों सदनों का समन्वय होगा और मैं समझता हूँ कि इस चीज में प्रेस्टीज और शान की बात का सवाल नहीं है।

हमारे कुछ सदस्यों ने कहा कि दोनों सदनों का एक ज्वाइन्ट सेशन हो जाना चाहिये ताकि कुछ हंसी मजाक ही हो जाय। अगर हम इस तरह की भावना रखते हैं तो इस बिल की जो उपयोगिता है, जो महत्व है, वह खत्म हो जायेगी। हमें कटुता से कोई कार्य नहीं करना चाहिये। हमारे लोक सभा के जो पांचसी मेम्बर हैं उन्हें हमें समझाना चाहिये था कि हमने इस तरह के अमेंडमेंट किये हैं और इस में जनता को इस तरह

[श्री श्रीलभद्र याजी]

का लाभ होगा। हम सब लोग उन लोगों के बीच में जाते तो उन्हें मिनिस्टर समझाते। अच्छी बात होती। मगर हमने इस की बात नहीं की। हमारे विधि मंत्रीजी की ढलमुल नीति के कारण भी यह बात हुई कि आज दोनों सदन में इस बिल के बारे में अलग अलग विचार हैं। अगर हमने पहले ही से इस बिल के बारे में लोक सभा के सदस्यों को समझाया होता तो आज यह नीबत नहीं आती। इसलिये मैं फिर सब सदस्यों से अपील करता हूँ कि राज्य सभा ने जो संशोधन रखे थे और लोक सभा ने चार खण्ड में जो संशोधन रखा है उसको स्वीकार करना चाहिये। अगर दोनों सदन के सदस्य इस चीज को नहीं मानते तो फिर संयुक्त अधिवेशन के सिवाय और कोई चारा नहीं है। वहाँ पर भी हम सब लोगों को बहस मुबाहिसा करके, बर किसी प्रकार की कटुता पैदा किये हुये, बिटरनेस पैदा किये हुये, इस बिल को संयुक्त अधिवेशन में पास कर देना चाहिये।

इन शब्दों के साथ मैं विधि मंत्री द्वारा रखे गये अमेंडमेंट्स की मुखालिफत करता हूँ और राज्य सभा ने जो सजेशन दिये हैं और लोक सभा ने चार खण्ड में जो संशोधन रखा है, उस सब को हमें स्वीकार कर लेना चाहिये। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman, I have carefully studied the amendments proposed by the Lok Sabha to the Bill and in all humility I beg to differ from the proposals of the Lok Sabha. Sir, you will find that all social legislations are difficult legislations and it is not easy to frame laws to meet the needs of society in this respect. Particularly, Sir, this Bill as it emerged from the Select Committee I was not very happy with, and I would call it a very clumsy legislation. This Bill came to us and

we made certain amendments to improve the measure and I hold, Sir, that we should stick to the amendments which were made by the Rajya Sabha when it considered the Bill on the previous occasion.

Sir, I will not take much of your time but will only make a few observations regarding the proposed amendments now before us. Sir, Explanation I that is now proposed to be added at page 2, in my opinion, nullifies the entire legislation. Of course, we all agree that this system of dowry is a very pernicious one and we should do our best to get it eliminated from society. I agree with my hon. friend Shri Bisht that public opinion must be formed in matters of social evils and that legislation should follow the formation or development of public opinion. In my opinion, Sir, public conscience has been roused against this evil and the time is ripe when we should legislate on this subject. So far as the bringing forward of this legislation is concerned, I lend my whole-hearted support to it. However, if you read this Explanation I, you find it stated there:

"For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties."

Sir, I submit that when we legislate, we should make the intentions of the Legislature very clear and we should also make the measure a simple legislation so that it could be properly enforced. It is such complicated and dilatory legislation that leads to litigations. I feel that this Explanation I here will create all kinds of complications and will lead to litigation. It will be impossible to stop the giving and taking of dowries if we allow this Explanation to continue to remain in this Bill. Any amount paid—not thousands but even lakhs—cannot

come under the mischief of this Act, if it is paid during the time of the marriage. To say that this payment is made as a consideration of the marriage and to prove it, is an impossible task. How will you prove it? Lakhs may pass and yet it will be impossible to prove it and as Mr. Bisht said, it is absolutely impossible to prove such a thing. Supposing I have paid a lakh of rupees as cash and also ornaments, I will not, after the marriage, go to a law court in order to harass the couple or the other party, for that will ruin the family life of my daughter. If the parents of the girl do not co-operate, it will be impossible to prove that this money has been paid as a consideration. Which father will agree to such a proposition? Which father will come forward to the court after celebrating his daughter's marriage and after the payment of that money. SHRI K. SANTHANAM (Madras): J If he comes forward, what happens to the girl?

SHRI RAJENDRA PRATAP SINHA: That is exactly what I say. He will [not come forward to the court after celebrating his daughter's marriage and after the payment of that money. SHRI K. SANTHANAM (Madras): J If he comes forward, what happens to the girl?

SHRIMATI SAVITRY DEVI NIGAM (Uttar Pradesh): On a point of information, Sir, in such cases where the parties take dowry and even after ! taking the dowry they leave the girl j with her parents, the parents of the girl will come forward and make a I complaint.

SHRI RAJENDRA PRATAP SINHA: j Sir, we are not legislating for such hard cases and as Mr. Bisht very correctly pointed out, hard cases do not make good laws. They make bad laws. We are legislating for normal cases, for the large number of cases. How many cases are there where the marriage is broken, where the girls are left with the parents and where the parents will be in a position to come forward and take advantage of this legislation? We are not legislat-

ing and putting in this Explanation for these few hard cases. We are legislating for the general mass so that the system of dowry may go away. That is my point which I would like my hon friend to appreciate. Therefore, I feel that this Explanation should be altogether dropped because, as I have pointed out, it will be impossible to prove the giving and taking of this money and it will be impossible for the parties to come forward and take advantage of this legislation and to see that this system of dowry is given up by society.

Next, I would draw the attention of hon. Members to clause 4 of this Bill. The Rajya Sabha on the previous occasion deleted this provision. I shall read it out. It is as follows:

"If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both."

Sir, I feel this clause may lead to a lot of mischief. We should have a legislation which will have the support of the largest mass of the people. As we know, offences under this Act will not be cognisable offences and the parties themselves have to come to the court and take recourse to these sections. Here we are trying to punish people merely for demanding money but this may lead to mischief. I may go in for the marriage of my daughter, and if I do not succeed in my efforts, I may try to harass the other party by taking recourse to this clause. If such things happen, we will alienate the sympathies of the general mass of people towards this piece of legislation. I am not a legal pundit . . .

DR. R. B. GOUR (Andhra Pradesh) j But you are arguing like one.

SHRI RAJENDRA PRATAP SINHA: . . . but to the best of my knowledge,

[Shri Rajendra Pratap Sinha.] I understand that punishment of overt intention is a very rare case in the penal code of any country. You should punish a man if he commits a crime but merely on presumptions you should not try to punish a person unless it is a very very heinous crime. Attempt to murder is a crime which is punishable under our penal code; conspiracy is another. It is not a proper thing to have a clause like this to punish a person merely for making a demand, and it will be very difficult to prove that a person made such and such demand. As I said, bad persons, frustrated persons, may try to take advantage of this clause and may bring into disrepute this legislation. This is not our intention. Our desire is that this law should become universally applicable, a large number of people should take advantage of this, and it is also our desire to see that this system of dowry is altogether eliminated from this country.

We have also to look at this question of dowry from a larger point of view. It is very difficult to stop this thing merely by legislation. As many friends have just stated, and as Mr. Bisht very correctly pointed out the other day, the factors behind dowry are economic in character. Eligible bachelors are few, and because of unemployment in the country, there are many parents of girls who try to chase the few boys who are well-placed in life or who are employed in one service or the other. As a result of this, in the marriage market, the price of the eligible boys has been going up. I have noticed a very bad tendency developing in our society. I remember the days when we ourselves were in the marriage market. In those days there used to be conferences and social campaigns among men and they used to say that they would not take dowries even if their parents insisted on taking dowries. In those days the university boys used to sign pledges saying that they would never take dowries, and I was one of them. When the time has come now for me to go and negotiate marriages, I find today

I that it is the boys who are demanding dowries.

DR. R. B. GOUR: At the instance of their parents.

SHRI RAJENDRA PRATAP SINHA: Perhaps; but in those days the young men were fired by certain ideologies for bringing about social changes, and to my very great regret I find that these ideological factors are lacking in the young men of today. I have found—and this is my personal experience that I am relating—boys who have got into good service, Government service and services in which they will be entrusted with the highest responsibility, themselves demanding very big sums as a price for their marriage. This is a most depressing development in our society. I do not know what to do. Some campaign should be carried out in the universities to discourage this development amongst the young men of our country. I wish, Sir, some public bodies, as in those days, could go round the universities and talk to our young men on these points. Side by side, there is also a heartening development which I have noticed, and I would like to mention two facts in this connection. One is, Sir, that our young girls are receiving education. In our days, there were very few girls who were receiving higher education.

DR. R. B. GOUR: And they are suffering because of that.

SHRI RAJENDRA PRATAP SINHA: To my great satisfaction, I find that our young daughters refuse to marry boys who demand such dowries. This was unknown in the past.

SHRI ABHIMANYU RATH (Orissa): There are a few cases where they marry without dowries.

SHRI RAJENDRA PRATAP SINHA: I am not talking of the few cases. I am speaking of the generality of cases.

I would like my friends like Dr. Seeta Parmanand and others to propagate in women's colleges and women's educational institutions so

that the young girls may be discouraged from marrying such boys who demand a price for themselves. This is a very heartening development, and I think that this should be encouraged in our society.

The second point is this; In our days love marriages were few and far between.

DR. R. B. GOUR: You were an exception?

SHRI RAJENDRA PRATAP SINHA: I do not know that.

Today, it is a good sign that we are having more and more of love marriages, and my experience has been that the boys' parents are disappointed in that they cannot get dowries when the boys and girls fix up marriages among themselves. So we should encourage that feature as well. We should encourage the boys and girls to fix up their own marriages which alone will do away with the system of dowry.

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): Have you tried the experiment at home?

SHRI RAJENDRA PRATAP SINHA: I am giving my own experience. As a matter of fact one of my own nephews got himself engaged and there was a love marriage and his father could not get the dowry which he could easily have got—quite a handsome amount—and he was disappointed. As I told you, there are very many such cases, and I am sure Dr. Seeta Parmanand must be aware of such cases. So, opinion like this should be built up in Parliament which can travel outside Parliament as well. So I agree with my other friends who have preceded me that it is important that public opinion should be formed in order to take full advantage of a legislation like that. And these are some of the lines on which public opinion must be formed. I would therefore request very humbly that this House should throw out the amendments suggested by the Lok Sabha not only in the interest of mak-

ing good and effective legislation but also in the interest of having a discussion between Members of both the Houses which will in itself help to create a proper atmosphere and a Proper public opinion on this very important social legislation. We should sit jointly together and try to convince each other and such a discussion will itself create public opinion in favour of this legislation and against the dowry system.

I would also like to submit to the Law Minister that the Government should consider the question of amending the Service Conduct Rules so that the young men who join the administrative service or the police force or any Government service may be prevented from indulging in this practice. If it comes to the notice of the Government that directly or indirectly they have received dowry, suitable action should be taken against them.

DR. R. B. GOUR: But as fathers, they can take dowry.

AN HON. MEMBER: How will you know that?

SHRI RAJENDRA PRATAP SINHA: You can know that very well. Don't ask me this question. Everybody knows what transaction passes even under the table in such marriages.

DR. R. B. GOUR: In spite of that there is corruption now.

SHRI RAJENDRA PRATAP SINHA: The Government has made a very good amendment to the Service Conduct Rules in respect of bigamous marriages and now it is not possible for Government servants to have more than one wife or to marry more than once.

SHRI J. S. BISHT (Uttar Pradesh): That is the law of the land now.

SHRI RAJENDRA PRATAP SINHA: Therefore I suggest that it is very important that we should have some salutary rules which will forbid these young men who join Government service from demanding dowry.

SHRI J. S. BISHT: If he accepts dowry, it will be something illegal.

SHRI RAJENDRA PRATAP SINHA: I do not think that you will be considered « doing anything illegal under this if you ask dowry. The system will go on willy-nilly because this is not a cognisable offence. It will have a far better effect if you do not have this legislation at all but amend your Service Conduct Rules. That will bring about the desired effect.

SHRI J. S. BISHT: But if the parents take dowry, you will be punishing the son.

SHRI RAJENDRA PRATAP SINHA: I would not like my Government servants to be parties to such a pernicious system.

SHRI J. S. BISHT: They should repudiate their parents?

SHRI RAJENDRA PRATAP SINHA: Certainly; if it comes to that, they should repudiate their parents. We repudiated our parents at one time or other in many matters. We would like our sons to repudiate these caste marriages also. I am one of those who believe that if you want to save this country you must make marriages among the same caste illegal. You must compulsorily ban caste marriages. If you want that the caste system in this country must be abolished, then Parliament must ban such marriages. This is one of the suggestions that I would put forward, that marriages within the castes must be declared illegal. We should encourage boys and girls to marry outside their own caste.

SHRI K. M. PANIKKAR (Nominated): Sub-caste, also.

SHRI RAJENDRA PRATAP SINHA: Yes; sub-caste also.

(Interruptions)

SHRI D. A. MIRZA (Madras): It would be advisable to make it an extra qualification for Government service.

SHRI RAJENDRA PRATAP SINHA: Quite right; I welcome it.

DR. R. B. GOUR: And also for Congress tickets for Parliament.

SHRI RAJENDRA PRATAP SINHA: Jokes apart, Sir, I would plead very strongly that, the Government should consider this point and see that the Government Servants' Conduct Rules are properly amended so **that** the young men who join Government service are debarred from taking dowry. That way we will have some check because then they will be afraid. Today it is very very fashion-I able to demand dowries. So boys who join Government service . . .

SHRI JASWANT SINGH: (Rajas -than): They get all the prestige.

SHRI RAJENDRA PRATAP SINHA: Yes; they get all the prestige and they get all the money. It is a well-known fact and everybody knows it. This must be stopped. And the only way in which you can do it is by amending the Conduct Rules. And as I said, it will have a more salutary effect upon the society than by passing this legis-latin.

Now, we had suggested that the words 'either directly or indirectly' should be there in the definition clause. They must be there. It will be very important to have these words particularly if we agree to delete the Explanation and also to delete clause 4. If we are going to do that, then it is all the more important that we should have these words 'either directly or indirectly'. Now, I was under the impression that the Succession Act will have some salutary effect upon this dowry system but I am sorry to say that I have not noticed even the slightest change in the dowry system. I took a lot of interest in the passing of the Succession Act and I had hoped that by giving a share to the daughter, we would be bringing about a salutary effect on this dowry system but I find that it has not made even the slightest impact on society.

DR. SHRIMATI SEETA PARMA-NAND: Because the clauses of that Act are not well known and the will-making power is given to the father who can deprive the daughter of her share. The future sons-in-law do not believe that the daughter will be given a share and they make sure of it by demanding dowry.

SHRI RAJENDRA PRATAP SINHA: Well, this is what I was about to say. My hon. friend has anticipated me and she is correct. This was the point which she will remember we discussed over in the Joint Select Committee on The Hindu Succession Bill. Now, to the majority the point of view that we were advocating was not acceptable. If you want to have a really beneficial effect upon this dowry system, it is very important to take away that right from the father. Not only that, there is another point also I am very much wedded, I should say, to this Mitakshara system, because I have been brought up in that way of life. This has been troubling me ever since we discussed this question and I have not been able to find a solution. So long as we retain this law of Mitakshara, how can we solve this problem? We tried our best. Mr. Pataskar was the Law Minister at that time. He retained both the Mitakshara and *Dayabhaga* systems and at the same time gave due share to the daughter. Hon. Members may remember that there was a small sub-committee consisting of five or six Members—I was one of them—who put their heads together. In spite of my leanings to the Mitakshara system, I am sorry to say that till today I could not find a solution to that problem, namely, how to give the girl her due share. What is the Hindu Succession Act at the present moment? It is this. If there are three daughters and one son, the son automatically gets his share at the time of his birth. Then, the three daughters will share in one half of the property of the father, supposing there is no mother. After the mother, they will get only one-fourth of that one half. That is a very great injustice.

SHRI N. M. ANWAR (Madras): Each* or all the three?

SHRI RAJENDRA PRATAP SINHA: All the three, after the death. As soon as a son is born, half of the property goes to him under the system of law. Now, for the other half, there are three daughters at the time of the death of their father. It will be divided into four parts, because the son will also inherit one part. So, the daughters now get one-fourth of the original half, that is, one-eighth. That is a very unjust thing. If you really want this dowry system to go away, you have to do away with this injustice in the society. In the present day, in the democratic set-up when we have equality of sexes . . .

SHRI SHEEL BHADRA YAJEE: They can get enough from their husbands.

SHRI RAJENDRA PRATAP SINHA: You can also say that the husbands will get enough from their wives. That is no argument. I am merely saying that we are trying to treat the symptoms. It is not enough. We must go to the root causes. Now, this is one of the root causes. If you adjust these inheritance laws, I do not think there will be so much of a dowry system prevailing in that condition. Look at the other countries. It is not there. Of course, with a general rise in the economic level and growth of general employment opportunities, it will have its effect. With an improvement in the national character, particularly of young men, all this will have a general effect. But this is also one of the important causes and the Law Minister should consider whether he should bring forward another legislation . . .

THE MINISTER OF LAW (SHRI A. K. SEN): I follow *Dayabhaga*.

SHRI RAJENDRA PRATAP SINHA: That will not do. You have to look to the other system also. So, these are a few points. What I feel is that we have had no opportunity to sit together and exchange views. Members of both Houses of Parliament ought to deliberate and discuss on these social

[Shri Rajendra Pratap Sinha.] matters. All these things will come up. They are all common. They cannot be treated in an isolated fashion. This will give us an opportunity to examine all the facts. Now, the *Mitakshara* and *Dayabhaga* systems are bound to come under this legislation, when this Bill is under discussion. Opinions will crystallise on very many important social subjects on which our minds are agitated. So, it is right that we have an opportunity for a joint session of both Houses of Parliament and we thrash out these things and then come to a decision. Whatever be the decision, it is immaterial. But we shall have an opportunity to convince each other and to crystallise opinion on very many important social matters, even within the small ambit of this Bill. Therefore, my humble suggestion to my colleagues, Members of this House, is this, that we should not agree. I say this not in a sense of arrogance, but in a sense of humility. I have explained to you why I say that we should sit together and discuss the matter. This is a very important social legislation that we are making and this will give us an opportunity to discuss other aspects of the question as well. With these words I oppose the amendments that are now before the House.

SHRI K. SANTHANAM: Mr. Deputy Chairman, I was not a Member of this House when this Bill came up for discussion here. So, I feel free to take an independent view of the whole matter. Before I go into the merits of the legislation, I wish to say a word about the procedure. This Bill was introduced in the Lok Sabha. Then, it came here. This House, after mature consideration, made some amendments. These amendments were taken to the Lok Sabha. There they were rejected. I think the Government at that stage should have summoned a joint session. Now, they have come forward and they ask this House to go back on its own amendments, whether it is right or wrong. I think it will amount to conversion of the revisory status of this House into an advisory

status. Suppose, it was the reverse—Suppose the Bill had been introduced here, it had gone to the other House, the other House had made amendments, those amendments had come here and we had rejected them. Would the Government do like that? I think if the Government did that, it would meet with a terrible indignation in that House. Therefore, I think, hereafter when a Bill is brought to one House from the other House, this House has made some amendments, these are taken back to the original House and the original House rejects them, it should not again be taken back. The procedure should be such that a joint session is automatically summoned, so that no House need go back on the amendments it has adopted after mature consideration.

1 P.M.

Now, Sir, coming to the Bill itself, marriage is such a sacred affair, is an affair that is to last for the life of two young people, that any idea of punishing anybody in connection with a marriage is altogether obnoxious. Supposing this Bill is passed and some people are punished, what will happen to the couple? If the father of the boy is punished, then what will be the future of the girl? Her married life will be ruined. Suppose the father of the girl is punished. He is already punished for having a girl. Why should he be punished again? This idea of punitive measures in connection with marriages should be given up. If we want to take any measures against dowry, those measures must be purely preventive. There should be no punishment involved.

DR. R. B. GOUR: Sir, can any hon. Member at this stage go into the merits of the entire Bill when we have got only three amendments before us. Under clause 3 dowry has already been made punishable. Can he go into the merits of the Bill which are not to be under amendment?

SHRI A. K. SKN: The word "demand" has been inserted in the Lok Sabha.

DR. R. B. GOUR: That is a different matter. But dowry is punishable.

SHRI K. SANTHANAM: The whole object of clause 4 is to get a wider circle of people being punished.

MR. DEPUTY CHAIRMAN: "You" can continue after lunch. The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at two minutes past, one of the clock.

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI K. SANTHANAM: Mr. Deputy Chairman, when the House adjourned, I was trying to make the point that this is not a matter for punitive legislation, and that any action taken under this legislation will wreck the lives of the very people for whose benefit we are supposed to make this legislation.

SHRI SHEEL BHADRA YAJEE: Question.

SHRI K. SANTHANAM: Well, I would like to see an actual couple either of whose parents have been prosecuted and put to jail or fined under this Act. Many people have argued that because of the impossibility of getting evidence this Act is going to be a dead letter and so there is no harm in putting one more useless statute on the Statute Book. I think it is rather a cynical view and I do not like that my vote should go for a statute which will be a dead letter. While I feel that this is not the proper measure for preventing dowries, I yield to none in this House in saying that this is a pernicious custom which has to be got rid of. I also feel that legislation should help in the elimination of this custom. I do think, Sir, that there are constructive methods by which this Parliament can help to remove this custom. The hon. friend who spoke before me

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made one or two suggestions like the amendment of the Government Servants' Conduct Rules, which also I consider to be a punitive measure rather than a preventive one. But I feel that the only way by which legislation can help in this matter is to help the community to break away from the traditions. It is due to what is called the sacramental marriage that so much of tradition and custom is being perpetuated. If we can pass a Bill by which every marriage will have to be compulsorily registered in a civil office, then slowly but surely they will have first to register themselves and then they will give up all the other subsequent paraphernalia. Elephants, horses and all other things will slowly drop out because, when once the boy and the girl have become man and wife under civil registry, they will feel that it is all useless. They will not go through the process. That is one thing which we can do through legislation.

Another thing which we can do by legislation is that in any marriage in which more than Rs. 2,000 is being spent, all the presents and dowries must be registered. The responsibility must be laid on the bridegroom to file within a fortnight of the marriage with the appropriate registrar a statement of account, and the law should be such that all the properties mentioned in that statement of account should belong absolutely to the girl. It will be a much better provision for the girl than this method of punishing somebody after the marriage.

DR. R. B. GOUR: He will not be able to enjoy the honeymoon.

(Interruption.)

SHRI K. SANTHANAM: You do not merely prevent the dowry. The dowry and everything else must be registered so that they will not be able to misuse the property. It will be property which will go to the girl whenever there is any difficulty or separation or anything else.

[Shri K. Santhanam.]

Now, my first suggestion to the hon. Law Minister is that he must take advantage of the difference between the two Houses to withdraw the Bill. They have made a mistake in bringing in the Bill, and this is a fine opportunity for them to rectify that mistake and withdraw this Bill and see whether a more constructive legislation could not be brought forward. Assuming for a moment that he is not willing to do that, I wish to make my comments on the particular points of dispute between the two Houses.

The first point is whether the words "directly or indirectly" should be there. Sir, without them this Bill may become ineffective. On the other hand, if you put them in, then it may become too wide. Suppose the father of a girl has given a marriage insurance or has put money in the savings deposit in the name of the girl, will it not be indirect dowry? The word "indirectly" may cover anything. Any money which passes to the girl for the benefit of the boy may come under the word "indirectly".

DR. A. SUBBA RAO (Kerala): It is only as consideration of the marriage.

SHRI K. SANTHANAM: Without that insurance or the savings certificate the girl will not get married. Therefore, it will be a consideration of marriage indirectly. I am only saying that it will be difficult to draw the line. On the other hand, if you leave out those two words, the dowry will be given by somebody else. It will not be given by the father of the girl or by anybody connected with them. Some friends will give the dowry. Therefore, the drafting of the clause itself is defective, so that whether you put in the words "directly or indirectly" or whether you remove them, there will be difficulties. The same is the case with the Explanation. The Explanation is so drafted that not only the presents of the parties concerned but also the presents from the

outside public are prohibited. Sir, I make presents to my friends' sons and daughters when they are married. All kinds of people make presents. Why should that be prohibited? Now, without the Explanation in some form, all presents which are given even by third parties may be prohibited. On the other hand if you remove the Explanation, then everything will come as present. Nobody will make cash payment.

SHRI SHEEL BHADRA YAJEE: That is national economy.

SHRI K. SANTHANAM: In my community in the south hardly any cash passes between the two parties. Generally, the custom is that presents are made in jewels and silver vessels and sometimes even in gold vessels, and nowadays in motor cars and scooters and all that. There is no difficulty in giving diamonds worth lakhs of rupees, and therefore there will be no dowry in cash. Everybody will show the bank account and say that no money has passed either way. There will be a big show of presents worth lakhs of rupees.

SHRI D. A. MIRZA: These things are given to the bridegrooms in consideration of what?

SHRI K. SANTHANAM: They may be given to the bridegroom or to the bride. In some communities the bridegroom has to seek the bride and make presents; otherwise he will not get the bride. There are some communities in the south where this custom prevails. Therefore, it may be to the bridegroom or to the bride. Therefore, like the words "directly or indirectly" you can neither keep the explanation nor remove it. If you keep it, you find yourself in difficulties. If you remove it, then you find yourself in other kinds of difficulty.

Then I come to clause 4. I am certain that this clause should go. Suppose somebody demands a dowry, either the demand is accepted and the dowry is given in which case it

becomes punishable by other clauses, or the demand is refused and there is no marriage. Do the Members want that even when there is no marriage there should be prosecution?

SHRI D. A. MIRZA: Certainly.

SHRI K. SANTHANAM: I think this kind of procedure will be like the procedure in totalitarian countries where people are punished for thinking of revisionism, for changing some ideas or some thought. It will be of the same type. I think this is a blackmail clause and this should go. I would strongly urge that this House should not on any account accept this clause. Therefore, either the Law Minister should withdraw the Bill or he will have to arrange for a joint sitting. At that joint sitting, I am sure, we shall be able to canvass all the general issues because when they come for consideration, we can urge that the entire Bill should be withdrawn and should be replaced by a more constructive measure. As it is, Sir, the Bill is altogether obnoxious and I one 2 more urge upon the Law Minister to withdraw it as it is.

DR. R. B. GOUR: Mr. Deputy Chairman, this Dowry Prohibition Bill that we are having today which is for a sort of reconsideration is just not a piece of legislation which has been conferred on the country or on Parliament by the Treasury Benches. This is a Bill which is the result of a lot of agitation in the country and more particularly, by our women colleagues in both these Houses. Therefore, it has to be seen that here is a legislation which has become a social necessity and therefore the Government had to come forward with it. When we in this country were fighting for freedom against a foreign power holding State power in this country, we were also agitating for social upliftment, ourselves doing the job in cities and in the countryside, agitating for the prevention of child marriages, for encouraging widow remarriage and for the prevention of the

dowry system. When the State power is in our hands after freedom, it is quite natural on the part of our sisters and mothers to demand that what they were agitating for when they were not free be conceded. The foreign State power did not come forward with a social legislation of this kind. Why should we not do it? Why should we go in for a social campaign? Why should we not ban it by legislation, by a statute? (Interruption.) Well, I think, Mr. Deputy Chairman, even today when this Bill is in this House for the last three sessions, even at this reconsideration stage, there is an agitation going on in the country that this measure should be decided upon quickly. The women's organizations are agitating irrespective of their colour or hue. In my own State of Andhra Pradesh, Shrimati Lalita Sachar is herself carrying on the campaign. In fact, the Andhra Pradesh Legislative Assembly has passed a Bill prohibiting dowry. I think there is a Dowry Restraint Act in Bihar also.

SHRI P. N. SAPRU (Uttar Pradesh) : Even you say that there is an agitation for Punjabi Suba and we should concede it.

DR. R. B. GOUR: I am sorry that the ex-Judge considers this demand for the prohibition of dowry as an insane agitation. If prohibition of dowry, restraint of child marriage, encouragement of widow remarriage, all these are insane, then unfortunately, our entire past which is a glorious past including all these agitations will have to be written off as something insane to which view, Mr. Deputy Chairman, I do not subscribe. In fact, we have all associated ourselves with that sort of agitation in the past. It is that which is forcing all our sisters and mothers, to ask our Government and the representatives of the people in both the Houses, "Why is it that even after so long a period, you are not passing such a piece of legislation?" Here is something which is

[Dr. R. B. Gour.] obnoxious in our society. Every system, every convention, every right, is certainly not very sacrosanct, when marriage itself ceases to be something sacrosanct, and becomes a contract. How do you think that all these conventions have become sacrosanct and are not to be interfered with? So, here is a very obnoxious convention. It must go. There are no two opinions about it. But the question is, do you consider it a crime or not? Do you consider it something bad or not? If you consider it bad, then put all obstacles against it. If you consider that it is something sacrosanct and that it should not be interfered with, come and say that. Having accepted that it is bad and that it should go, why do you want certain amendments in the law that in practice make people continue the system, indulge in it and escape from the clutches of the law? That is my contention. Unfortunately, the amendments that are before us, of which the hon. Law Minister seeks confirmation, according to his own amendments, well, they nullify the Act itself. I do not know why we should accept these amendments. If I am given the chance of accepting these amendments or of following Shri Santhanam's advice for withdrawing the Bill, I would accept the withdrawal of the Bill. Those amendments make the Bill absolutely useless. What are those amendments? Sir, the Explanation goes. We have said that the Explanation should go. They say that the Explanation should be retained. What is the Explanation? Any amount could be given in the name of dowry, but in the name of presents. There is no ceiling on them; there is nothing; anything can be given. Why? Then I shall have to go and ask the court of law with Mr. Bisht advocating for the other party, to declare that this is not a present, but this is dowry. This is not a present out of nothing; this is only out of consideration for marriage. I would like to ask what present is given at the time of marriage which is not for consideration of marriage.

SHRI K. SANTHANAM: Third party.

DR. R. B. GOUR: Third parties are not to be crowded; third parties can give. Those presents are small things. Socially, you can call them presents. If a party comes and gives an elephant at the time of marriage or a Standard car or a Fiat car, obviously it is not just a third party making a courtesy call on the parties and giving the present; it is something in consideration of marriage obviously.

DR. SHRIMATI SEETA PARMA-NAND: If I may say so, it has another meaning. Consideration in this clause means that it is taking some sort of money so that the marriage will take place. Then, whatever is given on the occasion of the marriage cannot be called consideration.

DR. R. B. GOUR: I am sorry. The payment could be made even after the marriage. It will be regarded as in consideration of the marriage. It may be before the marriage; it may be at the time of the marriage and it can be after the marriage. The time of the payment does not change the character of the demand if it is in consideration of the marriage. Therefore that payment will be in consideration of the marriage. Why is this Explanation here? You are making it impossible for me to prove that it is in consideration of the marriage, that it is dowry and not a present, just not an ordinary present. This Explanation nullifies the entire thing. Anything will be given. Therefore, let us not go with conventions again. Convention means this. In this great country of ours, there was a convention that the wife must burn herself along with her dead husband. Did we retain that custom? In our own country there was a custom that a daughter was considered baneful, and that she must be pushed from the hill-top and be killed. Did we keep that custom? In our country there has been the custom of child marriage long before we got freedom and we

got it made illegal by statute even at the time of the British rule. Child marriages may occur here and there, but the Act has created a big barrier in its way, and that is necessary. Similarly, there is the question of widow remarriage. We have got an Act. We have also changed the entire Hindu marriage law itself. Therefore, there is a social demand, and this demand is not a post-freedom creation; it is long-standing demand. Therefore, let us create as many obstacles as possible in the way of this dowry system. It is an obnoxious system. It is creating very many problems. Well, whatever you may say, it will take some time for the custom to go, for marriages within particular castes to go. I quite agree with my friend, Shri Sinha, that inter-caste marriages must take place. They are taking place in fact. We have passed the Special Marriage Act only to permit these marriages. But so long as the marriage has to be within the same caste itself, a poor man's daughter can never get married, because he cannot give dowry. Well, if it is a love marriage and an inter-caste marriage, a poor man will go in for any other poor man and will get his daughter married to him. But the question which is more important is this. It is evident that marriages within the same castes are not going to be banished very soon. But you can prevent dowry and thus, a poor man's daughter will get a chance. That is most important. Otherwise, what will happen? If Birlas are giving their daughter in marriage to Tatas and are presenting Tatas with Mercedes Benz trucks, let them do it; I have no objection. They can do it. But here the question is not that. The question here is, in our society this dowry system is preventing the common man from getting his daughter married, it is a big headache for him and a poor girl and a poor man . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): The middle-class man.

DR. R. B. GOUR: Of course, the middle class man is there. I am not

bothered about the wealthy people. Whatever amount they earn in the black market, they want to give in another black market. Let them do it. But the question is of the poor man, the middle class man. We do not bother about the wealthy people. After all a rich man is not incurring a debt because of a marriage, whereas the poor and middle-class families incur huge debts in the name of this marriage which involves a dowry. So, we do not want it. And therefore, Sir, this expression, "either directly or indirectly" must be there. Otherwise it is no good. There was an argument, I think by the Law Minister himself that even if the expression, "directly or indirectly", is removed, the thing is not going to materially affect the course of a suit in a law court since they must decide whether it was dowry at all, whether in consideration of marriage, and all that, whether indirectly paid or directly paid. Well, if that is the case, why then in your anti-corruption law you have put payment of bribe either directly or indirectly? Let the court decide whether it was bribe or not, whether paid directly or indirectly. You have put in the words, "either directly or indirectly", in the anti-corruption law, and it is because you want it to be strict; otherwise the courts will give the benefit of the doubt to the person who is accused. So we do not want that position to be there and that is why we have put in there as, "either directly or indirectly", and bribe whether given directly or indirectly or bribe whether taken directly or indirectly is a crime under anti-corruption law. Similarly, in the case of dowry, whether it is given directly or indirectly must be banned and prohibited. Therefore, the removal of the words, "either directly or indirectly", materially affects the very purpose of the Bill, and will only increase litigation and the problems of the people. So, Sir, if you are serious that this dowry must go, if you have any serious concern for the common man and the middle-class people, and if you know

[Dr. R. B. Gour.] *why* our mothers and sisters are agitated irrespectively of their political views or caste also, then you will put all obstacles- in the way of dowry-giving and dowry-taking. That is why the Rajya Sabha was absolutely right when it deleted the Explanation and when it inserted the words, "either directly or indirectly", in clause 2. Therefore, Sir, I think we should insist on these amendments as otherwise, Mr. Deputy Chairman, I am inclined to feel that those who wanted the retention of dowry will now get a chance through this Explanation and through the removal of the words, "either directly or indirectly" to circumvent the purpose of the Bill and to indulge in giving dowry or taking dowry. Do we want to create a loophole and then come back again, or is it the intention that again some Law Commission will enquire into this particular loophole or that the Law institute whose foundation was laid by our President yesterday will enquire into the loopholes of this Act and report and we will again be sitting to deliberate on the Act? So why create a loophole in the Act and send it to the country? Plug this loophole when now we have the chance. Let us not be very much worried that a joint session has to be convened. Let it come to us in due course. After all our Constitution has provided for it. I am quite certain, Mr. Deputy Chairman, that the voices of our mothers and sisters in the country who are the most miserable would prevail.

SHRI N. M. ANWAR: Fathers are worried more.

DR. R. B. GOUR: Fathers are more opportunists in these respects because . . .

SHRI N. M. ANWAR: They are the paymasters.

DR. R. B. GOUR: But you know that of the parents it is the mother who is the most miserable in this nullify

respect; she has to face the brunt of the attack on the funds she is provided with from all directions. She has to run the home in the most decent manner possible; she is the Home Minister and she is the Finance Minister. Therefore it is she who is the most worried. Even if you are incurring a debt outside, it is she who has to curtail the family expenditure and pay the instalments on your debt. Therefore, it is she who is worried. Therefore, women's organisations in our country are worried most on this point. So let us take these matters seriously and therefore, Mr. Deputy Chairman, I very strongly feel that the amendments that we had earlier suggested must be there in the Bill and those amendments to clause 2 must be passed. I have no objection to accept the Lok Sabha amendment that clause 4 must be retained. After >ll we were persuaded to accept the position of clause 4 being deleted from the Bill even though, then also, some of us did feel that clause 4 should remain, but we were persuaded to accept that position as otherwise it was going to harass some parties and somebody may say that, "this fellow demanded from me and because I could not pay the dowry he is not marrying my daughter to his son". Thus harassment will be caused to the other party. To obviate it we were persuaded to agree to the deletion of clause 4 prescribing penalty for demanding dowry, but if the Lok Sabha insists on its reinstatement I think we should allow that amendment of the Lok Sabha. Let them have clause 4. After all we want to create as many obstacles as possible in the way of demanding dowry, giving dowry or asking for it or whatever it is. So I think, Mr. Deputy Chairman, it is not a question of prestige; it is not a question of sticking to what we had said earlier in this regard. But here is a question of principle, and this question of dowry must go, and we have therefore created as many obstacles as possible in that direction in the Bill. The Lok Sabha amendments absolutely

our purpose and therefore we will be justified in sticking to what we had suggested and persuading the Lok Sabha, our friends and colleagues in the Lok Sabha, to accept our point of view, and thus give to the country and to the womanhood of this country a long-cherished law that will definitely go a long way in satisfying them and in meeting their requirements.

Thank you, Sir.

SHAH MOHAMAD UMAIR (Bihar): Mr. Deputy Chairman, Sir, I am afraid I will not be able to travel that much, to go to that much extent to which my other friends have gone in this House in supporting this Bill, and I am afraid that the various points which have been raised in support of the Bill will not stand in my way, in the way of my own point of view which I want to put before the House. My personal point of view is that the female folk have suffered enough, not only suffered enough; but they have been tortured, they have been butchered, their rights have been extinguished, and they have suffered to such an extent and to such a degree, to that lamentable position in which the Scheduled Castes and the Scheduled Tribes and o'her Backward Classes are. They have suffered no less than those classes for whom we have got this much sympathy. In spite of all this, Sir, let me tell you that the question of dowry is being exaggerated on both sides. The question of dowry is not the fundamental thing, but the fundamental thing is somewhere else. The root is not at a great depth; it can be found out; it is rooted in the economic condition of our country, in the economic condition of the various classes who have been suffering from economic difficulties. These things have to be taken very seriously into consideration, and I feel and I feel very strongly, Sir, that unless that is remedied, no evil and no vice which have crept into our society in various forms, in the shape of dowry and o'her things, can be removed in a practical **manner and**

the woman-folk will not get rid of them. My HLidu friends will excuse me if I say that the Hindu society gave the go-by to all the Shastras which gave all possible rights to the women, and their domestic life was nude very much unhappy, and the result was that now, after we attained independence, we have taken some steps for the restoration of the fundamental rights of women, and their rights to a certain extent have been restored to them through the Hindu Code or through the various laws. May I ask my friends, Sir, what is left to them, I mean the daughters of the house, who have no right to inheritance of any property of their fathers and mothers, who have no future hope of getting anything out of the property which their fathers and mothers have accumulated, otherwise? What is left for them? And the girl stands in a very pitiable position.

MR. DEPUTY CHAIRMAN: Mr. Umair, you can continue tomorrow. We have got to take up some other business. You will please continue tomorrow.

SHAH MOHAMAD UMAIR: All right, Sir.

3 P.M.

MOTION RE REPORT OF AD HOC COMMITTEE ON AUTOMOBILE INDUSTRY

SHRI M. P. BHARGAVA (Uttar Pradesh) : Mr. Deputy Chairman, Sir, I move:

"That the Report of the *Ad Hoc* Committee on Automobile Industry laid on the Table of the Rajya Sabha on the 10th March, 1960, and the decisions of the Government of India thereon, be taken into consideration."

The House is aware that this Committee was appointed on 8th April 1958. This Committee submitted an interim report about the small car and