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Sravana 31, 1908 (Saka)

LOK SABHA DEBATES (English Version)

**Sixth Session
(Eighth Lok Sabha)**



(Vol. XX contains Nos. 21 to 24)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

LOK SABHA

Friday, August 22, 1986/Sravana 31, 1908
(SAKA)

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER *in the Chair*]

OBITUARY REFERENCE

[*English*]

MR. SPEAKER: I have to inform the House of the sad demise of Shri Malai-chamy Thevar who was a Member of the Third Lok Sabha during 1962-67 representing Periyakulam Constituency of Tamil Nadu.

An agriculturist by profession, Shri Thevar worked for the spread of Cooperative movement. A well-known social worker, he took active part in the uplift of weaker sections of the society. He was associated with several social and educational institutions in various capacities.

Shri Thevar passed away at Uthamapalayam on 9th August, 1986 at the age of 69 years.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short-while to express its sorrow.

*(The Members then stood in silence for
a short-while)*

2

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, Sir, with your permission, I am raising an issue on which the entire House—the Treasury Benches as well as the Opposition—can be agreed.

MR. SPEAKER: If you are agreed, then you come to me.

PROF. MADHU DANDAVATE: Let me make a submission.

On 14th November, 1962, this House had passed a resolution about China and I will only say, what I would propose... (*Interruptions*) I think, they are prepared to respond. I will only suggest....

(Interruptions)

The House unequivocally condemns the chinese....

MR. SPEAKER: No. I will not allow.

PROF. MADHU DANDAVATE: This is something very serious on which there is agreement. I have spoken to the Treasury Benches also.

MR. SPEAKER: Look here. What I accept is the principle at when the House is unanimous, I go along with that and if the House agrees, then you can convey.

PROF. MADHU DANDAVATE: For that, I am only making three submissions to you. Listen to me and you give your ruling. I am only saying that we condemn the intrusion and we deplore the campaign of China, that we have committed aggression....

MR. SPEAKER: That would be out of order.

PROF. MADHU DANDAVATE: Thirdly we solemnly resolve....

MR. SPEAKER : No.

PROF. MADHU DANDAVATE : What we decided in 1962 was that "with hope and faith, this House affirms the firm resolve of the Indian people to drive out the aggressor from the Indian soil..

MR. SPEAKER : You come to me.

PROF. MADHU DANDAVATE : This is what Pandit Nehru proposed and this House accepted it unanimously. Prof. Ranga is also in the House.

MR. SPEAKER : With consensus, you come to me.

(Interruptions)

MR. SPEAKER : No. Not allowed.

PROF. MADHU DANDAVATE : I request the parliamentary Affairs Minister. You can change the draft.

MR. SPEAKER : You have a meeting and then all of you can come to me.

PROF. N. G. RANGA (Guntur) : Sir, so much has happened since then. Therefore, although we stand by that earlier resolve, we have got to take into consideration what all has happened, subject to whatever honourable compromise we may be able to reach between both the countries.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF
FOOD AND CIVIL SUPPLIES (SHRI
H.K.L. BHAGAT) : You have very kindly mentioned about this matter to me. I have spoken to the Minister of External Affairs just now. He will come after some time. And we will sit outside and decide about it.

MR. SPEAKER : Yes, you can decide.

PROF. MADHU DANDAVATE : I accept this. My only request is....

MR. SPEAKER : It is okay now. The subject is closed.

PROF. MADHU DANDAVATE : I respond to his request. My only request to him, through you, is today is the last day. If it is to be done, it should be done today.

MR. SPEAKER : That is what he has said.

SHRI H.K.L. BHAGAT : Here immediately we will sit in the Speaker's chamber, talk about it and then take a decision.

PROF. MADHU DANDAVATE : Don't do it through ordinance ! That is all. *(Interruptions)*

MR. SPEAKER : Now take your seat.

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Sir, the other day I did not press the 193 discussion on Srilanka because the External Affairs Minister promised that it will be taken up on the last day of the session. I want at least some calling-attention should be allowed on Sri Lanka. There is no settlement so far. Let the Minister come forward with a statement at least as to what exactly is the stand taken by India with regard to Sri Lanka.

MR. SPEAKER : I will tell the Minister about your feelings. Please sit down.

SHRI DINESH GOSWAMI (Guwahati) : I have given notice of a privilege motion.

MR. SPEAKER : We will see. I will take the precaution and then we will do it.

SHRI SOMNATH CHATTERJEE (Bolpur) : I have given notice of a motion about the Delhi Judges....

MR. SPEAKER : That is not within our purview. I cannot do it. It is out of order. Not allowed.

*(Interruptions)**

MR. SPEAKER : Somnathji, not allowed. Absolutely not allowed.

(Interruptions)

SHRI INDRAJIT GUPTA (Basirhat) : Is there going to be a further extension of the session ?

MR. SPEAKER : It will be with your agreement, if it happens. I do not know. I have got no information

SHRI INDRAJIT GUPTA : What I mean is that the House is going to be adjourned. So we would like to have some assurance from the Government that in the inter-session period they will not legislate by an ordinance...*(Interruptions)* What is the point in extending the session but suddenly deciding not to bring the Bill ? We have got our own apprehensions that they may use their ordinance-making powers....

(Interruptions)

PROF. MADHU DANDAVATE : The Minister is responding. Don't be more loyal than the king.

(Interruptions)

MR. SPEAKER : Order, order.

The Minister.

SHRI INDRAJIT GUPTA : He should also tell us as to why they have postponed it after extending the session.

SHRI SOMNATH CHATTERJEE : The House was extended only for that purpose....

(Interruptions)

PROF. MADHU DANDAVATE : The Treasury Benches do not allow him to speak !

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : As the hon. Member have mentioned, the Government also views that this is an extremely important issue for the nation as a whole. That is why right from the beginning we made

sincere efforts to bring about a national consensus on this....

PROF. MADHU DANDAVATE : That is right.

S. BUTA SINGH: ..and all the leaders of the Opposition parties in both the Houses were involved in the process. It has come to a stage and Art 249 has to be invoked for the first time for this purpose....

PROF. MADHU DANDAVATE : Art. 258 also. Don't forget that.

S. BUTA SINGH : This being unique and since for the first time we are going to resort to this provision of the Constitution, therefore, we have to be extra careful and very, very careful. Also at the time of the passage of the resolution under Art. 249 in the Raiya Sabha the Members from the Congress Benches and also from the other side made a unanimous plea—some of them in the Opposition Parties having opposed it—that we should take sufficient care to see that there is an involvement of the States which are going to be affected, that their Chief Ministers and leaders should be consulted and that we should not be in a hurry also, that although the Parliament has given us the powers, we should not be in a hurry and that we should involve the Opposition Leaders and the Chief Ministers of the States. That process is on and we hoped that we could complete that process before this session ends. But it seems that it is not possible.....

PROF. MADHU DANDAVATE : Very good.

S. BUTA SINGH : Sir, we will try to make every effort to see that the whole nation is one behind this and in that exercise it may not be possible and we may have to come with the Bill in the next session. But that should not bind the hands of the Government in case the situation...*(Interruptions)* They should be serious enough. This is a very serious thing. In case there is a situation, the Government should not fail in its duty. But we will try to avoid and we will go to the extent possible that we do not have to resort to any kind of ordinance. But if the national duty

enjoins upon us, then, I think we have the blessings of this House that there should not be any obstacle in the way of the Government in discharging its national duty. At the same time we will definitely ensure—if I may be permitted to claim legitimately—that we are working in closest cooperation so far as the functioning of Parliamentary Democracy is concerned. Our leader has always taken into confidence the Opposition, all sections of this House, outside this House also, the political parties and has tried to really bring about a new era of involvement of all the political parties and the greatest consent, largest consent of the country. If you see the performance of this Government, it is clear that we have been carrying on with the largest possible consensus on all the issues affecting the national life. I want to assure that this Bill also bring about the largest consensus.

PROF. MADHU DANDAVATE : Mr. Buta Singhji, one clarification. Prime Minister has already announced that it will not come before the Winter Session. That is what we read in the Papers. That means, Ordinance will not come. Rather than saying it by implication, let it be clear that there will be no Ordinance.

MR. SPEAKER : It has already been made clear.

(Interruptions)

MR. SPEAKER : Why do you take it upon yourself? Is it your duty or my duty? I can handle myself.

S. BUTA SINGH : I am in broad agreement with what the hon. Member has just said that the Prime Minister has made it clear.

PROF. MADHU DANDAVATE : Let it continue to be clear.

S. BUTA SINGH : At the same time, I wish this House to shower its blessings on me, as the Home Minister, in case national responsibility dwells on me, I should not be found wanting.

SHRI ABDUL RASHID KABULI (Srinagar) : I want a clarification. Regarding Jammu & Kashmir, there have been controversies.

(Interruptions)

MR. SPEAKER : Not allowed.
(Interruptions)

Jammu & Kashmir is part of India. It does not preclude anything. It is very clear.

(Interruptions)

I would like to ask you to take your seat.

(Interruptions)

[Translation]

MR. SPEAKER : I can't understand. Will you not allow me to proceed?

[English]

You unnecessarily interfere. I can handle the situation. You do not let me handle it.

SHRI RAJ KUMAR RAI (Ghosi) : We are cooperating with you.

MR. SPEAKER : No, you are not cooperating at all.

(Interruptions)

MR. SPEAKER : All right. You handle it.

SHRI P. NAMGYAL (Ladakh) : Jammu & Kashmir is part and parcel of India.

(Interruptions)

MR. SPEAKER : Now you take your seat

SHRI ABDUL RASHID KABULI : I seek a clarification.

MR. SPEAKER : It has been very much clarified. You are unnecessarily interfering.

SHRI ABDUL RASHID KABULI :
This notification has been issued by the
Government of India.

MR. SPEAKER : Yesterday I asked
you to do something. I do not want to
do it again. You are highly impertinent.
Take your seat.

SHRI ABDUL RASHID KABULI :
Am I not entitled to seek a clarification.

(Interruptions)

MR. SPEAKER : Mr. Namgyal, will
you take your seat ? I will have to ask
you to withdraw if you do not behave
properly. Sit down. I will ask you to
do something.

PROF. MADHU DANDAVATE :
You can simply tell him that if there is no
Bill, there is nothing for clarification.

(Interruptions)

MR. SPEAKER : Mr. Kabuli, if you
do not sit down, I will have to ask you
to do something. Take your seat. You
have become too impertinent. I ask you
to take your seat.

SHRI ABDUL RASHID KABULI :
Will you give an assurance ?

MR. SPEAKER : I will not give you
any assurance.

(Interruptions)

MR. SPEAKER : The Home Minister
has already clarified.

(Interruptions)

MR. SPEAKER : All right, you
withdraw from the House.

(Interruptions)

PROF. MADHU DANDAVATE : He
has misunderstood. If there is no Bill,
there is no question of clarification.

MR. SPEAKER : Will you take your
seat.

(Interruptions)

[Translation]

MR. SPEAKER : Why are you inter-
rupting ? Kindly let me know.

[English]

What business you have. I am doing
myself.

SHRI ABDUL RASHID KABULI :
This is the notification.

MR. SPEAKER : All right. With-
draw from the House.

(Interruptions)

MR. SPEAKER : If he does like this,
how can I run this House ?

SHRI ABDUL RASHID KABULI :
This is a question of article 370....

(Interruptions)

MR. SPEAKER : Mr. Indrajit Gupta,
can you persuade him ?

(Interruptions)

MR. SPEAKER : No ; I am not
permitting him. Unless and until he resu-
mes his seat, I am not going to permit
him.

PROF. MADHU DANDAVATE : Sir,
he has resumed his seat. I am raising a
point of order. That will solve the prob-
lem. He is not at all talking about the
Bill. He only wants to say this ; in fact,
it fits with what he has said. When the
Bill itself is going to be postponed, he can
say that the Notification will not come
into operation at all.

SHRI ABDUL RASHID KABULI : I
am asking about the Notification.

MR. SPEAKER : He has already
clarified it.

SHRI ABDUL RASHID KABULI :
He has to say that.

MR. SPEAKER : What more could
he say ? Nothing more. I am clear and
he is very clear.

SHRI ABDUL RASHID KABULI : Who is going to clarify to the people of Jammu & Kashmir ?

MR. SPEAKER : What is there to clarify ?

SHRI ABDUL RASHID KABULI : This is eroding the Constitution.

MR. SPEAKER : I am not going to listen to this gentleman any longer.

(Interruptions)

SHRI ABDUL RASHID KABULI : The Governor has recommended for the extension of this article....

MR. SPEAKER : Nothing doing.

SHRI ABDUL RASHID KABULI : You can go through this Notification.

MR. SPEAKER : This is one country, and the law passed by this House is going to apply to the whole country ; it is not going to be applicable to this part or that part but to the whole country. But whatever this House decides, that will be done. Without anything being passed by this House, nothing is going to happen. So simple it is.

*(Interruptions)***

MR. SPEAKER : I am on my legs. Whatever the hon. Member has said is without my permission and not a single word of that will go on record. There is nothing more to say. I hope this House has got the capacity, has got the courage, to safeguard the interests of this nation, and I have complete confidence in it to do whatever is necessary.

SHRI INDRAJIT GUPTA : You will kindly be patient for a minute.

MR. SPEAKER : I am always patient. But ask this hon. Member to be patient because he never listens.

SHRI INDRAJIT GUPTA : The only point on which clarification is required is

whether, if any legislation pursuant to article 249 is made applicable to the State of Jammu & Kashmir, it will....

AN HON. MEMBER : Why not ?

SHRI INDRAJIT GUPTA : Why don't you listen ?....whether it will amount in any way to an erosion or a dilution of article 370. What is Government's thinking he should make it clear. We do not know what the position is going to be. Suppose they bring an Ordinance....*(Interruptions)*

MR. SPEAKER : Nothing at all. There is no question.

PROF. MADHU DANDEVATE : Let the Law Minister do it. They cannot be treated lightly. *(Interruptions)*

MR. SPEAKER : There is nothing being done lightly. He is too persistent and he does not listen to anything.

SHRI AMAL DATTA (Diamond Harbour) : Let the Home Minister say that it will not amount to an erosion.

MR. SPEAKER : He is completely clear and I am clear. *(Interruptions)*

PROF. MADHU DANDEVATE : I am raising a point of order. My point of order is, if, as he has rightly said, they want to consult and have a consensus and just now they are not coming forward with the Bill—it will come at a later stage.. *(Interruptions)* It is the Speaker who has to decide a point of order ; the majority cannot decide a point of order....*(Interruptions)*

SHRI BHAGWAT JHA AZAD (Bhagalpur) : Then I would say that when there is no subject, there can be no point of order.

PROF. MADHU DANDEVATE : My point of order is....

MR. SPEAKER : No point of order.

PROF. MADHU DANDEVATE : Can a Member not seek a clarification ? When the Bill itself is going to be kept pending,

there is no question of application to Jammu & Kashmir, and article 370 is not affected.

MR. SPEAKER : Nothing.

(Interruptions)

MR. SPEAKER : Why are you trying to be funny ? I can decide it. Are you to guide me ? I do not need your guidance, I do not need your assistance. I can decide it.

PROF MADHU DANDAVATE : What is this tradition ? Never is a point of order cowed down by a majority. I am raising a point of order.

MR. SPEAKER : I have overruled it.

PROF. MADHU DANDAVATE : I am only saying this. When the Bill itself is pending, in that case, the question of its application to Jammu & Kashmir does not arise. Why does he not clarify it ?

MR. SPEAKER : Overruled Mr. Janga Raddy, what is your point of order ?

PROF. MADHU DANDAVATE : Sir, you do not allow any procedural debate to take place in the House. It is a Constitutional issue. You want to cow us down.

MR. SPEAKER : I don't do it.

PROF. MADHU DANDAVATE : It is a constitutional issue. They have landed into trouble because they have....

(Interruptions)

MR. SPEAKER : Mr. Janga Reddy.

[Translation]

SHRI C. JANGA REDDY : Kindly allow me to make a mention under rule 377 on the question of increase in reservation quota of backward classes in Andhra Pradesh which is a backward State. Schools and colleges are lying closed there completely.

[English]

MR. SPEAKER : It is all right.

SHRI ASUTOSH LAW (Dum Dum) : It has been reported in a Bengali paper that political parties are spreading communal feelings in the district of Nadia. This is the photostate copy.

MR. SPEAKER : You give it to me. Not like this.

SHRI ASUTOSH LAW : It is a serious matter.

SHRI DINESH GOSWAMI : We are not opposed to the application of this order to Jammu and Kashmir, let us make it very clear. We want that this should be applicable to Jammu and Kashmir, also.

MR. SPEAKER : It will apply everywhere, wherever the House likes.

PROF. MADHU DANDAVATE : Our contention is that it is not applied at present. The Bill has not come.

SHRI DINESH GOSWAMI : The only point on which we are asking for a clarification is whether, in applying a particular provision of the Constitution of the law to the Jammu and Kashmir, the power is with the Governor or with the State Legislature.

MR. SPEAKER : We shall take it into consideration when the Bill comes.

(Interruptions)

S. BUTA SINGH : Sir, I am a little surprised....

MR. SPEAKER : I am also surprised.

S. BUTA SINGH : I am a little surprised over the way Madhu Dandavateji is trying to make an issue out of a non-issue....*(Interruptions)*....Why don't you listen now, you have been shouting.

PROF. MADHU DANDAVATE : That is because you were not listening. My point of order has been cowed down by the majority.

S. BUTA SINGH : Firstly, I am not competent to say whether this was a point of order because you Sir, were very kindly conducting the House in a proper manner.

MR. SPEAKER : I have over ruled it.

S. BUTA SINGH : In my humble opinion there was hardly any point of order . . . *(Interruption)* . . . I have my opinion and I must give my opinion.

(Interruptions)

MR. SPEAKER : He is replying to something. Listen to him now . . . don't shout.

S. BUTA SINGH : The knowledge of the rules and conducting of business of this House is not the monopoly of a particular member here. Every member . . .

(Interruptions)

PROF. MADHU DANDAVATE : An Hon. Member can raise point of order hundred times. In the Constituent Assembly Mr. H.V. Kamath raised point of order 150 times. Do you agree with this—he says that you cannot raise point of order every time. Mr. H.V. Kamath raised point of order 150 times in the Constituent Assembly.

MR. SPEAKER : The Rule says :

“Point of Order may be raised in relation to the business before the House at the moment.”

Now there is no business.

(Interruptions)

S. BUTA SINGH : Having said that, now the Hon. Member opposite seem to be worked up on a purely hypothetical issue. If I have to . . .

(Interruptions)

MR. SPEAKER : Now listen to him.

S. BUTA SINGH : Sir . . .

PROF. MADHU DANDAVATE : Is this notification hypothetical ?

SHRI ABDUL RASHID KABULI : What about this notification ?

S. BUTA SINGH : How does it become a proceeding of this House ?

MR. SPEAKER : It is okay. You please carry on.

S. BUTA SINGH : My humble submission to this House is that unfortunately certain parties are trying to make issue from every point whether it is of national importance or regional importance. *(Interruptions)*

PROF. MADHU DANDAVATE : It is for you to decide and not for him. The Minister is encroaching upon the powers of the Speaker.

MR. SPEAKER : It is not a ruling. It is his view. You say something and he may say something. It is not a ruling.

PROF. MADHU DANDAVATE : He is encroaching upon your authority.

S. BUTA SINGH : Sir, my humble submission is that a constitutional provision is going to be invoked for the first time for a specific purpose and that is a purpose in the national interest. Sir, Government is very very carefully proceeding under the Constitution. All that is given in the Constitution is being followed and I can assure this House that we will not go beyond the Constitution. Every inch of land in India is a part of the nation Sir, . . . *(Interruptions)*

SHRI SOMNATH CHATTERJEE : You please hear us.

MR. SPEAKER : Somnathji there is no point of order.

PROF. MADHU DANDAVATE : We are thoroughly satisfied. *(Interruptions)*

MR. SPEAKER : Please sit down. It is not a subject before the House.

SHRI SOMNATH CHATTERJEE : We want to have a clarification in regard to what he has said.

MR. SPEAKER : He has done it already. Please sit down.

(Interruptions)

SHRI SOMNATH CHATTERJEE :
Sir, they are shouting. We are not being
allowed...

MR. SPEAKER : Both of you are
shouting.

(Interruptions)

S. BUTA SINGH : Sir, my humble
submission is that....

SHRI SOMNATH CHATTERJEE :
Kindly hear us for one minute.

MR. SPEAKER : What is there to
hear? He has explained it. There is no
point of order.

(Interruptions)

S. BUTA SINGH : Let me complete.
The Chair has allowed me.

MR. SPEAKER : It is very much clear.
No more clarification is needed. Every-
thing is going to be under the Constitution
and nothing beyond the Constitution So
simple it is.

SHRI SOMNATH CHATTERJEE : He
has given a judgement.

MR. SPEAKER : There is no question
of judgement. Only I can give the ruling.

PROF. MADHU DANDAVATE : I
think he has said no Article of the Consti-
tution will be encroached upon including
Article 370 and I am satisfied.

MR. SPEAKER : It is all right now.
Please take your seats.

S. BUTA SINGH : Sir, just one word
and I have done.

SHRI SOMNATH CHATTERJEE :
The Constitutional point is when there is
no popularly elected Government whether
Governor can be equated with the Govern-
ment of the State.

(Interruptions)

MR. SPEAKER : What Constitution
says prevails. There is no question of any-
thing more.

SHRI SOMNATH CHATTERJEE :
This is something unique.

MR. SPEAKER : I have not allowed
the hon gentleman to say anything.

*(Interruptions)***

MR. SPEAKER : I only want that the
Constitution to be followed and the inte-
grity of the country to be preserved at any
cost.

S. BUTA SINGH : My last word on
this issue is that the Governor of Jammu
and Kashmir whatever he has done so far
is as per the Constitution of India. There
is nothing unconstitutional.

11.29 hrs.

PAPERS LAID ON THE TABLE

[English]

Notification under Handlooms (Reservation of Articles for Production) Act, 1985

THE MINISTER OF STATE OF THE
MINISTRY OF TEXTILES (SHRI
KHURSHID ALAM KHAN) : I beg to lay
on the Table—

- (1) A copy of Notification No. S.O.
459(E), (Hindi and English ver-
sions) published in Gazette of
India dated the 5th August, 1986
containing Order reserving certain
articles mentioned in the notifica-
tion for exclusive production by
Handlooms under sub-section (2)
of section 3 of the Handlooms
(Reservation of Articles for Pro-
duction) Act, 1985. [Placed in
Library. See. No. LT 3104/86]
- (2) A statement (Hindi & English
versions) explaining the reasons

[Shri Khurshid Alam Khan]

for not laying the Annual Report and Audited Accounts of the Jute Manufactures Development Council for the year 1984-85 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT 3105/86]

Copy of the Profit and Loss account and Balance sheet of the Telecommunication Branch of Posts and Telegraphs Department for the year 1984-85

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI KHURSHID ALAM KHAN) : On behalf of SHRI RAM NIWAS MRDHA, I beg to lay on the Table a copy of the Profit and Loss Account and Balance Sheet (on accrual basis) of the Telecommunications Branch of Posts and Telegraphs Department for the year 1984-85 (Hindi and English versions). [Placed in Library. See No. LT 3106/86]

Annual Report and Review on the working of the National Capital Region Planning Board for the year 1985-86

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH) : I beg to lay on the Table—

- (1) A copy of the Annual Report (Hindi and English versions) of the National Capital Region Planning Board for the Year 1985-86, under section 24 of the National Capital Region Planning Board Act, 1985.
- (2) A statement (Hindi and English versions) regarding Review by the Government on the working of the National Capital Region Planning Board for the Year 1985-86. [Placed in Library. See No. LT 3107/86]

Copy of the Delhi Sales Tax (Fifth Amendment) Rules, 1986.

THE MINISTER OF STATE OF THE MINISTRY OF FINANCE (SHRI JANAR-

DHANA POOJARY) : I beg to lay on the Table a copy of the Delhi Sales Tax (Fifth Amendment) Rules, 1986 (Hindi and English versions) published in Notification No. F. 4(46)/84—Fin. (G) in Delhi Gazette dated the 14th August, 1985, under section 72 of the Delhi Sales Tax Act, 1975. [Placed in Library. See No LT 3108/86]

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Sir, please listen to me.

MR. SPEAKER : You can give me in writing.

SHRI SAIFUDDIN CHOWDHARY : Today is the last day.

MR. SPEAKER : We are going to meet again.

SHRI SAIFUDDIN CHOWDHARY : It is a separate issue.

MR. SPEAKER : You give me intimation and I will find out.

SHRI SAIFUDDIN CHOWDHARY : Please listen to me.

MR. SPEAKER : What is your point of order ?

SHRI SAIFUDDIN CHOWDHARY : Sir, I gave a privilege motion against Mr. K.K. Tewary. The reply has not come from the Minister. You gave your ruling on 9th July, 1980.

MR. SPEAKER : You can give it me... If you do not listen, what can I do?... You give it to me and I will listen.

SHRI SAIFUDDIN CHOWDHARY : Today is the last day of the Session.

MR. SPEAKER : You give it to me and I will listen.

SHRI SAIFUDDIN CHOWDHARY : He has violated your ruling.

MR. SPEAKER : You have not listened to me. If you say that you are not satisfied, I will listen to you again.

SHRI SAIFUDDIN CHOWDHARY : No question of satisfaction. He has to reply under his signatures.

MR. SPEAKER : You give it to me.

SHRI SAIFUDDIN CHOWDHARY : You have given your ruling.

MR. SPEAKER : That is all right. You give it to me in writing again that this has happened, and I will take action. What can I do otherwise ?....I cannot have it now.

(Interruptions)

MR. SPEAKER : I have to do it in a proper manner. You have to write to me.

SHRI SAIFUDDIN CHOWDHARY : It is violation of your ruling.

MR. SPEAKER : You have to write to me regarding this, that this has been the impropriety, this is out of order and this is not wanted, and then I will take action. You give it to me and I will give you my ruling.

SHRI SAIFUDDIN CHOWDHARY : Your ruling is there ; you are not understanding my point....*(Interruptions)*

MR. SPEAKER : It has to be given to me in writing and then I will see to it.

SHRI SAIFUDDIN CHOWDHARY : I am writting to you, but you kindly take note that the Minster has violated your ruling....*(Interruptions)*

MR. SPEAKER : You are making me angry unnecessarily.

PROF. MADHU DANDAVATE : The trouble is that instead of catching your eye, we have to catch your ears and our throats are completely dry....*(Interruptions)*

MR. SPEAKER : It is not that. You are out of tune with the time. I listen to everything. I did not allow that gentleman and he created a rumpus. What can I do ? He would not listen. Is this the way hon. Members should behave in the House ?

PROF. MADHU DANDAVATE : Even when a point of order is raised, instcad of

your giving the ruling, they start shouting.

SHRI BHAGWAT JHA AZAD (Bhagalpur) Your eye should move all round ; it should not be monopolised only by some Members.

MR. SPEAKER : I am really pained. When we have got everything under control, when we allow everything to be discussed in a proper manner, I do not know why should we have all this ? There is no basis at all. I never disallow anything which is within the rules, or which is of prime importance to this country, or to a State ; nothing is disallowed.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir....

MR. SPEAKER : Not allowed, you have to give notice.

SHRIMATI GEETA MUKHERJEE : I have written to you a letter.

MR. SPEAKER : This is not the time to discuss our letters.

SHRI BRAJAMOHAN MOHANTY (Puri) : The restrictions put by the Government of Assam on the Central Ministers in violation of Article 265 of the Indian Constitution are a matter of great concern and I have given a notice also. The Home Minister may be requested to make a statement....*(Interruptions)*.

[Translation]

MR. SPEAKER : I shall ask him....*(Interruptions)*....

[English]

SHRI B.N. REDDY (Miryalguda) : I want to make a statement under Rule 377. I must be allowed ...*(Interruptions)*.

MR. SPEAKER : Look at this gentleman. He is quited aged and an intelligent Member. What is he doing ? The funniest part of the position is that we have allowed a Calling attention, we have allowed earlier under other rules also. If everything is allowed, than what belongs to one's cons-

[Mr. Speaker]

tituency becomes of prime importance. What can you do? If everybody wants to take the law into his own hands and start reading, then what happens?

To which party does he belong?

SHRI SOMNATH CHATTERJEE : He belongs to my party.

MR. SPEAKER : Will you allow him to do that?

PAPERS LAID ON THE TABLE—*Contd.*

[English]

Annual Report and Review on the Working of the Karnataka Dairy Development Corporation Ltd. Bangalore for the Year 1983-84

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under section 619A of the Companies Act, 1956 :—

(i) Review by the Government on the working of the Karnataka Dairy Development Corporation Limited, Bangalore, for the year 1983-84.

(ii) Annual Report of the Karnataka Dairy Development Corporation Limited, Bangalore, for the year 1983-84 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. LT 3109/86]

(3) A statement (Hindi and English versions) explaining the reasons for not laying the annual Report and Audited Accounts of the Rajasthan Dairy Development Corporation Limited, Jaipur, for the year 1980-81, 1981-82, 1982-83, 1983-84 and 1984-85 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT 3110/86].

11.33 hrs.

MESSAGES FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha :—

(i) 'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Tuesday, the 12th August, 1986, adopted the following motion in regard to the Committee on Public Undertakings :—

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to nominate one Member from Rajya Sabha to associate with the Committee on Public Undertakings of the Lok Sabha for the unexpired portion of the term of the Committee *vice* Miss Saroj Khaparde ceased to be a Member of the Committee on her appointment as a Minister of State and do proceed to elect in such manner as the Chairman may direct, one members from among the member of the House to serve on the said Committee.”

I am further to inform the Lok Sabha that in pursuance of the above motion, Shri Jagesh Desai, Member, Rajya Sabha,

has been duly elected to the said Committee.'

(ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 21st August, 1986, agreed without any amendment to the National Security Guard Bill, 1986 which was passed by the Lok Sabha at its sitting held on the 20th August, 1986."

11.34 hrs.

ASSENT TO BILLS

[English]

SECRETARY-GENERAL : Sir, I lay on the Table three Bills passed by the Houses of Parliament during the current session and assented to.

- (1) The Indian Electricity (Amendment) Bill, 1986
- (2) The Research and Development Cess Bill, 1986
- (3) The Merchant Shipping (Amendment) Bill, 1986.

(Interruptions)

SHRI SOMNATH CHATTERJEE :
With your permission....

MR. SPEAKER : Will you allow him to do like that? Now, Somnathji, you judge the issue. You are a lawyer. You are a pleader. Will you allow him to assume my power?

SHRI SOMNATH CHATTERJEE :
Now your anger is gone. You are your old self.

MR. SPEAKER : I am never angry. I had to say all that because Mr. Kabuli was impertinent.

(Interruptions)

SHRI SOMNATH CHATTERJEE :
Give him an opportunity on the last day Sir.

MR. SPEAKER : I do not know where you have been in the last days, when the House used to be very calm and

(Interruptions)

SHRI B.N. REDDY : I do not understand why I am not allowed to mention it. What else can be mentioned then?

MR. SPEAKER : If you behave like this.... Look here now. Look at the behaviour of the hon. gentleman. Now you say that I lose my temper. Look at this man!

SHRI SAIFUDDIN CHOWDHARY :
He is a very good man Sir.

SHRI SOMNATH CHATTERJEE :
He is a very good man and he is quite justifiably agitated because of the situation there.

MR. SPEAKER : I deem it, I consider it and I think that the whole House is composed of very good people.

SHRI SAIFUDDIN CHOWDHARY :
That is right!

(Interruptions)

PROF. MADHU DANDAVATE : You are unusually angry Sir.

MR. SPEAKER : No Sir. He provoked me. He started it. There is a limit to every thing. When that limit is crossed, there is some sort of a violent reaction. You do it unnecessarily, because I know that nothing is going to be done out of the Constitution. It cannot be.

(Interruptions)

MR. SPEAKER : Yes Bairagiji.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr Speaker, Sir, we would be grateful if you can impress upon only three Members sitting in these two blocks with your friendly behaviour. Whatever is happening in this House is mostly due to Shri Somnath Chatterjee, Shri Narayan Choubey and Shri Saifuddin Chowdhary. These three Members are responsible for creating this disorder.

[English]

SHRI SOMNATH CHATTERJEE : I am the most peaceful man.

SHRI SAIFUDDIN CHOWDHARY : Are you dissatisfied with my behaviour Sir ?

[Translation]

SHRI BALKAVI BAIRAGI : Secondly I request.... (Interruptions) ... Sir, it is my point of order. Today Mr. Saifuddin Chowdhary promised me in the presence of 50 other Members in the lobby that he would remain silent for whole the day, but now he is breaching his own promise.... (Interruptions)

AN HON. MEMBER : He promised in the lobby and not in the House.... (Interruptions)

MR. SPEAKER : You might have heard :

Woh wayada hi kya, jo wafa ho gaya.

SHRI BALKAVI BAIRAGI : Mr. Speaker, Sir, I request you that as it is last day of the session, whatever has been said by Shri Kabuliji, you should also say something in a jolly mood.

(Interruptions)

[English]

PROF. MADHU DANDAVATE : Sir, the assurance given in the Central Hall should be treated as an external affair. It should not be brought into the House.

MR. SPEAKER : That is what we did right now Sir.

Mr. Sultanpuri.

11.38 hrs.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

Eighteenth Report

[English]

SHRI K.D. SULTANPURI (Simla) : I beg to present the Eighteenth Report (Hindi and English versions) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on Action Taken by Government on the recommendations contained in the Fifty-eighth Report of the Committee on the Ministry of Industry (Department of Industrial Development)—Reservations for and employment of, Scheduled Castes and Scheduled Tribes in Khadi and Village Industries Commission and facilities provided for the economic development of Scheduled Castes and Scheduled Tribes by the Commission.

11.39 hrs.

STATEMENT RE : POLLUTION CONTROL IN DOON VALLEY

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI) : Doon Valley is an ecologically sensitive region which has witnessed accelerated ecological degradation during the last 25-30 years primarily because of unscientific and haphazard lime-stone quarrying operations in the 40 km wide Dehradun-Mussorie belt and the concentration of limestone based industrial units. The quarrying operations have denuded the hill slopes, resulting in excessive soil erosion, higher incidence of landslides choking of river beds, drying up of perennial springs and streams, changes in micro climate etc.

To ensure that development in the Valley takes place on a sustained basis with minimal environmental damage, the Doon Valley Board with representatives of the U.P. and Union Government was constituted in August, 1981. The Board has met 5 times so far and has specially recommended that :

- (a) Doon Valley should be declared a Pollution Free and Ecologically Fragile Zone ;
- (b) Only non-polluting industries like optics, electronics, watch making, assembly of scientific and medical instruments, etc. should be encouraged ;
- (c) Unscientific mining operations should be banned and abandoned mines reclaimed on priority ;
- (d) Regional Master Development Plan should be prepared so that development effort is compatible with environmental conservation ; and
- (e) A time bound regeneration plan should be prepared for the Doon Valley for its sustained development.

I would like to emphasise that the basic objective of the Government regarding Doon Valley, and other ecologically sensitive regions in the country, is to ensure sustained development. For this reason, the haphazard and unscientific limestone quarrying operations have been controlled on the Orders of the Hon'ble Supreme Court in March, 1985 and only 6 mines which were found to be working in a more scientific manner have been allowed to operate. This decision rendered 936 mine workers jobless, many of them migrats from Bihar/Rajasthan. Realising the likely difficulties of these workers, arrangements were made simultaneously to give alternative employment to workers in other productive work and a sum of Rs. 25.0 lakhs was made available to the District Administration for the purpose. Only 442 workers, however, chose to take up employment and the others went to either their home States or took up other work.

The Hon'ble Supreme Court has also stipulated that limestone in the area being of high quality, it should be used only where it is most required and should not be wasted as a building material or for cement manufacture. The 215 lime kilns operating in Dehradun, therefore, should not be supplied chemical grade limestone.

The cluster of primitive lime kilns operating in and around Dehradun has been a source of serious air pollution to the vulnerable Dehradun population which consists of a large number of school children and senior citizens. Pollution problem in Doon Valley has been further aggravated by the concentration of polluting industries, especially the Cement factories. Some industrial units have started their operations in violation of the stipulated norms and conditions imposed by the State Pollution Control Board. Other units have started operations even without obtaining "No Objection Certificate" from the State Pollution Control Board and in the full knowledge that the industries falling in the Red and Orange categories are not recommended to be set up in the Valley. While urging that polluting industries should not be set up in the Valley, the Doon Valley Board has also been emphasising that all incentives should be given to attract non-polluting industries so that the economic development of the region is not prevented, but it should be consistent with environmental safety.

Noting that inadequate progress has been made in implementing the decisions of the Doon Valley Board, the matter has been brought to the notice of the UP Government at various levels and we understand that the State Government has recently taken some action to control the polluting industries. A detailed report requested from the State authorities in this regard is still awaited.

In the mean time, I would like to assure the House that we are fully conscious of the need for striking a harmonious balance between environmental conservation and socio-economic development. We on our part want to ensure that on the one hand the ecological safety of the place is ensured ; on the other hand it should be

[Shri Z R. Ansari]

ensured that workers do not suffer. All our actions will not must be based on these twin principles.

MR. SPEAKER : Calling attention.

[Translation]

SHRI C. JANGA REDDY : Mr. Speaker, Sir, you may kindly convert it into 193.

MR. SPEAKER : How to spare the time for it ?

SHRI C. JANGA REDDY : We should also be given opportunity to speak on it.

[English]

MR. SPEAKER : You are unnecessarily wasting my time now.

[Translation]

SHRI C. JANGA REDDY : We want that we should be allowed to take part in the discussion and ask a few questions.

[English]

MR. SPEAKER : I have got no time. I am not God. I cannot create time. You get the session extended by one more week. It is not in my power.

[Translation]

It is beyond my power.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE

[English]

Serious situation arising out of unprecedented floods and cyclone in Andhra Pradesh, Kerala and other parts of the country

DR. CHINTA MOHAN (Tirupati) : I call the attention of the Minister of Agri-

culture to the following matter of urgent public importance and request that he may make a statement thereon :

“Serious situation arising out of unprecedented floods and cyclone in Andhra Pradesh, Kerala and other parts of the country and the steps taken by the Government in that regard.”

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : The situation arising out of recent floods is a matter of serious concern to all of us. Some states have been affected in varying degrees—resulting in large scale loss of life, property and crops. The states affected are Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal. The worst affected are Andhra Pradesh and some parts of Uttar Pradesh and Kerala.

Relying on reports received from the Government of Andhra Pradesh it is understood that 2685 villages in 13 districts have been affected. It is unfortunate that 126 human lives have been lost. Out of the affected villages 614 villages have been marooned. Cropped Area of 19.27 lakh acres has been affected. Damage to 884 major, medium and minor irrigation works and about 1.40 lakh houses has been reported. Road breaches have taken place at 112 points and 14 bridges are reported to have collapsed. The river Godavari had started receding on 17th August, 1986 and was flowing below danger level all along on 20th August, 1986 though extensive areas are still under water.

Immediately on receipt of the first news of the disaster in Andhra Pradesh a Central Reconnaissance Team consisting of Secretary Planning Commission, Secretary Department of Agriculture, Secretary Ministry of Water Resources, Director General of Health Services, Chairman, Central Water Commission and other senior officers visited the flood affected areas in Andhra Pradesh to have first hand information

about the damage and the relief and rescue operations being carried out by the State Government. Considering the severity of the disaster, Prime Minister himself visited Andhra Pradesh on 18th August, 1986 and made an aerial survey of the affected areas. On the basis of the discussion held with the Chief Minister of Andhra Pradesh and State Government officials, Prime Minister announced immediate Central assistance to enable the State Government to meet the situation. The following Central assistance has been sanctioned :

- (i) Orders have been issued for immediate release of Rs. 30.00 crores as Ways and Means Advance.
- (ii) Additional quantity of 50,000 tonnes of rice has been released.
- (iii) Release of additional 10,000 kilolitres of Kerosene oil, out of which 5,000 kilolitres in the current month and balance in September has been ordered.
- (iv) Release of 5,000 tonnes of edible Palmolein oil has been ordered.
- (v) On receipt of a request from the State Government, adequate quantities of short-duration paddy seeds will be made available to enable the State to retransplant paddy in affected areas.

Accurate and timely flood forecast and warnings by the Central Water Commission helped the Andhra Pradesh authorities to alert the people about the impending disaster. The Government of Andhra Pradesh have mounted a massive relief and rescue operations to alleviate the distress of the affected people. Army, Air force, and Navy are assisting the State Government machinery in rescue and relief operations. An estimated population of 8.20 lakh has been evacuated and 4.34 lakh food packets have been air dropped. 15 Helicopters, 357 boats/launches, 514 medical teams and 307 veterinary teams have been pressed into service.

The reports received from the Government of Kerala indicate that continuous

rainfall in the catchment areas of the main rivers caused sudden and extensive floods on the banks of Pamba, Manimala and Achankovil rivers. As a result extensive areas in Alleppey, Pathanamthitta, Ernakulam and Kottayam districts are reported to have been affected by floods, causing damage to agricultural crops, houses, sea walls, school and other public buildings. I am sorry to inform the House that 41 persons have lost their lives. The Govt. of Kerala have organised a large number of relief camps, emergency medical centers, free ration shops and taken all necessary measures for meeting the situation.

The Government of U.P. have reported that 3255 villages in 38 districts have been affected by floods. A population of 17,64,000 in an area of 3,22,000 hectares including 1,43,000 hectares of agricultural land have been affected. 109 persons have lost their lives and 1994 house have been damaged. The State Govt. have set up 529 outposts and 72 relief camps, pressed 1045 boats into service and shifted about 10,000 persons to safer places.

In Punjab heavy rains in the Malwa region from 24th June to 30th June affected Faridkot district and caused some damage in Bhatinda and Ferozepur districts also. A cropped area of 41,000 hectares in 287 villages has been affected, 712 houses totally and 6682 houses partially damaged. 1 human life and 8 cattle have been lost.

Floods and heavy rains have affected other states also in varying degrees. As per reports received so far 2662 villages in 27 districts in 10 other states have been affected. A population of 33.8 lakhs and a cropped area of 2.31 lakh ha. is reported to have been hit by floods. In these states 110 lives have been lost. Details of area and population affected are still coming in.

As the Members are aware, the financing of relief expenditure is based on the recommendations of the 8th Finance Commission and Government decisions thereon. The Margin Money available annually to the States has been increased from Rs. 100.55 crores to Rs. 240.75 crores annually on the recommendations of the 8th Finance Commission from the year 1985-

[Shri Yogendra Makwana]

86. This enables the States to take immediate action for providing relief to the flood affected people.

The State Government of Punjab have submitted a Memorandum seeking Central assistance for flood relief. A Central Team has been designated to visit Punjab to assess the requirement of Central assistance. No other State has submitted a Memorandum seeking Central assistance for flood relief.

I would like to assure the House that the Central Government would take all possible steps to supplement the efforts of the State Governments in mitigating the distress of the affected people.

MR. SPEAKER : Dr. Chinta Mohan.

DR. CHINTA MOHAN *rose*—

*(Interruptions)**

SHRI SOMNATH RATH : What about Orissa ?

MR. SPEAKER : You may take your seats. It is not your business now.

*(Interruptions)**

MR. SPEAKER : Nothing goes on record.

SHRI YOGENDRA MAKWANA : Sir, I have said in my statement that the information which is received from the State Government so far, I have placed before the House. I am still waiting for the reports from the State Governments. In case any State Government will request the Central Government, we will responded to it....*(Interruptions)*.

MR. SPEAKER : Nothing is going on record.

*(Interruptions)**

MR. SPEAKER : You must know the rules, hon. Members. The House

cannot run according to your wishes. The House runs according to the rules and the rules say that only Mr. Chinta Mohan is allowed to put his questions. You are not allowed....

*(Interruptions)**

MR. SPEAKER : I cannot allow. I have no time Mr. Acharia. Why don't you understand certain things ? It is a basic thing....

*(Interruptions)**

MR. SPEAKER : Now take your seats....

*(Interruptions)**

MR. SPEAKER : Not allowed....

*(Interruptions)**

MR. SPEAKER : Mr. Vishnu Modi, not allowed. Will you sit down....

*(Interruptions)**

[*Translation*]

SHRI GIRDHARI LAL VYAS : Please help us....

MR. SPEAKER : Help is a different thing.

[*English*]

But we cannot allow this. It is not free for all. Please sit down.

THE MINISTER OF AGRICULTURE (DR. G.S. DHILLON) : May I take one minute ? Mr. Speaker, Sir, in this statement we gave the number of loss of life in Andhra Pradesh as 126. This morning it came on the radio that it was almost 160. We tried to reconfirm it from the Chief Secretary of Andhra Pradesh. So far we have not received any information. If there is any need to change, I will certainly change this figure during the course of the debate....

*(Interruptions)**

MR. SPEAKER : Nobody is allowed except Mr. Chinta Mohan....

*(Interruptions)**

[Translation]

MR. SPEAKER : Is there any use of telling you ?

*(Interruptions)**

We shall do it, for one and all.

[English]

It does not form part of the record....

*(Interruptions)**

MR. CHINTA MOHAN : Sir, from Ganges to Cauvery, we are seeing floods today. Today there have been floods in U.P., we also witnessed floods in Kerala, but the flood in Andhra Pradesh is something tremendous and the people of Andhra Pradesh are in grief. The children are not able to get milk and the people are half floating in the river waters of Godavari today. Godavari is the river starting from the western ghats and ending in the eastern coast of Andhra Pradesh. It has got 3,450 TMCs, of water, out of which only five per cent is being utilised in the Doulesuaram ani-cut but the rest of the water is going into the sea. Today, because of the cyclone from the Bay of Bengal and due to the heavy rains, we are witnessing lot of floods. When we look at the people of the Andhra Pradesh, we see tears in their eyes. Even people with lot of money do not have water to drink. This is the situation there. Not only the people of Andhra Pradesh but the entire nation has to share this grief of the people of Andhra Pradesh. At this juncture, I would like to express my sorrow and sympathy to the people of Andhra Pradesh who are in grief now. We are getting 3,450 TMCs, of water from Godavari but out of that we are able to utilise only five per cent. We have got Suaram Sagar project. Apart from that there is no other project to utilise this water. The Government of Andhra Pradesh has been constantly and persistently

pursuing with the Government of India to give clearance to the Kovalam Project. But because of the callous attitude, because of the useless attitude of the Government of India, today we are witnessing the floods....*(Interruptions)*

PROF. P.J. KURIEN : Sir, the word useless is unparliamentary. It should be withdrawn.

12.00 hrs.

He should withdraw that. Can we say that the Andhra Government is "useless" ? He should withdraw.

MR. SPEAKER : You can say that to him.

DR. CHINTA MOHAN : I will request the Government of India to take up the Polavaram project. They have to see because the people of Andhra are grieved and 160 people are dead, so many persons are injured and more than 2690 villages are drowned today. There is no communication between the villages and the rest of the country today.

SHRI RAM SINGH YADAV : The Prime Minister has given Rs. 30 crores at the very moment.

KUMARI MAMTA BANERJEE : We are very much concerned about it. The Prime Minister has already visited that place and he has already given Rs 30 crores.

DR. CHINTA MOHAN : We have got complete damage to the houses of about 1,11,000.

SHRI S. JAIPAL REDDY : Sir, he is not their Minister. The Prime Minister is for the entire country. He did not give charity. What he gave is far from adequate. It has no relation to the magnitude of the crisis confronted by the State.

(Interruptions)

SHRI M. RAGHUMA REDDY : Sir, why is she doing like this ?

MR. SPEAKER : I think, the subject is so serious.....

SHRI M. RAGHUMA REDDY : Why are you allowing ?

MR. SPEAKER : I am not allowing. Mr. Raghuma Reddy. You know that without my permission, nothing is allowed to go on record. I have not allowed any body except Dr. Chinta Mohan.

SHRI M. RAGHUMA REDDY : Why is she telling like that ?

MR. SPEAKER : Can I put my hand in her mouth ? I can appeal to your good sense and their good sense and ask your good sense to understand some common sense.

DR. CHINTA MOHAN : Sir, on the Pollavaram project.....

MR. SPEAKER : Mr. Chinta Mohan, you should concentrate on the loss and hardship suffered by the people, the problems being faced by the poor people due to floods. These things we can take up later on, Dams and these projects, you can talk later on, because you have only 10 minutes.

PROF. MADHU DANDAVATE : In the mean time, control that flood.

MR. SPEAKER : I will control them; I will not allow them.

DR. CHINTA MOHAN : On the 15th and 17th, the Chief Minister visited the flood affected areas. On the 19th of this month, it was very kind that the Prime Minister of India had reached the flood affected areas and was also very kind that he released about Rs. 30 crores to the flood victims. However, it is a drop in the ocean now. The loss is about Rs. 900 crores. But the actual figures are touching more than Rs. 2000 crores. Only the actual direct loss of property is about Rs. 900 crores, as of today. The indirect loss of railways, transport communication and other revenues may touch about Rs. 200 crores.

How to control flood is an important issue and I would like to say a few things

about it. There are short-term and long-term measures. We have got the spread of epidemics and cholera in the flood affected area and people are afflicted by these epidemics. There is no safe drinking water. Relief camps have come. Medical team and veterinary team are with the people of Godavari area. Cattle do not have fodder ; children do not have milk to drink. At this juncture, I request the Government that they must come out with immediate relief of about Rs. 50 crores to the Government of Andhra Pradesh to meet the needs of the people who are suffering. Fodder should be supplied to the cattle and fertilizers to the farmers immediately. Immediate steps should be taken so that they will fill their belly at least once a day.

Coming to long-term measures, this Polavaram project has to be cleared very soon. (*Interruptions*)

MR. SPEAKER : I appeal to the hon. Members in this august House to observe some sort of decency so that people can listen to what the hon. Member is saying. It is a very tragic circumstance which is prevailing and they should not be talking among themselves and making a lot of noise. This is not proper.

DR. CHINTA MOHAN : Sir, the Government of India would give immediately another advance of Rs. 50 crores as relief to the flood affected people. Also, this Godhavari bridge is almost touching that area. Atleast 5 feet has to be raised immediately and that bridge has to be taken up by the Government. Then only there will not be any floods, there will not be any sort of damages to the country in the coming future. I would like to suggest that there should be a Flood Insurance Scheme. You are giving Crop Insurance to the farmers. In the same way, there should be a Flood Insurance Scheme with the Government of India. Each and every time you are giving money to the people whose huts have been damaged. The ryots are suffering very much. What about their cattle ? What about their lands ? Today the Godavari land, the granary of India, has become a desert. It is flooded with sand and it takes a lot of time for them to reclaim...

The Government should immediately see that long-term loan should be given at low interest rates to the farmers so that they can cultivate their fields so easily.

The East Coast is much prone and vulnerable for natural calamities. West Bengal, Orissa, Tamil Nadu, Andhra Pradesh are being affected every time. In the Month of November, there is every danger of facing cyclone or some type of floods. At this juncture, I would request the Government that they should come out with a plan for providing East-Coast Flood Control Authority so that the people of flood victims can get the relief immediately.

I would also like to say that the people are not well trained to give relief for these people. There should be a Disaster Institute which may be located in the Andhra Pradesh or anywhere in the South so that they can reach immediately to see that the people can get relief immediately. With these words of expressing the need that Polavaram Project should be cleared immediately, I would like to conclude...

(Interruptions)

SHRI C. JANGA REDDY (Hanamkonda) : You are only talking about Polavaram. What about the Inchampali project ? That has also to be taken up.

DR. CHINTA MOHAN : Yes, that has also to be included, very shortly.

AN HON. MEMBER : He has got his name included.

MR SPEAKER : He has succeeded in it.

[Translation]

Allright. Whatever has been stated by Shri Janga Reddy, may become part of the record.

SHRI HARISH RAWAT (Almora) : Mr. Speaker, Sir, we all have sympathy with the flood-affected people of Andhra Pradesh. I thank the hon. Prime Minister for granting immediate help to the flood-victims of Andhra Pradesh. Fury of flood has caused great devastation in Andhra

Pradesh and in view of it, I would like to request the hon. Minister of Agriculture that more relief should be provided to the flood-victims so that the arrangement of their rehabilitation, food and medicines could be made.

Sir, the speech of hon. Member from Tirupati has pained me very much, because he tried to give a political colour to this human problem. It is true that Andhra Pradesh had been a famine-affected area since 1983, but now other natural calamities are also affecting it. But instead of finding solutions and tackling problems, if any one tries to give political colour to the problem and speaks against the Centre, I think, that would not be helpful.

Sir, so far as the people of Andhra Pradesh are concerned, they are dearer to us and to all Indians than to Telugu Desam. We want that the maximum help should be provided to them.

I would also like to request that immediate relief, as has been provided in Andhra Pradesh, should also be provided to the people of Vidarbha region, Kuttanad district in Kerala and many districts of Uttar Pradesh which have also been very badly affected by the floods.

MR SPEAKER : Kota has also been affected by the floods.

SHRI HARISH RAWAT : Mr. Speaker, Sir, you should request the Prime Minister to grant assistance to these areas also.

The assistance should also be provided to the other flood-affected areas of Rajasthan, Punjab, Himachal and Haryana.

The floods have caused us a loss of about Rs. 50,000 crores since our first plan. If we take into account the damage caused to the crops alone, it would exceed Rs. 50,000 crores. According to an estimate, the crops worth Rs. 316 crores are damaged every year. It is also clear from the fact that during Sixth Plan we had spent a sum of Rs. 780 crores on flood control works and a sum of Rs. 1200 crores had been provided by the Centre as assistance. The State Governments had also spent separately. Every year we

[Shri Harish Rawat]

have to spent a huge amount for this purpose. So, it is necessary that in flood-prone areas, some permanent solution should be found out.

As per an estimate, rivers of our country carry about 1440 million acre feet of water every year. Since 1952, we could utilise only 540 million acre feet of water and our storing capacity is just 130 million acre feet. I would like to request the hon. Minister of Water Resources that in consultation with the concerned Ministers of all the State Governments, he should formulate a comprehensive plan on priority basis to make best use of our water resources and the funds, should also be made available for this purpose.

The issue of inter-linking of all rivers with one another and to prepare a national grid has been raised several times. More stress has been laid on the importance of such a scheme, but no practical effort was made to construct such long canals, to inter link even canals if not the rivers, so that the surplus water could be utilised. On the one hand the rivers in Uttar Pradesh cause heavy floods and on the other hand, Haryana has to fight for water. In the famine-prone area of Rajasthan, which Mr. Speaker represent, the water is scarce for the people. I would request the Government, through you, that this plan should be considered. Besides it, we can also increase our storing capacity. The hon. Minister should consider this suggestion also.

Several times it has been suggested that the people residing along the rivers, which experience floods every year, should be rehabilitated at some other places. The State Governments should enact some law in this regard so that provision could be made to rehabilitate the people living on either side of the river within two to three kms. distance and who are generally affected by the frequent floods. Besides this, more provision should be made for relief funds. I think that by doing so, the Government can at least check the loss of life to a great extent, if not the loss of property.

Today, the flood forecasting and warning system is very effective in many States, particularly in the coastal areas, but it is not that effective in other States like Uttar Pradesh etc. This needs to be made more effective.

There is also need to enact laws for proper land utilisation. A survey of the floods-affected areas should be conducted on a large scale. It has been repeatedly pointed out in this House that a survey should be conducted of those areas which are frequently affected by natural calamities, whether it is the famine or the floods, and on the basis of facts that come to light, a permanent solution to this problem should be found out.

I would request the hon. Minister to set up a permanent commission for assessing the situation of floods and natural calamities which could immediately react, otherwise the State Governments like that of Andhra Pradesh will always get an opportunity to complain.

There is a proposal to set up National Calamity Institute and I would like to submit that it should be set up in an area which is well-equipped so that it can serve the purpose when the occasion arises. In this connection, I would like to mention that floods cannot be checked unless the work of soil conservation is given top priority in the hill areas. It is true that the State Governments are making some efforts in this direction, but the amount of work that should have been done in the catchment areas is not satisfactory.

[English]

MR. SPEAKER : You are not going on record now. Prof. Kurien.

SHRI HARISH RAWAT : Give me one minute, Sir.

MR. SPEAKER : No. Not at all. You are not going on record. When I say 'No', that means 'No'.

SHRI HARISH RAWAT : It is a very important subject. You are not allowing even five minutes.

[Translation]

The calling attention has been turned into a farce. You have converted it into a half-an-hour discussion. It would have been better, had we put a question and the hon. Minister replied to it. If you do not allow us to speak on this, how will it serve the purpose?

[English]

MR. SPEAKER : Mr. Rawat, will you take your seat? I told you that day also and today also. I am carrying out what you have decided. You decide it otherwise and I will do otherwise. Don't tell me one thing and try to get another thing done by me. You have done it. It is not I who has done it. I told you on that day also. Whatever is entrusted to me, I try to do it, and when I do it, you try to obstruct me.

(Interruptions)

MR. SPEAKER : Who did it? Did I do it? Then you change it. I will do it. Do not blame me. I am not the culprit. You are the culprit.

[Translation]

SHRI HARISH RAWAT : Mr. Speaker, Sir, I do not want to argue. I am just making a request, through you, and drawing the attention of Business Advisory Committee towards this.

[English]

MR. SPEAKER : It is not proper. Do not try to bluff me. Prof. Kurien.

PROF. P.J. KURIEN (Idukki) : Sir, I have carefully gone through the statement given by the hon. Minister. The amount of devastations and damages caused has been described here. It is found that 125 human lives have been lost in Andhra Pradesh, 41 persons died in Kerala and 109 persons in U.P. in addition to damages to property, crops etc.

First of all I would say that the information given by the Minister about the number of persons died in Kerala is not correct. You have mentioned the deaths

in Alleppey, Pathanamthilla, Ernakulam and Kottayam, but you have avoided my own district Idukki, the Constituency from which I have come. According to press reports and other information I have received, 13 persons have died in Idukki also this is not included in the list. I hope the hon. Minister to correct it.

I am very happy that the Prime Minister visited Andhra Pradesh and has given liberal assistance to the State of Andhra Pradesh. Of course, they deserve it because the havoc there was so very serious. But I do not know why assistance has not been given to the other States. My hon. friend from Andhra Pradesh was complaining and saying that this Government was useless—that Government which gave them Rs. 30 crores and all other assistance. In spite of busy schedule, our Prime Minister visited that State and gave them so much of assistance. (Interruptions) How can you call it a useless Govt. What about other States. You have not mentioned about assistance given to Kerala, you have not mentioned of any assistance given to U.P., you have not mentioned of any assistance given to Punjab. The Agriculture Minister is from Punjab. (Interruptions)

PROF. MADHU DANDAVATE : Really you deserve to condemn the Government, not he.

PROF. P.J. KURIEN : Sir, whatever time they take by way of interruptions, to that extent you should give me more time.

In spite of the fact that 109 persons died in U.P., you have not mentioned of any assistance to U.P. 41 plus 13 people died in Kerala but no assistance has been given to Kerala. Therefore, our complaint is that you are giving more assistance to Andhra Pradesh. (Interruptions) In this connection I have to make one point. In your statement you have said that accurate and timely flood forecasts and warnings by the Central Water Commission helped the Andhra Pradesh authorities to alert the people. I would like to know as to how, in spite of these alerts and warnings given by the Central Water Commission to the Andhra Pradesh, 126

[Prof. P.J. Kurien]

persons have died there. Was it that the State Government was sleeping?

(Interruptions)

[Translation]

SHRI C. JANGA REDDY : The Government have done it to the extent it was possible. (Interruptions)

[English]

PROF. P.J. KURIEN : I am not deviating from the statement. I am only saying from the statement that timely warning was given to Andhra Pradesh Government. Why that Government was not able to give sufficient warning to the people and evacuate them from vulnerable areas. (Interruptions)

SHRI M. RAGHUMA REDDY : The State Government had made all efforts.

PROF. P.J. KURIEN : You were given sufficiently early warning ; but you have not taken care to evacuate the people from flood prone areas. Therefore, the responsibility of that is with you.

Having said so much, I would like to know from the Hon. Minister about Kerala. The Revenue Minister who is incharge of Flood Relief announced in the Press that he had requested the Central Government for flood relief assistance. But in your statement you have said that no request has been received from the State of Kerala even as on today. I would like to know the correct position as to whether the Government of Kerala has made any request to you for flood relief assistance, since they have already announced it in the Press.

Secondly, I would like to know whether you have got any long term plan for tackling the flood and drought situations. Every year we have got floods and we spend crores of rupees on ad-hoc measures. Ad-hoc release of grants are a waste even if the State Government is fully utilising it. There has got to be some long term plan for tackling it. Mr. Rawat was suggesting

linking of Ganga-Cauvery rivers. It is a very good thing if you can do it.

With regard to Kerala, I have to make a positive suggestion because in Kerala all the rivers are flowing from east to west and they are at closer distance, you can connect all the rivers by a programme stretched over five years. If you connect all the rivers by a canal 80% of the flood problem will be solved. I assure you that the amount you spend for five years on ad-hoc measures of flood relief will be enough to construct this canal. I would suggest that even if the State Government does not write in this regard, you may please ask them to bring up the proposal. Sir, I am suggesting a new canal connecting all the rivers from north to the south of Kerala.

I would like to know whether you have got a programme for insurance to the flood affected people. What is the assistance you are giving to those who have died? I have got a letter from my constituency yesterday. One girl, Thresiamma from my constituency has written that last year her father, the only earning member of the House, died of floods and there is no other earning member. They are starving now. She has passed S.S.L.C., pre-degree and typewriting test also but there is no employment.

I would ask you—so many people died all these years due to floods and natural calamities. Can you think of providing their dependents some job. Secondly can you consider these calamities as national calamities and meet the entire expenditure by the Central Government?

We have in Kerala sea erosion. That should be treated as national calamity. Our own land is being eroded away by sea. The entire expenditure to prevent sea erosion should be met by the Central Government. Flood relief assistance and drought relief assistance should be given as hundred percent grant to the States because these are national calamities. I would like to know whether you agree with these proposals.

SHRI MULLAPPALLY RAMACHANDRAN (Cannanore) : Sir, true to the predictions of the environmental

scientists once again our lands are being devastated by the fury of floods. Vast areas in various parts of the country have been totally submerged leaving the inhabitants destitute and homeless.

Although the recent monsoon onslaught affected several parts of our country I would like to confine myself to the State of Kerala from where I hail. The State of Kerala appears to be cursed by nature this year. The belated monsoon and the severe drought has caused cent-per-cent power cut in the State of Kerala. Due to this power-cut all the industries have been brought to a standstill and the first crop has already been damaged. This is followed by extensive rainfall of severe intensity in all the districts of the State which has submerged the second crop of the year which was almost ready for harvest. Natural calamities like floods, land-slides, sea erosion, etc. are a perennial problem so far as Kerala is concerned. Of late when there is no rain there is drought when it rains there is devastating flood. There is rarely a year when neither happens. The biggest festival of Kerala, Onam, is fast approaching. So far as Kerala is concerned this Onam festival is the harvest festival of our people. Unfortunately this time our farmers do not have an opportunity to celebrate this festival because they have no crop to harvest.

12.28 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Another segment of the society which is badly affected by this monsoon is fishermen. In a densely populated State like Kerala the fishermen are living along the coastal belt of Kerala and they live in small thatched huts and during monsoons powerful winds sweep the shores and demolish most of their huts. Many lives are also lost in the sea. In the face of abject poverty and starvation the fishermen are often driven out to sea despite the warning of the meteorological department. Sea erosion of the worst type along the entire 520 km length of coastline was witnessed during this monsoon. Extensive areas in the districts of Alleppey, Kottayam, Pathanamthilli, Idukky, Cannanore, Kasargod, Calicut, etc. have been inundated.

According to the latest information which I received from Trivandrum yesterday night the death toll is reported to have risen to 65 and relief measures have been extended to 5 lakh people in over 1500 camps. Loss of crop alone is estimated to be to the tune of Rs. 30 crores. The number of houses damaged is 1 lakh. Damage to public property like roads, bridges, etc. is estimated to be Rs. 200 crores. This is only a quick estimate. Information is still coming from different districts. I reliably understand that our Chief Minister has already contacted the Central Government for help. Unfortunately nothing is mentioned in the reply given by the Minister. I also understand our Chief Minister is coming to Delhi next week and he is going to give an elaborate report on the flood situation. The Kerala Government has appealed to the Centre to give an amount of Rs. 10 crores as a preliminary assistance for relief. I urge upon the Government to be kind enough to allow Rs. 100 crores for the State of Kerala for rehabilitation activities. It is beyond doubt that the floods, landslides and sea erosion is the direct consequence of large scale denudation of forests.

Although the Agricultural Ministry has very little to do with the environment and forests, I have a question. Will the Government come forward with more stringent law for conservation of the forests?

Unscientific methods of cultivation without proper land development are also responsible for causing widespread soil erosion. In this connection, may I know from the hon. Minister whether the Government will promote scientific cultivation for promotion of land development with proper irrigation facilities.

Again, I will request the Government not to have a fire-brigade attitude when the situation like flood arises in the country.

Lastly, although Kerala has constructed sea walls along 300 kms of coastal line, another 140 kms are still to be covered. The Central Government must come forward with financial assistance to construct the remaining part of the sea wall.

[Shri Mullappally Ramachandran]

Once again, I urge upon the Government to provide Rs. 200 crores to the State Government of Kerala for the flood relieve activities.

SHRI SURESH KURUP (Kottayam) : Sir, the gravity of the situation has already been described by the hon. Members. I join them in expressing the deep sympathy of this august House for all those victims of rain and flood in the country.

In this monsoon, Andhra Pradesh, as everybody knows, has been the worst affected area. Loss of crops and property in Andhra Pradesh would amount to crores of rupees.

Without going into the other details, I would request the Central Government to immediately clear the Polavaram project. The fury of the Godavari might have been minimised had the Polavaram project been completed.

Next to Andhra Pradesh, Kerala suffered the most. This is the second consecutive year we have suffered large scale floods. Practically every year in the last one decade, floods have claimed their toll of lives and property even though on a smaller scale.

In this regard, I would like to point out the negligence of the Kerala Government in not evolving long-term measures for flood control in Kerala. They are spending large money on ad hoc operations and less money for long term solutions.

When we discuss about floods in Kerala we cannot shut our eyes to the large scale deforestation that is taking place in Kerala. Environmentalists the world over point out that wherever large scale deforestation takes place, both floods and drought can be expected. Without the moderating influence of forests, floods and droughts follow in rapid succession. That is what is exactly happening in Kerala. This year when the monsoon was delayed by a month, there was the threat of drought. Now with just a week of heavy rainfall, all the rivers are overflowing. There has been a systematic destruction of forests in Kerala with the help of some important

constituents in the ruling front. Everybody knows it.

PROF. P. J. KURIEN : It is not correct.

SHRI SURESH KURUP : I am not mentioning about your party.

PROF. P. J. KURIEN : It is your own party who are demanding that the encroachers should be protected.

MR. DEPUTY-SPEAKER : No interruptions please.

PROF. P. J. KURIEN : After the present Government has come, not an inch of land has been allowed to be encroached.

(Interruptions)

SHRISURESH KURUP : In this connection, I request the Central Government to send a high powered Central Team of environmentalists and scientists to Kerala to study the amount of deforestation that is taking place in Kerala and its impact on the ecology of Kerala. Let some Central Team go and assess the situation.

As usual, this year also large scale destruction took place in Kuttanad, which is the rice bowl of Kerala. May be, the hon. Minister knows about it. Nearly 2000 acres of standing crop ready to be harvested went underwater. In Kuttanad area alone 12,906 families were evacuated and 256 relief camps were opened. The geographical position of Kuttanad is very peculiar. The farm lands in Kuttanad lie three to eight feet below the sea level. This belt has a total area of 1600 square KM of which 760 Sq. KM. are low lying farm lands.

Four major rivers of Central Kerala drain into Kuttanad, since they go through the whole length of Kuttanad and drain into the Arabian Sea. Thus during the monsoon, when these rivers overflow, the low lying Kuttanad is prone to sudden flooding. This is what is happening.

Over the years, various schemes were undertaken under the Kuttanad Development Scheme. All of them failed. The said thing is that all the development projects including the building of roads through the

length and breadth of Kuttanad has destroyed the ecology of that areas very adversely.

Not only floods, but various other problems are destroying the ecology of Kerala. In this connection, I want to reiterate that at any cost we have to save this precious piece of land of Kuttanad, which is the granary of Kerala. Last year also I raised the same point and now also I request the hon. Minister to send a team of central experts, some scientists and so on to Kuttanad area to study the problems to talk to the people and farmers and to make a report on the basis of their study.

Regarding the grant which is going to be released, I suppose that the Central Government will give generous aid. I would like to submit that that should be a permanent grant. This is what I want to mention. Last time, the Central Government was kind enough to grant Rs. 138 crores at a time when our Government was in severe financial crisis. It was given for rehabilitating the flood victims. But that was diverted to some other purpose by the Kerala Government for some day to day activities. I suggest that it should be inquired into. An inquiry should be conducted.

(Interruptions)

SHRI A. CHARLES : Even when people are dying, he wants to raise unnecessary issues which are not true....

(Interruptions)

SHRI M. RAGHUMA REDDY : I would like to know from the Minister whether the areas affected by floods will be brought under Crop Insurance....*(Interruptions)**

MR. DEPUTY SPEAKER : Not allowed. Nothing will go on record please.

*(Interruptions)**

SHRI YOGENDRA MAKWANA : Sir, I share the anxiety and concern of the hon. Members and it is not a calamity in one

State but its effect is widespread and the entire Nation is concerned about it. But I stoutly deny the allegations made by the hon. Member Dr. Chinta Mohan while speaking on this Calling Attention Motion.

In spite of the efforts made by the Government of India to help the State Government; in spite of the hon. Prime Minister's visit to the State; and in spite of the various assistance, he declared there, to the State Government, the hon. Member has said that the Government of India's attitude is callous. I can only say that it is a very irresponsible statement on the part of the hon. Member. He should not have said like that, when the Government of India is all out to help the State Government in this event of crisis.

Sir, we have 145 flood forecasting centres all over the country. And in Godavari basin itself, there are 13 centres. These forecasting centres have nearly 13, times forecasted about floods and that is the reason why, the people were shifted from the flood affected area. The State Government did shift some people, but because, the flood was very heavy, there is a loss of life to the extent of 126 people.

Sir, the hon. Member was very keen to get the clearance of Polavaram project. This was mentioned by the hon. Chief Minister of Andhra Pradesh while our team visited it and the Chairman of the Central Water Commission told the hon. Chief Minister that it is under the active consideration of the Government of India. But at the same time, he said that this will help marginally. He said that it may to some extent reduce the floods downstreams but it may also aggravate floods upstreams of the Dam unless protective measures are taken. So this Dam if it is constructed will permanently stop the floods, nobody can say like that. But, it is the primary duty of the State Government to control the floods. The Government of India is only supplementing the efforts. It is the State Government who has to take necessary precautions. They are not doing anything. Whatever schemes are there, they are not

[Shri Yogendra Makwana]

properly implementing it. They are not doing anything. That is why every time, there is a damage due to floods. Sir, there is a national programme....

(Interruptions)

SHRI S. JAIPAL REDDY : A point of order.

MR. DEPUTY SPEAKER : What is your point of order ? What is the rule you are quoting and on what basis ?

SHRI S. JAIPAL REDDY : The point of order is that the Union Minister is not authorised to cast a reflection on the administration of the State Government.

MR. DEPUTY-SPEAKER : You tell the rule. No, no. What is that ?

SHRI S. JAIPAL REDDY : He is casting an aspersion.

MR. DEPUTY-SPEAKER : This is not an aspersion. Even Dr. Chinta Mohant old that. He criticised the Central Government. What is there ? That is no point of order. No. There is no point of order.

SHRI S. JAIPAL REDDY : With a humble submission, the Central Government can come and discuss it.

MR. DEPUTY-SPEAKER : No point of order. Please take your seat.

SHRI S. JAIPAL REDDY : Mr. Deputy Speaker, Sir, I am sorry that you have not appreciated my point of order. The point is that while the administration of the Central Government can be discussed, commented on, deplored in the House, the administration of the State Government cannot be referred to.

MR. DEPUTY SPEAKER : No. He is not casting any aspersion. He has not cast any aspersion on any particular person.

SHRI S. JAIPAL REDDY : He has not only cast aspersion but he has made an allegation.

MR. DEPUTY SPEAKER : It is not an aspersion on any particular person. He has not cast any aspersion on any particular person.

(Interruptions)

MR. DEPUTY SPEAKER : Why are you shouting like that ? It is unfair on your part to speak like that.

(Interruptions)

MR. DEPUTY SPEAKER : I am conducting the proceedings properly. I am going according to the rules ; I am following the rules.

(Interruptions)

MR. DEPUTY SPEAKER : I have ruled out your point of order.

SHRI S. JAIPAL REDDY : You have not listened to my point of order. *(Interruptions)*

MR. DEPUTY SPEAKER : I have heard the whole thing. Please take your seat.

(Interruptions)

SHRI SOMNATH CHATTERJEE : The Chair must listen to us. *(Interruptions)*

MR. DEPUTY SPEAKER : I heard the whole thing.

SHRI E. AYYAPU REDDY : My point of order is this. Just now the Minister was saying that there were lapses on the part of the State Government. Therefore, it is his duty to specify what are the lapses. *(Interruptions)*

MR. DEPUTY SPEAKER : He was just explaining.

SHRI E. AYYAPU REDDY : Not only that ; there he stated vaguely indulging in that type of speech. Then again he quoted that the construction of Polavaram Project will not in any way have the effect of lessening floods. On whose authority making that statement ? On whose expert

opinions—making that statement? He should mention that. (*Interruptions*)

MR. DEPUTY SPEAKER : Mr. Minister, you can continue.

(*Interruptions*)

MR. DEPUTY SPEAKER : I have already ruled out your point of order.

(*Interruptions*)

MR. DEPUTY SPEAKER : If there are any unparliamentary remarks, I will expunge them. You take it from me.

(*Interruptions*)

SHRI S. JAIPAL REDDY : They should not go on record. (*Interruptions*)

SHRI PRIYA RANJAN DAS MUNSI : If on the Floor of the Assembly performance of the Government of India can be questioned and criticised, Parliament has also a right to discuss the performance of the State Government. (*Interruptions*) There are instances where, on the Floor of the Assembly, Government of India's performance was criticised and a resolution was adopted. Why should not the Parliament be allowed to discuss the performance, if any, of the State Government? (*Interruptions*) You cannot bar it. (*Interruptions*)

SHRI SOMNATA RATH : Can the hon. member cast an aspersion on the Chair? If any, will you please go through the proceedings and expunge it? (*Interruptions*)

MR. DEPUTY SPEAKER : There is no aspersion.

PROF. MADHU DANDAVATE : I rise on a point of order. According not only to rules but also conventions of this House, while we can discuss the performance of the Central Government and even of the individual Ministry, there is a bar on discussing the performance of the State Governments. (*Interruptions*)

AN HON. MEMBER : What bar? (*Interruptions*)

PROF. MADHU DANDAVATE : Bar means prohibition. (*Interruptions*)

SHRI SATYAGOPAL MISRA : Why don't you allow us to discuss Orissa Affairs—scandal? (*Interruptions*)

MR. DEPUTY SPEAKER : Not allowed.

(*Interruptions*)**

SHRI CHINTAMANI PANIGRAHI : They got money from the Central Government and they are not spending it they are cheating the people there (*Interruptions*)

MR. DEPUTY SPEAKER : Why are you shouting?

[*Translation*]

SHRI SHANTI DHARIWAL (Kota) : Shri Madhu Dandavate interferes in each and every matter as if he is the expert on all the subjects. We also know this much and this is not physics or chemistry.

[*English*]

MR. DEPUTY SPEAKER : Why are you shouting?

PROF. MADHU DANDAVATE : This parliamentarian does not know that as far as raising of point of order is concerned, in the Constituent Assembly, Shri H.V. Kamath had raised 250 points of orders and for that Dr. Ambedkar had congratulated him. (*Interruptions*)

[*Translation*]

SHRI SHANTI DHARIWAL : The Chief Minister of Karnataka Shri Hegde sends reports daily. These are bogus documents.

[*English*]

PROF. MADHU DANDAVATE : Some of the members bring in Physics and Chemistry. So, I have to tell them.... (*Interruptions*)

MR. DEPUTY SPEAKER : You tell me what is your point of order? I am listening to you.

(*Interruptions*)

MR. DEPUTY SPEAKER : He is on a point of order. Please take your seats.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, he cannot stop me from raising a point of order. It is my fundamental right in Parliament.

MR. DEPUTY-SPEAKER : Tell me.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, he is giving a ruling. *(Interruptions)*

Firstly, let me ask you ; Is your power of Deputy-Speaker decentralised in this House ? *(Interruptions)*

I am raising a point of order. *(Interruptions)* I am raising a point of order. My point of order is ...*(Interruptions)*

MR. DEPUTY-SPEAKER : He is telling.

PROF. P.J. KURIEN : For raising a point of order, you should say, under what rule ?

(Interruptions)

AN HON. MEMBER : How many Deputy-Speakers are there in the House ?

PROF. P.J. KURIEN : Under what rule are you speaking ?

MR. DEPUTY-SPEAKER : Take your seat. I will ask him "under what rule" also.

PROF. MADHU DANDAVATE : Please listen to me. Under Rule 376 I raise a point of order. My point of order is, in this House right from the first Lok Sabha, up to the present Lok Sabha, right from Shri Mavalankar and Mr. Dillion and Deputy-Speaker and also the present Speaker Mr. Jhakar, had number of times ruled that this House can discuss the performance of the Central Government and Central Ministers, but this House cannot discuss the performance of the Ministries in the States. That was the ruling given, and

therefore, I would like you to insist that even the Minister here follows that very ruling.

(Interruptions)

SHRI YOGENDRA MAKWANA : May I explain it ?

MR. DEPUTY SPEAKER : Yes, please. He is on his legs. He will explain.

PROF. MADHU DANDAVATE : Sir, the ruling is not to be given by him.

MR. DEPUTY-SPEAKER : I am giving.

(Interruptions)

AN HON. MEMBER : He is giving the ruling.

PROF. MADHU DANDAVATE : It is too late in the day for me to learn Parliamentary Procedure from you.

SHRI YOGENDRA MAKWANA : I do not want to comment on the performance of any State Government. But, at the same time, the hon. Member should not have said that "the callous attitude of the Central Government". I simply wanted to point out....*(Interruptions)*

PROF. MADHU DANDAVATE : Sir, even by the Minister, this ruling has to be implemented.

(Interruptions)

MR. DEPUTY SPEAKER : Already the Minister has explained that he has not taken the stand like criticising the State Government. He has said that he did not mean that.

SHRI SOMNATH CHATTERJEE : Since the Member has criticised the Central Government, therefore, he can criticise the State Government Wonderful logic.

MR. DEPUTY SPEAKER : Now please listen to the Minister.

SHRI YOGENDRA MAKWANA : Sir, I say with all ability at my command

that the Government of India is there to help the State Government but, at the same time, it is the duty of the State Government to implement certain schemes and to reduce the magnitude of these natural calamities. There are number of schemes—scheme of social forestry, scheme of soil conservation, scheme of embankment and many other schemes. If all those schemes are properly implemented, I am sure that we can reduce the intensity of the damages which have happened at present. There is a national programme of flood control and up to March 1980, Rs. 976 crores have been spent on it. If I talk of 1985, up to March 1985, Rs. 1,743 crores have been spent by the Government of India and embankments to the tune of 14,162 kilometres have been constructed. 26,119 kilometres of drainage channels are constructed, 375 towns are protected and 4,696 villages are raised. This is a scheme which helps in reducing the effect of the floods. There is 40 million hectares of land which is flood-prone in this country and up to the end of Sixth Plan, we are able to protect 13 million hectares of land out of these 40 million hectares. During the Seventh Plan, the Government of India wants to take another one million hectare of land under this programme.

As I said, there are number of schemes and if they are properly implemented, we can reduce the effect of such calamities.

The hon. Member wanted that Rs. 50 crores should be released immediately to the State Government but as I have said Rs. 30 crores are already released and other kinds of help like foodgrains, kerosene, etc. are given to the State Government. So, Rs 30 crores are released as ways and means advance. Additional allocations of 50,000 tonnes of rice, 5,000 tonnes of edible oil, 10,000 kilolitres of kerosene, 2,000 tonnes of short duration paddy seeds and pesticides also we are going to make to the State Government so that the farmers can retransplant the crop which has been damaged by this flood.

The hon. Member made a suggestion that there should be an East Coast Flood Control Authority. There is a national programme of flood control which I have just mentioned to the hon. Members

through you. So, there is no necessity for an East Coast Flood Control Authority. I would only request the hon. Member to prevail upon the State Government to effectively implement the programmes which are given by the Government of India. Substantial assistance is given to the State Governments under all these programmes.

There is the mechanism of helping the State Governments. It is all within the purview of the Finance Commission. The Eighth Finance Commission has given margin money to the State Governments. So far as Andhra Pradesh is concerned, Rs. 24.5 crores are there with them as margin money and these Rs. 30 crores will help the State Government. While we are giving the ways and means advance, we look into the financial position of the State Government. If the State Government has sufficient finance at their disposal, then we consider the case when we finalise the memorandum of the State Government. If they are in difficulty, we

13 00 hrs.

immediately release them the ways and means advance over and above the margin money so that they can meet the situation. In the case of Andhra Pradesh, the margin money is sufficient; we have already released Rs. 30 crores. I don't see there is any difficulty to meet the situation. The State also has its own resources.

Sir, my hon. friend, Shri Harish Rawat has mentioned that the poor people should be shifted to the other places so that they may not suffer during flood. And he wanted that a Bill should be prepared and an Act should be enacted so that this can be done. We have sent a model Bill to the State Governments. The Centre has prepared a model Bill, Flood-prone area Bill and sent to the State Governments for making suitable legislation. So far, except one State Government—Manipur, I think—all the State Governments have not enacted the law. The model Bill was sent to them long back. It is for the State Government to enact it and to see that nobody can construct his house in a flood-prone area.

[Shri Yogendra Makwana]

The other suggestion, which the hon. Member made is about the linking of rivers. He said, all the rivers should be linked so that flood can be minimised. This is a programme which requires huge fund and it is to be dealt with by the Ministry of Water Resources. I cannot comment on it. I do not know anything about it. It is for the Ministry of Water Resources to consider this suggestion. I can only do one thing and that is, I can pass on this suggestion to the Ministry of Water Resources. That I will do. The hon. Member also suggested that we should prepare some schemes. As I have already said, there is a national programme for flood control.

Prof. Kurien gave two or three suggestions. He said, what is the long term, planning of the Government? For long-term planning, there is not only this programme, but there is also the programme of soil conservation, the programme of constructing dams, embankment, drainage, channels etc. This is done by the Government of India. But the State Governments should also earmark some funds for this programme. The State Governments divert these funds and they utilise these funds for other purposes and pay less attention to this. When the calamity occurs, then they shout in the House. But at the same time, they should advise their State Governments that they should put sufficient resources for all these programmes. About the linking of rivers, I have already replied.

Then, he said, 100% assistance should be given to the State Governments. Now, that is not possible. It is because the pattern of assistance is decided by the Finance Commission and as decided by the 7th Finance Commission, at present, we are giving 75% as grants over and above the margin money to the State Governments for floods, cyclone, hail-storm etc. Hon. friend, Prof. Kurien referred to the point in my statement that the State Government has not requested for any help. When I said like that, I meant that the memorandum from the State Government was not received by us though the Kerala State Government has requested for Rs. 10 crores as an *ad hoc*

assistance. That is under consideration of the Finance Ministry. It is the Finance Ministry which sanctions the ways and means advance. So, the request is under consideration of the Finance Ministry.

PROF. P.J. KURIEN : By what time, we can expect the release of that amount also ?

SHRI YOGENDRA MAKWANA : I cannot say. It is not in my hand.

PROF. P.J. KURIEN : The hon. Finance Minister is also here. He can clear that amount.

THE MINISTER OF FINANCE (SHRI VISHWANATH PRATAP SINGH) : As soon as I received the file, I cleared it.

SHRI YOGENDRA MAKWANA : Now, the hon. Member has got the assurance also. That is the point I made.

Then the hon. Member, Mr. Ramachandran said that Rs. 100 crores should be given to Kerala. How much money is to be given to the State Government depends upon the memorandum they submit, the extent of damage, the recommendation of the team visiting the State and the consideration of the High Level Committee on Relief where all Secretaries—the Secretary for Planning, the Secretary for Finance and the Agriculture Secretary are sitting and they look into the request of the State Government, the extent of damage, etc and then decide and recommend.

SHRI T. BASHEER : You have sent a team to Andhra but you are not sending any team to Kerala.

SHRI YOGENDRA MAKWANA : I will send the team as and when I receive the memorandum from the State Government. It all depends upon the memorandum the State Government has to submit.(Interruptions)

[Translation]

SHRI HARISH RAWAT : The Government of Uttar Pradesh has already submitted the Memorandum. They have

spent money also and done a very good job.

[English]

MR. DEPUTY SPEAKER : They have not received. He is telling that.

SHRI YOGENDRA MAKWANA : Unless I receive the memorandum in the Ministry, we cannot send a central team, because on what basis will the Central team go? The Central Team goes and verifies the extent of damage and that depends upon the memorandum submitted to the Central Government. Unless it is received, it is not possible.

[Translation]

SHRI HARISH RAWAT : It seems as if your Ministry is affraid of hue and cry. A team has been sent to Andhra Pradesh but not elsewhere.

[English]

SHRI YOGENDRA MAKWANA : I sent a team to Andhra Pradesh only because the situation was grave. It was an unprecedented flood in Andhra Pradesh and we want to help the State Government because it is the people who are to be helped. Irrespective of the party in power it is the people who are our concern and, therefore, immediately we acted. But in the case of other States we have not received the memorandum except from Punjab and the Punjab team is leaving in a day or so.

Another suggestion by Mr. Kurup—that is a very good suggestion about afforestation. Afforestation is a must. The Government of India is very keen to see that our forest coverage should be 33% of the total land mass of the country. But it varies between 18 to 20 per cent. Therefore, the Government has enacted a law in 1982. In 1982 we enacted the Forest Conservation Act.

I am sorry to say that most of the State Governments violate the law and they cut the forests for their projects—for irrigation projects or other projects. They fell the trees and they construct dams and

the forest cover is reduced. But there are other programmes for afforestation like soil conservation and social forestry programme whereby the States can increase their forest coverage. Then he requested for sending a high-power team. It is not necessary to send a high-power team to any State to see whether they have cut the forests or not. I can say from my experience that most of the State Governments are cutting the forests for their projects. Mostly it is for irrigation projects. However, we have requested all the State Governments to see that minimum forest is cut for their projects and that they should take the permission of the Government of India as required under the law and then they can do it. ..(Interruptions) They are making efforts in raising social forestry and forestry.

13.07 hrs.

MESSAGE FROM RAJYA SABHA—
(Contd.)

[English]

SECRETARY-GENERAL : Sir, I have to report the following message received from the Secretary-General of Rajya Sabha :—

“In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Dowry Prohibition (Amendment) Bill, 1986, which has been passed by the Rajya Sabha at its sitting held on the 22nd August, 1986.”

DOWRY PROHIBITION (AMENDMENT) BILL, 1986

SECRETARY-GENERAL : Sir, I lay on the Table the Dowry Prohibition (Amendment) Bill, 1986, as passed by Rajya Sabha.

13.08 hrs.

**MOTION RE : JOINT COMMITTEE
ON LOKPAL BILL**

[English]

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

“That this House do appoint Shri Ajit Kumar Saha to the Joint Committee on the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith, *vice* Shri Amal Datta resigned.”

MR. DEPUTY SPEAKER : The question is :

“That this House do appoint Shri Ajit Kumar Saha to the Joint Committee on the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith, *vice* Shri Amal Datta resigned.”

The motion was adopted.

13.10 hrs.

MATTERS UNDER RULE 377

[Translation]

- (i) Need to ensure early payment of Pension, Provident Fund etc. to the pensioners and take stern action against employees responsible for causing delay in such payments

SHRI M.L. JHIKRAM (Mandla) : Mr. Deputy Speaker, Sir, it is sad that the condition of Government employees becomes pitiable when they do not get pension and provident fund—which are their own savings—immediately after retirement. They have to run from pillar to post for years to get that amount. Sometimes, the poor pensioner dies because of this harassment. As a result, neither he nor his family gets the pension or provident fund.

The only reason for this negligence and unsympathetic attitude of the officials of the concerned department towards their work and pensioners. All this is going on in spite of the clear cut instructions of the Government that the pensioners should get pension and all other facilities as soon as they retire and the payments should be finalised six months in advance.

I, therefore, request the Government to take stern action against indifferent officers and staff of the departments who are responsible for such delays so that such cases are not delayed at all and this nation-wide problem is solved.

- (ii) Need to open Navodaya Schools in Pithoragarh and Almora Districts of Uttar Pradesh

SHRI HARISH RAWAT (Almora) : Mr. Deputy Speaker, Sir, the decision of the Government to open Navodaya schools in every district is a commendable one, but while doing so, priority has not been given to the tribal, border and backward areas, and particularly to those districts which have been classified as such by the Planning Commission. This is a big blunder on the part of Ministry of Human Resources Development, which should be immediately rectified. The hill areas of Uttar Pradesh which have been treated as classified areas by the Planning Commission have not been included by the State Government in the list of districts which has been sent to the Central Government for opening the proposed Navodaya Schools. The border districts of Pithoragarh, Chamoli, Uttar Kashi and Tehri Garhwal, which are predominantly tribal areas have also not been included in that list by the State Government.

This disparity should be removed and Almora and Pithoragarh districts of Uttar Pradesh should be included in the proposed scheme of opening Navodaya Schools this year.

[English]

- (iii) Need to connect various important places in Orissa by Vayudoot Service

SHRI SOMNATH RATH (Aska) : Vayudoot Service is available in many

States of the Country. It is yet to be introduced in Orissa, in a regular manner. If there is any State in the country, which needs the introduction of this service very urgently, it is Orissa, since this State is not inter-connected by the Railways. East and West Orissa, North and South Orissa, remains unconnected by Air. The important centers like Rourkela, Bhubaneswar Naval Centre Chilka and HAL Township Sunabada, Gopalpur-on-Sea are not directly inter-connected by train services.

One has to take arduous journey across many States to reach these destinations, which involves lot of time and expenditure. Puri is a place of Pilgrimage. Puri, Bhubaneswar, Berhampur, Jeyapur, Sunabada, Jagadapur (Madhya Pradesh) should be connected by Vayudoot service.

Jamshedpur, Rourkela and Bhilai need to be immediately connected by Vayudoot service for providing steel plants quick transport. Port to Port Vayudoot service is also a necessity. Haldia Paradip, Gopalpur-on-Sea and Visakhapatnam also need to be connected by Vayudoot.

(iv) Need to withdraw the latest rules regarding cancellation charges for railway tickets

SHRI S.G. GHOLAP (Thane) : It is learnt that the Railway Board with effect from January, 1986 has steeply revised the cancellation charges for tickets. As per the latest cancellation rules, which have not been publicly notified or published, obviously fearing public resentment, a second-class ticket holder has to suffer to the extent of 50 per cent of the value of the ticket as cancellation charges, even if the ticket is cancelled two full days in advance of the scheduled departure of the train. This unprecedented and unwarranted rise has added an extra burden on the already harassed commuters.

Nobody cancels a confirmed reservation unless it becomes absolutely essential.

Further, the general public is of the view that it has added to the rampant corruption. Due to the heavy cancellation charges, people are lured by agents to part with their confirmed reservation tickets at almost the same cost. Such tickets are

then sold to last minute travellers at a handsome premium.

I therefore, request the Government to look into this and withdraw the latest cancellation rules immediately.

(v) Need to ensure equal wages for equal work for men and women engaged in tea gardens in Assam and other parts to the country

DR. PHULRENU GUHA (Contai) : Sir, in certain tea gardens of Assam, men and women workers do not get equal wages for equal work.

It is not only in Assam but also in other parts of India that this practice may exist.

The Government of India should institute an enquiry to find out the position in different parts of India and take proper action immediately.

(vi) Need to take drastic steps to augment the supply to articles of daily necessities in cities like Bombay

SHRI SHARAD DIGHE (Bombay North Central) : Food articles such as grains, edible oils, vanaspati, sugar and condiments have registered a sharp rise in prices in the past few weeks, particularly in cities like Bombay. The price rise is more in the retail than in the wholesale markets. Vegetables in particular have gone beyond the reach of the common man and are being sold at record high levels. I urge upon the Food and Civil Supplies Minister to take drastic steps to augment the supplies of daily necessities and to strengthen and encourage the consumers' bodies. The Government may also take stern steps against the traders for undue profiteering.

13.18 hrs.

[MR. SPEAKER *in the Chair*]

(vii) Need to adopt necessary measures to prevent leakage of chlorine gas in Orient Paper Mills, Brajrajnagar in Orissa

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Sir, there has been a serious accident of leakage of chlorine gas in the

[Shri Sriballav Panigrahi]

Orient Paper Mills, Brajrajnagar in Orissa on last Saturday the 16th August, 1986, creating panic among the workers in particular and the public of the locality in general. At least 31 workers have been affected and hospitalised. Earlier, during this year, two accidents have taken place in this factory killing and injuring many workers. Such accidents taking place one after another do not add to the credibility of the management and instead amply speak of the lack of concern and seriousness on the part of the management for the safety measures required in a factory like this. The Machineries of the factory appear to be quite old and obsolete and without proper maintenance.

The Chief Factory Inspector should have a thorough inspection of the entire factory and suggest necessary remedial measures in the interest of the safety of the workers.

Besides, the management of this factory is completely callous to the environment and ecology aspects. In fact, this factory has become a pioneer in Orissa in causing both air and water pollution since its inception. There is serious discontentment and resentment among the people.

Early compliance of the recommendations and suggestions of the Chief Factory Inspector and taking of necessary anti-pollution measures by the management of the factory ought to be insisted upon by the Government.

(viii) Need to rescind the order regarding shifting the office of the Chief Regional Executive, Tea Board from Coimbatore to Coonur

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Sir, the Commerce Ministry has recently issued an order for shifting of the Chief Regional Executive office of Tea Board which was situated at Race Course Road, Coimbatore, to Coonur in Nilgiris District. For the last two years, vacancies in the above said office were not filled up with necessary staff. Other facilities were also not provided. This has been repeatedly informed to the Ministry by

various forums. Coimbatore is the business place for all machinery and other material goods. For tea planters also Coimbatore is the suitable place for business since the business people especially exporters gather only at Coimbatore. Since the Chief Regional Executive office is already located in the centrally located place at Coimbatore for Kerala as well as for Karnataka, the shifting may, be cancelled forthwith. The Tea Board members and small planters are also of the same view. The Minister of Commerce is requested to cancel the order of shifting from Coimbatore to Coonur.

(ix) Need to provide STD facilities between Canning Town and Calcutta during the current Plan period

SHRI SANAT KUMAR MANDAL (Joynagar) : Canning is the gateway to the Sunderbans area in west Bengal famous for its scenic beauty, flora and fauna, tiger project and a great attraction for tourists, although this area is most backward—not only economically and industrially—but also in the field of tele-communications. It is an irony of fate that the rural West Bengal is the most backward area in the country which is lacking in rapid means of tele-communications and as a matter of fact, nothing much has been done to develop these communications, which in the present day jet-age remain far behind other States in the country. Even in the 7th plan, no provision has been made for the provision of STD facilities between Canning, an important town in the Sunderbans in 24-Parganas District, whose headquarters is located at Calcutta (Alipore) and this is causing considerable hardship and inconvenience to the people living in that part of the West Bengal State, who have to rush to Calcutta on small errands even due to the non-availability of direct communication with that city. The telephone system is archaic and is quite notorious for its malfunctioning. It is high time that Government initiates some positive action during the current plan to provide STD link facilities between Canning Town and Calcutta and thus mitigate the hardship being caused to the poor people living in that part of the State.

[Translation]

- (x) Need to give adequate compensation to the farmers whose lands are acquired by the Government in Delhi.

SHRI BHARAT SINGH (Outer Delhi):
Sir, I want to draw your attention to the way the Government acquires agricultural land in Delhi. As a matter of fact, compensation equal to the market value of the land should be given to them.

The farmers of Delhi get very little compensation for their lands and that is why they sell it to the private colonisers at the rate of Rs. 100 per sq. metre, thereby increasing the number of unauthorised colonies day by day. The Municipal Corporation is also not paying any attention to it and there is no check on the mushroom growth of unauthorised colonies. If the Delhi Administration also gives the same compensation for the land to the farmers as is given by private colonisers, further increase in unauthorised colonies can be checked. The late Prime Minister Indira Gandhi had convened a 'Kishan Rally' at Boat Club, New Delhi in 1983 and had assured the farmers that they would be given adequate compensation for the land acquired from them. Even today the farmers are getting inadequate compensation for their lands. Earlier, the farmers were given residential plots of 400 sq. yards in lieu of agricultural land, but today they are allotted a 200 sq. yards plot. This is causing great resentment among the farmers. All the farmers should be given plots on the basis that was decided in 1983. The Government should neither acquire the built up area on the agricultural land nor serve a notice for that.

The works of sewage disposal water and electricity supply that are still incomplete in the urban villages and in the rehabilitation colonies should also be completed.

[English]

- (xi) Need to supply foodgrain at concessional rates to starving tribal people in the district of Koraput of Orissa.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar): Distressing reports are

coming from the district of Koraput in Orissa that starvation deaths are taking place in several localities among the tribals in the district. The doctors who visited these localities stress that the deaths are due to starvation caused by total absence of foodgrains in tribal homes. Owing to drought conditions prevailing in Borigeema Block areas, tribals are forced to eat only roots, bamboo shoots, mango kernels and wild leaves to suppress their hunger. It is reported that foodgrains have still not been supplied to starving villages in the area. Foodgrains under concessional rates through various poverty-condition work programme are not reaching the tribal population. I urge upon the Central Government to monitor these programmes in this district so that this distressing situation is overcome forthwith.

[Translation]

- (xii) Need to provide adequate financial assistance to Rajasthan for rendering relief to the victims of heavy rains in Kota, Bundi, Keshorai, Pattan and other areas of Rajasthan.

SHRI SHANTI DHARIWAL (Kota):
Sir, due to heavy rains in Kota and Bundi districts of Rajasthan, there has been soil erosion on a massive scale in the area. It is for the first time that all the four dams on Chambal river—Gandhi Sagar, Rana Pratap Sagar, Jawahar Sagar and Kota barrage—have overflowed since their construction and this is because of the tremendous amount of water that had collected in the catchment areas of Gandhi Sagar and Rana Pratap Sagar dams. As a result of this, several lakh hectares of agricultural land between Gandhi Sagar and Kota barrage, Kota city and Keshorai Pattan and upto Dhaulpur as also land on either sides of the river Chambal has been converted into ravines because of soil erosion. Consequently, thousands of small and marginal farmers have become landless labourers. Due to flash floods from the Kota barrage, more than 1500 houses in Kota city were razed to the ground and over 2000 people were rendered homeless. Prior to this, about one month back, 1000 houses in Kota city had collapsed due to heavy downpour. Today, the total number of affected people has risen to more than 3000. Many houses

[Shri Shanti Dhariwal]

have been badly damaged in Keshorai Pattan. To deal with the situation the major impediment before the State Government is acute paucity of funds.

I would urge the Central Government to set up a revolving fund to meet such exigencies. The Central Government should give plots of land free of cost to the flood-affected people of these districts and also loans on low rate of interest for construction of houses as has been done under the 20 point programme for the rural poor. Besides this, sufficient funds should be made available by the Central Government so that the work of soil conservation could be started in Kota and Bundi districts on a war footing.

[English]

(xiii) Need to give early clearance to the construction of proposed dam on Subarnarekha at Bhasraghat in Midnapore, West Bengal.

SHRI NARAYAN CHOUBEY (Midnapore): Under rule 377 I want to raise the following matter of urgent public importance. Delay in giving clearance to the project of construction of a dam on the subarnarekha at Bhasraghat in Midnapore, West Bengal by the Planning Commission has been a matter of concern for the lakhs of agriculturists in such blocks as Dantan, Mohanpur, Egra, Buda, Narayangarh, Iuriany, Patanpur, etc. Only 6 to 10% of the cultivable land gets irrigation water in this backward belt of Midnapore. Only the proposed dam if constructed can bring the blessing of irrigation to the people of the area a substantial number of which belong to scheduled castes/scheduled tribes communities. The Planning Commission is withholding clearance to this vital project by raising one plea or the other. I request the Government to grant immediate clearance to the project so that other allied jobs can be started forthwith.

(xiv) Need to provide funds to the State Government of Rajasthan for Water Supply Schemes in Alwar district.

SHRI RAM SINGH YADAV (Alwar): Sir, the city of Alwar and area of six

Tehsils i.e. Alwar, Ramgarh Tijara, Kishangarh—Bas, Mandawar, and Behrore of district Alwar, Rajasthan State are comprised in area of the National Capital region.

Matsya Industrial area and old Industrial area, Alwar are attracting and already have attracted prestigious industrial units which besides industrial production have generated employment potential also.

Industrial growth and expansion has led to unprecedented growth of human population in Alwar city and colonies in industrial areas. Existing Drinking water supply sources and reservoirs can not cope with the requirement of drinking water for the residents of Alwar city. Residents of Alwar city specially residing in Mohallas—Ladiya, Nawabpura, Akharpura, Brahamchari, Johada, Chameli Bag, Delhi-Gate and new colonies like Kala-Kuan, Daudpur, Shikari-bas, Ramanand Nagar and Sonava Doongri could not have drinking water supply even for an hour a day during the months of April, May and June, 1986. There are two rivers in district Alwar named Roopa-rail and Sahabi. Tube-wells for drinking water can be sunk in the basins of these rivers to supply drinking water to the residents of Alwar city and of villages of adjoining Tehsils.

Sahibi-river basin can supply water for the residents of city Alwar and villages of Tehsils Mandawar, Behrora and a part of Kishangarh-Bas. Rooparail river basin can supply drinking water for the residents of villages comprising Tehsils Alwar, Ramgarh, Malakheda and Laxmangarh, besides Alwar city.

I, therefore, urge upon the Government of India to provide funds by according sanctions to drinking water supply schemes based on the ground water obtainable through tube-wells to be sunk in the basin of rivers named Rooparail and Sahabi of district Alwar, Rajasthan State.

[Translation]

(xv) Need to enforce Land Ceiling Act in the country.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Speaker, Sir,

unemployment in India is increasing at a rapid speed and it has caused lawlessness in the country. The number of jobless persons has gone up to 7 crores. The poor and downtrodden people are leaving villages in search of work. The implementation of laws regarding land ceiling and minimum wages are the main points of the 20-Points Programme of the Government. But so far this programme has not been implemented in the rural areas which has created tension in the villages. I ask the Government to implement the Land Ceiling Act on war footing so that the landless people could get land and the unemployment problem and the resultant tension in the country-side may ease.

(xvi) Need to adopt necessary measures to check underground water pollution in the country particularly in various districts of Uttar Pradesh.

SHRI JAGDISH AWASTHI (Bilhaur): Hon. Speaker, Sir, the problem of underground water pollution has been increasing every day in many States of the country due to the industrial policy and specially the underground water sources in Uttar Pradesh have been turning salty. This problem is also affecting private tubewells and deep wells due to seepage of salty water.

According to the report of Central Underground Water Board, the concentration of metal elements (Cadmium, Malbidiurium, Zinc, Nickel, Lead) has been increasing in underground water and this problem is widespread specially in Kanpur city, Bhadohi (Varanasi), Mathura and Lucknow. The quantity of chemical fertilizers (Phosphate, Nitrogen, Potash, Calcium) is also increasing in the districts of Rampur, Gonda, Lakhimpur, Bijnor etc.

As the American Ecology Protection Agency made a law in 1980 to check underground water pollution after a detailed survey in 1979, likewise some legal provision in our country has also become necessary in the public interest. The Central Government should pay immediate attention to save people from underground water pollution.

(xvii) Need to provide relief to the people of Chhattisgarh region of Madhya Pradesh who are faced with famine conditions.

DR. PRABHAT KUMAR MISHRA (Janjgir): Hon. Speaker, Sir, I would like to draw the attention of the Government under rule 377 to the expected famine in Chhattisgarh region of Madhya Pradesh.

Sir, there had been only 50 per cent paddy plantation due to heavy rains. There have been continuous rains for the last two months and about half of the total annual rainfall has already taken place in the area.

The excessive rains have caused the rotting of 25 per cent of seeds and fields are lying barren where paddy could not be planted earlier. Now the sowing time is also over. About 90 per cent population of Chhattisgarh is dependent on agriculture. Only one crop i.e. paddy is cultivated in Chhattisgarh. It is futile to expect production when the sowing had not been possible.

Emigration will increase at such a difficult time and relief work are required to be undertaken in the area.

So, I request that the Government should immediately provide right advice and facilities to the agricultural labour so that their emigration could be stopped and this famine situation could be tackled.

In this connection, I request the Government to exempt the farmers from repaying all agricultural loans.

[English]

(xviii) Need to redress the grievances of the officers of Indian Economic Service

SHRI SAIFUDDIN CHOWDHARY (Katwa): The Indian Economic Service officers have been agitating for quite some time demanding adoption of a system of a time-bound pay scales at par with the promotional pattern prevalent in other organised Class I Services. The IES officers submitted a memorandum to the Prime Minister on 24th February 1986 in a silent

[Shri Saifuddin Chowdhary]

procession from Raj Path to Boat Club. Piqued by inaction of the Government, the Association had once again written a letter to PM on 10th June 1986 forwarding more than 200 letters received from the members demanding immediate implementation of their demands. The Government did not react even to this gesture. In another letter sent to the PM on 10th July 1986, the Association mentioned that they would be constrained to further their struggle if their just single-point demand is not implemented by 1st August 1986. More than 200 letters received from members were forwarded to the PM on this occasion too. Despite several attempts, the Government has not done anything concrete to solve the long standing problems of the service.

The Indian Economic Service which was set up with the great vision of Pandit Jawahar Lal Nehru, the first Prime Minister of India and with the recommendations of the expert Committee under the chairmanship of Shri V.T. Krishnamachari, the then Deputy Chairman of the Planning Commission in 1961 for formulation, review, monitoring and planning of economic policies and programmes as also economic administration of the country for ensuring rapid economic transformation has been allowed to languish over the last 25 years of its existence due to gross mismanagement, administrative apathy and prejudicial approach by the cadre controlling authorities of the service. It is really distressing to note that for last 25 years since the inception of the service, there has been no cadre review, although it should have been done once in every three years.

In view of the prevailing dissatisfaction among the IES officers and the course of agitation undertaken by them, I urge upon the Government to intervene in the matter immediately and redress the grievances of the officers of this service.

(xix) Need to send a Central team to assess the damage caused by cloud bursts and heavy rains in Ladakh and Leh districts of Jammu & Kashmir and adopt remedial measures urgently

SHRI P. NAMGYAL (Ladakh) : Sir, six people are reported to have been

killed, many injured and wide spread damages to property, residential houses, cultivated lands, plantations and hundreds of goats, sheep and other cattle have perished caused by cloud-burst and unprecedented heavy rains in the last week of July and first week of August 1986 in many villages of Ladakh region including Bosso, Ney, Shang, Deskit, Lingshad and Fotoksar of Leh District and some areas of Zauskar and Karchey Valley of Kargil District. Some of the affected villages like Lingshad, Fotoksar and Lungnak area are lying in the most remote part of the Districts over hundreds of Kilometres from the district headquarters of Leh and Kargil and relief and assistance from the Government cannot be reached immediately. There is every likelihood of occurrence of such natural calamities in many remote areas of the region, information from such distant places may not have reached yet.

I, therefore, urge upon the Government of India for engaging Air Force helicopters to make aerial survey of the remote areas like Lingshad, Fotoksar, Yulchung-Neyrak, Tangyar-Digar of Ladakh district and Shoon-Shadey, Lungnak and Karchey nullah of Kargil district for possible occurrence of natural calamities and also for supply and dropping of essential commodities and medicines etc. to the affected people immediately. The State Government may also be directed to release relief and assistance to the affected people at the earliest. Also, a central team may be sent to Ladakh to assess the damages caused by floods and cloud-burst.

(xx) Need to ensure early sanction of licence to various Nationalised Banks and Gramin banks by the Reserve Bank of India for opening of their branches in Hamirpur, Bilaspur and Una districts of Himachal Pradesh

PROF. NARAIN CHAND PARASHAR (Hamirpur) : The inordinate delay in the grant of licences to the various Nationalised Banks by the Reserve Bank of India for opening new Branch Offices has resulted in extreme frustration among the people and the places where the

Branches have been proposed by these Banks. Though the New Branch Licensing Policy was announced by the Reserve Bank of India in 1985 to coincide with the beginning of the Seventh Five Year Plan, yet many of the proposals are still pending for clearance by the RBI. Even the proposals which are submitted to the Reserve Bank after proper survey and approved by the District Consultative Committees and by the State Governments, are again sought to be re-examined, resulting in heavy delay in the opening of these Branches. The Hill Areas including the State of Himachal Pradesh are the worst affected in this regard, more so the Districts of Hamirpur, Bilaspur and Una which are still uncovered by any Garmin Bank and the District of Kangra where a number of proposals are still pending for the sanction of licences for opening new Branches by the Himachal Garmin Bank.

Now that the new 20 Point Programme has been announced by the hon'ble Prime Minister on 20 August, 1986, the role of the Banks and more so of the Branches in the rural areas for the successful implementation of the anti-poverty and various other programmes is very crucial. I, therefore, request the Minister of Finance to intervene personally and ensure the early sanction of licences by the Reserve Bank of India to the Branches of the various Nationalised Banks and the Gramin Banks proposed for opening in these four districts in particular and in Himachal Pradesh in general. The Reserve Bank of India should fix reasonable time limit say, three months within which the licences are granted after the date of the submission of the proposal by the sponsoring Banks.

[*Translation*]

(xxi) Need to approve the irrigation projects proposed for Ghosikhurd, Chandrapur, Garhchiroli and Bhandara in Vidarbha region of Maharashtra

SHRI VILAS MUTTEMWAR (Chimur): Mr. Speaker, Sir, the subjects of irrigation and floods come under the State list in the Constitution and as a result of it, many projects remain incomplete due to the decisions of the local leaders, The C.W.C itself cannot take any decisions and it has to look to the State

Governments. There should be improvement in this situation. Central Government provides most of the funds for flood relief and irrigation projects. So, if the Central Government itself takes up all the responsibility regarding floods and irrigation, then on the one hand it can remove the growing imbalance between States and on the other hand situation can be improved so far as frequent and every day changes in projects due to the pressures by local leaders are concerned. It will also lead to the proper utilisation of national resources and full returns of the investments made.

The people are facing floods due to discontinuance of the work on the proposed irrigation projects of Chandrapur, Bhandara and Garhchiroli districts of Vidarbha region under the Forest Conservation Act, 1980. The forests cover more than 69 per cent area on an average in the above districts. The above forest area in these districts has become a curse for the local population. The farmers there suffer losses regularly caused either by the floods due to excessive rains or as a result of famine due to rains at all. The projects of Ghosikhurd (Indira Sagar), Bawanthadi, Tultuli, Human, Sattinala and Pratapgarh have been pending with Central Water Commission for the last many years. The work on these projects was started in anticipation of approval and crores of rupees have already been spent. The population there has not been benefited in any way by this investment.

Even this year, 14 persons have lost their lives and crops worth crores of rupees have been destroyed because of floods in Chandrapur, Bhandara and Garhchiroli. The water of Godavari is raising the level of water in Vanganga and its tributaries. A dam is required to be constructed there.

Initially Ghosikhurd Project was formulated with an estimated outlay of Rs. 230 crores which has now gone up to Rs. 460 crores and if the present laxity continues, then the outlay is expected to rise upto Rs. 1000 crores. I, therefore, request the Government to grant immediate sanction to the pending projects of Chandrapur, Garhchiroli and Bhandara so that these projects could be completed in public interest.

13 40 hrs.

MOTION RE : CHURHAT CHILDREN'S
WELFARE SOCIETY

[English]

MR. SPEAKER : Mr. Unnikrishnan. Will you take about half an hour or more than that ?

SHRI K P. UNNIKRISHNAN (Badagara) : You please go through Rule 235. It has always been a day, part of a day or as and when the situation demands.

MR. SPEAKER : Half an hour is a part of the day.

SHRI K.P. UNNIKRISHNAN : You are only requesting me to confine.

THE MINISTER OF FINANCE
(SHRI VISHWANATH PRATAP SINGH): Let it be only a motion not a loose motion !

SHRI K.P. UNNIKRISHNAN : That is a Joke of considerable interest. I will try to be as brief as possible :

I beg to move :

“That this House resolves that the notification No. S.O. 2242 exempting “Churhat Children's Welfare Society” from Income-Tax, issued in exercise of the powers conferred by sub-clause (iv) of clause 23C of section 10 of the Income-Tax Act, 1961, and published in the Gazette of India dated the 14th June, 1986 and laid on the Table of the House on the 18th July, 1986, be annulled.

This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution ”

Sir, this is indeed a rare and extraordinary occasion when the House has got a chance to discuss such a motion. For the past several months, several newspapers and periodicals, particularly *Sunday* of Ananda Bazar Group of Calcutta and the *Indian Express* not to mention several newspapers of Madhya Pradesh have been coming out with story of great VIP lottery

hoax and a story of an untraceable VIP Society, namely, Churhat Children's Welfare Society. I must compliment at the outset the investigative Reporters of these newspapers and periodicals who had tried to dig out the truth behind this sordid business against all odds and obstructions placed before them. A great hoax has been perpetrated in the name of Children's welfare by a society whose office-bearers are VIPs themselves and what is more, intimately connected with VVIPs and higher echelons of the ruling hierarchy.

Initially, I was shocked at the clever and ingenious methods employed by the organizers of this private lottery, and their ways of depriving lakhs of people of this country of their hard earned money with tempting offers of prizes or bonanzas—not merely prizes—for small investments from Rs. 2 to Rs 20. Then came the pathetic stories of prize winners like one Mahalingam, a constable of Madras City Police ; yet another Sanat Kumar Sengupta, who is a State Government employee of the West Bengal a Sub-Divisional Controller of Food and Supplies in Malda district of West Bengal.

Where he is *(Interruptions)* he is not to be seen. Another, Mohammad Habibuddin, again from West Bengal; and then one Baldev Narayan Dubey from Chhapra of Bihar, and several others, including some from my unfortunate State who claimed that they had won prizes in the lotteries conducted by this Churhat Children's Welfare Society of Sidhi district of Madhya Pradesh. Now there is really a confusion; that is why I want to specify that it is a society of Sidhi district, because they used two letter heads; they used two types of receipts I am told. Sometimes they give the address of Rewa, sometimes it is Sidhi. All of them had submitted their winning tickets through different nationalized banks—not just sent by ordinary post, but through nationalized banks like the Cantral Bank, the Allahabad Bank, the Corporation Bank and also Tamil Nadu Cooperative Bank and so on. All other prize winners of meior prizes had similar experiences, whether they came from West Bengal or Kerala, Bombay or Tamil Nadu, all being relieved of their money in paying for their

tickets and making them believe that they had won the prizes. But when it came to the question of paying the prizes, the prize money was refused. What is more serious was that all communications of all these individuals and banks from different States....

THE MINISTER OF FINANCE (SHRI VISHWANATH PRATAP SINGH) : May I ask for one clarification ? There is the Churhat Children's Welfare Society, and there is the A. A. Enterprises which have conducted the lottery. Are you speaking of A. A. Enterprises, or are you talking something about the Churhat Children's Society ? (*Interruptions*)

SHRI K. P. UNNIKRISHNAN : I will give you all that information, Mr. Minister. Don't worry. I will give you enough clarification, and you will get your time to reply....(*Interruptions*)

SHRI VISHWANATH PRATAP SINGH : I was not clear; so, I wanted clarification on this point.

SHRI K. P. UNNIKRISHNAN : Yes; I have their agreements also, entered into between A & A Enterprises of New Delhi, whose premises were raided by your officials, and the Churhat Children's Welfare Society. Don't you try to be smart, Mr. Finance Minister.

SHRI VISHWANATH PRATAP SINGH : Now you are clear.... Now he is clear. He was confusing the whole House on that.

SHRI K. P. UNNIKRISHNAN : I will come to that. I will clarify all these things (*Interruptions*) What is more serious is that all the communications of all these individuals and banks, over a period of time addressed to the Chairman and General Secretary of the Churhat Children's Welfare Society either of Sidhi district or of Rewa as the case may be, whatever address is correct as the Finance Minister knows or as per their announced address on the advertisements and tickets, were returned by the local post office as non-traceable and non-existent. What is more, in one case from my State, a letter was addressed to the divisional postal authorities after they failed in their attempts to trace

them; and again, the reply coming from the divisional office was that there are no such premises and such a society was untraceable ?

This, indeed is stranger than fiction. Does this, by itself, do not call for a discussion or intervention in this House, even if they were true, as I assume them to be unless otherwise proved, for one will have to tax one's brain and imagination to absurd lengths to suggest that all these institutions and the ordinary individuals belonging to different States of West Bengal, Bihar, Kerala, Tamil Nadu and so on and so on, entered into a conspiracy with half a dozen nationalized banks, for which the hon. Finance Minister is responsible, and the Postal Authorities of Churhat, Divisional Postal authorities to defame the VIPs and VVIPs behind this lottery hoax. But I was astonished when I went through the List of Business of this House on 18th July, 1986, when we re-assembled for the monsoon session where under item no. 7(XIII). Shri Janardhana Poojary, my dear friend, on behalf of the Ministry of Finance, laid on the Table of the House a notification with serial no. 2242, published in the Gazette of India on 14th July 1986, exempting this Churhat Children's Welfare Society from income tax for the period covered by three assessment years from 1986-87 to 1988-89. May I recall that I had objected to it on that very day which I was entitled to, and subsequently I made further enquiries. My objection primarily was that the income that accrued to the society was the income which was escaping the tax net and income escaping tax assessment and also concealed income not liable for any kind of exemption under the Income Tax Act of 1961. There has been no precedents of this kind and stringent provisions have been made in the Income Tax Act of 1961 to deal with such cases and the Finance Minister has been repeatedly declaring his intention to book tax doogers, whosoever they may be and howsoever high and mighty they may be regardless of their affiliation or background of status. I was one of those—I must say after this sad experience—who was taken in regretfully, so I must point out by his promise and his show of determination, that is to say, whether it is a Kirloskar or Tata or an Ajay Singh or Scindia, if they transgress a law, they would all be

[Shri K.P. Unnikrishnan]

booked under the law of the land, whether it be the income tax act or FERA or for any other economic offences. But some are obviously more equal than others. They cannot be allowed to escape perpetrated frauds with immunity get away with it. What is more deplorable is that they are encouraged to continue with their frauds and the protective umbrella of the State provided for them for their nefarious activities. It is as though highway robbers have been provided security for carrying on their business of loot.

It is my bounden duty today to lay bare the anatomy of one of these frauds perpetrated by Churhat Children's Society which has been given exemption from income tax under the Notification mentioned in my motion. The society is obviously formed with a very good and laudable intention for children's welfare, but the question is whose children and whose welfare.

SHRI VISHWANATH PRATAP SINGH : Repeatedly, he is not mentioning A & A Enterprises. May I know why are you omitting A & A Enterprises ? This is confusing the House

SHRI K.P. UNNIKRISHNAN : I will come to that.

SHRI VISHWANATH PRATAP SINGH : This is a serious matter.

SHRI K.P. UNNIKRISHNAN : I am not yielding this time. May I say that in this House the Minister cannot heckle ; he can only reply.

(Interruptions)

MR. SPEAKER : There is no question of heckling.

(Interruptions)

MR. SPEAKER : He wants to know some information from you

SHRI VISHWANATH PRATAP SINGH : A serious debate is being raised and the House is being given some information. May I inform the House that

there is a Churhat Children's Welfare Society, which went into arrangement with A & A Enterprises for purposes of lottery. The lottery has been conducted by A & A Enterprises while the hon. member every time is saying Churhat Children's Welfare Society.

SHRI K.P. UNNIKRISHNAN : I will come to that. I shall not yield hereafter, let me warn you. I will come to A A Enterprises and the Society and various other things. (Interruptions)

Sir, you know the hon. Finance Minister wants us to believe that these are pure crystalline angels, these promoters of the lottery or the office bearers of Churhat Society, there is a valid agreement between the two i.e. the society and the A & A Enterprises. I shall come to that later, in what they did, a new relationship is created. (Interruptions)

MR. SPEAKER : Please keep a watch of the time.

SHRI K.P. UNNIKRISHNAN : Yes, certainly. Sir, the exemption is given to the Society on the income that accrue to the society from the lottery and the agreements have been made with A & A Enterprises the organising for and for conduct of lottery and so on. This is a very crucial point. I am grateful to you that he has provided this information himself voluntarily.

The Society is obviously formed with very good intentions. But in this country, unfortunately children's welfare gets mixed up with parents' welfare and vice-versa. Sir, the Society whose office has been untraced, or untraceable according to the Government's own authority the postal authorities, has no office, has not initiated a single project known to anyone or to various authorities, to the State Government of Madhya Pradesh or the district officials of Sidhi. It is a registered society undoubtedly registered under the Madhya Pradesh Registreckaran Adhiniyam, 1973, vide Registration No. 10917 of 19-1-1982 ; in case there is any confusion about the identity—that is why I am giving the number. According to the registered documents filed, the Society has to have its office at Churhat in Sidhi District of

Madhya Pradesh. But not only in various letter heads and stationery, lottery tickets and not only in advertisements, it has also been mentioned sometimes—that the Society is in Rewa in Madhya Pradesh. Are Rewa and Churhat the same ?

The Chairman of the Society is a distinguished Member of this House, for whom I have considerable respect and its General Secretary is Mr. Ajay Singh alias Rahul—Shri Ajay Singh alias Rahul—a Member of the Legislative Assembly of Madhya Pradesh and other office bearers include one Shri B.P. Singh and so on.

A significant fact concerning the composition of this body is the relationship member of its Managing Committee or whatever you may call them, have with hon. Member from south Delhi, Shri Arjun Singh, who is also a former Chief Minister of Madhya Pradesh and Vice-President of the ruling party.

(Interruptions)

SHRI P.R. KUMARAMANGALAM : Sir, I rise on a point of order. I think he cannot mention the names. He cannot mention the name of a Member of the House.

(Interruptions)

MR. SPEAKER : Order, Order. If there is any allegation then there will be nothing mentioned in the record.

(Interruptions)

MR. SPEAKER : I think it is all right, if he does not mention the names. If there are any allegations, I have to have prior information and then I will see to it.

(Interruptions)

SHRI INDRAJIT GUPTA : Is it an allegation to say that so and so is related to so and so ?

SHRI K.P. UNNIKRISHNAN : Is it unparliamentary to say that Shri Rajiv Gandhi is the son of Shrimati Indira Gandhi ?

SHRI INDRAJIT GUPTA : He did not make any allegation !

PROF. MADHU DANAVATE : They are anticipating that there is a defamatory remark. That is the tragedy. He has not made any.

(Interruptions)

SHRI P.R. KUMARAMANGALAM : We are not children here. I am on a point of order. It is not so childish. *(Interruptions)* Do not try to teach, us. We are not fools.

SHRI SOMNATH CHATTERJEE : Here is the notification.

MR. SPEAKER : Mr. Kumaramangalam, what I have said is, that no defamatory, incriminatory or allegatory statement regarding a Member can be made. And no mention can be made.

14 00 hrs.

SHRI MADHU DANAVATE : Provided it is not given in writing. It may be made if it is given in writing.

MR. SPEAKER : I was to add that part, Sir. If it has to be made, then there is a rule by which every person required to make certain allegations has to give me prior information and then I will see to it.

SHRI P.R. KUMARAMANGALAM : With the respect, I am obliged to you, Mr. Speaker, Sir, for clarifying, but insinuations can be made directly and indirectly.

MR. SPEAKER : I will see that no insinuations are made. You carry on with your subject, Mr. Unnikrishnan. I think you understand the rules.

SHRI K.P. UNNIKRISHNAN : If I say that the hon. Prime Minister Shri Rajiv Gandhi is the son of Mrs. Indira Gandhi, does it become an allegation ? It is an extraordinary statement for anybody to make that it becomes an allegation. If it is an allegation, I am withdrawing that allegation.

MR. SPEAKER : Mr. Unnikrishnan, also take note of the time.

SHRI K.P. UNNIKRISHNAN : Yes, I will. Sir, driven by an messiahnic zeal for raising funds for children's welfare, the society raised it by every conceivable and ingenious method known to them.... (Interruptions).

MR. SPEAKER : Five minutes more for you.

SHRI K.P. UNNIKRISHNAN : I will just conclude. Please allow me to make my point. Sir, prior to Bhopal gas tragedy of 3rd December 1984 which has attracted international notoriety and the attention as the worst of its kind in the world, this society was given a handsome donation by the Union Carbide, admitted and shown as Rs. 1.5 lakhs in society's books, while many men say in Bhopal that it is Rs. 15 lakhs. I do not know. How is it that this society was singled out by Union Carbide for favour and preferential treatment? How is it that it happened soon after certain facilities were provided for the poison plant of Bhopal of the multinational by the Madhya Pradesh Government? And who was the Chief Minister then? That itself is a matter which should be subjected to enquiry.

I would have thought that Mr. Arjun Singh who was then the Chief Minister of Madhya Pradesh and who showed rare grit and determination in arresting the Chairman of the Union Carbide (India) and other officials, would also have asked his kith and kin who run the Society for Children's Welfare at Churhat to return this tainted fund. But that was not to be unfortunately. But the main activity of the society ostensibly aimed at children's welfare, has been the running up the lotteries. According to the guidelines issued—now, Mr. Finance Minister, please listen—to the State Government by the Ministry of Home Affairs vide No. V. 21011/7/83 dated 26/27.6.84, which is a repetition of earlier circulars and guidelines under item 34 of the State List in the Seventh Schedule of the Constitution as to how lotteries are to be conducted and permitted, and under various other circulars of the Ministry of Finance as well as the Ministry of Home Affairs, private societies can only have one-time raffle.

This is further confirmed by the directions issued under the Madhya Pradesh Lottery *Niyanttran tatha Kar Adhiniyam* of 1973. Permission to conduct this private lottery or Raffle was not given to A & A Enterprises of Delhi permission was given to the Society. Whatever may be the legal agreements between the Licencee and the organiser or the sub-agent or agent, I was astonished to hear this from the Finance Minister. Permission was given and permission can only be given to a society, not to those who sell the lottery tickets or fake tickets and earn Commission and make money and loot people. Their status is of an agent. Accordingly, permission was given and can be given I would contend for a specific purpose—charitable purpose—granted by the Collector of Sidhi on 3rd January 1984, *valid only for one draw* because it was governed, as I said, by the Madhya Pradesh Lottery *Niyanttran tatha Kar Adhiniyam*, 1973. A Collector also is bound by law and Rules and can grant a licence to a private lottery to hold only one draw and tickets to be sold only within a limited area as per the relevant law, rules and precedents. The Society held its first draw on 14th July 1984 but went on to hold as many as 12 draws from 14.7.1984 to 7.4.1985. So, again would you say this an allegations. If I say that during the corresponding period, when these illegal draws were being taken the then Chief Minister of Madhya Pradesh was the Member from South Delhi.

When complaints started pouring in, the Director and Organiser of Small Savings and State Lotteries of Madhya Pradesh was asked to enquire into it and the Finance Secretary of Madhya Pradesh, Mr. Sivaraman asked his Department to seek clarifications from the Collector of Sidhi and Rewa. In a notice issued by Collector of Sidhi to Secretary, Churhat Children Welfare Society, he said that the society had over-stepped provisions of M.P. Lottery Adhiniyan of 1973, in what they call, Form B. The notice says that the Society was to conduct only one raffle and the sample of the ticket was also to be shown after the licence was issued—and further I quote :

“The society has neither intimated the date of draw of the raffle nor

submitted sample ticket to this office, which is contrary to the conditions earlier accepted."

The notice of the collector specifically reminded the Society's office-bearers, that it was meant only for one draw and as such the next draw on the said licence and all the subsequent draws, Mr. Finance Minister would you, note, were unlawful. They were advised also not to go ahead with organising the next draw. They were also requested to give details of the first, second and the third prize-winners, the amount distributed, income derived and audited accounts. But the notice went unheeded by the Society's powerful office-bearers.

What is more, more than a dozen memos, from the State Government of Madhya Pradesh, the Collector of Sidhi, Director of Savings and State Lottery and so on till November, 1985 were not replied at all, nor were the six urgent telegrams. When they were asked to confine themselves to the district only where the licence was issued, draws were being held at different places, some in Khajuraho.

MR. SPEAKER : Please sum up.

SHRI K.P. UNNIKRISHNAN : Sir, I am only coming to cover some important points. I have to bring up my case for annulment. This is a matter concerning the Consolidated Fund of India and its custody vested in Parliament, flowing from the provisions in the Constitution regarding the Consolidated Fund of India.

MR. SPEAKER : I have to give time, not all the time. You have already taken 22 minutes.

SHRI K.P. UNNIKRISHNAN : My friend, Mr. Buta Singh seems to be interested in Khajuraho, so am I. I appreciate the powerful appeal of Khajuraho to many of us and particularly to the promoters of the Children Welfare Society. But, Sir, the point is, it was illegal to conduct the draw of the Lotteries outside the the scope of the licence, anywhere else. All these draws except the first one were illegally held. That was the point. I am making. And that those illegal draws, as I said, or the amount derived there from

cannot be made legal by any authority. It was the duty of the State Government of Madhya Pradesh to prosecute the office-bearers under section 294A of the Indian Penal Code which clearly states :

"Whoever keeps any office or place for the pupose of drawing any lottery, not being a State lottery or a lottery authorised by the State Government, shall be punished with imprisonment of either description for a term which may extend to six months or with fine or both."

There is no provision under the law of the land to give retrospective validity for illegal draws or illegal lottery—a point of law settled by the Supreme Court. I would like to hear anybody on this point.

The Government of Madhya Pradesh having failed in its efforts to get any response from the organisers and particularly from Mr. Ajay Singh a kingpin of this scheme, the Union Government stepped in on 25-5-1985 when a Deputy Secretary in the Ministry of Home Affairs, Mr. P.N. Narayanan, addressed a letter to the Chief Secretary of Madhya Pradesh. It referred to a report published in the Madras edition of *Indian Express* regarding the strange case of one Mahalingam, a city constable who had won a prize but was refused the prize by the organiser. Then, the Madhya Pradesh Finance Department again came into the picture and wrote to the Welfare Society.

MR. SPEAKER : Please wind up.

SHRI K.P. UNNIKRISHNAN : I am sure, you had your Lunch.

MR. SPEAKER : I have not had any lunch.

SHRI K.P. UNNIKRISHNAN : You did not ! Nor did we. However I do not want to take much of your time. The point is that all these communications were not replied to. Then, one Mr. Qureshi, the District Small Savings officer was sent and in his report he said, "Clear details of the location of the Society's Headquarters have not been given by the agent deliberately so that most of the prize-winners are deprived of their prizes."

[Shri K P. Unnikrishnan]

Now I come to the A & A Enterprises. This is a very crucial aspect. There is an agreement. ...

MR. SPEAKER : Please now conclude.

SHRI K.P. UNNIKRISHNAN : If you do not want, I will not mention.

SHRI S. JAIPAL REDDY : He is referring to an agreement. Unless it is placed on the Table of the House...

SHRI V. KISHORE CHANDRA S. DEO : Let him place the agreement on the Table of the House. The Finance Minister was very keen about it. ...

(Interruptions)

SHRI S. JAIPAL REDDY : I am on a point of order, Sir.

MR. SPEAKER : Which rule has been broken ?

SHRI S. JAIPAL REDDY : He is referring to a document which is not in the knowledge of the House. Therefore, I demand that the document be placed on the Table of the House.

MR. SPEAKER : Not allowed. Overruled. There is no point of order.

SHRI V. KISHORE CHANDRA S. DEO : Twice the Minister intervened.

MR. SPEAKER : Mr. Unnikrishnan, please conclude now. I have given you too much time.

SHRI K.P. UNNIKRISHNAN : How do you say that ?

MR. SPEAKER : I have given you 23 minutes.

SHRI K.P. UNNIKRISHNAN : I have also to present my case. He has to reply and then I have to reply. That is how it goes on.

MR. SPEAKER : You are not the only speaker. There are others also. I have to take into account others' interests also.

SHRI INDRAJIT GUPTA : You are allowing him to make reference to an agreement the contents of which are not known to the House and the hon. Finance Minister is very eager to know about that document. Will you not allow him to lay it on the Table of the House. ...

(Interruptions)

SHRI K.P. UNNIKRISHNAN : I want to lay everything. If you give me time, you will get more documents. I have a bunchful. But I do not want to take the time of the House.

Sir, before I proceed with the A & A Enterprises of Bhagat Singh Market of Delhi, I would like to know from the Finance Minister (a) whether a raid was conducted by the Income-tax Department on their premises, (b) if so, what were the documents found and particularly, in relation to this Churhat Children's Welfare Society raffle and their agreements and also the cash balances, of the Society. What was the cash balance in respect of different private lotteries ? Let us not go into other lotteries and particularly, with reference to the A & A Enterprises, does it tally with the audited statement of accounts of the Churhat Children's Welfare Society ? I have in my possession the audited accounts of the Churhat Children's Welfare Society for the period from 1.6.82 to 31.5.83....[Placed in Library. See No. LT-3119/86]

SHRI S. JAIPAL REDDY : I once again demand that it be placed on the Table of the House.

SHRI K.P. UNNIKRISHNAN :and the balance-sheet for the period ending 31st March 1985 [Placed in Library. See No. LT-3119/86] I am not going into the inadequacies of this document. They are inadequate. They have followed a strange practice. I am not going into all that.

Now, strangely enough, the balance sheet for the period ending 31st March 1985 shows a capital fund and profit accruing to this welfare society. From Lotteries It is exactly Rs. 1 crore—not a pie more and not a pie less and not even Rs. 99,99,000 but exactly Rs. 1 crore. And there is a balance of deposit with the A & A Enterprises of Rs. 48,98,559.50. I am not going

into that earlier one. Sir, I want, before I proceed further, that the Finance Minister to give details of the raid and the documents seized and so on so that we can have renewed faith in his own declaration whoever that man may be, high and mighty, nobody is beyond the reach of the law. I welcomed your statement publicly and here in the House. I have gone on defending you. You owe it to the House to say that whoever it is, cannot and shall not be beyond the reach of the law. It was raised in Madhya Pradesh Assembly by one Mr. Srivastava, Suresh Seth and so on. No answer was given. It was alleged that the society had not submitted any accounts as per the law of Madhya Pradesh Societies. This chartered accountants of the Society Shri R.N. Gupta & Associates, Bhopal, has declared that Rs. 14,19,20,000 tickets were printed in all the 12 draws from 14.7.84 to 7.4.85. And 5,44,49,590 tickets were sold out of which the society earned a net profit of only Rs. 80,85,045. And 8,74,70,401 tickets etc. were remained unsold. Obviously there are different declarations made by the Chartered Accountants, made by A & A Enterprises, made by Churhat Children's Welfare Society. These are there clear contradictions. I want to know whether the CBDT, did they go into this question. It is a related and important questions in terms of exemption. Accounts, according to the Balance Sheet ending 31st March 1985, reveals only a profit of Rs. 1 crore. It also shows deposit of Rs. 48,98,599.85 and has deposited with A & A Enterprises. Have they gone into this? Have they found out the exact number of tickets sold? In view of this confusion & differing figures, have they found out the deposits will remain with A & A Enterprises which have been raided? For, there is continuing nexus between the Society and the Organisation. I am happy that he talked about the nexus himself. Continued nexus between the society and the organisation, the firm A & A Enterprises. And that Mr. Finance Minister is the crux of my charge to day that income derived from illegal draws cannot and for whatever purposes it may be used or not used subjected to any exemption under the Income-tax Act in which case income liable to be assessed, escapes the tax-net. And there is clear outflow from the Consolidated Fund of India for which Parliament is responsible.

The Chartered Accountants' certificate is very brief. It does not go into the details as Mr. Somnath Chatterjee has said. No information is available as to how much amount was actually received from the organising agent on different occasions, by different modes of payment cheques or cash and more important whether the amount was deposited in Society's own account. Because the Society has also changed its bankers. From Union Bank of India they have changed the Bankers to Andhra Bank. I am not going into all those things in the absence of relevant information. I want to know whether the CBDT and the Ministry of Finance, before issuing this notification, have gone through this account? Have they? Are they satisfied? If so, what are the specific details of these draws? How much was sold? How much was spent? What are the Balances? Can the CBDT exempt from tax the proceeds accruing to the society from illegal draws punishable under the law of the land even if prosecution has not been launched against the Society or organisers, for it changes the entire complexion of income accruing to the Society or Institution or Association of persons. The Director of Small Savings, Madhya Pradesh himself has suggested that unless the Society submits its complete information, no tax exemption should not be given.

MR. SPEAKER : All right. Now you please complete.

SHRI K.P. UNNIKRISHNAN : Here is a strange case. There are some who are more equal than others—sons, son-in-law, brothers, brothers-in-law who may be kith and kin, of the Vice-President of the Ruling Party.

MR. SPEAKER : Please conclude.

SHRI K.P. UNNIKRISHNAN : Sir, what is this?

(Interruptions)

MR. SPEAKER : I have given you 35 minutes. What more do you want? What can I do?

SHRI K.P. UNNIKRISHNAN : This is an extro-ordinary position.

MR. SPEAKER : Mr. Unnikrishnan, there must be some limit to anything.

SHRI K.P. UNNIKRISHNAN : You are treating it so lightly.

MR. SPEAKER : I am not treating it lightly.

SHRI K.P. UNNIKRISHNAN : Absolutely lightly ; otherwise, you would not do this.

MR. SPEAKER : I have given you 35 minutes. That is the time given for the Mover of the Motion. Ask anybody. See any record.

SHRI K.P. UNNIKRISHNAN : I will complete in another five minutes. (*Interruptions*)

MR. SPEAKER : I understand fully well. I have sense enough to understand this. That is why I have allowed him.

SHRI K.P. UNNIKRISHNAN : You should not give an impression to the world that you are shouting us out.....

MR. SPEAKER : No ; no question.

SHRI K.P. UNNIKRISHNAN :..... when the matter is so important concerning the Consolidated Fund of India and outflow from it.

MR. SPEAKER : Now, do not try to browbeat me. I have given you complete freedom, complete time.

SHRI K.P. UNNIKRISHNAN : I am making a very important and valid point which you will have to listen.

MR. SPEAKER : Then make it.

SHRI K.P. UNNIKRISHNAN : The powers given to the CBDT or the Ministry of Finance are delegated powers which are not meant to be misused. That does not mean that because it has given delegated powers, Parliament has abdicated its powers. Parliament must step in in such cases and disable the very agency which it has created from acting wrongly and illegally using the delegated power and take the matter in its own hands. This is the substance of

my Motion today. The Prime Minister has been repeatedly saying, and also the Finance Minister, that they would not allow any one to go scotfree. It calls for a thorough probe by the CBI and the Directorate of Revenue Intelligence into the ramifications of the activities of this Society, its conduct of illegal lotteries, cheating of prize-winners and its non-compliance with law. It is not a State matter since these exemptions have come to light. The CBI launched a case against the Chief Minister of Sikkim. Sikkim is the smallest State of India and Madhya Pradesh is the largest State. Let it not be said, Sir, that here is a case where a particular group of people, fortune-hunters, have organized this and they can carry on their activities because of their powerful connections. Therefore, I demand an inquiry by the CBI and DRI....

MR. SPEAKER : How many times would you say that ?

SHRI K.P. UNNIKRISHNAN :..... into the affairs of the Society after annulment of this Notification and such a Report should be placed on the Table of the House, so that the House can be satisfied and the gnawing doubts that persist removed.

I have not talked of the marble houses, I have not talked about various other things. I have confined myself strictly to the Motion before me.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram) : Sir, please ask him to place the Agreement on the Table of the House.

SHRI K.P. UNNIKRISHNAN : I will.

MR. SPEAKER : Mr. Kumaramangalam.

SHRI P.R. KUMARAMANGALAM : (Salem) : Sir, I rise to oppose the Motion....

SHRI S. JAIPAL REDDY (Mahbubnagar) : Sir, I rise on a point of order. The papers referred to should be placed on the Table of the House....(*Interruptions*)

MR. SPEAKER : There is no point of order. Overruled. Let the other Member speak. I have called him.

SHRI AMAL DATTA : It is a demand that these papers be laid on the Table of the House because we want to know whether he was quoting correctly or not.

MR. SPEAKER : Mr. Kumaramangalam, you carry on.

SHRI P.R. KUMARAMANGALAM : Sir, I rise to oppose this Motion because the cause of action for moving such a Motion has to be based on certain allegations which have relevance and nexus to the Income-tax Act, section 10, Clause 23C, sub-clause (iv). (*Interruptions*) In other words, that Section refers specifically to the fact that it is the objects and the importance of the Society which would form part of the criteria for the Government to decide whether that Society has to be exempted. Section 10 itself deals with income which can be exempted—the whole of the Section. Now, the important fact is that this Society was granted exemption earlier for two Assessment Years. The Notification has been placed on the Table of this House earlier. This is the second time that they have come for three more years' assessment—as an extension, I think—for(*Interruptions*).... We did not do it. I would request you not to interrupt. If you do not want to listen, one can do nothing about it. Mr. Speaker Sir, when you pull us up, you kindly pull them up also. They are senior members of the House.

MR. SPEAKER : Please listen to him. You have had your full say. Now listen to him.

(*Interruptions*)

SHRI P.R. KUMARAMANGALAM : I am grateful for the compliments. The short question that arises is, between the first time when exemption was given and the second time when the exemption has been given, what it is that has taken place from the point of view either the objectives or the importance of the society, because Mr. Unnikrishnan has already spoken about the importance of the society and appreciated the objectives of the society.

Therefore, so far as the objectives and importance of the Society are concerned, they are not under question here and nor any allegation has been made in regard to these two points of criteria.

I don't understand how can such a resolution be moved. A resolution to be moved to annul exemption notification must be strictly construed. When my friend Mr. Unnikrishnan refers to the Supreme Court cases, he does refer to certain other facts ; but he seems to have forgotten what the Supreme Court has said not once but many times so far that these financial enactments must be construed strictly.

If you talk of construing them strictly you have to be loyal to the words that are used. You cannot go beyond the scope. I would submit firstly that he has no basis, no locus standi, to move this resolution either because none of the allegations made by him comes within the scope where he can place an argument to say that this exemption has to be annulled and that the resolution has to be passed to annul the exemption given.

Mr. Speaker Sir : the important point that he has raised deals solely and wholly with the lottery, not with the exemption. He speaks of a lottery. The licence that has been given to a society—the Churhat Society—has not been given by the Central Government ; it has been given by a Collector who definitely comes under the jurisdiction of the State Government. These are matters that could have been rightfully raised and have been rightly raised in the Assembly of Madhya Pradesh. This is not the occasion nor the forum for an allegation to be raised. However, it has been raised.

The important factor is—I do not know whether my friend is aware—that the licence that was granted is not a licence which says that on this particular date or only on this instance or only once a lottery can be held. He bases his whole case which has been placed in this House on that very single point that except for one lottery, all the other lotteries are illegal because no permission has been granted.

[Shri P.R. Kumaramangalam]

The lottery licence—i.e. Form 'D' under Rule 4, I have a photo copy—categorically states that this licence is for all lotteries to be held within one year. The word "Within one year" is specific. It does not say one lottery and it does not name dates. Therefore, the whole case, the premise on which Mr. Unnikrishnan has raised his case here and has come forward with his resolution that all the other lotteries are illegal is basically wrong. It is unfortunate that he has not been properly informed. That is all I can say about it.

Further, he has made allegations and insinuations directly or indirectly against what he considers and claims to be VIPs and important people. The most important question that arises is that no relative of an important personality is allowed or will not be allowed in future to be part of either a society or a trust which is going to do any good work. If this is going to be the attitude, then soon a situation is going to come where nobody who is related to anybody in public life would be willing to do any good to the common man.

I think that Mr. Unnikrishnan would not be moving along those lines because he himself is involved in many good trusts and good objectives and good societies including our Cooperative Housing Society. Therefore, allegations can come in multiples if it comes to that but Mr. Speaker the question that arises is not the allegations that have been made. I rose on a point of order before yourself because you could defame a person without calling him bad names or using four letter words. One can defame a person by indirect insinuation and that is exactly what Mr. Unnikrishnan was doing. When he referred to Union Carbide he referred of course to the then Chief Minister of having taken action against the Chairman but simultaneously he referred to the fact that he did not tell his kith and kin not to take that donation and return that money back hinting by his not doing it he has done something which is obviously very wrong. The direct insinuation in that sentence or group of sentences is that the then Chief Minister now Member from South Delhi

has not been totally upright. It is a defaming set of sentences. You don't have to defame a person directly. That is why I said he should have given a notice. If he had the courage he would have done it. He could have given in writing saying Mr. Arjun Singh these are my allegations against you. Please reply. But no. He comes from the back door and tries to get political publicity. This is nothing but an attempt to somehow or other sling mud at the party, grasp hold of any article in any newspaper or magazine and then play it up in a very big way. He does not come forth with the truth. He does not come forth with direct allegations. He does not face the issue directly. If Mr. Unnikrishnan wanted to say what he said he should have given notice in writing. He had enough time to do it. Why did he not do it? Instead he goes in indirect terminology through the back door and makes allegations.

Another question that arises is that he speaks of one or two cases. He has specially spoken of a case of my home State of one Mahalingam, Sanat Kumar Sengupta and Baldev Narain Dube. He has mentioned a few cases but let me inform him that he is either mis-informed or somebody had been giving him information which is wrong. Mr. Sanat Kumar Sengupta has received his payment way back on 31st March, 1986 by Draft No. 072297 dated 29.3.1986 drawn on Andhra Bank, Bhopal.

Now obviously those who have done investigative reporting or investigation either on behalf of or who are friendly to Mr. Unnikrishnan have not given him this information. I can go on with these details. If he had given this in writing earlier he could have got an appropriate answer. There was no problem. But here what do we get. We get a notice of a motion being moved to annul an exemption granted saying that Parliament has the power to review. Of course, Parliament has power to review any delegated delegation. You have a right but build a case. Come forward with a motion. No statement has been given why this motion has been moved and how it has been moved. If it had been done properly we could have been put on a notice and we could have either defended or opposed it

but definitely, Mr. Speaker, if the Government exercises its powers which have been given by this House as a delegated subordinate legislation then this House has the right to annul but it must do so with reason and not with political consideration or throw a mud without any reason or basis. Mr. Speaker, Sir, if there is anybody—I repeat, I can individually say on the floor of this House—however high or however low, who violates any law of this land goes against normal morals. I stand and I would like to go on record on the floor of this House to say that I will join my friends to say that action must be taken against them, but not without basis, not blindly, not just to sling mud with political considerations in mind.

Mr. Speaker, Sir, I would like to go further to say that this lottery—there are 12 lotteries that had taken place and this society—my friend Mr. Unnikrishnan spoke about there being no building, no set up, no act having been done by the Society with the objects of the Society in mind, but I think Mr. Unnikrishnan very conveniently has not read that article in *Sunday* paper or the other articles that have come out, which he has used as the basis for his whole action. Those articles specifically referred to the fact that the hospital is being built, he said “except for a hospital that is being built, it has claimed so many lakhs..”. But he has skipped that very conveniently. Factually, about Rs. 11 lakhs have been invested already in that building for hospital for children. If this is bad work, very good, Mr. Unnikrishnan alone is allowed to get into the Society which is being built, in which of course, I am a Member, but that is a different question, but if hospitals for children cannot be built, then it is unfortunate. Government has been informed. Mr. Unnikrishnan speaks that the Society never informed any Government about prizes etc. etc. Where does he get the information from? He does not give us the source, nor does he tell us. The prize winners definitely had been informed. If he takes up the Madhya Pradesh Assembly proceedings, if Mr. Unnikrishnan has written to the Madhya Pradesh Legislative Assembly himself as a Member of Parliament seeking information saying that “it has been brought to my knowledge as a Member of Parliament, I would like to

know whether you received the statutory information that is required” and he got a reply saying, ‘No. we have not received’, I would understand that. Even that has not been done. Information any way, I understand, had been given, and as soon as I personally Mr. Speaker, Sir, saw these articles, I also did my little inquiry just as much as any other Member of Parliament, does. I am sure I am not the only one, there are many Members on this side also of the House who did inquire to find out the truth because we would also like to know how much it is true and how much it is false. But the short question is that we did not come forth with the allegations without having investigated the matter. As Members of Parliament we do have certain powers, certain rights for information. Why don't we seek it out first before we allege another brother Member of Parliament? There are certain courtesies. Is this House going to forget normal ethics, normal good behaviour, and decencies? Are we not going to do our homework properly before we come forward with allegations?

Mr. Speaker, Sir, lastly I would only like to state that there are allegations which are large in number and which actually have not been based on any evidence collected. However, there has been a reference to an agreement between the Society and the A. A. Enterprises, the agreement, I understand, is dated 14th January 1984. I am obliged to Mr. Unnikrishnan that he referred to this agreement for the simple reason that he was avoiding the subject when the hon. Finance Minister wanted to bring it to his notice which he was kind kind enough to accept the fact which he quickly covered up and that is, A.A. Enterprises was raided. It was raided, tickets were seized. In fact many of the persons whom he named have not received lottery prizes for the tickets they bought because the tickets have been seized, and as and when they are returned, the prizes are being given. The raid that was conducted was a general raid. We are all aware of the facts. Many lottery agencies and enterprises were raided and not just one or two. And it is a clear fact that the A.A. Enterprises has been raided and this shows that however well-connected your organisation or your institution may be, however well placed you

[Shri P.R. Kumaramangalam]

may be, you are not above the law. At least when Shri Rajiv Gandhi is the Prime Minister, it is very clear that nobody is above the law.

SHRI SOMNATH CHATTERJEE :
And when Shri V.P. Singh is the Finance Minister...

SHRI P.R. KUMARAMANGALAM :
Yes, Mr. Speaker, I would like to end in one minute. I would be obliged if my learned friends on the other side in the Opposition would, at least when they move motions of this variety, do a little more investigation on their own. It would help in clearing the air. Allegations for purposes of political motives are not proper and nor are they fair, especially when it is individually directed and sometimes at the initiative of various forces.

SHRI SOMNATH CHATTERJEE (Bolpur) : I must thank Shri Unnikrishnan for bringing this motion because through this motion, this House and the country have come to know how the Government is functioning. Sir, I am not going into the details of this lottery, because we are here trying to get the annulment of notification which has been issued by the Government of India. I am not going into the activities of the Government of Madhya Pradesh as such.

Sir, this is a very important notification and an important section of the Income Tax Act which exempts income which otherwise would have been taxable. Therefore, mind has to be applied and a case has to be made out before the Government can issue the notification, exempting certain incomes from taxation. Section 10 says :

“In computing the total income of a previous year of any person, any income falling within any of the following clauses shall not be included.”

Then comes Section 23C, Clauses 4, under which it has been issued. This is the relevant one. It says :

“Any income received by any person on behalf of any other fund or

institution established for charitable purpose, which may be notified by the Central Government in the Official Gazette, having regard to the objects of the fund of the institution and its importance throughout India or throughout any State or States.”

Therefore, a particular society, in view of the charitable objects which, presumably it will carry out, merit exemption. Therefore, the Central Government has to consider the merits of that particular institution which is being granted exemption, which necessarily means verification of the antecedents of that society, the composition of that society, the management of that society. They should find out whether it has performed its duties properly or not. Have they gone into all those details? That is the minimum requirement. It cannot be an automatic application of this provision. It has to be a conscious decision.

Sir, I have great affection for Shri Kumaramangalam and I was hoping that although he was forced to speak and there is no doubt about it...

(Interruptions)

PROF. MADHU DANDAVATE :
Forced by conviction ?

SHRI SOMNATH CHATTERJEE :
Forced by persuasion.

MR. SPEAKER : I do not like such comments.

SHRI SOMNATH CHATTERJEE : I withdraw that Sir. He has spoken as the leading speaker—first speaker—on behalf of the Congress Party.

PROF. MADHU DANDAVATE : He was forced by his conviction.

SHRI SOMNATH CHATTERJEE : To speak on behalf of the ruling party, I expected that he would try to go into that and justify on that ground and not try to what he himself said ‘throw mud at others’. Instead, we had presumptuous sermons from him. He is one of the youngest Member, but a very bright

Member of the House—everybody else admits it—in doing home work and about what should be the proper behaviour of Members of Parliament.

Sir, speaking for myself, I am prepared to listen and learn even from the junior-most Member, but I hope he had a good case to put forward. The point which I would like to know from the hon. Minister is, is it or is it not the fact that the Society was constituted only in the year 1982—January, 1982? What are the objects of this society? Have the accounts of this society been regularly audited—year to year—under the Societies Registration Act? Have they been audited every year? Have the General Meetings of the Societies been held every year, because under the Societies Registration Act, Annual Meetings have to be held, Managing Committee has to be elected every year, one-third Members have to be retired every year and so on? Has the Society maintained the books of accounts regularly? What is the source of income of this society?

Here comes the lottery. I presume whether they did or did not do, I do not know. Did they inform the Government of India before obtaining this permission that their income primarily comprised of the lottery income? If so, who are the agents of the lottery? During which period, the lottery has been conducted? Sir, these are the minimum inquiries which have to be made.

Sir, this is what we have been informed, we may be corrected, I have no other information, but what I find in the papers and in the journals. Mr. Kumaramangalam says, I should make an investigation. I have no investigating agency, so that I am not going beyond what I read on the paper. He has the facility of the investigating agency supplied either by the Centre or by the State Government, I do not know.

One very interesting thing has come out from him. It is supposed to be the second notification. When was the first notification issued? Sir, the second notification was issued on March 25, 1986 on four year old society, when was the first notification issued? Before, then if it

was issued soon after in 1982 or 1983 on what material did you issued this? What has been their function? What is their composition? What has been their performance? What is the source of income? Did it get money from the Union Carbide as it is alleged or any other big society? What is the object? What was the purpose? Was it only charitable on the part of the Union Carbide to donate huge sums to just newly born baby society which was constituted only in 1982? Therefore, before granting this exemption, by this notification, for which an application of mind has to be there, if it is bonafide, then you have to find the source of its income? If it was a lottery income, I believe everybody frowns upon lottery excepting impecunious State Government which has tried to raise some funds here and there? Now on a principal against our lotteries—so far as lottery is concerned, did the Finance Minister or the Finance Ministry try to ascertain under what provision of law this lottery is being conducted by a private society? Because only under exceptional circumstances a private organisation is allowed to hold lotteries. It is only the Governmental agencies or State Governments which are holding lotteries. Now, under what dispensation was a society which has been recently constituted, holding lotteries? Under what law? If it was the State law, did Central Government make any reference to the State lottery authorities to find out whether the lotteries were being duly conducted or not? Don't take it mechanically. You have the authority; you will cover up many things. But these are the doubts in my mind.

I would like to know whether Central Government had detected, or made any enquiry of the State Government. We find from reports that the Home Ministry of the Government of India had made enquiries. I would like to know whether the Finance Ministry had made any enquiries with regard to that. Is it correct that on 25th June 1986 a letter was...sorry; sometime last year the Finance Ministry also made an enquiry on this? If not, why not, before granting this exemption? When was the irregularity or fraud committed by A & A Enterprises was ascertained? When did you conduct the raid?

[Shri Somnath Chatterjee]

You must have some *prima facie* information that A & A Enterprises were guilty of some improper activity. I would like to know this.

A & A Enterprises was not holding the lottery on its own. It was acting as agent of a society. If the agent conducts business in an improper manner, fraudulent manner, what is the position of the principal behind the crime? So far as impropriety in the conduct of the lottery is concerned, if it is illegal, then the principal does not exonerate itself on the ground that it was the other concern which has been doing it. The money which has been collected from the people has not been accounted for fully; and that Society which is taking part or enjoying the proceeds of an illegal lottery—that income is being expressly exempted from the Income-Tax Act. That is the point. The money which is being collected by a firm acting as an agent for the Society—in a dubious manner they were collecting money. It may be that Mahalingam ultimately has been paid, or Sengupta has been paid. But the point is that they had to run from pillar to post. They had to write to the Finance Ministry, they had to write to the Home Ministry, to the State Government's lottery authorities, to the company, the society, its Chairman, its Secretary and its Vice-President saying: 'Give me the money; give me the money. I have won the lottery'. Letters are being written, and letters are being returned to them. (*Interruptions*)

PROF. MADHU DANDAVATE : It has nothing to do with West Bengal...

SHRI SOMNATH CHATTERJEE : In "Sunday" of 25th to 31st May, there are so many things mentioned. A photocopy of a printed letter, a copy of a letter from the Collector to the Secretary of the Society has been printed, in which they say: "You were given permission for a raffle. Why have you held so many raffles? What are the accounts?" Tickets which were printed, had to be given to the Collector for vetting, or for their record. Nothing was given. No law has been complied with.

In the circumstances, can there be any doubt that this Society has been singled out for favourable treatment in an extraordinary manner, and that this favour has been given for the set-up of this organization? No other reason we can find out. I would like to know whether there are other societies which have applied for a similar dispensation, and what is the attitude of this Ministry. I know that on behalf of a hospital when we ask for exemption, under Section 80G, they ask for reports and lists and so many other things. They send people to find out what are the activities. I would like to know whether similar steps were taken in respect of this Society before this important notification was granted.

Therefore, I would submit that before this is continued further, you should look into this matter, place everything before this House, and if necessary, a committee of Members of Parliament should be constituted to go into these things.

[*Translation*]

SHRI MAHENDRA SINGH (Guna) : Mr. Speaker, Sir, I oppose this motion which has been brought to gain cheap popularity and with a feeling of political rivalry. All the societies in Madhya Pradesh are governed by the Madhya Pradesh Societies Registration Act and all the lotteries of Madhya Pradesh are governed by the Madhya Pradesh Lotteries Act.

I was very much surprised to know that Barrister Somnath Chatterjee is unaware of this fact and has asked whether the accounts of the registered societies of Madhya Pradesh have been checked or not. I think that either the Marxist Government in West Bengal does not have any control on such societies or Shri Somnath Chatterjee is not aware of it. Now I have also come to know as to why he was defeated by Kumari Mamata Banerjee in the elections. It is a very simple thing that the societies there are governed by the Madhya Pradesh Societies Registration Act and lotteries are governed by Madhya Pradesh Lotteries Act. Some people have made this complaint because of political reasons. The inquiry is going

on. Why should you have any objection then ?

You have said that this society and lottery is associated with some V. I. P. I ask you if it is associated with some V. I. P., then why the raid was conducted thereon ? The Income Tax Department has conducted a raid there and seized the documents regarding the sale of tickets. Money is being paid as soon as the tickets are released.

The Collector of Sidhi had granted permission for private lottery on December 30, 1983. In this connection, Shri Somnath Chatterjee and Shri Unnikrishnan have contended that the permission was meant only for one lottery and not more. It is absolutely wrong. The permission was granted for a duration of one year and there was no restriction on the number of draws. How could they raise a discussion when the very basis of their discussion is wrong ?

The guidelines of the Government of India, of which they talk, were issued in January, 1984 and all the formalities of this lottery had been completed in January, 1984. So, the guidelines which they quote do not govern this lottery. I am surprised that they are not aware of this provision.

I have got the information regarding lottery guidelines of the Madhya Pradesh Government. This society has fulfilled all the conditions of the State Government and all the conditions have been complied with in regard to this lottery as well. All the prizes have been paid and the list of prize-winners has also been sent to the State Government. The Income Tax Department during the raid seized 51 prize winning tickets and 29 out of them have been released. The prizes on released tickets have also been paid. If some people have complained about non-payment of prizes, then it is due to the seizure of tickets by the Income Tax Department. The prize amount could not be paid under such a situation.

He has asked whether the accounts have been audited or not. The accounts of this lottery and society have been audited by a chartered accountant. You can

get the information from me. The accounts have been properly presented.

Besides, the sponsors have been accused of giving prizes to their family members. No family member of any sponsor has got a prize.

The activities of this society are going on and it has spent much in building fund for the welfare of children. If they had any complaint, then it is not a proper forum to lodge a complaint. There is no representative of Marxist Party in Madhya Pradesh Assembly and so they asked their friends to raise questions, which the Government has properly replied to.

When Shri Arjun Singh was Chief Minister there, then he introduced some amendments in the Registration Act and some very strict provisions were enacted. Provision for more severe punishment has been made for the societies violating the Act, and for any irregularities a society would be punished. I am not able to understand as to why these people raise such questions at this forum to gain cheap popularity.

15.00 hrs.

Now, they are raising this question. It is like doing one good deed after hundred misdeeds. During the Janata Party's Government, Shri Charan Singh and Shri Morarji Desai traded charges of corruption against each other and Shri Bahuguna was called a foreign agent. Today they are talking of the poor. Why did you not form a Cooperative housing society for the poor ? If a V.I.P. wants to work for the welfare of the poor children and forms a charitable trust for this purpose, then these opposition parties start making allegations against him. If you indulge in such things, then nobody will take interest in forming a charitable trust and will stop taking interest in the already formed charitable trusts for the poor. The opposition parties would cause a greater loss by gaining such type of cheap popularity. They also dragged the names of two Members of Parliament and two Members of the Legislative Assembly. Regarding an M.P., they said that they respected him personally. Even then, how could they feel about an irregularity or bungling in

[Shri Mahendra Singh]

it? If there is an irregularity, there is Madhya Pradesh Society Registration Act for this purpose. You can make complaints under this Act. If you have any complaint against lottery, then you are free to make a complaint under the lottery Act. This matter can be resolved in Madhya Pradesh also. Your party had made a complaint in this regard which is being inquired into. The Collector and the Secretary have also written letters in this regard. Therefore, with the aim of gaining cheap popularity, Shri Unnikrishnan has brought forward this motion. Frustration among the opposition parties is also one of the reasons for doing so. *(Interruptions)*

He has also mentioned about one Shri Mahalingam. But the fact is that after taking ticket, he preferred a claim after 225 days, whereas he was supposed to do that within 60 days. Now you tell me as to how he could get a prize? There is one Shri Sant Kumar Sen Gupta about whom Shri Kumaramangalam said that he had got the prize. There is one Shri Mohammad Abbibuddin whose ticket was seized in an income tax raid. Whenever his ticket is released, he would get the prize money.

To my mind, whatever points Shri Unnikrishnan has raised have no basis. I strongly condemn him. He has tried to have political gain out of it. Whosoever gets a higher position in the Congress, a conspiracy is hatched against him to malign him. This is not a good thing. You will see its results in the next elections.

[English]

SHRI S. JAIPAL REDDY (Mahbubnagar): Mr. Chairman, I rise to support the motion tabled by Shri K.P. Unnikrishnan, because it concerns an exemption given by the Government of India under 23(c) of Section 10 of the Income Tax Act. It has been referred to earlier and it is very instructive to know that 23(c) deals with the Prime Minister's Relief Fund. This society has been placed on footing with the Prime Minister's Relief Fund. The question therefore is whether the record of this society is so shining as

to deserve exemption under this particular section.

Sir, under the Madhya Pradesh Registrekaran Adhiniyan, 1973, there were many provisions which had to be fulfilled to which I will refer. Numerous serious and scandalous violations of provisions of this Act took place.

Firstly, it was meant only for one raffle. The other Members contended, that it was not meant for one raffle, but for one year. Assuming, without conceding that their contention is correct, the fact remains that the raffles were conducted for more than one year. The licence was to be obtained from the Collector and the Collector did give licence only for one year. This needs to be explained.

Again in the law of Madhya Pradesh, audited accounts have to be submitted to the Finance Department and the registration authorities. The fact is, that the audited accounts have not been submitted in spite of repeated reminders from the concerned authorities.

The annual elections of office bearers must be held and the statement that the annual elections have been held had to be submitted to the concerned authorities in Madhya Pradesh. This has not been done. My friend, Mr. Unnikrishnan has already referred to the wrong postal address. There is a purpose behind this wrong postal address and Churhat may be a small town but the native town of a former Chief Minister of a State and nobody can mistake its identity. But whenever advertisements were issued, in regard to raffles, it was shown to be a town or a village of Rewa district, and not Sidhi district.

Secondly, Sir, these raffles are to be conducted in a limited area. The Collector of Sidhi district said the raffle could be conducted in only two districts, Rewa and Sidhi.

AN HON. MEMBER: The pronunciation is 'Reewa' not 'Rewa'.

SHRI S. JAIPAL REDDY: I stand corrected in regard to pronunciation.

PROF. MADHU DANDAVATE : In Marathi it is Reewa ; it is all right.

SHRI S. JAIPAL REDDY : But then, it was conducted all over the country. I would like the hon. Finance Minister to clarify in regard to this contravention. I may draw your attention to another violation: Under the Madhya Pradesh lottery this draw must have been held in Churhat itself. Twelve draws were held but not a single draw was held at Churhat. In regard to the non-payment of Rs. 5 lakhs to the Head Constable of Madras City Police, Mr. Mahalingam, the hon. Member said, "His request should have been received within sixty days" ; with a deliberately manipulated wrong address, how can it be received in sixty days ? He has not been so far paid Rs 5 lakhs.

The Society managed to acquire and gather such a huge amount as Rs. 28 lakhs in the name of Mother Teresa.

According to the Auditors' Report I have cited, they sold tickets worth only Rs. 5 crores and odd. Printed tickets were of the order of Rs. 14 crores and odd. There is a need to explain as to what happened to the remaining Rs. 8 crores of tickets.

I may now draw your attention to the first draw. According to the Auditors' statements, the amount collected in the first draw was Rs. 1.78 crores. One point seven eight crores of rupees ! But the prizes to be distributed under the first draw itself were of the order of rupees one crore and ninety-two lakhs. How can such a huge amount of one crore and ninety-two lakhs be distributed with the earnings of only one crore and seventy-eight lakhs ? I would like to know from the Finance Minister as to whether he knows as to who was the first lucky winner of the first draw. I may mention for the benefit of the wisdom of the Finance Minister that the prize was as high as Rs. 1.2 crores for the first winner. The second winner was to get Rs. 77 lakhs. I would like to know whether they received the money and who were those lucky people. Whether they had paid income-tax or whether they were also exempted from income-tax. I would like to know. Is it not a fact that the Govern-

ment of India imposed a ceiling of Rs. 25 lakhs in regard to the prize money and whether it is not a fact that this ceiling was blatantly and flagrantly violated by the society ? I am thankful to Mr. Kumaramangalam for one revelation because we did not know that there were earlier notifications granting this exemption to the society. He mentioned that the notifications were issued earlier. I think we are really sorry to have missed those notifications. But then it is better late than never. We have come to know of this. In the light of this fact, how can the society get exemption under section 23(C) of the Income-tax Act 1961 which deals with Prime Minister's Relief Fund ?

In regard to the composition of the committee, it has been referred to but it is not altogether irrelevant that the society got licence to hold raffle in an expeditious and efficient manner. I must say that the Government of Madhya Pradesh at that time was really competent, extraordinarily efficient. The society was granted permission by the Madhya Pradesh Government on the 16th of December 1983 for getting the licence from the Collector. The Society approached the Collector on 29th of December 1983 and the Collector also was so alert that he granted the licence on 3rd of June 1984. Such extraordinary competence shown through expeditious disposal of files could only be attributed to the all powerful composition of the society itself. Therefore, it is very necessary that before such exemption is granted, the affairs of the society must be thoroughly probed into and the House Committee of the Parliament should probe into such affairs and the Finance Minister should tell us as to which are the other societies receiving this kind of extraordinary consideration and treatment at the hands of our generous Finance Minister.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : Mr. Chairman, Sir, I oppose this motion not because it has been brought by a Member of the Opposition but I oppose the very contacts on such basic issues. We can well imagine that our Government, for the last two years, has been very actively hitting out the economic offenders in the country within the ambit of the law. I can well imagine

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the agony of Ambanis, Kirloskars and other elements in Bombay, Calcutta and Madras and naturally they will try to find some friends with them to hit out Government. As the science says, every action has its reaction. I was quite expecting for the last six months that the way the Finance Minister is trying to take up issues on the economic front of the country exposing the culprits, a definite reaction will come from their front through some method sooner or later to feed the Government. And thanks, it has come through Churhat episode under the pretext of exemption—whether it was right or wrong. Now, I do not say that Mr. Unnikrishnan is holding the brief. May-be they thought some dependable, responsible person to brief their case, under the garb of this issue. I thank him for this purpose.

Now, Mr. Chairman, Sir, there are two things involved in this motion. The first is, whether the grant of exemption was according to the law of the land, within the purview of income-tax and (b) while granting such exemption, as Mr. Somnath Chatterjee said, whether necessary formalities were examined like records, performance etc. Were those things checked by the Finance Ministry and then it was granted? Had it been a fact as Mr. Jaipal Reddy said, the ruling Party in Madhya Pradesh was keen to do it hurriedly, then possibly the Society which was registered in 1982 and if I am not wrong, the Congress Government was there at that time and the society had made an application for the licence, should not have been delayed till 1984 by the licensing authority of the same Government to go into the details of the merit and then to grant the licence. Mr. Unnikrishnan and Mr. Jaipal Reddy referred that there is no address, nothing of that. Sir, there are many many small tehsils, councils and sabhas in India and the address and name of the town itself and the post could have been the same. Now, the declaration by the licensed firm, as I go through, is, the name of the tehsil has been mentioned, the district has been mentioned and the post has been mentioned. What more addresses are required for the society to get a licence and to

announce themselves, I do not know. It is there—Churhat, Sidhi, Buvadhganj station, Sidhi district, Sidhi, post and village Churhat. There are many places in India where post and village are the same. So, the address is quite clear. I think, through this address, possibly Shri Unnikrishnan's eyes are not clear enough to find out some more things. So, he is not clear enough that this address might not be correct address and some more address will be there; some more fishy thing will be there. But the record of the Government shows that there is an address before granting the licence. Now, it clearly shows that the Madhya Pradesh Government was not at all keen to politically favour or patronise any group or society. Had it been so, the day the society was formed, the very next month, the licence would have been granted and the very next month, things would have started. But quite a long time they took, to go through and grant the licence.

Now, I come to the second point. Mr. Unnikrishnan has done a great service today in Parliament and I must congratulate him. By having brought this motion, he has opened a Pandora box for every one of us, in future, to enter into this matter, to discuss the societies and trusts which have been granted exemption by the Government of India to discuss their performance also irrespective of the parties of the State Governments, wherever they may be. I don't say that to become a son of the Chief Minister or nephew of the Chief Minister or brother of the Chief Minister is a crime. If it is a crime on the part of the Madhya Pradesh Government, it can be a crime on the part of Bengal. That cannot be a crime. The simple case is, whether one is acting or doing according to the law of the land; whether it is acting and doing in the interest of the people. Now, Sir, about this children's welfare society Mr. Unnikrishnan said, what is the performance? Mr. Somnath Chatterjee says, did the Government check up how did they collect the money. Now this Churhat Children's Welfare Society never said: Our only resource earning centre is the lottery. This society thought of among various ways, lottery can be one of the instruments to generate resources. The

society used to collect money from individuals ; the society used to collect money from companies ; the society used to collect donations from groups ; the society used to organise lottery. So, in its total resource mobilisation plan, lottery might be one of the instruments. The rest of the things were there. I found my friends very allergic. Many friends have stated that the Union Carbide gave donation to this society and that it is wrong. I do not have the details. But so far as I know, no political party and no society can claim that for their journals and for their papers and souvenirs they never take any advertisement from any multi-national of the country. If they can point out any one, I will bow down my head to him. But at least I do not know. . .

SHRI P.C. SETHI : Can I correct the hon. Member ?

MR. CHAIRMAN : No, no Please sit down.

SHRI PRIYA RANJAN DAS MUNSI : The Union Carbide - if they have donated some amount, having looted so many crores of rupees, they have done nothing wrong. But it is wrong to say that they have done it to get some patronage. I do not know what patronage can the State Government extend to these multi-nationals. They come under the purview of the Centre and not the State Government.

The third point that was made was that the lottery tickets were old and distributed throughout the country. It is a fact that in a particular private lottery system there are certain guidelines as to where to conduct the draw and where to sell the tickets. You cannot restrict the movement of the tickets to any part of India. If I buy tickets and distribute it to some of my friends in Kerala, how can you prevent it ? The tickets are open. You can carry it to Kerala. You can carry it to Madhya Pradesh. You can carry it to Bangalore. You can lay down only the guidelines as to where the draw will take place and how the draw will be held. I have not gone through the report. But it is not a fact that only the A & A Enterprises premises were raided. It is a fact that the Finance Ministry, in its own wisdom—they have done the right thing—

took action and almost all the private lottery agencies throughout the country were raided at a time and if I am not wrong, at least they were 50 in number—whether they are A & A Enterprises or Andhra Laxmi, this or that. Some tickets were seized which were in the list of prize-winning persons and as the Income-tax Department and the seizing authorities could not release those tickets, obviously, they could not get their amount and claim the amount. Whichever tickets was released they got the amount. It has been stated—that is the allegation—that they were cheated. This is again not correct.

Mr. K.P. Unnikrishnan stated that about Rs. 8 crores worth of tickets were unsold. When tickets were unsold naturally they will not earn the money. That it was unsold means that they were not sold to the people. . .

MR. CHAIRMAN : Everybody was given 10 minutes. Please wind up now.

SHRI PRIYA RANJAN DAS MUNSI : They say that they have earned an amount of Rs. 28 lakhs or something of that order. I have not got the figures. Mr. Unnikrishnan might have got it through his own investigating agencies. And the Finance Ministry might have got it. This Society has already constructed a hospital and its outpatients wing is receiving 150 to 200 patients every day. I have gone there and I have seen it myself. Everyday they are attending to 150 to 200 outpatients—women and children. I do not know whether he is anti-children. But I want to say that they have got a good hospital, they are receiving the patients and they have conducted three major artificial limbs camps and also eye camps. These are being conducted almost every day there.

Sir, now to malign a society is one thing and to malign a party and a government is another thing. The intention of the mover of the motion is not to find the truth and see whether children are benefited but to see that this is the opportune time to throw mud on the party and the government and get away with it. Had it been so, the mover of the motion should have the guts, instead of depending on SUNDAY and the INDIAN EXPRESS, to

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go and see the hospital himself and talk to the parents of the children to find out how much benefit they have got. They have not raised those issues because they consider that they are not important issues. The important issue is how to malign and a government and a party.

Lastly, I request the Finance Minister. This matter is a serious matter. Everybody has stated that the MPs, and MLAs of a particular party are members of the society and that it becomes a crime and they are accused as VIPs, this and that. I know some societies which are formed by Birlas, Tatas and Jains and great revolutionaries do not furnish audited statement of accounts. I do not know whether they enjoy exemption benefits. I would straightway put the question to the Finance Minister to enquire today and if not in the next Session whether a society in the name of Society for sports and Stadia at Calcutta having the members of Birlas Jains and Tatas, Goenkas and the leftist champions have been looting money from the business people and claiming without submitting the financial report to the Government and looting the money without giving accounts. They are enjoying tax benefits. If so whether similar thing will also be annulled? That is the precise point I would like to take.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, already a plenty of discussion has taken place on this. After listening to all the speeches here and whatever I have already read in the newspapers, it seems to me that atleast there is some serious question and doubt about the finances of this Society. This question of audited reports of different types have been placed here. As to what work has been done by this society, there is no clear-cut report given anywhere about this. Serious points have been made about the income disparities also. Now all these and what has been placed here really calls for withdrawal of the exemption that has been given. This is how I feel. Because of shortage of time, I do not want to go on repeating the points and the facts related by my other friend from this side. I would only want to put one thing. When person of really VVIP level are supposed to be involved in it,

if they are not hold responsible, there is nothing wrong in it. That is why I very much appreciate the remark made by hon. Shri Somnath Chatterjee for a Parliamentary Committee to enquire into this. This is very necessary because of the talks that are going on in the name of 'clean' and what not. That has to be substantiated. That can be substantiated. There is no doubt. Some attempts should be made. If you do not annul this exemption and do not go in for really serious probe, then even that public catering will also fail. With these few words, I support the Resolution moved by Shri Unnikrishnan.

SHRI ARJUN SINGH : Mr. Chairman, Sir, it is given to some people to listen and suffer silently. I am very grateful and I do presume that the hon. Members who raised this matter are actuated by the highest intentions, noblest of motives of enforcing propriety. I would always like to believe such things of other hon. Members of this house. I would not like to go into the details because the House which is the repository of all the powers in a democracy is seized of the matter brought to it in a Constitutional manner. The Minister who is responsible to this House is dealing with it. I would only like to say one thing, that the exercise which should have been based on marshalling facts and figures—facts and figures which are all on record, facts which are real facts—seems to have been based on marshalling accusations, press reports and some absolute falsehoods.

Mr. Speaker, Sir, it is a very great privilege that I happen to be a Member of this House and as a Member of this House I have certain privileges which each Member of this House is entitled to. It is not my intention to invoke any one of them, but I would like to say that, apart from being a Member of this House, I also have the great privilege of being a citizen of this great country. Are we, as citizens of this country, to be accused and humiliated by innuendos, by barks of calumny? Mr. Speaker, Sir, if these are going to be the touchstone of proof, then I say with all humility, whether it is my humble self or any other citizen of this country, I do not think his honour and dignity is safe in this country. I have only this to say. I am not making any allegation against the hon.

Members who have raised this point. As I have already said, I believe they are actuated by the highest and best motives. But I would like to state very forcefully and very clearly that all the innuendos, all the allegations, that have been made inside this House and outside are absolutely baseless, false and without any foundation. And when I say this standing here in this august House, I say this with full sense of responsibility because I am not here by chance and I have not come to politics seeking it as the last refuge of a scoundrel; I have entered politics with a commitment and I intend to stay here with that commitment. I am proud and privileged to be a member of the great Congress Party. I have served three Prime Ministers, Pandit Jawaharlal Nehru, Shrimati Indira Gandhi and today I am proud of serving my Prime Minister Shri Rajiv Gandhi. I will never do anything, Mr. Speaker, Sir, to bring any stain on their grace and kindness of which I have been the repository from all the three great leaders of this country. I would like that the Members may say what they want and I am sure the law of the land will take its course. In fact, with your permission, Mr. Speaker, I would like to appeal to my Prime Minister and leader of this House that in whatever manner he deems fit, he must satisfy himself and if any offence has been committed, any impropriety has been committed by any member of my family, if it is found to be correct, I would plead with the Prime Minister that the most stringent punishment be meted out to them because it is not my case and it is not my cause to defend any one, be it a member of my family or anybody, if he has acted against the law. And I would expect the hon. Member from the opposite side, while in a flowery language he did the work which he thought was fit, I would only beg of him, to consider the fidelity, the sense of propriety and the sense of honesty and of purpose of the others also of some consequence. I want to say very clearly that I have a link with the society; I am not going to hide it. Yes, the society was formed in my knowledge. In fact, I donated 7 acres of land for the society to build its hospital. I made a request personally to one of the most saintly persons walking on this earth Rev. Mother Teresa to come and lay the foundation of that hospital. It was kind and gracious of her to come and do so.

I tell you, Mr. Speaker, the background to this. Way back in 1952 when I was hardly a youth of 22, in the first general elections of India I happened to be campaigning. During that campaign one evening two forlorn children—one aged eight and the other aged twelve—bereft of any family support, walked into my election camp. For five days they lived with me and I developed a very close bond with those orphans. It so happened that three days later while they were going to a fair a flash flood claimed the lives of those two orphans.

I have had affliction in the family. I know what a family feels when a flower of a family is gone. It is this grief that inspired me to do something and that is why I donated the land for the construction of a hospital. I would repeat, I am not pleading, I am not going to hide behind any sentimentality. As I have said, if there is anything wrong and the Prime Minister is satisfied, I want the harshest of punishments to be given to those who are guilty.

But please don't use the forum of this august House which is meant for matters much more serious and important to take out political animosities and to work out designs which do not befit the proceedings of this House.

With these words, Mr. Speaker, I would beg the forgiveness of Mr. Unnikrishnan, Mr. Jaipal Reddy and Mr. Chatterjee if in any way what I have said has hurt them. I never meant to hurt them. I respect them and I request them kindly to forgive me if I have said anything which hurt them.

THE MINISTER OF FINANCE (SHRI VISHWANATH PRATAP SINGH): Mr. Speaker Sir: I think in this debate we have to distinguish the various issues very clearly.

The issue before the House is that whether the tax exemption notification given by the Central Government to Churhat Children's Welfare Society was proper. The Motion says that it should be revoked and annulled because it was not properly issued. The basic issue is whether this notification was properly issued after due

[Shri Vishwanath Pratap Singh]

care, whether the Government did apply its mind, in the application of its mind thought it fit to issue such a notification and whether does it have objective validity. That is the core of it. To this core my friend Mr. Unnikrishnan has added lot of rhetoric which has raised lot of dust. It has clouded the whole issue and dimmed the light on the whole. May be behind this cloud he may have an objective to hit out. Well in politics it is a valid game to hit out. If that has been the purpose to hit out politically or otherwise—well it is part of the game—but we should not deviate from the core assessment of the issue before the House. The core issue is whether Government properly applied its mind in renewing the notification issued to Churhat Children's Welfare Society and whether there was valid ground to do so. That is the only issue before the House.

So far as lottery is concerned it has two aspects and, I think, Somnath Chatterjee did better justice than what Unnikrishnan did with all his eloquence.

SHRI P. C. SETHI : He is always eloquent. He was very eloquent in Kao Oil case. *(Interruptions)*

SHRI VISHWANATH PRATAP SINGH : I think much of the dust which was raised by Mr. Unnikrishnan could be settled by what Mr. Somnath Chatterjee said when he said that so far as lottery is concerned it is a State subject but so far issue of notification is concerned it is the responsibility of the Central Government and that is the precise issue.

Sir, coming first to the main issue I want to mention that this exemption is not a fresh one. This exemption was given two years earlier. It was exactly in 1984 that Government applied its mind and thought it fit to give exemption under 10(23C) sub-clause (iv). The notification was presented on the Table of the House. The Society did get tacit approval of the Parliament—the highest body in the country. Thereafter the society came for renewal of the existing exemption. Again it is the duty of the Government to apply its mind and see whether this renewal is proper or not. Let it not be said that

there has been influence and pressure brought or VVIP treatment met. The society applied in 1985. The notification was issued in 1986. So it was no rush up affair.

SHRI SOMNATH CHATTERJEE : When in 1985 ?

SHRI VISHWANATH PRATAP SINGH : It was in the early months of 1985. The notification has been issued in 1986. So let it not be thought that Government did not apply its mind. It went into various aspects, satisfied itself and thought it proper to renew this notification. It was already given an exemption. So far as the objects of the Society were concerned, they remained the same. Also, a point was made by Shri Somnath Chatterjee, whether the Central Government enquired if raffle or lottery was the source of income of the Society. We did so. We asked the Society as to the contribution from the lottery and how they proposed to use it. In a very unusual manner, which is not generally done for charitable societies, an undertaking from the Society was given that all these incomes would be used for the purposes for which the Society was registered. Also, there has been no indication of any misuse of funds to our knowledge. At the same time, accounts of the Society show that the Society started construction of a building for a hospital and it spent about Rs. 11,23,107 thereon. Also the Madhya Pradesh Government has informed that the Society's auditors have remitted a total amount of Rs. 98.6 lakhs from the lottery.

SHRI SOMNATH CHATTERJEE : What is that ? It is not clear.

SHRI VISHWANATH PRATAP SINGH : I will come to that later.

After all the confirmation, what did the Central Government do ? It applied its mind. It was a case where the Society had already got exemption. The House was informed of it ; legal approval was also given. It was a registered Society. There had been no change of purpose. It had started its activities ; it had spent Rs. 11 lakhs on hospital. So far as the Society is concerned, it was engaging

itself into legitimate activities ; and there was no misuse of funds. The Society had come for renewal.

SHRI SOMNATH CHATTERJEE :
Was it automa'ic ?

SHRI VISHWANATH PRATAP SINGH : Not automatic. We applied our mind and took time. These were the things that weighed on our mind. The Society had been given exemption earlier and because of these positive things a decision was taken. This is so far as the Churhat Children's Welfare Society is concerned.

Now, I come to the whole affair of lottery and raffle, which has been the main talk. There was an agreement between the Churhat Children's Welfare Society and the A.A. Enterprises of Delhi to conduct lotteries and that out of the proceeds of the lottery, they would give a fixed amount of 1 per cent. Now, the auditors have certified that Rs. 98 lakhs had been given to the Society. So far as the Society is concerned, we looked into the use or misuse of the money. And there we find that that is being used in a proper fashion. Now, coming to the lottery side of the A.A. Enterprises, what is this A.A. Enterprises doing ? We have to see whether the lottery has been properly conducted or not, and whether the prizes are given or not. It has two aspects. One is the principal and agent relationship, as you said

SHRI SOMNATH CHATTERJEE :
Promoters will be all exonerated on behalf of the Government !

SHRI VISHWANATH PRATAP SINGH : I have not completed. I am just saying this. That is why in the start, I tried to put this point to Shri Unnikrishnan. He wanted to go on saying and trying to put it at one place.

SHRI SOMNATH CHATTERJEE :
You wanted to rail him at the beginning.

SHRI MURLI DEORA : He is so heavy that you cannot derail him.

SHRI VISHWANATH PRATAP SINGH : Whether it is a legitimate case or illegitimate case, you try to put it at

some-one's door. You were not trying to take up the issue properly. I wanted to put it in the correct perspective. Now coming to the things about this lottery, we have to see whether they have happened or not, whether there are defaults or not and we have to see the whole aspect of it. That is the thing. So, these are the two aspects.

So far as the lottery is concerned, it is a private lottery, so it is entirely under the jurisdiction of the State Government. There is another aspect here, because the Income Tax Department has raided this party, in so far as whatever material we may get, that is entirely under our jurisdiction. We are going through this and let me ensure you that whatever logical conclusions our investigations may arrive at, we will follow them. Law will have its own course and anybody found guilty will be taken to task.

SHRI SOMNATH CHATTERJEE
Upto the principals.

SHRI VISHWANATH PRATAP SINGH : I have fully stated the intent of the Government. And there is no question of any compromise on this issue.

SHRI V. KISHORE CHANDRA S. DEO : If the intent of the Government is limited only to the agents !

(Interruptions)

MR. SPEAKER : He is very clear in his concept. You don't put any questions.

SHRI VISHWANATH PRATAP SINGH : If I start answering the 'ifs', there are going to be hundred and one ifs. I can answer to only facts. It was not because Shri Unnikrishnan has wasted his breath on this issue that we took action against the A A. Enterprise. It is we who took the action and not the motion that has come. So, let us not mix up all these things and let us be clear on what is what.

SHRI SOMNATH CHATTERJEE :
Can I seek a clarification ? Is it correct that the Central Government (Finance Ministry) has to inquire about the genesis of this lottery and is it correct that there

[Shri Somnath Chatterjee]

are Central Government guidelines that no private lottery can declare prizes of over Rs. 25 lakhs and the price of the ticket cannot extend Rs. 3/-?

SHRI VISHWANATH PRATAP SINGH : Well, I have to check up. I am not exactly aware of the facts. I will check up and inform you the correct position.

PROF. MADHU DANDAVATE : I have a private member's bill for the abolition of the lotteries.

AN HON. MEMBER : Yes. It should be there.

SHRI VISHWANATH PRATAP SINGH : Coming to the other area of private lotteries, and their functioning, which is under the jurisdiction of the State Government, all I can say is on the basis of what the State Government has informed us or this issue. Of course, they have informed us about the issue of the licence, of its being registered and so on. So far as the payment issue is concerned, the Society has taken action to verify the genuineness of the lottery ticket. This is regarding Mahalingam. The State Government had also received a letter from the Canara Bank, Valankuzhi, District Palghat, Kerala regarding the payment of the prize on Ticket No CA 2867639. This is, now, reported to have been settled by the Society, as per a letter from the Auditors of the Society. Again, it goes on to say that so far as the auditing of accounts, etc., are concerned, the State Government goes on to say as per the latest letter received from the Society's auditors dated 5.8.1986, the organising agent has remitted a total amount of Rs. 98 62 lakhs, as against Rs. 1 crores due from him.

As regards the references of the Sunday Magazine, that was being said, the Ministry of Home Affairs had *vide* D.O. No. 351/38/86/ABD/3 inviting attention to article 'The great VIP Lottery hoax' appearing in Sunday Magazine on 25th and 31st May, 1986 edition and asked for a report, some of the points referred to in the article have been dealt with above. A

report on other points mentioned in the article will be sent after ascertaining all relevant facts. Sir, I assure for everything that was written. It is very clear that the Central Government applied its mind at the time of renewal. It was a case of renewal for two years, as it was existing. It is found that there was no misuse of the funds, the objects remained the same that is, the activity had started on hospital and Rs. 11 lakhs were spent, not only this, but also we have information that apart from this, other activities have also been there. So saying that the activity has started is what, that is a judicious thing—to renew the existing facility and all that.

Now coming to income tax raids on A.A. Enterprises which were conducting the lotteries, I assure you that, if any violation of law is there, fullest action will be taken. There is no compromise on that.

Coming to the private lottery, which is under the jurisdiction of the State Government, I have to share the information which I have with me. I think the matter is crystal clear and rather than a motion whether this notification has to be annulled. I think it should be supported.

SHRI S. JAIPAL REDDY : Sir, I seek a clarification regarding the prize money. The first prize was as high as Rs. 1.2 crores.

MR. SPEAKER : No. The Minister has the right to answer.

(Interruptions)

SHRI K.P. UNNIKRISHNAN : Sir, I am sorry, I have not been convinced or could be persuaded by the laboured and tame justification of the Finance Minister.

(Interruptions)

SHRI VISHWANATH PRATAP SINGH : That only shows the determination.

SHRI K.P. UNNIKRISHNAN : It is a highly emotive declaration of faith of my friend Shri Arjun Singh, not to speak of various other speeches from the other side.

I am grateful to my friends Mr. Somnath Chatterjee and Mr. Jaipal Reddy who clarified and highlighted certain issues raised in my speech.

Sir, from Mr. Arjun Singh came the charge of innuendoes. He talked vaguely of designs. I do not know whose design and for what! The hon. Member from South Delhi, I wish had not acknowledged his own involvement with the affairs of the nefarious society not just the lottery—and in fairness should have replied to if he was in the possession of the facts, of what specific charges we had levelled, instead of striking a posture, if I may say so, of injured innocence. Others who followed him had only one contribution to make, talk about mudslinging. My dear friend Priya Ranjan, talked about designs, collusion and tried to link up the raids of big business houses because...

(Interruptions)

SHRI SOMNATH CHATTERJEE : They are jobless, because the stadium has been constructed.

SHRI K.P. UNNIKRISHNAN : As I said earlier, my friend, the Finance Minister's repeated declarations were not followed in content that it would be made applicable to everybody, whether it is Kirloskar or an offender like *(Interruptions)***

16.00 hrs.

MR. SPEAKER : No, no please. No name. Absolutely irrelevant. Absolutely irrelevant. No name. Name will not go on record.

(Interruptions)

KUMARI MAMATA BANERJEE (Jadavpur) : He has referred to a Member, Sir. *(Interruptions)*

MR. SPEAKER : I have taken notice of it ; I have taken note of it. He cannot call anybody by any name.

PROF. P.J. KURIEN (Idukki) : He has to withdraw it. *(Interruptions)*

MR. SPEAKER : Order, order. I will do the job. You need not do it. I will do it.

(Interruptions)

SHRI SOMNATH CHATTERJEE : How can that Member say like that ? *(Interruptions)***

What is happening in this House, Sir ? *(Interruptions)*

MR. SPEAKER : I have not heard it. Mr. Unnikrishnan, don't name anybody.

SHRI ZULFIQUAR ALI KHAN (Rampur) : It should be expunged.

SHRI K.P. UNNIKRISHNAN : Sir, if you wish I will withdraw it. I was only trying to lay bare... *(Interruptions)*

MR. SPEAKER : Do it in a proper manner, whatever you want to say. The name will not go on record.

PROF. MADHU DANDAVATE : The other hon. Member said he should be sent to *(Interruptions)***

MR. SPEAKER : There is nothing on record.

SHRI S. JAIPAL REDDY : The notice he gave has been on record.

SHRI K.P. UNNIKRISHNAN : It is very difficult to pick out any name, because whatever name or family fortune you may refer to in this House, there seems to be a number of....

SHRI VISHWANATH PRATAP SINGH : Just to inform Mr. Priya Ranjan Das Munsi. He wanted information on one point. I could not reply to it. The Society for stadium and sports of West Bengal was notified under Section 10(23) exemption, which relates to sports organizations. The notification was given on 23rd December. *(Interruptions)*

SHRI PRIYA RANJAN DAS MUNSI : No ; nothing is there.

SHRI SOMNATH CHATTERJEE : They are jealous, because the stadium has been constructed by that society. (*Interruptions*)

MR. SPEAKER : No match here ; no verbal match here.

SHRI SOMNATH CHATTERJEE : Without a single paisa from the Central Government. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : It is not true that not a paisa from the Central Government was given. I was the sports Minister. I know.

MR. SPEAKER : Order please. Let the proceedings go on. You are a very seasoned Member.

SHRI K.P. UNNIKRISHNAN : There is nothing personal. I must say that there is nothing personal.

MR. SPEAKER : Let that not be personal.

SHRI K.P. UNNIKRISHNAN : There is nothing personal. Even as far as Mr. Madhav Rao Scindia is concerned—the Prime Minister will bear me out : I spoke to him and wrote to him. I did not raise it in the House—and I have gone on record, and he in his own hand wrote to me. Now, people are shouting that the matter will be examined and that he has forwarded my complaint to the Union Finance Minister for enquiry. I did not raise it in the House.

Now when somebody calls me by an unparliamentary and undignified expression or anything, I can only seek your protection. But I am prepared to face it on my own. I do not need anybody's defence.

There is nothing personal; but there are certain basic issues, and this is a very narrow issue. The issue relates to a notification of exemption.

S. BUTA SINGH : It has been clarified.

SHRI K. P. UNNIKRISHNAN : No. It has not been clarified. No; it has not been clarified. That is the point; and the exemption relates to what ? The exemption relates to a society. Don't bring the name of A&A Enterprises, and try to confuse. I was not trying to confuse the issue. The person who was trying to confuse the issue was the hon. Finance Minister himself. He was trying to confuse between exemption for accrual of incomes to the society, and the organizing agent of the lottery, and the A&A Enterprises agreement with the society.

It was not done by me. He has taken action on somebody's complaint against that firm the organising agent and he would like us to believe that everything is fine with the society. My Friends including Mr. Priya Ranjan Das Munsri have mentioned that everythings is clear. Does a letter exist or not written by the Special Secretry, Finance, Madhya Pradesh Government—D. O. No. 2057/R-III/4/84 which claims otherwise. In response to this, has the Office of the Collectors of Sidhi and Rewar replied ? What were those letters ? Will the Finance Minister procure them from the Madhya Pradesh Government and lay them on the Table of the House ? What were the reports ? Did they say that it was only meant for one draw, because in English language there is a difference between a raffle and a lottery. If it is one time it is raffle; it is not a lottery; if it is a scheme; it is a continuous process, it is a lottery.

My friend asked about the Central Government's guidelines to which I referred earlier ; and these guidelines specifically said in para 2, the number prizes, draws and the ceiling of the first prize shall be fixed at Rs. 25 lakhs; (b) the maximum price of a ticket may not exceed Rs 3/-. You see the guidelines. This guideline was from the Home Ministry, from Mr. Buta Singh's Ministry, because under the Constitution, they are entitled to issue these guidellnes it just as Mr. V. P. Singh is entitled under the rules of business to deal with income tax exemption. It is the Home Ministry which is incharge of this particular item for the Schedule of

the Constitution. Therefore, my whole point is that we are on a very limited issue; whether exemption granted to this society was correct or not. Let us not deviate from this. The fact of A&A Enterprises having been raided the fact of their having been an agent the society or the fact of existence of an agreement has no relationship to the purpose of the society or in pursuance of where aims and objects they are working in which capacity. They have because a licence to conduct a lottery—the licensee for lottery is not A & A Enterprise; the licence can only be and is only the particular Churhat Children's Welfare Society of Sidhi and they have been given this exemption from payment of Income tax—Therefore, let us not mix up these issues. Therefore my point was that there was a strong case that the income—as I repeated last time—which was accruing to the society from illegal draws was illegal income and the draws which were not legal and no retrospective validity can be given to this illegal draws;—except the first draw. Yes, can be totally exempted, but not any income derived from an illegal draw. Even under the Madhya Pradesh Law, it is made very clear. Therefore, what was a illegal cannot be given any retrospective validity or value. You are giving exemption for income derived from illegal tickets of lottery; that is my charge today ; and let this not be a precedent. The fact whether construction of a hospital is on and so on these are all irrelevant, although we are grateful for information provided by members.

SHRI VISHWANATH PRATAP SINGH : Do we envisage sources of whole donations that come to temples to Tirupati and everywhere and then say we will tax them ?

SHRI K. P. UNNIKRISHNAN : Let this not be on record that the hon. Finance Minister has said in this House that we need not go into the sources of fund of these societies or trusts. Then you would have created a dangerous situation for total outgo from the consolidated Fund of India and from your own exchequer. This would be a dangerous signal for you to give.

PROF. N. G. RANGA : They alone can understand it.

SHRI K. P. UNNIKRISHNAN : You have stated that you have made a mistake.

The debate was on the complexion of the income accruing to the society and it has been made clear that there are serious reasons; that is why, this objection that we have taken today through this motion has been taken. And I also want to know how many people who have filed their returns in Madhya Pradesh—in Madhya Pradesh—have declared in their respective forms according to the Income-Tax Manual and declared their winnings from the lottery. If he is not ready with the figures, he can lay it on th Table later.

Therefore, while commending this Motion of mine for the approval of the Hous, let me once again thank everybody who have participated in this brief discussion, and I can further assure Mr. Arjun Singh that it has been done with no malice, no calumny is involved, but in discharge of duty as received by me in service of this House and in service of certain administrative norms.

MR. SPEAKER : The question is :

“That this House resolves that the notification No. S. O. 2242 exempting “Churhat Children's Welfare Society” from Income-tax, issued in exercise of the powers conferred by sub-clause (iv) of clause 23C. of section 10 of the Income-tax Act, 1961, and published in the Gazette of India dated the 14th June, 1986 and laid on the Table of the House on the 18th July, 1986, be annulled. This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution.”

The motion was negatived.

MR. SPEAKER : Next item.

16.12 hrs.

SUPPRESSION OF IMMORAL
TRAFFIC IN WOMEN AND
GIRLS (AMENDMENT)
BILL, 1986

[English]

MR. SPEAKER : I have to inform the House that the President's recommendation under Article 117 (3) of the Constitution for consideration of the Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1986, as passed by Rajya Sabha, by Lok Sabha has been received.

Shrimati Margaret Alva.

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

“That the Bill further to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956, as passed by Rajya Sabha, be taken into consideration.”

Sir, the exploitation of Women and Girls for purposes of prostitution is an abnoxious feature of crime against them.

(Interruptions)

SHRI SOMNATH CHATTERJEE : I am on a point of order. While we support the principle of this Bill, I say that Rule 116 has not been complied with.

[Translation]

MR. SPEAKER : If hon. Members want to move any amendments, they may do so now.

[English]

SHRI SOMNATH CHATTERJEE : They should have sought the leave of the House formally.

[Translation]

MR. SPEAKER : You may give it now. It has been done, because it is a good thing.

SHRI SOMNATH CHATTERJEE : Even if it is a good thing, rules must be followed.

[English]

PROF. MADHU DANDAVATE : You and I should support this, Sir. Otherwise, we cannot go home.

SHRI SOMNATH CHATTERJEE : I am on a principle.

MR. SPEAKER : I know it.

SHRI SOMNATH CHATTERJEE : It should not create a bad precedent.

MR. SPEAKER : No, no, it will not be.

It was only with the consensus of the two sides.

SHRI SOMNATH CHATTERJEE : Otherwise, in each and every Bill will be brought like this.

MR. SPEAKER : No, No. It will not be done. There are other ways. It was only with the consensus of the two sides.

SHRI SOMNATH CHATTERJEE : I say, on principle, I am not opposing it.

(Interruptions)

S. BUTA SINGH : I thought, out of chivalry, hon. Members are going to request you to pass this Bill.

SHRI E. AYYAPU REDDY : There are very many points. We are creating paper tigers which are not taking any action whatsoever.

SHRIMATI MARGARET ALVA : The exploitation of women and girls for the purposes of prostitution is an obnoxious feature of crime against them. The problem of prostitution in its commercialised form has evoked serious concern in various official and non-official forums. Though prostitution has persisted since times immemorial, it has all through been

considered an evil that wrecks the foundations of the family and the community, as basic units of human society. In a poor country, deprivation, destitution and neglect have been closely associated with this vice. The most disturbing aspect today is the organised racketeering in the sexual abuse of innocent children and young persons in the trade, which have acquired increasingly clandestine forms. In this context State intervention is deemed imperative in counteracting such blatant forms of exploitation which tend to degrade the status of a human being to a mere commodity, sold and purchased to satisfy the lust of others.

In India, prostitution in its commercialised form, as an organised means of living has been prohibited by the suppression of Immoral Traffic in Women and Girls Act, 1956, as amended in 1978. The Act was enacted by parliament in pursuance of the International Convention signed on the 9th of May, 1950. The Act provides a framework for penal action against those responsible for the abuse and exploitation of women for the purposes of prostitution; care, protection and rehabilitation of those rescued from the trade, and inhibition of prostitution in a public place or any area specified as such.

On the basis of the experience gained in its enforcement the Suppression of Immoral Traffic in Women and Girls Act, 1956 was modified by the Amendment Act of 1978. Despite the amendment, it is generally felt that the provisions thereof are not effective enough to deal with the problem in all its dimensions. A number of individuals, advocacy groups and women's and voluntary organisations working for women, have been urging upon the Government to enlarge the scope of the Act, to make penal provisions more stringent, and to provide for certain minimum standards for correctional treatment and rehabilitation of the victims. In view of this and the several gaps and lacunae noticed in the conceptualisation of the Act, and the growing commercialisation of the flesh trade in different parts of the world, the present amendments are being moved. The use of boys as well as girls for purposes of prostitution has become rampant in many of our towns and metro-

politan cities. In view of this, it is proposed to widen the scope of the Suppression of Immoral Traffic in Women and Girls Act, 1956, as amended in 1978, to cover all persons, whether male or female, who are exploited sexually for commercial purposes. It is also a matter of shame and sorrow that children of tender age, of both sexes, are increasingly being used and inducted into the profession. The proposed Bill seeks to come down with a heavy hand on the perpetrators of such heinous crimes against children of tender age. For the first time, the Bill seeks to give differential punishment to offenders of crimes against victims based upon their age. Earlier the Act defined women as females who have completed the age of 21. However, punishment in respect of all offences was uniform in both cases. Now in the amending Bill we have sought to define three categories of victims. A child is defined as a person who has not completed the age of 16 years. A minor is defined as a person who has completed the age of 16 years but not completed 18 years. A major is defined as a person who has completed the age of 18 years. We have provided for the most stringent punishment in case of children and minor. As I have already stated, the Bill seeks to punish offences connected in respect of both men and women.

The Bill seeks to appoint special police officers called trafficking police officers with powers in relation to the whole country. The ramifications of the flesh trade, as we all know, generally cover more than one State and often involve several states. These special police officers, it is hoped, will expedite investigation of such offences. We have also provided for exemplary action to be taken in cases of establishments such as hotels where trafficking offences have taken place. The licences of hotels are liable to be cancelled in case offences are committed against children and minors in the premises of the hotel. In the case of other victims the licences can be suspended.

The Bill also seeks to include certain presumptions which will have the effect of punishing offences on the basis of these presumptions. For example, if a report is published in a newspaper about a raid

[Shrimati Margaret Alva]

having taken place in a certain house and it was found to be used for prostitution, it will be presumed that the tenant, lessee, occupier or person in charge has knowingly allowed the premises to be used as a brothel. Another presumption included in the Bill is that whenever a child is found in a brothel with any person, it shall be presumed that the person has committed the offence under the Section.

The Bill also provides for medical examination by a registered medical practitioner, of persons who are recovered from the premises of a brothel. This we feel is necessary in view of the problem of sexually transmitted diseases which is taking a new form everyday.

The Bill further provides that women police officers will accompany the special police officers during the search. When no woman police officer is available, a women member of a registered welfare organisation or institution may be used as a substitute. For seduction of a person in custody, the punishment has been enhanced. To safeguard the interests of the person rescued from the homes, the Magistrate is required, before making an order for handing over custody of the rescued person to a parent or guardian, to have an inquiry made by a registered welfare institution or organisation, as to the capacity of that person and his/her genuineness to look after that person.

The provisions now existing for the release of convicted persons on probation for good conduct or after due admonition and on security from habitual offenders for good behaviour are proposed to be deleted.

With your permission, Sir, I now commend the Bill to the House.

MR. SPEAKER : Before I ask the speaker to take the floor, for the information of hon. Member, dinner is being arranged in rooms No. 70 and 73, Parliament House, New Delhi at 8 p m.

(Interruptions)

[Translation]

MR. SPEAKER : All right. You may have your dinner and thereafter you may sit. Earth's joys and heaven's combined. Antidowry Amendment Bill has also to be passed.

[English]

PROF. MADHU DANDAVATE : Instead of privilege Motion, you have admitted dinner.

DR. T. KALPANA DEVI (Warangal) : Mr. Speaker, Sir, I welcome this Bill as it has been widened to cover all persons, whether male or female, who are exploited sexually for commercial purposes. There should be no quarter for persons indulging in exploitation of sex for pleasure or profit. Simply widening the scope of the Act by itself will not end the menace of abuse and exploitation of vulnerable sections of the society. What is required is commitment of the enforcement authorities to the objectives of the legislation.

The call girls rackets flourishing in five-star hotels would not be possible without the police winking at that evil. So, it is of no use our trying to deceive ourselves that by widening the scope of the law, we will end this evil. As it is, there is not enough awareness or consciousness among the people to realise this social evil and to bring the social reform, for which mass media should be used effectively.

It is a part of our culture that sex-related violence against women and children should be opposed and put down. Gandhiji used to say that the people's blood should boil when they see a woman insulted or a child abused. But it does not happen any longer. Most of the people are either indifferent towards such offences or they even promote them. This shows our cultural degradation. The tendency to expose or display the women's body for commercial or entertainment purpose is the result of our cultural backwardness.

For instance, in some of our cities like Calcutta, Bombay, Madras and

Hyderabad, women are in danger of being molested or mistreated. So, at the same time, the eve-teasers should be stringently punished.

No doubt, this Bill is creating the trafficking police and separate enforcing authority, but how far they will be successful in implementing the Act?

We should ensure that while trying to be more comprehensive in dealing with the sex-related offences, we do not allow the guilty to escape punishment. There is a possibility of the courts taking narrow view and acquitting the accused on technical grounds. It would have been therefore better if this Bill is referred to the Select Committee and the advice of independent legal advisers is obtained. I suggest to the hon. Minister even at this stage that the Bill be studied further and made fool-proof instead of introducing it in a hurried manner.

It is a good thing that there will be severe punishment for offence involving children and minors. But in some cases the exploitation of children takes place by their own parents or with the knowledge of the parents either because of poverty or greed. They are the people who sink low or harm their own children. So, it is necessary to expose and punish such abettors of crime against children.

I also welcome the provision in Section 6 that where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence under the law. By shifting the onus to the accused, a big loophole in the law will be removed. The subsequent section is also a necessary measure. But I do not see the need or justification for the Central Government to set up special courts for trial of offence even they are committed in more than one State. The original Section 22A is sufficient even for inter-State offences. The problem really is one of catching the culprit and bringing them to book. It should be left to the respective High Courts to deal with offences committed in more than one State.

The most important thing is rehabilitation of these women and their children

brought out of the brothel houses. Employment opportunities must be given so as to enable them to earn their livelihood in a dignified way and to get out of this evil. The women's home and rescue home, rehabilitation centre must be monitored effectively so as to create a healthy, homely atmosphere. They should also be provided with a psychological rehabilitation centre to those who need psychotherapy.

For all this social evil, the root cause is poverty, illiteracy and insecurity to women in this man made society.

A French writer said if any one wants to judge the culture and civilization of people, you can find out by the status and condition of women of the country. If women are backward, Nation is backward. So, women of India have to free themselves from the tyranny of man made customs and laws.

16.27 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

If the Government of India is really interested in uplifting women and to eradicate this social evil, Government should come out with the Bill of "Equal Rights in the Property to Women".

The preamble of our Constitution envisages "Equality of Status and Opportunity" to all its citizens.

I am proud to say that the Government of Andhra Pradesh had enacted a status to women by conferring equal rights along with the male members, so as to achieve Constitutional mandate of equality by suitably amending Hindu Succession Act 1956. The object of this is to achieve equality of women before law and to eradicate dowry system and to improve the condition of the women in society.

In this way we can bring down the prostitution also in our society.

It is high time for the Indian Parliament after *three decades* to review the provision of Hindu Succession Act 1956 for the benefit of whole Indian women,

[Dr. Kalpana Devi]

Otherwise it amounts failure to enforce Article 14 of the Constitution.

DR. PHULRENU GUHA (Contai) : I support the Suppression of Immoral Traffic in Women and Girls (Amendment) Bill 1986 most heartily.

I like to say that this is a very important social legislation. This Bill should not have come at the last day of Parliament and a part from that we received the Bill only this morning.

There were women's movements by different social organisations. The progressive legislation was passed by Parliament in 1956. Because it was felt that not proper execution could take place, different organisations requested the Government to amend the Act and Government brought amendment in 1978. Again it was felt that even with amendment it was not helpful. So, different women organisations also requested the Government for further amendment.

The exploitation of women and girls for the purpose of prostitution is an abnoxious feature of crime, a heinous feature of crime against women. With socio-cultural and economic changes, the problems of immoral traffic have acquired increasing clandestine form. (*Interruptions*). I do not agree with you. I am sorry. Please don't disturb me. I worked for more than 50 years in this field. So, I know the problem. As a young student I started with these unfortunate women. So, I know their problem. I know the society's problem also. I am coming to that. Please don't disturb me, I never disturbed you. So, please don't disturb me.

Despite the amendment of the Act in 1978, it was felt that enforcement is not effective enough to deal with the problem of immoral traffic.

It is a matter of great shame and sorrow that even children of tender age, both boys and girls, are being used for this purpose. If some unfortunate girls come out of the houses for bad behaviour

of family members or for any other reason the girl is not accepted by the society because it is a man-made society here. But when a man does something wrong, he is accepted by all, but not a women or a girl is accepted like that. This is the attitude of our society even now. I wish the Bill could have covered these things also.

I do agree that this amendment will strengthen the scope, but you cannot suppress it or you cannot avoid the evil by simply making legislation, though legislation must be there.

We know that not only in India but all over the world there has been discrimination against women. There are still countries, I am sorry to state. Sir, where women do not have a right to vote. In our country there is equal status, according to our Constitution, for men and women. There are a number of bills and Acts to prevent discrimination between men and women, but in practice women do not get proper position in homes and society. Whatever is the religion or the political party they belong to, most of the people do not give proper or the equal status to men and women. The attitude of total discrimination does exist. The attitude of male chauvinism has to be fought against. It is because of this attitude, prostitution exists.

Sir, I am sorry to say, in our society we have double standards. When we think of our mothers, sisters, daughters or even friends, we take them as pure, but when we see other women, many of us look after them as objects of desire or objects of lust. There is a dichotomy in our thinking, in our attitude.

As the time is limited, I am not going into the clauses. But I would like to mention here about clause 8. I support this clause most heartily, but I would like to point out that under any circumstances the culprit should not get away with fine only. He or she must be punished and they must know that they have to go to the prison under category 'C', if they violate the law. He or she may come from a very high society or any other society or people coming from rich family,

they should be put under category 'C', if they violate the law. They should never get category 'A' or 'B'. That should be incorporated in the law.

Social reforms movement must bring respect for women and women themselves, should realise their self-respect. Due to ignorance and dependency on men, women are often treated like objects. I know, rehabilitation of prostitutes is very very difficult. I have worked in this field and I know it is not so easy. The society is there and it does not make the job easy. Unless the whole people of our society change their attitude, nothing will happen. Particularly, in this context, I would like to say that one set of attitude towards male and another set of attitude towards women should be removed. There is no time. Otherwise I would narrate hundreds of cases about what I have done and my experience. Some prostitutes like their daughters to be away from the profession. I would like to bring to the notice of the Minister and if necessary, later on, I can have discussion with them and tell them these cases in details. We have worked with the prostitutes and many of them like to come out of this situation. But it had become very difficult quite often for various reasons. I am not going into it. But I am talking about their children. Most of the prostitutes do not like their children to proceed with prostitution and particularly for girls—for boys also—because boys can come out and become a part of the society but the girls cannot. But the difficulty is, we have tried ourselves, we have arranged the house and arranged money. But what happened? The children of the prostitutes could not be introduced in the regular children home because there were objections not only from the society but also from the other girls and from their relatives. They never wanted the children of the prostitute should come to the regular children home. Then, we decided to give them separate home. But the situation is quite different. It is because, if you have a home for prostitute children, they will never be able to come to the society. It is because they will be stigmatised from the very beginning that they belong to the prostitutes. So, it is not very easy to rehabilitate them unless and until we change our attitude. It is not

easy to rehabilitate them, though we have tried our best to rehabilitate them.

Lastly, I would like to say that unless and until our society changes its attitude—both men and women, at least the majority it will be very difficult to eradicate prostitution from our country or to give real rehabilitation of the prostitutes who are victims of the circumstances. Many of the prostitutes do not want to carry on their lives in those circumstances. But since they have done wrong once, they are rejected by the society. I still remember, Sir, I cannot tell you, with tears of these girls, what I have gone through in my life. I am sorry for them. But I am sorry that even by working throughout my life, I am not able to help them because of our society. And I hope with this amendment we will be able to at least do something for them.

With these words, I congratulate the Minister and I congratulate the Government for bringing this amendment and I hope that after this amendment the execution will be taken up in a proper manner.

SHRI AMAL DATTA (Diamond Harbour) : This is a Bill which everybody must support. There is no question of not supporting such a Bill. But one has to wonder why after such a law has been on the statute book for such a long time and I think it was in 1956 that the law was first enacted and in 1978 some amendments came and even then the inadequacies are still there, the loopholes are there and they are so wide that really speaking the law has been more or less ineffective till now. I would have expected the Minister to explain in a little more detail as to what were the reasons why the law has been so far ineffective because we would certainly expect that the present amendments will fill up the loopholes but whether they are doing so, that we still do not know because we are not sure as to why the Act has been ineffective so far.

The problem of immoral traffic is a social problem. It is a social problem which is intermingled with the economic problem, destitution, economic destitution which pervades our country. Our society

[Shri Amal Datta]

remains by and large a feudal society with people having authority practically over the life and death and over large numbers of people in the villages, in the small towns and everywhere. We find feudalism not only the vestiges of it but even in its full strength still reigning in many parts of India and particularly in the rural areas from where many of the victims of the immoral traffic are procured. They are procured by people who are in league, who are the cohorts, who are the lackeys of the people who are wielding feudal, social, political as well as economic power in their respective areas and these people are in league with the procurers. It is with their help and support that this procurement of girls and women is done. So this is not merely a problem which can be tackled by law and by administrative measures alone; it has to be tackled at the social and political level. It has to be tackled at the lowest level by rousing the people's conscience against this evil.

We have had in this House sometime ago—about 3 years ago—a Private Member's Bill for abolition of the Devadasi system in its various forms. This House supported that Bill—I think. But what can happen in a country where religion is still in such a stage that it is with religious sanction that young girls are made prostitutes. What can the Government do? What has government been able to do so far to prevent this kind of abhorrent religious practices from flourishing? They are flourishing and people know exactly when and where a large number—thousands of young girls are made prostitutes that very day, by offering them first to the so-called priests who have the power of life and death over all the people where the temples are situated and these people make them prostitutes. So this is a social evil. It is a political evil. It is not only an evil of the kind of society which we have inherited where we are still living and even sometimes we are harping upon to go back to the olden days of the feudal relationship. So far as our government has been able to tackle it by legislative measures, they are welcome to do so. But, in my opinion, it is not possible to do so only by legislative measures. I do not

know and the Minister may perhaps explain what other measures the Government are contemplating to take. What constructive measures they are contemplating so that there is total transformation of the society. Social and economic transformation must be there, before these administrative measures are really to become successful by giving an all-India power to certain police officers. Maybe certain large gangs or may be one or two dozen such gangs having ramifications all over the country are operating. That may be the position. Now, even if—dozen—gangs are operating, it may be that these gangs are responsible for bringing into immoral life a few thousand girls. It is not a matter of a few thousands only. It is a matter of lakhs. So, how these lakhs are going to be contained. Not by merely tackling through your police the few gangs which are operating on all-India basis; not by setting up special courts, because you will not find people to give evidence because the people on whom you are going to rely, they are the people who are responsible, in the first place, for turning these young girls into prostitutes. So this effort cannot succeed administrative measures and this effort while I do not want to certainly oppose yet I say that it is bound to be futile. It is destined to be a failure unless it is at the same time accompanied by positive measures of ameliorating economic conditions, changing social and political outlook and this is where I am afraid our Government, the present Government, is handicapped. They can perhaps give some economic amelioration but they cannot change the social and political outlook of the people; then they will themselves be out of power. So, unfortunately with this Government we have very little faith that this kind of measure will ultimately be of any great benefit. They may have small marginal benefits but even with the character of the Government as it exists today, we welcome even the small marginal benefits and that is why I support this Bill.

[Translation]

DR. G. S. RAJHANS (Jhanjharpur) :
Mr. Chairman, Sir, as a matter of fact, this Bill should have been passed without any discussion. This type of pro-

vision should have been made much earlier. I agree to the views of my colleagues and specially to the views expressed by Shrimati Guha. She had a very painful experience in the field of social services.

I have also got conducted a sociological research. I have also heard some tapes of the prostitutes. Tears will roll down your eyes if you hear as to how they are thrown into this profession and as to how they are subjected to exploitation. A special point which I have come across during my research is that they are generally exploited by the police. You have also made a provision of police in this Bill along with a provision of lady police. Probably the people do not know that the police also is involved in this evil. They compels girls to become prostitutes and act as pimps. Police is fully aware of the location of the brothels. Previously 'flesh trade' was termed for prostitution, but now they have got a sophisticated name and that is the "Call Girl". There is a famous sociologist—Promilla Kapur. If you read her book "Call Girls", you would be stunned to know the facts. I can say it with authority that 90 per cent five star hotels and 95 per cent guest houses in Delhi indulge in this "Call Girl" business. Now nobody needs to go anywhere. The pimps send the call girls to these places. I have already said in the House several times that the owners of these guest houses have very high links and all the narcotics business and call girl business is run from these guest houses. The guest house owners have their approach to higher authorities and that is why law cannot take them to task. Their names are published in the newspapers for some time and then the case is hushed up.

You have made a provision in this Bill that the licences of the hotels, which will be found guilty of running such business of call girls, will be suspended. What does it mean? It is as if you suspend a bureaucrat after he earns covers of rupees, but he is reinstated from the back door. If you cancel a licence of hotel or a guest house for 10 days only, then it would have been better not to have made such a provision. I want that if any hotel or guest house is found indulging in such

activities. It will be better that its licence is cancelled permanently. Then nobody will dare to indulge in such activities.

Today, the rural girls are being exploited economically. First they are brought to the cities and then they are lured on the pretext of their marriage and good job of typists. But later on, they are used as call girls. Whenever a sensible man comes across such an incident and goes into the depth of it, then he would be in a bloody rage. To my mind, this all business is encouraged by black money. You should make it a rule that whenever a person is caught in this business, then his photograph will be published in the newspapers so that his kith and kin may know the reality about him.

I want to say that this problem is not as easy as you may think it to be. You will pass this Bill in a great hurry but I would like to submit to you that you should effectively implement it.

Also you are already aware of what has been going on in the cabaret houses. You should go into the root cause of this problem and the economic and social aspect of it.

You should also make arrangements to rehabilitate the girls and women who have been driven to this evil profession.

This trade has acquired the shape of leprosy in the society. The girls are forced to do this and thus they are spoiled. I would request you that as this problem is very grave, you should find out the economic reasons and the black money behind it. The demon behind it should be exposed. The persons responsible for such activities should be given the severest punishment. In some Arab countries if any person is found indulging in such activities, he is shot dead. Why should we not make such laws in our own country? Otherwise there is no solution to this problem. The problem is more grave than you think it to be.

[English]

SHRI SARAT DEB (Kendrapara):
Mr. Deputy speaker Sir. There is nothing much to be said, so I will be brief,

[Shri Sarat Deb]

First of all, I must welcome this Bill. As so many Hon. Members have said, what was the necessity of amending a law which was already in force? Obviously it appears that that law was not sufficient. But if you go deep into it, you will find that whatever amendment we are bringing will also not be sufficient to stop this heinous crime.

In the amendments we are giving certain more powers to the police and to certain magistrates which were already there. If you look at the root of it you will find that these police officers are the main culprits, are the main persons behind prostitution that is existing now.

Let me tell you a thing which my Hon. friend was also saying, that as the society is becoming modernised, so also the prostitution is taking a modernised turn. If you call a woman a prostitute she reacts and says, "don't call me a prostitute, you call me a call girl." as if call girl is a dignified name.

Why is this happening? It will never be checked by any legislation or by law unless and until you equally educate the people and bring about a social reform. Secondly, only controlling or catching hold of the culprits in the hotels or in private residences is not sufficient. It is very funny. On the one hand you are condemning the prostitution and on the other hand you allow them to perform cabarets in the hotels. I cannot understand what is the difference between a woman exposing her naked body to others that is not a crime—and someone possessing her in the very same position—which is a crime.

So unless and until you go in for prevention and remove the provocation of getting into the prostitution, you cannot stop it. You will find in the films that are being shown now-a-days such a bad taste that the moment the young people see it, they get excited and ultimately dragged to the same thing.

Again, I want to bring to your notice and to the notice of the Hon. Minister

what is happening in video. Even in the interior-most villages where even TV has not gone, they are taking TV with video sets and showing not good films, but blue films. Do you mean to say that police do not know it? Do you mean to say that everything is going on without the knowledge of police? Police know it. They are the biggest sympathisers of them because they also get their monthly quota from them.

You are giving them more power. For what use? I want to bring another thing to the notice of the Hon. Minister, though it sounds funny, it is not really funny. You are bringing an amendment on immoral trade of boy and girl. You are forgetting that there is another race which is neither boy nor girl; that is eunuch. They are the biggest parasites on the society. If you go deep into it you will find that these eunuchs are the main culprits who drag these ladies and innocent girls into the trade. What provision has been made to tackle them? There is no provision. Therefore, if you want to tackle it, you have to look into these matters also.

As some of the Hon. Members have said, what about rehabilitating the prostitutes? Where do you rehabilitate them? You build destitute homes. What is happen

17.00 hrs.

ing to those destitute homes? What is happening in 'anathashrams'? It is needless to say Everybody knows that these destitute homes are nothing but brothels.

DR. PHULRENU GUHA: I object to that. There may be a few but not all. You cannot say that.

SHRI SARAT DEB: I fully honour you as a social reformer but being an elderly lady thing may not have come to your notice. As the things have come to my notice I am putting before the House. I am not saying that all the destitute homes are brothels. Even if this thing goes on in one destitute home then people will lose faith.

What is happening in your jails? There was an article in the newspapers that under-trials are being used as prostitutes. One hon. Member said these things are going on in five star hotels and guest houses. It is a matter of great shame that in most of the Government owned PWD guest houses this thing is rampant.

Lastly I want to bring it to the notice of the hon. Minister that you have brought an amendment that if such things are published in the newspapers immediate action will be taken. I bring to your notice that there was so much published in the Illustrated Weekly regarding Orissa affair. I want to know what steps have you taken? Instead of encouraging such newspapers you are throttling them.

AN HON. MEMBER : Sir, I want to point out that the matter is *subjudice*. The hon. Member should not refer to it.

(Interruptions)

SHRI SARAT DEB : On the one hand we make a provision that if it is published in the newspapers it will be taken into account and on the other hand if it is published you throttle the newspapers. Therefore I want to say though I very much welcome the initiative taken by the hon. Minister yet at the same time they should also look to the interest of the Press. Those who are trying to unmask the culprits they should get protection from the Government and should not be throttled as is being done in Orissa.

SHRI SHANTARAM NAIK (Panaji) : Mr. Deputy Speaker, Sir, it is indeed a good piece of amendment and I would like to wholeheartedly congratulate the hon. Minister who has been doing a yeoman service for women welfare not only at the national level but also at the international level. One good thing she has done is that most of the Clauses providing for punishment have been dealt with effectively by giving no option to any court of law to impose fine and in most of the cases minimum imprisonment has been provided for. That is a good sign.

Another feature of this Bill is that the nomenclature of the Bill which was very

ridiculous has been changed. The Suppression of Immoral Traffic Act which was popularly known as SITA has been changed. I remember in courts of law so many hundreds of Sitas used to stand and we used to refer them as Sita No. 1, Sita No. 2 and Sita No. 3. It is very rightful that this name has been changed.

Another thing I would like to mention is that long back I had seen a movie in which our colleague Shrimati Vijayanthimala Bali was starring. It was a good movie called 'Sadhana' in which I remember a gazal where it is said :

*Aurat Ne Janam Diya Mardon Ko,
Mardon Ne Usey Bazar Diya !*

This fact remains true even as on today. It is we men who are basically responsible. We are today the persons who are in control of the society as a whole. Whatever the evils of the society are there we have to have our major share of responsibility. We are responsible to give them this market, this bazar. One aspect which we have to remember with respect to this Act is that although there were no stringent provisions in the Act before this amendment, yet even if the Act as it was then, was implemented seriously, many crimes could have been prevented. There are four or five avenues for police officers to take their *hafta*, and this is one of them. Apart from *Matka* and other gambling evils, the prostitution dens are the major source of income of police and other officials as has been mentioned by other hon. colleagues also. Therefore the Act was not implemented properly. Stringent punishment has also been provided in the Act for those who indulge in corruption. There would be another squad behind police officials; if they are found taking bribe or money immediate action under the Prevention of Corruption Act would be taken against those officials. It was not difficult to apprehend such officials, if an alert squad was there after them.

Then, comes the question of prosecution. Investigation and prosecution are the two aspects of the Act. In such cases generally the witnesses do not turn up or are not willing to cooperate. I would suggest that a special provision of fund be

[Shri Shantaram Naik]

made so that the witnesses who appear in the prosecution cases under this Act are paid special allowance. If normal allowance of TA, DA is paid, they are not willing to come and cooperate. If they are paid extra allowance for such offences, they would be cooperative and the investigation and prosecution of these cases would be more effective. Unless proper investigation and prosecution is made, the Act will not be implemented.

There is another aspect. The record of police officials should be kept. Those who investigate cases under this Act properly and effectively and that leads to conviction, they should be given out of turn promotion. Those who take bribe should also be punished under the Prevention of Corruption Act. But those who do investigation seriously should be rewarded by giving out of turn promotion.

The system of Devdasis in certain southern parts of the country is linked with religion. It should be investigated and people must be made aware that this has nothing to do with religion and this is bad in all respects.

SHRI BHADRESWAR TANTI (Kaliabor) : Mr. Deputy-Speaker, Sir, I thank you very much for giving me an opportunity to participate in the deliberations on this Bill. I must also thank the hon. Minister for bringing this Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1986. It would only be fruitful, if the Bill is implemented in all its seriousness after it is passed. When a woman or a girl in the society is involved in such cases, the law should take a serious note of it and the authorities should take prompt and severe action. Otherwise, the very purpose of this law would be frustrated if the law remains a silent spectator when an innocent girl or a woman is involved in any incident of immoral traffic.

Women is not a liability but an asset to the society. But how many people feel and how many people take the women as goddess? We worship God in the form of women. Some people are involved in

dragging the innocent women and girls to this sorry state of affairs. Innocent women and girls are working in the industrial sectors and in forest areas and jungles. They are taken from place to place. And certain people including contractors and others, are using these women as a material object, as a commodity rather than treating them as human beings. Every day, we read in the newspapers regarding atrocities committed on women. Daily in the morning, we read that one or two or three women are dying because of some atrocity or the other and most of the cases are of the same nature, involving immoral traffic in women.

We have agencies like the police, military and other departments. Our Constitution is very much clear about the status and dignity of our women. There are so many laws on paper. Unless, these can be implemented properly, nothing will materialise. Government must take into consideration this aspect. Although laws are there, women should be properly protected under these laws. What is the use of having laws, if the poor ladies do not benefit from them. So, these laws must be effective and implemented properly.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker, Sir, first of all I would like to convey my thanks to Shrimati Margaret Alva for bringing such a comprehensive Bill. Under the earlier law, which was enacted in 1960, States had been given powers to frame rules. From the replies which have been received from the States, it appears that except Haryana and Himachal Pradesh, no other State had framed rules up to 1980. Now you have brought this comprehensive Bill for reforms. It is proposed to bring a Dowry Bill also. You are taking action in this respect very expeditiously. Mr. Deputy Speaker, Sir, you also kindly convey our congratulations to her for bringing this Bill for the welfare of women.

Could you explain to me as to what is this immoral traffic? Sexual exploitation of the children is also taking place in

this country. What is happening in the jails? The incidents of mass rape are taking place there. How many culprits of such mass rape have been awarded punishment during the last three years? The question is whether the provision regarding the minimum punishment proposed in the Bill will be implemented?

In India as many as three rapes are committed by the police daily. This racket has been going on in the country for a long time. The call girl racket is flourishing here. This Bill is silent regarding the call girls.

[English]

The Call Girl is a more anxious person than a prostitute. Unlike the latter, she practises prostitution in a clandestine manner, in a strenuous effort to appear respectable in society, which overtakes her. Like a prostitute, however, a call girl has a more pronounced negative attitude towards family, parents and authority, than girls leading a normal life.

[Translation]

I do not know much about these call girls. Earlier he had said that he had visited 90 such hotels where the call girl racket had been going on. Mr. Deputy Speaker, Sir, first he should be taken into police custody and the matter should be investigated thereafter. You are getting a source. He is saying that there are 90 per cent such hotels where this racket is going on. This is a matter which relates to your tourism. (Interruptions)

He has said this I have not said it. I was saying that this matter related to the call girls. It is a different thing if a woman is murdered, but if a woman is raped, then that woman has to face insult at each and every step throughout her life. So, you have done a good thing by bringing forward this Bill. She has to face the consequences of rape in three ways. She is socially boycotted; her family has also to face the social boycott; and that woman loses respect in the eyes of the people. So, you have done a very com-

mendable thing by bringing this Bill. (Interruptions)

Although discussion on this subject can take longer time, but time at our disposal is very short. If you are going to bring some amendments to the Act, I shall give some suggestions. As the Bill is being enacted in haste, it is not possible to give suggestions now. Regarding sexual exploitation of children you have said in the Bill that as per the understanding, the evidence of children below sixteen years is admitted under the Evidence Act. You are treating a person below sixteen years of age as a child and has formed a separate age group of 16-18 years. This is a right step which you have taken. Treating a person of 16 years of age as a child will play a great role in it.

You have done a good thing by bringing forward this provision for stern punishment in it and a provision of court has also been made in it. I convey my congratulations to the mover for it.

[English]

SHRI PRIYA RANJAN DAS MUNSI (Howrah): Sir, I congratulate Shrimati Margaret Alva for having brought this Bill in this Session. It once again proves to the whole nation that our Prime Minister, as the head of the Government, is maintaining the legacy of Late Shrimati Indira Gandhi, to defend women's rights and their protection in the society as also in the eyes of law, though we need a lot many things to do.

Mr. Deputy Speaker, Sir, I would like to comment in this regard that we should not bring politics into this issue. The basic thing is this. Whatever law we may be having to protect women, whatever provisions we may make to protect women, the social arrangement in this country is such that nothing is easy to implement. It is just not possible. Apart from the Government, there should be a social awareness, a kind of, I should say, social revolution has to come to deal with this issue effectively.

Those who go to this line are treated as prostitutes and are dealt with accordi-

[Shri Priya Ranjan Das Munsii]

ngly, by the law. But if you just have a look at their background, you can see that in more than 90 per cent of the cases, it is the economic exploitation and sufferings which drag them into this profession. In Bengal, during the Partition days and thereafter, a lot of novels were published by eminent authors. Their stories were living stories, of families forcing their daughters into this, because they were not having enough means. They were compelled or forced to do so. The law the country and the society remained silent. No protection was given.

I do not want to blame the Police. It has become a fashion for politicians just to blame the administration and the Police, and get out of it. It is not a fact that Police, in general, take advantage of the situation. I do believe that there are a number of Police officers who are equally patriotic. Like us politicians, they like to fight it out; but their hands are tied in such cases.

I was reading with great interest the case of China where there was prostitution, and what they did there after the Revolution. In the beginning, it was a crucial issue. I was reading about the programme which they adopted to remove prostitution from China, and how they proceeded with it.

In our country, the social revolution programme dealing with women is an extremely urgent necessity now. Regarding funding, more resources are necessary for it, for every State Government. Government should come out with their firm determination, today or tomorrow. We are expecting to have the land of Sita, Draupadi and other great women once again. India is known not as our fatherland, but as our motherland. Such is the respect that we have for our women. Government should display its determination today or tomorrow and show that in India we have no prostitution. To achieve this, we need a national programme, and total involvement of men and women, as also social workers, apart from Government agencies on a larger scale. If we do it in 1 or 2 cities, for example, we can then cite this as an example to other cities and other States.

I am very depressed now. I was talking to lady Members and said that even though so many women Members were there in the House, they were not expressing their concern about this problem. Men are participating more than women.

In regard to children, I will give you only two examples. It is my own experience how their exploitation is taking place. The law simply says that children should not be exploited, i.e. children below the age of 16; but does our society ensure economically that children below 16 will not have to work? Can you stop their working? You cannot. Children should not work on the road-side restaurants. Why do they work? They work because they have to earn and pay their parents. When I tour districts, I stop my car on the road side, whenever I see them work, and wonder why they are there. We, the representatives of the people know it, you know it that it is bad, and everybody knows that it is bad. But the basic point is, how to get out of the economic exploitation in various fields—whether in factories or elsewhere. I think in India our Government should give the highest priority to this problem. It is the Government, the voluntary organizations, welfare organizations and this Ministry who can rescue the nation to a great extent from this calamity.

With these words, I conclude, but with a plea. After passing this Bill, please call the social workers from every State, men and women, and involve them in a gradual way in this work. If funds are necessary, you can propose, and Parliament will give them. The Police also can help; but Police cannot do it unless there is a separate machinery, apart from the one meant for its law and order functions.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, the Amendment Bill which has been brought has its own importance. In view of its importance, I think this Bill should have been brought much earlier. This Bill has been brought in haste. So, the Government cannot know about the

suggestions of the hon. Members regarding it. This shows as to how far this Bill will prove to be effective. This is an evil which is pervading everywhere from the urban areas to the rural areas. As regards elimination of this evil, the views of the hon. Members should also have been taken into consideration. It is very easy to pass legislations one after the other so frequently. You had also brought an amendment in the last session in which severe punishment was provided in case minor and young children were employed. How far has that been implemented? At that time I had said in the House that enactment of laws did not mean that they would be implemented and the practice of putting the children to employment would be stopped. Our Prime Minister, while visiting the villages might have noticed as to how children are being put to employment. You enact laws to be included in the Statute Books only. Will you really implement the law which you are going to enact now?

I had visited a communist country where one day I had talks with a judge. There an officer told me that a person had committed theft, but they were not much worried about that incident. What was worrying them was as to why he became a thief. They told me that they were investigating that matter and so they were looking into the heredity of his family for the last ten generations. They wanted to eliminate the evil totally. They said that mere punishment was not enough. Our major weakness is that we cannot eliminate it completely. If you go to big hotels, you will find the names of call girls entered in their registers. Then how can it be put an end to? Unless the operation of black money is not checked, this evil practice cannot be stopped. After all, those people who earn black money will spend it somewhere. As you have got majority in the House, the Bill will definitely be passed. We welcome the objective with which the Bill has been brought forward. Recently the hon. Member Shrimati Geeta Mukherjee went to the Lieutenant Governor with a somebody's case pertaining to Delhi. A man had sold his wife. The father of that woman filed a case in the court. Two reminders were sent, but they went unheeded. So, the important thing is as to

who will implement the law. If the person who is himself involved in a case constitutes the implementing authority, how will then the law be implemented? It can be implemented by that person only who himself is honest. You may go through "Ravivar" of this week. I will not disclose the name. It has been published in details as to what the MPs and MLAs are doing. If you go through it, you will come to know about the party whose members are involved in such misdeeds. You must go through it. Enacting laws does not mean that these will be implemented also. If an honest person implements it, only then it can be useful and evils can be eliminated from the society. You will have to keep an eye on whether the person who is going to implement the legislation is honest or not and whether he is implementing it or not.

I would also like to say one thing more. The main problem is that of economic backwardness. If you go to the villages, you will find women working in brick kilns. There the girls are forced to indulge in immoral activities. I shall not say about those who have become habitual. The extreme poverty also breeds such crimes. So the first thing you have to see is as to how poverty should be removed. It is a welcome step that you are going to include in it other areas also. With these words, I conclude.

SHRI DHARM PAL SINGH MALIK
(Sonepat): Mr. Deputy Speaker, Sir, I rise to support the Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1986. Before expressing my views on the Bill, I would like to welcome the Bill for the reason that after passing the Bill, all the shortcomings in the earlier Act will be removed. If some minor child, boy or girl is forced to indulge in prostitution, the guilty person will be awarded stringent punishment. Besides this, there is a provision in the Bill that if some hotel is found indulging in such immoral acts, its licence will be suspended. Another praiseworthy provision is that if a person is awarded punishment for committing this type of immoral crime, he will not get the benefits which were available under section 10 and 12 and earlier he could be released on parole or probation. I think

[Shri Dharam Pal Singh Malik]

this provision will greatly help in checking this evil. A welcome provision in the Bill is that the interrogation will be done by the lady officers and only lady officers will be appointed for this so that the victims are not exploited further and they are saved from torture. The provision of setting up special courts is also praiseworthy and I welcome it.

I would like to give a suggestion to the Government. Our Government wants to put an end to this social evil. I agree that the intention of the hon. Prime Minister and the hon. Minister is genuine and we will pass the Bill and amend the Act and a provision of severe punishment will be made in it, but the responsibility of its implementation rests on the State Governments. The powers to frame rules are vested with the State Governments. I fully agree with one of my colleagues who had said that State Governments took very long time to formulate the rules. Then there is the question of law and order which is also a State subject. That is why in spite of the provisions made by the Centre, it depends upon the State Governments as to how they implement them in their respective States. If the police are entrusted with this responsibility that traffic in women, boys and girls will not be allowed within their jurisdiction I think we can succeed in our mission, but that thing is not just possible. You can go to any Police Station, you will find that the police have regular and fixed income from the brothels and the places of other immoral activities falling within their jurisdiction. An Police officer is posted in such police stations only when he pays a huge amount as bribe. Therefore, we cannot expect something good from them. Recently 5 to 7 days back a story of prostitutes was published in the newspapers in which a statement of a prostitute was also published. In that statement it was disclosed that if they earned Rs. 30, they had to pay Rs. 20 to the police and Rs. 5 to the touts. So, in this way they hardly earned anything to satisfy even their hunger and they could hardly make their both ends meet. Therefore, what I mean to say is that if we fix the responsibility on the S. H. O. or the

Police Officer of that area and instruct him that he would be personally held responsible for flesh trade or any other immoral activities within his jurisdiction and severe action would be taken against him, that, I think, it would yield better results and only then we can succeed in uprooting this social evil.

Here I would like to make one more submission. In this Bill some provisions have been made through amendments that if any hotel is found involved in such immoral activities, its licence will be suspended and it might also be even cancelled. But Mr. Deputy Speaker, Sir, as suggested by Dr. Rajhans, not only their licences should be suspended, but I want that such hotels or buildings where prostitution or immoral trade is indulged in, should be attached so that nobody could dare do so.

Mr. Deputy Speaker, Sir, in addition to it, I would like to submit one more thing. It is provided in this Bill and it is also the ruling of the Supreme Court and High Courts that if there is any solitary statement of the prosecutress against the accused in rape cases etc., then that statement would be recognised. I would like to submit that provision should also be made in this Bill that if any one wants to get relieved from prostitution or if somebody has been forced to do so, her solitary statement should also be recognised and there should be no need of witness in such cases.

I agree that this provision is liable to be misused and exploited because verification is done by the police. And the police keeps such women in the Police Station or has links with such women who can make any false statement to implicate any one. The Police get the FIR lodged by these women to insult and humiliate a respectable man. Such incidents have also been taking place. So, these things should be properly checked.

I think, if this Bill is passed and implemented properly, it would enhance the image and character of our citizens and would help in building up their strong character. Only that country can progress whose citizens have high moral character.

With these words, I support the Amendment Bill introduced in the House.

SHRIMATI VIDYAVATI CHATURVEDI (Khajuraho) : Mr. Deputy Speaker, Sir the word 'suppression' is sought to be replaced by the word 'prevention' in the Suppression of Immoral Traffic in Women and Girls (Amendment) Bill. It is very important in itself. It is very difficult to remove something by merely suppression and in prevention, the co-operation of the people of the society is also received. And even after the complete prevention, the people's cooperation is required. So far as the prostitution by the women or girls is concerned, the women themselves do not enter this trade, but they have certain compulsions and difficulties in the present male-dominated society and they are exploited by the men. He tries to force the women to adopt a wrong path for his own monetary and other benefits.

Mr. Deputy Speaker, Sir, in this Amendment, we have provided very stern rules and these are absolutely necessary, because unless we make our laws and rules stern, we cannot succeed in preventing such immoral activities. But in this regard I would like to submit that we have to prepare our society accordingly. Unless our society teaches us to respect the women and girls, such immoral activities can not be stopped.

Mr. Deputy Speaker, Sir, you might remember that sometime back I had raised a very important issue during the zero hour that a gruesome incident had taken place and some terrorists were responsible for this incident. A Zamindar forced a woman to do naked parade for one and a half to two hours only because her family members were not prepared for immoral work. Such affluent people indulge in such things on the strength of their money. So unless fear of law is created in their mind, we cannot succeed in preventing it.

Sir, our forefathers tell us that earlier a village girl, whether she belonged to a higher caste or lower caste, was treated as a daughter of the entire village. She was respected by all as their own daugh-

ter. But I am sorry to state and perhaps the hon. Minister, who is a lady, is also aware of this fact that the poor enter this immoral trade under compulsion to satisfy their hunger. This society compels them to indulge in this thing for their very survival. But now a days this flesh trade in a shape of call girls is going on in posh colonies, hostels and nursing homes and the boys and girls of higher class of the society are involved in it. How should this social evil be checked? For this purpose, we have to create awareness among the people in our society.

Now-a-days new diseases like AIDS are spreading, so we should create awareness among the people who are involved in such immoral activities that if they go on doing so, they might suffer from such deadly diseases which will not only affect them and their families, but that disease will be a serious threat for the entire country.

I would like to say that our Police is not wisely tackling this evil of prostitution. I am saying that the Police takes its commission or takes a fixed amount from these prostitutes, but it is certain that Police personnel themselves are corrupt and are of bad character. The Police arrests such people and sexually exploit them. Unless the morality is brought about among our police personnel, social workers of the society and youth, of the country, the capitalists and affluent people would continue to indulge in anything with their money power. Unless the moral standard of the people is raised, whether it is done by enacting stringent laws, or by publicity or by other means, it will be very difficult to stop this evil of prostitution.

By bringing this Bill, the hon. Minister has done a very good work and I hope this Bill will be very useful in checking this social evil.

SHRI KALI PRASAD PANDEY (Gopalganj) : Mr. Deputy Speaker, Sir, I support the Bill presented by the hon. Minister.

In his speech he has stated that in 1956 and 1960 amendments were made in this law at different times. But I want

[Shri Kali Prasad Pandey]

to know whether by amending the law we have been able to control the prostitution which has been in practice since time immemorial? Have we achieved any results? What steps have been taken to remove this evil?

A study of the Bill shows that there are many shortcomings in it. It is possible that like the amendments made in 1956 and 1960, more amendments may have to be made in the Bill in future also. The reason is that the main culprits in such incidents have been kept out of the jurisdiction of the Bill. It has been stated that if the girl is of 16 or 17 years of age... But who will certify her age? If a woman or an innocent girl is enticed away and is subsequently caught, it is said that her age certificate from a doctor should be produced. At that time the doctor demands money and we are able to buy the doctor. The doctor certifies an under age girl as a major one. In this way the culprit goes scot free. There should have been a provision of punishment for such doctors who issue such type of certificates to protect the culprits. There should be rules that such cases should be examined by a Medical Board. Unless this Board examines, no certificate should be issued.

Having been caught in the paws of the Bihar Government, I remained in jail for 3 years. I saw as to what happens there. When you want to impart justice to such women in India, your first responsibility is that if a woman is caught in a case, she should be kept in a separate jail. What does actually happen there? The Chief Warden of the jail, Zamindar of the jail and other officials of the jail indulge in shameful acts with those arrested women. Nowadays 2 sentences are awarded for one offence by one person. Will you stop this also? You should check properly the increasing tendency of prostitution in our country.

You are all aware that in Indian culture on the occasion of Dussehra a worshipping ceremony is performed wherein 9 unmarried girls are worshipped, because they are considered goddesses. The purpose behind this is that our feelings may reach

the gods. But today the same very goddesses are being forced to indulge in immoral acts. Some one has said 'Janani Janm Bhumi.'

What I want to say is that main problem before us is how to have two square meals. If one cannot have timely meals, the fire of hunger will force one to become prostitute. Unless you solve the problem, even thousands of such Bills are not going to check this immoral traffic.

It has become a curse for a poor woman to be youthful. In our country the rich is proud of his richness, but no one pays attention to the poor. The daughters and daughter-in-law of the poor sleep in the open. I urge that first you should pay attention to the poor and make proper arrangements for his food and shelter.

Unless you enact a compulsory and stringent law, those innocent girls will continue to be the victims of rape.

In conclusion I would say that if I have said any unpalatable things, I may be excused. With these words I support the Bill.

[English]

SHRIMATI MARGARET ALVA : I am grateful to all the Members who have participated in the discussion. In spite of short notice and in spite of the late hour, I think they have shown a great patience in participating and I am grateful to them.

Many suggestions have been made. There has been some criticism about the implementation of the provision which has been there in the Act upto now and, of course, we are all working together, that the implementation will improve so that this evil can be fought in a more meaningful way in future.

The title of the Act itself has changed from the emphasis on 'suppression' to 'Prevention'. I think this in itself is proof that we intend to tackle the issue in a much more meaningful way.

There had been a lot of criticism about the Act called SITA and a number

of members have referred to that. We have now changed it. It has become 'Immoral (Amendment) Act'. That is done in response to the demand made by many many groups and organisations.

As I said in the beginning, it is for the first time that we distinguish the crime against children as against those against adults.

Some hon. Members spoke just now about the question of medical certificate and so on and so forth. Well, this problem would exist in anything that you do. But I would like to say that if the doctor gave a false certificate, I think we have provisions in the Criminal Procedure Code and otherwise to deal with false certificate deliberately given by a doctor which would be really a criminal breach of trust as far as certificate giving is concerned.

This Act for the first time now moves from just women and girls to persons. It also bring in boys and men who are sexually exploited. There is no need for me to say too much about it. We are aware of this problem which is spreading. Young boys are being exploited as much as the girls for immoral purposes.

The socio-economic situation of women and the lower status which they are forced to live under in spite of all the legislation and in spite of all the efforts made by the Government is undoubtedly an important factor to be considered when we talk about the problem of SITA. It is very often that these young girls are forced into the profession, very often you have young girls brought from their villages being promised jobs in the cities, being brought by agents or pimps and finally they land up in problems. We have had many many cases and I think this is well-known that a man goes into the villages, marries a girl, brings her to the town and then sells her into a brothel and goes into another village to marry another one next year. It becomes a kind of a financial sort of support every year for him. Besides this we are also aware that there are very powerful lobbies, crime syndicates, which cut across State boundaries, even international boundaries, where women are bought and sold and now boys also under

this system We have to admit, everybody has been talking about moral regeneration, the movement, the need to improve things and so on. Well, I think the prostitution is also a question of demand and supply and one knows who the culprits are and where really the source of the whole evil is. I do not need to go too much into it, but I must say that this problem cuts across religion, caste, creed, language, and I think one cannot attribute it only to a particular section or a particular type of a situation. But I must say we have in this country, as has already been mentioned, certain religious, of course, certain social systems which tend to supply the sources for this profession. I mentioned yesterday in the other House also, I was in Pataria in Madhya Pradesh a few months ago, where we found in the whole village the girls have never been married for 400 or 500 years, and the profession of these girls right from the age of 12 or earlier, is dancing, entertainment and prostitution and the men never work. They live on the earnings of the women in these communities and therefore, there is a vested interest in continuing the system because they then do not have to work. We have now launched a massive campaign to dry up such sources of supply into brothels and so on. I was there a few months ago, we were women staying in these villages and we had the marriages of 20 girls celebrated just a few months ago. Of course there were interested people who wanted to create a controversy that minors were also married. These people never bothered to speak when the minors went into the brothels and perhaps I do not know, I did not check the age of every single girl who had married that day, which was arranged by the Collector. But the point is that there are such powerful forces who are prepared to fight any effort at rehabilitating these girls and trying to get them into other professions. Lands were given to young men who married them, we gave jobs to some, loans to others to encourage them to marry these girls and take them back to their villages, out of this atmosphere, and I think some such concrete methods would have to be undertaken if we really want to fight the evil. I understand and I agree totally that just giving powers to the police does not and cannot

[Shrimati Margaret Alva]

solve social evils. There has to be a massive support from the people, there has to be a new status and awareness among the women themselves, that their daughters are equal to their sons and have to be given an opportunity to live and most of all, I think the men have to realise—a little earlier a comment was made—

[Translation]

Today is women's day. Women should be allowed to have their say.

[English]

when I wanted to ask if this problem is purely a women's problem. If the men are not involved, there would be no brothels and therefore, to say that this is all for the women to look into and to do it, I think, is to close our eyes on a very important aspect of this problem.

[Translation]

SHRI BALKAVI BAIRAGI : Madam, even some of the men are feminine.

[English]

SHRIMATI MARGARET ALVA : Sir, it has rightly been said that we have dual standards. When we talk about our wives, our daughters and our mothers, we expect that absolute standards of purity and chastity have to be observed, but we do not ever think that other women have also the right to be treated in the same way. I have said in the beginning, and I do not want to take too much time, we have spoken about our effort at fighting this evil in hotels and guest houses. Somebody mentioned that Government guest houses and Government hotels are the big culprits. We are not distinguishing between whom they belong to or who runs them. All of them will come under the purview. When children have been found in the premises, their licence are going to be permanently cancelled. Where it has been found with an adult, we provide for suspension of licence pending total enquiry. Sir, we have also provided for enhanced punishment and not much has

been left to the prosecuting authority by way of discretion. We have fixed minimum punishment and this will be enforced.

Well we have spoken about trafficking police officers. I explained the reason. It is because, very often, as matters now stand, we are not able to stand beyond the State boundaries and many of these inter-State gangs have to be dealt with on a different footing. That is why, this provision of special powers is being made to these officers.

We are not setting up special courts. The idea is that perhaps in the future where it is found necessary in a particular centre or particular place, existing court could be, for particular areas or particular situation, made into a special court for the purpose. Or, may-be even a special court, if found necessary, sometimes, should be set up in any State.

It is a fact that religious sanctions for practices like *Dev Dasi* system and others which have been mentioned are very well-known. Therefore, religious leaders also have fairly to come out and condemn these practices and only then, perhaps the mass will realise that this cannot go on. But I must say—it was mentioned that the private Member Bill, I think, was adopted earlier in the House—that we have through the Central State Social Welfare Boards launched a massive campaign for rehabilitation, education and training of the *Dev Dasi* because my State, Karnataka does have a very a large number of these women affected by these practice and the response has been very good. Even their children are now in residential schools and now we are providing them new avenues for their future.

Sir, the question of rehabilitation is very important and many have spoken very emotionally about it. I cannot underestimate the need for rehabilitation. The society has to accept them back into the mainstream, if it has to bring them away from the profession. How many of them are prepared to marry a women who has been rescued? Even the families do not want them back. The village does not want them back and they are sort of per-

manently bonded into the profession. Therefore, moving them out of the atmosphere into a new environment, making them feel like human beings again, is perhaps something which will require a great deal of psychiatric and emotional treatment and well, dedicated social welfare organisations and groups can do that. Therefore, we have sought to bring in voluntary organisations and groups. We have now provided that a woman is to be in every search or raiding party. A woman has to be present during interrogation, and before the court releases the rescued persons, it would be necessary for the court to have an inquiry conducted through a social welfare organisation or a registered organisation certified by the State Government that the person who has come forth to take custody of the person claiming to be husband or parent or relation is a genuine person has the capacity to look after and is not just a pimp or somebody else who has come to take back her to the brothel or to his custody. This we have provided for the first time.

About protective homes and children homes, I know the problems. There are criticisms. But not all of them are as bad as they are made out to be. I do realise that we have the problems. This happens with schools, public schools, or even with ordinary schools. This happens with every institution. We are now providing for some provisions, including for the visitors. The Juvenile Justice Bill is being introduced by the Minister for Welfare, and various other measures to help improve the standard in the protective homes and children homes are under consideration of the Government and would come before you in the near future.

There has been a mention made also about the presentation of women—advertisements, films and very derogatory presentation of women which perhaps somewhere abet the crime. We have

18 00 hrs.

already introduced a new Bill which will come up in the next session against indecent presentation of women which will cover advertisements, publications, writings

and so on which would really give to the women of this country a protection against being exploited for commercial purposes even through advertisements and such things.

We have provided also for medical examination of all those rescued because of the great problem that we face in the form of diseases like AIDS and sexually communicable diseases and a provision for compulsory medical check up of all those rescued through a registered medical practitioner has been provided for.

I thought I have summarised all the points that were raised by individual members. 13 of them participated and I have tried to summarise all the suggestions and points that were made by different members. To conclude, I could not find better words than those of Gandhiji from the HARIJAN. With your permission I would like to quote just a paragraph :

“Man is primarily responsible for the existence of these unfortunate members of society. Let the Indian man ponder over the fate of the thousands of sisters who destined to a life of shame for his unlawful and immoral indulgence. The pity of it is that the vast majority of men who visit these pestilential haunts are married men and they are committing a double sin. They sin against their wives to whom they have sworn allegiance and they sin against their sisters whose purity they are bound to guard with such a jealousy as that of their own sisters. It is an evil which cannot last for a single day if we, men of India, realise our own dignity. What is worse or more harmful to the society? Is it to steal property or to steal the honour of woman? Does not man by subtle and unscrupulous ways first rob a woman of her noblest instinct and then make her a partner in the crime committed against her?”

With these words, I commend the Bill to the House.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause by clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 5 (Amendment of Section 2)

SHRI E. AYYAPU REDDY (Kurnool) : Sir, I beg to move :

Page 2,—

for lines 20 to 22, substitute—

“(f) “prostitution” means the act of the person offering his or her body for sexual intercourse whether in money or coin or being offered immediately or otherwise, the expression “prostitute” shall be construed accordingly ;” ; (5)

One of the important changes that has been brought about in this amending Bill is that it changes the definition of ‘prostitution’. Originally the definition of ‘prostitution’ was clearcut. As a matter of fact it was a very well conceived and very well drafted definition. It said ‘any person who offers his body for sexual intercourse for money or for coin or for any other purpose’. That is the definition of prostitution. Now that has been substituted by “sexual exploitation for commercial purpose”. What is meant by ‘sexual exploitation’ has not been defined. Under Sec. 4 ‘living by the earnings of the prostitution’ becomes penal and punishable. ‘Sexual exploitation for commercial purposes’ is a very wide word. It is very wide. What is meant by sexual exploitation for commercial purposes? Now, suppose a hotel-keeper employs some handsome and beautiful girls as receptionists, then he can also be said to be

sexually exploiting those girls for commercial purposes. Because your definition is very wide. Suppose a cinematograph picture is taken, like that of Sathyam Sivam Sundaram, which went up to the Supreme Court where the girls are practically shown naked. Is that not sexual exploitation for commercial purposes? Is it your intention to bring all these people to be penalised under Section 4 of the Act? If so, you make it quite clear. What do you mean by exploitation for purposes of sexual intercourse? The previous definition was quite clear, unambiguous. Now by changing your definition, you have nowhere defined what is meant by sexual exploitation for commercial purpose. It is a very wide term and then this will certainly widen the scope of the Act enormously. I am not against it. But is that your intention? If that is the intention; you make it quite clear. Even in industrial, commercial hotels, including for air hostesses positions, girls are selected only on the basis of age, complexion, height and other measurements. Would that not amount to sexual exploitation for commercial purposes?

18 06 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Therefore, what I have suggested is, alternatively include the word ‘sexual exploitation for sexual intercourse’ for ‘commercial purposes’. That will be restricting the scope of the Act. Otherwise you are widening the scope of the Act too much and it will be too difficult for you, for the Government, or for anybody to implement the Act. Therefore, kindly re-examine this because this is one of the basic changes you have brought about. There was no necessity to bring about this change. The intention was that instead of girls and women who were exploited previously, you wanted to substitute boys, children of all sexes. So, in the original definition of prostitution, if you had substituted the word “any person” instead of for the words “girls or women”, that would have served the purpose. So, alternatively I have suggested ‘sexual exploitation for sexual intercourse’ for ‘commercial purposes’. Therefore, I would request the hon. Minister to con-

sider this very important change in the definition. Sexual exploitation should not be there.

SHRIMATI MARGARET ALVA : There is sufficient interpretation and sufficient understanding of the meaning of 'sexual exploitation', under the Act. There is no need to go into all the details because we have already got established decisions on this. We have said that in the context of this Act is to make sexual exploitation a little wider than just sexual intercourse. I mean the interpretation you give is to widen, just to limit it to that particular act. It becomes difficult to prove at this stage. Therefore, it had to be widened and, we wanted it rather to be open to the courts because it is difficult to prove that intercourse took place or something of the kind was done or was not done. Therefore, it has been widened.

MR. CHAIRMAN : That is right, Mr. Ayyapu Reddy, are you going to withdraw them or not.

SHRI E. AYYAPU REDDY : Because I moved the amendments, I seek the clarifications.

MR. CHAIRMAN : The Minister has already said.

SHRI E. AYYAPU REDDY : The Minister has not answered. Actually she said that it need not necessarily be for sexual intercourse. Then this exploitation would mean....

MR. CHAIRMAN : You know that. Are you going to withdraw your amendments or not?

SHRI E. AYYAPU REDDY : First I requested her....

MR. CHAIRMAN : Please hear me. The hon. Minister is not accepting your amendment. You have to withdraw them.

SHRI E. AYYAPU REDDY : I must persuade the hon. Minister.....(Interruptions) Before I press my amendment, I must be given the opportunity to convince the House....

MR. CHAIRMAN : You have had sufficient time to convince. Nothing more. I shall now put the Amendments moved by Shri Ayyapu Reddy to the vote of the House.

Amendment No 5 was put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 (Amendment of Section 3)

SHRI E. AYYAPU REDDY : Sir, I beg to move :

Page 2, line 42,—

for "if" substitute "if after" (3)

Page 3,—

after line 6, insert —

"(c) such person fails to give within 24 hours any explanation for his lack of knowledge about his premises or any part thereof was being used as a brothel." (4)

MR. CHAIRMAN : Please be brief.

SHRI E. AYYAPU REDDY : I wanted to speak during the First Reading, but the Deputy-Speaker assured me that I would be given sufficient time to speak at the time of Clause-by-Clause consideration. If you do not give me the opportunity...

MR. CHAIRMAN : You are being given the opportunity.

SHRI E. AYYAPU REDDY : I will tell you the reason. This is a very important Bill.....

MR. CHAIRMAN : You are the only hon. Member who has given notice of Amendments to Clauses. If you have no objection, you can speak on all your Amendments together.

SHRI E. AYYAPU REDDY : Yes, I will speak on all the Amendments together.

MR. CHAIRMAN : You may speak, but be brief.

SHRI E. AYYAPU REDDY : Kindly understand this. It is a very important Bill, but it has come in the last minute. The net result is that only I could give notice of Amendments. It is not as if the other Members were not interested in giving notice of Amendments. There was no time. You are going to scuttle the very purpose of the Bill....

MR. CHAIRMAN : Not at all. It is for the hon. Minister to accept or not to accept your Amendments.

SHRI E. AYYAPU REDDY : Then we need not come to the House.

MR. CHAIRMAN : You are at liberty to propose your Amendments, and it is for the hon. Minister to accept or not to accept. I cannot say anything. Please go ahead and speak.

SHRI E. AYYAPU REDDY : Some important changes are sought to be brought about in the Act through this Bill. I may say with great humility, pain and sorrow that this Bill, with which you want to achieve the objective will not achieve that objective because trying to make the act rigid, sever and more penal than what it is not going to serve any purpose. I have been practising on the criminal side for the last 40 years. Now you have changed some of the important features of this Act. Your object is to make the Act more rigid and more severe. Sometime ago, the Doordarshan showed a programme under the caption "*Sach ki Parchaiyan*"—you must have seen this, Sir—where they took up this problem of prostitution in Bombay; they interviewed the prostitutes, they interviewed the police officers, they interviewed the social workers also; all those things were shown in Doordarshan. Most of those girls uniformly said that one-third or one-fourth of their earnings were going to the police personnel and to the procurers. It is a well known fact that about five million

people are living on prostitution in Bombay, Calcutta, Hyderabad and other cities. It is a social problem, and the act which is in force was not able to tackle the problem of prostitution, not because there was any defect in the act, but because there was no commitment on the part of the enforcing authorities to enforce it. There was no defect in the Act, there was no lacuna in the Act. The Act was perfectly alright. As a matter of fact, even the police officers did not complain that there was any lacuna in the Act. In that Doordarshan programme they did not complain that there was any lacuna in the Act. The most difficult part of it is, you will not be able to get prosecution witnesses to speak about this. Because most of the girls know fully well that they have to return to the brothe houses where they were living. So most of them will not be in a position to give evidence against those persons who run these brothel houses. That is the practical aspect of life. when they go to court, they will not be in a position to say it.

At least now under the present Act there are provisions that they will be released on probation under the Probation of the offender's Act, under the beneficent provisions they can be let off and the sentence is not very severe. Therefore most of the police investigating agencies cajole these girls saying that you please admit this sentence so that you will be released after a short stay of one month or two months.

But now you are making it a severe sentence of seven years. That has to be tried only by an Assistant Sessions Court or by a Chief Judicial First Class Magistrate. How many courts are you going to establish for trying these cases? Normally now under the Criminal procedure Code these cases are triable by the Second Class Magistrate and First Class Magistrate. Even before these courts police find it difficult to get sufficient evidence to prove the case. When you make it seven years you can take it for granted that you will not be...

MR. CHAIRMAN : Please cut short the speech.

SHRI E. AYYAPU REDDY : Sir, I am speaking on all the amendments together. I am not going to speak even on the Third Reading.

So far as making this sentence seven years is concerned, you are making it only a statutory paper tiger. These paper tigers will be made use of by the prosecuting agencies, by the police people to increase their *mamuls*. It will not serve any purpose, it will frighten people even to come and give evidence before the court. Because those persons who know fully well that they have to suffer a minimum of seven years sentence, will do their level best to see that there is not even a charge-sheet filed.

Madam, I am saying it with great pain. You may now call for records from all the Magistrate courts find out the number of cases which are pending under the Suppression of Immoral Traffic Act. If there are hundred cases now pending, by next year you will find that not even ten are booked. Ten cases will not be booked under your present enactment.

This Bill is very idealistic; but it is unrealistic. For the very girls and children who are being sexually exploited by making it very severe you are making their lives more hard and difficult. The culprits who are now indulging in this nefarious act will try to find out other methods and means of exploiting these things and escape from the clutches of the law.

Therefore, if you consult any penologist any criminologist or any expert on criminal jurisprudence he will tell you that the criminal law must try to adjust itself as far as possible to the needs of the society. Criminal law must be such that 60% to 70% of the people automatically, normally accept it and follow it. If 80% of the people are to be condemned as culprits and they don't have the natural instinct to accept it as the natural law, it will have the same fate as the prohibition Act.

I am very happy that you read Mahatmaji in your concluding speech. Are we true to Mahatma now? What has happened to his ideal of prohibition? All the State Governments enacted the prohibition law. But what is the position

today? All the States are depending only on the prohibition for their survival. All the State Governments are depending on that only. It is a source of major revenue for them.

So it is not enough to be idealistic, we must think about the reality also. Don't try to make laws which you cannot implement. Don't try to preach Satyam Vada, Dhamam Chara. It is all right. We can do it here, but how to put it into practice? Kindly think about it.

That is why I have made one suggestion that the minimum sentence may be reduced to two years, so that even a First Class Magistrate can try it. Please don't preach your ambition of seven years. It will make the culprit wriggle out very hard.

Then the next suggestion I am making is with regard to the burden of proof. You are trying to say burden of proof and presumption were raid is conducted and published in the papers must be an alternate presumption that he is running it as a brothel. For that I have given an amendment saying if the owner of that premises is not able to give a reasonable explanation of his conduct within 24 hours then there must be a presumption against him. But supposing if in the absence of the owner somebody has done it then the court will strike it out and would not accept it.

Further in cases where man is used or exploited the minimum sentence is 7 days. Why should there be any discrimination? Article 14 of the Constitution says there shall not be any discrimination on the ground of sex. Now if it is an offence committed by a man you have said the minimum sentence is 7 days. Why there should be an exception in the case of a woman? Therefore I am opposing that Clause also.

I am also opposing taking away of the judicial discretion. A judge has to consider all things. He has to consider the background under which the offence has been committed, the social background of the offender and the necessity or the compelling circumstances under which he

[Shri E. Ayyapu Reddy]

has committed it. All these things go into judicial discretion. If necessary he will apply the provisions of Probation of Offenders Act. If you say probation of Offenders Act will not apply then you are doing grave injustice to the people whom you want to protect. Namely, the minor girls who have been drawn into prostitution. You will be doing grave injustice to them by interfering with judicial discretion. It will have boomerang effect because if a judge is compelled to give 7 years imprisonment whereas his conscience does not permit to give that sentence he will rather acquit the accused rather than impose severe sentence.

Therefore, some of these important changes are necessary. This Bill is idealistic but it lacks workability. There is no workability in this Bill. Therefore, my demand is that my amendment may be accepted.

SHRIMATI MARGARET ALVA : I do not want to go into the details. I would like to say one thing. He is opposing the provision which we are removing for parole and relief for good behaviour. If a person is convicted then there should be sentence. I cannot accept his amendment.

He also spoke about the pressure on the courts. We have made provision for setting up of special courts if and when necessary to deal with this problem. Therefore, this question of having this problem of pressure will not arise. The implementing machinery is the State Government. We have to ultimately work through them. If I may remind the hon. Member that Telugu Desam member, Dr. Kalpana Devi who opened the debate said one of the important thing to avoid prostitution is to give equal rights in property to women which their State Government has given. I presume that Andhra would be the first to fight this evil in the country because they say that is the answer to prostitution. So the point made by their member that give them equal right and there will be no prostitution you have already done it let us see how it works in

your State. So I am not able to accept these amendments.

MR. CHAIRMAN : I shall now put amendments Nos. 3 and 4 moved by Shri E. Ayyapu Reddy to the vote of the House.

Amendments Nos. 3 and 4 were put and negatived.

MR. CHAIRMAN : The question is :

“That Clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 (Amendment of Section 4)

SHRI E. AYYAPU REDDY : I beg to move :

“Page 3, Line 12,—

“for seven” substitute “two” (5)

MR. CHAIRMAN : I shall put the amendment moved by Shri Reddy to the vote of the House.

Amendment No. 5 was put and negatived.

MR. CHAIRMAN : The question is :

“That clause 7 stand part of the Bill”.

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 (Amendment of Section 5)

SHRI E. AYYAPU REDDY : I beg to move :

“Page 3,—

(i) line 19,—

for “three years” substitute “one year”

(ii) line 20,—

for "seven" substitute "two". (6)

Page 3, lines 21 to 24,—

omit ", and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years" (7)

Page 3, line 29,—

for "seven" substitute "two" (8)

Page 3, line 33,—

for "seven" substitute "two" (9)

MR. CHAIRMAN : I shall now put all the amendments moved to Shri Reddy to clause 8 to the vote of the House.

Amendments Nos. 6 to 9 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 (Amendment of Section 6)

SHRI E. AYYAPU REDDY : I beg to move :

Page 4, line 8,—

for "seven" substitute "two" (10)

Page 4, line 13,—

for "Seven" substitute "two" (11)

MR. CHAIRMAN : I shall now put amendments to clause 9 moved by Shri Reddy to the vote of the House.

Amendments Nos. 10 and 11 were put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill

Clause 10 (Amendment of Section 7)

SHRI E. AYYAPU REDDY : I beg to move :

Page 4, line 32,—

for "seven" substitute "two" (12)

Page 4, line 37,—

for "seven" substitute "two" (13)

Page 4, after line 48, insert—(14)

"Provided further that where a licence is proposed to be suspended or cancelled as the case may be, before trial and conviction, the licensee shall be given a reasonable opportunity of being heard."

MR. CHAIRMAN : I shall now put all the amendments moved by Shri Reddy to Clause 10 to the vote of the House.

Amendments Nos. 12 to 14 were put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12 (Amendment of Section 9)

SHRI E. AYYAPU REDDY : I beg to move :

Page 5, line 17,—

for "seven" substitute "two" (15)

Page 5, line 21,—

for "seven" substitute "two" (16)

MR. CHAIRMAN : I shall now put amendments to clause 12 moved by Shri Reddy to the vote of the House.

Amendments Nos. 15 and 16 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill

Clauses 13 and 14 were added to the Bill.

Clause 15 (Amendment of Section 13)

SHRI E. AYYAPU REDDY : I beg to move :

Page 5, line 31,—

after "exploitation" insert—

"or commercial exploitation".(17)

MR. CHAIRMAN : I shall now put amendment No. 17 to clause 15 moved by Shri Reddy to the vote of the House.

Amendment No. 17 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 15 stand part of the Bill".

The motion was adopted

Clause 15 was added to the Bill.

Clauses 16 to 18 were added to the Bill.

Clause 19 (Amendment of Section 17 A)

SHRI E. AYYAPU REDDY : I beg to move :

Page 7, lines 8 and 9,—

omit "by causing an investigation to be made by a recognised Welfare institution or organization". (18)

MR. CHAIRMAN : I shall now put the amendment to Clause 19 moved by Shri Reddy to the vote of the House.

Amendment No. 18 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clauses 20 to 24 were added to the Bill.

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

SHRIMATI MARGARET ALVA : I beg to move :

"That the Bill be passed."

SHRI E. AYYAPU REDDY : Sir, I would like to add just one thing. I wish you all success and godspeed in this matter. What I am trying to say is this. Unless there is a special infrastructure created for the implementation of the Bill, the Bill will only be a paper tiger and it will defeat its very purpose, for which it is being enacted. Even the present law has been successful when there are committed and sincere police officers. Even those people will not be able to implement these provisions, unless there is a substantial infrastructure and committed persons are put in charge of it.

SHRIMATI MARGARET ALVA : This has been accepted by everybody that ultimately, it is proper implementation which counts.

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

18.35 hrs.

DOWRY PROHIBITION (AMENDMENT) BILL, 1986

[English]

MR. CHAIRMAN : I have to inform the House that the President's recommendation under article 117(3) of the Constitution for consideration of the Dowry Prohibition (Amendment) Bill, 1986, as passed by Rajya Sabha, has been received by Lok Sabha.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT (SHRIMATI MARGARET ALVA) : 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, as passed by Rajya Sabha, be taken into consideration ”

Dowry remains today a burning problem about which all sections of society are deeply concerned. The menace of dowry has wide ranging dimensions and cannot be tackled easily. The practice of dowry has to be resisted on various fronts. There has to be an awakening amongst the people against this evil as practised today. There has to be a national campaign against this malady and there should be a strong legal umbrella under the framework of which it would be possible to take strict and adequate measures against the persons who are indulging in coercion, harassment, mal-treatment and other evils against the bride and her parents. We see today, the tragedy of totally blinded greed which leads to murder, often burning of the bride over the reason of insufficient dowry.

Concerned deeply with this issue the Dowry Prohibition Act, 1961 was amended in 1984. However, opinions were expressed by representatives of women's voluntary organisations, legal aid groups, women Members of Parliament, as well as others concerned with the implementation of the Act that further amendments should be brought about to make the Act fall more in line with the recommendations of the Joint Select Committee of Parliament and also to make it more effective.

The Bill has been circulated to the Members and I am sorry for the short notice but we had no alternative I would like to briefly touch upon some of the salient features of the Amendments :

The definition has been expanded.

- (i) The minimum punishment for taking or abetting the taking of dowry under section 3 of the Act has been raised to five years and a fine of rupees fifteen thousand.
- (ii) The burden of proving that there was no demand of dowry will be on the person who takes or abets the taking of dowry.
- (iii) The statement made by the person aggrieved by the offence shall not subject him to prosecution under the Act.
- (iv) An important innovation has been made in the proposed amendment to Section 4, by including offers through advertisements in newspaper within the scope of the Act. In certain parts of India matrimonial advertisements freely advertise offers or demand of dowry by using such words as “share” in property and so on. Through this Amendment such activities are sought to be curbed.
- (v) In Section 6, amendments are sought to be introduced which will protect the property gifted to the woman in case she dies within 7 years of marriage due to unnatural causes, by making her children inheritors of such property. If she has no children her

[Shrimati Margaret Alva]

parents have the right to receive the property.

(vi) Another important amendment proposed is to make all offences non-bailable. This is to counteract tendency on the part of the magistrates and who, on very flimsy ground, sometimes give bail to dowry offenders. Along with this amendment another important amendment is the appointment of Dowry Prohibition Officers by the State Governments. These Officers will be responsible for overseeing the implementation of the Act and to help the prosecution in proving the offences and also in preventing such offences. The States Governments are empowered to appoint Advisory Boards of Social Welfare Workers to help the Dowry Prohibition Officers.

(vii) The most important amendments which were required in view of the increasing number of dowry deaths are amendments proposed in clauses 10, 11 and 12 of the Bill which will lead to necessary consequential amendments in the Indian Penal Code, Code of Criminal Procedures and in the Indian Evidence Act. In the Indian Penal Code, a new Section 304(B) will be added. Dowry death has been defined for the first time and the presumption will be raised against the husband or a relative if a woman dies in unnatural circumstances within 7 years of marriage and it is shown that soon before her death she was subject to cruelty or harassment by her husband or any relative of the husband in connection with any demand of dowry. Whoever will be guilty of committing dowry death shall be punished with imprisonment for a term which shall not be less than 7 years but which may extend to life imprisonment.

Sir, the above Amendments will help and make the Act more stringent and would respond to the demands which have been made by various sections. I commend this Bill to the House.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, before going for the substantive discussion, I would draw your attention to this fact that Bills of such social importance, if they are brought in this cavalier fashion, on the last day of the Session, that too giving the Bill in our hands just two hours back, you can yourself see the circumstances in which we are discussing. This, I think is really extremely objectionable. With all my love and respect to my sister Margaret, I say the system that is working really has affected and this is really reprehensible because essentially the anti-Dowry move question is a question of mass movement, and that much of significance should be attached to it by the House, while discussing this kind of Bills. In future, I hope this will be kept in mind. We would have objected had it not been Dowry prohibition Bill; that we would make it very clear. It has really distressed me. I think this does not behave of a person having any serious attitude towards this question. I am not saying this about my friends, but I am saying this in totality.

Firstly, Sir, in this connection, I would also like to recall that when the 1984 Amendment Bill was passed, at that time also, it was passed on a day when the whole Opposition walked out for the whole day. So really no opportunity was given to us. Those of us who were not in the Select Committee had no opportunity of discussing the Bill properly. You can really imagine that in that atmosphere, my other sisters must have felt somewhat dejected. This is the second time that this has happened, in respect of the Dowry Bill. Really, it makes matters worse.

I need not go into the situation as such, because if there is one single evil which is really grinding down women of all sections, it is the dowry system. It is making our lives absolutely miserable. I am now talking for the whole lot of women. My life is gone. Each one of us should understand what is happening to

women. Progressively, they are addressing themselves to this question. Now I say it is a regressive situation, as far as the dowry question in this society is concerned. This must be realised fully.

I would not go into the hundreds and hundreds of cases that we have seen. I will give you one instance, to show how this entire dowry legislation has been taken by people till now. Recently, the Tata Institute had conducted an enquiry. They say they interviewed 600 people; and all the 600 admitted that they had taken dowry, or given dowry. Nobody said he or she had not taken or given dowry. The most interesting feature is that this was done after the 1984 Bill was passed. The Director of the Institute Mr. R. D. Nayak revealed that 78% of the respondents, viz. about 600 had some knowledge that there was the Dowry Prohibition Act. But 58.8% did not know things specifically. For whom are we passing all these Bills? That is why this has to be taken far more seriously. Without going into the situation any more, I would say that everybody would agree that it is really an absolutely deplorable situation.

Now about the Bill being introduced today. How far can it go and what should be done about this problem so that the Bill i. e. the Act can be implemented properly. Firstly, I very much welcome the provision in this Bill for the appointment of Dowry Prohibition Officers, and the Advisory Board because these are things in the realm of implementation. This was earlier sought for by us. It was not incorporated earlier. Now that it has been done, so far so good, though I have some more amendments also for this section on implementation.

Somehow or the other we have managed, Margaret Ji. I got hold of a Rajya Sabha bill at 8 o'clock last night. I noted down my amendments. Many others might have liked to do it. But they could not. I will come to it later.

I also welcome some other features of the Bill like shifting the burden of proof on the person accused, in respect of receiving dowry or abetting it; the provisions about relieving the aggrieved person from the fear of prosecution, about

banning advertisements, making the offence non-bailable and the provision about dowry deaths and about the question of presumption by the court that the accused is guilty. Later on, he will have to prove otherwise. These, in my opinion, are some of the things which are good. So far as the Bill or the law can go, these are good things. But I really have a very serious difference with regard to the concept of dowry. Firstly, a claim is made by sister Margaret to that the punishment has been made stringent. But punishment comes much later. First of all, the offence and the proof of the offence are there. Now, at the moment, even after the amendment of 1984, what is supposed to be dowry?—valuable security and property? As far as presents are concerned, there is a 1984 amendment. You see what they have said in the 1984 amendments which is now part of the principal Act. What is outside the purview of punishment? The presents which are given at the time of marriage to the bride without any demand having been made in that behalf. Who will prove that no demand was made. It is absolutely a useless phrase. That means all the presents would go outside the pale of dowry: not only that presents which are given at the time of marriage to the bridegroom. Within brackets they have mentioned: "Without any demand having been made in that behalf". Who will say that I am making a demand. Who does not know that this happens? In the shape of presents things are given. There is a list of presents which I do not want to deal with. Then it further reads as follows:

"Provided further that where such presents are made by or on behalf of bride or any person related to the bride such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom or on whose behalf such presents are given."

This is an anomalous thing. First of all, what is customary? Payment of capitation fee is customary. Finding a job and given price for that is customary. All these are customary. Is it not? So every thing is customary—a refrigerator, a cooler and a T. V.; that too a colour

[Shrimati Geeta Mukherjee]

T. V., not an ordinary one. All these items have become customary. What about the financial status of the giver? This is really very funny. This does not cover anything.

As far as security is concerned, that is the real dowry today. Who give security and who gives valuable property and what is property gain?

As far as definition of the dowry is concerned, all the laws that we have uptill now passed or proposed leave a whole arena wide open absolutely. After that the punishment will be for five years or ten years or life imprisonment. What does that matter? It does not matter at all. So, I understand that this is a complicated subject. If we really want to declare aware against dowry, we must be serious and have such provisions which would really be deprecating dowry totally and clearly. If anybody wants to give anything to his daughter let him do so. There are many other ways of giving it. But this kind of a loophole is not a loophole but a hole altogether. That is why, after this amendment, etc. it will become rather theoretical to me. I am sorry to say that.

SHRIMATI MARGARET ALVA : It is being suggested that if we abolish marriage itself then there will be no problem.

PROF. MADHU DANDAVATE : I hope not with restrospective effect.

SHRIMATI GEETA MUKHERJEE : You see, if marriage is not to be there, I do not know what will be—suppose later on at some time—the condition, happy or unhappy that is a different question. If it is not leading to bad things, because there is an affluent section and also so many people are leaving there land and everything because they have to pay dowry—this dowry is a big reason for the impoverishment of the poor strata of society. This is a big dimension to the problem dowry. I should not be diverted further.

I have given a full set of amendments which define dowry, in my own way. I

wanted that these loopholes should be really plugged. Whether plugged or not nominally, is a different matter. But attempts should be made seriously to plug them.

If you would ask me, I will explain the amendment fully. That will probably be easier.

MR. CHAIRMAN : In a nutshell you can do it.

SHRIMATI GEETA MUKHERJEE : This is a Dowry problem. I have indicated what I thought should have been—or what I think—should decide the dowry. Here, that is why, I wanted this entire dowry definition be re-cast with this idea that *(Interruptions)*

MR. CHAIRMAN : That has been circulated. Your amendment has been circulated.

SHRIMATI GEETA MUKHERJEE : I will just indicate what I meant. This question, accepting these valuable securities etc., as far as presents etc., are concerned, my idea is that whatever is given by the bridegroom or by the parents or relatives or friends, before or after marriage in the form of cash, ornaments, clothes or other articles not exceeding in value five per cent of the income during the year preceding the date of the marriage of the parties or five thousand rupees whichever is less, only that, should be accepted. Everything else should fall under the definition of dowry. This is the maximum that can be given. It may be that five thousand rupees do not buy anything these days. That is why I say that this should be a frontal attack on dowry. And this must be done. In any case, we are not getting anything.

PROF. MADHU DANDAVATE : With Rs. 5,000/- only the husband can be purchased.

SHRIMATI GEETA MUKHERJEE : Even husbands cannot be purchased these days. That is the trouble. This is my idea of making a frontal attack on the concept of dowry.

Then, another thing I have proposed is that the marriage expenses, that is lavish expenses that is a part of the expenditure should also be brought under some limitation. In my amendment, I have suggested that it should not be more than Rs. 3,000/-.

AN HON. MEMBER: What about Jeera Paani?

SHRIMATI GEETA MUKHERJEE: Jeera Paani can be made. Jeera Paani or Chai Paani can be given. Nariyal Paani will be costly. (Interruptions) But I am not joking. I mean business. Jeera Paani will be all right. Unless this entire show of wealth in connection with the marriage ceremony and its pressure on the bride's family is given up, things will not improve much. I repeat that this type of Bills should be seriously debated with everybody's participation.

Coming to the question of implementation, I welcome the appointment of Dowry Prohibition Officers. Along with that the Joint Committee has made another recommendation, which, in my opinion, is almost equally vital from the point of view of implementation. That was that the Central Government and State Governments before Parliament and respective State legislatures have to make an annual report of evaluation of the implementation of this Act as to what is happening. That is extremely necessary. Tell me, even after 1984 amendment, how many cases of dowry taking have been proceeded against? With regard to dowry deaths something could be done with the help of the Criminal Law (Amendment) Act of 1983. Some fight is going on though not with great success. Some cases are being taken up. We have our own experience on that. If a movement is really to be created and coordinated both from outside and inside the legislature, then the annual report is very very essential. Around that a big movement can be built up for further improvement. Unless that is done statutorily, no Central Government or State Governments even with friends like Margaret, will make this evaluation seriously. I think, that should definitely be done. I have given an amendment with regard to that as well. Here it is said 'soon after the marriage', I want that

'soon' should go and 'after' should remain.

Before concluding I would say that everything being said and done about whatever is there in the Dowry Prohibition Act, unless there is a very big mass movement, this cannot be implemented. Now I want to know from the political parties, naturally the ruling party which is the biggest party—this is not for politicising—and the opposition also, what are the criterion you are applying for selection of your candidates? Have you gone into the dowry antecedents of them? Will you give us an assurance that persons who have taken or abetted dowry will be given neither any position inside the party nor a ticket for the legislatures—Centre and State? And in the legislatures if there is anybody who may not be formally prosecuted but suspected of dowry offence, which you will understand through your own machinery, will you *suo motu* disqualify him? Unless you do that, unless

19.00 hrs.

you give them challenge from here itself, unless you are serious, unless the entire political system is serious, whatever amendments you may make this evil will remain where it is, There will be no going away from the dowry business. Here again I feel that the situation is very much going by default. So, something must be done about it. Therefore, I support the Bill not with the conviction that this Bill by itself will bring any good but I hope that such kind of things may develop a pressure which can meet our anguish to some extent.

[Translation]

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Island): Mr. Chairman, Sir, I rise to support the Dowry Prohibition Amendment Bill presented in the House.

Mr. Chairman, Sir, so far as this Bill is concerned, looking at the amendment proposed, no one may oppose it.

In 1961 the law was passed and in 1984 it was amended. After the amendment it was thought that it will have the

[Shri Manoranjan Bhakta]

desired effect. Looking at the difficulties and also to strengthen it further, this Amendment Bill has been brought. I support it.

Alongwith this I want to congratulate the hon. Minister for bringing such an important Bill before the House. It is true that she brought the Bill belatedly and many hon. Members could not speak on it. Even then the hon. Minister considered its necessity and brought this Bill before the House. We will have to pass it.

I also want to point out as to how many hon. Members of both the sides are sitting at the moment to discuss such an important social problem? We consider it a very important problem, but all the Members are not present to discuss the issue.

The problem of dowry is a social problem. No social evil can be abolished merely by passing a law or by discussing it in the Parliament or by amending the law. The people will have to endeavour to eradicate that. The society should come forward to uproot it and people should convert it into a mass movement.

This is the reason that the former Prime Minister Shrimati Indira Gandhi included it in the Programme of the Indian National Congress. In India there is only one political party which has a will to eradicate this evil. There is only one party which has included it in its programme. The Youth Congress has launched a crusade against the evil of dowry. This has created a consciousness among the people of the entire country. It is a social evil and the people of the country have to eradicate this evil.

What is happening today is our daughters and daughters-in-law are being done to death after the marriage. They go to their in-laws' houses with a new ray of hope to lead a new life, but after one week one month or six months of marriage they meet a horrible death, they are killed. It is a matter of shame for the society and for all of us.

Mr. Chairman, Sir, I want to point out one thing. As just now one hon. lady Member stated that the shortcomings in the 1961 Act were removed in 1984, to stop this sin, to stop the killings. In Bengal, Devgyani was killed, recently Bimla was murdered. Similarly in the Delhi newspapers we read daily such types of news. But I want to tell that in 1984 in Andhra Pradesh a good thing was done. In Guntur district when a dowry murder of Swaran Kumari was committed, the local court had sentenced mother-in-law and the husband to death. I do not know whether the sentence was confirmed by the High Court or not. In this connection I want to submit that the judicial officers should adopt a humanistic approach and should dispose of such cases at the earliest and the most stringent punishment should be awarded. It is the biggest sin in the society. We have to stop it.

I want to submit one thing more. This evil of dowry is more prevalent in metropolitan cities like Delhi, Calcutta, Bombay and Madras where there is much ostentation. In such places, this sin is committed more. It is a matter of regret that whereas earlier in villages at the time of 'kanyadaan' i. e. marriage, parents used to give some thing to their daughter, but now it has become the biggest evil of the society. Presently this evil is spreading gradually in the villages also and there also sophisticated items like TV, refrigerator, scooter etc. and other items of ostentation are being given in dowry. This problem is gripping the rural areas also and the situation is turning grave. Keeping in view the seriousness of the problem, I would request that men of devotion, dedication and having social awareness should be recruited in the proposed Dowry Protection Force. Protectors who become predators should not be recruited. This would lead to more harassment and exploitation of the poor and therefore, I request the Government to pay serious attention to it.

Besides, this proposed force I would urge the Government to set up an organisation on the lines of National Integration Council and similar councils and insist on all political parties to actively participate in it. A meeting of this organisation should be convened once every

three or six months where in the details of the work done in this field, the steps taken for dowry prohibition and the ways to eradicate the system itself should be discussed. Attention should also be paid to publicise this programme in the rural areas. Only then we can remove this social evil. Mr. Chairman, Sir, one important suggestion that I want to give here is that today thousands of people are invited on marriages and lakhs of rupees are spent unnecessarily. This should also be checked immediately. There should be a ceiling on marriage expenditure so that the rich may not create a feeling among the poor that those who spend more on marriages, only they have high social status. I fully agree with the lady member from that side that all the political leaders irrespective of the party affiliation should condemn it publicly and try to make it a mass movement. With these words, I thank you for giving me an opportunity to speak.

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh) : Mr. Chairman, Sir, I wholeheartedly support the Dowry Prohibition Bill, 1986 which has been introduced by the hon. Minister and I thank the Government as also the Minister for it. The dowry system is a dark spot on the face of our society today and we have to hang our heads in shame because of it. We had enacted a law to eradicate this black blemish as early as 1961 and then thereafter our late Prime Minister Shrimati Indira Gandhi constituted a Dowry Committee in 1984 to bring some amendments in the Act. But even after so many years, all these laws in this respect have been confined to the pages of the Statute Book only. The newspaper reports of burning brides and this burning problem is causing great anxiety to all of us. It is true that the dowry system is not new to our society and is prevalent since vedic times, but in those days marriage was treated as a sort of 'Brahma Vivah', which laid down that the parents were to solemnise the marriage of their daughter in bridal clothes and ornaments. With the passage of time, the small gifts of clothes and ornaments to the girl at the time of marriage took the form of dowry. These small gifts that the parents used to give to their daughter at the time of marriage for domestic use out of sheer

love and affection became a matter of demand and slowly in this materialistic society, it has become a form of business. This Bill, which envisages to eradicate this bargain and exchange of things is indeed welcome. I would also like to add that the dowry system cannot be eradicated through legislation alone. This can be achieved only when women are given equal right to property. Unless the woman has equal right to property, she will have to be given dowry, because no parents can send their daughter forcibly to an other's house. Under these circumstances, unless an amendment is brought which provides equal right to property to the daughter in all moveable, immovable property of the family, this law cannot serve its purpose. Dowry system is prevalent in another extreme form in tribal and backward communities. There the parents of bridegroom give dowry to the bride's parents. The Adivasis, tribals and people of backward communities even become bonded labourers to pay this dowry. These poor people have to borrow money from the rich and the bonded labour system is in fact the product of this situation. I have seen many such examples in Rajasthan. If you happen to visit tribal areas, you will find that many traditional customs are not prevalent among tribals, but even then one of the customs is to pay the price for bride in the form of dowry ... (Interruptions) Mr. Chairman, Sir, the sections that have been added to this Act are welcome. The amendment in section 3 envisages punishment of five years and a fine of Rs. 15000 for the culprit. I would like to suggest that the punishment of five years is very little and it should be raised to ten years. Besides this, it is good that new Sections 8 (a) and 8 (b) have been added wherein it is provided that the person who receives dowry, will have to prove that he has not received it just as it is done in the case of murder or theft. It is a good thing. The check on matrimonial advertisements under section 4 (a) is also welcome. The dowry that is given these days is more to show off than for anything else. Many feasts are thrown for ostentation and therefore, necessary amendment should have been brought to check them. I would urge the Government to pay serious attention to it. I welcome it because it has been made a non-bailable offence. But I would like to point out

[Prof. Nirmala Kumari Shaktawat]

here that the interference of police should be curbed. I apprehend that the Dowry Prohibition Officer who is to be appointed under this Act would not be able to carry out his duties in the right earnest and in the first place, whether his appointment will be done properly? If they sit in their offices like the Social Welfare officers, the very purpose of this law would be defeated. Therefore, I would suggest that one Psychologist and one Advocate should be appointed on the proposed Advisory Board comprising of five members. This would serve as a family counselling clinic. There are many such women who do not have any knowledge of law and they do not even know as to how they are being maltreated. They continue to write letters to their parents that they are being threatened, and their life is in danger, but they never come in the open. If one psychologist and one advocate are appointed in the counselling clinic along with the Dowry Prohibition Officer, they will feel secure and self confident, and there would be a feeling of a self-respect among them. I welcome the word 'Dowry Death' that has been added through an amendment in the Indian Penal Code. There are many other ways of harassing and torturing women which culminate in dowry deaths. I also welcome the punishment of life term that will be awarded to the culprits of Dowry deaths. There is no doubt that this law would be a boon to the society, but mere legislation cannot help much unless there is a change in the attitude of the people in this regard. This age old system will continue to exist unless the people cooperate. Where is the Sharda Act? These laws have been violated time and again. Therefore, I appeal to all the hon. Members who are sitting here and through them the people of their areas that we shall have to change our attitude in this regard. We shall have to treat daughter and daughter-in-law alike. Similarly, so far as the attitude towards woman in the society is concerned, unless you treat women at par with men, this social evil cannot be eradicated only by making laws. Law can only initiate to porcess and only society can uproot this evil. You are also a part of the society. I would like to submit that illiteracy in the society is

also a reason for the dowry system. Unless education among women is promoted and the education in the society is expanded, these inhuman atrocities on women will continue. A little time back we had discussion in the House on the Suppression of Immoral Traffic in Women and Girls Bill. If we succeed in increasing the rate of literacy among women, then this social evil will vanish undoubtedly. Therefore, you should adopt programmes for the education of women in society and education should be expanded.

I would like to make one more submission that special courts should be established for dealing with cases of the dowry crimes so that common man could get relief. You have entrusted this work to the State Government, but I cannot understand as to what extent the States will be able to implement it in the right direction as we usually notice that even though we enact laws here and pass them on to the States, but their implementation in states is not properly carried out so you should directly interfere for the proper implementation of all such laws. I want to point out one more thing that the evil of dowry system cannot be removed by enacting laws alone. We all will have to cooperate to eradicate it completely. It is not possible to remove this evil without the cooperation of all the people. This evil is as bad as was the 'Sati' system prevalent in our society. We will have to create consciousness in the society, because law alone cannot eradicate this system. It is correct that we consider this Bill for eradicating this system as a boon and we believe that we would be able to control this evil only through the proper implementation of this law. Unless all its provisions are properly implemented, the situation will be same as was in 1961 though SARDA Act was in force. So you will have to pay full attention for its implementation. The selection of dowry prohibition officers should be done with great care and you will have to assess their performance at frequent intervals and collect reports from them to find out as to in which States the implementation has been done properly. With these words I express my thanks and congratulate the Government and the hon. Minister for introducing this Bill.

KUMARI MAMATA BANERJEE : (Jadavpur) : Mr. Chairman, Sir, I rise to support this Bill wholeheartedly. As the same time, I would also like to congratulate our dynamic Minister Mrs. Alva who has presented this Bill in this House with a view to eradicate this social evil of dowry system. This Bill contains many provisions for the removal of this evil. I think that this Bill should have been brought forward much earlier as we all are heading towards 21st century. It is a matter of shame and anguish that even now women are treated in such an inhuman way. The daughters-in-law are burnt to death and are tortured in various ways for getting dowry. I appeal to all the parties in this House to work unanimously and cooperate for the eradication of this evil from the society. This country cannot march forward unless women are treated at par with men. Our Prime Minister Shri Rajiv Gandhi has given the slogan to take the country forward, but it cannot be implemented unless ladies come forward and they are given equal rights with men. India cannot march forward until this is done. We thank as well as congratulate our Prime Minister and Madam Minister for considering the seriousness of this evil in time and presenting this Bill in the House. It will provide not only protection to the women, but also eradicate this evil as well.

We remember that in 1975, when Shrimati Indira Gandhi was our Prime Minister, we had celebrated International Woman's Year. Shrimati Gandhi had attended the I.L.O. convention also and gave the slogan—'Right to equal wages for woman'. Though today she is no more with us, but we should appreciate her works and should wholeheartedly support this Bill.

Sir, I want to submit some points about this Bill. The Bill introduced by Madam Minister contains that dowry seekers will be severely punished. The Government will strictly follow its provisions and the death of a women within seven years of her marriage will be presumed as dowry death and the guilty will be punished. But I would like to submit that we will have to change the prevailing tradition in the country.

[English]

It is fair. Good money is good law ; good money is good justice ; good money is good barrister.

[Translation]

For this, purpose, we should provide free legal aid to the women. It is necessary that the Government should provide free legal aid to help and save rural women and to make this anti-dowry movement a success.

[English]

Implementation is main thing. Proper monitoring is main thing.

[Translation]

Free legal aid should be provided to help the poor women, because otherwise they cannot approach the Supreme Court and the high courts.

Here everyday I listen to famous barristers and M.Ps. talking about the poor, but when a poor woman approaches them to file a dowry suit, then they demand Rs. 5000 to Rs. 10000 as their fees. So I request that they should be provided free legal aid. If free legal aid is provided, then they will feel like filing cases, otherwise they will not even know as to what favourable steps the Government has taken for them.

Mr. Chairman, Sir, one more point I would like to make is that this Bill needs wide publicity. It should be publicised not only through television and radio, but maximum publicity be given through maximum number of publicity sources, because the poor can not afford to have radio and television. Only through wide publicity, women in villages will come to know that if they are tortured for dowry, the Government will pursue their case and punish the accused.

Mr. Chairman, Sir, today the women are tortured for dowry, because it is a man dominated society. We, ladies are also responsible for this State of affairs to some extent. Women are responsible for inflicting of torture on themselves.

[Kumari Mamata Banerjee]

This tendency should, therefore, be changed and at the same time the relevant law should be properly implemented. The present position is that law is not implemented. We should work to position ourselves at the same pedestal with men. We should create an atmosphere in which we feel that we are not being suppressed by man. This evil will automatically vanish with the end of discrimination between man and woman.

[English]

There should be no discrimination between man and woman. This is my opinion.

[Translation]

I would also like to point out that women be given economic freedom as well.

[English]

Right to equal wages is here. But right to equal employment opportunity is not here in our country. According to capacity, right to equal opportunity for woman must be there.

[Translation]

We will not succeed in attaining this objective unless illiteracy is wiped out from the country. The women should, therefore, be given economic freedom and there should be economic development in villages. We have initiated 20 Point programme, I.R.D.P., N.R.E.P.; R.L.E.G.P. and I.C.D.P. for the upliftment of the people, but women are not getting benefits out of them. I would like to congratulate our hon. Prime Minister who has paid attention to the cause of women and this Bill has been presented in the House. We should give thought to this problem.

In connection with the Government's policy of creating posts of Dowry Prohibition Officers, I would request that the women should be appointed to such posts on a priority basis. Those women who are non-political, social workers and are working in various voluntary organisations should get priority.

[English]

They are working hard for the upliftment of women and they should get priority here

[Translation]

This would make the work far more effective.

We are aware that amendments had been made in the Anti-Dowry Bill of 1961, but the present amendments are very good. We all unanimously and wholeheartedly support the Bill with this. I would congratulate the hon. Minister and conclude.

[English]

PROF. P. J. KURIEN : Sir, I welcome this Bill. This Bill is to give stringent punishment to those who take dowry or encourage it, then to expand the scope of the definition of dowry, then for appointment of Dowry Prohibition Officers, then for dowry deaths being put under the Indian Penal Code. All these, I do welcome. The Bill surely shows the good intention of the Government. Hon. Member Shrimati Geeta Mukherjee has said that this Bill has been brought in a hurry. Yes, that is why I am congratulating the Government. We are in a hurry to see that this Bill is passed and the dowry system is abolished. So, I welcome the attitude of the Government. Especially our hon. Prime Minister is taking keen interest in this matter. Recently the new 20-Point Programme has been announced and there, upliftment of women has been given prime importance. I hope, my friends have read it. I do not understand why they are not able to welcome it...

MR CHAIRMAN : They are welcoming.

PROF. P. J. KURIEN : Thank you.

Having said that, I would like to add that passing of a Bill alone will not do. The Act on paper will not eradicate this social evil. What is needed is, as some of the Members have already mentioned, social awakening. If we want to eradicate this social evil, there should be mass

movement against this social evil, and this mass movement should be launched with the support of all political parties. I am very happy that the Opposition is also supporting this Bill. Therefore, with the support of all political parties, voluntary organisations and women's organisations, we should launch a campaign against this social evil. What is needed is social awakening and consciousness of the people against this social evil.

Then there is the question of equality of women. Equality is possible only if there is economic independence of women. As far as women-folk are concerned, they are not economically independent. What is further needed is education. All these are interlinked. Education of women, economic independence of women, equality of women with men—all these are contributory factors in the eradication of dowry. Therefore, by simply enacting a Bill we cannot eradicate the social evil. Instead, a mass movement should be launched and this should be a programme with the cooperation of all the concerned people.

Having said so much, I would like to get some clarifications from the Hon. Minister because I got the Bill only a couple of hours back. I am not a lawyer either. There is a system in the State of Kerala where at the time of marriage the daughter is legally given the entire share of the parental property and this is not called dowry. It is called *Avakasha Dhanam* in Malayalam, which means share of property.

PROF. MADHU DANDAVATE : That is called negative dowry.

PROF. P. J. KURIEN : It may be so. My point is that according to the prevailing practices, once girl is married to a particular person, she ceases to be a member of her parent family and she becomes a member of the new family. At the same time all her rights in the parent family ceases. So, the entire share has to be given then and there and it is given then and there, which is called *Avakasha Dhanam*. There is no dowry in this, there is no money for the consideration of marriage. You have defined here that

anything given for the consideration of marriage is dowry.

SHRIMATI MARGARET ALVA : It is 'in connection with' and not 'in consideration of'.

PROF. P. J. KURIEN : I would like to know whether this 'Avakash Dhanam' coming under the purview of dowry.

MR. CHAIRMAN : Some exception is made to customary law. Please read the Bill.

PROF. P. J. KURIEN : I wanted a clarification that is all, Sir.

Then, I would like to further comment on some of the provisions of this bill. I welcome the appointment of Dowry Prohibition Officers. But I have a thing to suggest that these officers should be taken very carefully. I suggest that let all of them be women; but carefully selected women.

I fail to understand one thing here and that is why everybody blames only men for the menace of dowry. What about the so-called mother-in-law....

AN HON. MEMBER : Why so-called mother-in-law ?

PROF. P. J. KURIEN : O. K. the actual mother-in-law—the mother of the husband—is the more adamant person in the dowry menace.

PROF. MADHU DANDAVATE : In the case of dowry, the most lawless law is the mother-in-law !

PROF. P. J. KURIEN : Therefore I want to caution that no mother-in-law should be appointed as a dowry prohibition officer.

Then here you have mentioned about the advisory Board for advising Dowry Prohibition Officers. Out of the five members in the Committee two shall be women. I propose that three should be women and not two otherwise the purpose will not be served.

[Prof. P.J. Kurien]

Then a word about the last clause. I whole-heartedly welcome this Clause. I would like to read it out :

“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 by 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.”

I welcome this Clause. The burden of proof that he is innocent is with the offender. He has to prove that he is innocent. The court is allowed to presume that he is an offender. I welcome this. But you should also think that it can be misused. A number of cases after this may come where it may be misused. My only suggestion is that you should think about it. There should be proviso so as to eliminate such cases where it can be misused

With these words I support the Bill.

[Translation]

SHRI ABDUL RASHID KABULI (Srinagar) : Mr. Chairman, Sir, I would not like to say much on this subject. However, I would criticise the Government and express regret about the fact that three important Bills are being introduced at the last moment, on the very last day of the session. These Bills are Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, Dowry Prohibition (Amendment) Bill, and Juvenile Justice Bill, which are very important issues and are being discussed all over the country. I think either this Bills should have been brought before the House in the next session, or the Members should have been give ample time to discuss them fully, because these issues have captured the attention of the entire nation. As these issues relate to very important aspects of our social life, so it is essential to have a thorough discussion on them. I feel that, perhaps, the Government, by introducing the Bills at the last moment,

wants to give an impression to the whole nation that it wants to take major steps for the betterment of children, and against the dowry system. However, these promises are only in theory and are merely on paper. Still I think that the House should not neglect the issue and reduce its importance. So far as the Bills are concerned and which are at present under the consideration of the House, I would request that I do not want to argue much about the Dowry Prohibition (Amendment) Bill, but I would like to ask as to that has happened to those laws which were already in force on these subjects? How far were they implemented? How many people have been prosecuted in courts and how many have been punished so far? I know personally about a case when a Bill in this regard was passed in the Assembly in Jammu and Kashmir and I myself had moved the Bill, and it was provided in that Bill that one year's imprisonment should be awarded to the guilty. In spite of this, in Jammu and Kashmir, when a dowry death case was registered in the courts, in which a Kashmiri Brahmin girl was burnt to death, and I myself was a witness to the statement that was made by the girl before her death in my presence. I saw the lengthy and dragging legal procedures, and the innumerable cases are pending in the court due to which I have not been summoned there till today.

I regret to say that although you took an important step by introducing this Bill in the House, yet it will not hold any meaning unless it is implemented properly. I would emphasise that the dowry system is the worst evil of our society due to which, unfortunately, the women are not respected at all. And the fact that dowry has to be given even if they are well educated and qualified as doctors or engineers is an ample proof of their helpless condition. This is because the women are not respected in the society as they should be and that is why such cases are on the increase. Even after forty years of independence, the situation has not improved, in fact it has become the worst.

So far as dowry deaths are concerned, there has been an increase in the number of such cases during the last five years.

The Government must make a statement as to how many people guilty of bride burning have been hanged to death or awarded life imprisonment. Moreover, can you bring even one dowry case to light and prove it to be such? You cannot, because dowry is given secretly and hence you cannot know about it.

Dowry is given and taken secretly and so there cannot be any witnesses to it. The dowry seekers take advantage of the helplessness of the women, because they have to be married somehow, and make various kinds of dowry-demands from the parents. Bridegrooms have to be bought after paying a heavy price in the form of television sets, cars and other gifts. The dowry system is prevalent not only among the rich, but also among the poor. The poor are forced to give dowry. I would like to ask as to what could the inspectors do who have been appointed for this purpose, or what could the State do with all its powers in this regard? Because this is a social phenomena, a tragedy of modern Indian Society, so it is important to mobilise public opinion against it. What has the Government done in this respect? Until public opinion is mobilised and the society is prepared to fight against this evil, and religious organisations also take up this cause, nothing concrete can emerge. Our marriages are celebrated with great pomp and show. I would like to ask the Ministers to give their honest opinion as to how many of them have not indulged in such extravagant expenses. Whenever weddings are celebrated with such pomp and show, dowry has to be a part of it. I would demand that such weddings should be boycotted at least at the political level. I would especially urge the Members of the Ruling Party that they should not celebrate the weddings of their sons and daughters with such pomp and show. I would like to ask you as to what measures you are going to adopt in this regard?

In the end, I would also like to say that you have to set up special tribunals for this purpose. These issues cannot be settled in the ordinary courts, because thousands of cases are already pending there. You have brought a good Bill and I am not opposing it, rather I am supporting it as I feel that this Bill is quite

important, but, unless it is implemented properly, it will be of no use.

Therefore, I want that tribunals should also be set up, besides mobilisation of public opinion and participation of the religious organisations as without their help you will not be able to achieve the results.

CH. SUNDER SINGH (Phillaur) : Mr. Chairman, Sir,

*Bhala kya kar sake ilaj marje natwani ka,
Pakrte hain agar baju yahan shane utarte
hain.*

I fully agree with what you have said. You have rightly asked whether the previous Acts are not sufficient to deal with the situation. If those Acts are implemented honestly, then there is no need for further enactment. But Acts are made not for implementation, they are made simply for incorporating them in the statute book. Already there are a large number of Acts in existence. If they are implemented honestly, a lot of things can be done.

[English]

Swami Vivekananda said in his *Call to the Nation* : The main spring of strength lies everywhere in spirituality. When spirituality wanes and materialism gains ground, the death of race begins.

[Translation]

They are all after money. Majority of the Hindu girls die and girls of other communities are also put to a lot of harassment. In marriages, money is spent extravagantly and a lot of things are given in the form of dowry. Where does this money come from? The society is afflicted with this evil. So how much effort you make, it will go all in vain. If earlier Acts have not been implemented properly, this Act, which is going to be passed, will meet the same fate. This Act is also being brought merely for inclusion in the statute book.

[English]

Bible says, "Earn your bread by the sweat of your brow". And Mahatma Gandhi

[Ch. Sunder Singh]

said, "Sacrifices are of many kinds. One of them will be bread labour. If we labour for bread only, there will be enough food and enough leisure for all".

[Translation]

In this society, girls are burnt to death. They demand their rights now.

[English]

Swami Vivekananda's message is this :

"No man can get his right by request. Rights are Wrested from unwilling hand".

[Translation]

On such occasions, the women should give them good beating. Why do all these things happen? They should fight for their rights, they should launch a movement against the killings of girls. Money is the cause of this malady whether one is a Minister or holding any other post. This is all exploitation which is going on. A good thing can be done only when the person intends to do such a thing. If one has no intention at all to do some good work, how can good work take place.

[English]

Mahatma Gandhi said, "Every duty is holy. Devotion to duty is the highest performances of the worship of God. It is the source of great help in enlightening and emancipating the deluded and ignorance-encumbered souls of *Buddhas*, i.e. the bound ones. By doing well the duty which is near to us, which is in our hands, we can make ourselves stronger. I am proving, in this manner, step by step, that we may even reach the stage where we shall have the privilege to do the most coveted and most honoured duty in life and society. Nature's justice is uniformly stern and unrelenting. The most practicable man would call life neither good nor evil. Every successful man must have, behind him somewhere, tremendous integrity and tremendous sincerity. That is the secret of his success in life. He

may not be perfectly unselfish, yet he would be tending towards it. Had he been perfectly unselfish his sacrifices would have been as great as Buddha's and Christ's. The degree of unselfishness marks the degree of success everywhere."

[Translation]

I would like to tell you that one will have to fight for it. You will have to get ready for it.

[English]

For every great cause, it is not the fighters that counts, it is their quality with which they are made, becomes the deciding factors. The great man of the world always stood alone.

[Translation]

Mahatma Gandhi had fought against this evil alone. He gave a new direction to the country and led it all alone. You can banish this evil only when people are prepared for it.

Greed for money is the root cause of this evil. Selfishness causes this greed among the people. This is not confined to some particular community, but is pervaded in every section of the society. The girls as well as women will have to fight against this evil.

I would narrate you an incident. I had gone to Bengali Market. There a poor girl of eight years, who was barefooted, had stolen a purse of some one. He caught hold of the girls. I rescued her and asked the man as to what was her crime. He said that she was a thief. I gave four rupees to the girl and said to the man that she is not guilty, but we are all guilty for her crime. It is no use rebuking the girl.

[English]

I suggest, we are all thieves in a way. If I take anything, that is not for our immediate use and I thief it for anybody else.

[Translation]

The girl is not to blame, but the society is to blame for such thing. We will have to do away with this evil.

[English]

Nation building programme can leave no part of the nation untouched. The students have to react upon them millions. They have to learn to know, not in terms of province, towns, class or caste; but in terms of the continent of all millions who include untouchables, hooligans, drunkard, gamblers and even the prostitutes. There existence in our midst, everyone of us is responsible.

[Translation]

Each one of us is responsible. Who so ever says that he is not responsible is at fault. I would like to mention that this cancer has spread due to selfishness. It should be eradicated. Mere legislation will not help.

With these words, I thank you.

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Chairman, Sir, I congratulate the hon. Minister, Shrimati Margaret Alva for introducing Dowry Prohibition (Amendment) Bill.

Mr. Chairman, Sir, why was a need felt to bring this amending Bill after all, even though the 1961 Act was amended in 1984? If these amendments continue to be brought in every now and then, probably we may have to amend it again after two years. If this amending Bill has been brought to make the punishments that are provided in the Act more stringent, I would like to mention that these cannot serve any purpose unless they are effectively implemented.

20.00 hrs.

The Bill comprises 12 clauses and empowers the State Governments to frame laws in this regard. Officials have been made responsible to implement them effectively. The term of punishment has been raised from two years to five years. Similarly the amount of fine has been

raised from Rs. 5000 to Rs. 15000. Besides, this, 'Dowry death' has been clearly defined. Mr. Chairman, Sir, I would like to point out that this social evil of dowry system is not confined to a few families, but has engulfed the entire nation. I would like to draw the attention of the House to few intricacies in this regard. Any officer or a subordinate, who is engaged in the implementation of developmental schemes and the laws that will pave the way for progress of the country, shudders when he thinks of marrying his or her own daughter, and he is not able to discharge his duties honestly and sincerely. When he thinks that his daughter has attained marriageable age and he will have to give a huge amount as dowry, his values, sense of dedication and his principles are shaken. The dowry system is not affecting a few, but is affecting the progress of entire nation. Therefore, adequate provision should be made in the law to check this demonic tendency and it should be implemented effectively. This is not an ordinary Act and I am happy that there is unanimity over it in the House. I want to congratulate the hon. Parliamentary Affairs Minister for the success of this session. On more than one occasions there were Bills on which there was unanimity between the opposition and the ruling party.

Mr. Chairman, Sir, I want to draw the attention of the House, through you, to a few points. I have a few suggestions which I would like to present to the House. Two months prior to the marriage, the bridegroom and the bride's side should present an affidavit in a court stating that they are neither giving nor receiving any dowry. By doing so, it would come to the notice of the Government and the Officer who is appointed in that area, will be responsible to ensure that dowry is neither given nor received. If dowry is exchanged in his jurisdiction stern action should be taken against the concerned officer so that he is alert to his duties.

Just now, some friends from the opposition, particularly, shri Kabuli was saying that this amendment will not serve any purpose. I would like to tell him that

[Shri Yogeshwar Prasad Yogesh]

I had myself registered a dowry case against a family and they were not released even on bail for five years. I would like to point out that if some vigilant people or the district or High Court takes it seriously and implements the law in letter and spirit, success to a large extent can be achieved in this field. Today there is need to mobilise public opinion in this regard. It should be continuously propagated through the media, Radio and television that receiving or giving of dowry is a cognizable offence. I would suggest that a warning and a notice should be served in the area where marriage is held that the Vigilance Department and C I. D. is keeping an eye over them whether any dowry is being exchanged, and if it is proved, stern action would be taken. I feel that if such a fear is instilled in their minds, it can be checked. I will not repeat what I have already said and conclude by thanking you for giving me an opportunity to speak.

[English]

SHRIMATI GEETA MUKHERJEE :
On the Treasury Benches, there are only two women Ministers and no male Minister.

THE MINISTER OF STATE OF THE
MINISTRY OF LABOUR (SHRI P. A.
SANGMA) : I am here.

SHRIMATI MARGARET ALVA :
We are keeping the flags flying.

[Translation]

SHRI RAM PYARE PANIKA
(Robertsganj) : Mr. Chairman, Sir, at the outset, I welcome this Bill from the core of my heart and I thank and congratulate the hon. Minister for bringing this Bill in the House on the last day of the session. As has been said by Shrimati Geeta Mukherjee that the Government have brought this Bill in a hurry, so, for this hurry, I would like to thank and congratulate the Government.

20.06 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

It clearly shows as to how much our Government is keen for the welfare of the

women of weaker section. I am happy that about seven new provisions have been made in it. The punishment has been made more rigorous. Secondly the accused has to prove that he is not guilty. Thirdly, publicity will be a punishable offence and it has been declared as non-bailable offence. The State Governments have been directed to constitute a committee which should have majority of the women members and dowry officer should also be a woman. It has also been mentioned about the amendments to be made in dowry death law. I welcome all such main provisions of the Bill and would like to say that we are living in a country where dowry system is a curse and it is in practice since a very long time due to our social customs and traditions. Our colleague, Prof. Shaktawat was speaking about tribals. I want to say that the tribals have many social virtues and other people of the society should learn lesson from them. We have given high status to our mothers and sisters and that is why, the people of bridegroom side have to go to bride's house for marriage. It is sure that child marriage is no where in practice among any tribal family. A girl is married only after she becomes an adult. The other people need to take lesson from these virtues. Our sister colleague was saying that it was a vice. But we have given more importance to our sisters and mothers. Regarding the committee, Mr. Kurien was saying that women membership should be restricted to two only. In the Bill, 'at least two' has been provided. The women should have majority in the Board so that there may not be any difficulty in taking decisions. After getting the Bill passed, the responsibility of the Government also increases. The Board to be constituted under this Bill, should work to create awareness among the general public. They should organise meetings at Block and district level for the eradication of dowry system and should create public awareness. The criminal nature of some people is required to be changed. It is correct that we have enacted so many laws. Our colleague from Punjab was also saying some such thing, but I will not say anything about them. Mr. Kabuli was saying that it was merely on paper and it is not needed. I doubt his intention as to what actually he wants. They simply find fault in every action of the

Government. Some woman organisations have also given their suggestions. Last time when it was amended, Shrimati Pramila Dandavate had also... (Interruptions)

[English]

PROF. MADHU DANDAVATE : Since she is not a member of this House, you cannot quote her.

THE MINISTER OF STATE IN THE DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT (SHRIMATI MARGARET ALVA) : Why don't you speak on her behalf ?

[Translation]

SHRI RAM PYARE PANIKA : Various such organisations have met our hon. Prime Minister and hon. Minister and pointed out certain shortcomings and requested for their removal. Whenever any legislation is brought in the House, the Opposition generally says that it is merely a law on paper. Therefore, I request all the members to pass the Bill unanimously and ask the Government to implement it at the earliest so that this curse for the women could be abolished.

SHRI C. JANGA REDDY (Hanamkonda) : When the Bill is last, I am also the last speaker. I rise to support the Bill. We are bringing this Bill against the dowry given at the time of a girl's marriage. The General Secretary of your AICC, Shri T. Anjiah was telling that there was internal conflict among the party workers in Andhra Pradesh over the issue of reservation. That is a conflict between the youth and the old. When asked as to what he personally wants, he said :

[English]

Technically we are approving the reservation, so also, technically we are approving this Bill.

[Translation]

After enacting such laws, how many cases have been moved by the Government whether it may be Janata Government or the

Congress Government. For example Sharda Act provides that no girl can be married before attaining the age of 18 years, but still people are arranging marriages of girls of less than 18 years. Prohibition is there, but still people drink, so what are its reasons ? At present the law implementation has no effect on the society. More and more laws are being made and the fear of law among the people is decreasing and more and more people are violating the law. In a rape case, the Supreme Court has delivered a judgement that if a woman herself comes to the police station or to the court and tells that she has been raped, her solitary statement would be considered true. But even then, the number of rape cases is increasing. Even the rapes are being committed in the police station itself. So I want that we should bring about some reforms in our society. Every citizen should make efforts for the proper implementation of the laws. Whatever we say here in the House, we forget that when we go outside and there we give dowry and take dowry. I would like to say to the women that whenever they look for their son-in-law, they search doctor, lawyer, engineer etc. and that is why they give dowry. I would like to tell the ladies that they want an I.A.S. officer or a doctor or some rich person as their son-in-law and thus force their spouses to seek down which a father cannot provide. You should not express this desire at the time of marriage. Now-a-days dowry is given secretly and such incidents should be dealt with strictly. Your administrative machinery should be alert to deal with it and officers must have a strong will to get this law implemented in every possible way. Out of the population of 70 crores, only two cases have been booked from 1984 to 1986. Today even women are utilising this law. For example a person cannot maintain his wife due to some reasons and that woman wants to seek divorce, but her husband is not willing, then she approaches court and seeks divorce on the plea that she is being forced to bring dowry. We witnessed such a case recently. This type of incidents should also be probed into. We can provide equal rights to women only when we bring an amendment as Andhra Pradesh Government has introduced for effective justice and equal rights to women.

[English]

SHRI VIR SEN (Khurja) : I very strongly feel about the evil of dowry. And the Bill which has been brought today at the fag end of the session, I feel justice has not been done by the Government. The Bill requires more thought. In order to eradicate the evil of dowry more thinking should have gone into the process. We should see the question in two stages or two aspects. One should be the preventive aspect and the other treatment aspect. There appears to be some hint somewhere when we say 'abetment of dowry', but there does not appear to be anything in the Bill which prevents demand of dowry. Unless we do this and we take some measures to prevent demand of dowry, this is not going to be eradicated.

SHRIMATI MARGARET ALVA :
How ?

SHRI VIR SEN : If there is a complaint made by any party and particularly from the girl's side that such and such person is asking for dowry, I think, a case should be launched against him. If it is proved that such and such person has really demanded dowry, in that case he should legally be debarred from marriage for all times to come.

PROF. MADHU DANDAVATE :
Then he is likely to play more mischief.

SHRI VIR SEN : This is no argument. The Privy Council in a judgment has said that the possibility of misuse of power is no justification for denying it. If this provision which I am suggesting, creates more mischief, that does not mean that power should not be given. I think, you cannot stop demanding dowry unless you make it punishable. What should be done then ? Unless you disqualify a person who demands dowry, till then the question will not be solved.

The second thing is that it is very necessary that the girls should be taught that if they find a suitor demanding dowry, they should refuse to marry with such a person. I think, these two things are very necessary for preventive action. If the dowry has already been taken, in that case, of course, severe punishment has

been proposed. I quite agree with that. Even then I feel that this is not sufficient. The paradox is that if a girl is not educated, then her value in the marriage market is hundred per cent. If a girl is educated and more educated she is, her value is depreciated and it is necessary to supplement her value with dowry. If you go to a Bata Shoe shop, you will find price tags attached to the shoes. In the same way, in the marriage market, the bridegrooms also have price tags. If a person is an IAS officer, of course, his price tag may be Rs. 3 lakhs or Rs. 4 lakhs. If he is a PCS officer, his price tag may be Rs. 2 lakhs. If he is a doctor or an engineer, the price tag is always there. I think this is a very shameful affair. We should take such measures which discourage the demand of dowry and also the giving of dowry. A very radical proposal that I would like to make is that if dowry has passed in a marriage and if it is proved later on that the dowry has passed, then I think that marriage should be declared null and void *ab initio* and the property of the person who has accepted dowry and of the person who has given that dowry should be confiscated by the State. Unless you do this, it is not going to help you much.

One important thing that I would like to say is that the offspring of such a marriage should be treated as illegitimate. This will bring the right thinking people in line. Such offspring should not be entitled to succession of property.

PROF. MADHU DANDAVATE :
Shri Rabindra Nath Tagore has said that relationship between husband and wife might be illegitimate but child is never illegitimate. Child is always innocent. So, don't punish the child.

SHRI VIR SEN : I agree with you that the child is not illegitimate but in such a case if you want to prevent taking of dowry altogether, then this has to be done that the offspring should not be entitled to succession of property.

MR. CHAIRMAN : Please wind up now.

SHRI VIR SEN : One thing I would like to say about the sections of the Bill.

There is punishment prescribed for publication of offer of dowry. I think as soon as this Bill becomes an Act, this provision will not be required at all. Nobody will make an offer on paper or in any such way. Everything will be done underhand and the negotiations for transfer of property or money will be made underhand. Though I think it is good that you have brought this provision here, but still it will remain a dead letter.

Another thing which I would like to say is that murder is a murder whether it is a murder for any other cause or whether it is for demand of dowry, and I think we should not make any discrimination between murder *per se* and murder for dowry. So, I do not think this provision is a correct provision. I think there appears to be some sort of sympathy with the murderer in this case also when you propose only seven years imprisonment or life imprisonment. Why should the person who has killed his wife, not go to the gallows?

There are other things, of course, which are very good in the Bill I will support the suggestion of legal aid for such women. I support the provision for dowry prohibition officers but with the suggestion that these officers should be selected in such a way that they themselves do not become corrupt and instead of prohibiting dowry they may not promote dowry.

Since I have heard the bell rung by the Chairman number of times, I finish my speech here.

[*Translation*]

SHRIMATI PREMALABAI CHAVAN (Karad): Mr. Chairman, Sir, I heartily welcome this Bill and congratulate our Hon. Prime Minister for introducing this Bill with an intention to fulfil the incomplete dream of his most respectable mother Shrimati Indira Gandhi.

The opposition group has said that it has been allocated very less time and Bill has been presented belatedly and in a hurry. In this connection, I would like to submit that had the time wasted by opposition group been devoted to this

important Bill, then our Government certainly would have introduced it much earlier and opinions of all members solicited.

I know that this problem is not only that of the women but it is prevalent in the entire world. The women are terrorised and are looked down upon not only in India, but in the entire world. It requires complete attention.

Everyone knows that many great persons have taken birth in our country and they succeeded in eradicating the evil of 'Sati' system and as a result of it 'sati' system is no more prevalent. Our Government has presented a good Bill to prevent atrocities on women, but the problem lies in non-implementation. There are many reasons for that and now I would like to say only this much that everyone has expressed his views about the important aspects of this Bill and it is also my opinion that it must be implemented and punishment should be exemplary. As my brother has said, real justice is eye for an eye and tooth for a tooth. It should be strictly implemented as everyone in his own way has stressed it.

According to my experience, there should be some legal measure to restrict expenditure. As during emergency in Shrimati Indira Gandhi's regime as Prime Minister this expenditure limit in marriages was introduced and not only this, the defaulters were punished also. I would like to suggest that it should be prohibited at every level as majority of people are poor and they have to sell their land and jewellery to pay dowry. They have to indulge in certain other things also, which can be prevented by imposing the rules very strictly.

We find that dowry is more prevalent among the rich and even maximum dowry deaths occur in the rich families. I think that highly educated persons like doctors and engineers demand dowry more. Their parents contend that huge amounts have been spent to make their sons engineers and doctors. My experience says that marriages of educated girls involve, more dowry. So only strictness will not yield results.

[Shrimati Premalabai Chavan]

As television is used for publicity propaganda in the foreign countries, in the same way the atrocities committed in rural areas can be depicted on television to bring about social reforms. So the prohibition of dowry system must necessarily be depicted on television.

I am all praise for this Bill and congratulate you and I request you to implement it at the earliest. Every man and woman of this country should cooperate to eradicate this system.

I thank you for granting me time to express my views.

SHRI M.L. JHIKRAM (Mandla) : Mr. Deputy Speaker, Sir, I support the Dowry Prohibition (Amendment) Bill presented by the hon. Minister. The first law regarding the Dowry System was enacted in 1961, and it was amended in 1984 and now again there is a need to amend it. Its main reason is that it is not being implemented properly. Had it been implemented properly, then there would have been no need to amend it. It may require even more amendments in the near future due to non-implementation.

Therefore, I request that the rules made in this regard must be implemented. Whatever amendments you have made in it, I support them wholeheartedly. I do not want to repeat them, but I must give a suggestion. Not merely law, but social revolution can improve situation in this regard. In present age, unless the boys and the girls bring about a revolution and rise against the evil of dowry system, nothing can be done. They should hate this social evil. The mother-in-law is the most important member of the family who compels her son to demand dowry. The mother-in-law is all powerful in a family, nobody and not even her husband, son, and daughter can disobey her and if she is of bad nature, everybody will bow down to her orders. The rest of the family does not want any dowry, but if she wishes so, then she can compel everybody to make a demand for it. Therefore, it is very essential for the social organisations that they should create anti-dowry feelings

in all elderly women or would-be-mother-in-laws. There should also be wide spread publicity and propaganda that dowry is a social evil and therefore, it should be abolished. Therefore it needs to bring about a revolution in this regard specially among the women.

[English]

SHRI S. B. SIDNAL (Belgaum) : Sir, I rise to support the Bill and I congratulate the Government and the hon. Minister, for I think this is her maiden Bill in this House of Lok Sabha.

Sir, the law cannot be static it should always change for the betterment of the society and it is being changed. But the question is : Can we prohibit such offences by legislation ? How many crimes we have prohibited so far ? Can law prevent them or cure this evil ? These are the few questions to ponder over before passing any legislation.

Sir, this Bill is a social Bill, it is a reformatory Bill. Can we prevent such crimes by entrusting the implementation of these provisions to some officers of the State Government or to any police officer ? How many crimes we have prevented so far ? Sir, in my opinion, it is the condemnation of such crimes by society that can stop those crimes. Unless we condemn the perpetrators of such crimes, they cannot be stopped. Even if you pass a law in this House permitting 'shoot-at-sight' in respect of those who commit such crimes, those crimes cannot be stopped, but they can be stopped by social condemnation. We have to organise the religious institutions, educational institutions and social institutions for condemning this. These crimes are committed not only in the poor families. When we think that education is the universal cure, in the high society we know that most of the people are educated still they take the highest gift or the 'dowry'. So, how can we overcome this evil ? It is not a problem of today or tomorrow, it is a problem for generations to come. How can we tackle this ? It is only through education.

I congratulate the Prime Minister on having given prime importance for the

girls education, in rural areas through the Kendriya schools. The independence in terms of economy by women is the best thing. It is because, she can look after herself and she can live anywhere without even the support of her husband. But now in this country, woman is depending on the earnings of the man. Therefore she has to succumb to anything and yield to any pressure. Most of my sisters including Shrimati Geeta Mukherjee said, it is the male dominated society. In most of the cases, it is the mother-in-law who kills the daughter-in-law. I am not accusing for accusation sake. But these are the social evils which have to be seriously considered by us.

My last suggestion is, officer appointed—A to Z—should be ladies and special posts should be established. There are so many lady IPS officers and they should be well trained for this job. It is because, it is affecting them more than any other person.

Special courts or tribunals should be appointed so as to make speedy disposal of the cases. Otherwise, it will be pending for 10 years or 15 years together in the court and we may have to change the law. Therefore, the social condemnation should be organised through all religious institutions and education, and it should get a place in the text book right from 1st standard to the post-graduate level.

[Translation]

SHRI MOOL CHAND DAGA (Pal) : Mr. Chairman, Sir, I have heard all the speeches. I have an idea that encouragement to love marriages can alone abolish the dowry system. There is no other way out. We have joint family system in our society and it is only parents who create such problems. It is good if the mother is educated and she has got such education, but she can not avoid the temptation as the values of the life are changing. Today this world is materialistic world. While delivering a speech, everybody condemns it, but they also act in the same way. My colleague Shri Uttam Rathod knows well about the prevailing situation. People used to speak against this evil, but they also indulge in such activities. My colleague

said that there was no use of making laws, but laws are also essential to have a check on people up to some extent. This is a fact that 57 percent of the backward population live in villages. They do sell their daughters, is there any remedy for it? I tell you that there are such customs that they do not marry their girls to a boy, without taking money from him. The scheduled castes people, generally in the villages marry their daughter by taking money. This is not a old story, even today it is happening. They exchange girls or take money against them, it is a great problem. I congratulate you for making laws on it, but this a fact that unless we change our life values and by living in this materialistic world, this evil will continue to be there. We have this much power that we can even influence the Government officials to fall in our line.

SHRI SHAMINDER SINGH (Fari-dkot) : Mr. Chairman, Sir, I congratulate the Government for introducing this Bill. This Bill when passed will not only raise the dignity of the women, but also remove the social evil. I, in the capacity of the leader of the Parliamentary party of the Akali Dal, support this Bill. I once again congratulate the Government for their good work. The hon. Prime Minister has taken a very good step in favour of the women of our country.

[English]

SHRIMATI MARGARET ALVA : In spite of the late hour we have had 16 Speakers participate in the debate and I thank all of them for their participation at present here this evening. I think all members have made the point that just laws alone cannot fight this evil and I am prepared to accept this right at the beginning. But social movements and efforts at social changes have got to have a certain amount of legal sanction and backing and if you are really going to fight an evil like dowry. Dowry is not something which can be looked at in isolation. It has something to do with the right of inheritance. It has a lot to do with religious and social sanction. It has a lot to do with customs that are prevailing in different parts of the country. Statistics have shown that the

[Shrimati Margaret Alva]

brides who burn essentially belong to one community. It has also been shown by statistics that the brides who burn are essentially under 30 age group. We have also seen statistically that most of them, and I must say almost all or 99% of those brides who die of burns die in the mother-in-law's house and never in the husband's house or in her mother's house because of any accident. These are certain facts which show that there has to be some kind of stringent preventive measures as well.

A lot of members have spoken about the need for education. But I must say that the better educated the young man is, the higher is the price demanded and, therefore, I ask how can education fight the dowry evil. It has also been mentioned here and we have seen it in the process of our campaign—I would not go to that level as somebody called it a shoe-shop—the way the bridegrooms are bought.....

(Interruptions)

I will not call it a 'shoe-shop'. It would be derogatory to our young men but the way the bridegrooms are chosen, you know it—the higher the qualification and the better placed the youngman is, the bigger is the price placed by his family or maybe by himself in the marriage market.

Certain other comments have been made. I would just like to quickly go through some of the points made by Shrimati Geeta Mukherjee when she started. She did mention that she wanted a certain amendment. She has spoken about the definition, about the question of customary presents and so on. I was also a member of the Joint Select Committee and a number of members who spoke today were also members of that committee. I can only say this that the idea was that until you have equal rights of inheritance for the daughters, we do not want to ban everything that a daughter might get at the time of marriage given willingly by the parents. After all if she is going to be given some gifts, some customary gifts and certain customary

requirements in the marriage—for instance in many parts of the country, a girl could not get married without a 'thali'—therefore, these have to be protected and we felt that something the daughter gets from her parents should not completely be banned in the first stage and that it should be her property—her *Stridhana* as defined now by the Supreme Court in a recent judgment over which she will have total control. Now we have gone further with this amendment that if the bride dies within 7 years of her marriage under circumstances considered suspicious, then whatever was given to her will go to her children if she has any children and if she has no children and she dies, then it would revert to her parents the husband then would not treat marriage as a commercial proposition where he will kill his wife, keep the money and marry another one within three months. This, I think, will atleast stop marriages becoming a commercial proposition to the husband and his mother.

The other point is that we have made the scope of the definition wider by bringing in the law by saying 'any time after the marriage' because originally the definition was "in connection with the marriage on or before, at the time of marriage" now we have said 'any time after the marriage' it means after seven or eight or 10 years then the law would take its course.

Smt. Geeta Mukhrjee has said that Rs. 3000/- should be the maximum for marriage expenses. It is difficult in a country with such wide differences to fix any amount. But I feel that State Governments, as we go along, think in terms of some kind of restrictions like Guest Control Orders, banning certain items being served. This would have to be implemented essentially at the State level. It would not be possible for us to set common standards for the country. She made a very good suggestion of political people giving the lead by not giving posts or offices to anybody who has given or taken any dowry. If all political parties agree that they would give no tickets to anybody to contest election if there has been any giving or taking of dowry in their family, I think

that would be the first step towards fighting it at the national level.

Mr. Bhakta spoke about the need for awakening the public about the evil. We are very much on this job. The media and every source possible is being utilised to fight this evil. But it has essentially got to be a people's movement. I do not think it can be done just by Government doing it. The people should get involved.

Prof. Nirmala Kumari Shaktawat spoke about the need for equal rights in property. I think it has been a demand from women's and other organisations for a long time. State Governments have begun to respond to this and I hope that before long this Bill will become a legal reality.

Religious sanction is of something which one has got to keep in mind. Then we can talk about it. A lot of ceremonies which go with the marriages some how or the other sanction giving and taking certain items, gifts and so on in the name of religious practices. This is something, I think, which most of us are not yet prepared to fight. I feel, therefore, a massive campaign, as I said earlier, would have to be launched on this front.

It has been suggested that the Dowry Prohibition Officers should be women. I will also welcome that suggestion. There is no bar on that being women provided we find sufficient number of women and we will be very happy to see that they are all women.

The question of free legal aid has been raised. I wish to say that we have started this in all the States. Besides this, the Department of Women and other organisation have also launched para-legal training programme for women in all parts of the country to let them know what the law is; how they can enforce their rights and how they can get free legal aid. Now we have, at the District Level, free legal aid centres for women which are helping them wherever necessary.

I would certainly agree that the mother-in-law perhaps needs specialised

treatment as far as making her aware of her duties as the head of the family is concerned. It is true in most of the cases, she is involved.

Members have mentioned the need for Special Courts. I would like to point out that we have already passed the Family Courts Bill in 1984. But I must say with great pain that except Rajasthan, no other State in the country has yet set up a Family Court. The only State is Rajasthan. I have been writing to the Chief Ministers. Recently, even the Prime Minister has addressed communication to Chief Ministers telling that it is absolutely necessary to have the Family Courts functioning immediately. Because a lot of pressure from the other courts will then go to the family courts. I think, a lot of these problems could be sorted out in an atmosphere of give-and-take and of negotiation rather than have lawyers fight legal battles in open courts.

Kumari Mamata Banerjee also spoke about free legal aid and the campaign which is needed in order that this evil might be fought. But the basic question is that of equality and of economic independence for women. I think, this is one of the big programmes which we are launching now. As has been mentioned, the 20-Point Programme especially mentions under the item of Women fight against dowry and necessary implementation of the laws to fight the evil of dowry in the country.

Prof. Kurien was worried about the share which is given to girls in Kerala at the time of marriage. In fact, I must say that the advertisements—which we have now banned—were brought to us in large numbers from the newspapers in Kerala. It seemed to be a practice to advertise the share that the girl would get at the time of marriage in marriage advertisements. This has now been banned because it was like an offer of dory through the newspapers. But I would like to tell him that, as far as the share of the girl is concerned, it is protected because whatever is given to the girl in her name is protected under the law....

AN HON. MEMBER : At the time of marriage.

SHRIMATI MARGARET ALVA : Yes. As long as it is not given in connection with the marriage, you are free to give to your daughter anything. But I must tell you that, under the new Amendment, a proviso has been added that, wherever it is shown that something was given or taken at the time of marriage, the onus is on the taker to prove that it was not demanded, which means that, later on, if it is said that there was a demand and they were forced to give it, it is upto the taker to prove that it was not demanded and that it was freely given by the parents as a gift to the girl. The onus shifts to the taker now if he accepts anything at the time of marriage.

There were certain other suggestions made....

PROF. MADHU DANDAVATE : Do not give tickets to dowry-takers.

AN HON. MEMBER : With restrospective effect.

PROF. MADHU DANDAVATE : I will not lose my seat.

SHRIMATI MARGARET ALVA : Another question which was discussed by many Members was that of the Amendment which has brought in the new definition in the Indian Penal Code of 'dowry death'. Somebody said that this was to protect the husband or the in-laws as against the girl. I think, this is not quite true. If you read section 304B which we have introduced together with the Amendment to the Indian Evidence Act, if you take the two together, it becomes quite obvious that now if a death takes place under certain circumstances which are defined here, it will be defined as a dowry death, and when such a death takes place, the onus shifts to the bridegroom and his people to show that it was not caused by them. In other words, the moment these ingredients are there, it becomes a dowry death and immediately the onus shifts to the in-laws to prove that they were not responsible. This was necessary because all of us involved with free legal aid and the question of fighting this evil have found that we never get eye-witnesses because

this is one crime which is done normally behind closed doors with in-laws, not even the husband being present. And it is always recorded as suicide or accident or something which happened inside. Therefore, under the normal culpable homicide amounting to murder or culpable homicide not amounting to murder, it becomes impossible to deal with this problem and prove anything. It was, therefore, felt that the new crime should be defined—which we have done for the first time. With this, the onus of proof shifts to the husband or his family—the moment these ingredients are present. I think, this is something which every one should welcome. Mr. Panika spoke about tribal practices, he is not here, which protect the rights and interests of women. I admit that we have among our tribal people many customs and if we could only follow them, perhaps, it would improve the status of women in many ways.

Everyone spoke about the implementation. I am very conscious of the responsibilities which are on us to see that the new provisions are implemented in a way worthy of the status of women in this country. But I must appeal—the Home Minister is here and I am glad that he is here—to all the State Governments to cooperate with us. We are now appointing the Dowry Prohibition Officers in the States. Unless and until the State Governments see that certain infrastructure is created and cooperation is given to these officers, ours from Delhi will become a voice in the wilderness.

In fact, when I write asking for details—you have been asking for reports which must be filed before Parliament and that is one of the amendments Mrs. Geeta Mukherjee is moving—I must tell you that we don't even get replies. When we ask for figures to answer questions in the Parliament, when we ask for simple information, until I go and meet the Chief Ministers, there is absolutely no feed back. So, to say that it must be mandatory to place these reports on the Floor of the House would create real problem for us. May be, once these officers start functioning and as we go along, at later stages it might be possible to collect

sufficient feed back and keep the Parliament informed.

PROF. MADHU DANDAVATE : Do you propose to invoke 249 for this ?

SHRIMATI MARGARET ALVA : Well, certainly it is a good idea.

Mr. Vir Singh made some very revolutionary suggestions. I don't know what even the Member would think about them. But I don't think it will be possible to go in for things like declaring the marriages where dowry is involved null and void and the children already born as illegitimate. It would be very unfair to punish the children for the crimes of their grand-parents or their parents. I think it would create other social problems perhaps.

I have covered all the points. The rest of them are formal, including that of Mr. Daga that customs still go on in spite of the laws and so on. I am grateful because everyone has ultimately accepted and has supported the Bill. I do agree that a perfect law is just not possible. It is yet to be born. It is with experience and with the problems we face that we realise what has gone wrong and what needs to be changed.

I must say about the present amendments. I must fully satisfy the suggestions made in the Joint Select Committee Report as well as the suggestions made by Women's Organisations and Legal Aid Groups. But as we go along, perhaps, if we find that something really needs change, we will always be prepared to come back to you and say that we feel something which should have been done and I am sure that we will receive support which we have already received from you.

We had not thought of ceilings on gifts and presents as such because we felt that it would be unfair to the girls. They have no share in the property of the father. If the father wants to give something when she leaves the Home and we ban it also and send the father, the bride, the bridegroom and everybody to jail, I think it would create problems for us in celebrating marriage itself. Somebody suggested that maybe it would be good

to ban the marriages itself instead of banning dowry. Probably, that is where it will end up with.

Sir, I think, I have answered all the points that were made and for lack of time I don't want to say more. I once again thank all those who participated. I would request Smt. Geeta Mukherjee not to press for her amendments. I realise that she would like certain things changed. But I am sorry that it would not be possible for me to accept these amendments today.

MR. CHAIRMAN : You may speak at the next stage.

SHRIMATI MARGARET ALVA : I thought she moved her amendments in the beginning itself.

MR. CHAIRMAN : 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, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

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

Clause 2 (Amendment of Long title)

SMT. GEETA MUKHERJEE : I beg to move :

"Page 1,—for clause 2, substitute—

'2. For section 2 of the principal Act, the following section shall be substituted, namely :

'2. In this Act "dowry" means money or other things estimable by money demanded or taken from the bride or wife or her parents or relatives before or at the time or any time after the marriage by the bridegroom or the husband or his

[Smt. Geeta Mukherjee]

parents or other relatives, where such a demand is not properly referable to any legally recognised claim of the bride or the wife and in the case of the wife relatable only to the wife's being married into the husband family.

Explanation I.—For the removal of doubts it is hereby declared that any property that the bride or the wife might be entitled to under any other law applicable to her or any other property rights under any agreement or the right of the bride or the wife to "dower" or "mahr" under the personal law applicable to her should not be deemed as dowry for the purposes of section 3.

Explanation II.—For the removal of doubt it is further stipulated that any presents made voluntarily, *i.e.* without compulsion or coercion either directly or to the bride or bridegroom by the bride's parents, relatives, friends etc. at or before or after the marriage in the form of cash, ornaments, clothes or other articles not exceeding in value five percent of the income during the year preceding the date of marriage of the parents of the bride or other persons bearing the marriage expenses on the bride's side or five thousand rupees whichever is less should not be deemed as dowry for the purposes of section 3. And the presents made voluntarily to the bride or by the bridegroom or parents or relatives of the bridegroom should not be treated as dowry for the purposes of section 3." (1)

Since I have already explained—I have heard the Minister and since I am not convinced, I move my amendment.

SHRIMATI MARGARET ALVA : I said that it would not be possible for me to accept the amendment.

21.00 hrs.

MR. CHAIRMAN : I shall now put amendment No. 1 moved by Shrimati

Geeta Mukherjee to the vote of the House.

Amendment No. 1 was put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Amendment of Section 1)

SHRIMATI GEETA MUKHERJEE : I beg to move :

"Page 2, after line 2, insert—

"(ii) the sub-section (2) shall be omitted." (2)

MR. CHAIRMAN : I shall now put amendment No. 2 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 2 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 3 A

SHRIMATI GEETA MUKHERJEE : I beg to move :

"Page 2, after line 2, insert—

"3A After section 3 of the principal Act, the following section shall be inserted namely :—

"3A Incurring of expenses on marriage or betrothal or any ceremony connected with the marriage including serving of food,

decoration and other incidental matters exceeding three per cent of the income during the year preceding the date of marriage of the parents of the bride or other persons bearing the marriage expenses on the bride's side or two thousand rupees whichever is less, shall be punishable with imprisonment which may extend to three months and fine which may extend to five thousand rupees or twice the amount which has been incurred in excess of the limit whichever is more." (3)

MR. CHAIRMAN: I shall now put amendment No. 3 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 3 was put and negatived.

MR. CHAIRMAN: The question is:

"That clauses 4 to 7 stand part of the Bill."

The motion was adopted.

Clauses 4 to 7 were added to the Bill.

Clause 8 (Amendment of Section 5)

SHRIMATI GEETA MUKHERJEE: I beg to move:

"Page 3,—

after line 41, insert—

"8C (1) Within three months from the expiry of each calendar year:

(a) the Central Government shall cause to be laid before each House of Parliament a report on the administration of this Act during the year; and

(b) the State Government shall cause to be laid before the Legislative Assembly or, as the case may be, each House of the Legislature of the State, a report on the administration

of this Act in that State during that year.

(2) For the purpose of preparing any report referred to in clause (a) of sub-section (1) the Central Government may, in the prescribed manner, call for any periodic or other report from a State Government.

(3) The State Government shall, for the purpose of clause (b) of sub-section (1), prepare a consolidated report on the administration of this Act, based upon the comments on individual cases by the Dowry Prohibition Officers, by the Presiding Officers of the courts who try such cases and by social welfare organisations."

(4)

Sir, I want the Minister to consider my amendment. I would like to refer to page 4 line 20—

"304 B (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty.."

I want this word 'soon' should be obliterated because it is a non-quantifiable item. If it is there then the Minister's own contention may be defeated.

SHRIMATI MARGARET ALVA: Mr. Chairman, I would like to submit that our idea is that you cannot connect everything with dowry. Suppose there is no demand for dowry for the past 3 years but there is some quarrel or misunderstanding and something happens. You cannot call it a dowry death. Very often we have problems where a girl dies and they come and say it is a dowry matter.

MR. CHAIRMAN: I shall now put amendment No. 4 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 4 was put and negatived.

MR. CHAIRMAN : The question is :

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Clause 10 (Amendment of Section 7)

SHRIMATI GEETA MUKHERJEE :
I beg to move :

“Page 4, line 20,—

omit “soon” ” (5)

MR. CHAIRMAN : I shall now put amendment No. 5 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 5 was put and negatived.

MR. CHAIRMAN : The question is :

“That Clause 10 stand part of the Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12 (Amendment of Section 9)

SHRIMATI GEETA MUKHERJEE :
I beg to move :

Page 5, Line 4,—

omit “soon”.

MR. CHAIRMAN : I shall now put amendment to clause 12 moved by Shrimati Geeta Mukherjee to the vote of the House.

The Amendment was put and negatived.

MR. CHAIRMAN : The question is :

“That Clause 12 stand part of the Bill.”

The motion was adopted.

Clause 12 was added to the Bill.

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

SHRIMATI MARGARET ALVA : I
beg to move :

“That the Bill be passed”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

PAPERS LAID ON THE TABLE—*Contd.*

[*English*]

Notifications under Central Excise Rules, 1944

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRIMATI SHEILA
DIKSHIT) : On behalf of Shri B.K.
Gadhvi, I beg to lay :

(1) A copy each of the following
Notifications (Hindi and English versions)
issued under the Central Excise Rules,
1944 :—

(i) G.S.R. 1014 (E) published in
Gazette of India dated the
20th August, 1986 together
with an explanatory memora-
ndum regarding exemption to
goods and materials of iron or
steel obtained by breaking up
of ships, boats and other float-
ing structures from the whole of
the duty of excise leviable
thereon.

(ii) Notifications No. 387/86-CE
published in Gazette of India
dated the 22nd August, 1986

together with an explanatory memorandum regarding exemption to Liquid Oxygen Explosives from the whole of the duty of excise leviable thereon.

- (iii) Notification No. 388/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing a concessional rate of 10 per cent excise duty for electrically operated trolley buses and battery powered road vehicles.
- (iv) Notification No. 389/86-CE published in Gazette of India dated the 22nd August, 1986, together with an explanatory memorandum making certain amendments to Notification No. 271/86-CE dated the 24th April, 1986 so as to restrict the concessional rate of excise duty for damaged and sub-standard cut-pieces of leather cloth by providing certain size and quantity restrictions.
- (v) Notification No. 390/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum extending the full exemption available to erstwhile Tariff item 68 goods manufactured by Government factories, KVIC units, etc. up to 31st August, 1987.
- (vi) Notification No. 391/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing a concessional rate of 10 per cent for sugar confectionery.
- (vii) Notification No. 392/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing a concessional rate of 20 per cent *ad valorem* for food colours and food colour preparations.

(viii) Notification No. 393/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing a concessional rate of 20 per cent for barrier creams.

(ix) Notification No. 395/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing a concessional rate of 15 per cent duty for winding wires of copper.

(x) Notification No. 396/86-CE published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum permitting availing of MODVAT credit in respect of duty paid on copper wire rods used in the manufacture of winding wires of copper in spite of exempted copper wires coming into existence as an intermediate product. [Placed in Library. See No L.T. 3113/86]

(2) A copy of the Central Excise (Fifteenth Amendment) Rules, 1986 (Hindi and English versions) published in Notification No. 394/86-CE in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum under sub-section (2) of Section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. L.T. 3114/86]

(3) A copy each of the following Notifications (Hindi and English versions) under Section 159 of the Customs Act, 1962 :

(i) Notification No. 413/86-Customs published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum making certain amendment to Notification No. 232/83/Customs

[Shrimati Sheila Dikshit]

dated the 18th August, 1983 so as to withdraw the concessional rate of duty for micromotors.

- (ii) Notification No. 414/86-Customs published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing an effective rate of basic customs duty of Rupees 13 per micromotor, and fully exempting such micromotors from countervailing duty.
- (iii) Notification No. 415/86-Customs published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum seeking to withdraw the total exemption from auxiliary duty of customs on caustic soda in lye form.
- (iv) Notification No. 416/86-Customs published in Gezette of India dated the 22nd August, 1986 together with an explanatory memorandum making certain amendment to Notification No. 110/86-Customs dated the 17th February, 1986 so as to extend the concessional rate of 55 per cent (Basic + Auxiliary) duties available to 'projects' under Heading No 98 01 of the Customs Tariff to all goods imported for 'Railway Electrification Project' under World Bank Loan Agreement. [Placed in Library. See No. L. T. 3115/86]

21 07 hrs.

JUVENILE JUSTICE BILL, 1986

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI) : I beg to move for leave to introduce a Bill to provide for the care, protection, treatment, development and rehabilitation of negle-

cted or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles.

MR. CHAIRMAN : The question is :

“That leave be granted to introduce a Bill to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles.”

The motion was adopted.

DR. RAJENDRA KUMARI BAJPAI : I introduce the Bill.

21.08 hrs.

**ESSENTIAL COMMODITIES
 (AMENDMENT) BILL, 1986—Contd.**

[English]

MR. CHAIRMAN : The House will now take up further consideration of the following motion moved by Shri A.K. Panja on the 20th August, 1986, namely :

“That the Bill further to amend the Essential Commodities Act, 1955, as pasaed by Rajya Sabha, be taken into consideration.”

Shri Dennis.

SHRI SAIFUDDIN CHOWDHARY : We are of the opinion that the Bill be passed without any discussion.

PROF. MADHU DANDAVATE : Yes, Sir. It is so essential that it should be passed without any discussion.

MR. CHAIRMAN : Let Mr. Dennis speak. He wants to speak on it.

Shri Dennis.

SHRI N. DENNIS (Nagercoil) : Sir, while supporting the Essential Commodities (Amendment) Bill, I wish to offer a few points.

The proposed amendments are intended to get over the obstacles that stand in the way of speedy and effective implementation of the Act. Mostly they are procedural in nature and they are non-controversial and there cannot be any objection from any quarter. These amendments would fill up the gap or loopholes that stand in the way of speedy implementation.

There are amendments in three sections on four points. Regarding the proposed first amendment, it is a substitution of a new section for Section 6E. This is to debar the jurisdiction of courts in certain matters, i.e., to debar the Courts from passing any order with regard to any vehicle that carries essential commodities, when it is seized pending confiscation. This amendment is intended to remove the difficulties in tracing out the evidence. Then confiscation proceedings are pending with the Collector or with the police officers or the Civil Supplies Authorities, if the court releases the material or the vehicles which carry the essential commodities it would cause difficulties for the investigating officers together the requisite evidence. This bar is during the pendency of confiscation proceedings only. This will greatly remove the difficulties that stand in the way of speedy and effective implementation of the Act.

Two amendments are proposed in Section 7A in Sub-clauses (a) and (b). Whenever goods are seized, a fine with simple interest of 6 per cent per annum is levied, to be payable by the defaulters. Now in this amendment 15 per cent is proposed. This has been done keeping in view the present rates of interests charged by the Banks. This would enable the authorities to cope up with the situation in a more effective manner. There cannot be any objection regarding this amendment also. The next amendment is regarding recovery of dues. This amendment is in Section 7A, Sub Clause (b). This is only a procedural and formal amendment to enable the Government

to recover the dues on public demand. In some States, there are recoveries of dues on public demand also. This amendment is greatly helpful to remove the difficulties faced by some States. It may also be mentioned here that the original procedure is also retained.

There is an amendment in Section 12AA. So far, police alone is entitled to lodge a complaint before the court. But now as per the proposed amendment the government officers—both Centre and State are also empowered to lodge the complaint before the court. So, inordinate and long delay which was there in the previous procedures, to take action is removed now, with this amendment. The officials of the Central and State Governments are empowered to report to the Special Courts and the courts would take cognizance of the offence. The authorised officers should be specified and they should be of a higher rank. Also, there should not be misuse of their powers and there should not be corruption. Strict scrutiny has to be made in the matter of fixing the rank and also to specify the names of such officers. Their performance and transactions should also be watched carefully.

Another aspect to be watched is that there should not be duplication of work and power and thereby, this arrangement should not lead to confusion and inaction. Each authority—both police as well as the authorised officer—has to be vigilant, and they should take initiative and lodge the complaint at the earliest opportunity. They should never think that the other side would take the initiative and perform the duty, and thereby remain inactive and silent. They should not think that it is for the other side to take the initiative.

One or two more points which I would like to bring to your notice. Providing essential commodities regularly and at a cheaper and reasonable price to the common man is the primary responsibility of the Government. So, production, supply and distribution of essential commodities have to be streamlined and regulated, and effectively and efficiently controlled for the good of the common man. There is an increase in food produ-

[Shri N. Dennis]

ction. The food stock has also been increased, but the prices of essential commodities are not going down and instead, they are going up. We see the prices of commodities which are used by the rich and affluent sections are stabilized but on the one hand, on the other hand, we see that the prices of essential commodities are disproportionately going up. The point is that strict implementation of the provisions of the Act is highly essential. Then only the Act will have certain meaning. Then only the Amendments will also have substance and meaning. Then only the Acts and Amendments would serve the purpose which the society needed. I would like to make one or two points.

PROF. MADHU DANDAVATE : You lay it on the Table of the House.

SHRI N. DENNIS : Stringent action has to be taken against those who violate the provisions of the Act and against the blackmarketeer the hoarders and the adulterators. Stringent punishment should be given to those who indulge in smuggling. Smuggling is going on in lorries and other vehicles. Sugar and Kerosene have become rare commodities in fair price shops and they are hoarding and blackmarketing are going on. Food-grains of bad quality are supplied in Fair Price Shops. There is no correct measurements. So, the Government agencies have to make frequent checks and raids to check prices of essential commodities, quality and quantity of essential commodities and also to see whether there is regular supply of food-grains in the Fair Price Shops or not.

The Public Distribution System is the only way for the common man to get food-grains, but though the number of shops have been increased and the sales have also been increased, there are number of problems which I have stated earlier. This monitoring of distribution should be done effectively and that is highly essential. The Government have to take all measures for the supply of essential commodities to every nook and corner of this country, to the poor and down-trodden people and also those who live below the poverty

line. The intention of the Government has to be translated into action by the strict implementation of the Act.

21.17 hrs.

[MR. SPEAKER *In the Chair*]

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI A.K. PANJA) : The only point made is regarding authorised officers—high ranking officers—so that the action is taken properly. Sir, during the period of this Government and in the year 1984 as regards the action taken till 30th June, 1986, the number of raids conducted under Essential Commodities Act were 588,819. the total number of persons arrested were 19,705. The total value of goods seized is Rs 27 crores, 30 lakh and 87 thousand. We have also formed an Enforcement Directorate, with a particular desire...

(Interruptions)

PROF. MADHU DANDAVATE : You also lay it on the Table of the House.

SHRI A.K. PANJA : And therefor, I am submitting that the Bill be passed. And, therefore, I submit that the Bill be taken into consideration and passed.

AN HON. MEMBER : Unanimously.

[Translation]

SHRI C. JANGA REDDY : Of course you have filed a large number of cases, but how many cases have you won ?

[English]

SHRI A.K. PANJA : There is no question of winning any case. These are quasi-criminal cases. The number of persons prosecuted is 10,440. Up till now, judgements delivered and convictions obtained number 2,747.

MR. SPEAKER : The question is :

“That the Bill further to amend the Essential Commodities Act 1955, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. SPEAKER : The House will now take up clause-by-clause consideration of the Bill. Clause 2—Shri Ayyapu Reddy is not here. The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER : Now Clause 3. Mr. D.B. Patil is not here. The question is :

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

MR. SPEAKER : The question is :

“That Clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

MR. SPEAKER : Now, Clause 1, Enacting Formula and the Title. The question is :

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

The motion was adopted.

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

MR. SPEAKER : Now the Minister.

SHRI A.K. PANJA : I beg to move :

“That the Bill be passed.”

MR. SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

CONCLUDING REMARKS

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H.K.L. BHAGAT) : On this occasion, when we are concluding this Session of Parliament, I want to thank you, Sir, for the guidance given and ability with which you conducted the proceedings. I want to thank the hon. Leaders of the Opposition. The Opposition was working together with us, and was making a very useful contribution to the House. I have said it outside, and I repeat it now, that though numerically they are not very strong, in putting their case they are no less strong. They put it very well. I want to say something which I feel.

I want to thank the Members also for their effective participation during the deliberations. I thank the new Members and other Members who have been doing very well.

I want to thank the Secretary-General of the Lok Sabha and all the staff for their great contribution in this difficult task.

I want to thank my colleague, the Minister of State for Parliamentary Affairs Mrs. Sheila Dikshit. I want to thank the Secretary of the Department of Parliamentary Affairs, Mr. Ishwari Prasad, and his colleagues and staff, and all the staff who are engaged in various duties in Parliament.

I wish to thank the Press also for a good coverage of the proceedings of Parliament.

Sir, we are all grateful to you for the very wise, mature and able guidance that you have given us.

MR. SPEAKER : Hon. Members : As the Sixth Session of Eighth Lok Sabha comes to a close today, I consider it my duty to thank all sections of the House on my behalf, on behalf of my Deputy

[Mr. Speaker]

Speaker and all the members of the Panel of Chairmen for the cooperation extended to us in conducting the business and in thrashing out all the issues put before us.

In this short Session, we have had 24 sittings in all lasting over 158 hours approximately.

The House considered and passed 19 Bills, including two Constitution Amendment Bills, viz. the 53rd and 54th Amendment Bills. The House displayed a rare unanimity in passing these Bills. With the passage of the State of Mizoram Bill, Mizoram becomes the 23rd State of the Indian Union, and the whole House welcomed this event. During the Session, 420 Starred Questions and one Short Notice Question were answered on the floor of the House. Apart from this, we have had discussions on ten Calling Attention notices, four short-duration discussions and four half-an-hour discussions on subjects of urgent public importance.

The debate on communal situation in various parts of the country lasted over 12 hours and spilled over 4 days. The debate was marked for its sobriety and the sense of restraint coupled with anguish. I am sure the lead given by the House would go a long way in strengthening the country's resolve to tackle this cancerous evil in our country and society.

The House also had occasion to debate the economic situation in the country in the context of the new fiscal policies and the

National Policy on Education, 1986— Programme of Action. The current situation in South Africa was the subject matter of yet another debate at the end of which a resolution was passed unanimously by the House condemning, *inter alia*, the inhuman policies of 'apartheid' being followed by the racist regime in South Africa.

Let me once again thank all Hon'ble Members for the love and affection and cooperation which they have shown to me personally; and the wit and humour which they had displayed has been very much significant, and due to that only we could have this congenial atmosphere in the House in solving all the problems which had faced us.

I think in the next session we will get together with healthier spirit and more sharpened outlook. I could just see from the face of the Home Minister that he is very much eager to put in his lot if necessary. I must thank all my staff, Secretariat and all the people who have worked here in close cooperation with us. They had been doing their job in a very fine manner.

Before I say that the House stands adjourned *sine die*, I thank you once again, and wish you a good, happy inter-session period. Hope to meet you again. Mr. Saifuddin Chowdhary, you came with much more robust health this time. I thank you once again. The House stands adjourned *sine die*.

21.27 hrs.

The Lok Sabha then adjourned sine die.