

LOK SABHA DEBATES (English Version)

**Ninth Session
(Eighth Lok Sabha)**



सत्यमेव जयते

(Vol. XXXVI contains Nos. 21 to 28)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

LOK SABHA

[English]

*Tuesday, December 15, 1987/Agrahayana
24, 1909 (Saka)*

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

SHRI P.R. KUMARAMANGALAM (Sa-
lem): Shri Vasant Sathe and Shri Sangma
have signed a settlement, which, it looks, the
Government does not recognize. After all,
Shri Sangma is Labour Minister. What is he
doing about it?... (*Interruptions*).

[*Translation*]

[English]

MR. SPEAKER: Let it be over now.

KUMARI MAMATA BANERJEE
(Jadavpur): Sir...(*Interruptions*).

[English]

[*Translation*]

MR. SPEAKER: What Kumari Mamata
is saying?

SHRI BASUDEB ACHARIA (Bankura):
Sir, the workers of West Bengal are being
discriminated against. They are not being
paid interim relief. Today is the last day of
this session. They should make a statement.
Shri Sangma had assured a delegation...

[English]

KUMARI MAMATA BANERJEE: Sir,
seventy-five thousand workers of public
sector undertakings have gone on indefinite
strike on the issue of interim relief. Shri
Sangma, Labour Minister, who is here, has
agreed; Minister of Energy has also agreed,
but the Industry Minister is not giving. I want
a statement from the Industry Minister....
(*Interruptions*). Today is the last day of this
session.

(*Interruptions*).

[*Translation*]

MR. SPEAKER: I have heard it, please
do not make noise. Why all of you are shout-
ing? I will look into it.

(*Interruptions*)

[*Translation*]

[English]

MR. SPEAKER: Now it is alright, I have
listened.

MR. SPEAKER: I will look into it.

(*Interruptions*)

[Translation]

MR. SPEAKER: I have heard your point and it has also been conveyed.

MR. BASUDEB ACHARIA: Sir, ask them to make a statement today.

MR. SPEAKER: I have heard your point. I have also asked them to make statement.

[English]

SHRI BASUDEB ACHARIA: One lakh workers of textile, footwear and other industries are not being paid interim relief....

KUMARI MAMTA BANERJEE: Today is the last day of this session. He is here. We want justice...

(Interruptions)

[Translation]

MR. SPEAKER: Both Ministers are present here and they have heard your point.

SHRI BASUDEB ACHARIA: They are not hearing.

[English]

KUMARI MAMATA BANERJEE: The Labour Minister is helpless; Industry Minister is not doing anything

SHRI BASUDEB ACHARIA: Please direct him to make a statement.

(Interruptions)

MR. SPEAKER: I cannot, but I have told them.

(Interruptions)**

MR. SPEAKER: Nothing goes on record; nobody has got my permission any more.

11.05 hrs

PAPERS LAID ON THE TABLE

Reviews on the working of and Annual Reports of Hindustan Cables Ltd., Calcutta, Engineering Projects (India) Ltd., Bharat Ophthalmic Glass Ltd., and Rehabilitation Industries Corporation Ltd., Calcutta for 1986-87.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): On behalf of Shri J. Vengal Rao, I beg to lay on the Table a copy each of the following papers (Hindi and english versions) under subsection (1) of section 619 A of the Companies Act, 1956:-

- (1) (i) A statement regarding Review by the Government on the working of the Hindustan Cables Limited, Calcutta, for the year 1986-87.
- (ii) Annual Report of the Hindustan Cables, Limited, Calcutta, for the year 1986-87 along with Audited Accounts and the comment of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5430/87]
- (2) (i) A statement regarding Review by the Government on the working of the Engineering Proj-

ects (India) Limited for the year 1986-87.

(ii) Annual Report of the Engineering Projects (India) Limited for the year 1986-87 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5431/87]

- (3) (i) A statement regarding Review by the Government on the working of the Bharat Ophthalmic Glass Limited for the year 1986-87.

(ii) Annual Report of the Bharat Ophthalmic Glass Limited, Durgapur, for the year 1986-87 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5432/87]

- (4) (i) A statement regarding Review by the Government on the working of the Rehabilitation Industries Corporation Limited, Calcutta, for the year 1986-87.

(ii) Annual Report of the Rehabilitation Industries Corporation Limited, Calcutta, for the year 1986-87 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5433/87]

Review on the working of and Annual Report of Hindustan Vegetable Oil Corporation Ltd., New Delhi for 1986-87.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF FOOD

AND CIVIL SUPPLIES (SHRI H.K.L. BHAGAT): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:-

- (1) Review by the Government on the working of the Hindustan Vegetable Oils Corporation Limited, New Delhi, for the year 1986-87.

- (2) Annual Report of the Hindustan Vegetable Oils Corporation Limited, New Delhi, for the year 1986-87 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5434/87]

Review on the working of and Annual Report of Steel Authority of India Ltd. for 1986-87, Annual Report and Review on the working of Mineral Development Board for 1986-87.

THE MINISTER OF STEEL AND
MINES (SHRI M.L. FOTEDAR): I beg to lay
on the Table—

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

(i) Review by the Government on the working of the Steel Authority of India Limited and its subsidiaries viz., the Indian Iron and Steel Company Limited and IISCO Ujjain Pipe and Foundry Company Limited for the year 1986-87.

(ii) Annual Report of the Steel

Authority of India Limited and its subsidiaries viz., Indian Iron and Steel Company Limited and IISCO Ujjain Pipe and Foundry Company Limited for the year 1986-87, along with Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5435/87]

(2) (i) A copy of the Annual Report (Hindi and English versions) of the Mineral Development Board, New Delhi for the year 1986-87 along with Audited Accounts

(ii) A copy of the Review (Hindi and English version by the Government on the working of the Mineral Development Board New Delhi, for the year 1986-87. Placed in Library. See No. LT-5436/87]

Petroleum and Natural Gas (Amendment) Rules, 1987.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): On behalf of Shri Brahma Dutt, I beg to lay on the Table a copy of the Petroleum and Natural Gas (Amendment) Rules, 1987 (Hindi and English versions) published in Notification No. G.S.R. 867 in Gazette of India dated the 21st November, 1987 under section 10 of the Oil fields (Regulation and Development) Act, [Placed in Library. See No. LT-5437/87]

Consolidated Annual Accounts of Employees Provident Fund Organisation for 1986-87.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA): I beg to lay on the Table a copy of the Consolidated Annual Accounts (Hindi

and English versions) of the Employees' Provident Fund Organisation for the year 1986-87 together with Audit Report thereon. [Placed in Library. See No. LT-5438/87]

Notification under Official Languages Act, 1963 and statement for delay in laying this Notification.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): I beg to lay on the Table—

(1) A copy of the Official Languages (Use for the official purposes of the Union) Amendment Rules, 1987 (Hindi and English versions) published in Notification No. G.S.R. 790 in Gazette of India of section 8 of the Official Languages Act, 1963.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the notification mentioned at (1) above. [Placed in Library. See No. LT-5439/87]

Notification under Central Excises and Salt Act, 1944, Customs Act, 1962 and Central Excise Rules, 1944.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 38 of the Central Excises and Salt Act, 1944:-

(i) G.S.R. 965 (E) published in Gazette of India dated the 8th December, 1987 rescinding the Central Excise (Fourth Amend-

ment) Rules, 1987 published in Notification No. 165/87-Central Excises dated the 11th June, 1987.

(ii) The Central Excise (Ninth Amendment) Rules, 1987 published in Notification No. G.S.R. 966 (E) in Gazette of India dated the 8th December, 1987. [Placed in Library. See No. LT-5440/87]

- (2) A copy of the Notification No. G.S.R. 973 (E) (Hindi and English versions) published in Gazette of India dated the 10th December, 1987 together with an explanatory memorandum making certain amendments to Notification No. 208-Customs dated the 1st October, 1977 so as to allow duty drawback on all goods which are exported to Nepal where payments are received in any freely convertible currency and also allows duty drawback on certain specified goods of the nature of capital goods exported to Nepal against any global tenders invited by His Majesty's Government of Nepal even where payments are received in Indian currency under Section 159 of the Customs Act, 1962. [Placed in Library. See No. LT-5441/87]

- (3) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944:-

(i) G.S.R. 912 (E) published in Gazette of India dated the 13th November, 1987 making certain amendments to Notification No. 123/81-Central Excises dated

the 2nd June, 1981 so as to make it clear that packing Materials also can be procured without payment of duty by 100 per cent Export Oriented Units.

(ii) G.S.R. 972-(E) published in Gazette of India dated the 10th December, 1987 together with an explanatory memorandum making certain amendments to Notification No. 150-Central Excises dated the 20th July, 1981 so as to provide for export from the factory of manufacture of capital goods against global tenders invited by His Majesty's Government of Nepal against payment in Indian currency without the payment of excise duty. [Placed in Library. See No. LT-5442/87]

Annual Reports and Reviews on the working of Indian Institute of Technology, Madras for 1986-87, National Institute of Foundry and Forge Technology, Ranchi for 1986-87 etc.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology, Madras, for the year 1986-87. [Placed in Library. See No. LT-5443/87]

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Technology, Madras, for the year 1986-87.

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1986-87.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1986-87. [Placed in Library. See No. LT-5444/87]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Bal Bhavan Society (India), New Delhi, for the year 1986-87.

(ii) A copy of the Annual Accounts (Hindi and English versions) of the Bal Bhavan Society (India), New Delhi for the year 1986-87 together with Audit Report thereon.

(iii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Bal Bhavan Society (India), New Delhi, for the year 1986-87. [Placed in Library. See No. LT-5445/87]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Raja Rammohan Roy Library Foundation, Calcutta, for the year 1986-87 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Raja Rammohan Roy Library Foundation, Calcutta, for the year 1986-87. [Placed in Library. See No. LT-5446/87]

Annual Report and Review on the working of Centre for development of Telematics, New Delhi for 1986-87.

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENT OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): I beg to lay on the Table—

- (1) A copy of the Annual Report (Hindi and English versions) of the Centre for Development of Telematics, New Delhi, for the year 1986-87 along with Audited Accounts.

- (2) A statement (Hindi and English versions) regarding Review by the Government on the working of the Centre for Development of Telematics, New Delhi, for the year 1986-87. [Placed in Library. See No. LT-5447/87]

Review on the working of and Annual Reports of State Trading Corporation of India Ltd., New Delhi for 1986-87 and Expert Inspection Council and Export Inspection Agencies for 1986-87 etc.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): On behalf of Shri P.R. Das Munsi, I beg to lay on the Table—

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

(i) Review by the Government on the working of the State Trading Corporation of India Limited,

New Delhi, for the year 1986-87

(ii) Annual Report of the State Trading Corporation of India Limited, New Delhi, for the year 1986-87 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon [Placed in Library. See LT-5448/87]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Export Inspection Council and Export Inspection Agencies (Volumes I and II) along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Export Inspection Council and Export Inspection Agencies for the year 1986-87. [Placed in Library. See No. LT-5449/87]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Engineering Export Promotion Council, Calcutta, for the year 1985-86 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Engineering Export Promotion Council, Calcutta, for the year 1985-86.

- (4) A Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above. [Placed in Library. See No. LT-5450/87]

Annual Report and Review on the working of Central Council for Research in Ayurveda and Siddha for 1986-87 and statement for delay in laying these papers, Annual Report and Review on the working of Central Council for Research in Homoeopathy, New Delhi for 1986-87 etc.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE):
I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Central Council for Research in Ayurveda and Siddha for the year 1986-87.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Central Council for Research in Ayurveda and Siddha for the year 1986-87. [Placed in Library. See No. LT-5451/87]

- (2) A statement (Hindi and English versions) explaining the reasons for not laying the Audited Accounts of the Central Council for Research in Ayurveda and Siddha for year 1986-87 within the stipulated period of nine months after the close of the Accounting year. [Placed in Library. See No. LT-5452/87]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Central Council for Research in Homoeopathy, New Delhi, for the year 1986-87 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the

- Government on the working of the Central Council for Research in Homoeopathy, New Delhi, for the year 1986-87. [Placed in Library. See No. LT-5453/87]
- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Central Council of Homoeopathy, New Delhi, for the year 1986-87.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Central Council of Homoeopathy, New Delhi, for the year 1986-87. [Placed in Library. See No. LT-5454/87]
- (5) A statement (Hindi and English versions) explaining the reasons for not laying the Audited Accounts of the Central Council of Homoeopathy, New Delhi, for the year 1986-87 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-5455/87]
- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Vishwayatan Yogashram, New Delhi, for the period from 18th February to 31st March, 1980 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Vishwayatan Yogashram, New Delhi, for the period from 18th February, to 31st March, 1980. [Placed in Library. See No. LT-5456/87]
- (7) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (6) above. [Placed in Library. See No. LT-5456/87]
- (8) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of the Institute of Post Graduate Teaching and Research, Gujarat Ayurveda University, Jamnagar, for the year 1986-87 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-5457/87]
- (9) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of the Indian Medicines Pharmaceutical Corporation Limited, for the year 1986-87 within the stipulated period of nine months after the close of the Accounting Year. [Placed in Library. See No. LT-5458/87]

Review on the working of and Annual Report of National Thermal Power Corporation Ltd. for 1986-87.

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER IN THE MINISTRY OF ENERGY (SHRIMATI SUSHILA ROHTAGI): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:-

- (1) Review by the Government on the working of the National Thermal Power Corporation Limited for the year 1986-87.

(2) Annual Report of the National Thermal Power Corporation Limited for the year 1986-87 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-5459/87]

for leave to withdraw a Bill to consolidate and amend the law relating to motor vehicles.

MR. SPEAKER: The question is:

"That leave be granted to withdraw a Bill to consolidate and amend the law relating to motor vehicles."

11.08 hrs.

The motion was adopted

[English]

SHRI RAJESH PILOT: Sir, I withdraw the Bill.

BUSINESS ADVISORY COMMITTEE

*(Interruptions)**

Forty-Seventh Report

[English]

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF FOOD
AND CIVIL SUPPLIES (SHRI H.K.L.
BHAGAT): Sir, I beg to move:

MR. SPEAKER: I cannot direct any-
body.

(Interruptions)

"That this House do agree with
the Forty-seventh Report of the
Business Advisory Committee
presented to the House on the
14th December, 1987"

SHRI BASUDEB ACHARIA (Bankura):
What is your observation Sir?

MR. SPEAKER: I have told him. Now
listen. Look here

MR. SPEAKER: The question is.

(Interruptions)

"That this House do agree with
the Forty-seventh Report of the
Business Advisory Committee
presented to the House on the
14th December, 1987"

MR. SPEAKER: Order please.

SHRI BASUDEB ACHARIA: Please
direct him Sir

The motion was adopted

MR. SPEAKER: The question of direc-
tion is only when there is consensus in the
House

11.8 1/2 hrs.

SHRI BASUDEB ACHARIA: There is
consensus. We are unanimous.

MOTOR VEHICLES BILL

THE MINISTER OF STATE OF THE
MINISTRY OF SURFACE TRANSPORT
(SHRI RAJESH PILOT): Sir, I beg to move

KUMARI MAMATA BANERJEE
(Jadavpur) Out of three Minister, two Min-

[Kumari Mamta Banerjee]
 isters have agreed.

(Interruptions)

[*Translation*]

MR. SPEAKER: I have already told him. Please listen to me.

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur): You can imagine it, Sir. When Kumari Mamata Banerjee and CPI (M) agree, how can there be anything more unanimous?

MR. SPEAKER: I agree with you on that score.

KUMARI MAMATA BANERJEE: Sir, it is a matter of labour welfare.

MR. SPEAKER: If you all agree, then I can even direct the Minister

SOME HON. MEMBERS: Yes.

MR. SPEAKER: All right. I have also allowed one submission under Rule 377 on this issue.

SHRI P.R. KUMARAMANGALAM: Thank you Sir.

MR. SPEAKER: Yes, Minister.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA): Sir, I have come to the House to lay the papers on the table of the House...

MR. SPEAKER: You can come later on, prepared.

SHRI P.A. SANGMA: No Sir, I can say

it now. It is true that an agreement was signed with a representative of the Central Trade Union Organisations where it was agreed to pay interim relief to public sector undertakings. Then, the Bureau of Public Enterprises, Department of Industry have interpretations of their own and some of the Unions have not been paid so far. We have received memoranda again from the Trade Union Organisations. I have also met the organisation from West Bengal. At the moment, the whole matter is again before the Committee of Secretaries. After the Committee Secretaries examines the matter, it will again go to the Cabinet. This is the position at the moment.

(Interruptions)

KUMARI MAMATA BANERJEE: We are not satisfied with it. The Industry Minister is not supporting it.

(Interruptions)

MR. SPEAKER: Nothing goes on record.

*(Interruptions)***

[*Translation*]

MR. SPEAKER: If you do not want work, I will adjourn the House.

[*English*]

If that is what you want, I can just adjourn the House, if you like.

[*Translation*]

If you are not willing to work, it is alright.

[English]

Now listen. I have had enough of it. This is not the way to do it. If there is anything, he has listened to you and have listened to him. There are ways and means to do it. But if this is the way you are doing it, I would like to adjourn the House and I will not work if you do it in this way. This is not the proper way. I have had enough of it.

(Interruptions)

MR. SPEAKER: I do not know. You cannot hold this House to ransom. I am not going to allow it. I have had enough of it

(Interruptions)

SHRI SOMNATH RATH (Aska): I have to raise a point of order.

MR. SPEAKER: What is your point of order?

SHRI SOMNATH RATH: The recommendation of the Business Advisory Committee has been circulated today. I invite your kind attention to this that it has recommended four Bills to be passed without discussion. Sir, legislation is the important function of the House and the rules provided for discussion.....

(Interruptions)

MR. SPEAKER: There is nothing like that.

SHRI SOMNATH RATH: I may be just allowed to submit....

MR. SPEAKER: Look here. I have said it yesterday and I say it today, the freedom of speech is enshrined in the Constitution and that will always be allowed. There is no problem with me. It is only a question of your understanding, what you undertake and

what you do not undertake. We have had examples like that. We have had discussion on sati for so long a time and if you say that is enough, that is enough. But it is upto you. There is no binding on that. This is a question which you have to do both ways.

[Translation]

MR. SPEAKER: Now it is enough. Please sit down.

[English]

SHRISHANTARAM NAIK (Panaji): Sir, I am standing for the last 15 minutes. I have given notice of breach of privilege against Opposition members for walking out against your ruling yesterday.

(Interruptions)

[Translation]

MR. SPEAKER: I will look into it.

[English]

PROF MADHU DANDAVATE: It was not against your ruling, Sir. We protested against the attitude of the government.

(Interruptions)

[Translation]

MR. SPEAKER: You ask with cool mind. I will look into it.

(Interruptions)

MR. SPEAKER: You have spoken enough. Other Members are also there in the House. You do not have the monopoly here.

[English]

SHRI P. KOLANDAIVELU (Gobchetti-

[Sh. P. Kolandaivelu
palayam): Sir, you had promised on Friday
a Calling Attention on Sri Lanka, in case the
Session is extended by 2 or 3 days. Now the
Session is extended...

(*Interruptions*)

[*Translation*]

MR. SPEAKER: I have allowed the hon.
Member, Mr. Vyas, I have listened to you.
Now how many times I should listen to you.
My listening will be of no use but they should
listen to your point.

[*English*]

SHRI NARAYAN CHOUBEY (Midna-
pore): Sir, Mr. Sangma is standing. He is on
the point of saying something. (*Interrup-
tions*)

MR. SPEAKER: Mr. Choubey, please
sit down now. Otherwise I will name you
Please sit down.

[*Translation*]

MR. SPEAKER: You pleased sid down.
It is enough now.

[*English*]

SHRI NARAYAN CHOUBEY: I am sit-
ting down; I will abide by what you say.

SHRI P. KOLANDAIVELU: Sir, on Fri-
day, you have already promised a Calling
Attention on Sri Lanka, if the session is
extended. The session has been extended.
Based on the promise you had given I have
given a Calling Attention notice yesterday. In
the Business Advisory Committee, I insisted
upon taking up the Calling Attention today;
but unfortunately, the Minister of Parliamen-
tary Affairs has stated that no Minister is
available who is dealing with the policy relat-

ing to external affairs, and that no Minister is
here to reply to the Calling Attention.

Sir, there is a joint responsibility, a
common responsibility for all the Ministers.
Suppose you allow me to speak, let any of
the Ministers involved in this affair give the
reply. Mr. Chidambaram is available.

MR. SPEAKER: Mr. Kolandaivelu, the
problem is this. I agree with you...

(*Interruptions*)

[*Translation*]

MR. SPEAKER: I am giving reply. Mr.
Tanti when I am talking to him, why are you
interrupting? You should have some sense.

[*English*]

Why are you butting in? You must have
the decency at least to listen. I can allow you
certain things. That is all right. But not like
this.

Mr. Kolandaivelu, I sympathize with
you. I agree with you that I did so, and I never
go back on what I said. I have never gone
back on my word. That is one thing I will
keep. It is a specific matter of importance,
and that had to be handled by a specific
Minister—they have a joint responsibility,
but that will not be doing justice to that
problem. We will take it up later on.

SHRI P. KOLANDAIVELU: Another
Minister, Mr. Faleiro is there.

MR. SPEAKER: No; I think he is sick.
Yesterday I came to know about it. I do not
know whether he is well today, or not; but we
will take it up later. I agree with you, and I
share your feelings.

KUMARI MAMATA BANERJEE: Why
don't you direct the Minister of Industry to

make a statement?

[*Translation*]

MR. SPEAKER: Madam, will you please sit down. Please, for God sake.....

[*English*]

KUMARI MAMATA BANERJEE: Only one minute, Sir. Please ask the Minister of Industry to make a statement.

(*Interruptions*)

[*Translation*]

SHRI HARISH RAWAT (Almora): Sir, you convey our views to them.

MR. SPEAKER: I have given enough time to you to express your views and you have spoken much on it. Now I do not have any alternative except to adjourn the House if you do not allow the House to run.

KUMARI MAMATA BANERJEE: No, Sir, we do not want that.

(*Interruptions*)

[*English*]

SHRI. S. JAIPAL REDDY (Mahbubnagar): Yesterday, two IPS officers were killed in Punjab.

[*Translation*]

MR. SPEAKER: It came up yesterday.

[*English*]

We have heard about it.

SHRI S. JAIPAL REDDY: Let the Home Minister make a statement. He is here.

MR. SPEAKER: It is okay; there is no question of a statement. Now please sit down.

[*Translation*]

MR. SPEAKER: We have listened to it. It came up yesterday.

[*English*]

SHRI BHADRESWAR TANTI (Kalia-bor): I have given you, Sir, a Calling Attention regarding the Illegal Immigrants (Determination by Tribunal) Bill. It has already been placed before the House. But it has not come up for discussion before the House.

[*Translation*]

MR. SPEAKER: We will take up it in next session.

[*English*]

SHRI NARAYAN CHOUBEY: Sir, Mr. Sangma was on the point of saying something.

[*Translation*]

MR. SPEAKER: You please sit down.

[*English*]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H.K.L. BHAGAT): Sir, I am making a suggestion for consideration by all the Members; I am particularly addressing the Congress members, and making an appeal to them. Number one: the Labour Minister has already said something on that matter. I had taken note of that. I shall tell the Government to expedite the decision on this....

SHRI BASUDEB ACHARIA: Tell the

[Sh. Basudeb Acharia]
Minister of Industry.

SHRI H.K.L. BHAGAT: I have understood your feelings. Yes; I will talk to the Minister of Industry to expenditure it. (*Interruptions*) I am not a nobody. I represent the Government.

(*Interruptions*)

[*Translation*]

MR. SPEAKER: I have conveyed it. what more I can do?

SHRI HARISH RAWAT: It is another issue. The employees of Telecommunication Department...

(*Interruptions*)

MR. SPEAKER: Now I do not have time.

SHRI HARISH RAWAT: They have been on work to rule for last nine days which has disturbed the telephone service.

AN HON. MEMBER: Sir, telephone calls will not be materialised.

(*Interruptions*)

[*English*]

SHRI AMAL DATTA (Diamond Harbour): You have given instructions that the Parliamentary Committees should not go on tours, to curtail expenditure due to drought. We appreciate it. (*Interruptions*) We are deciding not to go on tours. In the meantime, the Cabinet has decided to meet outside Delhi. (*Interruptions*)

We are lodging a strong protest against

it because crores of rupees are being spent.

(*Interruptions*)

[*Translation*]

MR. SPEAKER: You give me your question. I will get the information.

[*English*]

MR. SPEAKER: Shri Sriballav Panigrahi.

SHRI K.N. PRADHAN (Bhopal): Since today is the last day of the session, will you allow all the submissions under Rule 377?

(*Interruptions*)

MR. SPEAKER: Not allowed.

(*Interruptions*)**

MR. SPEAKER: Only Shri Panigrahi's submission under rule 377 will go on record.

(*Interruptions*)**

MR. SPEAKER: The House now shall take up matters under rule 377. Shri Sriballav Panigrahi

12.21 hrs.

MATTERS UNDER RULE 377

[*English*]

(i) **Need to abolish Sales Tax and Octroi Tax Immediately.**

SHRI SRIBALLAV PANIGRAHI (Deogarh): It has long since been decided in prin-

principle to do away with sales tax and octroi tax all over the country. But because of opposition from the States and the urban bodies for their loss of income the same has not yet been implemented. These taxes are responsible to push prices of several commodities higher. Uniformity in prices at different places is also not possible due to variation in tax percentage. Further, administration of these taxes also gives rise to corruption.

It is, therefore, imperative that objections of States and urban bodies should be suitably disposed of through negotiations on alternative sources of their income and these two taxes need to be abolished forthwith.

[*Translation*]

(ii) Need to allocate separate funds to tackle the water scarcity problem in hilly regions of Uttar Pradesh

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, there is every likelihood that unprecedented drinking water problems may hit the hilly areas of Uttar Pradesh this summer. Due to lack of rains this year, new springs of water have not shot up and the water of the old springs has already started drying up. There is a strong feeling that by the end of this year or by the beginning of next year, drinking water will not be available in 60 percent villages of these areas.

Most of the drinking water schemes formulated with the help of financial institutions like World Bank etc. in these areas are not functioning or will stop functioning near future owing to mishandling

River or local water springs are the only sources of water in these areas. There is no possibility of availability of underground water also in these areas.

Therefore, there is a need to look and understand the drinking water crisis in these areas in district manner. The Central Government should make a list of villages struck by the problem of drinking water and start work after preparing a strategy with regard to water supply in order to solve this problem. The Central Government should earmark sufficient economic assistance for these areas for the purpose.

(iii) Demand for conversion of Shahganj-Ballia MG Railway line into broad gauge line

SHRI RAJ KUMAR RAI (Ghosi): Mr. Speaker, Sir, I would like to draw the attention of the government to the districts of Uttar Pradesh viz., Azamgarh, Maunath Bhanjan, Ballia and Gajipur where world famous goods are produced and thousands of people of the aforesaid and other nearby districts visit these places. Various goods are sent out from here but due to the lack of transport facilities a lot of problems have to be faced in movement of these goods and the people. The manufactured goods, if not sent outside have a direct effect on their demand and in the absence of proper resources and the broad gauge line, the project to install the thermal power project in Dohrighat is hanging in the balance. If means of transport were made available here, then the manufactured goods could surely be sent to far-off places and their demand would have increased day by day and by the installation of thermal power in Dohrighat, Bihar, Gorakhpur, Jaunpur, Ballia, Gajipur, Dewaria, Basti and other districts would have got power, thus enabling to set up industries in these areas.

Therefore, I request the hon. Minister of Railways to take immediate action in order to convert the Mamath Bhanjan, Dohrighat, Ballia line from Shahganj into broad gauge line for the development of manufactured goods of this area, for industrial growth and

[Sh. Raj Kumar Raj]
installation of thermal power station in Dohrighat, and that this may kindly be included in the Eighth Five-year Plan.

[English]

(iv) Need to pay interim relief to workers of public sector units of West Bengal

SHRI BASUDEB ACHARIA (Bankura): About 1,00,000 workers of the central public sector units in West Bengal started an indefinite strike from 14-12-1987 to press their demand for interim relief, which was given by the Government to officers of these units.

The strike call had been given jointly by nine central trade unions including INTUC, CITU, AITUC.

The proposed strike originally scheduled from November 23, 1987, had been deferred in view of the Union Labour Minister's assurance of looking into the demand.

When the officers and executives are getting interim relief then why are the workers not getting this relief?

I request that steps be taken by the Government to mitigate the grievances of workers of public sector units of West Bengal

(v) Need for special allocation of funds in Union Budget for Telangana region

SHRI C. JANGA REDDY (Hanamkonda): In Andhra Pradesh there are three regions, viz., Rayalaseema, Andhra and Telangana. There is no big project in Telangana districts except Pochampadu for which construction work had started long back but has not been completed so far.

There are proposals for some medium irrigation projects like Bhima project but not even a single project has started. The work on all the projects is very slow because of meagre funds. No funds have been allotted for Sri Ramapada Sagar Project in the last three years though the plan allocations were made to complete it under Plan schemes. All this adds to the sufferings of the region. It is, therefore, requested that a special allocation may be made in the Union Budget for Telangana region for the proper development of the region, and a separate budget provision may be made in the State Budget also.

[Translation]

(vi) Demand to develop Chitrakoot and Mahiyar as tourist centres

SHRI AZIZ QURESHI (Satna) Mr. Speaker, Sir, in the Satna Lok Sabha Constituency, various historical places, which are important from tourism point of view too, are lying without any development. Places like Chitrakoot and Mahiyar, which are the centre of attraction of the tourists due to their historical, cultural and religious importance, have neither been fully developed nor do the domestic as well as foreign tourists get all the facilities during their visit there. Chitrakoot has not been developed because it lies half in Madhya Pradesh and half in Uttar Pradesh. There is no railway station in Madhya Pradesh by this name for the convenience of passengers coming to Chitrakoot, whereas if the passengers get down at Majhagawan then they will get more facilities in starting their religious rituals. Mahiyar also awaits a similar development.

The historic temple of Lord Shankar also comes in the Chitrakoot Legislative Assembly constituency where a number of tourists visit for 'darshan' and blessings, and as there is no bridge on the only road there, the tourists face a lot of problems during

rainy season. Similarly in the Barwara Legislative Assembly constituency there is an ancient suburb named Biliary which consists of a lot of items of archeological interest towards which the department has neither paid any attention, nor has taken it over, and thus they are getting destroyed.

The Minister of Tourism should pay special attention on all these issues and should set up a Central Development Authority which may undertake the development works both in U.P. and Madhya Pradesh independently. Similarly a plan should be made for other places too and the Madhya Pradesh government should be given special funds for executing these works.

[*English*]

(vii) Need to open Kendriya Vidyalyaya In Etah, U.P.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah) : In Etah district in Uttar Pradesh, which is a backward district in the State, there are, at present, no good schools or a college where children could be admitted. Therefore, the parents are forced to send their children to distant places for their education. This causes considerable financial burden on the parents particularly belonging to the middle and lower income groups besides causing a lot of inconvenience to the children. Needless to emphasize that good education is a pre-requisite for the development of a child's mind in the early stages to make him a good citizen and ultimately for building up a healthy nation. But, unfortunately, the backward district of Etah is yet to be brought in the main-stream of country's progress in the educational field. A large number of people of Etah are serving outside the State on transferable jobs such as armed forces and other Central Government organisations and their children are suffering for want of good educational institutions. There

has been persistent demand for a Central School in Etah to overcome this problem.

I would, therefore, urge the Government that the feasibility of opening a Kendriya Vidyalyaya in Etah may kindly be considered and necessary steps taken to open such an educational institution before the commencement of the next academic year in the larger public interest.

[*Translation*]

(viii) Need to abandon the move to start casinos in Hotels to attract foreign tourists

SHRI RAM PUJAN PATEL (Phulpur): Mr. Speaker, Sir, I want to draw the attention of the House on this important subject under Rule 377:-

I am drawing the attention of the government of India on a very important subject. India is a very vast country known for its spiritualism, where the foreign tourists come to seek mental peace because they are fed up with the materialistic life in their own countries. The element of spiritualism here has unique place in the whole world, but it is sad that the government of India has taken this first step of opening casinos in hotels situated on the coasts of big cities like Bombay, Calcutta, Madras and Goa. The government feels that by doing so, it will succeed in attracting tourists. What is the propriety behind legally opening such things on the pious land of this country which are not only condemned by the people of this country but by the whole world. This results in the moral degeneration of humanity. It will severely damage nation's dignity and the economic and social development.

I wish that there should be a competition in good deeds in order to enter the 21st century. Sant Kabir has said in his discourse that:-

[Sh. Ram Punan Patel]

"Jua, chori, mukhbari, byaj, parai nari. Jo chahe didaar ko, itni vastu niwari."

So I request the government that keeping the nation's interest in view, this move of opening casinos at different places should be abandoned.

SHRI BALKAVI BARAGI : Mr. Speaker Sir, now that Kabirdas ji is on stake, you should agree with him.

(ix) Demand for more financial assistance to Rajasthan to meet the drought in the State

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Speaker, Sir, I want to draw the attention of the House on this important subject under Rule 377:-

Rajasthan has been facing drought for the last four years. This year's drought is the biggest drought of the century. The western desert area of Rajasthan is most affected by drought. This year out of 38901 villages of the state, 32270 villages, whose population is 2 crores, 62 lakhs and 69 thousands, are drought-affected. 3 crores, 52 lakhs and 45 thousands live-stock of the state are affected by drought.

The Rajasthan government had requested the Central government to allocate Rs. 1023 crores to meet the situation for the term from October 1987 to March 1988 out of which they had demanded Rs. 429.52 crores for giving jobs, Rs. 184.08 crores for materials Rs. 1 crore 80 lakh for tools and plant, Rs. 274 crores, 44 lakh, 60 thousand cattle for protection, Rs. 2 crores, 28 lakh for veterinary care and Rs. 14 crores, 74 lakhs and 80 thousand for providing drinking water.

Barmor, Jodhpur, and Jaisalmer dis-

tricts are the most drought-affected areas. The state government has been able to provide employment to only 10 per cent of the people in these areas, whereas it is essential to provide employment to at least 20 percent of the population.

The Rajasthan government has demanded from the Central government, a sum of Rs. 15 lakhs for rural population Rs. 31.50 crores in the form of grant and Rs. 22.50 crores in the form of loan in order to give 10 kg. wheat in grant, and Rs. 15 per person as loan every month in Jaisalmer, Barmer and Shergarh and Fauladi tehsil of Jodhpur districts, so as to enable them to survive.

So the Central government is requested to grant the total amount of Rs. 1023 crores to the Rajasthan government for the period of November '87 to March '88 and a sum of Rs. 31.50 crores for the most drought affected areas - Barmer and Jaisalmer districts and Shergarh and Fauladi tehsil of Jodhpur district, in the form of wheat - grant, and Rs. 22.50 crores in the form of loan for a period of 10 months to avoid starvation deaths.

[English]

(x) Need to provide a halt of Konark Express at Kespur railway station in Ganjam district of Orissa

SHRI SOMNATH RATH (Aska): Kespur Railway Station in District Ganjam in Orissa is centrally situated. Many traders, tourists, workers, common men in large number travel from this Railway Station. It is situated close to the famous Chilika Lake. Many foreigners also visit this area besides people in large numbers from different parts of the country. The Konark Express running from Bhubaneshwar to Hyderabad should halt at this Railway Station for travelling

facilities of all concerned.

[*Translation*]

(xi) Need to provide electricity to all villages of Khalilabad Parliamentary Constituency

SHRI CHANDRA SHEKHAR TRIPATHI (Khalilabad): Mr. Speaker, Sir, India is a land of villages, where, about 75 percent people live in villages. Of course the government has launched different programmes for development in the rural areas after independence and the rural population has also been benefited to quite an extent by them. But they are denied the benefits of modern amenities due to shortage of electricity in the rural areas. The State governments are trying to electrify villages with their limited means, but at this speed of electrification, they will not be able to complete the job in the next 50 years, and the backward and neglected villages will not be in a position to avail the benefit of power. Khalilabad parliamentary constituency falls in the most backward district Basti of Uttar Pradesh, where the number of weavers and economically backward people is the maximum but very little has been done to provide electricity in this constituency.

So I request the hon. Minister of State in the Department of Power in the Ministry of Energy to make arrangement for the electrification of villages falling in Khalilabad parliamentary constituency so that this neglected and backward area may also get full benefit of power.

(xii) Need to provide additional financial assistance to Himachal Pradesh to enable it to tide over its financial difficulties

SHRI K.D. SULTANPURI (Simla): Mr. Speaker, Sir, prior to the formation of Hima-

chal Pradesh, it was decided that when Punjab government will increase the emoluments of their employees and the same will be applicable to the employees of Himachal Pradesh government and the same principle is being followed even now. When the government of Punjab increases the emoluments and D.A., the Himachal Pradesh government has also to follow it. This time Himachal Pradesh government had to pay Rs. 43 crores to their employees as a result of this increase in the emoluments of employees of Punjab. The State government, further spent Rs. 30 crores to meet the situation arising out of natural calamities. So the total expenditure comes to Rs. 73 crores. The State government has given this amount out of its own exchequer. I will request the Central Government to immediately disburse this amount to the State Government which was spent on drought relief and payment of increased emoluments of State Government employees.

11.35 hrs.

DIRECT TAX LAWS (AMENDMENT)
BILL—*CONTD.*

[*English*]

MR. SPEAKER: Now we will take up Item No. 17, i.e. further consideration of the motion moved by Shri Tiwari.

[*Translation*]

Chaubeyji, let there be something about business of the day.

SHRI NARAYAN CHOUBEY (Midnapore): We always do Sir.

[*English*]

Do not blame me, Sir.

[*Translation*]

MR. SPEAKER : Great persons earn name even they do irrelevant acts.

SHRI NARAYAN CHOUBEY : Tewariji, please listen to me.

(Interruptions)

[*English*]

SHRI NARAYAN CHOUBEY: Mr. Speaker, Sir, this bulky Bill ...

MR. SPEAKER: Now Mr. Tiwari is looking right at you. He is giving all attention.

SHRI NARAYAN CHOUBEY: Sir, our Tiwariji is not bulky but this Bill is really very bulky. I think a lot of injustice has been done to the hon. members in presenting this bulky Bill at a time when the House is going to come to an end.

MR. SPEAKER: Are you against the Bill or against its bulkiness? ..

SHRI NARAYAN CHOUBEY: I am not against the Bill, I only wanted that some more time should have been given to us so that we could discuss it throughly. I do agree with the aims of the Bill. We require the simplification of all the rules for taxation. At the same time we also require simplification of the people who take action, who are engaged in the duty of taxing people and extracting the tax from the common man, poor man and also the rich men. The aim of the Bill is quite a good. The officers of the Department have taken at least seven months to prepare this Bill and we have been given not even seven days to discuss it. This is my first point in this matter. Moreover, Sir, the Bill is brought at such a point of time when we really need it.

Sir, the country is passing through seri-

ous drought. Just now the hon. Members from Rajasthan told that they do not get even a glass of drinking water, and the friends from Uttar Pradesh hilly areas, from which our hon. Mr. Tiwari has come, have told that the same situation is there. This drought is all pervading and its intensity is growing. When such is the condition, we require more funds in the exchequer of the Government, we require the simplifications be made, we require that easily our Government can have easy access to the sources where from money can be drawn. We are noting with concern when Mr. Amal Datta was speaking that it was extravaganza. The entire Cabinet is being taken to Alwar, the abode of tigers and I do not know why this is being allowed by the Government.

SHRI RAM SINGH YADAV(Alwar): What objection you have got?

SHRI NARAYAN CHOUBEY: I have got an objection. Our hon. Speaker has the objection to sending the team outside Delhi and very rightly so, but you have no objection to send the entire Cabinet and spending crores of rupees without arranging drinking water for the poor people of Rajasthan.
(Interruptions)

So, Sir, the Government of India will become master by only going to the spot! We have heard from Chanakya 'Raja karne ni pashyati'.

[*Translation*]

MR. SPEAKER: Today it appears that Shri Choubey has become a Sanskrit scholar. Today he actually looks like Choubey.

SHRI GIRDHARI LAL VYAS (Bhilwara): Today he became Chhabeyji instead of Choubeyji.

[English]

Before the Christ was born, in the days of Chanakya, it was said 'Raja karne ni pashyati'. But now Sir in the days of television, Raja had to see with his own eyes only, otherwise he cannot. *(Interruptions)*

The great marriage of Gwalior of the century...

(Interruptions)

MR. SPEAKER: What that has to do with this Bill?

SHRI NARAYAN CHOUBEY: The entire Government machinery of Madhya Pradesh was utilized for this, the District Magistrate, SP, Commissioner, who not, - everything was done. You have brought this Bill to revive taxation. We do require. But then at such a time when the country is passing through such a drought, such a tremendous marriage has been allowed to be performed by people who belong to your Cabinet. What happened in Gwalior? I do not know. What a shame. But it is not proper Sir.

SHRI AMAL DATTA (Diamond Harbour): Those people are actually shameless.

SHRI NARAYAN CHOUBEY: I beg to submit that Mr. Tiwariji be good enough to send this Bill to Select Committee, that is what I echo and what others have stated. We require this Bill. This Bill is required, I fully agree. But, you should have given some time so that the people can go through the Bill, can bring in some amendments and improve upon this Bill. I definitely suggest that this Bill should go to the Select Committee. I hope the hon. Minister in charge of Finance will consider the suggestion given here.

SHRI RAM SINGH YADAV: Sir, I rise to

support the Bill, which has been moved by the hon. Finance Minister and I disagree to the proposition which has been just advanced by Mr. Choubey that the Bill should be referred to the Select Committee. I request the hon. Members of this House and the hon. Minister that it should be passed as soon as possible, because it is very dynamic and it is in the interest of the general public, and as the levy of taxes are being imposed upon the persons to pay to the exchequer in the country, it should not be delayed.

Sir, the hon. Minister has made very progressive provisions for imposing the tax upon the persons who have the capacity to pay. But at the same time, I would like to inform that there is no provision for giving the relief to the female members who are earning, as expected in this legislation. Because as soon as the spouse earns, her income also is clubbed with the income of the husband. In that case, it is the husband who has got superiority over the finances. It is the husband who files the return. Therefore, this sort of provision should be there, because as soon as she becomes an earning member, the whole income becomes the income of the husband and he gets power to file the return before the ITO, while the lady will not have an independent status, she cannot enjoy that wealth which she is earning as she will have to pay tax according to the tax slab worked out after clubbing the income of her husband. Therefore, there should be a progressive legislation in this field also. If it is not possible this time, the hon. Minister, who is very progressive and dynamic, should give relief to the female in this regard so that she can have her independent income, independent return and there should be no question of clubbing the income of the wife with that of the husband's and the husband will not get superiority in so far as dealing with the income of the wife is concerned.

The hon. Minister has made a very good

[Sh. Ram Singh Yadav] provision that the charitable institutions or the religious trusts shall also be taxed and money shall be clubbed with the income of the individuals. He has made a provision that even the trusts which have been set up in foreign countries, the assessee can contribute to that and he can give his income for the establishment of those trusts. I request the hon. Minister that in future no trusts in foreign countries may be created with the help of the finance which is being earned by the assessee in this country. If the money has been earned in other countries, then and then only the assessee can set up a trust in other countries. If the income has been earned in this very country, then he shall not be allowed to create a trust in foreign countries. There should be a specific provision in this respect also. There is no specific provision now. He has allowed to set up a trust in foreign countries and invest one's own income which one has earned in India. Therefore, these restrictions should be very clearly laid down.

So far as gift tax and wealth tax are concerned, my submission is that the hon. Finance Minister is required to see that the Act which has been repealed i.e. the Estate Duty Act, should be revived. Estate duty is very necessary. Estate duty can help in assessing at least once after the death of the assessee. His whole income comes to the notice of the Income Tax Department and he can be assessed. Therefore, the estate duty should be revived. It will be helpful to those people who have got income, jewellery, valuables and other things. At least at one particular time, that will come to the notice of the Income Tax Department.... (*Interruptions*)

As regards the income tax, I was expecting that the hon. Minister will make it more and more simplified. Even now it requires more simplification.

Of course, you have simplified it to a larger extent. You are going to set up a separate Directorate so that all exemptions which are being given by the Central Board of Direct Taxes, they will be given by that Directorate. That is a very good provision. I will give consistency and it will harmonise and no inconsistency will occur in any part of the country. At present, there are so many circulars and some of the officers do not know about those circulars. Those circulars are not available in the very small office of the ITO. Sometimes, he bona fide commits a mistake. Therefore, you have taken a very good decision in setting up a separate directorate which will deal with all the exemptions on a uniform scale. Now they have given the concession that up to the returns of Rs. two lakhs, there will be no need of any scrutiny. I will say that it may be extended up to Rs. three lakhs so far as the salaried persons are concerned because the salaried person, who files the return, is always very well scrutinised by the department. Therefore, if that is done, the work of the department will be lesser and liberalised also. So, this concession should be up to the extent of Rs. three lakhs so far as the salaried persons are concerned.

Sir, today I have read in the paper that Income-tax officers and other employees have given a call of strike. Today is the 15th of December, the date on which the advance tax returns are to be filed and the tax money to be deposited. Since the hon. Minister is very dynamic and has always been interested in the welfare of the low-paid employees, I request him to invite the concerned people or the concerned unions so that talks may be held amicably and their genuine demands may be considered at his level. This is my earnest request to him. With these words, I support the Bill and hope the hon. Minister, at a future time, will take more appropriate steps to simplify these taxation laws.

SHRI AMAL DATTA (Diamond Harbour): Sir, this Bill had been introduced for consideration and passing by this House on 11th of this month, which was scheduled to be the last date of the session of the Parliament. This Bill has been so introduced by getting your permission under section 198 of your Directions, and to get your permission, the Minister has stated that it is necessary to have this Bill passed now because some of the clauses of this Bill take effect from first April, 1988 and for that sufficient time has to be given to the administration and to the tax-payers. So, it appears that at least three months or more time is required for the administration to adjust itself to the effects of this Bill, the same time is required for the assesses, but for the House, no time is required because originally the House was scheduled to go into recess after 11th. The Members of Parliament have not been given any opportunity to consider the effects of the various sections of this Bill. If you see this volume, it is a very large Bill and it is not possible for us - I can challenge anybody who says that it is possible for him - to understand the implications of the Bill and discuss it with any degree of coherence and knowledge. This is not a new Bill. If it was a new Bill, absolutely on no material before, then one could even understand. Now, as an amending Bill, it has to be read along with the existing provisions. Is it possible to understand as to what has been the provision before, what has been its effect and what will be the beneficial or harmful effect of that?

PROF. MADHU DANDEVATE (Rajapur): Sir, it is as big as Thakkar Commission's Report

SHRI AMAL DATTA: It is much bigger and much more complicated. Thakkar Commission's Report went on repeating the same thing *ad infinitum*, but this is not the same thing. So, Sir, I will very humbly submit to yourself that in future if this kind of permission is given by you, please think of us. Don't

think only of administration and other people. Last night we went home at 11 O'clock and after that is it possible...

(Interruptions).

MR. SPEAKER: You have to make amends for the time lost.

SHRI AMAL DATTA: Not this way, Sir. We have to do justice to the legislation. Later on people will say: "You were in the Parliament at that time. How this kind of silly provisions were passed?" There are number of silly provisions in this Bill but if I am to explain those, it will take a long time. Our gracious Parliamentary Affairs Minister, who is just going out, has already warned me not to speak so much. Shrimati Sheila Dikshit is just going out. The Minister has already said not to speak too much. *(Interruptions)*

PROF. MADHU DANDEVATE: Sir, this is the violation of Rule 105.

SHRI AMAL DATTA: Not so, but she said not to speak too much.

MR. SPEAKER: At least that we are agreed now

SHRI AMAL DATTA: Sir, I will only say that so far as these provisions of this Bill are concerned, they are merely making certain cosmetic changes. They do not have a focus either in trying to plug the leakages which are currently occurring mainly to curb the evasions by those tax-payers who are not complying with the law. It does not show that the Minister will be able to show any particular section where these leakages have been plugged. Now, in the Objects and Reasons, I do not know whether he has brought out these into focus. He has not done so

Then, Sir, there are ways of decreasing the tax liability by what is called tax planning which really means, in common parlance,

[Sh. Amal Datta]
 tax avoidance. So, one arranges one thing in such a way that the tax liability is minimised. Now, I come from Calcutta where the dominant commercial community belongs to one particular caste of a State. Now, I find that every member of that family has the income-tax file. Even the child of one month old has an income-tax file.

PROF. MADHU DANDAVATE: How do you know?

SHRI AMAL DATTA: They have a particular system of family law by which a child as soon as it is born, immediately becomes a co-sharer in the Undivided Hindu Family Property.

RAO BIRENDRA SINGH (Mahendragarh): Even when the child is in the womb, even when it is conceived, it becomes a co-sharer in the family properly.

SHRI AMAL DATTA: File cannot be started by that time. It becomes notionally an owner even it is in the womb. So file starts when it is born. I think the hon. Minister should know these things.

PROF. MADHU DANDAVATE: They have to maintain file for award to pregnant women also, Sir.

SHRI AMAL DATTA: They should because sometimes even those who are not pregnant give birth to children which would increase the number of files in the family. Not only that. What happens is that they form within the undivided Hindu Family, they have a small Undivided Hindu Family. As a result, if you look into it, you will find that a family of this particular community having 20 members will have at least 40 files because they have small undivided Hindu Families which are allowed by the Department. As a result of this, the income is spread over 40 entities which should have been possibly taxed in

one only. The tax liability thereby is spread in that fashion and this has been started by the Department for a long long time. That is number one. That is, of course, the question of Personal Law. It is not that the Income-tax Department cannot put a different interpretation to the Personal Law for the purpose of taxation. That can be done. But that has never been attempted because we have seen the Government is subject to manipulation. Yesterday that was the main matter of discussion in this House. Now, this is being done by these business communities and many others who stand to gain that the family laws of different Indian citizen being different, the direct taxes are different in their case. The income-tax, wealth tax, gift tax, etc. everything is minimised in their case. So, no attempt has been made and this has been one of my main complaints against those set of amendments which are to be passed by the House today. Nothing has been done to decrease this kind of practice, to discourage this kind of practice, to put disincentive to this practice and to see that tax collection increases.

12.00 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Sir, there is another thing. There is a new provision, new innovation being made. A Directorate of Exemption is being created. The Directorate of Exemption will give exemptions on a uniform basis. I do not know whether the creation of a new wing of bureaucracy is a good thing. I do not think so because that means it will be centralised and the centralised decision-making will take long-long time. But I am not only against it, what I am against is what appears in the Financial Memorandum from which it appears that new officers are again going to be recruited, new offices are going to be opened, cars, furniture and everything will require expenditure. We know that because of the Government's direction that no

scrutiny is to be made on incomes returned below Rs. 1 lakh last year and below Rs. 2 lakhs this year, the work of Income-tax Department has been considerably reduced and of course, the Income-tax Officers and others have lodged a protest against this kind of thing as to why they should be debarred from even opening or scrutinising cases where there is a suspicion that income has been reduced to be able to get advantage of this direction given by the Government. What has, in fact, happened is that Income-tax Officers' work has been considerably reduced, they are now apprehending and that is why they are going on strike, they are now apprehending that some of them will be declared surplus and retrenched. I would like the Minister to tell this House what is the intention or what is the plan of the Government in this regard, if they want to retain these officers, how they are going to retain the officers to whom they are not able to provide work or not able to provide enough work. If that is the case, where is the scope for recruiting more officers, where is the scope for making any additional expenditure even for the new Directorate which you want to put up? Sir, this is something unique that on the one hand we see in the same Department people are becoming redundant and on the other hand more and more money is being spent by recruiting more people and by opening new Departments. (*Interruptions*).

Sir, some of the well-known ways of evading taxes is by creation of trusts. These are used to be called religious and charitable trusts. I do not know why in this secular country religion is being given this kind of exemption from taxation, and it is through religion the people lower down are exploited. The money is concentrated in a few hands through donations coming from people who have very small means. Sir, I know a particular place — Anand Margis as you know Sir, are creating a lot of problem for the Government, but they are also religious trusts and

they have a post office inside their complex because that post office is to handle thousands of money orders which come from the disciples all over India. Rs. 2, Rs. 3, like that everybody sends every month in small amounts and this is the money of the poor people, it gets concentrated in the hands of a few people who can threaten them with religious consequences in the other world. So, as a result there is no case for religious trusts of this nature and for that matter as far as I am concerned, of any nature to be exempted. 'Charitable' is a different thing. But by this so-called religious activity — you know, Sir, what is the kind of activity which the Anand Marg is indulging. This is all subversive activity, this is anti-social activity, but in the name of religion they do it. Therefore, their income is exempt. Why should it be? Let the Minister consider these things. Unfortunately I find very little application of mind has gone into these changes which are now proposed. There has been no focussing of attention to fiscal policy for the purpose of increasing the activities in the welfare State. Concessions should have been given on a differential basis for the purpose of encouraging rural development, for removal of illiteracy, for women development, for agricultural development, for development of agro-based industries. Then, it should also be differentiated not only between rural and urban but between backward and not-so-backward districts and so on so that you give incentives to people to go and spend money in these activities. There are a lot of people sitting in the urban areas who have the necessary expertise, who can go and use their expertise for the purpose of upliftment of the rural community provided you allow them that money to be spent and you give them that incentive. Now the incentive that is given, that will mean, half the money which goes into this kind of activities has to come from their own pocket. The other half is given by the Government. But in the backward district, when you are giving so much subsidy and incentives and so on for develop-

[Sh. Amal Datta]

ment, still you are failing. You are failing for the last two decades. Therefore, why don't you allow these people who are genuine social workers, who want to do something for the rural community to go into the field, by giving incentives which would fully replenish them with the amount spent by them in these areas, in these kinds of special subjects like health, family welfare, education etc. This is a kind of strategy which you should have devised to focus this change. You have failed to do so. Nothing has been done in this direction. I would like to know how economic development will be there, how economy will be benefited by this kind of amendment which is being brought in.

Last point is, the Government says that they have got a new code in mind. Even if the new code is in mind, there is no reason why, these small cosmetic changes should have been brought in now.

THE MINISTER OF FINANCE AND MINISTER OF COMMERCE (SHRI NARAYAN DATT TIWARI): I am very thankful to hon. Members for their valuable suggestions. I am also thankful to my friend and colleague, hon. Member from Andhra and leader of the Telugu Desam for his suggestions. He along with, some of the other veteran Members have suggested that this Bill should be referred to a Select Committee. They have been good enough to suggest names also. I am thankful to them. But my difficulty is that the Government stands committed to Parliament, at least, I think, so many times as it has been said on behalf of the Government and on demands of hon. Members that this Direct Taxes (Amendment) Bill will be passed in this session, that session and so on. Even last year, when my colleague and my predecessor, Vishwanath Pratap Singh Ji laid it on the Table of the House on August 14, 1986, therein also it is very clearly mentioned, the amendments now proposed will go a long way in rationali-

sing the provisions and simplifying the procedure. The paper is being published for eliciting public opinion. After considering the comments and suggestions received by 30th September, 1986, a comprehensive taxation laws Bill will be introduced in Parliament in the Budget Session, 1987

Now, this Bill was to be introduced during the Budget Session.

SHRI AMAL DATTA: Why didn't you do that? All that you were saying. But you did not even give us 7 days' time.

SHRI NARAYAN DATT TIWARI: My distinguished friend, Chairman of the Public Accounts Committee will appreciate this. Suggestions were sent by 30th September, 1986. Now all this has been done. We have had so many discussions at different levels, with hon. Members individually, collectively in the Consultative Committee. This represents a consensus. Again I would say that many valuable suggestions have been made by my friend and hon. Member from Alwar. The Direct Taxes Code Bill is yet to come. This is Simplification and Rationalisation Bill. It is also very important from the assessee point of view, because it introduces. I would say, a revolutionary measure as far as assesseees are concerned because it gives them a cause for self-assessment and to be truthful in their declarations. If any assessee declares the return truthfully, there is no problem for him. It lessens procedural difficulties and it takes at face value a truthful assessment. The whole modus operandi is being simplified as demanded in this House and also outside, by many association, by the ordinary tax-payers. Why should we wait for a bigger Bill to be brought? We thought that we should come forward with these items on which we are unanimous more or less.

SHRI AMAL DATTA: You have not given us a week's time. This is what I am

complaining.

SHRI NARAYAN DATT TIWARI: In legal terminology, there might be differences. But the basics are the same. We agree on that. Only you can say something about the drafting or the wording. You can go through. You have X-ray mind and X-ray eyes. I am very sure about that. If there are any amendments, verbal, routine or grammatical, they also come up to their notice.

PROF. MADHU DANDAVATE: He has infra-red eyes.

SHRI NARAYAN DATT TIWARI: He is Trinetra. He has got third eye!

When we say that some of the provisions of this Bill will be brought into force from 1st April, 1989, it would reflect that the accounting year has to be one. Another reform is that accounting year would be one. You have to keep enough time so that there is one uniform accounting year. Many accounting years start from September. From the income-tax point of view, some of the accounting years have already started. Therefore, it is very essential that we adopt this Bill now so that we can implement it. We can implement some of the provisions from 1st April, 1989 given so much margin of time.

SHRI AMAL DATTA: I want a clarification. You have deleted Sections 11, 12, 12A and 13 and in their place, according to your notes, a new Clause namely 80F will be introduced. What will be the revenue implication of this?

SHRI NARAYAN DATT TIWARI: Of course, we have revenue implications. It is difficult to calculate exact revenue implication. The basic thrust is to simplify tax procedures.

SHRI AMAL DATTA: Will it not open the doors for leakages?

SHRI NARAYAN DATT TIWARI: If you look at the Objects and Reasons, one of the Objects is to avoid the increase in the cost of avoidance.

SHRI RAM SINGH YADAV: By this amendment, more money through taxation will come, because the income through the charitable or religious trusts is clubbed with the income of an individual assessee.

SHRI NARAYAN DATT TIWARI: I have mentioned that yesterday. If you look at Clauses 4, 12, 63 and 118, this again is increasing the cost of avoidance.

This will provide an effective deterrent against evasion which the hon. Member said.

I would not take much of the time of this House. I would suggest let us prepare that direct taxes code. I would be inviting hon. Members who have taken part in this discussion especially after that. I will have separate meetings with hon. Shri Madhav Reddi, Shri Amal Datta and Shri Ram Singh Yadav and Shri Narayan Choubey and all others, who-soever wants.

SHRI BASUDEB ACHARIA: Invite us also.

SHRI NARAYAN DATT TIWARI: Yes, I would request that this Bill be passed.

MR. DEPUTY-SPEAKER: I put amendment moved by Shri C. Madhav Reddy to the vote of the House.

Amendment No. 1 was Put and Negatived.

MR. DEPUTY-SPEAKER: the question is:

"That the Bill further to amend the Income-tax Act, 1961, the

[Mr. Deputy Speaker]

Wealth-tax Act, 1957, the Gift-tax Act, 1958 and the Companies (Profits) Surtax Act, 1964 be taken into consideration."

The motion was adopted

MR. DEPUTY-SPEAKER: We shall now take up Clause by Clause consideration of the Bill.

The question is:

"That Clauses 2 to 189 stand part of the Bill"

The motion was adopted

Clauses 2 to 189 were added to the Bill

SHRI C. MADHAV REDDI (Adilabad): Sir, this is for the first time in the History of Parliament that all the Clauses - Clausés 1 to 189 - have been passed without any amendment.

(Interruptions)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted

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

SHRI NARAYAN DATT T'WARI: Sir, I beg to move:

"That the Bill be passed"

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed"

The motion was adopted.

12.16 hrs.

PETITION RE: RE STRUCTURING OF PUBLIC SECTOR BANKS PARLIAMEN-TARY CONTROL OVER THE PUBLIC SECTOR BANKS, NATIONALISATION OF ALL BANKS IN THE PRIVATE SECTOR AND FOREIGN BANKS ETC.

[English]

SHRI K. RAMAMURTHY (Krishnagiri): Sir, I beg to present a petition signed by Shri K.K. Nair, General Secretary, Indian National Bank Officers Congress and Shri R.P.K. Murugesan, General Secretary, Indian National Bank Employees Federation and others and countersigned by me regarding restricting of Public Sector Banks Parliamentary control over the Public Sector Banks, nationalisation of all banks in the private sector and foreign banks etc.

12.17 hrs.

COMMISSION OF SATI (PREVENTION)
BILL

[English]

MR. DEPUTY-SPEAKER: The House will now take up the next item.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): On behalf of Shri P.V. Narasimha Rao, Sir, I beg to move:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be taken into consideration".

Sir, the House had discussed earlier the crime committed against Roop Kanwar, in the Deorala Village of Rajasthan, and Members had shown a rare unanimity in their speeches, which were characterized by emotion, introspection and determination, to fight the evil of Sati and ensure that such an incident never occurred again. Members had also called for a strong and deterrent Central law, to provide for the effective prevention of the commission of Sati, and its glorification, covering the entire country. There are at present only the old enactments of Bengal and Tamil Nadu and the recently enacted Rajasthan Sati (Prevention) Act, 1987. Although the offence of 'attempt to commit suicide' is contained in Section 309 of the Indian Penal Code, and has been held by various High Courts to include the commission of Sati, the punishment is not deterrent enough to prevent such a practice. Besides, there is no provision to prohibit the glorification of Sati.

We have, therefore, introduced the Commission of Sati (Prevention) Bill. The Bill defines Sati comprehensively to include not only the burning or burial alive of a widow with a deceased husband but also of a widow or woman with the husband or relative. This is because it has come to our notice that there have been cases where a woman has been burnt alive with a brother or a stepson.

Anyone who abets the commitment of Sati by inducement, encouragement, participation in processions, preventing the widow from saving herself, etc. would be punishable with the maximum penalty i.e.

death or imprisonment for life. The abetment of an attempt to commit Sati would be punishable with imprisonment for life.

In the case of persons prosecuted under these offences, the burden of proving that he had not committed the offence shall be on him. This is a principle already accepted by the House, in the Dowry Prevention Act. Those convicted of such offences, shall be disqualified from inheriting the property of the victim. Further, persons convicted of such offences shall be disqualified under the Representation of the People's Act 1951, from the date of such conviction and shall continue to be disqualified for a further period of five years after release. The propagation of the practice or the commission of sati or its glorification by a candidate or his agent shall be deemed a corrupt practice under the Representation of People's Act.

For the attempt to commit sati, we have provided the same punishment, as for the attempt to commit suicide in the Indian Penal Code. This is necessary as the abetment of the attempt to commit Sati has been made a major offence. However, since only a person under very great pressure, or not in sound mind, would attempt to commit Sati, we have provided that the court trying such an offence should, before convicting any person, take into consideration the circumstances leading to the commission of the offence.

Glorification of Sati has been defined in detail but not exhaustively and includes observance of ceremonies, collection of funds and construction of temples. We propose punishment by imprisonment which may extend to seven years for the offence of glorification of Sati. While the provisions of the Bill have necessarily to be prospective all acts of glorification carried out in future even, at old existing temples/structures would be covered. We have specifically provided powers to the Collector/State Government, if satisfied that, in any temple or structure, any

[Shrimati Margret Alva]

ceremony is carried out with a view to perpetuating the concept of Sati (as dealt with in this Bill), the State Government, in the case of older structures, and the Collector in other cases, to direct the removal of such temple or structure. I may mention here that the Rajasthan Act did not apply to temples and structures constructed before the commencement of the Act - this exception has been struck down by the Rajasthan High Court. The Collector can also seize properties collected for the glorification of sati. These provisions are essential if we are to launch an all-out attack on this perverse practice and strengthen the hands of State Government to bring it to an end.

The Bill lays down procedures for setting up of Special Courts and appointment of special public prosecutors, laying an obligation on certain persons to report on commission or possibility of commission of the offence, etc. All laws in force immediately before the commencement of the proposed Central Act will stand repealed, but anything already done under the laws so repealed shall be deemed to have been done under the corresponding provisions of this Act.

Mr. Deputy-Speaker, Sir, I am confident that the hon. Members will welcome the Bill with the same spirit and commitment with which they discussed the Deorala incident earlier during this session. I commend the Bill for their consideration.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be taken into consideration."

MR. KALI PRASAD PANDEY.

[*Translation*]

SHRI KALI PRASAD PANDEY (Gopalganj): Hon. Deputy Speaker, Sir, I welcome the communication of 'SATI' Prevention Bill 1987 moved by hon. Minister.

(Interruptions)

The hon. Members of both sides of this House had demanded, earlier also at the prime of discussion on Deorala incident that stringent law against persons compelling any woman to immolate herself should be passed by introducing radical changes in the existing provisions. Government deserve congratulations for making provisions to eliminate this tradition by bringing comprehensive legislation for the purpose.

Deputy Speaker, Sir, what do our 'Shastras' say in this contest, some preceptors and sages had welcomed Deorala incident, but this incident is unparallel in the history of India. One can only imagine the feelings of the woman who is told that she has to immolate herself today. This type of heinous crime in the history of India is unprecedented. This custom was glorified by terming it as 'SATI'. This is a very old custom. When Ram returned from exile he heard a washerman beating his wife and uttering following words:-

"yee chooli padchalan har, main nahin tujhe rakh sakata hoon.
Too rahi rat bhar bata kahan,
badnami nahin sah sakata huin.
Main Ram sareekha mard nahin jo tere chakkar mein aa jaun.
Main itana nadan nahin, jo tria jal mein phans paun."

In this way Sita had to pass through "*agni-pariksha*" by the order of Ram. If Sita had not maintained her chastity she would

have burnt to ashes in the fire. It may be understandable definitely if definition of truth is linked to 'sati'. People say that after the incidence of Deorala, family of the immolated gathered so much wealth through donations offered by thousands of devotees which may sustain whole family for life time. Once Madhu Dandvateji & Balkavi Bairagiji had said in this House that even if a member of their own party participates in such ventures, they will not hesitate in condemning him. Madhu Dandvateji and Balkavi Bairagiji said that there are so many persons at Deorala and elsewhere who participate in it deliberately. They presume that they may get votes as a result of such participation. If you had made provisions in this Bill that any person whosoever participates in such ventures, he will be disqualified to contest election in this democratic country, then such trend could have been checked definitely.

(*Interruptions*)

PROF. MADHU DANDAVATE (Raichur). There is provision for disqualification

KUMARI MAMATA BANERJEE (Jadavpur): Have you not read the Bill?...

(*Interruptions*)

SHRI KALI PRASAD PANDEY: I have gone through the Bill. It is possible that in your speech all these things may have not been mentioned. If it is there, I welcome it. This legislation brought forward by you in the House should not be only matter of discussion in the House but its provisions must be implemented in the country. With this I conclude.

[*English*]

SHRI M.Y. GHORPADE (Raichur): Mr. Deputy-Speaker, Sir, this is a very important and historic occasion.

(*Interruptions*)

[*Translation*]

SHRI MANNENDRA SINGH: The people who participate in such functions, should not have the right to vote.

[*English*]

MR. DEPUTY-SPEAKER: There is no point of order.

SHRI M.Y. GHORPADE: Sir, this ghastly incident which took place in Deorala, a remote village in Rajasthan had its reaction in the whole country and reflected in no uncertain terms the national mood in the country today. The media, of course, played its part. It reflected a state of social awakening that was there in this country.

Sir, I would like to say that if such an incident had taken place in the past, perhaps several such incidents have taken place in the past without a similar focus in national reaction. So, to this extent, what happened in Deorala has had a full reaction. Parliament is taking full notice of it. Government has come out with a legislation, a Bill which in a sense is a symbol of its determination to fight it is a symbol of its will to see that the nation does not once again slide back into obscurantism. Sir, we all know, in this country, what happened in the days of Raja Ram Mohan Roy, what Mahatma Gandhi said in those days, how he strongly condemned sati, not only Sati, but the kind of thinking that was behind Sati. When Jawaharlal Nehru was the Prime Minister for 17 years, at every step he tried to take this country away from obscurantism and towards a more rational, a more human and a more scientific way of life.

Today I would like to say - there are no two opinions on this Bill and I am sure that everybody in this House to whichever Party he belongs to is bound to support it will full

[Sh. M. V. Ghorpade]
 conviction. We should take advantage of this occasion to remind ourselves and the nation as to what lies behind this kind of activity. Obscurantism and casteism have a common source. They both arise out of, as everybody knows, social backwardness and economic backwardness. It is only when areas remain backward that this kind of activity, thinking and social behaviour can survive.

I must say that the development that has taken place in this country for the last forty years was to a large extent able to subdue casteism. Casteism is no longer the same as it was forty years ago. Casteism in the sense of a closed, stratified, hierarchical society based on birth and a traditional occupation, has gone down because it would only survive in a backward situation where villages were isolated, where there was no connection between one village and another. That kind of situation, that kind of isolationism, that kind of narrow loyalty which found it difficult to transcend to higher loyalties have been dealt an effective blow by development.

But the same development unfortunately has enabled a weakened caste consciousness, a weekend obscurantism to join hands all over the country. Casteism is weak, but it has joined hands all over the country. Therefore, it is necessary for the country to take a serious note of it. It is therefore that Jawaharlal said even in those days that socialism and casteism cannot co-exist. Vinobaji said that this is an age of science and spirituality and not an age of religion and politics.

In the Preamble to this Bill, justifying this Bill, it has been found necessary to say that it has been brought in because Sati is revolting to the feeling of human nature and is nowhere enjoined by any of the religions of India as an Imperative duty. I would go a step

further and say that even if it was, we are duty bound to fight forces which offend human nature.

Take for instance animal sacrifice. Animal sacrifice clearly offends human nature. There has been legislation and there has been a movement in this country to stop it irrespective of the fact whether there is something in some religion, some religious texts in favour of it or not. That, I think, is not relevant or necessary as a justification for what we are doing. That kind of attitude has to go.

So far as Hindus are concerned, I think I am fairly a good Hindu but I have never been told that I have to believe in a particular scripture or a particular book in order to qualify, or claim to be Hindu. I am proud of my heritage that even an atheist is not disqualified from being called a Hindu. Therefore, it is important to remind ourselves that a 'fundamentalist Hindu' is a contradiction in terms.

Therefore, I would like to take this opportunity to emphasize that whether it is Hinduism or any other religion, the essence is spirituality. Spirituality is not something negative and self-destructive; it is something positive which enables you to dedicate your entire inner resources for service, which is social goal.

Sir, having said that I want to draw your attention to the legislation itself. The law which is being sought to be brought in is a very good law. The Minister has already explained to us the various components. I welcome this Bill and I congratulate the Government for having made the punishment harsher.

I would only like to suggest that since you admit that the woman is not in a proper state of mind when such a thing happens, it should be specifically taken into account so

that in our anxiety to have a deterrent law we do not ignore the situation from the women's point of view and it should be more specifically recognised that she should not necessarily be punished because more often than not she is innocent and it is somebody else who out of obscurantism is trying to commit a serious offence. Sati is more often a murder than a suicide. Therefore, this has to be more specifically recognised.

Finally not only Sati but there are hundreds and thousands of other things which are obscurantist, casteist, backward, oppressive and anti-national happening everyday in this country. If this has to go it is not only legislation but what is necessary is to expedite the socio-economic development in the country. In Kerala for instance two-third of the people are literate whereas in the country as a whole two-third people are illiterate. Therefore, inevitably the situation has been created in Kerala where whether there is legislation or no legislation nobody does this Sati. It is the social climate, literacy, compulsory education, economic development and a programme which will give employment skills and a better chance of living with hope and dignity to our people which will be the ultimate answer to social evils. We are all for the social legislation because it expresses in clear terms the thinking in the country and gives the Deputy Commissioner the specific right to interfere, obstruct and remove things which are obviously bad. But in addition to that I think we should remind ourselves that in the ultimate analysis it is the programme which gives socio-economic freedom to the people that will be the ultimate answer which would fulfil the hopes and aspirations of reformists like Raja Ram Mohan Roy, Mahatma Gandhi and Jawahar Lal Nehru who did so much to bring the women of this country into the mainstream of life more than perhaps in other parts of the world.

SHRIMATI BIBHA GHOSH GOSWAMI

(Nabadwip): Sir, the whole country was shocked and felt humiliated at Deorala incident. There were women's movement throughout the country condemning and demanding prevention of this type of crime and my party and the women's organisations to which I belong, namely, AIDWA were in the forefront of that struggle. A huge women's rally was organised here in Delhi and only after that the Government have been forced to bring in this legislation.

But, Sir, what is really shameful and shocking is that they brought forth a legislation which is full of serious flaws without consulting any of the women's organisations who have done a lot of work in this sphere. Therefore, while I support a central legislation for the abolition and prevention of crimes against women in the name of religion or custom and against perpetuation or glorification of such practices or customs, this Bill has to be suitably amended before it can be passed.

There is no question of passing this Bill as it stands now.

I go to the Bill itself. Part I, clause I, sub-clause (3) says:

"It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States."

What is this, Sir? If they are serious, why have they brought in this kind of a thing? What does it mean? They want to use it for their political expediency. No option should be left to the Prime Minister or any other Minister on this count. This, to my mind, means that this Act will not be implemented. The Prime Minister took twenty days to condemn the atrocity at Deorala. This Government is always compromising with relig-

[Shrimati Bibha Ghosh Goswami]
ious fundamentalists.

SHRI AMAL DATTA: Sir, the Minister is not listening.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA). I am listening.

SHRI AMAL DATTA: No, you are not listening. You are talking. For the last five minutes, I have been watching you.... (*Interruptions*)

SHRIMATI MARGARET ALVA: I am sorry for your concern. I have been listening to her.

SHRI AMAL DATTA: No, you are talking.

SHRI AJAY MUSHRAN: When Shri Indrajit Gupta was disturbing her, we did not object. He came and disturbed her

PROF. MADHU DANDAVATE: She has two ears.

SHRIMATI BIBHA GHOSH GOSWAMI: Sir, there is cause enough to think that this Bill will not be implemented. I raise serious objection against this sub-clause. That must come into force at once in the whole of the country.

Secondly, this entire Bill reeks of the reactionary understanding that 'Sati' is voluntary and, therefore, it talks only of abetment and not of the actual offence which is burying or burning alive woman on funeral tyre. It punishes the poor woman who is the victim of social circumstances.

Now look at Part II, clause 3. The first offender is the woman herself. She is the only offender. She is the only criminal. Others are only abettors. In this entire section, the premise is that 'Sati' is voluntary though that word 'voluntary' is not written here... (*Interruptions*)... It punishes the poor woman in this entire section. The premise is that Sati is voluntary. The under-current is that. Therefore, punishment is given to: firstly, the woman who is actually the victim. She is made the criminal; secondly, the abettors who are, in fact, the murderers. Sir, giving the extreme punishment to the abettors does not obliterate the present socio-economic reality that the circumstances, the degradation and humiliation of a widow in India ensures that no Sati is voluntary. In the Rajya Sabha and in this House also, this was established. Sir, Rammohan Roy understood it more than 150 years back that Sati can never be voluntary. But now the present Government failed to understand this. Therefore, in the Statement of Objects & Reasons in one breath... (*Interruptions*)... it says that attempt to commit Sati will be punishable as suicide. In the same breath it says:

"... the widow or the woman is compelled to commit Sati and invariably she will not be in a fit state of mind or will be labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;"

If the woman is forced to die, then the charges should be against her murderers and not against herself. But that is exactly what this Bill has done. So, this is my objection against the Bill. With this faulty understanding, the Bill gives enough loopholes to the criminals, for instance, encouraging the woman 'to remain fixed in her resolve'. What can that be? That must be pushing the woman back into the fire, when she wants to

escape, and 'aiding the woman in her decision'. What are all these? These must go. The whole of Part II must be reframed with proper understanding.

'Sir, clause 3 of Part II must be deleted. I gave amendments only this morning. But I see that they have not come. The amendments should be taken in and there should be opportunity for us to move them.

The Bill has to mention directly the actual crime which is murder, a special kind of crime against women, namely, burying or burning alive the woman on the funeral pyre. In page 3, Clause 4, there is a mention about abetment which will have to be framed with correct understanding of the crime. The whole of Part 2 has to be reframed. I must mention specially the word 'intentionally'. In page 3, Clause 4, Sub-clause 2(d), the word 'intentionally' is there, How can you prove intention? Here with this word it has been ensured that all the guilty will go scot-free. It is like the definition of dowry where the phrase 'in consideration of' occurred. This word must go if the Government has got any seriousness to punish the guilty. Clause 4, Sub-clause 2(d) says:

"Participating in any procession in connection with the commission of sati or intentionally aiding the widow or woman in her decision to commit sati by taking her along with the body of her deceased husband or relative to the cremation or burial ground."

That word must go if the Government has got any seriousness and not just want to show to the people of this country that they are doing something about 'sati'.

The biggest loophole is that the offence has not been categorised as cognizable and non-bailable. This is really surprising. A crime is punishable by death and then it not

cognizable! How can that be? Do they want to ensure that the criminals are not punished at all? The offence must be cognizable and non-bailable.

Part III is regarding the powers of Collector or District Magistrate to revert offences relating to Sati. The village level authority who are there in the area itself should also be empowered with the necessary authority to prevent such offences if the law has to be efficiently implemented. By the time the DM knows about the crime, the crime may have already been done. The woman may have been burnt already.

This bill excludes donors from punishment. In page 2, Clause 2(1) (iv), the donors are not included. Donation of funds or donation of land are not included as offence. I wonder whether this Government wants to save the big business houses they are the biggest donors. Donation of funds or land must also constitute an offence under this Act.

Sir, when I went through the objects and reasons, I was horrified. The whole nation revolts and you say 'apprehension'. Again it says, "there has been an attempt to collect funds." It came out in the Press that Rs. 90 lakhs or more was collected and here they say 'attempts to collect'! Then again "various steps have been taken by the State Government of Rajasthan." What did the Government of Rajasthan do? They did not do anything, they sat closed and even after the High Court injunction, the State Government allowed the chunnri ceremony to be held. Therefore, women of this country sent thousands of Telegrams demanding the resignation or dismissal of Hardeo Joshi Government. I demand the resignation or dismissal of Hardeo Joshi Government. The Bill, as it is now, if it is passed, it will not serve any purpose whatsoever unamended this Bill may fulfil the purpose of reaping some political benefit out of it by the ruling party but it will

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defeat the purpose of prevention of crime against women in the name of religion. Women of this country will never forgive that

This Bill has come primarily because of women and they will continue to fight for a proper legislation.

[*Translation*]

MR. MAHENDRA SINGH (Guna): Hon. Deputy-Speaker, I support this Bill and congratulate hon. Minister for introducing a very good Bill to prevent Sati custom. Any amount of condemnation to 'Sati' like incidents would be less.

This is a sorry state of affairs that even after 40 years of freedom we have not been able to prevent incidents like Sati. With the expansion of education evil practices like communalism, castism, are increasing side by side. It is a matter of great concern. We will have to make concerted efforts to curb such practices.

We should not allow foreign powers to succeed in their evil designs which are trying to fissipar unity and integrity of our country. These very foreign powers are also promoting terrorism and seperatism in our country. We must deal with them firmly.

We should eliminate social evil practices as soon as possible. While supporting this Bill I would like to bring to hon. Minister's notice few important points. Widows are compelled to put on white dress in our villages. Our society does not permit them to put on bangles and 'bindi' (red dot). This is the reason why condition of widows is highly desperate even today. In these circumstances if our society can't provide respectable life to those women then it would not be possible for us to prevent 'Sati'. In these circumstances widow prefer death to lead a miserable life. Even young widows of our villages are compelled to put on white

clothes. Those widows are not allowed to take part on the marriage ceremony or other auspicious occasions. They have to hide into room. It happens owing to the presumption that widows are not good for auspicious functions. So it is very necessary to take steps against it. Only after that objective of this Bill would be fulfilled.

Now I want to give some suggestions. My first suggestion is that in every state government should set up special institutes for training and for providing jobs to young widows.

My second suggestion is to make provisions so that children of young widows may get scholarship. My third suggestion is that youths who marry with young widows should given job guarantee. Besides more and more youths should be motivated to marry young widows.

With these words, I support the Bill.

[*English*]

SHRI DINESH GOSWAMI (Guwahati): I will not go into the different aspects of sati because that has been discussed here in a short-notice discussion. The only thing that I would like to point out is that though this Bill tries to cover one social evil, the fact remains that the widows in this country are virtually believing in sati in many areas and the Government should seriously consider as to how their conditions can be improved. But I have got strong reservation against a clause about which Shrimati Bibha Goswami has already made a mention and that is Clause 3 which says:

"Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit sati and does any act towards such commission shall be punishable with imprisonment for a term which

may extend to one year or with fine”.

Of course, the court has been given the power to take into consideration the facts that lead to such an act and reduce the sentence. Let us look to the position.

Any girl who attempts to commit sâti will have to undergo the trials in the court. She will be prosecuted. Just see her condition. She has lost her husband. She was forced by her relative to go to the pyre and after that she shall have to face the prosecution. We all know how the trials in our court proceed. She will have nobody to help. All her relatives will be against her. She will have no money. She will have to suffer for the trials in the court at least for the minimum of one year. And thereafter the court may have to give some token punishment. So, I do not know on what ground you have introduced this section. Unless you make it punishable, abetment cannot be made punishable. That may be the only ground.

In fact, Sir, when we had discussion with the Home Minister and I think the Law Minister was not there, the word 'voluntary' was there in the clause itself. It was said that:

“If a person who voluntarily attempts to commit sati”. I know that there is the problem to the introduction of the word 'voluntarily' because the law does not comprehend that there can be voluntary sati. I think it is very correct. I do not think anybody commits sati voluntarily and the introduction of the element that somebody may commit sati voluntarily may go against the present provisions of this Act. Therefore, I have given one amendment as an escape route. Under this provision anybody who commits sati shall have to be prosecuted. The investigating agency has no other alternative but to prosecute her and to take her for the trials. She shall have to face the trials. So, my first amendment is:

“Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit sati without any resistance on her own part.”

So, if the investigating officer finds me evidence that she resisted, she is not to be prosecuted. Then I have given a proviso. Unfortunately I have given the proviso late as the Bill was circulated late. And my proviso is provided that if the person attempting to commit sati is not in a state of mind to offer resistance, it will be deemed that she offered resistance. I am trying to find out an escape route by which if the Investigating Officer finds the minimum of the evidence that she tried to offer resistance, then she is not to be prosecuted.

13.00 hrs.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): That would still subject her to the process of investigation that she will have to undergo. You have to give evidence; you have to show it was done or not. you cannot just without evidence...

SHRI DINESH GOSWAMI; Mrs. Alva I do agree that she will be subjected to the investigation because the investigating officer will have to take the evidence but the point is that the investigation and the trial are two different things. If at the investigation stage, the investigating agency finds that she offered resistance or that she was not in a state of mind to offer the resistance....

MR. DEPUTY-SPEAKER: He is addressing you. So, please pay attention to what he is saying.

SHRI DINESH GOSWAMI: Sir, this is a

[Sh. Dinesh Goswami]
 very serious point which we are discussing. I think this is one of the most serious flaws and I do not know how we can overcome it. The point is unless we make it an offence the abetment has no relevance. If we make it an offence then we will put the poor lady in deep predicament. Therefore, the escape route that occurred to me - if somebody could find a better escape route I will be very happy-if there is some evidence before the investigating officer that she offered resistance or that she was not in a state of mind in which she could offer resistance: if her state of mind was such that it was not possible for her to offer resistance, it will be deemed that she offered resistance. Then she should not undergo the process of trial. According to me this is the escape route and it is for the Minister to find a better escape route.

I think that the clause itself is such that we cannot support it. We are punishing the poor lady who has lost her husband and has been brought to the pyre. Then she will have to face the trials for very very long period without any assistance from any quarter.

Through some newspaper report we have come to know that the film makers are making films glorifying sati. We should prevent such practice and, therefore, I have given the other amendment and I think Shri Indrajit Gupta has also given an amendment on this. My amendment is:

"The Collector of the District Magistrate, if he is satisfied, shall also, by order, prohibit any picturisation or recording of any audio visual presentation depicting sati or its glorification"

I hope the Hon. Minister will accept these two amendments."

MR. DEPUTY-SPEAKER: We now

adjourn for Lunch to reassemble at 2.00 P.M.

13.05 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Four minutes past Fourteen of the Clock

[MR. DEPUTY - SPEAKER *in the Chair*]

[*Translation*]

SHRI RAM NAGINA MISHRA (Salempur): Mr. Deputy Speaker Sir, I thank the hon. Minister for presenting the commission of Sati (Prevention) Bill. As the hon. Minister himself has observed in his statement, nowhere has anything been said about this practice. This practice should definitely be stopped. It is good that as far as possible all provisions, have been included in this Bill.

Sir, prior to this also there has been a discussion on this issue in the House.

Many learned people have expressed their views. We have read about the views of religious personalities also in newspapers. Through this House I shall first of all request those people who claim that the practice of Sati is in accordance with our 'Shastras'. I would like to tell those people and especially the respected Shankaracharya, that since the time religion came into existence this practice was never approved by our 'Shastras'. He said in his statement that this is in accordance with our 'Shastras'. In this way he has tried to misguide the followers of the Hindu religion. For this I would like to give them an example. Guru Vashisht was one the most important torch-bearer of this religion in Lord Rama period. On king Dashrath's demise he never ad-

vised any of his wives to commit Sati. At that time nobody had heard about Sati. (Interruptions). The second example I am giving is that of Mahabharata. At the time of Mahabharat when King Pandu died a learned sage like Dronacharya was present. He never advised Pandu's wife Kunti to commit Sati. These examples have been taken from the periods of Mahabharata and Ramayana-periods which are even now looked upon with reverence.

Another example is that of Sati Savitri. Savitri never thought of committing Sati. So I would request that the respected Shankaracharya has given a misleading statement. In the Hindu religion the practice of Sati has never found the acceptance of the 'Shastras'. The so-called fundamentalist religions heads who actually have no real knowledge of religion, are the ones who are spreading such stories. There are such stories available in Rajasthan and Bengal. During Mughal attacks Rajput queens used to perform 'Johar' and not commit "Sati". These kind of statements are not justified. In this way they are misguiding the masses.

Sir, it has also been mentioned in Shastras that Ravana was a very learned person and on his death his wife Mandodari did not commit Sati but married second time. When king Bali died, his wife Tara did not commit Sati but married second time. Not only this, Sir, but the writers of our 'Shastras' say that followers of Hinduism recite a prayer on getting up every morning. There is a shloka which says-

"Kunti, Ahilya, Tara, Draupadi, Mandodari tatha Panchkanya japate nityam shrutam, har at papani".

These five girls have been accepted as model girls. If this is written in our 'Shastras' then the respected Shankaracharya should refer to it in his statement. This really amounts to misguiding the Hindu religion.

This has never occurred in our 'Shastras'.

SHRI VIJOY KUMAR YADAV (Nainda): What punishment should be awarded to those, who encourage the practice of Sati?

SHRI RAM NAGINA MISHRA: I want to give one more example, I want to talk about the Adi-Shankaracharya on whose seat the present Shankaracharya sits and claims to preach the former's teachings. These fundamentalists have troubled the same Adi-Shankaracharya, who is treated as God today. When the Adi-Shankaracharya's mother was about to die, he reached there. On her death so called similar hypocrats prevented Adi-Shankaracharya from performing the last rites because he was a hermit. He was not even allowed to touch his mother's corpse. The Adi-Shankaracharya protested but ultimately he had to cremate the body in the house. I would like to inform the Shankaracharya, who is treated as God, that this is fundamentalism and not religious acceptance. The rule which is being framed now is very important for stopping this evil custom and for the well-being of society. The strictest attitude must be adopted. I would like to give some suggestions. The Child Marriage Act was passed but the same was not implemented for a long time. But when the people were educated as to its merits and demerits they themselves accepted it gradually. Today a law is in force which says that acceptance of dowry is an offence. But this is more in theory than in practice. Howsoever tough the Anti-Dowry law might be, the dowry-system is on the increase. I mean to say is that merely introducing a law will not do. People will have to be enlightened on the difference between fundamentalism and religion. Through the House I request our religious personalities to note that the practice of untouchability was not prevalent in earlier times. This is what our 'Shastras' say. Widow re-marriage has been allowed in our 'Shastras'. The re-

[Sh. Ramnagina Mishra] expected Shankaracharya who is a follower of Hinduism, should be emphatically told that widow re-marriage is in accordance with the religion and accepted in 'Shastras' and acceptance of dowry is against religious trend. Such are the things that should be publicized and not that the practice of Sati is alright. The condition of widows of caste Hindus in Hindu religion is a pitiable one. Although many people in the present times have acclaimed widow re-marriage it has not been given practical shape as yet. I would request the administration and the intelligentsia to encourage widow re-marriage in the same way as the administration encourages other activities. The caste Hindu widows who re-marry should be encouraged by the administration by providing them with jobs. If a caste Hindu boy marries a widow he should be provided with a job. If a person belonging to any caste marries a widow....*(Interruptions)* I would request that whosoever marries a widow should be given employment. This should be encouraged. I want to say that various laws are being framed. Different laws are being made for Hindus, Muslims and Christians. But in reality there should be a common law for all citizens of India so that there can be fulfilment in their lives. For everyone there should be one law. Exemptions given to different religions should not be lopsided. Otherwise it creates a rift in society. There should be religious tolerance whatever be the religion. People should be free to go to churches, temples, mosques or gurudwaras. They should be free to perform any religious rites or functions but for fulfilment in life there should be a common law for all people. I would like to put up this request to the hon. Minister and also the government. As a result of this it would be an enlightened society and everybody can work together to strengthen India.

With these words I whole heartedly support the bill and hope that the hon. Min-

ister will consider the suggestions given by me.

SHRIMATI SHEILA KAUL (Lucknow): Mr. Deputy Speaker, the hon. Members have expressed their views on this Bill in detail. The Bill which is before the House is logical. It has been brought at a time when we have witnessed a grave incident in the recent past. The memory of the incident of 4th September is heart-rending and even today it is very much fresh in our minds. We think that the provisions of this bill will provide enough courage to fight against this evil. We should just imagine, had there been our daughters, instead of that girl, then, could we allow her to be killed or burnt in our presence. Even the cremation of dead bodies causes us great pain and sorrow but no one had any objection in burning that girl alive. We talk about non-violence in India and say that our country is a non-violent Country but there happened such a violent incident in this very Country and no one bothered about it. The action which was to be taken at that time was taken up after 25-30 days, when the Rajput boys stood there with the swords in their hands. Such an opportunity might not have been given to them.

In our Country, the 'Sati' custom is very old and not merely 150 years old. Formerly it was started in Bengal, Maharashtra, Madras and Rajasthan for different reasons. But you will find that it was not in Orissa, and Uttar Pradesh. We should take note of this thing also why it was not in Orissa and Uttar Pradesh. We may observe one thing that where the wives were the legal heirs of the property of their husbands e.g. in Bengal, the people of that particular region thought it proper to burn the widows to finish the matter. In this way the Sati custom started there. It was encouraged in those regions which were ruled by Kings—'Jagirdars' or greedy persons who always wished to acquire the entire property of the deceased and did not

want to give anything to his widow. As Mishra ji has said that in the times of Raja Ranjit Singh women were not burnt but they performed *Johar* (Mass Immolation) and besides this they believed that it was within their rights to do so. But abatement to commit Sati is heinous crime. Therefore, I feel that the provision for awarding deterrent punishment to the person who abets to commit Sati is an appropriate step. Because since the ancient period so many evil customs are prevalent in our Country and until and unless we eradicate them by taking stringent measures from our country we cannot make progress speedily. Whenever any new work is done in our country or the incident like 'Sati' happens here, the whole world look towards us. People in foreign countries think that women in India has no respectable place. Sometime ago, when I was sent to the United Nations. There came to me lady T.V reporter who asked me about the 'Sati' incident. I had no reply to her question and I had to say this much that this is a painful thing which seldom happens in our country, but what will you get by asking about this incident, we are already distressed because of this incident. Therefore, it is shame on our part that such an incident took place in our country. The Bill, which is under the consideration of Parliament to eradicate this evil custom deserves appreciation. I support it and congratulate the hon. Ministers who has paid his attention towards the evil customs of our society and has brought this Bill.

[*English*]

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Deputy Speaker, Sir, it is really a tragedy that we have to discuss this Bill. But I am not going into the generality of it. We have discussed it under 193. But I want to put one thing on record and that is that for quite some time we have been seeing that very important Bills belonging to women and their social rights are being

presented to the Parliament or passed in the Parliament on the very last day when all are running; and this Bill particularly when we discuss we will see that there are certain provisions on which members are really even double minded. Even then we got the Bill only now and we have to give amendments within one day.

PROF. MADHU DANDAVATE: It was delayed because she had gone to the United Nations.

(Interruptions)

SHRIMATI GEETA MUKHERJEE: Whatever may be the reasons, there is a great commotion in the nation about this 'Sati' incident. This should have been really brought earlier and enough time should have been given to us to really discuss the Bill as it is, not just some principles; principles always do not reveal the Bill. Therefore, I hope, in future this practice will not be repeated and this kind of a Bill on social questions, particularly on women, will have its proper priority, as it should have, in the country. On the whole, I generally support the Bill.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): Thank you very much.

SHRIMATI GEETA MUKHERJEE: There is no question of not supporting it. We have been canvassing for a Bill immediately; we have been campaigning for it. Shri P. Chidambaram might think that women organisations are sleeping on it; that is not the situation. I would remind Mr. Chidambaramji that ours was the first women organisation whose women were lathi-charged before the hon. Minister's, S. Buta Singh's house for protesting. Not only I want to put on record that many of other women's organisations of

[Shrimati Geeta Mukherjee]
left hues, of middle hues of without any hues have also been protesting against sati incident. That is why we have not given any amendments to send it to the Select Committee because that would delay its passing. But I would request you particularly after you pass the Bill today once again to consult the women organisations and see in future if other amendments are necessary; that is very essential and I want to put it on record. I believe Shrimati Margaret Alva will do it and consult them.

Before going into the substance of the Bill as it is given here, I want to make another submission and that is that among the women organisations there was a talk and a general agreement on this question that not only sati but certain other offences which are being committed against women and girls like cruel behaviour, inhuman behaviour in a degrading manner in the name of religion also should be brought under the purview of the Bill.

For example, burning as witches, then forcing the widows to do certain things, etc., should be there. I understand that at this late stage it will not be possible. But it is a very relevant thing, a very relevant question. I hope this will be considered and some other legislative measures will have to be brought and these questions have also to be thought over.

PROF. MADHU DANDAVATE: The Indian Penal Code provides for that.

SHRIMATI GEETA MUKHERJEE: Madhuji says that the Indian Penal Code provides for that, but not all of them.

In the first page of the Bill, in the beginning it is mentioned, "Whereas Sati or the burning or burying alive of widows or women is revolting to the feelings of human nature..." That is quite understandable. Then,

another set of words are added, saying "and is nowhere enjoined by any of the religions of India as an imperative duty". So far so good. But had any religion wanted that as an imperative duty? Would you go in for this? So, the main question is if somebody claims that it is religious, that is no ground on which it should be allowed.

Anyway, coming to the details of the Bill, I will not proceed page to page, but I will go by some topics. First, I will come to this Clause which has evoked a lot of controversy, and it is definitely one which cannot but evoke it.

On Page 2, para 2, Clause 3 says about "Attempt to commit *sati*". Here, the woman has also been given a punishment, or she is put in a situation where she can be punished. My previous speakers—some of them—have already mentioned this, Shrimati Bibha Ghosh Goswami has mentioned and another speaker has also mentioned it. This is a case where actually the woman is the victim. Therefore, she should not be punished. There should not be any provision for punishing her. I strongly feel that that should be the case.

I gave an amendment yesterday for deleting the clause, knowing fully well that an amendment to delete a clause will not be circulated or would be ruled out of order. Even then I gave a notice of an amendment to delete the clause, because that is the feeling which I first of all wanted to be put on record. This is the feeling of all women's organisations. Now, I understand that the Government is probably thinking that some Indian Penal Code provisions are there, that unless some provision for punishment is there for the woman here, the abettors cannot be punished. In my opinion, in that case, those provisions in the Indian Penal Code should be revised. And cases like *sati*, or cases pertaining to dowry death etc., should be taken out from the idea of suicide and

such an amendment should have been there in those Acts, instead of putting here, that for any attempt to commit Sati the woman will be punished. Therefore, since this main amendment of mine is ruled out of order, I would still request the Government to think over very seriously how this can be further watered down.

Shri Dinesh Goswami has made certain suggestions. I also exercised my mind but I am not a legal expert and within such a short time it is very very difficult to come up with anything. Even then, though without withdrawing my principled opposition to the clause, for the consideration of the Government, I am suggesting this.

It is given in Clause 3-

“Provided that the special Court trying an offence under this section shall, before convicting any person, take into consideration the circumstances, ..etc., etc.

There, I would like to qualify the circumstance by the word “compelling” and hope that you will consider. After the “circumstance” it may be put if any as a legal language. I believe that all the circumstances are compelling, because in your own objects, on Page-9, you have stated clearly that this is because in most cases the widow or the woman is compelled to commit sati and invariably she will not be in a fit state of mind or will be labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will”. You yourself are saying invariably, she will not be in a fit state of mind. In the proviso also, I think, some reflection of this compulsive circumstances must be there for judging it. I do not know the exact legal language. I feel that the compelling circumstances should be there. If the Minister *suo motu* brings any other amendment, I have no objection. But this idea must be clearly put in it. With regard

to other things, that is IPC. etc., you make a commitment that you will revise the IPC accordingly. Instead of doing the other way round bringing the IPC first, why not amend that itself. This is my first submission with regard to this Clause.

Then in Clause 4 many other - friends have said; some amendments have just now come and I had also given an amendment, that is Clause 4 (d), where the question of ‘intentionally’ comes. It says:

‘participating in any procession in connection with the commission of sati or intentionally aiding the widow or woman in her decision to commit sati,..etc.,

Who will examine, in the mind of the person whether it was intentional or unintentional? Nobody knows. This ‘intentionally’ should be forthwith taken out from here Sir.

After that, there is another Clause, i.e. Clause 7. There also, we have given an amendment i.e. power to remove certain temples or other structure. Clause 7(1) says:

‘The State Government may, if it is satisfied that in any temple or other structure which has been in existence for not less than twenty years, any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person committing sati, by order, direct the removal of such temple or other structure.

Originally, I did not understand this. I sought clarification from Shrimati Alva and she clarified it to me privately that actually two categories have been made.... (Interruptions)

SHRI AZIZ QURESHI (Satna) : Private things should not be discussed in public.

SHRIMATI GEETA MUKHERJEE: Between me and Alwaji, it cannot be such a private affair.

PROF MADHU DANDAVATE: It is between ladies and ladies.

SHRIMATI GEETA MUKHERJEE: Anyway Sir, she would make it public. Why I am saying was that two phases have been separated. One is the Collector, who has been authorised to take any step with regard to the structures which have been built up in twenty years upto now and for the others it is State Government. But, Sir, in this twenty years also, I have an objection. What is sacrosanct about twenty years? There may be a temple existing for forty years. If these things are going on, what is the difference between the two? Therefore, I am for removing this 'for not less than 20 years'. That means, to make it applicable to all temples.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): It applies to all temples

SHRI AZIZ QURESHI: Temples including in West Bengal.

SHRIMATI GEETA MUKHERJEE: Our Government did take steps that the Sati mela is not held. On that day, in a discussion under rule 193 I said that it is not a question of political bickering, but political responsibility is there. Every State Government will have to do something. That is why, I think, this has been put under the purview of the State Governments. I do not know why the Central Government should not have taken the responsibility. Why should it become the responsibility of the State Governments?

Because we want this to be applicable immediately to the whole of India except Jammu & Kashmir.

PROF. MADHU DANDAVATE: It is nationalisation of demolition.

SHRIMATI GEETA MUKHERJEE: On page 2 glorification is being described. This covers a lot. Even then some loopholes remain. Therefore, we have suggested that as far as possible, these loopholes should be plugged. Later on, what the *satiwala* will do, I do not know. We cannot think of those now. We will see what happen at that time.

This question of manufacturing or selling of pictures, pamphlets, videos, cassettes or other material perpetuating the memory of sati or attempting to glorify sati per se may also be included. A lot of business is going on by selling postcards. I do not know how many thousands of postcards are being sold.

DR. PHULRENU GUHA (Contal): It is in lakhs.

SHRIMATI GEETA MUKHERJEE: Yes, in lakhs. Of course, that should be prevented. In our country, lot of people have quite a field day in the manufacture or selling of pictures, pamphlets, videos, cassettes or other material perpetuating the memory of sati or attempting to glorify sati. All these should come under the offence of glorification.

Collecting of funds for glorification has been brought in, but not giving donation. Therefore, giving donation for such things should also specifically be covered, because big donations are given. If they donate, they should also be punished. For example, Birlaji is such a "humanitarian" person that everywhere there are Birla temples. The funds are not of Shri G.D.Birla but company's funds. Therefore, company's

question should also be clearly laid down. They should not get out of the purview of this.

About the vigilance committee, I do not want to go at length because in Amendment No. 19, that we have tabled, we have mentioned that vigilance committees should be set up in every State. It is regarding Amendment No. 19. In it, Mr. Indrajit Gupta, myself, Shri Narayan Choubey, Shri Ramashray Prasad Singh and other peoples' names are there. Regarding the Vigilance Committee, we say it should be specified in the Act itself and not just for rules. Because quite often it happens that even if it is specified in the rules, it is not set up. Take for example dowry. For that, very little has been done.

Another thing which I want to say is regarding the question of the obligation of the Government servants. Many women's organisations have very seriously discussed it. I quite understand — although I could not give any Amendment quickly — that the obligation of the Government servants should also be considered. That is very serious. It may not only be for a District Magistrate or a Collector, or any such person, but also for general Government servants. Therefore, I would say, even if we can't put it in the Bill at the moment, the Central Government and the Minister for Personnel should consider to issue a special directive to the Government servants through their circulars, etc. Of course, they are not always honoured. Take for example circular regarding posting of husband and wife. It is not at all honoured. So even then you have to issue a circular..

SHRI P. CHIDAMBARAM: You tell me how many couples have been brought together? Dozens have been brought together.

SHRIMATI GEETA MUKHERJEE: Dozens may be there. But still thousands are left.

(Interruptions)

SHRI. P.CHIDAMBARAM: Don't criticise us for the sake of criticism.

SHRIMATI GEETA MUKHERJEE: If you tell me, I shall send all those people.

SHRI P. CHIDAMBARAM: Please send.

SHRIMATI GEETA MUKHERJEE: The rules may be there with regard to Government servants' special duty. They should take into cognizance where it is happening.

Certain other Amendments have also come regarding women's organisation and their participation in it. I think that should also be specifically mentioned in the idea regarding the Vigilance Committee.

These are some of the concrete ideas wherein I want Amendment. I would lastly say that it is easy to pass a law like that but it is very difficult to implement. I hope that there will be a unanimous political will to very seriously implement this law. For that you will have to consult the women's organisation afresh to take their opinion if they want any further Amendments in the Bill.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Mr. Deputy Speaker, Sir, I thought that intravention of this Bill will be welcomed by the whole House in one voice and congratulate the Prime Minister for this step. But I was very much astonished to hear from one section of the house that Prime Minister spoke very late i.e. after 20 days on this subject.

The Prime Minister was the first person who publicly and in a very clear terms described this incident as a murder. The oppo-

[Dr. Rajendra Kumari Bajpai]
 sition parties should appreciate and also congratulate the government for their good performance very few occasions come in the life of the nation when we can speak in one voice and this is such occasion. I therefore, congratulate the Prime Minister in particular because a comprehensive Bill has been brought forward after considering the all the aspects. If this takes the shape of as an Act then this Bill will be a great forceful instrument for eradicating the Sati custom. This is the Bill which would increase the dignity and status of women and this will establish that right i.e. the equal right for man and woman which is provided in our constitution.

14.44 hrs.

[SHRI SOMNATH RATH *in the Chair*]

The spirit behind this custom sati has been that the society and the people of her own family considered the woman helpless and used to burn her alive at the funeral pier. To eradicate two custom of Sati, the first law was enacted on 4th December, 1829 and today i.e. on 15th December, 1987 we have to reconsider this matter again. It means that we shall have to take some concrete steps in this direction. After independence this Bill has been brought forward by the government. This has been necessitated because of an incident happened in Deorala. And after that different versions came in the press and it became clear that quite a young, 18 years girl was intoxicated and later on burnt on the funeral pier. The whole nation got *stunned* by this. This was condemned by all institutions, by the women institutions and by men through newspapers. If this was not condemned at that time by any body, he was Shri Kalvi of the Janata Party of Rajasthan unit, who organised processions, public meetings and glorified this custom by telling the people that Sati custom is good. But our party and our leader said in no uncertain terms that this is very wrong. When the

House was discussing the Deorala incident we had demanded expulsion of Sh. Kalvi from the Janata Party but he has not yet been expelled.

The people try to get political advantage even from such occasions. But I am glad that while amending the People's Representation Act, a clause has been added in this Act that any person who abets and glorify it, and sentenced for doing such things, he will be disqualified to contest any election. This is a very good thing. Besides, I would like to say on this occasion that it would be better if this clause is also added in the Divorce and Anti-Dowry Acts in due course because the custom of Dowry has become the problem of every home. As far as the custom of Sati is concerned I neither treat it as the religious thing nor the custom. The custom is that which is adopted by the whole society. The thing which happens occasionally can not be defined as custom. The custom of Sati is a part of the evil customs of the society by which atrocities are committed on the women. Therefore, the stringent measures brought forward to stop this evil are necessary. I fully agree with 4-D of page 3 which states as under:-

[*English*]

"4(2) (d) participating in any procession in connection with the commission of Sati or intentionally aiding.."

[*Translation*]

The word "intentionally" can be removed and I hope that hon. Minister will accept this proposal while replying on the subject because some people may misuse provision therefore, it should be better to delete this word, only then this Act would become effective. I donot agree with the issue raised by the opposition members that a woman who commits Sati should not be victimised as provided in part 2 of the Act.

It becomes all the more important because the women who perform sati must know what the law of the land is. If we consider suicide as a crime, then the woman who tries to commit sati should also face the same consequences. Besides fine one year imprisonment for this has been suggested. The proposed proviso is alright. Besides, history is also a proof. Some people in Rajasthan also told me that a woman is compelled to take opium at time of committing Sati. She is compelled to burn herself. They believe that it would bring name to the family and the woman will be nearer to her husband. They persuade her to become sati by weakening her mind. She is compelled even if she does not want. In order to prevent her from crying and weeping, a lot of celebrations are done and hymns are sung. This is also done so that her cries are not heard. Even then if she tries to run from the funeral pyre she is forced to lay down:

I was told that this happened in Deorala case. I have read in some cases the woman is tied with ropes, beat and forcibly layed on the funeral pyre. Then she is said to have committed Sati. Raja Ram Mohan Roy started a crusade against this. William Bentick enforced a law in 1829 against this. Popular movement and public opinion was built against it in Bengal and the Governor was urged time and again to enact it. Akbar, Jehangir and even Aurangzeb banned it during the Mughal rule. It has never been pleasing. So I would congratulate the Government for introducing this Act.

Besides, the words "attempt" and "birth certificate" are also important. Though the opposition has criticized it but we have accepted it in section 302 of CRPC as murder or suicide.

[*English*]

"punishable with death or imprison-

ment for life and shall also be liable to fine".

[*Translation*]

Now it has been strengthened by improving it. It had not been enforced earlier. We have considered the attempt also as punishable offence which was quite important.

At the time of Deorala case there was great hue and cry that the Central Government should make an Act. There was a similar Act in Rajasthan. But some people challenged it in the court and the court also enforced some rules. Now the law is being enacted and it will be enforced in the whole of the country and a notification to this effect will be issued accordingly. It is a timely step. Gandhiji had said that women should not depend on others for their rights.

[*English*]

"Women must fight for their rights. It would be wrong to imagine that your rights will be given to you or that they will drop down somewhere if you simply sit at home".

[*Translation*]

The Bill has been passed but it is quite important to create public opinion in this regard. The widow Marriage Act was enacted in 1856 but it has not been implemented properly. The society is not ready to accept the fact that when a girl becomes widow she has to be married. There would be no case of sati if the society accepts it. The constitution provides us right to equality. But woman is believed to be weak and the society pities her. We have to build up public opinion against this to revolutionize these ideas.

Women are fighting against the evil traditions today. But it is not a question

[Dr. Rajendra Kumari Bajpai] concerned only to the women, but to men also. Both of them have to fight against it. It is the prime responsibility of the parents to see that such incidents do not happen. Usually everyone in the society force the widow to die. So this issue does not concern women alone but both men and women.

With these words, I support this Bill and hopes that it will be passed unanimously.

* SHRIMATI N.P.JHANSI LAKSHMI (Chittoor): Mr. Chairman, Sir, I congratulate the hon. Minister for bringing forward this Bill. Nearly one hundred and fifty years ago Raja Ram Mohan Roy, a great social reformer had raised the banner of revolt against the practice of Sati. But, unfortunately even after 150 years of relentless struggle we could not eliminate the practice of Sati. Even to this day, it remains as one of the foremost problems faced by our society. One of the important factors which is keeping the practice of Sati alive is the superstition. Sir, we come to know only those cases which are reported in the press. We are not aware of countless other cases which have taken place in villages and other remote areas of the country. Whatever may be its form, the practice of Sati must come to an end. Now it has become a practice and a tradition to build temples and other structure to perpetuate and glorify the practice of Sati. Sir, now the Govt. is taking steps to ban the construction of temples and other structures to glorify Sati. But how about the existing temples? These temples constructed long ago continue to provide a sort of inspiration for practicing Sati. Hence action must be taken against the management of such old temples also. It is necessary if we want to avert the evil influence of these so called Sati temples. Similarly photos, cassettes etc. which publicise and glorify Sati should also be banned. Sir, at present Sati is being

treated as a bailable offence. It should not be so. This practice must be made non-bailable offence. I hope, the hon. Minister would take note of this point.

Sir, the practice of Sati is evident only in Northern India. It is not heard of in South India. It shows how backward the women in these areas are. They are backward economically and socially and also educationally. We must feel sorry for their condition. Sir, it is unfortunate to hear that even in the State to which a Prime Minister who ruled the country for 14 years belonged, this evil practice is still being continued. One feels sorry to know such a bitter truth. A lot has to be done to rescue women from the shackles of poverty and ignorance.

Sir, Vigilance Committees should be constituted at the village levels to effectively counter this evil practice. Social workers, gram sevikas and teachers should be the members of such Committees. There should be an apex Vigilance Committee at the district level to coordinate the activities of vigilance committees. I hope, the Govt would take steps in this direction.

Sir, if this practice is to come to an end, it is necessary to instil courage and confidence in our women. Efforts should be made to make the women to stand on their own legs. Only courageous and confident women can bring this evil practice to an end. The Govt should take necessary steps in this direction. Sir, mere passing of this Bill is not enough. Simultaneously, we have to take steps for its effective implementation of the Act. I hope and trust that the follow up action would be taken at all levels to bring this evil practice to an end.

With these words I conclude my speech.

* The speech was originally delivered in Telugu.

15.00 hrs.

[English]

DR. PHULRENU GUHA (Contai): I rise to support the Sati prevention Bill 1987.

I hang my head in shame that in the year, 1987 we are going to pass this type of Bill. Are we going back to the 19th century instead of marching towards 21st century? Are we marching backward? Of course, not. It is an act of the few who do not want India to march forward. They do not want India to be united. They do not want national integrity. They do not want that the Constitution of India is to be honoured or is to be followed. They are against the progress of India. But they themselves like to enjoy all the technical and scientific development of modern India. Today we are witnessing the growth of religious fundamentalism and communalism in our country. India is a land of diverse cultures and rich with a variety of traditions. But, unfortunately there are still some very orthodox people in their personal life and who enjoy modern development in their social life. There are some people still with outdated orthodox beliefs. Most of them believe in it for their own selfish purposes. They do not want the freedom of women. They want that women should only obey them. Women should not have any individuality. They should obey and nothing else.

SHRIMATI MARGARET ALVA: Even after they are dead.

DR. PHULRENU GUHA: What do we see in actual life? I may mention the Sati worship of the Hindus from a long time. But, according to Hindu mythology and religious belief, Sati, wife of Shiva was worshipped because Sati is supposed to be a very devoted wife who could not hear abusing her husband by her father. Hindus worship Sati, wife of Shiva but not a woman who is forced to be burnt with her deceased husband. In

course of time, crazy people have changed one Sati for another Sati for their own selfish reasons. It is a matter of great sorrow that steps taken by Raja Ram Mohan Roy in 1828 are required to be taken again in 1987. The history of more than 50 years ago is being repeated. During these many years, unfortunately some of our people are not able to come out of their superstitions and of their orthodox beliefs. We have to find out the real cause behind Sati practice. That is for the purpose of getting the property and wealth of the widow. It is done with economic and financial motives of the relatives. Some villagers are also responsible for the glorification of Sati because they want to help the people who are for the wealth of the widow. According to the property rights of Hindu family, if a man dies without a child, the property goes to the widow. So, if a widow is killed, the property will go to the nearest kith and kin. There are some people who respect property more than the human life. That is the tragedy. We are still suffering from that disease. Here, I would like to suggest that there should be a mass campaign against Sati. In this connection, it is to be remembered that Raja Rammohan Roy played a great role to create necessary climate by his mass campaign and the mass education which he undertook at that time. It is quite unimaginable that during that time he campaigned and educated people against this sati practice.

In this Bill on page 2, in Clause 3 and also in Clause 5, there is a provision for punishment and I feel strongly that one year's punishment is not enough. If the person is guilty, it should have been at least three years. What is the meaning in imposing a punishment for one year only? If person is not guilty, no punishment is to be given. (Interruptions)

Further, the Bill should include punishment for manufacturing certain items regarding Sati. I find that they have given

[Dr. Phulrenu Guha]

amendments in this regard. But before seeing that, I have included this. I would suggest that this should include punishment for manufacturing and selling of pictures, pamphlets, video, cassettes or other materials produced in memory of a woman who is killed in the name of Sati. This Bill should have included this aspect also. This Bill should also have included that offences committed under the Act should be cognisable and non-bailable. Donors must also be punished.

At the end, I would like to say that we all must try to bring about a social revolution and root out conservatism and fundamentalism in our country. It is not the question of women's right only. It is our national honour and our human existence as a nation. There is absolutely no doubt that majority of our people in India, belonging to any political party, any caste, any religion, will join hands in this crusade against sati to discharge their supreme responsibility towards our Constitution and towards the dignity of our women.

Before I sit down, I would like to request Mrs. Alva that the Ministry should go through the Bill once again later on. Today, we must pass this Bill, no question whatever it be. But later on, they should go through the Bill and elicit the opinion from the various organisations and come to Parliament with necessary amendments.

Lastly, I would like to say that vigilance Committees should be set up not for this Act alone but for all other social legislations such as the Dowry Act, the immoral Trafficing in Women Act etc.

With these words, I support the Bill.

[*Translation*]

SHRI UMAKANT MISHRA (Mirzapur):

Mr. Chairman, Sir, I welcome the Bill which has been brought against the Sati practice. This cruel practice was prevalent in our country some three hundred years ago with the efforts of the great social reformer Raja Ram Mohan Roy the Sati practice nearly came to an end, though some incidents used to occur, even then. Recently the country was stunned when Roop Kanwar was burnt alive in Deorala. We felt ashamed before the world. I welcome the Bill because it is being brought forward in such circumstances. Some fundamentalists in Rajasthan are trying to get political and economic mileage out of such cases. We, therefore, strongly condemn them. I would suggest that if there are any loopholes in this law they should be plugged and it should be made more effective. India is a multi-religious country and there are many religions throughout the world. Many such practices which are evil are general linked with religion. That is why people are neither able to understand the religion properly nor are they able to interpret it. Nobody bothers about the definition of 'Dharma' as given in the Hindu scriptures. Vyasji has said in Mahabharata: "*Dharanad dharama Itiahu, Dharamo dharyati Praja.*" It means religion is that which can support the society the country and can lead man to progress. Karanad Muni has also said. "*yato bhuday Ni shreyas.* Religion is that which can provide comfort and prosperity in this world and peace and salvation after death. Religion does not pertain to any function as such. We never try to understand the definition of religion as propounded by these great men but misconceive religions with traditions, fundamentalism and superstition. Religion is meant for man and it is supposed to safeguard the interest of the entire mankind and not harm even a single person or a class of people. If religion arouses hatred between two persons it is not religion but an evil. Therefore, there is need to change the definition of religion in modern times. Just as man, society, nation and history changes with the passage of time similarly change in

the definition of religion is essential. Old scriptures contain same positive as well as negative features. The negative features which have become irrelevant in the present day circumstances and therefore should be shunned. We shall have to change the negative concepts. The great poet Kalidas has said, "*Puranamitiven Sadhusarvam.*" It means that man should accept old concepts if they are in his interest. Our old scriptures do not contain good concepts alone. There are many negative concepts also. For this we shall have to study our religious scriptures in the present day context and create a new secular religion, a religion for the entire mankind which would help in the progress of the nation and the society, so as to improve the human life.

Religion in India has undergone change from time to time. It has been defined by many great saints. We shall have to study those tenets of our religion once again which made us spiritual leaders throughout the world and which were meant for mankind. That was the true religion. Whether it is Hinduism, Islam, Christianity or any other religion, the external form; the ostentations, the evil customs, and the dogmatism is eating into the vitals of our religions. A religion which does not serve the interests of making cannot be called a religion even if it is written in the religious scriptures. We shall have to make the necessary amendments if it is so. Whatever is against humanity is not religion, but sin. We must give freedom so far as faith and belief in a particular religion is concerned. Our Constitution and law is our religion today as it is relevant and beneficial for the society.

It was pointed out during the discussion here that out of the five Shankaracharyas in the country the Shankaracharya of Puri supported the Sati incident while the rest of them did not comment on the episode. I think *Smritis* occupy an important place in our society. Out of the 24 *Smritis* only 4 are

considered authentic. *Manu, Yagvalky, Narad* and *Parashar*. I have studied all the four *Smritis* thoroughly but nowhere has it been mentioned that after the death of the husband, the wife should also sacrifice her life or die on the funeral pyre of her husband. Instead *Manu Smriti* and *Yagvalky Smriti* have recommended cohabitation for childless widow after the death of her husband so that she can lead a happy life thereafter.

Devradha Sapindadha Striya Samyangniyuktaya.

Prajepistadhigantavya Santanasyaparikshye. (Manu 59, Chapter 9) if a widow is childless she can bear children unto the younger brother-in-law and thereby lead a happy life after the death of her husband. It has nowhere been mentioned that the widow should burn herself on the funeral pyre of her husband.

Manu Smriti also says:

Yasya Mriyet Kanaya Vach. Satye Krite Pati, Tamnen Vidhanen Nijdvindet Devarah

(Manu 69, Chapter-9)

It has been mentioned in Shaloka 59 of chapter 9 that after the death of the husband a girl can have children from agnate younger brother-in-law. *Yagvalky* has also made similar observation in the chapter relating to marriage:

"Aputram Gavarnogyato deverah Putra Kamyam. Sapindova Sagotrove Ghrityukta Ritaviyat."

Yagvalky has thus supported *Manu*, whereas *Parashar* and *Narad* have not only made provision for the marriage of wife after the death of the husband, but also if the husband is impotent or becomes a *sanyasi*

[Sh. Umakant Mishra]
or is a fallen man.

*"Nashte, Mrite Pravarjite, Klibechptite
Patto.*

*Panchsvapatsa Narinaam Patiranyo
Vidhiyate"*

Any caste Hindu woman or non Hindu woman can go in for second marriage in the event of death of the husband, or if the husband is impotent or has become a *san-yasi*. This has been categorically mentioned in *Narad* and *Parashar Smriti*. Manu has also stated what a woman should do after the death of her husband. Shaloka 32 of chapter 4 of *Parashar Smriti* says: "Bhaattrim Ya Nugachatti." The women who remembers her husband will live in heaven for many years, but this is not applicable to a childless widow. Two types of provisions have been made. One for the childless widow and the other for widow having children. All *Smritis* recommend child bearing for childless widows, whereas a widow with children must follow the path of celibacy besides, the ideals, and conduct of the late husband and try to mould the children accordingly.

It is totally wrong on the part of preachers of religion to misinterpret these *smritis*. Often they speak lies in this regard. Only after fully understanding these scriptures should they make statements otherwise they don't deserve to be preachers of religion.

PROF. MADHU DANDAVATE: Don't quote *Manu*. He had assigned a lower position to women, prohibited them from marrying again and had stated that if lower castes undertake the study of religious scriptures, lead should be stuffed into their ears.

SHRI UMAKAND MISHRA: I have already said that we should renounce and reject whatever is bad. Manu has also stated:-

*"Yatranaryastu Poojyante Ramante
Tatra Devta.*

*Yatretastun Poojyante Sarvasrafala
Kriya."*

Manu has assigned highest position to the women in the society. According to him gods live there, where woman is worshipped whereas all activities become ineffective in places where women are maltreated. We find instances of Gargi and other women who were highly respected in their own times in our scriptures. Decline of women started from the medieval period. I welcome the steps that the Government has undertaken to improve the lot of women and also support this Bill. I congratulate the Government and the Hon. Prime Minister for bringing forward a Bill against Sati practice. With these words, I conclude.

SHRI RAM BAHADUR SINGH (Chapra) : Sir, the burning of widows alive is a symbol of degradation of women and their utter neglect. It is a symbol of our barbarism and ruthlessness. But it is an irony that there are also such people in the society, who describe these heinous crimes to be in conformity with religion.

I believe that any religion allowing such heinous crimes cannot be termed as a religion. If people think that it is still a religion there should be no objection to the destruction of the books which preach such a religion. But the wicked people having faith in such heinous crimes bring forward new arguments and cite examples in support of their contentions like the right to commit suicide. But they don't understand the conditions under which a person commits suicide. Suicide is attempted by a person when he loses all hope in life and is totally dejected. If we lend support to the demand for the right to commit suicide, then it means that covertly we are leading support to the ruthless system which has compelled man to demand such a right.

Burning alive women is a symbol of denial of freedom to them. I believe that exploitation is being done on the basis of sex throughout the world. In the most advanced country of the world also, men have got more rights than women, but the exploitation of women on the basis of sex can be seen in our country in the worst form. Shri Mishraji has said"-

*"Yatra Naryastu Poojyante, Ramante
Tatra Devta."*

This is only preached. Not a single word of it is practised. From the day of her birth till her death, Indian women is neglected all along. The women in India are exploited, insulted and neglected. The birth of a male child in a family in our country is celebrated and there is lot of rejoicing. Sweets are distributed. But the birth of girl brings despair to the family. In spite of all this we make tall claims in this august House that women are worshipped in our country. What provision is there in the *Manusmriti*? A girl will remain under her parents, supervision before her marriage, under her husband after marriage; and after her husband's death she, can be burnt alive or will have to lead a life of widow. Is this the fate of our women? To see a widow's face is conceived to be ominous in our country. Nobody wants to see the face of a widow before starting a journey, just because it is believed to be inauspicious. What can be more tormenting than keeping a widow away and aloof from the main ceremonies at her son's marriage she is not allowed to participate in it and, can just stare at the things. Not only this, she does not even have the right to welcome her new daughter-in-law.

Maltreatment of women in our country is an endless story. What to talk of two hours, even so many hours will be insufficient for such a discussion in the House.

The plight of women in our country is really miserable. There is no proper ar-

rangement of even public toilets. Families having their own private toilets are also very few. So, women have to go on the paths outside the villages for this purpose. There too they are restricted to go either before sun-rise or after sun-set. So much so that they cannot go during for nature's call. They are forced to lead such a degraded life. Even then we claim that we are civilized, making rapid progress and going to enter 21st Century.

Not only this, eyes of half of our population are affected badly by the smoke due to the lack of smokeless stoves

Now, for instance let us take the right to property. The daughter has no right over her fathers' property. She attains this right over her husband's property only after his death while it remains that of her husband's right during his life time. Generally, it has been seen that this right, remains on paper, whereas practically the property is transferred to the son. The husband is responsible for providing basic necessities of life to his wife. But, after his death, her identity card and ration card are cancelled. Even the Government does not sanction loan to the wife during her husband's lifetime. This is what is happening in our country. Nothing fruitful is to be gained until some solid and strong steps are taken against these things.

Unless we treat it as a national problem and get rid of all the prejudices and start a movement against it we cannot solve these problems.

Further, I would like to ask a few questions regarding this Bill. There is no provision in this Bill to encourage those who help in restraining the people to commit such heinous crime as Sati. If such a provision is not made no woman organisation or person will ever make efforts to stop such crimes. Besides, the Government has not considered it as cognizable offence. If it were so, there

[Sh. Ram Bhadur Singh]

would have been the provision of non-bailable warrant. But there is no such provision in the Bill. The Home Minister had assured that he would seek the opinion of woman organisations in the country before introducing the Bill in the House. But he is guilty of breaking his promise by not doing so. I will not oppose this Bill at this stage because it will delay the matter but ever then I would urge you to utilize this opportunity. You must elicit opinion from all the woman organisations in the country after passing the Bill and be ready to make amendments if there are any.

Now I would like to appeal to people of that community who are supporting this practice and are brandishing swords perspective. They do not look at it from the proper historical perspective. This is the main cause of its turning into an evil. They must know that this is not a Sati practice as such. This system started during Mughal rule in Rajasthan. Women burnt themselves for the sake of their honour when they knew that their husbands died in the battlefield. It was Johar system. I would like to ask those brandishing swords that are they so weak, impotent and coward that they cannot even save the honour of the widows of their family? If they can, they will have to raise the sword, the Sati practice itself.

With these words, I conclude.

SHRIMATI MANORAMA SINGH
(Banka) : Mr. Chairman, Sir, I fully support this Bill, brought by the government. The Government has taken an important step for the protection of women by bringing this Bill. Crores of women of our country will have the right to live with respect as a result of this measure.

The provisions made by the Government in this Bill are very important. The incidents of Sati which occurred in Deorala

today or also earlier, had one thing in common. There was an important factor of property behind them because after the husband's death, the relatives and family members consider the widows as a burden and therefore want to kill her, so that they have the right to her property. Raja Ram Mohan Roy opposed this custom, in Bengal when his sister-in-law Alok Manjari Devi was forced to commit Sati.

He was deeply moved by this incident and he took this brave step. Surely, women are worshipped in India, but it is a matter of concern because they are worshipped after death, and not when they are alive. The woman is treated as goddess. But what is this custom of worshipping her in the Sati temple after she commits Sati. We are trying to eradicate this social evil and its glorification through this Bill. It is a very important step in this direction. I appeal to all parties, to cut across the barriers of caste, community and creed and support this bill, thereby strengthening the Government. Every woman is someone's mother, sister or daughter and therefore everyone of us should support this important Bill which is protecting the rights of women.

Mr. Chairman, I will like to submit two-three points. Firstly, Deorala incident happened due to very low propagation of education in Rajasthan. Women are illiterate there and that's why these type of incidents happen there often. Social organizations and women organisations should be involved and the conscious people of that region, that community should also be involved in this work. The most important thing is that through T.V. and seminars, public opinion should be built against the Sati practice. Laws in favour of women should be given wide publicity in villages. The women in every society should be made aware about their rights. Such incidents will always occur with them unless they are not aware of their rights.

Secondly, when the Deorala incident happened, what were the officials doing there? This law is made for those who encourage or glorify Sati but what has been done regarding those officials who were watching the spectacle? There should be strict action against them. They should be suspended from service. Strict punishments should be given to the village level employees and police officers. By bringing this Bill, the Government has taken an important step in protecting the women. Thirdly, I would suggest that there should be no age-bar for those widows who want to eke out a living by doing a job or business.

With these words I conclude and thank you.

SHRI VISHNU MODI (Ajmer): Mr. chairman, Sir, in a far off village in our country, innocent girl of 18 years was burnt alive. All the political parties, women's organisations and mainly the media in the country reacted sharply and it led to an open discussion as a result of which today we have brought a Bill which seeks to ban this social evil. I agree with Dr. Rajendra Kumari Bajpai that the Sati Custom may have been an ancient custom but now there is no such custom. Deorala village, where the incident occurred, is 30 kilometres from my village. All such incidents occurred within the range of 30-40 kilometres of Neem Ka Thana sub-division, where I live. 80-85 percent of sati cases in Rajasthan occurred in this area. I congratulate the hon. Minister and the Hon. Prime Minister for having brought this Bill which seeks to ban this evil practice after due thought and consideration. But so far as the word Sati is concerned we have to go back into history. The meaning of sati was truth and penance. The reference to satis in our scriptures—whether Sati Savitri, Sati Sita, Sati Anusaya, Sati Urmila, Sati Uma, Sati Usha or Sati Ganga has no mention of any one of them being burnt. As my predecessor said that Shiva's first wife was Sati, but she

was Sati only by her name. No temple was raised on her ashes. (Interruptions) She was not a widow, she did not commit Sati on the pyre of her husband. Since Lord Shiva was insulted, she burnt herself. So far as the word Sati in our scriptures is concerned, I want to submit that sati means truth and penance. The Agni Pariksha through which Sati Sita went, was only a test. She was not burnt. So, to say, that the word Sati is not related to our scriptures, will be injustice to Hinduism. According to the bill, the definition of Sati is any —widow or woman who is forced to burn herself or buried alive....In 1829, when the bill came in Bengal, the people in the name of religion tried to politicise the issue and the same is being done even today. In the name of religion, a great leader of our country we shot dead. But have we brought any law against the practise of taking "Amrit"? So far as Sati is concerned, this word is signifies truth and penance in our culture. It is associated with religion. Some people are defiling it. They are burning widows for socio-economic reasons. In order to save themselves from such heinous crimes they use the word sati.

So far as my knowledge of history is concerned, one collector in Bengal had written to the Governor General about this practice and this is how this word came into the notice of the British Government. The Anti-Sati Act was then passed in 1829.

Sir, I want to submit that in our scriptures the term sati is associated with truth and penance. In other words, it is linked with religion. Let me cite an example. In Jodhpur, there is a widow who lived for 40 years after her husband's death but never took any food and survived on water and air. A few days before she died, she had even left drinking water. She died recently. In Rajasthan earlier, only a few women were involved in women's organisations but since the Deorala incident occurred women in large numbers are joining them. There is a Sati temple

[Sh. Vishnu Modi]

at Wala village. The district collector issued orders to confiscate all offerings made by the people in that temple. On the top of that, orders have been issued to restrict people from going there. I belong to this area. When I got married, I and my wife were made to offer prayers in the Sati temple according to traditional rites, as is the practice in our area before entering our house. During the festival of Deepawali the women here drink water and eat food only after worshipping Sati Devi....*(Interruptions)* Some of them are Sati Sita, Sati Savitri and Sati Urmila. Do you want to restrict people from worshipping them? I think the people are afflicted by this....*(Interruptions)*....

Mr. Chairman, Sir, I feel that so far as the question of burning anyone alive is concerned, it is a heinous crime and therefore, it should be condemned strongly. I think that the Deorala incident was horrible and barbaric. But, I believe that you cannot deny that the word Sati signifies truth and penance in our scriptures.

I am not opposing the Bill which you have brought and which provides for awarding stringent punishment for burning widows alive. I support it and would congratulate and thank the hon. Minister for bringing this Bill. In addition to this, I want to submit that the misinterpretation of the practice of Sati during the British Rule should not be repeated. We should not play with the sentiments of one particular community. Efforts are being made to eliminate one community from the mainstream and this community is not only residing in Rajasthan alone but in all the four directions in the country. Besides, the issue is also being politicised. I want to request that decisions should be taken after due considerations so that it can safeguard the interests of the country.

With these words, I thank you.

[English]

SHRI N.V.N. SOMU (Madras North): Mr. Chairman, it is very sad that religious fanaticism, communalism and orthodoxy are raising their ugly heads again. It is only because we have not used effective reforms in various fields that they are raising their heads again. After independence, no radical measures were brought. Dr. Bal Ram Jakhar, the hon. Speaker and MP from Sikar Parliamentary constituency in which Deorala, the 'Sati Sthal' falls has expressed the view that the unfortunate incident could have been avoided if the Government agencies had acted on time. I endorse the view. The Speaker is reported to have said like that. This government is secular but at the same time, it should not patronage any particular religion. One Minister is reported to have welcomed the screening of Ramayana on television. If you patronise a particular religion, how is it possible to curb the superstitious ideas which are prevalent in our country?

I read in the newspaper with a lot of agony that three lakhs of people attended the sati ceremony. It seems that superstition is deep-rooted in North India. Legislation only is not going to be sufficient; effective education, social reform and propaganda is needed more. Prevention is better than cure. Legislation is only an injection, but social education is inoculation. This Government is only giving injections instead of applying inoculation. I request the hon. Minister to think of inoculation and that will definitely deter the people from doing all these nasty things.

In South India and particularly in Tamil Nadu, due to the effective propaganda of Periyar E.V. Ramaswamy, the mentor of Dravida movement, no such things have happened there. Periyar and Dr Anna paved the way for women liberation, equality and respect. The title 'Periyar' was given by the

women of Tamil Nadu for his untiring tirade against the social evils. Therefore, effective education for women is very important.

My leader, Dr Karunanidhi, even thirty years before as a play-wright in a Tamil picture Devaki said in Tamil, which in English means that the superstitious idea that women should confine only to kitchen and bed room is no more valid now she is flying abroad for education. That is the change of time. He wrote like that even thirty years before. Therefore, women education should be intensified and religious instructions should not be taught in colleges and schools.

Prof. Madhu Dandavate is reported to have said that if there exists any scripture containing sanction of sati, he would not hesitate to burn it in public. I welcome this and I join him in this.

In Tamil Nadu, our late lamented leader, Dr Anna, while he was the Chief Minister, legalized all self-respect marriages retrospectively. Such social reforms should be introduced throughout India.

Government abolished privy purses in 1971, but still we have some fiefdoms—we have one maharaja here and one maharaja there. Since sati is primarily the royal martial custom, it can be effectively controlled and curbed when you wipe out these fiefdoms by deconcentration of wealth.

Not only effective implementation of legislation should be there, but to make this legislation more effective, there should be vigilance committees everywhere. These should be constituted in villages and every where so that they can check the recurrence of these nasty things and should help in the prevention of such heinous crimes.

[Translation]

SHRIMATI USHA CHOUDHARI (Amravati): Mr Chairman, Sir, I would like to speak in my mother tongue Marathi. today I am reminded of late Shri Rambhau Mhalgi, the opposition Member who used to speak in Marathi in this House, I lend my full support to Commission of Sati (Prevention) Bill which is the result of the commitment and efforts of our Prime Minister and Government.

In the preceding speeches, many references were made to mythology and religious scriptures. But a woman who is aspiring to enter the 21st century, an ordinary woman in a village who is confined to the four walls of her home but who is anxious to move into 21st century is not bothered about what Manu says or what the teachings of the religion are. She is concerned about the treatment she receives at the hands of her husband, son or the society. That is why there is lot of difference between the expectations of woman in olden times and the expectations of women of present times who are standing on the threshold of the 21st century. The questions that the women of present times are posing are entirely different.

When Raja Ram Mohan Roy saw a women's hands and feet being tied down and then thrown into the funeral pyre, tears rolled down his cheek. It led to a revolt in this country and created great social awakening. Sati prevention Bill was passed and the evil was eradicated at that time. But the incident which Ram Mohan Roy saw cannot be compared with Deorala incident. The movement which Raja Ram Mohan Roy led created a stir in the country and led to wiping out of this evil. But it is regrettable that even after 40 years of independence and in spite of all progress in the sphere of education and

* The speech was originally delivered in Marathi.

[Shrimati Usha Choudhari]

many other fields, a young girl was thrown into funeral pyre in Deorala and the society remained a silent spectator. Though we have vigorously implemented 20 point and several other programmes of social welfare, yet there is a section in our society which is bent upon exploiting the poor masses and indulges in corruption and obstructs our progress. We are taking several measures for the upliftment of adivasis. We have Ministry of Women's Welfare. Even then women are burnt. It only means that there is a section of society which is creating dissension and coming in the way of progress. These obscurantist forces make a political capital of certain issues and we must deal with them very firmly.

A member of Opposition was questioning the achievement of our Government. The measures that our Govt. has taken for the upliftment of weaker section since independence is in fact a separate topic of discussion. Ever since I became the Member of Parliament. Our departed leader Smt. Indira Gandhi appointed many Committees for amending anti dowry and other laws. After a lot of study, these Committees suggested amendments in order to remove lacunae in those laws.

I am sure that these problems cannot be tackled with the help of laws alone. An ordinary women who has to live with traditions and religious customs always thinks as to why any honour or credit always goes to man whereas any exploitation sacrifice or injustice has to be tolerated only by women. Sati practice is one such evil to which women were subjected. Women are always considered as burden to family. One has to give dowry if a girl is to be married. If the financial position of her parents is poor, she is victimised. Cruel and inhuman treatment makes women utterly helpless and then they have to become devdasi or adopt manbhav cult. Economic deprivation is the sole cause

of her misery and the cruel society under the name of religion and custom subjects her to untold harassment which finally leads to her death.

I request hon. Minister Smt. Alva to take note of this plight of women. I may point out here that hon. Minister during the last 5 years was on many Committees which were considering amendments to several legislations and made a valuable contribution as an alert member and guide.

Recently I visited a hospital. A women patient told me that Deorala incident had attracted a lot of publicity through press and other media. A Bill was also going to be passed by the Parliament. But what about those hundreds of women who are burnt for dowry or on account of some other injustice everyday. Who will ventilate their grievance and find a solution to their miseries.

Now I would like to express my opinion regarding some of the provisions of this Bill.

It is mentioned in the Bill that a women who commits Sati would be punished. I am not prepared to believe that a women would voluntary commit Sati by blindly following religious and social customs. Therefore, while we are applying this provision we must be very cautious. We must make a distinction between suicide and murder. Killing a women by drugging her and she herself committing suicide are two different things. It is possible that the provisions of this Clause may be misinterpreted and in laws or the relatives of a widow may shirk their responsibility by saying that she herself committed suicide and they were not responsible. It has also to be remembered that women in our society cannot be courageous enough to make a public statement that they were harassed by their in-laws or relatives. Therefore, it is necessary to make this Clause more clear.

Under Clause 7 of this Bill power of demolition of any structure or temple has been given to State govt. I may point out that Sati memorial is not confined to temples alone but some rich people support this cause and many forms of Sati memorials market. Therefore the State Govts much carefully find out whether there is Sati idol in such buildings and take appropriate action. If it is not possible to demolish such a structure at least its nature should be changed.

I welcome the provision regarding special courts. I only like to request that many women should be appointed as judges and members of this court. If such courts are dominated by men, I am afraid women will not be forthcoming in giving their explanation.

16.00 hrs.

An hon. Member of the opposition suggested that this offence should be treated as non-bailable offence, I fully support this suggestion. In many rape cases the criminals went scot free because it was a bailable offence. Therefore, in respect of this offence it must be treated as a non-bailable offence.

The provision regarding holding representatives of the people as responsible in the event of their involvement in such an offence also deserves to be welcomed:

I am very thankful to the women's organisations who highlighted Deorala incident and mobilised the public opinion throughout the country.

As I pointed out earlier economic deprivation is responsible for the plight of women. Therefore, it is necessary that women enjoy the share of their husband's or father's property. The laws must be made more stringent so that women are not deprived of their due share in the property and they do not lose

their source of livelihood. If this is ensured, I am quite sure all the crimes like prostitution or killing the women will be stopped.

While discussing this Bill we should not make political capital of any issue. I again request the hon. Minister to conduct full enquiry into Deorala incident and punish the culprits. If publicity is given to this I am quite sure it will be more deterrent than any law and it will create the impact in our society.

With these words I conclude my speech.

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad): Mr. Chairman, Sir, I do not want to deliver a long speech but by restricting myself within the ambit of the Bill, I want to offer two or three suggestions. There are no two opinions regarding the fact that the practise of Sati had never been a part of the Hindu religion. It was just a convention which was discouraged during the time of Raja Ram Mohan Roy and subsequently a law was made to ban its practice. Since then, some isolated incidents of Sati have been occurring once in 4 or 5 years or even 10 years. The Deorala incident has not only shaken the people of this country but also of the whole world. I want to inform the hon. Minister that dowry deaths and bride burning are similar heinous crimes which occur in our country everyday. We come across incidents of bride-burning quite often. Sometimes women are tied with ropes and at other kerosene is poured over them. Therefore a comprehensive Bill should be brought in this regard. I think that if awareness is created among the women in our country and a sense of responsibility develops in them once this law is passed, then perhaps these incidents of sati will never occur anywhere in the country in future. I hope that after the Deorala incident, the people in our country will seriously think in this direction and ensure that it does not recur. Therefore, I demand that Government

[Dr. Chandra Shekhar Tripathi] should bring a comprehensive Bill in this regard, so that hundreds, of widows like Roop Kanwar are saved.

There is wrong practice in our country. Everyone in our society including our leaders are responsible for perpetuating it. We frame very stringent and deterrant laws no doubt, but in every law, there are loopholes. It is like locking the gates of a prison and keeping the windows open. This enables the criminal to run away and move about freely in our country. I will cite an example. We passed the anti Dowry Bill in the House some time back and all of us strongly supported it. There is a provision in that Bill that if a politician is involved in a dowry case he will be barred from contesting elections, but there is no provision for the bureaucrats. I.A.S. I.P.S. and I.F.S. officers have been exempted and they can ask for any amount of dowry. After all, why do we allow them to play with our laws? Why are there so many loopholes? Our Constitution guarantees equal opportunity to all. If this is our aim, then we should make efforts in this direction earnestly.

I am glad that Section 8 of the People's Representation Act has been amended to provide for barring a politician from contesting elections for 5 years in case he is accused or found guilty of being associated with the sati incident. Sir, I think that this provision is also inadequate. I want that such politicians should never be allowed to contest election throughout their life time. Besides, there should be a provision that if a retired officer is involved in a sati incident his entire pension should be confiscated. If an officer serving in the Indian Administrative Service is involved in such an incident, he should be dismissed from service. Our laws should not be discriminatory. The legal system should provide similar punishment to all for similar crimes.

Great scholars, experienced and capable persons from all over the country are present in this august House but I regret to say that even today we extend such suggestions which encourage discrimination. If hon. Choudhuriji does not take it otherwise, I would like to suggest that an atmosphere conducive to national harmony and integration should be developed so that Hindus have faith in Muslims, Muslims have faith in Hindus, the Scheduled Castes have confidence in the Thakur Community and there is mutual harmony among other communities also.

Country will disintegrate if the demand is made that the cases of particular castes or community should be heard by the judges belonging to their respective castes or community. Country will then be torn to pieces and the talk about national integrity will be reduced to a joke. Sir, very humbly I submit that after becoming members of this august House, all of us must treat whole of the nation as our country and all the people as our brothers and sisters. We must develop confidence in each other. It is really painful to think that one could get justice from the judge of one's own caste or community. It is most unfortunate if we make such statements in this august House.

Sir, we are here making discussion about special courts and I say with confidence that setting of special courts do not matter at all in the country, it only matters that Sati incidents do not occur in future. So Special Courts may not serve any purpose if the cases will not be there for hearing. In the absence of time-bound execution of laws we are not able to exercise a check on bride burning, dowry death and other such incidents, so if the Government wants to set up Special Courts, then all these things should also be brought in the purview of Special Courts. Sir, I would like to highlight on incident which reflects an attack on judiciary. It is in English. It's translation may distort the

meaning, therefore I will tell it in English only:-

[*English*]

A gentle lady went to a Judge and complained that her husband had beaten her brutally by disfiguring her face. The Judge looked at her face and asked her: "Gentle lady, when did this incident occur?" The lady replied: 'Sir, today.' The Judge told her: "There is no mark of injury on your face'. And the lady replied: 'Sir, I have got two witnesses.'

Now, the entire story is based, in our democracy and our judicial system, on two witnesses, and it is very difficult for anybody to produce two witnesses, on whose evidence, that accused may be punished. So, that is the difficulty we are facing in our day-to-day lives, as regarded the implementation of the various laws framed by this august House.

[*Translation*]

Sir, I would like to State one more thing, please give me one minutes more. There is no justification for giving rewards to Police by State Governments for apprehending some big culprits by them, because it is their duty to check crimes and apprehend criminals and for this only they are provided with all facilities and salary by the Governmer. But no provision has been made in this Bill to provide for giving reward to any brave village boy, who might risk his life or receive such injury which crippled him, in preventing such incidents, if the Police and Collector are informed late because it is not his duty and provision must be made for rewarding persons who take initiative to prevent Sati.

It is a long story to State as to when and how Sati system came into existence. I thank you for providing me an opportunity to speak on this topic.

[*English*]

SHRI PIYUS TIRAKY (Alipurduars): I support this Bill. But I wonder on the wisdom of this government because the government is expecting that such cases will come in the near future and again and again. In this Bill a provision is there to give punishment to the guilty persons who have committed an offence or who are likely to commit an offence or abetment has been done or something like that has been done; it will be done only after the commitment of an offence. But the government should know that it is not a preventive Act; it is supposed to be an Act which is coming now and will punish the guilty persons, that is all. Now that will continue just like any other crime. This is the wisdom of the government. If the government had any wisdom they would have brought a preventive Act which would prevent an action. Government should first commit that no funeral right would be performed without the presence of the police. You could have said like that. But there is nothing like that. ...that is why I am not speaking on the Bill; I am speaking on the preventive measure.

The social custom, this sati is followed by the religious background, social background, sometimes the *pratha* also So, how to prevent this *pratha* which is coming out of social background, religious background and some *prathas* also? So, the government first should bring out such measures which should prevent all these *prathas*, how to check that these *prathas* should not occur any more. This is the first and the last what has been happened in Deorala. In that way, government should first bring out preventive measures how to check them.

Take the case of a marriage system. Suppose both the lovers die. Who will be punished then? That is also a kind of *pratha*. So, there is social discrimination. I fall the marriages today are registered in the court,

[Sh. Piyus Tiraky]
then there will be some preventive measure. Legal marriage should only be allowed when they are registered. Then perhaps dowry *pratha*, other *prathas* and so many social systems can be checked. This Bill will punish the culprit only; it will not prevent an act to happen. That is why you have to bring preventive measures so that these incidents would not occur in India at all and the Deorala incident is the first and the last one. So, you should bring a comprehensive Bill for all the societies, a common social law.

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): Public opinion will only prevent it.

SHRI PIYUS TIRAKY: I am telling you that this government is expecting that such things will happen and when they happen then this law will punish the culprit; that is all you have done. But I am saying that such incidents should not happen any more and the law should be made in such a way that there will be preventive measures rather than punishing a culprit after the incident has taken place.

I am requesting the Government to begin with the preventive laws, the social customs, or the marriage customs or dowry deaths etc. Also, the presence of the police at the funerals must be made a must and the priests must not be allowed to perform them without the police.

[*Translation*]

Burn, Bury do anything you feel like but Police must be present at funeral site.

[*English*]

Then only you can prevent.

I am once again appealing to the wis-

dom of the Government that conditions should be created that this law need not be used at all. That is why I am again and again appealing to the wisdom of the Government.

[*Translation*]

SHRI C. JANGA REDDY (Hanamkonda): Mr. Speaker, Sir, I am grateful to you for providing me an opportunity to speak on this topic. I rise to support this Bill. The Sati incidence of Rajasthan is one that has not been seen by us earlier. With such incidents our heads hang in shame. This Bill should have been brought forward much earlier but still I support it. This matter is pending before Rajasthan High Court at present, because there was some dispute about it.

All the provisions made in this Bill are very useful. Any person abetting Sati will also be persecuted, it is a good provision. Provision debarring persons from contesting elections is also a good one.

I would like to bring to your notice that all the acts like Sharda Act, Marriage Act which have so far been enacted in this regard are not being implemented properly. Instructions should be issued to Officials for their proper implementation. Similarly, steps should be taken to eradicate the dowry system.

With these words I conclude my speech, while lending my support to this Bill.

SHRIMATI USHA THAKKAR (Kutch): Sir, I rise to support the Prevention of Sati Bill. Neither the religious scriptures nor the 'vedas' support the practise of Sati. Hon. Members have cited a lot of examples in this connection. I will not take much time of the House on speaking on this subject.

When the victorious army made the beautiful queen of Rajasthan, Padmini Devi,

as a target of their lust, then around one thousand other beautiful women sacrificed their lives with Maharani Padmini Devi to save their honour. This heroic deed on part of our mothers later on turned to be a curse for us. I mean to say that those revered mothers sacrificed their lives to save their honour, but by a coincidence, it was later glorified as a religious act. Women are by nature very emotional. They were imbibed a lesson from their very childhood that commission of Sati is a religious act. But every since our respectable Mrs. Indira Gandhi became the Prime Minister, the ladies of our country have awakened. Yet once in a while some such incidence does take place.

The provision made in this Bill that if a woman tries to commit Sati, then her relatives are bound to prevent her from doing so, is a welcome step. I also want to thank the Government for awakening the women through the medium of T.V. I request hon. Mrs. Alva to agree with whatever steps hon. Mrs. Bajpai has suggested with regard to do away with the custom of dowry.

SHRI KAMMODILAL JATAV (Morena): Mr. Chairman, Sir, various hon. Members have given very good suggestions in the House but one thing has been left out. A number of members said that the veda scriptures do not contain any incident of a widow committing sati but in fact in the Ramayana there is the incidence of Sulochana who commits sati. Even today act of Sulochana performing sati is staged in Ramlila in North India. Therefore, my submission is that the couplet which describes this incidence of Sulochana committing sati, should be omitted from the Ramayana.

I support this Bill.

[English]

THE MINISTER OF STATE IN THE

DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): Sir, I am grateful to all the Members who have supported the Bill. Some Members have questioned our wisdom, some have questioned the delay and some others have come out with concrete suggestions and amendments. I am grateful for all the advice that has been given to us.

I would like to point out the reason why this Bill has been brought on the last day of the Session. A commitment was made by the Home Minister in the Consultative Committee for Home Affairs that this Bill would be brought before the Parliament during this Session and he had also made commitments that there would be discussion with the leaders of the opposition and the draft would be brought. As you know, after the Rajasthan Ordinance, some matters were pending in the Court. Therefore, we self that once all these issues were settled, we would be able to come before the Parliament with a comprehensive Bill. I would like to say that the draft which we have now brought before the House is definitely an improvement on the Rajasthan Ordinance which was passed by the Rajasthan Assembly in the last month.

PROF. MADHU DANDAVATE: It could still be-improved.

SHRIMATI MARGARET ALVA: Sir, we do agree that laws can always be improved. We did not say that this is the last word of any law and with experience, we can come back for amendments and so on. Some Members have said that we have women's organisations, who are experts on the question of sati and we should have consulted them. I don't think there is anybody or any organisation which can claim to be an expert on this subject, because this act of sati which was

[Shrimati Marget Alva] committed in Deorala came as a shock to the whole nation. Therefore, we are prepared, as has been suggested by some Members, to take suggestions from the Women's Organisations if they can improve on the legislation. As far as implementation part is concerned, we need the cooperation of everybody and it cannot be fully the Government's responsibility. So, we have made provisions, for instance, a Bill was passed in the Parliament, for Family Courts four years back. How many State Governments including the opposition State Governments have set up the Family Courts? A lot of woman problems would have been sorted out through the Family courts with counselling and other provisions which have been made in the Central legislation. We have been repeatedly writing to the Chief Ministers asking them to set up the Family Courts. Again, we gave a special status to Women's Organisations in the Dowry Amendment Bill and in other legislations for registered voluntary organisations to be notified and to be involved in the process. I have reports from the State Governments that they are not able even to get Women's Organisations which they can notify at the district level. So, there are very various problems. It is not that only my Department or the Government is responsible for the implementation; various agencies have to come into the process of making the legislation meaningful. So, don't think that by passing or piloting this Bill, I can ensure its implementation.

16.24 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

With regard to the main suggestions, I would like to say that I do agree that the whole problem of sati or of other evils are connected with the status of woman in this country because of religious justification or social evils or various other factors. But I think, we have now reached a stage where

we are, as a nation, committed to improve the status and give equality to women in all fields.

One of the suggestions that has been made is about the question of the victim itself. I would like to point out that section 309 of the IPC deals with attempt to commit suicide. And all courts upto now have held that attempt to commit sati is an attempt to commit suicide. Upto now when there was no other legislation, this has been the clause under which all sati or rather all attempted sati incidents have been dealt with. There are findings of the courts which have said that it would amount to attempt to commit suicide. Unless we are prepared to punish an attempt to commit the crime, I cannot ask you to punish those who abet the crime. And here we are talking about very severe punishment for those who abet in the commission of sati. If you say that the attempt to commit suicide or commit sati is not a crime, then how do you say that abetment at committing sati is a crime? And now we have introduced life imprisonment or death penalty for such abetment. Therefore, it becomes very necessary for us also to consider some kind of punishment for an attempt at sati or suicide.

SHRI INDRAJIT GUPTA (Basirhat): This is considered to be murder and not suicide.

SHRIMATI MARGARET ALVA: If it is murder, then it becomes totally different. It becomes a crime and we have, therefore, provided for death penalty.

SHRI DINESH GOSWAMI: Your statement of Objects says that it will be treated under section 309 of IPC. That is the main point.....(*Interruption*)

SHRIMATI MARGARET ALVA: Please give me a chance to explain. I do agree and we have ourselves said in the Objects and in

the Explanation that a woman who is rescued from the funeral pyre of her husband is certainly not in a fit condition, perhaps, even to know what she was doing very often or because of fear or psychological pressure she was compelled to do it or because she had no alternative. We do agree that there are various circumstances because of which she might have been compelled or it is most often—in 99% cases—she does it simply because there is no way out of it. It is an offence under the Penal Code as an attempt. As a protective thing we have said 'maximum of one year imprisonment'. Even this, I am prepared to concede, could be reduced, because most courts, when they deal with this matter, do not ever sentence a woman to one year. It is always either to the rising of the court or just a kind of thing that the court takes. But we have added a proviso there which makes our intentions very clear. Proviso to section 3 says:

"Provided that the Special Court trying an offence under this section shall before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed, the state of mind of the person charged of the offence at the time of the commission of the act and all other relevant factors."

This Proviso gives total discretion to the court to consider this offence on a different level altogether. That is why, I do not think, there is any fear that a girl, who is rescued, they are straightway going to send her to jail.....

SHRI DINESH GOSWAMI: But she will be convicted. The court has the power to reduce the sentence, but she will be convicted.

SHRI INDRAJIT GUPTA: She will be subject to trial.

SHRIMATI MARGARET ALVA: Whenever there is a sati case, she is bound to be put in the box, bound to be examined, cross examined because evidence has to be led and she is going to be the prime witness one way or the other in every trial of on sati. You cannot have a trial without having this girl, innocent as she may be, for what has happened. How can you know what has happened unless she is examined? So, there is no way by which you can prevent this. I realise that this hapless, perhaps, helpless girl which is bound to be questioned in the courts for investigation purposes. But the point is that we have also discussed that it might become necessary for the court that she might be held and there may be circumstances when the girl may have temporarily to be removed from the immediate environment in which she is and put her into a home, in different custody, in order to protect her from what may follow after she has been forcibly rescued or after she has been pulled out of the fire or prevented her from being burnt because of the other pressures. The court would then place her in custody, place her in a home away from the family for some time to give her the necessary protection and it would help the court to do that.

SHRIMATI GEETA MUKHERJEE: Why don't you at least include the word 'compelling' before the word 'circumstances' and say, "compelling circumstances"?

MR. CHAIRMAN: You can ask her when you come to the amendment to the clauses.

SHRI INDRAJIT GUPTA: Sir, it is accepted in regard to the question of circumstances. Why not say 'compelling circumstances', if any?

SHRIMATI GEETA MUKHERJEE: Because we wanted to omit that clause. This is the difficulty.

MR. CHAIRMAN: At that stage you can say.

PROF. MADHU DANDAVATE: At that stage, you may say that those in favour may say 'Ayes' and those against may say 'No', the amendment is lost.

MR. CHAIRMAN: Why do you anticipate so?

SHRIMATI MARGARET ALVA: Sir, the other point which has been made is about the period of 2 years. I think they are misunderstanding this. We are not exempting any temples or structures, howsoever old or howsoever new. Rajasthan Government Ordinance did make an explanation.

SHRI RAM SINGH YADAV (Alwar): That is not in the Ordinance.

SHRIMATI MARGARET ALVA: Originally it was in the Ordinance. Section 10. It was struck down later and now it has been deleted. Therefore, all exemptions which had been given in that Act have now become invalid. There are no exemptions. In that sense this is an improvement on the original Rajasthan Act because, here we have said that in regard to structures there is a dividing line. You may say why should there be a dividing line. It is because there has to be a cut-off stage and the structures which have existed for 20 years or more would be dealt with by the authority of the State Governments while those which have existed for less than 20 years would be dealt with by the Collector or the District Magistrate at the local level, as the case may be. Under 20 years means immediately after this, may be today, or tomorrow or yesterday whatever it is. But those which have been there for more than 20 years will be dealt with under orders of the State Governments. That is the only classification we have made. There is no exemption for those temples or the structures which have been existing for more than

20 years. I think this has been clarified and there is no misunderstanding.

Sir, the other point which has been repeatedly made is about the Vigilance Committee. Now, the rule making power is there and there are Social Welfare Organisations and you will agree that in every district in the country, there is really a problem of this kind of practice. Therefore, in districts where there is a problem, it is upto the local Collector for setting up committees, women's organisations, voluntary bodies etc. for creating public opinion and for preventing this kind of repetition of crime. The other point that was made is about the amendment given by Shrimati Geeta Mukherjee and my colleague, Shrimati Rajendra Kumari Bajpai, about the word 'intentionally' in Section 4, Clause 2(d). We are accepting this amendment and we feel that that should be brought into the purview of crime and anybody who gets involved, whether it is intentional or not, must pay the price and this amendment we are accepting. *(Interruptions)* Whatever is possible and reasonable we are trying to accommodate and let me also say that we have had, not we, but there was a discussion with Leaders of the Opposition when the draft was circulated, was placed before you.....

SHRI BASUDEB ACHARIA (Bankura): The draft was not circulated at that time, only the salient features of the Bill.

SHRIMATI MARGARET ALVA: Okay. The main features were discussed with you and there was no possibility after that again of circulating the draft because it was after consultation with you...

SHRI DINESH GOSWAMI: The draft has been changed. In the draft, in Section the word 'voluntary' was there. Now you have changed that draft without consultation with us.

SHRIMATI MARGARET ALVA: That may be so. There must have been reasons why, if necessary, one or two words have been changed, but they were discussed with Mr. Chidambaram. He will probably clarify this. (*Interruptions*).

Sir, there is one more point and that is, it was repeatedly said that this Act is meant only to come into operation after the crime has been committed and we have no provision for preventing it. I would like to point out that Section 6, that is, part III of this legislation makes substantial provision giving powers of preventing the crime when there is either a threat or information that such an event or crime is about to take place, and so the prohibition clause is there and I would like to say that as far as the question of being cognizable and non-bailable is concerned, there seems again to be some misunderstanding because for any crime the punishment is of seven years imprisonment or more, life imprisonment or death penalty which is automatically cognizable and non-bailable. We have not mentioned it here, but the I.P.C. provision automatically come into being and therefore,.....

SHRI SOMNATH RATHI: Cr.P.C.

SHRIMATI MARGARET ALVA: Yes, Cr. P.C. I am sorry. I thank you for correcting me. It is Cr. P.C. And therefore, it is both cognizable and non-bailable and therefore, about this doubt that was raised, I think you are satisfied.

DR. PHULRENU GUHA: Sir, I would like to know.....

MR. CHAIRMAN: Let her finish. Then you can ask.

Madam, please complete your speech. Then I will allow her to ask.

SHRIMATI MARGARET ALVA: Yes, I

am just answering. One minute.

Sir, one of the Members said that this law was being legislated against one particular community or that there was isolation of one community in a particular part of the country. I wish to go on record that this is not so. This practice or whatever you call it, I call it a crime, is not limited to any particular community or caste or to any one particular part of the country. As you know, this is practised by various communities and has been done at different times and this will now apply to the entire country without any exception and therefore, there should be no feeling that it is aimed at any one particular community or any one particular sect. (*Interruptions*).

Sir, there is a question that has been raised of rehabilitation of widows, which is not directly connected with any provision here. I do want to say that this is a matter which concerns many of our Departments and not only our Department, but also the social welfare organisations and others. As I have already said earlier, the Rajasthan Government was the first to announce that employment of widows in Government service would not be covered by age limitations any more and that their employment does not have to be done through employment exchange. This was done immediately after this had happened, and I have taken this Order of the Rajasthan Government immediately and sent it to all the Chief Ministers in the country with an appeal that they may also implement similar orders in their own States and I hope that the Members of Parliament will bring in enough pressure to see that the Opposition States will also follow it up and see that the orders are passed by the State Governments like the Rajasthan and one or two other governments have done.

SHRI RAM SINGH YADAV: But there should be provision for providing maintenance to a widow till she gets regular em-

[Sh. Ram Singh Yadav]
ployment in Government service.

MR. CHAIRMAN: Afterwards. Let her complete her speech.

SHRIMATI MARGARET ALVA: One other point which has repeatedly been made is that of the definition of "glorification". The Members have pointed out that things like films, video recording, pictures and so on have not been included in the definition. I would like to point out that this definition is not exhaustive; it is only illustrative. We have here specifically said, "and anything else". We have made it wide enough. But besides that, some others have pointed out that "donation" has been left off. It is not so. Donations would come under the definition of "glorification" because money, or donation of any kind would be support to the cause. As far as the other things video films and so on are concerned, we have brought them under the phrase "propagating the practice". It is propagating in any form, through pictures, through statues or through images or whatever it is. We have made it not really exhaustive but we have made it illustrative and as far as possible, I think, all the things that you have mentioned have been covered under this definition.

PROF. MADHU DANDAVATE: Just like Kesavanand judgement.

PROF. N.G. RANGA (Guntur): When rules are made, you mention these things.

SHRIMATI MARGARET ALVA: We have made that provision in the Act itself, both for the special court to be set up and for special prosecutor wherever necessary, as well as for the rule making power. As we have said, this would come into force immediately. We will make rules and we will announce them. But the actual enforcement in each State would become the responsibility of the State Government. We have no prob-

lem. We are anxious to implement it, as quickly as you are. There is no delay on this ground. We are already working on the draft rules and the moment, the two Houses have passed the Bill and once the Act comes into force, the rules will be announced.

So, on the first part of it, i.e. definition of "sati" itself, it is again an improvement on the Rajasthan Act definition because, after that was passed, it was brought to our notice that there were cases where women were sometime buried not just burnt. We have had cases where women is burnt, not necessarily with her husband, sometimes with her step-son, with her brother or another relation, sometimes, with some object. If the husband had died somewhere far away, either with his ashes or clothes or other belongings, she was burnt. To cover all these things, we have not made it only the "widow" but we have said any woman and her relative or other objects to make it as wide as possible, so that nobody escapes because of the loopholes.

PROF. MADHU DANDAVATE: Other objects include "lover" also!

(Interruptions)

AN HON. MEMBER: He has that memory!

SHRI DINESH GOSWAMI: What have you done that Mr. Dandavate is threatening to commit "sati"?

SHRIMATI MARGARET ALVA: There are quite a number of amendments which have been suggested. We have gone through, at least studied all of them. I think, I have answered most of these points, in the course of my speech. As I said, I am myself moving a few amendments, as the clauses come up. The main among them, is about the words-instead of just "a person committing such sati", we are putting "in respect of

whom sati has been committed". It is substituted because, "person committing the sati" would smack of totally voluntary sort of act. Therefore, we are changing it to "person in respect of whom sati has been committed" so that, it is a crime against woman and not something she had voluntarily committed.

There are one or two consequential amendments which I will move, as the clauses come up for consideration. With these words, I once again thank you for your support and seek your cooperation in implementing this measure.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be taken into consideration."

The Motion was adopted.

MR. CHAIRMAN: The House will take up clause-by-clause consideration of the Bill.

CLAUSE 2 (Definitions)

MR. CHAIRMAN: for clause 2, there are amendments by Shri Indrajit Gupta, Shrimati Geeta Mukherjee, Shri Narayan Choubey, Shri Ramashray Prasad Singh and Shrimati Margaret Alva. Shrimati Geeta Mukherjee, are you moving your amendment?

SHRIMATI GEETA MUKHERJEE: Yes. I am moving.

MR. CHAIRMAN: Shrimati Bibha Ghosh Goswami, are you moving your amendment?

SHRIMATI BIBHA GHOSH GOSWAMI: Yes. I am moving.

MR. CHAIRMAN: Shrimati Margaret Alva, are you moving your amendment?

SHRIMATI MARGARET ALVA: Yes. I am moving.

MR. CHAIRMAN: Shri Inderajit Gupta. He is not present. Shri Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE: Sir, I beg to move:

Page 2

(i) after line 11, insert—

(iv) the manufacturing or selling of pictures, pamphlets, videos, cassettes or other material perpetuating the memory of sati or attempting to glorify sati per se, or"

(ii) line 12

for "(iv)" substitute "(v)" (15)

Page 2,—

After line 16 insert—

"(vi) donating or selling land for the purposes stated in sub-clause (iv) or being a member of a trust or fund or donating to a trust or fund which has one of its aims, the perpetuation or glorification of Sati." (16)

The hon. Minister has given an advance reply saying that all these are covered. But even then I am moving this amendment because this is one of the very popular and very wide form of glorification. That is why, I thought that this should be specifically mentioned. I have mentioned it specifically. That is why I have to mention it and I think still it should be mentioned.

SHRIMATI BIBHA GHOSH
GOSWAMI: Sir, I beg to move:

for "person committing Sati" substitute—

Page 2

"person in respect of whom Sati" has been committed, (29)

After line 16 insert—

[SHRIMATI MARGARET ALVA.]

"(v) donation of funds or donation of land;" (21)

MR. CHAIRMAN: The question is:

I want to move this amendment to the Bill about the donation of funds or donation of land. the hon. Minister has explained but still it should be there. It should be mentioned clearly.

"That Clause 2, as amended, stand part of the Bill."

The Motion was adopted.

Clause 2, as amended, was added to the Bill.

MR. CHAIRMAN: I put amendment Nos. 15 and 16 moved by Shrimati Geeta Mukherjee to the vote of the House.

CLAUSE 3 (Attempt to Commit Sati)

MR. CHAIRMAN: There are amendments of Shri Dinesh Goswami. Are you moving?

Amendment Nos. 15 and 16 were put and negatived.

SHRI DINESH GOSWAMI: I am moving.

MR. CHAIRMAN: I put amendment No. 21 moved by Shrimati Bibha Ghosh Goswami to the vote of the House.

SHRI SHANTARAM NAIK (Panaji): I have given one application under 345. Because the time for the requisite notice was not given, I have made a request for waiving of that notice period.

Amendment No. 21 was put and negatived.

MR. CHAIRMAN: I am sorry. The time is not waived and the rule which you are quoting is not applicable. Your amendment is not being referred to me.

Amendments made:

SHRI SHANTARAM NAIK: What is that amendment?

Page 2, line 3,—

for "Whether committed" substitute—

"whether such Sati was committed" (27)

MR. CHAIRMAN: There is no question of what is that amendment. The amendment is not in time.

Page 2, line 17—

for "the burning" substitute "the act of burning" (28)

SHRI SHANTARAM NAIK: Therefore, I have asked for condonation of delay and waiver of motive. the matter relates to women.

Page 2, line 29,—

SHRIMATI MARGARET ALVA: I have no problem.

MR. CHAIRMAN: The hon. Minister has no problem. I will put it to the House that the delay in moving this amendment be condoned.

MANY HON. MEMBERS: Yes.

SHRI SHANTARAM NAIK: Sir, I beg to move:

"Page 2, line 41, for the words "One year", *substitute* the words "six months". (35)

My reasons are these. Sati is sought to be provided here with one year imprisonment. In fact, personally I would say that there should be no punishment. In this amendment, I am seeking to reduce that punishment from one year to six months.

SHRIMATI MARGARET ALVA: Sir, I am prepared to accept that amendment.

SHRI DINESH GOSWAMI (Guwahati): Sir, I beg to move:

Page 2, line 39,—

after "sati" insert—

"without any resistance on her own part" (10)

Page 2,—

after line 41, insert—

"Provided that if the person attempting to commit *Sati* is not in a state of mind to offer resistance, it shall be deemed that she offered resistance". (34)

Sir, I am moving these amendments at Clause 3. In fact, after the amendments that

have been introduced by Mrs. Margaret Alva, Clause 3 looks very peculiar because in all other Clauses, now you have changed the words—instead of "committing sati" you have substituted the words "person in respect of whom Sati has been Committee."—indicating thereby that we do not accept the position where Sati is really committed by the person concerned. Now, the effect of Clause 3 is that where a person is put into the burning pyre, the offence is committed against her, she does not commit any offence. In fact, the object in this Bills makes it very clear. She does not commit any offence. An offence is committed against her. But I appreciate the difficulty that unless we make it an offence, abetment cannot be made an offence. That is why, Mr. Chidambaram will bear me out, when we had a discussion the word 'voluntary' was there. We wanted that those persons who voluntarily commit Sati, they will be covered under that act. Then the problem arose that we do not agree to the concept of voluntary Sati. We do not accept it. Now, the position will be, as you have said, that a girl who will attempt to commit Sati which is an involuntary act, forced upon doing so by her relatives, she shall have to go for trial. She will be convicted. The Court has the power. You have accepted the amendment. The limitation of sentence will be six months. But she will be convicted. You cannot set aside the conviction. The sentence may be very nominal. There may not be any sentence. I feel a person who was compelled to go to the burning pyre, you want to convict her also. That is why I have given an amendment and my amendment is that instead of the word 'voluntary' which, I feel, is improper what I have said is that if she commits Sati "without any resistance on her own part" and realising fully well that she may not be in a mental position to offer resistance, I have given a further amendment "Provided that if the person attempting to commit *Sati* is not in a state of mind to offer resistance, it shall be deemed that she offered resistance....."

[Sh. Dinesh Goswami]

What I am saying is that in such a case, in the investigation it will appear that she offered resistance or she was in such a mental state of mind that she could not offer resistance, then she should not face trial and she will not be convicted. I am protecting the girl and that is the Clause which I am making. I believe that if you do not do it, the girl will face the problem of trial. You know the problem of a trial. Besides, for this girl, there will be nobody to support her. Her own family will be against her; her father and in-laws will be against her and in that circumstances to convict her and to put her to trial and convict her is creating double punishment for her. So, I not understand why the Government is not prepared to accept this amendment.

SHRIMATI MARGARET ALVA: I have mentioned earlier also that just because you put that one- Clause 3—the question of having a trial into the whole incident or having it, does not go away. There is to be an investigation. The acquittal has to come, at the end, in a trial. But before that there has got to be.....

(Interruptions)

SHRI DINESH GOSWAMI: I do not want her as accused. I do not understand your stand. Mrs. Alva, the legal background is this. Do you think that a witness and the accused is the something. Do you put both together?

(Interruptions)

MR. CHAIRMAN: That is all right. She is not accepting. I will first put the amendments of Shri Dinesh Goswami to the vote of the House—Amendment, Nos. 10 and 34 both together.

SHRI DINESH GOSWAMI: Sir, the Government is putting the amendments to *Sati*. That is the problem.

MR. CHAIRMAN: I shall now put the amendments Nos. 10 and 34 moved by Shri Dinesh Goswami to the vote of the House.

Amendments Nos. 10 and 34 were put and negatived.

MR. CHAIRMAN: I shall now put the amendment moved by Shri Shantaram Naik. The question is:

Page 2, line 41—

for the words 'one year', substitute the words 'six months'." (35)

The motion was adopted.

MR. CHAIRMAN: I shall not put Clause 3, as amended.....

SHRIMATI GEETA MUKHERJEE: Sir, I would just like to seek a clarification. We gave as amendment for the deletion of this Clause. But, anyhow, in the course of my speech, I suggested and again wanted the Minister to qualify this last line as "to take into consideration the circumstances"..... I want the word 'compelling' to come before 'circumstances'. This is the amendment I want to propose.

SHRIMATI MARGARET ALVA: That will narrow down the scope. We want to give more scope for the judge rather than limit it to 'compelling circumstances'. It is now wider in scope.

MR. CHAIRMAN: There is no formal amendment before the House. So, there is no question of putting it to vote.

The question is:

"That Clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

[English]

CLAUSE 4 (Abetment of Sati)

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

SHRI SOMNATH RATH: At the outset, I thank the Government because during the discussion on this issue I had suggested that the punishment for abetting, if *sati* is committed, should be death or imprisonment for life, and that was been accepted by the Government.

Page 3, line 23,—

for "and thus" substitute "or" (1)

Now I want to submit Clause 4(2) (c) reads: .

Page 3, lines 28 and 29,—

omit "an active" (2)

"encouraging a widow or woman to remain fixed in her resolve to commit *sati* and thus instigating her to commit *sati*."

Page 3, —

after line 34, insert—

Here instead of the words "and thus" it should be "or".

"(h) obstructing or interfering with any social organisation or person in the discharge of its duties of taking any steps to prevent the commission of *sati*". (3)

Then, Clause 4(2) (e) reads:

"being present at the place where *sati* is committed as an active participant to such commission....."

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip): Sir, I beg to move:

My amendment is that the words "an active" should be omitted because as an advocate you also know that it will be interpreted whether the participant was active or not. So, the words "an active" should be omitted.

Page 3, line 25,—

omit "intentionally" (22)

[Translation]

My third amendment is this. Hon. Member Shri Piyus Tiraky wanted to know whether there was any provision for prevention. Certainly there is a provision for prevention and that is Clause 4(2) (g) which reads:

SHRI RAM BAHADUR SINGH (Chapra): Mr. Chairman, Sir, I beg to move:

page 3,—

after line 34, insert—

"obstructing, or interfering with, the police in the discharge of its duties of taking any steps to prevent the commission of *sati*."

"(h) obstructing or interfering with any social or women welfare organisation or person in the discharge of its duties of taking any steps to prevent the commission of *sati*." (23)

My amendment is to add another sub-clause, namely, (h) as follows:-

"(h) obstructing or interfering with

[Sh. Somnath Rath]

any social organisation or person in the discharge of its duties of taking any steps to prevent the commission of *sati*.”

I think, Government will accept this because it is giving scope to any voluntary organisation or any person to come forward to prevent this offence.

SHRIMATI BIBHA GHOSH GOSWAMI: In my Amendment No. 22, I have asked for the omission of the word “intentionally” because otherwise it leaves a loophole. The Minister has already accepted it.

[*Translation*]

SHRI RAM BAHADUR SINGH (Chapra): Sir, we are all equally concerned that this abhorrent crime should be banned at the earliest. But mere enactment of laws will not help in rooting out this practice. Therefore it is essential that the co-operation of women is also sought. This amendment of mine will help in creating confidence among the women to the extent that they will come forward to prevent this crime, realising that there is a provision for their protection. Therefore, I want that the Government should accept this amendment.

[*English*]

SHRIMATI MARGARET ALVA: As far as Mrs. Bibha Ghosh Goswami’s amendment is concerned, we have accepted it. The other points which have been raised will be looked into when the rules are drafted under the Act.

SHRI SOMNATH RATH: The rules cannot go beyond the Act.

MR. CHAIRMAN: I shall now put the Amendments moved by Shri Somnath

Rath.....

SHRI SOMNATH RATH: Sir, I would like to withdraw my amendments.

17.00 hrs.

MR. CHAIRMAN: Has the Hon. Member leave¹ of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: yes.

Amendments Nos. 1, 2 and 3 were by leave, withdrawn

MR. CHAIRMAN: I shall now put the amendment moved by Shrimati Bibha Ghosh Goswami. The question is:

Page 3, line 25,—

omit “intentionally” (22)

The motion was adopted.

MR. CHAIRMAN: Now I put amendment number 23 moved by Shri Ram Bahadur Singh to vote.

Amendment No. 23 was put and negatived

MR. CHAIRMAN: The question is:

“That Clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

MR. CHAIRMAN: We take up Clause 5. Shrimati Bibha Ghosh Goswami.

SHRIMATI BIBHA GHOSH GOSWAMI: Since the Minister has already explained that it is automatically cognizable

and non-bailable. I think that explains the matter.

MR. CHAIRMAN: Are you not moving? I will put the Clause 5 to vote.

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 5A

MR. CHAIRMAN: We take up Clause 5A suggested by Shrimati Geeta Mukherjee, Amendment number 17.

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 3,—

after line 39, insert—

Offences by Companies '5A (1) Where any offences under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the

consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary, executive members or other officers, of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.' (17)

My point is, person might be covering in the legal sense. But generally, people will not look to companies and they look only to persons. I want this "company" to be strictly mentioned because big donations come from companies in this respect.

MR. CHAIRMAN: I will now put Amendment number 17 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 17 was put and negatived

CLAUSE 6 (Power to prohibit Certain Acts)

MR. CHAIRMAN: We take up Clause 6.

SHRI DINESH GOSWAMI: I beg to move:

Page 3, line 45,,

for "may" substitute "shall" (11)

[Sh. Dinesh Goswami]

Page 3, line 48,—

for "may" substitute "shall" (12)

Page 3, —

after line 50, insert,

"(2A) the Collector or the District Magistrate, if he is satisfied, shall also, by order, prohibit any picturisation or recording of any audio visual presentation depicting *sati* or its glorification.
(13)

There are two amendments. One is in Clause 6 and another is in Clause 6 (2A). It is a very minor one. I have only asked the substitution of the word 'may' by 'shall' to provide some urgency. The point is when the collector or district magistrate is of the opinion that *sati* or abetment is about to be committed. It says, "he may by order". I think, some urgency should be granted and it should be "he shall by order." You may say that court may interpret "may" as "shall". But it is up to accept it.

My other amendment is that glorification of *sati* has been made punishable. Glorification has been made punishable but there is no preventive measure. We know that there were newspaper reports that some British companies, foreign companies were filming *sati* instance here in India. I want that that should be prevented because you cannot punish them as they will be out of India after filming. Under this Act you can only prosecute them.

SHRIMATI MARGARET ALVA: Clause 6(2) prohibits any glorification. Under definitions, that clarification is taken care of.

SHRI DINESH GOSWAMI: I wanted to make it clear because under Prohibition of

glorification you may say that somebody is bringing out a procession and all that. What I want is that the Collector or the District Magistrate if satisfied shall also, by order, Prohibit any picturisation or recording of any audio-visual presentation depicting *Sati* or its glorification. You see that there is a distinction. The distinction under the law is that supposing I record something which I don't make public, whether this Act will be covered or not till I make it public is a matter of dispute. Supposing I film something and I don't depict it before the people, I am not glorifying it before the people. I am only taking some pictures; the glorification will be there when I put it before the people. Therefore, before it is put to the people, if there is some information that some audio-visual or recording is done, that should be prevented. I want to make it specific; it is for the Government to accept it or not to accept it.

SHRIMATI BIBHA GHOSH GOSWAMI: I wanted to insert after 'District Magistrate' in Clause 6(1), 'or Sarpanch/ Village Authority'. (25) Because it may well happen that before the District Magistrate is contacted, the commission of this crime is done. So, this should be inserted because the Village Authority or the Sarpanch is in the area itself. It cannot escape his knowledge and he should be empowered with powers to prevent this kind of crime. That is my argument Sir.

SHRIMATI MARGARET ALVA: I don't accept the amendments Sir.

MR. CHAIRMAN: I shall now put all the amendments to the vote of the House.

PROF. MADHU DANDAVATE: I want to oppose his amendment and support her amendment. What will you do?

MR. CHAIRMAN: I will put them separately.

I shall now put amendments at Sl. Nos. 11,12 and 13 moved by Shri Dinesh Goswami to the vote of the House.

Amendment Nos. 11,12 and 13 were put and negatived.

MR. CHAIRMAN: I shall now put amendment at Sl. No. 25 moved by Smt. Bibha Ghosh Goswami to the vote of the House.

Amendment No. 25 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 6 stands part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

CLAUSE 7—(Power to remove certain temples or after structure)

SHRI SOMNATH RATH: I beg to move:

Page 4, lines 8 and 9,—

omit "for not less than twenty years" (4)

page 4, lines 14 and 15,—

omit "other than that referred to in subsection (1)" (5)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 4, lines 8 and 9,—

omit "which has been in existence for not less than twenty years". (18)

SHRIMATI MARGARET ALVA: I beg to move:

Page 4, line 11,—

for 'Person committing *sati*' substitute—

person in respect of whom *sati* has been committed" (30)

Page 4, line 17,—

for 'person committing *sati*' substitute—

'person in respect of whom *sati* has been committed'" (31)

Page 4, line 20,—

after 'Collector or the District Magistrate' *insert*', as the case may be," (32)

SHRI SOMNATH RATH: We are against the glorification of Sati. We want that this monstrous system should be wiped out from the memory of the society. Clause 7 empowers the State Governments to remove certain temples and other structures. Under these circumstances, why is this clause it has been limited mentioning that these temples or other structures in existence for not less than twenty years? Why do you discriminate like this? This clause may be struck down by the Courts. For the reasons to wipe out this monstrous system from the memory of the society as well as to ensure that this clause may not be struck down by the courts because of the discrimination, I hope the Minister will agree to my amendment.

SHRIMATI GEETA MUKHERJEE: Sir, in the course of my speech I gave the justification for my amendment. The Minister also replied but even then I am moving it with the same reasoning as has been put forth by Mr. Somnath Rath.

17.11 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRIMATI MARGARET ALVA: Sir, I am not accepting.

SHRI SOMNATH RATH: I seek leave of the House to withdraw my amendments No. 4 and 5.

Amendment Nos. 4 and 5 were, by leave, withdrawn.

MR. DEPUTY SPEAKER: I will now put amendment No. 18 moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 18 was put and negatived.

MR. DEPUTY SPEAKER: I will now put amendment Nos. 30, 31 and 32 moved by Shrimati Margaret Alva to the vote of the House. The question is:

Page 4, line 11,—

for "person committing *sati*" substitute—

"person in respect of whom *sati* has been committed" (30)

Page 4, line 17,—

for "person committing *sati*" substitute—

"person in respect of whom *sati* has been committed" (31)

Page 4, line 20,—

after "Collector or the District Magistrate" *insert*, as the case may be," (32)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

CLAUSE 9, (Trial of offences under this Act)

SHRI SHANTARAM NAIK: Sir, I beg to move:

Page 4, —

after line 48, insert—

"(5) No person who is in active service as a judicial officer shall be appointed as a special judge nor the State shall confer as the judge of a special Court power to act as a judicial officer under any other law, not connected with this Act, unless the State Government is convinced that conferment of powers on a judge of a special court, to discharge judicial functions under any other Act, is in no way going to affect the speedy disposal of cases pending before such judge under the Act." (7)

Sir, my amendment seeks that there is a special court appointed under this Act and special judges are to be appointed. The only question is if District & Session judges or any other judges who are already functioning and are over-burdened are entrusted with the power of the special courts then the fate of any such proceedings can be known.

Therefore, those who are already judges should not be conferred powers under the special courts. The question may arise if there is no necessary work under this Act what is to be done? Then special courts can be amalgamated and one special court can be created so that District and Session judges are not over-burdened.

SHRIMATI MARGARET ALVA: Sir, we are certainly not foreseeing so many Sati incidents that there will be need for as many courts as he is talking about. If it happens as an emergency one judge may be asked to officiate as a special judge and finish it quickly so that there are no delays.

SHRI SHANTARAM NAIK: Sir, I seek leave of the House to withdraw my amendment No. 7

Amendment No. 7 was, by leave, withdrawn.

MR. DEPUTY SPEAKER: The question is:

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 to 16 were added to the Bill.

CLAUSE 17 (Obligation of certain persons to report about the Commission of offence under this Act)

SHRI SHANTARAM NAIK: Sir, I beg to move:

Page 6,—

line 19, *insert—*

"(3) If any Member of Parliament, Member of a Legislative Assem-

bly, member of a Legislative Council, Member of any local self body, such as, Zila Parishad, Municipal Corporation, Municipality, Gram Panchayat or called by any other name, having direct knowledge that Sati is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station." (8)

(i) Page 6, line 20, —

for "(3)" substitute "(4)"

(ii) Page 6, lines 20 and 21,—

for "or sub-section (2)"

substitute "sub-section (2) and sub-section (3)" (9)

SHRI SHANTARAM NAIK: This is in respect of information to be given to the police station by the people. Now I will just read that clause which I propose to insert and which will make the things clear:

Page 6,—

after line 19, insert—

"(3) If, any Member of Parliament, Member of a Legislative Assembly, Member of a Legislative Council, Member of any local self body, such as, Zila Parishad, Municipal Corporation, Municipality Gram Panchayat or called by any other name, having direct knowledge that Sati is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station." (8)

SHRIMATI MARGARET ALVA: I regret, I cannot accept this amendment.

SHRI SHANTARAM NAIK: I seek leave of the House to withdraw my amendment No. 8 and 9.

Amendment Nos. 8 and 9 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

CLAUSE 18—(Person convicted of an offence under section 4 to be disqualified from inheriting certain properties)

Amendment made:

Page 6, lines 25 to 27,—

for "person committing such *sati* or the property of any other person to which he would have been entitled to inherit on the person committing such *sati*."

substitute—

"person in respect of whom such *sati* has been committed or the property of any other person which he would have been entitled to inherit on the death of the person in respect of whom such *sati* has been committed" (33)

[SHRIMATI MARGARET ALVA]

MR. DEPUTY-SPEAKER: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

CLAUSES 18-A AND 18-B

SHRIMATI GEETA MUKHERJEE: I beg to move:

Vigilance Committee.

"18A. (1) Every State Government shall by notification in the Official Gazette, constitute at least one and, if necessary more Vigilance Committees in each district.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely:-

- (a) the Deputy Commissioner, or a person nominated by him or her, who shall be the Chairperson;
- (b) two social workers, resident in the district, to be nominated by the Deputy Commissioner;
- (c) three persons, preferably women, to represent non-official agencies in the district connected with women's development;
- (d) two lawyers, preferably women, attached to the local legal aid body; and
- (e) two representatives of women's organisations in the area, if any exist in the particular district.

Powers and functions of the Vigilance Committee.

18B. (1) The functions of each Vigilance Committee shall be:-

- (a) to advise the Deputy Commissioner or any officer authorised by him or her as to the efforts made, and action taken to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;
- (b) to keep a record of the number of offences of which cognisance has been taken under this Act;
- (c) to make a survey as to whether there is any offence of which cognisance ought to be taken under this Act; and
- (d) to make a complaint to the Public Prosecutor of facts which constitute an offence under this Act, on receiving which the Public Prosecutor shall institute appropriate proceedings in the Special Court immediately.

(2) The District Vigilance Committees shall submit a report based on its findings every six months to the Legislative Assembly.

(3) The district Vigilance Committees may set up village level committees consisting of school teachers, gram sewaks, gram sevikas or any public servants." (19)

The purpose of my amendment is that all the districts should have the Vigilance Committees and they should function effectively. That's why I want this amendment to

be accepted.

SHRIMATI MARGARET ALVA: All this will be taken care of under the rules because this is a very localised thing. If necessary, we will provide in the rules. We may set up this committee. This is going to be looked after in the rules.

SHRIMATI GEETA MUKHERJEE: In view of this assurance, I seek leave of the House to withdraw my amendment.

Amendment No. 19 was, by leave withdrawn.

MR. DEPUTY SPEAKER: The question is:

"That clauses 19 to 22 stand part of the Bill."

*The motion was adopted.
Clause 19 to 22 were added to the Bill.*

CLAUSE 1—(Short Title, Extent and Commencement.)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 1,—

for lines 14 to 16 substitute—

"(3) It shall come into force at once"
(14)

SHRIMATI MARGARET ALVA: President's assent has to come before we notify. We will notify as soon as it is received.

In view of this, I cannot accept this amendment.

SHRIMATI GEETA MUKHERJEE: I seek leave of the House to withdraw my amendment.

*Amendment No. 14 was, by leave,
withdrawn*

MR. DEPUTY-SPEAKER: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula, Preamble and the Title were added to the Bill.

MR. DEPUTY-SPEAKER: The Minister may move that the Bill, as amended, be passed.

SHRIMATI MARGARET ALVA: I move:

"That the Bill, as amended, be passed."

PROF. N.G. RANGA (Guntur): I am very happy that through this Bill we need to protect our women from this tribal practice. It has been moved on behalf of the whole House by a woman and I wish to congratulate her and congratulate all the Members also for having given this opportunity to one of our woman Member to move this Bill and have it in her favour.

Secondly, I congratulate the able manner in which she piloted this Bill in this House. This is the first time I think, subject to corrections, that a woman has been given an excellent opportunity. She has performed this function so ably and I admire the manner in which she was reviewing the various features that have been made by our Members and answer their questions.

Next, I wish to congratulate my friend from the north-east State, Mr. Tiraky for making cryptic statement and expressing

with hope in one sentence as 'Let us hope that this thing would not happen again'. I support that statement. If such a happy consummation would give a good fortune to our country, then this country and the women folk of this country can congratulate themselves.

PROF. MADHU DANDAVATE (Rajapur): I rise to say the last word on this Bill. I am very happy that the views expressed both inside and outside the House unanimously by all sections of the population have been responded to by the Government. There are occasions in the life of our country and Parliament when the issues cut across party lines. This is one such issue which is purely for the liberation of women in the modern age. Only when the women are liberated, we will be able to march towards the 21st century. I welcome the march towards the 21st century. I congratulate all those who generated the public opinion inside and outside the House and in that context, I wholeheartedly welcome the Bill which is at the last stage.

SHRI C. MADHAV REDDI (Adilabad): I rise to support this Bill on my own behalf and on behalf of my party. I extend my wholehearted support to this Bill. We have not moved any amendment to this Bill as some understanding was reached in the meeting of the opposition leaders and we support this Bill.

SHRI BASUDEB ACHARIA (Bankura): On behalf of my party, I give my full support to this Bill. We submitted some suggestions as also the leaders of the Opposition and she has accepted some of our suggestions. Since there is further scope for improvement of the Bill in future, I hope that she will consider our suggestions. I again extend my full support to prevent this evil practice and root out this evil practice from our country.

SHRIMATI MARGARET ALVA: I do

wish to thank all the Members, particularly our own leader, Shri Ranga, Prof. Dandavate and others, not only for their appreciation they have expressed and for the support which I received in getting this Bill passed. All sections of the House have given us their support both inside and outside the House during the consultations and I certainly would say that we are prepared to study together the improvements as we go along because our aim is common; this incident should never be seen in India.

MR. DEPUTY-SPEAKER: The question is:

"That Bill, as amended, be passed".

The motion was adopted.

17.26 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY-GENERAL: Sir, I have to report that Rajya Sabha at its sitting held on the 15th December, 1987 passed a motion referring the Indian Medical Council (Amendment) Bill, 1987, to a Joint Committee of the Houses consisting of 45 members, 15-members from Rajya Sabha namely:-

1. Shri Pawan Kumar Bansal
2. Shri Mirza Irshadbaig
3. Shri Bhagtram Manhar
4. Shri P.N. Sukul
5. Shri Thindivanam K. Ramamurthy
6. Dr. R.K. Poddar

7. Shri G. Varadaraj
8. Dr. G. Vijaya Mohan Reddy
9. Shri K.G. Maheswarappa
10. Miss Saroj Khaparde
11. Shri S.S. Ahluwalia
12. Shri Mahendra Prasad
13. Kumari Sayeeda Khatun
14. Shri Pramod Mahajan
15. Shri Virendra Verma

and 30 members from Lok Sabha and recommended that Lok Sabha do join in the said Joint Committee and communicate to that House the names of members to be appointed by Lok Sabha to the said Joint Committee.

17.27 hrs.

CHANDIGARH (DELEGATION OF POWERS) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): I beg to move:

"That the Bill to provide for the delegation of powers vested in the Administrator of the Union Territory of Chandigarh, be taken into consideration."

The statutory powers of the Central Government and the State Government under certain laws in their application to the Union Territory of Chandigarh are with the Administrator of the Union Territory of Chan-

[Sh. Chintamani Panigrahi]
 digarh. The Administrator is also required to discharge the functions of a quasi-judicial authority under certain other statutes.

At present, the Governor of Punjab is concurrently designated as the Administrator of the Union Territory of Chandigarh. In his capacity as Administrator, he is required to exercise the said statutory powers and discharge the said quasi-judicial functions. As a result, several appeals and review cases are pending for disposal by the Administrator and it is not practical for him to dispose of them expeditiously. It is, therefore, proposed to vest such powers of the Administrator in any officer or other authority as may be specified in this behalf by the Central Government or the Administrator by notification in the official gazette.

This is a very simple Bill for delegating powers to some officers of the Chandigarh Administration and I hope that the Bill will get support from the House.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill to provide for the delegation of powers vested in the Administrator of the Union Territory of Chandigarh, be taken into consideration."

SHRI ANIL BASU (Arambagh): Mr. Deputy-Speaker, Sir, I am sorry to say that I am not able to appreciate the purpose the Government wants to achieve through this Bill.

After imposition of the President's rule in Punjab, one and a half years have passed and the Government could not find time to bring any legislation so that justice could be provided to the people of Chandigarh, who earlier were getting the benefit from the powers of the Administrator of Chandigarh.

but after imposition of the President's rule, Governor of Punjab has been made the Administrator of Chandigarh. In the Statement of Objects and Reasons, it has been mentioned that the Governor could not find time to dispose of the cases under his quasi-judicial powers, which he has got, and as a result, several appeals and review cases are pending for disposal by the Administrator and it is not practicable for him to dispose of them expeditiously. It is, therefore, proposed to vest such powers of the Administrator in any officer of any other authority as may be specified in this behalf by the Central Government or the Administrator by notification in the Official Gazette.

The Governor, who is now Administrator of Chandigarh, could not find time for this and that is why you want to delegate these powers to other officers, so that they can discharge the quasi-judicial functions, which they cannot do at present.

This Bill is one of the glaring examples of the indifferent attitude of the Union Government towards solving the Punjab problem. The people of Chandigarh have been denied of their legitimate right during the last one and a half years' Governor's rule in Punjab. Sir, the political solution is the only solution to the Punjab problem. But the Government is not at all intending to bring a political solution to the problems of Punjab. Instead of that Government wants to solve the problems of Punjab through law enforcement agencies and through guns. Day in and day out it has been claimed by the Governor of the Punjab that the situation in Punjab is normal and the terrorists are losing morality. But you must have seen the report that appeared in the newspaper that two top police officers were gunned down at Patiala, in the INSA institute while they were engaged in the morning walk. A report submitted by the Punjab Governor says that 548 persons were killed due to terrorists' activities in Punjab during the period 1st May

1987 to 31st December, 1987. That means the number of persons killed or injured by the terrorists or by police action or by the paramilitary action is increasing in Punjab. What is required is the restoration of popular Government in Punjab. What is required is to implement the Rajiv-Longowal Accord which is not implemented till now. And that is why the Punjab problem could not be solved uptill now. By this Act you only want to provide relief to the people of Chandigarh which is their legitimate right but which is denied to them because of the President's Rule. Sir, it is the responsibility of the Central Government to see that the benefit of all the developmental activities and other activities of Punjab are provided to the people of Punjab and people of Chandigarh. But you are not doing it and after so many years you have come with the legislation for the delegation of the power to some other officers so that the cases which are pending before the Governor of Punjab can be disposed of. This type of attitude will not help in solving the problem of Punjab.

Regarding the Jodhpur detenus, in spite of your declaration you have not taken any specific steps. And that is why I urge upon the Union Government to see that the problem of Punjab should be solved politically and the Accord which was signed between Shri Rajiv Gandhi and Shri Longowal should be implemented. And Chandigarh should be transferred to the Punjab. With these words I conclude my speech.

MR. DEPUTY-SPEAKER: Now, the Minister will give reply.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): Sir, in the beginning only I said that this is a very limited issue. The hon. Member has started discussing the entire security and law and order problem in Punjab. I think this problem has been sufficiently discussed in the House in

the past. The Central Government has put before the House every action taken by them in this regard. We are taking very strong action and the Law Enforcement Agencies are also taking strong action. As a result the situation has apprecably improved and the Government is giving its utmost attention for finding a speedy solution to the problems of Punjab in its totality. But as I said this Bill is only for a limited issue. The present Government of Punjab is also the Administrator of the Union Territory of Chandigarh. To relieve the Governor from the pressure of work the Bill seeks to delegate the powers to such officers as to be notified in the Official Gazette. Therefore, this Bill seeks to achieve a very very limited objective and I hope it will be accepted by the hon. members.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the delegation of powers vested in the Administrator of the Union territory of Chandigarh, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, we will take up clause-by-clause consideration of the Bill. The question is:

"That Clauses 2 to 4 stand part of the Bill".

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

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

MR. DEPUTY-SPEAKER: . Minister may now move that the Bill be passed.

SHRI CHINTAMANI PANIGRAHI: I beg to move:

[Sh. Chintamani Panigrahi]

"That the Bill be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

17.35 hrs.

ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION BILL-CONTD

[English]

MR. DEPUTY-SPEAKER: We will now take up further consideration of the following motion moved by Shrimati Krishna Sahi on the 9th December, 1987, namely:-

"That the Bill to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

Mr. V.S. Rao may please speak.

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Sir, this is a very important Bill. I stoutly oppose this Bill. Though the All India Council for Technical Education has made a recommendation as far back as

1981 and in spite of the fact that Education is in the Concurrent List, I do not understand why the Government of India has not consulted the States while coming up with this Bill. This is nothing but ignoring the genuine rights of the States. This Government wants to usurp all the powers of the States. That is why they want to pass this Bill. Their only intention is to extend their power over the States.

Sir, this is a very important Bill and its consequences are far reaching. I suggest that the Government should withdraw this Bill, discuss all the issues relating to it thoroughly with all the States and then come afresh with a new Bill incorporating all the suggestions of the State Government.

Sir, as per this Bill, there are going to be about 51 members in the proposed Council. Of the 51, there are only eight members to represent all the States and Union Territories. What is the logic behind it? I suggest that the Council must at least have 24 members from States and Union Territories having large number of technical institutions.

Now Sir, kindly look at Sub-Clause (k) of Clause 10. It reads as follows:

"grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned."

Why should the Central Government give permission to start technical institutions? Are not the States competent to do so? At best, you can give advice on aspects relating to infrastructure of the institutions, course content, etc. By taking away this power from the States, you want to have Education also in the Central Sector. That is why I stoutly oppose this Bill.

Similarly, Clause 20(1) of Chapter VI, entitled 'Miscellaneous' says:

"The Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time."

Sub-Clause (2) of Clause 20 reads:

"The decision of the Central Government as to whether a question is one of policy or not shall be final."

It is quite evident from this clause that this All India Council for Technical Education has no autonomous status. The Government wants it to be a rubber stamp of the Central Government. And how can the States accept such a proposition? That is why we oppose this Bill.

In this context, I would like to mention one important point. In several States there are a number of education institutions which collect capitation fees. Though sometimes, some Trusts are managing such institutions with a good objective, there are many instances of these institutions getting converted into a profit making business. Some people are commercialising education. They invest some money on it and expect more and more money out of their investments. That is how education is becoming business these days. After coming to power in Andhra Pradesh, the Telugu Desam Government has once for all abolished the system of capitation fee. Today, in all the medical colleges, engineering colleges and polytechnic institutions, seats are being given only on merit criterion and also as per the rules of the Reservation Policy. This should be followed in every State. That is why, I once again emphasise that the Gov-

ernment should withdraw this Bill and come up with a fresh Bill incorporating the suggestions of the State Governments.

Sir, I also feel that the existing provisions are not adequate. Though it is said that our country has the third largest scientific and technical manpower, unfortunately today even our engineering graduates have no confidence in themselves to start an industry on their own. He is having no confidence. If he starts an industry or a firm, he may be able to stand on his own legs. Unfortunately, the practical training aspect is not well taken care of. There are many institutions which lack infrastructural facilities. So, the curriculum should have undergone a radical change. More importance should be given to practical training aspect, where after coming out of the institution the candidate should have confidence that he will be able to stand on his own feet and can be self-employed instead of looking to the Government for job or employment. In this Bill, it is also not clearly stated that the Council shall have its own funds. I would like to say here that the main benefit out of these exercises will go to the industrialists or the industrial sector. So why not impose at least one per cent on their net profit which can be utilised for funding up this all-India Council for Technical Education which can spend it for research and development and also evolve some technologies - especially the small-scale technology - which is suitable for our country. It is because we are having nearly 150 lakh educated unemployed people whose names are registered in the Employment Exchanges.

So, our technology should also undergo some change for which this amount will be useful. It needs a lot of research and development work.

With these words, I request the Government to withdraw this Bill and we express our strongest protest against this Bill.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, this is a very comprehensive Bill. It seeks to establish an All-India body for planning, co-ordinating, promoting, improving, regulating and, if I may say so, for centralising technical education.

This Bill is on an item which is in the Concurrent List is comprehensive to my mind. Mr. Deputy Speaker, comprehensiveness is not a virtue when it comes to legislation on matters under the concurrent List. It would be virtue if the subject was limited to the Union List. Concurrence implies consultation and meeting of mind. I wonder whether any State Governments have been consulted at all in formulating this Bill or whether any consensus was reached about the need for this centralised approach towards technical education. It is obvious that when we are legislating on a matter of Concurrent List - in list No. 3, Item No. 25 - there is a possibility of conflict of laws. There are means of resolving that conflict, no doubt, laid down in the Constitution, but why create a situation which smacks of a violation of the federal principle or of state autonomy and if I may say so even of university autonomy and the autonomy of the University Grants Commission.

Therefore this Bill seeks to aggravate the Centre-State conflict which is today at the centre of the political controversy in our country. I do not therefore think that this Bill is well-timed or well-conceived. I would not go to the extent of saying that it is an obnoxious Bill or a reprehensible Bill, as some Members have said as I do feel that there is a case for trying to correct the existing situation. But in trying to do so, the Bill as it is before us goes far beyond the objects and purposes laid down in this Bill itself.

There, two situations have been brought to our notice. One is that there is a mushroom growth of ill-equipped, ill-staffed

institutions of poor quality. No doubt that is a fact of life. Second is that these institutions - some of them - are being used for commercial exploitation. That is also a fact of life. Therefore, in my view, if these two situations were sought to be remedied, there should have been a much simpler approach. There should have been one simple Bill to lay down that just as in the case of medical colleges, no university or affiliating or examining body shall recognize, or affiliate or examine an institution, unless this National Council has inspected the facilities there, and found them of due standard. We should provide this statutory authority to a Central body, to a national body - on this I do not think there can be any difference of opinion. There should be, there can be a national consensus; but that would be a direct approach to ensure that all institutions of technical education in our country maintain proper and due standard, and have necessary facilities for providing the technical education of quality which would help us in developing our country and which would meet international standards.

Similarly for the other ill, there should have been a simple remedy of laying down that all tuition and other fees to be charged by technical institutions shall be subject to the approval of the appropriate authority. In many cases, it might have been the various State Governments. In some cases, it might have been autonomous bodies like this Council.

I do not, therefore, know why Government has sought to place this very comprehensive Bill before us which, in my view, is too comprehensive; and, therefore, contains many objectionable features and raises many more questions than it resolves.

Coming to the Bill itself, the composition of the Council, as has been pointed by several colleagues, is based on a simple principle of official domination. So many times in

this clause, the word 'appoint' or 'appointment' has been used that I am sure that the final shape of the body as it emerges from this Bill will cause a lot of disappointment to all of us. There are twelve *ex-officio* members, and two of them have to be nominated and appointed by the Government, including four to be appointed by the State Governments. And, of course, the poor MPs have their share of two. But virtually, this body has been reduced to a department of the Central Government. And if you read the composition clause along with clause 20 which was just recited by the hon. Member who spoke before me, they give the power to the Central Government to give a direction, and makes it mandatory for the Council to accept that direction. If you again add the contents of clause 21 which gives the Central Government the power to supersede itself—and I am saying 'itself' deliberately because the Council is almost another version of the Education Department or the Education Ministry—the Education Ministry itself is sitting in judgement over itself. What is more funny in this Bill is that for the first years, the Ministers concerned shall be chairing this Council. Can't we find a single technical expert in our country? I recall that when the first All India Council was formed and established sometime in 1947 or so, eminent scientists and technicians were associated with that. Today, we do not even allow a Council of this nature to be headed by technical or scientific expert of national eminence. Why this tendency towards centralizing everything in the hands of the Government—it simply passes my understanding.

Sir, even in the composition, no technical experts are to be inducted. There are, of course, directors and secretaries of various departments, and may be from various States. But then, they need not be technical experts. We want, at the national level, technical advice to be available; and that is not there in the Bill. The teachers are not represented. There is an air of authoritarianism

about this body, which is sought to be created; and I do not like it. I do not think any member of the House, if he gives thought to the composition of the Council, will accept that this is a proper composition for a body of this nature, which is supposed to perform a national task, with due autonomy and due sense of responsibility and accountability.

I will not go into the details about this system of alphabetical grouping of States grouped. I think there should have been groups of States grouped together according to the level of facilities for technical education.

I also do not understand why all phases of technical education are sought to be brought in here. There are, of course, institutions which take in pre-secondary persons for technical training. There is a place for vocational education. There is a place for post-secondary technical education. There are, of course, degree colleges and technical colleges at the university level; and there are post-graduate facilities for research and for higher specialization.

Now all these things are sought to be brought under it. Why? There seems to be no obvious reason why, from technical training institute, vocational centre right upto the highest research institution in the country, all should be brought under one umbrella? There is no obvious reason and I cannot think of another example in any technically advanced country in the world, especially in a federal country like ours, in fact vocational education should be even delegated to the district level, and at least secondary level, technical education should be in the hands of the State Government. What we require, of course, is centralisation of degree education of university education.

Now I also did not understand this funding part, which comes under section 10 of this Bill. Now, funding has been the respon-

[Sh. Syed Shahabuddin]

sibility so far of the University Grants Commission. Colleges which form part of the university and are affiliated to the university are funded exactly in the same manner as any other. Why should this funding be separated? Why should the UGC be denuded of this responsibility? Why should the authority of the UGC be eroded in this manner, I cannot understand? It speaks of course, about priority areas, special purposes and somewhere a phrase is used for identified developmental purposes. Well said. But that is not borne out by the phraseology that is used in the Bill. It seems as if the funding for technical education shall be done with the help of Rs. 200 crores. Obviously that amount will be totally inadequate.

There is a justification, as I said, for the maintenance of the standards and for the abolition of the capitation fee. But I would like to point out before I close to another constitutional aspect which perhaps has escaped the notice of the government. There is no law in the country which can prohibit any one from establishing an institution. There are private educational institutions of various types. We have the authority for regulating them, for centralising them; and you must also keep in mind the right of the minorities to establish educational institutions of their choice under Article 30 of the Constitution; and that term 'educational institution' of their choice does include colleges and universities; and colleges for technical education. Finally, of course, the States have the responsibility to promote technical education as any other type of education; and to that extent even the State Government may open institutions of a technical nature. Do you mean to say that even the State Government has to come begging to this Council and ask for its permission to open a college that it deems necessary for the promotion of technical education for the people of the State? I think that is an absurd proposition. You can have a consultative body; you can

keep in some respects a statutory authority; all that is understandable. But how can you centralise technical education, from infancy right upto old age, from the level of pre-high school technical training right upto the level of highest research and then try to bring everything under its purview and take away the authority of the State, take away the authority of the UGC and create a centralised structure.

Our Constitution speaks of decentralisation. Every political party in the country vows every day in the name of decentralisation. But in every act that we do, we move more and more towards authoritarianism and a centralised structure. This Bill reflects that point of view; this Bill reflects that obnoxious tendency and therefore I stand here to oppose the Bill.

SHRI P. KOLANDAIVELU (Gobichettipalayam): This Bill is an obnoxious one and this Bill strikes at the root of the federal set up in the country. Naturally, this Bill ought not to have been brought in just like a Medical Bill which has been now sent to the Joint Select Committee. It is an identical Bill to the Medical Council Bill. (*Interruptions*) This Bill is in gross violation of the principle of State autonomy and the government actually appoints some commission in order to give some more powers to the State just like the Sarkaria Commission. Even though the Sarkaria Commission has submitted its report, it has not been placed on the Table of the House so far. But, anyhow, the Sarkaria Commission, I think suggests that actually some more powers have to be given to the States. By this Bill you are actually taking away the powers which are already invested in the State Governments. In a way this Bill makes the States glorious municipalities. Just like local bodies, you are making the States also. It is not in good taste and it is not in the right direction also. Even before bringing this Bill the vice-Chancellors of the Universities and Education Ministers of various

States ought to have been consulted. A conference of all those people ought to have been held and then only this Bill should have been brought. But you have not done that.

Education was formerly in the State list. Only at the time of Emergency it was taken away to the Concurrent List. From the date of Emergency, up to this day, it continues to be in the concurrent List. But almost all the States have been asking the Centre to bring it to the State list from the Concurrent List. But you have not done it.

Every day we are speaking about decentralisation of powers. But you are not at all decentralising. Instead, you are taking away all the powers of the States. This is a bad symptom for a democratic country.

This Bill is completely contradictory to the new Education Policy also. Actually, according to the New Education Policy you want to give independence to the educational institutions, but by bringing this Bill you are taking away the powers. So, this is contradictory and you are not following any principle or a policy in regard to Education. But you are following a policy which is contradictory in nature. And this Bill makes the Universities de-hydrated potatoes.

SHRI C. MADHAV REDDI: Onions.

SHRI P. KOLANDAIVELU: The universities are not having any powers.

PROF. MADHU DANAVATE: They have already a potato. It has become a dehydrated potato.

SHRI P. KOLANDAIVELU: What is the use of having any Senates and Syndicates in the universities, when you are not giving any powers to the universities? When you are taking away all the powers of the universities, there is no use of having Senates and Syndicates in the universities.

I suggest that this Bill may be referred to a Joint Select Committee. It is not brought at the correct time, and it is in bad taste.

SHRIMATI GEETA MUKHERJEE (Panskura): At this end I do not want to make a long speech. I only stand up to....

MR. DEPUTY-SPEAKER: to make a small speech.

SHRIMATI GEETA MUKERJEE: ...register my opposition to this Bill on the grounds already covered by most of my colleagues, which has abridged the powers of the States in a bad way... Technical education surely means some kind of coordination.

PROF. MADHU DANAVATE: What an anti-climax after the *Sati* Bill?

SHRIMATI GEETA MUKHERJEE: This is not an attempt to coordinate. This is an attempt to take power into one's own hands. And this method of taking the States by the alphabetical list is not correct. The States have different facilities, at different stages of technical education. So, how can their alphabetical representation give a real picture? There are many other points; I need not cover them again.

DR. PHULRENU GUHA (Contai): I rise to lend my support to the Bill. The Bill comes out of the recommendations of the National Policy on Education which says that the All India Council of Technical Education will be a statutory body. There are three major objectives. I am not going into them. But one of the most important things that is mentioned in the Bill is the mandatory period for evaluation of the performance of the institutions.

18.00 hrs.

I would like to say that there are mushroom growth of substandard, illequipped

[Dr. Phulrenu Guha]
and under staffed private Engineering Schools, Colleges and Polytechnics in our country. Some of these private institutions charge large sums of money and these institutions are really nothing but commercial enterprise. The object of the Bill is very laudable. All India Council for Technical Education is going to be an autonomous body.

The Bill provide inservice training of teachers. This is a welcome thing. I feel that there should have been a whole time Chairman who must be a specialist in the field of technical education. I would like the Minister to hear, because I feel that there should have been a whole time Chairman, who must be specialist in the field of technical education.

The State Governments be given due representation and I like the Minister to remember Sir, that the members of the Council must have the technical qualification and minimum experience. I suggest that there should be a provision for representation of teachers in the technical education, because I find there is no representation of teachers. But it is the accepted policy of the Government to have the representation of teachers in all these bodies.

This council should promote an effective link between technical education system, and industry, development and research. It should not be an isolated one. It must have the close connection with the industry and the development of our country.

Lastly, I would like to say that eighty per cent of our people are in the villages and majority of them are uneducated and poor. Women are also not coming in large numbers in technical education. I would like to suggest that special effort has to be made to bring these people under technical education. I further suggest that the Council should have special preparatory course for weaker sections. I further suggest that the women

should be encouraged by opening special classes for them, so that they become eligible to be admitted to the technical schools, colleges or polytechnics proper. Unless something is done, the women and the poor people will not be able to come to the technical education.

Lastly, I would like to say that stipend should be given to the poor students and the amount should be sufficient for them to maintain themselves. Hostel facilities are needed, otherwise students coming from the villages and other towns will not be able to continue their studies.

With these few suggestions, I support the Bill:

MR. DEPUTY-SPEAKER: Minister, what about the extension of time?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): Sir, we have to go to one more Bill, that is 'Administrative Tribunals (Amendment) Bill. So, we extend the time of the House till we finish both the Bills. It may be forty minutes, one hour, or two hours, it all depends on the Members.

MR. DEPUTY-SPEAKER: Now we extend the time of the House for another one hour. If we finish it early, we can adjourn the House. I think the House will accept the extension of time up to 7 P.M.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: Mr. Janga Reddy.

(Interruptions)

PROF. MADHU DANDAVATE: Let us recommend it to Rajya Sabha and then it should be referred to the Joint select Committee.

(Interruptions)

SHRI P. KOLANDAIVELU: Refer it to the Joint Select Committee.

(Interruptions)

SHRI M. RAGHUMA REDDY: Some of the provisions are objectionable.

(Interruptions)

SHRI C. MADHAV REDDY: May I know what the Sarkaria Commission has recommended? ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Janga Reddy.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda): Mr. Deputy Speaker Sir, the Government has brought forward a bill under which even for opening a small I.T.I. in the rural areas or at the tehsil level prior permission from the Govt. at centre is required to be taken. This can only mean that even for petty problems the Delhi Durbar has to be approached. If a private person living at a distance of 2000-3000 kilometres in a rural area or tohsil wants to open a technical institute he has to take government's permission. Do you want that along with this he should also knock on the doors of Rajiv Gandhi and P.V. Narasimha Rao? If you want you can open a degree college to exercise control. A minister of your own government opened a technical college in Ramtek and made a deal in the process. May I ask what the government is doing about it? A staunch follower of one of the cabinet Ministers of your government have opened a technical institution in Warangal and thus is striking deals. The Telugu Desam government has stopped this practice. A degree college has been opened in Ramtek to stop this deal-making. A technical

college has been opened in Ramtek which is the constituency of Shri. Narasimha Rao. Who is the chairman of that college? Leaders of Congress (I) are extracting money as much as 15 thousand, 5 thousand, 25 thousand, 50 thousand...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER: Allegation will not go on record.

[Translation]

SHRI. C. JANGA REDDY: The government must bring this under control by establishing a degree college. If any of the state governments do such things the government must put an end to it. Does one have to knock on the doors of Shrimati Krishna Sahi for opening a small private and vocational I.T.I. I failed to understand the logic behind it. Attempts are being made to wrest the powers from the state governments. We as the opposition are fighting against this. Your Shri Rajiv Gandhi says that if we speak in an anti-national tone we will be dismissed. Without giving any thought for it by taking away technical education, which is part of the concurrent list, from us, you want to suppress us. The government wants to bring about another Emergency in the form of this Bill. Please understand this and give it some thought. Ministers of the cabinet and member of the Congress have opened private colleges in Maharashtra, Mysore and Bangalore. The government should, at first, close these colleges, withdraw their recognition... *(Interruptions)* I want the technical I.T.I.'s established by state governments in rural areas to be up graded no to degree-level. Besides this, the government should provide them funds along the lines of the University Grants Commission. The government has guts to transfer the principals of I.T.I.'s Kanpur, Warangal, Anandpur and Madras. Who have been ensconced in their positions continuously for the last 15 years

[Sh. C. Janga Reddy]

or so and are behaving like monopolists. Students coming from the south are being murdered by administering them heavy doses of drugs. I have got proof in support of this. May I ask why no investigations have been conducted in this matter and why the principals of Kanpur and other I.T.I.'s cannot be transferred? The government should introduce a bill to keep them under control. It seems the government does not have the courage to keep them under control. Instead the government seems more interested in wresting the power from state governments and dominating over them. If elections are held this government's dominance will end. Domination by this government cannot remain for long.

I want this Bill to be referred to the Joint Committee.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI): Mr. Deputy Speaker Sir, discussions have been held on various occasions on the merits and demerits of the education system. The hon. members, like on earlier occasions, have again given serious thought to the expanding role of technical education. 12 hon members in all have participated in this debate and I express my gratitude to all those hon. members. Everybody has expressed his views here. (*Interruptions*) some main issues have been put forward for which I am indebted to all hon. members.

As a result of this debate, mainly 7 issues have emerged constitution of the councils, centralisation of authority, consultations with state governments, rights of states, concurrency, qualitative development, relevance of utility, different sources for fund mobilisation and the possibility of elitism .

These are the 7 points which emerged. 4 hon. members have put forward amendments. If some hon. members have doubts I will try to clear them through my explanations. Then I hope these hon. members along with the ones who have expressed some doubts will also lend me their full support.

It was established in 1945 as *in the form* of a *special* National expert body. Some hon. members say this happened in 1947 and some say 1950 was the year. But in fact it was established in 1945. Its objective was to advise the centre and states on matters relating to technical education. In the three decades after its inception the work performed by it was laudable. But later on a situation came about wherein the states and institutions began violating the regulations and directives set by the A.I.C.T. In such a situation, everywhere a large number of engineering colleges and poly-technics mushroomed rapidly. These institutions, set up in a haphazard manner, demanded huge amounts as capitation fee at the time of admission. At the time of framing the syllabus also they began demanding large amounts of money. A sound infra-structure is lacking in the various colleges which impart technical education. This has led to a serious problem. In view of this situation, this bill has been introduced to face all legal obstacles, procedural complications and operational difficulties. It had become necessary to bring out this bill.

Many hon. members have spoken just now. I thank those hon. Member who have read this bill carefully, I also thank those who have not read this bill carefully. You might have seen in the Constitution of India that the Central government is given the responsibility of co-ordination and maintenance of standard. This bill has been brought out against this background. While formulating the National Education Policy, extensive consultations were held with the education Ministers

of the state.

Your apprehension that before bringing this bill it was not discussed with anyone is quite baseless. Several conferences of the Education Ministers of State Governments were held in the process of making national education policy and we got their full support and approval in giving it statutory sanction. I want to say that this matter was discussed with the State Secretaries and Education Minister in August, 85 and again in February, 86. Meeting of C.A.V. was also held in August, 86. The matter was also discussed in the National Development Council which is represented by all Chief Ministers. All of them approved it whole heartedly and demanded that it should be given statutory force.

(Interruptions)

[*English*]

SHRI P. KOLANDAIVELU (Gobichettipalayam): Sir, for bringing forward this Bill, no conference was convened (*Interruptions*). At no point of time, there was any consultation with regard to this Bill.

SHRIMATI KRISHNA SAHI: We had already given you the date. This was discussed in the Conference. (*Interruptions*)

[*Translation*]

After that, at the time of the preparation of National Education Policy, both the Houses of Parliament have also discussed about its programme made in this regard. This was also discussed and approved unanimously in the meeting of the Central Education Advisory Board. This Board is an apex body and also determines the National Educational Policy. This has been in existence since 1981. Even in the conference of Education Ministers held in 1981, it was unanimously approved and there was unanimity about giving it statutory sanction. It

has also got full support.

I want to say to the hon. Members that there is no basis whatsoever in their argument that the right of States have been encroached upon as a result of bringing forward this Bill. In so far as Concurrent List is concerned as some hon'ble Members have referred it, I want to make it clear that this Bill has been brought forward with reference to entry at Sl. No. 66 of the Union List. It is clearly mentioned there that though 'education' is in concurrent list, but technical education is in the Union List. At present the House is discussing about the Technical Education. This was also supported by whatever I or the hon. Member had said at the time of introducing the proposal of National Education Policy. That is why this Bill has been brought forward by the Central Government. This Bill has been brought forward to assist the Council in performing its duties effectively. Some of the hon. Members have termed it as undemocratic. I ask them as to how it is undemocratic? When it was discussed with Education Ministers, in C.A.B. meetings, in both the Houses of Parliament and also with educationists, then how you can it be termed as undemocratic.

[*English*]

SHRI V. SOBHANADREESWARA RAO: (Vijayawada): Have you sent the Bill to all the States for comments?

[*Translation*]

SHRIMATI KRISHNA SAHI: It was discussed with Education Ministers, Chief Ministers and Education Secretaries. Do they not represent the States?

So, I was saying that this is a democratic Bill and every constituents have got representation in it. Everyone has got representation in it, either be it Industry, the States or the Professional Bodies regarding the Technical Education. Assurance Committee and

[Shrimati Krishna Sahi]
the Estimates Committee of the Sixth Lok Sabha was also recommended. Even then you say that this is undemocratic, then what the democratic means. When the Assurance Committee and the Estimates Committee of the Lok Sabha give their recommendations to it, then how it can be termed as undemocratic.

Some members have talked about the composition of the council. I want to tell you in this regard that out of the 51 members of this Council, only eight members represent the Central Government and names of the rest of them will be recommended by the State Governments and the Autonomous Institutions. The number of the representatives of the Central Government is very less and the rest of them will represent all States. The representatives will be recommended by States. Only the State Governments will send their recommendations in the Regional Councils also.

One more thing has been Stated that more and more Technical experts be included in the Council. In fact, it has been done so and it has been kept in mind to include them to the maximum possible number. Barring few ex-official members, the rest of them will be selected by virtue of their technical background. There will be some nominated members in the Council, who will be specialist in their fields e.g. the Chairman of the University Grant Commission, Educational Advisors, Director General, I.C.A.R. and the others technical persons like these.

(Interruptions)

You please listen to me first and then say whatever you think as proper

[English]

SHRI SYED SHAHABUDDIN: They are

your subordinates.

[Translation]

SHRIMATI KRISHNA SAHI: How the members nominated by the State Governments, the voluntary organisations will be our subordinates? I am very much surprised to hear this from you. You are opposing just for the sake of opposition.

So far as the Regional Committees are concerned, there is provision for setting up four Regional Committees in this Council. All States of Central India have their representatives in one or the other Regional Committee and they will continue to have their representation in future also. Besides this, there is also an provision that if the need be, the council will make arrangement through passing a resolution for those regions also for which these Regional Committees have been created. Therefore, nothing has been done against whatever you have thought or proposed, all are being represented in it.

Shri Namgyal has raised the issue of jurisdiction about Jammu and Kashmir. I would like to tell him that in the matters regarding the Technical Education, the State of Jammu and Kashmir is affiliated to the A.I.C. I.E.'s Council. Jammu and Kashmir is a member of Northern Regional Council and the new Council will equally advise and give guidelines to all states for the development of Technical Education. No state will be left. Mr Sinha and certain other hon. Members have desired a provision to be made for sufficient funds for education. In the second para of eleventh chapter of the Educational policy, there is a provision that besides that Centre and the States, funds will be mobilised by various other sources. Keeping this in view a provision has been made in the bill to empower the Council to mobilize funds from various sources. The Centre had provided Rs. 106 crores for technical education in the fifth year of sixth plan

bearing in view the necessity of technical education felt during last few years. But, for the first three years of seventh five year plan we have allocated Rs. 68 crores, 73 crores and 173 crores respectively. The amount may be further increased in future, if needed. Certain hon. Members have said that it would be an elitist policy. In our National Education Policy, we have strongly supported and provided for equity, quality and excellence. This point has been strongly emphasised, hence, there is no question of being it an elitist policy.

You might have seen article 10.E, wherein Council has been directed to take steps to ensure that the handicapped and the children of the weaker sections of the society are admitted. How it can be elitist when we have made a provision for the handicapped and the weaker sections of the society. Mr. Das has asked that, instead of alphabetical order, representation in Council should be given on the basis of industrial advancement of the state. I am to submit in this regard that some of the states are industrial advanced whereas some States are industrially backward, therefore, equal representation will not be possible. So in order to ensure equal representation will not be possible. So in order to ensure equal representation, this basis cannot be adopted. Alphabetical order would be just and correct basis to ensure equal opportunity of representation to all the States. It is, therefore we have made this provision. One hon. Member has said that it is being centralized. But actually it is comprehensive and would be apex body. It will provide coordination and guidance facilities. Some Members have expressed doubt that it will exercise restrictions on States. Our directions will be comprehensive. The Apex body shall coordinate similar matters and will formulate its policy within the framework of National Policy shall also remove dissimilarities in their functioning. One hon. Member has said that emphasis has not been given to research. It is not so, research work has been given emphasis.

I do not want to go into details but I would like to mention that Articles 10-D, and Article 10-F of the policy clearly spell out the research work to be undertaken by the Council. In nutshell the Bill provides for new courses in new technical institutions. The Council will decide the curriculum for technical institutions. The provision for recognition is also there. Council will accord recognition to these institutions. Council may also derecognize them if their qualitative performance and general working is not up to the mark. Dr. Phulrenu Guha had advised that the Minister of Human Resources Development should be the first Chairman and then comes the technical person. We have kept this thing in view. We have proposed that the Minister will be its first Chairman. There is every possibility in it and the suggestion of the hon. Member is likely to be implemented. After a few years person other than Minister may also be there. Rajya Sabha have already adopted the Bill. So, I don't think that the Bill should be referred to Joint Select Committee. I hope that I have covered all the main points raised by hon. Members. I hope your doubts would have been removed. With these words, I conclude.

[English]

SHRI V. SOBHANADREESWARA RAO: I move that this House do remit this Bill, the All India Council for Technical Education Bill, to the Rajya Sabha with a recommendation that it may be referred to the Joint select committee.

MR. DEPUTY-SPEAKER: How can it be? Have you given this motion or amendment when the Madam Minister moved that?

SHRI V. SOBHANADREESWARA RAO: This creates a very bad atmosphere.

SHRI SHANTARAM NAIK (Panaji): There is no opposition to the introduction of the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

The Lok Sabha divided.

[Division No. 12]

19.30 hrs.

AYES

Ansari, Shri Z.R.

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Bhagat, Shri H.K.L.

Bharat Singh, Shri

Bhoye, Shri S.S.

Chandrasekhar, Shrimati M.

Chidambaram, Shri P.

Dalbir Singh, Shri

Das, Shri Anadi Charan

Dhariwal, Shri Shanti

Dikshit, Shrimati Sheila

Engti; Shri Biren Singh

Ganga Ram, Shri

Ghosh, Shri Bimal Kanti

Gomango, Shri Giridhar

Guha, Dr. Phulrenu

Jain, Shri Virdhi Chander

Khan, Shri Mohd. Ayub

Kurien, Prof. P.J.

Malviya, Shri Bapulal

Meira Kumar Shrimati

Mishra, Dr. Prabhat Kumar

Mishra, Shri Umakant

Naik, Shri G. Devaraya

Naik, Shri Shantaram

Namgyal, Shri P.

Oraon, Shrimati Sumati

Pandey, Shri Manoj

Panigrahi, Shri Sriballav

Pathak, Shri Chandra Kishore

Patil, Shri Shivraj V.

Qureshi, Shri Aziz

Rai, Shri Ramdeo

Raj Karan Singh, Shri

Ram Singh, Shri

Rao, Shri A.J.V.B. Maheswara

Rao, Shri K.S.

Rao, Dr. G. Vijaya Rama

Rao, Shri P.V. Narasimha

Rao, Shri V. Sobhanadreeswara

Rathod, Shri Uttam

Reddi, Shri C Madhav

Rawat, Shri Kamla Prasad

Reddy, Shri C. Janga

Rawat, Shri Prabju Lal

Shahabuddin, Shri Syed

Sahi, Shrimati Krishna

Somu, Shri N.V.N.

Sankata Prasad, Dr.

Tiraky, Shri Piyus

Singh, Shri Kamla Prasad

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is:

Sultanpuri, Shri K.D.

Ayes : 51

Suman, Shri R.P.

Noes : 13

Suryawanshi, Shri Narsing

The motion was adopted.

Tomar, Shrimati Usha Rani

MR. DEPUTY-SPEAKER: The House will now take up Clause-by-Clause considering of the Bill.

Yadav, Shri Ram Singh

Yazdani, Dr. Golam

MR. DEPUTY-SPEAKER: There is no amendment in Clause 2. The question is:

Yogesh, Shri Yogeshwar Prasad

NOES

"That Clause 2 stand part of the Bill"

Basu, Shri Anil

The motion was adopted.

Dandavate, Prof. Madhu

Clause 2 was added to the Bill.

Datta, Shri Amal

CLAUSE 3 (Establishment of the Council)

Mukherjee, Shrimati Genta

MR. DEPUTY-SPEAKER: Shri Somnath Rath—He is not present.

Ram Bahadur Singh, Shri

* The following members also recorded their votes:—

AYES: Ch. Lachhi Ram and

NOES: S. Turlochan singh Tur, Dr. Chinta Mohan and shri Srhari Rao.

[Mr. Deputy Speaker]

Shri Anadi Charan Das— He is moving.

Shall I put to the vote of the House.

SHRI ANADI CHARAN DAS (Jaipur):
Sir, I beg to move:

Page 3,—

for lines 23 and 24, substitute—

“(j) four members of Parliament of whom three shall be elected by the House of the People out of whom one shall be from the Scheduled Castes and Scheduled Tribes; and one by the Council of States.” (3)

[Translation]

* SHRI A.C. DAS (Jaipur): Mr. Deputy Speaker, Sir, as provided in the Bill the Govt. of India is going to set up the All India Technical Education Council. The total membership of the Council would be 40. Some of them would be nominated, some of them would be appointed and some would be elected. In my amendment in page 3 I have suggested that out of those 40 members, 4 should be the members of Parliament. Among the 4 members of Parliament 3, should be from Lok Sabha and one should be from Rajya Sabha. Then I would like to suggest that from among the 3 members of the Lok Sabha—one should be from scheduled castes and another should be from scheduled tribe. The purpose of giving this amendment is to give due representation to SC & ST members. They can protect the interest of the SC & ST wherever it will be felt necessary. Besides, we have got a reservation policy and we must strictly observe the reservation policy here also. So please accept my amendment.

As I have stated the Bill has provided 40 members in the proposed All India Technical Education Council. According to our reservation policy due representation should be given to the SC and ST in the selection of members to the Council. As you know Sir, there is mushroom growth of private technical schools and institutions. These institutions are charging exorbitant amounts as capitation fees. Therefore I have suggested that on page 7, line 20, at the end, it should be added “including banning of private technical schools and institutions” such a provision has not been made in the Bill. I would specifically like to know from the hon. Minister, whether my amendment will be accepted or not and whether my suggestion will be taken into consideration.

SHRIMATI KRISHNA SAHI: Mr. Deputy Speaker, Sir, I have already covered all the points raised by the hon. Member in my reply, so now there is nothing to speak on these points.

[English]

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 3 moved by Shri Anadi Charan Das to the vote of the House.

Amendment No. 3 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That Clauses 3 to 9 stand part of the Bill.”

The motion was adopted.

Clauses 3 to 9 were added to the Bill.

MR. DEPUTY-SPEAKER: Shri Shan-taram Naik — not moving.

* The speech was originally delivered in oriya

Shri P. Namgyal — not moving.

Shri A.C. Das — not moving.

MR. DEPUTY-SPEAKER: I shall now put Clauses 10-25 to the vote of the House. The question is:

"That Clauses 10 to 25 stand part of the Bill."

The motion was adopted.

Clauses 10 to 25 were added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

[Translation]

SHRIMATI KRISHANA SAHI: Mr. Deputy Speaker, Sir, I beg to move that the All India Council for Technical Bill be passed.

[English]

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

Mr. Madhav Reddi.

SHRI C. MADHAV REDDI (Adilabad): Mr. Deputy-Speaker, Sir, I stand to oppose this Bill for the reason that whatever the Minister has said is not correct. Even though we have accepted the new Education Policy, the Draft Bill was not sent to the States. They have not given their consent to the Draft

because there are several other things in the Draft. The new Education Policy is a broader policy which has been accepted by the nation, by every State. (*Interruptions*) No State Government can start any college without the permission of the Central Government under this Bill. She was saying, "It is only a Council, an All India Council in which the State Government has got the representation." Two or three members are there. But which is the ultimate authority? The Council is not the ultimate authority. Ultimately the proposal goes to the Central Government. The Central Government gives the permission, which means that the right which we were enjoying all these years to start colleges is now being taken away from the States. Therefore, on that ground I oppose this Bill.

SHRIMATI KRISHNA SAHI: Sir.....

PROF. MADHU DANDAVATE (Rajapur): Madam, kindly take your seat. We cannot be on four legs at the same time.

Mr. Deputy-Speaker, Sir, a very basic feature and principle is involved in the passage of this Bill. We have all accepted and always insisted that there should be devolution and decentralisation of power. If you go through the education that Mahatma Gandhi had proposed, even if you go through *Nai Talim* and its basic feature, the entire basic feature of the educational system which Mahatma Gandhi proposed was more and more devolution of powers and less concentration. It is true that Education is in the Concurrent List. It is neither only in the State List nor only in the Union List, but it is in the Concurrent List. Remember, in the case of a subject in the Concurrent List the State has to be an equal partner. The State cannot be treated as a bonded labour of the Centre. In this particular case, merely saying that in the Conference the Education Ministers were present is as far as the broad policy framework is concerned. But as far as this con-

[Prof. Madhu Dandavate]
create Bill is concerned, it has been the accepted practice and principle that always consultation is made with the Chief Ministers. They may delegate their powers to others. The matter will be thrashed out, consensus will be evolved; the matter comes back here and then the Bill is moved. These processes have not been gone through at all. Therefore, I would only say that this particular Bill is keeping Mahatma Gandhi upside down, and we will not give our consent for that.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P.V. NARASIMHA RAO): May I briefly remind the hon. Members that when I made a statement in 1986 that as a result of the deliberations everywhere and as a result of our experience with all mushrooming institutions in engineering coming up in States about which there was a lot of criticism voiced in this House and because the AICTE which was a very powerful body once upon a time had lost its effect, we would give it teeth, I do not remember any louder thumping of benches than what was done at that time. So, the House had welcomed it, unanimously welcomed it, all sections of the House welcomed it. This is precisely what we are going to do by this measure. I do not think there is going to be any difficulty with any State. Consultations have been made, and it is not just dropping from the Heavens. Consultations have been made. I have no doubt that this will be the measure which will be again welcomed by the House and all sections of the people and the educationists as it was welcomed when I first made the announcement.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.39 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 sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance (Amendment) Bill, 1987, which was passed by the Lok Sabha at its sitting held on the 8th December, 1987; and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

MR. DEPUTY-SPEAKER: Now we take up Item number 21.

18.40 hrs.

ADMINISTRATIVE TRIBUNALS
(AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to move that the Bill further to amend the Administrative Tribunals Act, 1985, as passed by Rajya Sabha, be taken

into consideration.

Sir, the House is aware that the Administrative Tribunals Act, 13 of 1985, passed in January 1985 received the assent of the President on 27th February, 1985. In pursuance of the Act, the tribunal was set up with the principal Bench and several Benches. The validity of the Act was challenged to the Supreme Court. The Supreme Court passed orders in what is known as Sampat Kumar's case. There were three judgments, one delivered by the Chief Justice, another by Judge Ranganath Mishra and three other judges concurred with the judgment. There were one or two points on which Government sought a review. The Supreme Court was kind enough to admit the review petitions and heard the review petition. The Attorney General appeared on behalf of the Government and made certain submissions to the court. Finally, the court has been pleased to direct the Government to make certain amendments in the light of the submissions made by the Attorney General. The present amending Bill seeks to implement orders of the Supreme Court, in the light of the submissions made by the Attorney General on behalf of the Government. So, the most important amendment is that under the Act, as it stands today, only the judicial member is required to be appointed in consultation with the Chief Justice. The amendment that we propose requires us to consult the Chief Justice in respect of all the Members of the Tribunal. This, I believe, is an improvement, and a step forward, and I hope that the House will accept the amendment.

Sir, one of the learned judges of the Supreme Court has observed that some Members of the Tribunal are appointed at a young age and, therefore, their skills and their knowledge should not be lost. We are, therefore, providing that a Member can be appointed for a second term of five years, subject to the overall age limit of 62 years for a Member and 65 years are for Vice Chair-

man and the Chairman. These age limits have been upheld by the Supreme Court. Sir, the judges observed that employees of subordinate courts should continue to be under the disciplinary jurisdiction of the high court and should not be brought under the Tribunal. Having regard to their views, we now take to exclude employees of subordinate courts from the purview of the Tribunal.

18.43. hrs.

[MR. SPEAKER *in the Chair*]

Sir, there is a very minor amendment to enable us to refix the salary and allowances of Members retrospectively from 1.1.86, the date on which the Fourth Pay Commission's recommendations have been given effect to. Sir, these broadly are the amendments. I do not think any amendment is controversial. On the contrary, my submission is that all these amendments flow from the orders passed by the Supreme Court, in the light of submissions made by the Attorney General. I request unanimous approval of the House to this amending Bill.

(Interruptions)

MR. SPEAKER: The question is:

"That the Bill further to amend the Administrative Tribunals Act, 1985, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House will now take up Clause by Clause. There are no amendments to clauses 2 to 6.

The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

MR. SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

SHRI P. CHIDAMBARAM: I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.45 hrs.

MOTION RE: JOINT COMMITTEE ON
INDIAN MEDICAL COUNCIL (AMEND-
MENT) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY
WELFARE (KUMARISARO, KHAPARDE):
Mr. Speaker Sir, I beg to move:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Indian Medical Council Act, 1956 made in the motion adopted by Rajya Sabha at its sitting held on the 15th December, 1987 and communicated to this House on the 15th December, 1987 and do resolve that the following thirty Members of Lok Sabha be nomi-

nated to serve on the said Joint Committee, namely:-

- (1) Shri P.A. Antony
- (2) Smt. Vyjayanthimala Bali
- (3) Shri Anil Basu
- (4) Dr. Krupasindhu Bhoi
- (5) Dr. (Smt.) Phulrenu Guha
- (6) Shri Daulatsinhji Jadeja
- (7) Shri P. Kannan
- (8) Shri P.R. Kumaramangalam
- (9) Shri Kunwar Ram
- (10) Shri Suresh Kurup
- (11) Shri Dharam Pal Singh Malik
- (12) Smt. Manorma Singh
- (13) Shri G.S. Mishra
- (14) Dr. Prabhat Kumar Mishra
- (15) Shri Ram Nagina Mishra
- (16) Dr. Manoj Pandey
- (17) Dr. V. Rajeshwaran
- (18) Shri K.H. Ranganath
- (19) Shri P.V. Narasimha Rao
- (20) Shri C. Madhav Reddy
- (21) Shri D. N. Reddy
- (22) Shri Muhiram Saikia
- (23) Shri Nawal Kishore Sharma

(24) Shri N. Tombi Singh

(25) Dr. C.P. Thakur

(26) Dr. Chandra Shekhar Tripathi

(27) Dr. V. Venkatesh

(28) Shri Vijoy Kumar Yadav

(29) Dr. Golam Yazdani

(30) Shri Zainul Basher

(10) Shri Suresh Kurup

(11) Shri Dharam Pal Singh Malik

(12) Smt. Manorma Singh

(13) Shri G.S. Mishra

(14) Dr. Prabhat Kumar Mishra

(15) Shri Ram Nagina Mishra

(16) Dr. Manoj Pandey

(17) Dr. V. Rajeshwaran

(18) Shri K.H. Ranganath

(19) Shri P.V. Narasimha Rao

(20) Shri C. Madhav Reddy

(21) Shri D. N. Reddy

(22) Shri Muhiram Saikia

(23) Shri Nawal Kishore Sharma

(24) Shri N. Tombi Singh

(25) Dr. C.P. Thakur

(26) Dr. Chandra Shekhar Tripathi

(27) Dr. V. Venkatesh

(28) Shri Vijoy Kumar Yadav

(29) Dr. Golam Yazdani

(30) Shri Zainul Basher

MR. SPEAKER: The question is:

"That this House do concur in the recommendation of the Rajya Sabha that the House do join in the Joint Committee of the House on the Bill further to amend the Indian Medical Council Act, 1956 made in the motion adopted by Rajya Sabha at its sitting held on the 15th December, 1987 and communicated to this House on the 15th December, 1987 and to resolve that the following thirty Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:-

(1) Shri P.A. Antony

(2) Smt. Vyjayanthimala Bali

(3) Shri Anil Basu

(4) Dr. Krupasindhu Bhoi

(5) Dr. (Smt.) Phulrenu Guha

(6) Shri Daulatsinhji Jadeja

(7) Shri P. Kannan

(8) Shri P.R. Kumaramangalam

(9) Shri Kunwar Ram

The motion was adopted.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur):
Hon. Speaker, Sir, I would like to say some-

[Sh. Balkavi Bhairagi]
thing before you proceed to the next item. I hope you would bless us all before adjourning the House. With your permission, Sir, I would like to recite 6 lines in this August House;

"Nava verna mein phir se milenge
harsha hoga sath mein,
Sangharsha Ka sahachar satat
utkarsha hoga sath mein,
Sharad mein nyota mila baithe yahan
hemant mein,
Phir milenge aapse madhumas yaa ki
vasant mein,
Ganatantra ke gandeva ka archan
nirantar keejia,
Hai samaya shubha kamana ka deejie
aur leejie.

[English]

PROF. MADHU DANDAVATE (Rajapur): Sir, Mr. Bhagat wants to recite a couplet!

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF FOOD
AND CIVIL SUPPLIES (SHRI H.K.L.
BHAGAT): Mr. Speaker, Sir, I want to take this opportunity to thank all the Hon. Members of this House, whether they are on this side or that side.....

PROF. MADHU DANDAVATE: Or whether they are at the centre.

SHRI H.K.L. BHAGAT: Whichever side they are, I want to thank them very warmly for making their contribution in this session.

We had a very interesting session indeed. We have discussed important subjects, important topics and we have a good number of good legislations. I want to thank all the Hon. Members, whether this side or that side, for having taken that interest in this session. I want to thank particularly the

Opposition Members and the Leaders of Opposition for having cooperated in getting the business through. Today also, but for their cooperation probably—we had five Bills to get through—it would not have been possible to get them through. They have been very cooperating in this House. We have different views, different ideas; sometimes we disagree, sometimes we agree, sometimes we clash also, sometimes we become angry also and then cool down. I want to appreciate all the Hon. Members for this.

I want to thank you, Sir, for the wisdom, understanding and affection with which you have carried on this session in the Chair. That is a source of inspiration to all of us. Sometimes we in this House, whether this side or that side, create problems for you. Then you, in your wisdom, sort those problems out.

PROF. MADHU DANDAVATE: We enjoy it.

SHRI H.K.L. BHAGAT: It is your attitude to all of us where your job is onerous and you have discharged it with dignity.

I must thank the Hon. Deputy Speaker for his taking a lot of burden on him assisting you, in occupying the Chair and conducting the House very well with dignity, with confidence and with clarity.

I would be failing in my duty if I don't thank the Lok Sabha Secretariat, the Secretary General, all his colleagues, all the staff who had to work very hard during this Parliament session.

Sir, I should thank all those apart from the Lok Sabha staff who work hard and do their duty when the Session is on. Then I would like to thank the Secretary for Parliamentary Affairs and his colleagues for they are put to a lot of burden during the Session.

I want to thank the members of the Press who sometimes had to sit late. I want to thank them for their cooperation and for having given that attention to the proceedings of this House.

Last but not the least I must thank my colleague, Shrimati Sheila Dikshit, the Minister of State, who takes my burden completely in the House and does it with grace, charm and dignity.

Once again I thank all concerned for having contributed. I thank the Ministers and everybody. If I thank the Ministers it amounts to thanking myself. With these words I would end with thanks to all of you and best wishes for the New Year.

MR. SPEAKER: Hon. Members, as the Ninth Session of the 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 the Deputy Speaker and Members of the Panel of Chairman, for the cooperation extended to us in conducting the proceedings of the House.

In this session, the House held 28 sittings lasting over 176 hours.

The session began with a debate on the statutory resolution to extend the President's Rule in Punjab for another 6 months. Besides, discussions on several matters of urgent public importance were held. The discussion on the tragic incident of 'Sati' at Deorala village in Rajasthan and the steps proposed by the Union Government to prevent such deplorable incidents in future lasted for over 7 1/2 hours. In deference to the wishes expressed in the House as well as outside, the Government was quick to bring forward a Bill to put an end to this barbaric practice. The Bill has been passed by the House today.

The situation in Sri Lanka was dis-

cussed for over 6 hours.

The situation arising out of the unprecedented drought and other natural calamities like floods and cyclones formed the subject matter of another discussion which lasted for about 6 hours.

Discussions were also held under rule 193 on FERA violations and on the report of the Thakkar-Natarajan Commission of Enquiry regarding the utilisation of FAIRFAX GROUP. The discussions on various subjects lasted for about 45 hours which is about 25 per cent of the total time of the sittings of the House. Even so, two discussions regarding rise in prices of essential commodities and closure of a number of industrial units remained partly discussed.

As for legislative business, the House passed as many as 20 Bills; some of the important legislative matters being the National Housing Bank Bill, 1987; the Regional Rural Banks (Amendment) Bill, 1987; the Constitution (Fifty-sixth Amendment) Bill, 1987; the Railway Claims Tribunal Bill, 1987; the Equal Remuneration (Amendment) Bill, 1987; the All India Council for Technical Education Bill, 1987; the Direct Tax Laws (Amendment) Bill, 1987; and the Commission of Sati (Prevention) Bill, 1987.

In the life of this Lok Sabha, the first No Confidence Motion in the Council of Ministers was discussed for 2 days and lasted about 13 hours.

The House also discussed and passed the Supplementary Demands for Grants (General) for 1987-88.

The amount of interest evinced by the House in the welfare of Adivasis and other weaker sections of the society can be gauged from the fact that a Private Members' Resolution on the subject, discussion on which had started during the Budget

[Mr. Speaker]

Session—on 16th April, 1987,— continued on all the Private Members Resolution days during the current session. The debate on the Resolution is still incomplete and will spill over to the next session.

Let me thank once again all the members, party and group leaders for their unstinted cooperation with the Chair. My special thanks are due to the Parliamentary Affairs Ministers—Shri H.K.L. Bhagat and Shrimati Sheila Dikshit—and especially my staff and members of the Lok Sabha and the Watch and Ward staff. They had to put in long hours and sometimes they had to miss their lunch and dinner but still they did their job well. The security as well as other things went so well on both sides of the House. I am really thankful to you, especially my Chairman and Deputy Speaker. I must speak highly of them that they took all the burden. And with good

wishes for the New Year when we meet again, come with health, wealth and everything. My good wishes to the Press who have contributed a lot.

PROF. MADHU DANDAVATE: With a soft budget.

MR. SPEAKER: Oh, yes, as you like. Because practically if there was on discussion or no debate or no difference of political opinion, then there would be no democracy. It is bound to be there. And this House will live up to the expectations and do its best for the good of the country. I am very very proud of what you are doing here. Thank you very much for all of you. Now the House stands adjourned *sine die*.

18.56 hrs.

The Lok Sabha then adjourned sine die.

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