

in the tea gardens they are also exploited. What is the mind of the Minister? Does he consider it hazardous?

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : Every Honourable Member had a chance to speak, already.

(Interruptions)

SHRI P. A. SANGMA : I beg to move :

"That the Bill, as passed by Rajya Sabha, be passed."

MR. CHAIRMAN : The question is :

"That the Bill, as passed by Rajya Sabha, be passed."

The motion was adopted.

17.42 hrs.

INDECENT REPRESENTATION OF
WOMEN (PROHIBITION) BILL,
1986

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA) : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The Indecent Representation of Women (Prohibition) Bill, 1986 has been brought forward with the intention to prohibit indecent representation of women through advertisements or in any other manner. The term "Indecent representation of women"

has been defined to mean the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory to, or denigrating woman or is likely to deprave, corrupt or injure public morality or morals.

The main intention behind this Bill is to prohibit the indecent representation of women through media, books publications, etc. The thrust given is not purely on obscenity but on the perverse representation of the anatomy of a woman through advertisement or through any other media. The provisions of the section will take effect if it is proved that the indecent representation contained in any advertisement/publication, etc. is likely to deprave, corrupt or injure public morality or morals. The question whether a particular matter is absence has necessarily to be left to the judicial wisdom of the courts.

As the House is aware, we do have provisions covering obscenity in Sections 292, 293 and 294 of the Indian Penal Code. Although these provisions do exist, it was felt that there is need for a separate Act. as the representation of women in publications, particularly in advertisements, which are considered obscene, are on the increase. There have been strong and persistent protests against such depiction of women. The existing provisions of the IPC do cover obscenity but they do not have adequate safeguards against denigration of women and the adverse effect of such references on the status of women. There may be instances, when there is no specific intention to denigrate women but the effect may be created. Mensrea is not necessary in this Bill. It is therefore, considered necessary to have a separate Act to prohibit indecent representation of women.

17.45 hrs.

[MR. DEPUTY SPEAKER *In the Chair*]

I would like to clarify here that we have no intention of curbing the freedom of expression. We have, in fact, in the proposed Bill, made certain specific exemptions like any written or visual material, the publication of which is in the interest of science, art or literature; written or visual

material which is for bonafide religious purposes; and films requiring certification under the Indian Cinematograph Act; figures, etc. or any ancient monuments covered under the Ancient Monuments and Archaeological Sites and Remains Act. Apart from these exemptions, any prosecution launched under the provisions of this Bill must be decided by a court for the purpose of which necessary evidence will have to be led to prove the guilt of a person.

With these words, I commend the Bill to the House.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

SHRI MOOL CHAND DAGA : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 20 members namely :

- (1) Shri Basudeb Acharia
- (2) Smt. Margaret Alva.
- (3) Shri Bhattam Sriramamurty
- (4) Shrimati Chandresh Kumari
- (5) Shri Sombath Chatterjee
- (6) Smt. Usha Choudhary
- (7) Shri Saifuddin Chowdhary
- (8) Prof. Madhu Dandavate
- (9) Shri Indrajit Gupta
- (10) Shri Abdul Rashid Kabuli
- (11) Shri P. Kolandaivelu
- (12) Shri Dharam Pal Singh Malik
- (13) Shri Shantaram Naik
- (14) Shri K. S. Rao

- (15) Shri C. Madhav Reddy
- (16) Shri K. Ramachandra Reddy
- (17) Shri Saleem I. Shervani
- (18) Shri K. P. Unnikrishnan
- (19) Shri Girdhari Lal Vyas; and
- (20) Shri Mool Chand Daga

with instructions to report by the last day of the next session." (27)

SHRI NARAYAN CHOUBEY : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 11 members, namely :

- (1) Smt. Margaret Alva
- (2) Smt. Vidyavati Chaturvedi
- (3) Smt. Usha Choudhary
- (4) Smt. Bibha Ghosh Goswami
- (5) Shri Dinesh Goswami
- (6) Dr. (Smt.) Phulrenu Guha
- (7) Dr. (Mrs.) T. Kalpana Devi
- (8) Shri S. Jaipal Reddy
- (9) Shri Amar Roypradhan
- (10) Prof. Nirmala Kumari Shaktawat; and
- (11) Shri Piyus Tiraky

with instructions to report by the 30th April, 1987." (29)

DR. T. KALPANA DEVI (Warangal) : I welcome this Bill which intends to prohibit indecent representation of women through advertisements or in publications, writings, paintings or in any other manner. It reflects the professed recognition by the Government that it should not allow any activities leading to denigration of women as sex objects. We women are thankful to the Government as it has realised even though late, and felt the need to prevent denigration and derogatory treatment of women as sex symbols.

But I would like to say that indecent exposure of men is equally depraving and repulsive. So, I would suggest that the limitation of the Bill to women be replaced by a general reference to the exposure of the human body, both male and female as such.

Secondly, and more important, as the Statement of Objects and Reasons admits, there are already on the statute book laws relating to obscenity, codified in the Indian Penal Code. There is also the law against objectionable publications. But despite such laws the menace is continuing. Why? Because Government is not enforcing these laws efficiently. I feel that the Government alone cannot implement the legislation effectively unless non-governmental organisations give a helping hand by creating public opinion against commercial indulgence in the representation particularly of the female body as a sex object. Take for instance the advertisements in Doordarshan. Whether the article advertised is a soap or tooth paste or a towel, the female figure is used in trying to sell the product.

Obscene films should be banned and also not to be shown on television. The Censor Board should be made more effective.

To decide about obscenity, there should be some guidelines, because for some it may be obscene and for some others it may not be obscene. So, we must have some guidelines. But that is not mentioned in the Bill. I suggest to the Hon. Minister to include some guidelines in the Bill in order to decide obscenity.

At the same time, the Government media and private media should play a pivotal role in encouraging women and increasing awareness that they are in no way inferior to men in any field, by showing their participation in developmental activities and their role in the progress of the country, thereby creating self-confidence in them. Instead, our Doordarshan always shows women on TV either as cleaning utensils or cooking noodles or washing clothes as if they are born for that. So, I will request our Hon. dynamic Minister, Mrs. Margaret Alva... (*Interruptions*).

MR. DEPUTY SPEAKER: To make men do all the work.

SHRI NARAYAN CHOUBEY: What is the harm, Sir, if you do?

MR. DEPUTY SPEAKER: Nothing. I am telling you. You can change it. Then Members will bring another Bill and the Minister will have to protect.

SHRI NARAYAN CHOUBEY: You have to do some day, Sir.

MR. DEPUTY SPEAKER: Your experience is asking me to do.

SHRI NARAYAN CHOUBEY: I will help you, Sir. Don't worry.

DR. T. KALPANA DEVI: By showing them in those ways, self-confidence will be created among women. So, it is a must.

Let me refer to the Hudson Commission's recommendations in the United States. The Commission was set up by the Attorney-General. Edward Meese with a respected Justice Henry Hudson as the Chairman. It recommended for changes in Federal and State laws to combat the establishment of 'vigilant groups' to curb the menace. We also need such a commission to change the laws according to the time and need of the day.

The indecent and obscene advertisements and movies greatly affect the psychology of our younger generation. It is necessary to use the mass media for stressing the ill-effects of indecent advertisements.

Government should not only ban such advertisements which expose the parts of the women in an obscene manner but should also declare these as a punishable offence. The voluntary women organisations also should oppose such obscene advertisements and should help in implementing the law.

A few words about the provisions of the Bill. In clause 2(c), the definition of "indecent representation of women" is very vague and broad-covering. Even legitimate activities involving the female levels of administration may be used as loopholes through which legal advisers may let the prosecution fall. The net result will be the harassment of the innocent and escape of the guilty.

[Dr. T. Kalpana Devi]

The powers proposed to be vested in the authorised officials under clause 5 are too sweeping and are to be misused.

So, I strongly recommend this Bill to be referred to a Select Committee for wider discussions and for making it foolproof before passing the Bill. With these words, I conclude and I wholeheartedly support this Bill. Thank you.

SHRI K. R. NATARAJAN (Dindigul) :
Mr. Deputy Speaker, Sir, on behalf of AIADMK, I welcome this Bill which has been brought with laudable object. This Bill seeks to prohibit indecent representation of women through publication, advertisement, exhibition in any form. It also prohibits the distribution, circulation of writing, drawing painting, photograph containing indecent representation of women in any form. This Bill should take effect as quickly as possible. However, I request the Hon. Minister to delete some portion of the proviso to clause 4(1). I may be permitted to read out proviso to clause 4(1). It says :

“Provided that nothing in this section shall apply to :

- (a) any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure :
- (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure is in the interest of science...”

The word ‘science’ alone should be there; The words “literature, art, or learning or other objects of general concern” should be deleted, otherwise the present proviso containing these words will militate against the intendment of this Bill.

With these words, I support this Bill.

SHRI GADADHAR SAHA (Birbhum) :
Mr. Deputy Speaker, Sir, this measure is

for prohibiting denegration of women through films, photographs and advertisements and for improving the women's status and dignity. So, the object and intention of the Bill is no doubt good. The Bill is not being opposed but the concern of the people, the women community in India is being totally ignored, neglected and disregarded. The Government is not serious in implementing the legislation in the important area.

SHRI NARAYAN CHOUBEY (Midnapore) : Neglected and disregarded.

SHRI GADADHAR SAHA : I would say that the Government's record of performance in this area is not good at all. The advertisement in print media, in film and T. V. very often and frequently rely on feminine sex appeal to attract attention towards products. The things are worse in films. Some of the films invite emulation resulting in molestation of women in public places and the result is the re-enforcement of the image of women that suggests that suitable safe place of women is home and that they are not equal to men. This is against the idea of Directive Principles of the Constitution which guarantees equal status for women. It is admitted that the codified provisions under Sections 292, 293 and 294 of IPC which were to prohibit indecent representation totally failed to do it and the Government cannot claim the responsibility that those who ought to abide by and comply with the conditions of film certification procedures and existing guide lines for film certification and principle of healthy films making have been abiding by and complying with this. And the penalty provision that is there is not being imposed on those who are responsible for non-compliance or violation of the provisions. This is the position of women in Society and the proposed legislation will remain weak and ineffective like other Acts in the area.

I want to mention about their position in employment and in educational field. Our constitution guarantees equal status for women and there had been a National Plan of Action for Womens status based on the Status Committee Report of 1974. This document remarked :

“The Constitution guarantees equal opportunities for all citizens in matters

relating to employment and direct the States to secure rights to (1) an adequate means of livelihood and

(2) equal pay for equal work and just humane conditions of work."

The equality clause of the Constitution must mean something to everyone. To the vast majority of people, it would mean nothing if they are unconcerned with the work they do and the pay they get.

The difference in pay was held to be violative of the Constitutional provisions.

The impact of transition to modern economy has resulted in exclusion of increasing number of women from their participation in productive process and only a limited contribution of women and capacity to contribute,

18.00 hrs.

Sir, in 20 years, from 1961 to 1981, while women population increased by 112 million, the female work force increased in absolute number by less than 9 million resulting in a solid decrease of a full quarter in the participation ratio from 28 per cent in 1961 to less than 21 per cent in 1981.

Women constitute only 14 per cent of the total work force and they are mostly provided with low paid jobs.

Sir, in the total public sector the employment of women was 9.34 per cent and in the Central sector it was 3.43 per cent and in mines, in 1951, 1961 and 1971 their employment was 20 per cent, 15.8 per cent and 11.9 per cent respectively, and BCCL has taken the lead in discriminating against women. So, this is the position of our women in employment.

In education also their position is no better. All over India the literacy rate for women was 18.69 per cent in 1971 and it was 24.82 per cent in 1981. So their welfare is being neglected in every field, in every important area. The Bill is totally silent on these issues. With these words, I conclude.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): Mr. Deputy Speaker, Sir, I would like to request the Members here to agree that the time of this House may be extended up to 6.30 p.m.

18.02 hrs.

PAPERS LAID ON THE TABLE—Contd.

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI) : Sir, I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944 :

- (1) Notification No. 462/86-Central Excise published in Gazette of India dated the 9th December, 1986, together with an explanatory memorandum seeking to reduce excise duty on fuel efficient light commercial motor vehicles of pay load not exceeding 4000 kilograms from 20 per cent *ad valorem* to 10 per cent *ad valorem*.

[Placed in Library. See No. LT-3649/86.]

- (2) Notification No. 461/86-Central Excise published in Gazette of India dated the 9th December, 1986, together with an explanatory memorandum seeking to reduce the excise duty on light commercial motor vehicles of pay load not exceeding 4000 kilograms and employing indirect injection type diesel engines manufactured under a programme approved by the Ministry of Industry and Directorate General of Technical Development from 20 per cent *ad valorem* to 10 per cent *ad valorem*.

Placed in Library. See No. LT-3650/86.]