

Castes and the Scheduled Tribes? All political parties are concentrating on the votes of the Scheduled Castes and the Scheduled Tribes, but even then they want consensus of all the political parties.

The spirit of the Bill which I have moved should be safeguarded when a Constitution (Amendment) Bill is brought by the Government. The Ministry of Welfare is actually diluting the issue of the Scheduled Castes by comparing it with the Backward classes.

They are always talking about Backward classes and Mandal Commission recommendations. Actually, the judgement on Mandal Commission recommendations has encroached upon our constitutional right. So, I request the hon. Ministers of the Department of Welfare and the Department of Personnel to take up the issue as a concrete one and fix up a time-limit to bring forward the Bill.

[Translation]

PROF RASA SINGH RAWAT : The hon. Member has made a remark about the Supreme Court that the Supreme Court has encroached upon our Constitutional right. This is not right.

MR CHAIRMAN : Please sit down

[English]

DR P VALLAL PERUMAN : I want to know from the hon Minister if they are ready to give a concrete and time-bound idea to safeguard the spirit of the Bill - both regarding reservation in promotion and also increase in the percentage of reservation according to the latest population. If they are giving an assurance, I can consider withdrawal of my Bill.

MR. CHAIRMAN : Are you withdrawing the Bill?

DR P. VALLAL PERUMAN : I want an assurance from the Minister.

MR. CHAIRMAN : I think you have not answered his question.

SHRIMATI MARGARET ALVA : Madam, I have said this earlier that the process of consultation is on all these issues.

DR. P. VALLAL PERUMAN : Madam, the process of consultation is going on from 1992 onwards.

SHRIMATI MARGARET ALVA : Madam, I would like to state that a Constitution Amendment would require certainly a consensus among political parties because this is something which has to be passed by both the Houses of Parliament. Therefore, we are trying to work out a mutually acceptable solution. I am sure, my friends the BJP will agree that that they have a point of view.

There have been Members of the CPI and CPM in the two meetings, who have expressed their point of view. The other smaller parties want some other changes brought in. Some parties are asking for reservation for Scheduled Castes Christian converts to be included. Others are demanding that in this Amendment some other things should be included. Each party has expressed its views. The minutes are with me. I am not going into the details. I will circulate the minutes. Various points of view have been expressed. For me to say today that we will come out by so and so date immediately with this point of view is very difficult. All I can assure the Members is that the Government and I think the whole of Parliament is committed to ensuring that the rights of Scheduled Castes and the Scheduled Tribes for reservation as guaranteed by the Constitution and as demanded by the present changed situation would be protected both by Parliament and through a Constitution Amendment as and when a consensus is worked out. I am confident that it will be done very soon because all the political parties are committed to the same cause.

DR. P. VALLAL PERUMAN : Madam, I am thankful to you. I withdraw the Bill.

I beg to move for leave to withdraw the Bill to provide for reservation of posts for Scheduled Castes and Scheduled Tribes in higher category of posts in Government Services.

MR. CHAIRMAN : The question is :

"That leave be granted to withdraw the Bill to provide for reservation of posts for Scheduled Castes and Scheduled Tribes in higher category of posts in Government Services."

The motion was adopted.

DR. P. VALLAL PERUMAN : I withdraw the Bill.

16.40 hrs.

INDIAN PENAL CODE (AMENDMENT) BILL**

(Amendment of Section 354)

[English]

MR. CHAIRMAN : The House shall now take up Item No. 14. Shri C.P. Mudala Giriappa. He is not present.

We go to the next item, Item No. 15 Shrimati Saroj Dubey.

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[Translation]

SHRIMATI SAROJ DUBEY (Allahabad) : Sir, I beg to move that,

"the Bill further to amend the Indian Penal Code, be taken into consideration."

Mr. Chairman, Sir, when we turn the pages of newspaper in the morning with the sips of sweet tea, we come across the details of the incidents of atrocities on woman, dowry deaths and the naked parading of the women and with it our tea turns sour. The question comes up in the mind why the atrocities are being committed on women?

On one hand the woman is called goddess and on the other hand woman is trampled under the feet of the society. It seems to me that the provision of punishment for outraging the modesty of the woman in the I.P.C. is very less, this is the reason that the cases of atrocities on women are increasing. By parading a woman naked, such a stamp is put on her face that she has to bear the scar of it for her whole life and the punishment for this severe crime is only 2 months, 6 months or 2 years imprisonment. I think that section 354 of the I.P.C. should be amended so that those who commit such heinous crimes can be punished severely. My submission is that the punishment given for such crimes should be reconsidered and a provision of severe punishment should be made.

Me. Chairman, there is a mention of disrobing of Draupadi in Mahabharat in which Dushashan tried to disrob her and even Bhishm Pitamah went on looking at her helplessly. Draupadi went on weeping and crying for help but none of the warriors had courage to take out his sword and at last Shri Krishna had to save her honour.

Such incidents have been taking place since the ages when woman was worshipped as goddess and Lakshmi. The one question comes up in our mind, if there is anything more important than the modesty of a woman in this society. Extending this analogy further, my submission is that in the end of the 20th century, a delit woman Shivpati in village Dauna at Allahabad, who never removed the veil from her head and had never faced other male, was paraded naked one day at the gun point in the village. She cried for help before the whole village to save her modesty, the history of Mahabharat was repeated but none came forward to face those who were outraging her modesty.

It appears to be a simple thing that Shivpati was paraded naked in the village but if this incident is imagined that a delit woman, who covered herself for 40 long years, who did not keep off the veil from her

head, was paraded naked before the society, before her own children, brother, elders, her husband and even before her son. She was paraded naked before all the people and when we talked to the police officers regarding this heinous crime, I was stunned and my anger knew no bounds since they replied that there is no provision of a severe punishment for this crime and it was told that they can be sent to jail under the simple law. Wailing and crying, Shivpati tried to cover private parts of her body some how to save her modesty but these people burnt her body with cigarette stubs. Whenever she stopped or she could not move, they put the gun on her breast. When such a painful and shameful incident takes place with a woman, the whole of the society witnesses it helplessly. In the absence of severe punishment, we come across such incidents in the newspapers one after the other. The women who were going to take part in the Uttarakhand movement were compelled to run naked in the fields. Even on 2nd and 3rd day their torn clothes lying in the fields were telling the tale of the atrocities on them.

When in Muzzaffarnagar a principal refused admission to a child, the so called brave people torn her clothes and she was stripped naked before the children, whom she taught the lesson of discipline and whom she was trying to be the future citizens of the country. Such incidents are increasing day by day. The criminals have become emboldened. On one hand we talk about equality, atomic age and want the women to progress with dignity. We even say that

"Yatra Nari Poojayante, Ramante Tatra Devta".

i.e. where women are worshipped that is the aside of gods. The woman, is called the reservoir of immense qualities and it is said that she has the endurance like the earth, deepness like the sea, coolness like a glacier and a vast heart like the Himalayas, the same woman is called sometimes a mother, sister, daughter and beloved but sometimes she is made naked cruelly in the society. Had someone opened fire on Shivpati in Dauna village, and on the women in New Delhi and Muzaffarnagar, then perhaps they could not have complained since at least they could have died with dignity for once. Their dignity could have been saved even if they had died and the heinous incident of parading them naked could not have put its scar on their families and their coming generation. Wherever the disgraced principal goes, her fame reaches there earlier. Now, even if she wears the clothes of iron, she feels that she is standing naked before the society. Then, the provision of 2 or 4 months or 2 years imprisonment for those is a gross injustice. Therefore by adding a sub-section to section 354, I demand that

severe punishment should be given to the culprit. Therefore my submission is that they deserve to be hanged since they commit such atrocities on women that they die while living. Those who commit such crimes do not have the right to live. But we live in a civilised society and we do not want to be barbaric like the criminals. Therefore, for such criminals, there should be a provision of life term imprisonment or seven years imprisonment at least and besides it there should be a provision of heavy penalty also, so that these people can have a lesson and in future no Dushashan can try to outrage the modesty of Draupdi, since, now gone are the days of Shri Krishna. Now the man commits atrocities on woman to show his upper hand on her and to satisfy his ego. Therefore, if severe punishment is not given for such crimes then such crimes will be repeated and the women like Shivapati and those who take part in the movement will be disgraced continuously.

The image of Indian woman inside and outside the country is that of a goddess and housewife. Should such Indian women be stripped naked and paraded? The persons perpetrating such misdeeds should be termed as mentally sick.

Epics have been written on coyness and modesty of women. In those works women have been depicted as covering her head with 'anchal' of her sari and sporting bindi as a mark of her being a married lady, wearing bangles and proceeding to community well with jingling sound of anklets and having utmost modesty in them. Now imagine the situation when women are stripped publicly at gunpoint and paraded in the streets. Such murky incidents are directly attacking our culture and compelling us to think over the presence of beast like persons in our society. The nature has created the woman tender-hearted but even then today the woman is marching ahead shoulder to shoulder with the man in the society. But it seems to me that the male dominated society does not want to allow the woman ahead of him in the society. That is why whenever woman proceed on the path of progress, she is humiliated by meting out such disgraceful treatment and attempts are made to confine her in the four walls of the home. But the society must understand that the woman cannot be stopped from making progress by such despicable acts of the man. They will certainly come forward and struggle for their rights, honour and their right to equality. They are doing so. In this context I would like to request the Government to amend the Section 354 of the Indian Penal Code and add a Sub-Section to take stringent action against the culprits who strip the women naked and parade them publicly. Provision should be made to award life imprisonment or at least 7 years rigorous imprisonment with time to

the persons who commit such crimes. The society has taken it as a very easy task that whenever the woman tries to make progress they may be humiliated publicly and insult them. A woman was publicly humiliated in East Delhi. She was not involved in any dispute. She was just standing behind her husband. But the criminals thought that unless they commit such ignoble crime and disrespect women, they would be defeated in the dispute. If such tendency persisted regarding women in our country the half of the population of the country would not get justice. They will be helpless. Even in the Ramayana the woman has been placed in the category of animal by saying "Dhol Ganwar Suudra Pashu Nari, Yeh Sab Tadan Ke Adhikari."

The modern literature has also not done justice with us. Our great national poet Malthill Sharan Gupta wrote "Abla teri yehi kahani, Anchal mein dudh ankhon mein pani." Thus, by saying this the way and approach for our progress had been blocked. Literature is considered to be the mirror of the society and thoughts of the society are reflected in it. But when the Indian woman wants to come out from the darkness of her backwardness and tries to find solace and take inspiration from the literature, what does she find? What message she gets? i.e. "Dhol, Ganavar, Suudra Pashu Nari or Abla Teri yehi kahani, Anchal mein doodh Aankh mein Pani." She is so much depressed to see such reflection of the society in the mirror of the literature that she considers it her destiny and is compelled to accept it as her fate. Such a tendency is on the rise in our society and we will have to take stern measure to check it.

Our hon. Minister of Home Affairs is sitting here. He is very well aware of the fact as to what is happening to women in Kashmir. They are being oppressed not only by terrorists but also by security personnel deployed there. Why is it so? Oppression on women is on increase even after 47 years of the independence of the country. Would the hon. Minister of Home Affairs like to reveal as to how many persons have been awarded stern punishment for stripping and humiliating women? When Shivapati became victim of such hateful incident, women organisation raised much hue and cry. People went to her to wipe out her tears and to express their sympathy with her. They did it so much that she fell ill.

16.59 hrs.

(Shri Sharad Dighe *in the Chair*)

But what was the final outcome? The culprit is out of the jail and Shivapati is facing threat to her life. Such incidents are on the rise these days. Once again I would like to demand to amend this Bill. I would like to demand that provision should be made to give stringent

punishment to the culprit so that no other Dusshasan is born here to disrob any Draupadi. If anyone dares to do such a heinous crime he should be punished merectlessly with the help of the sword of law. I hope our Government will extend its full cooperation and will open the way and provide all the opportunities to the women to make progress in the society. If it is done, this will help the women to join the mainstream of the nation and contribute in its all round development. This will enable them to preserve the cultural dignity of India and make progress marching ahead with the men.

With these words I conclude.

[English]

Mr. Chairman : Motion moved:

"That the Bill further to amend the Indian Penal Code, be taken into consideration."

17.00 hra.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer) . Mr. Chairman, Sir, I stornly support the Bill further to amend the Indian Penal Code introduced by Shrimati Saroj Dubey.

In fact news-items appearing in the newspapers every day regarding the oppression of women are so ignoble that we have to bow down our heads out of shame. Women enjoy supreme position in our Indian culture. In the Hindu mythology the name of Sita is taken first when we say 'Sitaram' and name of Radha is taken before Shyam in Radhey Shyam. When we say 'Laxshmi Narayan' the name of Lakshmi is taken first. Similarly in 'Gaurishanker' the name of Gauri is taken prior to Shanker. Saraswati has been considered the goddess of learning and Lakshmi is of prosperity and 'Durga' is of power and strength. These all are the different faces of the woman. The woman has been depicted as a symbol of Motherhood, Powers, learning and prosperity in this way and has been given supreme status and has been honoured by calling them goddess. Therefore, in our religons books it has been said that "Yatra Naryastu Poojeyente, Ramante Tatra Devta." i.e. the society or the nation where women are respected is the abode of gods. There were learned and scholarly ladies like Gargi, Maltreyi and Katyayeni in olden days who used to participate in the debates on the hymns of vedas and had honourable and equal status in the Society. They were never discriminated. But unfortunately in the medieval period they started by coming victims of illiteracy and many other social evils. Due to evils of orthodox and Conservative society the woman started losing its respectable status in the society and a down fall came in her position. Thereafter, the founder of the

Arya Samaj and pioneer of renaissance Swami Dayanand Saraswati emerged in the country who first stated that women has a respectable statue of motherhood. He told "mata nirmata bhawti." i.e. Mother gives birth to the progenies of human beings. It has been mentioned in our culture 'matri devo bhav, pitri devo bhav, Acharya devo bhav'. It means first mother should be considered equivalent to god, then father should be considered equivalent to god and then teacher should be considered equal to god. Then 'rashtra devo bhav.' i.e. the nation should be considered equal to god. Thus the position of mother is supreme. Therefore, Swami Dayanand Saraswati writes 'mata nirmata bhavti.'

Mother is the creator and it has been said that a person, whose mother is religious and learned, always moves towards the path of progress. Therefore, women are held in high esteem in our society. All the social workers, national leaders as well as all great pearsonalties since the time of Mahatma Gandhi to date have honoured this feeling and accorded equal status to women. Therefore, I support the Amendment Bill moved by Shrimati Saroj Dubey.

Today incidents of atrocities on women are increasing in various parts of the country. As has been stated just now that how a poor woman named Shivpatia of Allahabad was molested and stripped by some people to quench their frustration or to impose male supremacy and ego. in this illiterate society, women are ill-treated in the name of Social Panchayats and Castlest Panchayats. They are not respected and considered as commodities, be it in Allahabad or the capital of Madhya Pradesh, Bhopal. Such an incident had taken place recently in Bhopal. There had been uproar for several days in the Legislative Assembly over this issue and consequently several officers were suspended. Therefore, it has become necessary to make amendments in Indian Penal Code to curb such crimes. Further, stringent provisions should be made in the Indian Penal Code to curb such crimes in which women are stripped, paraded nakedly and where people try to play with their dignity and dishonour them. It is a very good Bill and earlier under Section 354 of Indian Penal Code, there was provision of two years imprisonment or fine or both for those culprits indulging in rape and molestation. Now a days such crimes are on the increase. Women are illtreated due to growing tendency of hedonism; ill-effects of western culture, cinema and T.V., illiteracy; poverty and lack of respect to women in the society. Now through this Bill the provision of two years imprisonment and fine had been proposed to be extended upto 7 years rigorous imprisonment and maximum fine. Such exemplary punishments would become examples for others and they would refrain

from such acts. I feel that a provision of 7 years rigorous imprisonment should be made to contain such atrocities against women.

Sir, unfortunately the culprits caught in such crimes are generally found either unsocial elements or they have links with some gangs. Therefore, none come forward as a witness to such crime. I, therefore, request the Government to make arrangements that according to the law police officers should have clear cut instructions to reach the spot of such crime to inquire into the matter. Whether they get any evidence or not or whether the accused is influential, rich or a hooligan, the matter should be inquired into and the culprit should be arrested and punished.

Mr. Chairman, Sir, there is no need to say that at the time of disrobing of Draupadi, her husbands were sitting bowing their heads in shame and battle of Mahabharata was fought and as a result of it, 18 'Akshohini' army met untimely death. Similarly, as a result of abduction of Sita, Maryada Purshotam Ram had to invade Lanka and kill the demon like Ravana. Several battles were fought for the dignity of Padmini. This kind of incidents continue to take place even today. Our Constitution, culture and religions have accorded a dignified place to women in the society. However, the hon. Lady Member was saying that the women a member of weaker sex. I would like to say that she is not such but more strong. Today, women are making progress in every sphere of life. They are pilots and working in Army and Police force of the country. Shrimati Indira Gandhi had worked boldly and efficiently as the Prime Minister of this country. Several women from other countries have also done exemplary works which can be a source of inspiration for other women to enable them set new records in every field of life. Further they can fight the anti-social elements as well. They should not hesitate or have any fear in registering their complaints with the concerned authorities against such anti-social elements to save their dignity. Now a days, women learn Judo-karate for self-protection. Such incidents take place in villages due to illiteracy among them. Through 73rd and 74th Amendment to the Constitution of India, now women have got the facility of reservation in Panchayat also. They are being elected as 'Pradhan' of Panchayats, Sarpanch and Member of Panchayats. It will certainly, create confidence among them. Now women will not be able to exploit other women but fight collectively against such anti-social elements through womens' organisation. These elements would not dare molest or perpetrate atrocities against them.

Mr. Chairman, Sir, in the end I would like to say one more point. Even today, Panchayats are held on the basis of castes in our villages in which 'Panch', 'Patel'

'Nambaradar' and 'Mukhia' etc. of the village participate and hear the cases related to abduction of women, educated husbands rejecting their wives, on the ground of their being illiterate, maltreatment of women by their mother-in-law, eviction of women by their-in-laws from their houses etc. These Panchayats adopt parallel laws. They do not care for the law of police and court. First, they try to pressurise the husband and family member of a woman and ultimately, the woman is insulted before the public. Sometimes she is hanged on trees with ropes. Illiteracy and superstition still prevails in our rural society. 'Panch' and 'Patels' have their own rules, which do not have any link with social laws. It is on the basis of these rules they exploit people in the villages. I would like to say that efforts should be made to stop this. Persons who perpetrate atrocities on others and show their superiority on the basis of caste or on the power of 'Panch' and 'Patels', should be punished. There is a saying in English that 'to err is human and forgive is divine'. Further, it is better late than never. It is a condemnable act if false allegations are levelled against a woman and an attempt is made to hurt her character, behaviour or dignity. Once, Manuji had said —"Danden Shasti Prajam" - which means that Democracy is run on the basis of rule of law.

I support the Bill moved in this House for amendment in section 354 of I.P.C. I would like to emphasize upon the word 'rigorous' mentioned in it. Stringent actions should be taken against such anti-social elements so that no other person could dare to indulge in such offence and play with the dignity of women. Such incidents not only hurt the sentiments of the concerned women but her husband is also develops a feeling of inferiority. Such women curse themselves in their whole life because false pride of the society has made their lives a hell. Under such a situation their children and relatives also develop inferiority complex and they try to humiliate the victims, instead of expressing hatred against the sin and not the sinner. The sinner can be reformed. We should try our best to embrace and reform them by becoming their saviour. Women should be sent to such institutes which could guide them properly, give protection to them and provide necessary facilities to make them self-reliant.

Sir, through you, I would like to say that provisions under Section 354 of I.P.C. should be amended so that crimes like naked parading of women could be stopped and they could get a right to live a dignified life. It has been stated in Vedas that man and woman are equal and there should be no gender discrimination.

Mr. Chairman, Sir, our culture, religion, civilization, history and traditions show that women have been respected and worshipped in our society. Therefore,

respect of women is the respect of our society, culture and human values. In view of the above, I would like to say that this amendment should be accepted for the dignity of women in our society and we should unanimously condemn such incidents.

[English]

SHRIMATI DIL KUMARI BHANDARI (Sikkim) : Mr. Chairman Sir, I rise to support the Bill introduced by hon. Member Shrimati Saroj Dubey. In this Bill, she seeks to amend Section 354 of IPC. Section 354 of the IPC as it exists now, reads as follows :

"Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both."

The hon. Member seeks to increase the imprisonment period from two to seven years and with fine. It is high time that the Government and also the society address themselves to the problem of atrocities on women. This problem is ever increasing. We have on dearth of legislation and whenever we speak in this august House or outside, platitudes expressed on the subject are bountiful. But when it comes to implementation, nothing is being done. Realising this lacuna, our hon. lady Members have been raising this issue of atrocities on women again and again. Realising the gravity of the situation and the problem, our hon. Speaker has also consulted all the Opposition Leaders and if I remember correctly, a discussion on this issue is going to take place on the 25th of this month.

I congratulate Smt. Saroj Dubey for introducing this Bill which is being considered here. She has very eloquently described why she wants this amendment. She has given many examples of how ladies are being humiliated. Today, we feel really ashamed to be a part of a society where women are being humiliated. These atrocities are committed not only against grown up women but even children also. For the last few months, we are given to read in the newspapers that almost invariably every second day, there is a report of sexual abuse of children. Even eight year old small girls are not spared. I raise my hand during the Zero Hour many a time to express my anguish over such issues, but I fail to get an opportunity. Yesterday in Rajya Sabha there was a discussion on this issue. This type of degeneration which is creeping into our society makes us wonder whether we are really living in a civilised society at all. Any amount of punishment for this type of humiliation which is being committed against women would not compensate the suffering they are subjected to.

Sir, I would like to say that I not only support the Bill as brought forward by Smt. Saroj Dubey ji, but also I would go a step further and say that even the definition of rape has to be re-defined. This is because, the children who are sexually abused, not only children, but also the women who are abused in this way, in such cases the culprits are going scot free because there is no legislation.

Sir, Section 375 of the Indian Penal Code has given a definition of rape. But those actions which are more humiliating than actual rape have not been enlisted as one of the circumstances which is defined as rape.

So, Sir, through you, I would like to urge upon the hon. Home Minister that while considering the amendment to IPC 354, he should also consider the amendment of IPC 375 to re-define rape so that the guilty is punished. As Smt. Saroj Dubey ji has suggested and as I said earlier that for these people, no amount of punishment is sufficient when equated with the humiliation and the crime they have committed. So, these two IPCs should be amended. I strongly support the Bill that has been brought forward by Smt. Saroj Dubey ji.

[Translation]

SHRIMATI GIRIJA DEVI (Maharajan) : Mr. Chairman, Sir, I welcome this Bill in regard to a partial amendment of Indian Penal Code No. 354 brought about by the hon. Member. But it is a matter of shame that we have to make a submission in this regard to the highest institution of the country. We are not adequately informed about Draupadi. From what we have come to know through folks, religious books or the great Epic, we have known about her in a traditional manner that she was such a woman who was stripped in front of her five husbands, her relatives and 'Pitamah' whose name 'Bheeshm' is linked with intentions even today to give it a meaning of strong will. Even Bheeshm, who had relinquished all his desires and worldly wealth and who was all powerful could not help Draupadi from being humiliated. All of her five husbands were skilled in various battle techniques but they remained mute spectators and Draupadi fell victim to Dushaasan's lasciviousness. Kauraves were 100 brothers. She became victim of their bestial tendencies. There must have been some social drawback behind this. It was not so that her husbands were also not without any fault. It was only their bestial tendency which made them lay their wife as a wager. Man takes oath before fire to protect his wife and declares that he has become her protector and says that he vows seven times to stand by her through thick and thin. What happened to all those vows taken by her husbands at that time? We

have, therefore, been witness to one drawback or the other in the social structure which does not view woman as she is depicted in Vedas, Puranas and it is said in them, "yatra nari poojyante ramante, tatra devta" or other religions books also say about women that there is paradise only in the bosom of a mother or Christ plays in the arms of Mother Mary. But when our sisters, daughters are molested then the strength of arms of the same people wane and they talk of justice that the justice will be given by the judiciary. May be the judiciary can provide justice in respect of a field, tree, or a dispute between two countries. Rasa Singh Rawat ji has rightly said that we have several Panchayats in our country for that but he also has this doubt that Panchayats do not provide justice.

A daughters-in-law of a Meena caste family in our border line state, Haryana, who was pregnant was molested, her ghaghra and choli were ripped apart and then some local influential people of bestial tendencies outraged her modesty also. There should be a check over such tendencies as somewhere along they get support Justice is being denied in the name of delayed justice.

You may remember having read about this incident. It happened recently. Our magazines had published coloured photographs of her in ripped clothes. You may imagine what had been her feeling on that dark night when she was crying for help and running to save her from humiliation. Nobody came to her help and when the Panchayat was called to settle the matter her husband, mother-in-law and unmarried sister-in-law were intimidated into keeping silent and they were threatened to be killed or made socially outcast and were told that they would not let their unmarried daughter get married if they did otherwise.

Shrimati Dubey has requested to increase the jail term from a period of two years to seven years and increase the amount of fine charged. It is not a matter of two years or seven years, the thing is that, such a big crime is viewed in a very insignificant manner by us.

An incident took place in a Delhi college, I do not want to name the people as a boy and a girl are involved in it. It has been in the newspapers that a girl was stripped naked in a college of Delhi University. A committee was set up to inquire into the matter. But the findings of that Committee are yet to be published. The Vice-Chancellor of that University resigned due to mental tension in the wake of such happening. But the guilty people are still at large.

Maya Tyagi was paraded naked but it took 10-11 years to get the guilty person punished. The courts do mete out justice and people get imprisonment for a

period of 2-4-6 years or even more. In Maya Tyagi case the culprit was awarded that much punishment because the charge of murder was also involved in that case. Maya Tyagi was stripped in front of her husband who had married her with a vow to protect her dignity. Later her husband was also killed. Maya Tyagi must be alive somewhere but mentally she is dead. How could she hide that lost dignity of hers which was snatched from her in the open at road-side? The same is the case with Shilpati. She says that she does not understand how many clothes to wear to hide her lost modesty. She says, "no matter how much I hide my body and my head but I still feel naked." You have talked about Remand Homes in this social structure. You demand us but we have to go to Remand Homes. You strip us and our children, our sons earn a bad name. That is why, please do not call us 'Abla' (helpless) and do not call us 'Sabia' (Strong) either but at least do not consider us a 'bala' (problem) in the society.

Whenever I pray to 'Durga Saptasati' I always remember that Goddess Durga was not harassed by the devils alone. Her husband had created the devil, Madhukaltabh, in order to enjoy in frivolous activities. When the same devil assaulted Durga sexually, Vishnu was busy in his voluptuous activities. If you people, and 'Vedacharyas' etc. feel bad about it then I must say that I am only stating the facts. Then Durga had to fight with all the devils alone. Goddess Durga, to whom we offer prayers to seek her blessings for getting energy and power in us and say to her, 'He, Durga ! you are all-powerful and kind', was herself treated very badly. All demons including Madhukaltabh, Dhoomketu came one by one and one of them even said to her that she was foolish if she did not know his master. His master was such who did not want to denude her himself. He had ordered his demons to pull her by her hair and bring her to him. Durga had said "Tisht tishtha re moodhaa, yaavat madhu pivamyaham." It means that he could only say it till she got her energy from intaking honey.

That is why Saroj Dubey has raised her voice that we are one and whatever freedom you have given us if it goes on increasing then the day is not far when we will avenge the stripping of Draupadi and fight for our right even today after centuries. This is only the beginning.

I was really hurt when my friend mentioned 'Vedas' and 'Puranas' in this context. He has said that "Vedon Ka Hal Ekan, Nar Nari Haln Ek Saman." In 65th and 66th Shalokas of 2nd Chapter of 'Manu Smriti' it has been written that women have no right to study Vedas or perform an oblation. She has the only right to marry

and it is due to the reason that man cannot marry alone. In a marriage, man and woman become partner. After marriage, woman lives and serves in her husband's house. At the time of marriage, man is told to take that fire before which he had taken sacred vows, to perform an oblation and woman is told to light the hearth by this fire. These are our century old traditions. On the one hand, there is a system in which women are worshipped as goddesses like in Sita-Ram, Radha-Krishan but on the other hand, we have a system just opposite to it in which name of Shiva in 'Shiva-Parvati' is uttered before Parvati. In this way, things come back to square one. We find that this whole system makes woman a pleasure seeking commodity and not venerable.

This system cannot be changed till the mentality of our society is changed through proper educational system. Since we could not change our mentality in the past, woman remained a pleasureable commodity under the cover of religion. She was married in her childhood while sitting in her mother's lap. At that time she did not know that she was getting married but when her husband died she was made a widow and was forcibly consigned to the pyre of her husband under a dose of opium. Then the woman was called sati. Later on, she was worshipped by erecting 'Sati Choura' so as to inspire other young widows to follow suit. The reason behind 'sati' was not that the woman will meet her husband in the heaven but because her share of property will pass on to others. Women, who refused to die or become sati were forced to lead a torturous life. There are several such incidents in which widows had left the house of their husbands as well as parents and led a life of prostitute. They were not given a respectable place in the society and were compelled to lead a poor, forlorn and disregarded life.

There are reports of stripping of women. After stripping her, it is assessed that how many times a woman has been raped. The rates of compensation vary from case to case. It is Rs. 10,000 for being raped once, Rs. 20,000/- for being raped twice and Rs. 30,000 for being raped thrice.

It seems as if it is a remuneration for her labour but punishment is not meted out to the culprits. The State of Affairs have reached such a disgusting pass that there are reports of a father raping his daughter. He is working as a higher official in the Ministry of Home Affairs. If such persons will hold the responsible posts in judiciary, where will that minor girl go to file a case? She is being raped by that very father who is her protector. I agree with Shrimati Saroj Dubey in regard

to the extent of punishment but I would like to make a submission that justice should be done immediately so that people involved in such crimes could not attempt to point an accusing finger at her. If the judicial system is made efficient to the extent that culprits of such crimes would be caught within two-three hours and punished, then no 'Duhshashan' would dare to touch the clothes of 'Draupdi'. But in our country, such cases take 2 to 4 years to be disposed of and the culprits in the meantime managed to get released on bail and find time to threaten the witnesses.

There had been an incident involving Usha Dhingra in a court of Uttar Pradesh. Some persons tried to strip her in the court itself.

Fortunately, that matter was referred to the Women's commission which took initiative and tried its best to get the culprit punished. But the commission has not been bestowed with any power. We had demanded setting up Women's Commission for immediate justice and benefit to women. The tenure of the women's commission has lapsed in January and it has not been reconstituted so far. It seems that our protest against atrocities committed on women like parading them naked is a cry in wilderness in this male dominated society. Sir, people may consider it as our cry in wilderness but I feel that a voice should be raised against atrocities on women. Women have awakened today and if their demand will not be met in time, then the situation will become explosive. I become overawed by the fear while thinking about it.

While supporting the Bill brought by hon. Member Shrimati Saroj Dubey, I again thank you for allowing me to speak.

SHRIMATI PRATIBHA DEVISINGH PATIL (Amravati):
Mr. Chairman, Sir, the House is having a discussion on a Bill concerning women. When I saw it on the T.V. monitor outside I came inside. This is such a topic which should be discussed not by women alone but by all the Members of the House. People, who outrage the modesty of a woman and strip her naked, do they not have mothers, sister or daughters in their houses? How does their conscience allow them to indulge in such an abominable act? The society should deliberate over this point. It is a heinous crime. A woman is a woman whether she belongs to any caste or religion. She is the dignity of the society, of the house and of the country, I am not aware whether such incidents take place in other countries or not. But if such incidents take place in a country like ours in whose culture we take pride, then it is a matter of shame not for any particular

community, to which that woman belongs but for the whole country. If such incidents are discussed at international fora then will not India have to cut a sorry figure? Hence, it becomes imperative that stringent laws are enacted to effectively deal with such crimes. I congratulate Shrimati Saroj Dubey who has introduced this Bill to amend this law. She has done a very good thing and presented her views in a very lucid manner. I do not have much to say about this as our sister, who just spoke, has said a lot about our scriptures and history. I would not like to go into those points again but would only like to share with this House, what I have learned from my experience.

I have worked as a Minister in Maharashtra for several years. I was the Minister of Health there. The International Women's Year, 1975 was celebrated during my tenure there as a Minister. Some women doctors of Madras had invited me to a conference of doctors. Since I was the Minister of Health, I attended it. They put all their problems before me and said that though they put in a hard work before becoming doctors and the nurses also studied hard to complete their training course yet they are told to go to villages as it was essential that there should be women doctors to treat women. In this regard, the main reason given is that rural women hesitate to go to a male doctor for medical treatment. They further said that they agree to go but there they do not get accommodation facility for them. So, they have to look for rented accommodation and since they have to live there alone, they are harassed. The rural folks treat them as women. They narrated one incident that once a female doctor was summoned to deliver a baby but when she reached the place there was no such thing and she was harassed there. Such incidents should be checked. A well considered law should be enacted. Later, it was decided that every lady doctor would be provided with a lady assistant, or helper but the things were back to square one because the helper was also a lady. The Government may not take this matter seriously but I feel that every girl should be imparted physical training including Judo and Karate. If we want them to be able to protect themselves then we must impart them such trainings. For this purpose an effective law and a proper system is needed to be evolved.

Sir, nothing can be more shameful than parading of a naked woman in the lanes of the city. If a 4-5 year old boy is spanked or admonished by his teacher in the school and made to stand on a bench he may not mind but if he is divested of his clothes and made to stand in the class, then he becomes reluctant to go back to school next day onwards. And when it is done to a girl she becomes mentally scarred for life and when it is

done to a woman then one may well imagine her mental agony and its affect on her family members and close relatives. So, the proposed provision for seven years imprisonment in such a case should be adhered to. However, it should be even more than that. In cases like these, there should be a provision to award immediate punishment. The local police, under whose jurisdiction such incidents take place, should arrest the guilty persons within 24 hours and put them behind the bars. Further, a tribunal should be set up which will deal with only such crimes. It should be burdened with other cases as well. If a woman is harassed or is stripped naked, the guilty should be arrested and he should be produced before the said tribunal. Thereafter the guilty person should be punished within a month. This can have a deterring impact, otherwise it will go on unabated. This way, public will even forget after one, two or three years that anything like that had happened. In High Courts, cases remain pending for 10-15 years and by that time it loses its purpose and everything becomes useless. There should be a special tribunal for that. If tribunals will also take more time then the Collector can be delegated the powers because a District Magistrate is a semi-judicial authority. I do not know if it will be done or not. If it could be provided in the Penal Code it is alright but if that cannot be done, then special tribunals should be set up. It is very important.

I would conclude by raising one more point. On 8th March last year when International Women Day was being celebrated, I had got up in this very House and said that the telecast of vulgar scenes involving women, through cinema and television was bad for our society. It should be checked. Earlier we used to say that women were being confined to the four walls of the house but now the situation is, that the woman has again become confined to her room because of telecast of vulgar songs and dances. The house may be having 4 rooms but she cannot come out of her room because her children and other members are watching television in the drawing room and the mother cannot watch such vulgarity in their company. So, this way the atmosphere is getting vitiated. In this connection, 'Cinematograph Act' will have to be amended. There has been some improvement since the day we took this step but the desired improvement is yet to take place. Women Members of Parliament belonging to all the parties, had then gone to meet the hon. President and submitted a representation which was forwarded by him to the hon. Prime Minister. The hon. Prime Minister in turn forwarded it to the concerned Department.

Something has been done regarding that but no solution of it has been found till date. Its solution must

be found. Therefore, the Act should be amended. We would like to submit that the amendment should be brought simultaneously.

KUMARI FRIDA TOPNO (Sundergarh) : Mr. Chairman, Sir, I extend my thanks to Shrimati Saroj Dubey for bringing the resolution to amend the Section 354 of I.P.C. This issue has already been discussed in detail and the fact is that the atrocities on women are increasing day by day and nobody comes to their rescue. The women are finding themselves helpless in both the rural and urban areas.

Mr. Chairman, Sir, the main reason of this problem is the obscurity shown on the Doodarshan, which affects the youth and specially the uneducated and socially backward people and the wrong ideas start coming into their minds. This is the reason that the serious crimes like these are increasing day by day. Therefore, I support that the punishment for such crimes should be increased. There should be a provision of 7 years rigorous imprisonment and penalty and there should be no delay in awarding the punishment. The cases should be decided soon, so that there can be some effect of it on the criminals and such sort of crimes can be stopped in future.

The society should also ponder over it and the children should be educated in this way that in future they do not commit such crimes.

At last, I once again support that there should be a provision of 7 years imprisonment and heavy penalty for such serious crimes. Such issues should be settled immediately.

With these words, I conclude.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Chairman, Sir, I support the move to amend the Section 354 of I.P.C. But, alongwith it, I would like to submit that merely by increasing the punishment, it will not serve the purpose. I would like to inform to the House that such incidents are taking place only with the women belonging to the weaker section of the society. We merely deliver the lecture here. I have seen that in Uttar Pradesh and Bihar, the people of upper class go to the houses of the people of the weaker section and sing filthy songs and hearing of such songs in shameful. On whom these atrocities are committed? These are the women of the weaker sections and the dalits who have no say in the villages. Do such incidents take place with the women of the upper class and the women of the capitalists. No, these do not take place with them. As long as there is disparity, it will continue.

You are saying to enact a law and bring the amendment. As long as the C.R.P.C., the law of evidence is not amended, merely amending the I.P.C. will not serve the purpose. When the witness is given after 10 years many things are forgotten. You talk about the court. It is on sale. Who buys the court? We want to know it from you that who has an access to the court?

As long as there was the society based on feudalism, the dowry system was confined to some classes of the society but today in the capitalist society, the dowry system has come up among those poor people also, who have become prosperous. Dowry is like leprosy in society. We are more than 500 people here, if we take an oath that we will not take dowry, the message will go to the crores of people.

I have seen in Banaras, that a wine seller invited four ministers in the marriage of his daughter. Bhajan Lalji and Lalubabu were there and a huge amount was spent. Bringing the Bill has become a tradition here and we use choicest words here and feel that the heart has been purified. If you think that the atrocities on women should not be committed then you will have to educate the section of such women. You will see that once they are educated none will try to do wrong things before them.

We may enact a law but who is responsible for its implementation? What does the SHO write? See, what a big criminal the Doctor is? The rape has been committed but he will write 'no semen'. Where the case, will go. As long as all the loopholes are plugged, even if you make a provision of capital punishment in the IPC, it will not serve any purpose.

18.00 hrs.

Everything comes to an end on the trial. Therefore, my submission to you is that all the loopholes should be plugged with the help of the social awareness and its publicity taking the doctors into confidence. They should be advised not to spoil the case, as they are their mothers and sisters. If we do not change the mentality of the society, law will not bring any change.

A new thing has started today. The expected mothers of the affluent families go to the medical centres to know whether the child in their womb is a male or female. If that is a female then it is aborted. While we are discussing here about the disgrace of the girls, there the girls are killed before they take birth. If there are no girls, how this House will run. Therefore, we will have to understand all these things.

With these words, I conclude.

[English]

MR CHAIRMAN The discussion will continue next time

The House now stands adjourned to meet on Monday, the 8th of May 1995 at 11 A M

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 8th May, 1995/Vaisakha 16, 1917 (Saka)
