

sident of the Congress (I) at Ulhas Nagar and provides particulars of the name of the shop, its address, list of the liquors and wines available in the shop and the photograph of the shop-owner, Duni Chand Kalani. This sort of an advertisement of a liquor vendor with the photo of the Prime Minister is an outright exploitation of the name of the Prime Minister for the selfish purpose of the liquor vendor who has disgraced and misused the name and office of the Prime Minister of India. It is high time that the Prime Minister took steps to stop the vested interests from dragging her name and her office for being exploited by liquor vendors.

14.30 hrs.

MOTION RE INCREASE IN INCIDENCE OF RAPE ON WOMEN—
Contd.

Mr. DEPUTY SPEAKER: Now we take up further consideration of the motion moved by Shrimati Geet Mukherjee.

Shrimati Suseela Goplan to continue her speech.

SHRI MAGANBHAI BAROT (Ahmedabad): Sir, to the resolution which is now being discussed we have suggested some amendments.

MR. DEPUTY SPEAKER: It is only at the discussion stage.

SHRI MAGANBHAI BAROT: There is no dispute about it. We only want to widen the scope of the resolution. So please accept our amendments.

MR. DEPUTY-SPEAKER: That will come after her speech is over. Shrimati Suseela Goplan.

श्रीमती कृष्ण साही (बेगूसराय) :
उपाध्यक्ष महोदय, मैं यह प्रार्थना करती हूँ कि इनका जो यह मोशन है, उस पर मेरा एक एमेंडमेंट है। मेरी रिक्वेस्ट है कि उसको मंजूर कर लिया जाए।

SHRIMATI SUSEELA GOPLAN: (Alleppey): Sir, it is a matter of satisfaction that at least now this neglected subject has come to this august House for consideration and discussion, thanks to the Forum against Rapes which has been formed in Bombay and which took up the Mathura case and brought it before the notice of the public as also of this House against the tortuous attacks and the behaviour of the Police against such atrocious attacks.

Sir, dozens of such incidents have taken place in our country during the last so many years. But whenever there is an incident, there will be some protest and the government will make some statement and then they will say that they will take action and some directions will be given to the government. But what will happen afterwards? After a few days, the protest dies down and nobody cares about what happens afterwards to the victims of that attack. What happens to them—nobody cares about that. And also about the legislation and the implementation of the legislation nobody cares. That has become the order of the day. Why in this Mathura case has the verdict come like this? I think it is because we have shown utter negligence about this social aspect and because so many things are taking place and nobody cares about it. We have hundreds of such cases in our country. But what steps have the government taken? The government has taken no steps to prevent such things which go on every day. That is why the Narayanpur and Pipra and so many other cases have come to our notice. These things are taking place and pathetic stories are heard. Then there is no remedy. It is going on like this. Even in this case one of the culprits, the Police Officers who had committed a heinous crime within the Police station has been allowed to escape and he escaped because the poor girl could not prove that she was below 15 years and also she could not prove that there was resistance. Two ddukards took this girl to the police station in the dead

of night. But the court asked the girl whether she resisted. That was the verdict of the Court. It was not proved that she has used enough force.

14.33 hrs.

[SHRI SHIVRAJ V. PATIL in the Chair]

So, the police officer has been told that this is a matter of concern. Even the Supreme Court did not say a word against the police officer who used the police station as an arena for sexual intercourse. That is because, over the last so many years, they have neglected such a thing. We had not taken upon the problem as it should be. Even the conscience of the general public or of the judges or any higher-up in our society has not taken this seriously. So, this thing has come to stay.

In Kerala, Sir, we were fighting against the atrocious attacks on women for the last so many years. In 1975 while two girls were arrested and taken to police custody they were raped—one from Trivandrum and the other from Calicut. When they came out of the lock-up, they committed suicide. We took up the issue—the women's organisation in Kerala took up the issue. We even had an agitation and had the *dharna* before the Police Station in Kerala. The Government had to come forward and say that action would be taken against the police people. And the policemen were suspended. It was also announced that hereafter no woman would be kept in the custody, in the lock-up, after 5 o'clock. It was announced like that. But, what happened afterwards? After three years, everybody forgets that. After a particular enquiry report came, the police officers were taken back to work. Not only that. They were also given promotion even though they committed that crime. When a question was raised in the Assembly, the Minister concerned said that those girls aged 17 and 18 were bad. When they came out because they were afraid that they would not get married and they could not live in society,

they committed suicide. The Minister said that the girls were like that. The entire report is like that. And so, the police officers were taken back to work.

Such incidents are taking place everyday in our country. The Minister, in his reply, also said that they have no idea of amending the law. Even now he is not prepared to do it. We are hearing from Rajasthan that the Kerala nationals going to Rajasthan were molested, raped and killed. They can do everything there. So much of hue and cry was raised in Kerala Assembly also. We had brought that to the notice of the Centre as well as the State Government about the nurses going to Rajasthan. We are told that they would have to obey the officers. They would be molested, raped and in the end killed. This has happened actually. What have you done about that?

You might have heard everyday the nurses going to the villages sometimes get the chance of being married. They are married. But, what happens afterwards? They are taken abroad to be the harems of the Badshahs in Arabia. This is what is happening. They tell their parents that they would marry them and they would give ornaments. Afterwards, the girls were taken and sent to Arabia for prostitution. That is what is taking place. So many such incidents have taken place. What does the Government do? So many atrocious things everyday are taking place to the married girls from Kerala, Tamilnadu and Karnataka. From the coastal districts of these three States, so many of them were taken by the contractors; they tell them that they take them for processing the fish. But, in the end, they will be taken to the brothels of Bombay. This is what is happening? So many reports like that appear in the papers. But, no action is taken. Even government is not taking it seriously. We also do not take it seriously;

Are we prepared to punish the culprits when such acts are done? No. Because government takes a partisan

attitude even in this. In 1969 when I was the Member of Parliament when from Bengal a 14 year old girl who was molested came to Delhi and we took her to the Prime Minister, Shrimati Indira Gandhi and requested her to get it enquired and take action against the culprits. What happened. A police officer of the same police station was deputed for enquiry and he said that there was nothing.

Sir, You might have heard about Geeta Chatterjee from Bengal. She came here and told the Prime Minister that she had been molested before her husband. Her husband was tied to a pole and before him she was molested. After some time she became unconscious and when she regained consciousness she found her husband has been cut into pieces. She came to Delhi and appealed to the Prime Minister to enquire into that. What did the Prime Minister do? She did not do anything. Why! Because she is the wife of a communist worker so she was not prepared to do it. (Interruptions).

Women are molested everyday. So, what is the remedy? What is happening in Delhi? Everyday women are attacked and hundreds of girls are burnt because they have not fulfilled the commitment of dowry. What are you doing? You cannot save these girls. No woman can walk on the streets of Delhi even with her husband and the government is saying that law and order situation has improved after the Centre has taken over the reigns of administration of Delhi. If you take a partisan attitude you can never save any woman who is being attacked.

In 1975 the Status of Women's Committee had gone into details about all these things and recommended to the government that a commission should be formed with statutory powers to deal with women question. What have you done? Even the UNO Committee has suggested that a commis-

sion with statutory powers should be formed so that they can go into the details of these attacks and then also about the security of women—not only of their life and honour but their job also. There is no security of job for women.

Even after thirty-two years of Independence women have to suffer a lot. Nobody is prepared to take any action. Only lip sympathy is given. Whenever there is an incident the minister will make a statement that they have issued the instructions to the State not to arrest any woman in the night or keep them in the lock-up. But will you make it a point that whenever these instructions are not obeyed the concerned officers will be punished. If any officer—whether police or otherwise—indulges into sexual intercourse especially at his place of duty that officer should be given severe punishment. If it is proved that it is done in that office, that man should be dismissed. Are you prepared to bring in such a legislation so that no woman can fall into the clutches of these inhuman beings? Sir, Government has not taken any steps even though we have raised it in many forums and this topic has come to the forefront. Now, I tell you one thing: Every year you are tying Rakhi. What does it signify? Just as a custom you are observing it, but what is the message behind it? That you are not observing. These steps must be taken if you really want to save the women from atrocities. In this country we are fighting for these things for the last so many years. In Kerala, we have been agitating and fighting all along. I know the Minister will be giving us a reply that everything will be done. But I know nothing is being done. That is the situation, Sir. Mr. Stephen is smiling. He will be thinking, why you are complaining because your Ministry is there in Kerala. Hereafter you will see what will happen in Kerala. Safeguards will be there to protect women. But what are you doing from here? Are you prepared to take proper steps?

SHRI CHANDRAJIT YADAV (Azamgarh): Take it up in the next Cabinet meeting.

THE MINISTER OF COMMUNICATION (SHRI C. M. STEPHEN): Is the situation in Kerala so bad? That is what I am asking.

SHRIMATI SUSEELA GOPLAN: You are away from the soil; you don't know what is happening in Kerala. Ask the women; they know it.

SHRI C. M. STEPHEN: I never knew it was so bad.

SHRIMATI SUSEELA GOPALAN: Every where in India we come across so many such cases. But you are not prepared to amend the law. These instances are taking place on a large scale but you are not prepared to change the law. Women are put to difficulties in every field. There is an attitude of total disregard by the Government with regard to this problem. I appeal to you. You must rouse the conscience of the people against such atrocities on women. Sir, we always talk about our culture and tradition and so many other things. But, Sir, I feel very much pained when I see the men-folk in the country remaining as passive on-lookers or spectators against such outrageous incidents taking place. This is happening in a country where Ranade and Raja Ram Mohan Roy, the great social reformers have lived and preached various kinds of social reforms. Now nobody is bothered about all these things. So, I request, at least now the House should take note of these things and pass the necessary legislation.

Sir, certain suggestions have been put forward by Shrimati Geeta Mukherjee and also by Mrs. Madhu Dandavate about these things. We can have more suggestions from hon. Members. But the point is this. Several legislations are there, which have been passed, but they are not implemented. Laws passed for safeguarding the interests of women are not being implemented. I hope this

House will give a warning to the Government and tell them that such atrocious things should not happen in this country and if it happens the culprits will be punished properly.

श्री राम सिंह यादव (बलवर) : सभापति जी, जिस आर्डर में अमेंडमेंट्स हैं उसी आर्डर में लें ।

MR. CHAIRMAN: There is nothing like that.

श्रीमती कृष्णा साही (बेगूसराय) : सभापति जी, मैंने पहले भी चेयर से अनुरोध किया था कि जो मोशन श्रीमती गीता मुखर्जी का था उस पर हमने कुछ संशोधन दिये हैं । मेरा अनुरोध है कि उन संशोधनों को अभी स्वीकार किया जाय, क्योंकि वह महत्वपूर्ण संशोधन हैं ।

SHRIMATI GEETA MUKHERJEE (Pauskura): I have not seen any other amendment circulated.

SHRI MAGANBHAI BAROT: We will come to your rescue and widen the scope. I am sure you will not object to my speaking. Please have a little sympathy; all this has been done to help you.

SHRI CHANDRAJIT YADAV: It is not helping them but everybody.

SHRI MAGANBHAI BAROT: Yes, the whole society.

Mr. Chairman, Sir, I seek your permission to move my amendment to the motion. The idea behind my moving this amendment is to enlarge the scope of the motion. Instead of restricting it to a certain section of the society, namely the police and anti-social elements engaged by the vested interests, we want everyone to be roped into. We want the law to be basically altered. Here, there is no controversy.

PROF. N. G. RANGA (Guntur): The police is the custodian of law and order. If they indulge in this, it is very serious and a heinous crime.

SHRI MAGANBHAI BAROT: We want that anyone indulging in a crime of this nature should be punished.

SHRI CHANDRAJIT YADAV: But their responsibility is much greater.

SHRI MAGANBHAI BAROT: In all humility, I want to say that the motion as it stands intends to stand against a particular section. I am only trying to wide its scope and there can be no controversy about it. And when the hon. Members hear my arguments based on my experience as a lawyer, I am sure, I will be able to convince them.

I request you to kindly grant permission to move my amendment.

MR. CHAIRMAN: I grant you the permission to move the amendment.

SHRI MAGANBHAI BAROT: I beg to move:

That in the motion,—

(i) omit "its".

(ii) for "the alarming incidence of rape on women, particularly by anti-social elements engaged by the vested interests and on occasions even by the police in different parts of the country".

substitute—

"various incidents of rape in different parts of the country".

(iii) for "effective steps to prevent their recurrence".

substitute—

"all possible measures to prevent their occurrence, including measures after consulting the Law Commission to strengthen the law where it is found inadequate". (3).

MR. CHAIRMAN: Mrs. Sahi, don't you think that your amendment, and that of Mr. Maganbhai Barot are virtually the same?

SHRIMATI KRISHNA SAHI: Not virtually the same. There are differences.

MR. CHAIRMAN: I permit you to move it.

SHRIMATI KRISHNA SAHI: I beg to move:

"That in the motion,—

(i) for "alarming incidence" substitute—

"various incidents"

(ii) omit "particularly by anti-social elements engaged by the vested interests and on occasions even by the police".

(iii) add at the end—

"including measures after consulting the Law Commission to strengthen the law where it is found inadequate". (2)

MR. CHAIRMAN: Mr. Yadav, what is your amendment?

SHRI RAM SINGH YADAV: It is the same.

SHRI MAGANBHAI BAROT: I rise to participate in the debate, with all apologies to the fair sex of this country, from one of whose member this Motion has come. Here is the time and opportunity for me, as a person who has practised at the Bar in criminal and original courts, to place before this House certain circumstances, which this House should, in its wisdom, take into consideration, if we want to ensure that all the crimes that men have committed against women for many centuries now, and especially during the last one century, are to be dealt with properly.

Many things have been said, including this that it is against the law and that we should do this and that. But I would like to tell some facts to this House, as to why 90 out of 100 cases go unpunished. Where is the lacuna? How can we, the custodians of law, take proper steps?

Let me point out three facts. Let us understand the environment in which the rape case initiates. Let us understand the procedure under which it is prosecuted and let us

understand the law under which the final judgement is passed.

We live in a strange society, so far as the poor women are concerned. The laws enacted by the Britishers are not laws meant for the poor, or for women; and surely, they are not laws for poor women.

Where is the lacuna? Let us go into it. A young girl is raped. And the first question put to the parent is whether he has lodged a complaint or not; and then whether he will go to the police or not. Many problems are involved, namely, social stigma, the future of the girl, her married life, and the lives of her family members like daughters, sisters etc. The father thinks many times before lodging the complaint.

15 hrs.

This kind of taking time, which is known in legal terminology as 'delay', is looked upon with suspicion. And it is asked: 'The rape was committed in the morning; and you have come to make the complaint 6 hours after that.' We forget that when a person's money is defalcated, he goes to file the complaint 6 months later; and he says, "The manager had no knowledge about the defalcation". There the delay is pardoned, but in a crime where social stigma is involved, the delay is ultimately responsible for the rejection of the case. Then what is the next stage? Then the same daughter and her father go to the police station. There let us know what happens? The Mathura case is known to everybody. The system in which a girl is required to write her complaint before a male constable is not good. We hardly hear a female constable to write a complaint. Then comes the third stage of her physical examination. She is sent to a doctor. I am not questioning about the bona fide of anyone. Imagine the plight of a young girl who has to be thoroughly examined probably sometimes in a very unpleasant situation. The real torture starts after she lodges a complaint.

Then comes the trial. I have been watching it for the last 25 years helplessly; I have been a helpless spectator thereof. I want to present before the House what happens there. I want to tell this august House about a sad situation in which a rape case is tried. I do not say that there is a law, but there is a practice. A girl gives her evidence before a male prosecutor; he has to examine her. A male cross-examiner is waiting for a chance to prove the consent; a male judge has to decide her fate and there the question arises to describe the act as if the act is one of giving a slap by one to another, as if it is a case of pick pocket. You want a young girl to say all this in the presence of a hundred persons including a male prosecutor, a male cross-examiner and to describe the act. If she says,

मेरे साथ दुर्व्यवहार किया गया ।

No, Sir, that is no evidence. The law language would require to describe the act and act in a filthy manner, a manner which is vulgar, a manner which is uncivilized, a manner which is inhuman and then only it is evidence from her. Then comes the real situation. A law laid down from the time of the British judiciary and till today not removed completely is this. A prosecutrix shall not be relied only up on her words. She would need corroboration, corroboration after act of rape, corroboration for a crime committed some time in the dark hours of night, corroboration for an act committed in a dark corner of a house. Where does the corroboration come from? It is impossible. This is the law of this country or this is the practice of this country. It is time for us to change it.

Many suggestions have been made by hon. Members. I would also like to make a few suggestions from my practical experience which can at least give some relief if they do not completely remedy the crime that we have committed so far. Before we

go to amend this law, I would particularly request the lady Members of this House not to restrict to one aspect of the social injustice. I will give you another. I will tell you from my personal experience. It is my duty to the society and to the nation to tell you about this from my experience. I remember a case and hope that you will permit me to quote from my experience. There was a case of matrimonial nature. The husband and the wife, both educated, quarrelled on the custody of their children. Our law is such, let this House know, that after five years, the father has a right to keep the children under his custody and before five years, the mother has a right to keep them under her custody. The learned judge asked her, "Madam, forgive, the law is this that after seven years the children are to be handed over to the father." I remember and it is ringing in my ears. Let this august House recollect it. She said, "Yes, your law must have been such. Upto seven years, we rear the children; we nurse the children; we make them self-sufficient and the father comes with a law at his back that the children are his." She told a Judge of the High Court, "Sir, those sitting in the Parliament and who must have passed this law must be all fathers. There must be no mothers sitting in the Parliament. Otherwise, the law would have been different. If the mothers would have been there the law would have been reverse." We require to do this. We require change; we require to do it in succession, in custody, in molestation, in physical assault. How do we do it? If we cannot do all, let us at least do a few. If I were in a position to change it, I would say: let there not be any public trial of rape. Never, Do not keep open the door of the courts trying rape case. Because who are in the audience? I appeal to the members of the federation of women to think. There will be very few ladies: only males will be there. These girls are put in an awkward situation, in a hesitating situation, where they could

not disclose. Therefore, whatever may be the Criminal Procedure Code, in rape cases, let there be a clear provision that there will be in-camera trial. In those trials, let it be made clear: the learned prosecutor, the defence lawyer, the judge and the accused will be there. If the State cannot compel the presence of a lady advocate for defence, at least give a lady prosecutor for the prosecution. When a girl is a victim of rape you cannot expect a male lawyer: a lawyer asking the girl to describe the physical act, how can she describe the act of shame. I have seen with my own eyes prosecutors asking the girl to say: what was done, what was done without your consent and the girls collapsed in the court room.

Let us do one thing. Here is a law which says like any criminal law that a person is innocent unless proved otherwise. This law is wrongly based on the principle, namely let ten guilty persons go unpunished, let not an innocent one be punished. Why? Why should ten guilty persons go unpunished? Time has come to change it. If you change the presumption and put it as in the anti-corruption cases and in many other cases, it will improve matters. We have to change the presumption. The prosecution be required to prove only act of intercourse, then the presumption shall be that it is rape; it shall be presumed that it was an act of rape against the consent of the girl. Basically the law requires to be altered. I request the government to do these three things. The Commission is looking into it; let them direct the commission to expedite it and amend section 114 of the Evidence Act so that rape shall be presumed to be without consent. There should be in-camera trials. There should be a lady public prosecutor, if possible a lady constable and certainly a lady gynaecologist or lady doctor. They should examine this woman. The rest of what Geetaji said, I accept. I hope that after hearing me hon. Member Geetaji and other lady Members in this House would agree that I am not restricting myself only to the police or to

social or unsocial elements. I am widening it and I hope and trust they will accept my resolution which will do more service.

श्री बनिंक लाल मंडल (मंझारपुर) :
सभापति जी, जो प्रस्ताव सदन के समक्ष प्रस्तुत है उसके समर्थन में बोलने के लिए मैं खड़ा हुआ हूँ। यह अनुभव पर आधारित सत्य है कि जो बलात्कार की घटनायें हो रही हैं और इस वर्ग के साथ इस तरह की घटनायें हो रही हैं इन कैटेगोरिज के लोगों के साथ इस तरह की घटनायें हो रही हैं, उसको यदि आप देखें तो हम इस निष्कर्ष पर पहुंचते हैं कि इस तरह की घटनायें प्रधानतया उन लोगों के साथ घट रही हैं, जिनको हम मजदूर कहते हैं या हरिजन कहते हैं या जिनको हम आदिवासी के नाम से पुकारने हैं या जिनको छोटे लोग कहते हैं। ये मुख्य करके तीन वर्गों के लोग हैं, जिनके साथ इस तरह की घटनायें अधिक हुआ करती हैं। यदि इसके मूल में जायें तो हम यह भी देखते हैं कि इनके साथ जो ये घटनायें हो रही हैं, वे खाम करके उनके अधिकारों को दबाने के लिए होती हैं।

अभी जो चर्चा हुई, चाहे वह पिपरा की घटना के बारे में हो या नारायण पुर की घटना के बारे में हो या और भी जितनी घटनायें हो रही हैं, इन सारी घटनाओं को मिलाकर के देखे तो उनमें ज़मीन का मामला भी है, मजदूरी का मामला भी है और बड़े लोगों के रौब-दौब का मामला भी है। ये सारे मामले मजदूरी की मांग को दबाने के लिए, ज़मीन की मांग को दबाने के लिए और उनको दबा करके रखने के लिए हैं और इसी वजह से इस तरह की घटनायें होती हैं।

जब हम इनके कारणों में जाते हैं, तो हम प्रस्तावक महोदया से सहमत हैं कि इसमें वैस्टेड इन्टरेस्ट, गुण्डे और पुलिस की मिली भगत भी होती है। ये तो निहित स्वार्थ के लोग हैं, वे इन लोगों को अधिकार न देने के लिए और दबाए रखने के लिए, ये जो एन्टी-सोशियल एलीमेंट्स हैं, जिनको गुण्डा

कहते हैं, हम इन लठैलियों लोगों को इस्तेमाल करते हैं और जब हम इन लठैलियों का इस्तेमाल करते हैं तो इसमें पुलिस की मिलीभगत भी खरूर होती है। इसलिए इन तीनों के सहारे से, वैस्टेड इन्टरेस्ट, एन्टी सोशल एलीमेंट्स और पुलिस की मिली भगत, ये घटनायें होती हैं। इसलिए हमें यह कहने में कोई हिचक नहीं है कि इस देश में जो छोटे लोगों को गरीब लोगों को, आज तक अधिकार नहीं लेने दिया जा रहा है, जो अधिकार लेने के लिए उत्सुक है, प्रगतिशील है, उनमें इन तीनों का हाथ है और इन्हीं के बल पर इन लोगों को दबा कर रखा जाता है।

उपाध्यक्ष जी, आप कूल साइड और शहर दोनों को मिलाकर देखे तो क्या होता है। इन गरीब लोगों को जिनमें मैं जातपात को अलग नहीं करता हूँ, स्त्रियों में सारी स्त्रियां चाहे छोटे वर्ग की हो या ऊंचे वर्ग की हों, जितनी भी स्त्रियां हैं और हरिजन तथा शूद्र कहलाने वाले मध्यम जाति के लोग हैं, मैं इन सबको एक श्रेणी में रखना चाहता हूँ। मैं समझता हूँ कि आज के समाज में इनको छोटे लोग कहा जाता है, जिनमें स्त्रियां भी हैं, मैं स्त्रियों को सबसे पहले रखना चाहता हूँ, इन छोटे लोगों के साथ इस तरह की घटनायें अधिक घट रही हैं। इसलिये मैं इसके मूल कारण में जाना चाहता हूँ, क्योंकि ऊपर से ही सारी बातों को कर देने या लीपापोती कर देने से काम नहीं चलेगा। जब तक इसकी मूल समस्या में हम नहीं जाते हैं, तब तक इसका निराकरण भी नहीं निकाल सकते हैं। मैं चाहता हूँ कि इस बात को अच्छी तरह से समझ लिया जाए। जो अपना समाज है और जो उसकी बनावट है, उसमें दो श्रेणियों के लोग बन गए हैं, जिनको छोटे लोग और बड़े लोग कहा जाता है। ये दोनों श्रेणियां छोटं लोगों में बटी हुई हैं, जिनमें मैं औरतों को भी लेता हूँ। इन लोगों के साथ जो इस तरह की घटनाएं होती हैं— इनमें रेप तो सब से बड़ा जुर्म है। कल हमारी एक माननीय सदस्या ने इस बात की और

ईंगित किया कि जब मध्य प्रदेश की विधान सभा में हंगामा हुआ, हो-हल्ला हुआ, तो मध्य प्रदेश के इंस्पेक्टर जनरल आफ़ पुलिस ने एक डायरेक्टिव अपने महकमे को दिया कि इस तरह की घटनायें विधान सभा के चलते नहीं करें। जब विधान सभा सेशन में हो तो इस तरह की घटनायें नहीं होनी चाहिये। इसी से आप को उनके दृष्टिकोण का पता लग जाता है। आजकल विधान सभाओं और पार्लियामेंट में हरिजन और आदिवासी काफ़ी संख्या में आने लगे हैं, वे ऐसी घटनाओं के विरुद्ध बहुत शोर करते हैं। कभी-कभी आप को भी बहुत नागवार गुजरता है कि ये लोग इतना शोर कर रहे हैं। वे क्यों शोर करते हैं? इस लिये करते हैं कि दुर्भाग्य से हमारे समाज की जो संस्कृति है, उस में लोगों की इज्जत को इज्जत नहीं माना जाता। यदि किसी ऊंची जाति की औरत का शीलहरण हो, तब तो लगता है कि बगावत हो जायेगी—मैं इस के खिलाफ़ नहीं हूँ, इसके पक्ष में हूँ। जैसे द्रोपदी के साथ दुर्व्यवहार हुआ तो महाभारत हो गया। इसलिये यदि किसी भी औरत का शीलहरण होता है तो बगावत होनी चाहिये, लेकिन दुर्भाग्य यह है कि ऐसा सब के साथ नहीं होता है। ऊंची जाति की औरत के मामले में तो बगावत हो जायेगी, लेकिन छोटी जाति की औरत के साथ, जैसे मथुरा का मामला था, मीरा का मामला था, हमारे एक साथी ने उसको यहां उठाने की चेष्टा की तो उनको कहा गया कि आप अधीर न हो। जैसे यह कोई मामला ही नहीं था, कोई साधारण घटना है, यही कहा गया कि शान्ति रखिये। सुप्रीम कोर्ट ने भी कह दिया कि कन्सेंट से था।

इसलिये मैं कह रहा था कि औरत का शीलहरण हो तो वह गम्भीर बात है, लेकिन यह सभी औरतों के साथ होना चाहिये, ऐसा नहीं होना चाहिये कि ऊंची जाति की औरत को तो बगावत हो जाये लेकिन दूसरी तरह की औरत के साथ हो तो सबको कहा जाय कि शान्ति रखिये, कुछ नहीं हुआ है। आज अपना समाज

जो ऐसा बन गया है, उसको कैसे ठीक किया जाय? मेरे पूर्ववक्ता महोदय ने कहा कि कानून को इस तरह से बदलना चाहिये। बड़े अच्छे सुझाव उन्होंने दिये मुझे, उन सुझावों से कोई विरोध नहीं है लेकिन मैं सरकार से कहना चाहता हूँ कि इन की जो पुलिस है उसकी मिलीभगत से यह सब काम होता है।

महोदय, नारायणपुर की घटना हुई प्रधान मंत्री जी वहां पहुंच गई। मुझे कोई गिला नहीं है, उन को जाना चाहिये था। लेकिन उस के बाद क्या हुआ? चाहे जो घटना हो, आप घड़ियारा, आसू बहाने के लिये वहां पहुंच जायें, झूठी सहानुभूति दिखाने के लिये वहां चले जायें, राजनीतिक लाभ उठाने के लिये च जाये, लेकिन उस के बाद कुछ नहीं होता। पुलिस को मोटिवेट करने के लिये आज भी ट्रेनिंग की कोई व्यवस्था नहीं है। जिस को जनता के अधिकारों की रक्षा करनी है, यदि वही रक्षक भक्षक बन जाये, उसी की मिलीभगत से सारे काण्ड हो—तब क्या किया जाय। पुलिस को रीप्रोरिएंट करने के लिये कोई काम नहीं किया जा रहा है यही सब से बड़ी दिक्कत की बात है। जुडीशियरी, न्याय की प्रक्रिया के लिये बहुत सारी बातें कही गई, लेकिन पुलिस के सम्बन्ध में कोई बात नहीं कहीं जा रही है। यह जो मूल समस्या है इस का सम्बन्ध पुलिस से भी है, प्रशासन से भी है और समाज से भी है। जब तक छोटे और बड़े दो तरह के नागरिक इस देश में रहेगे इस तरह की घटनायें होती रहेंगी। इस को ठीक किये बिना यदि हम चाहेंगे कि ऐसी घटनायें न हों, तो यह मन को भुलावा देने की बात होगी। इसलिये मेरा निवेदन है कि यह जो सरकार बराबर आश्वासन देती रहती और उस आश्वासन का कोई भी प्रभाव नहीं होता है वह आश्वासन पूरा होना चाहिये

[श्री धनिक लाल मंडल]

महोदय, मैं अपने अनुभव से कहता हूँ कि चाहे किसी हरिजन की हत्या होती हो, चाहे कोई बलात्कार का केस होता हो, कभी किसी केस में किसी बड़े पुलिस अफसर को निलम्बित नहीं किया गया। भले ही कांस्टेबल या हेड कांस्टेबल को निलम्बित कर दिया गया हो लेकिन कभी डी० आई० जी० या एस० पी० को ऐसे केस में निलम्बित नहीं किया गया। उनको भी निलम्बित किया जाना चाहिये। फिर यह सवाल केवल निलम्बित का ही नहीं, उनके प्रशिक्षण का भी सवाल है।

इन शब्दों के साथ मैं समाप्त करता हूँ।

सभापति महोदय : श्रीमती विद्या चैन्नूपति : आप तीन-चार मिनट बोलिये, दूसरे सदस्य भी बोलना चाहेंगे।

श्रीमती विद्या चैन्नूपति (विजयवाड़ा) : अध्यक्ष महोदय, महिलाओं पर बलात्कार के विषय में हमारे भाई लोग भी अच्छी तरह से बोने हैं और हमारी महिला सदस्यों ने भी बहुत सी बातें कहीं हैं। मैं तो यह कहना चाहती हूँ कि यह जो महिलाओं की समस्या है, यह हमारे भाईयों की भी समस्या है। हमारी महिलाओं पर जो बलात्कार होता है, उस के कारण समाज में उनका सोशल बायकाट हो जाता है। जब भी किसी लड़की पर रेप होता है तो उसको समाज में अच्छा स्थान नहीं दिया जाता छोटी-छोटी लड़कियों पर, जो कि 14 साल की लड़कियां होती हैं उन पर भी रेप किया जाता है। उन पर यह रेप केस होने से उनका विवाह नहीं होता। इस तरह से उनका सोशल बायकाट सा हो जाता है।

महिलाओं पर बलात्कार कभी-कभी गुंडहज्म से होती है तो कभी-कभी पुरुषों की आदत ऐसी हो जाती है जिसके कारण भी होता है। कुछ पुरुषों की आदत ऐसी बन जाती है जिसके कारण वे महिलाओं पर रेप करते हैं। जिन पुरुषों की यह आदत हो जाती है उन पुरुषों के साथ रहने वाली महिलाओं को कोई रास्ता ही नहीं होता है। ऐसी बहुत सी महिलाओं के हमने केस देखे हैं। जब उनके बारे में पुलिस में रिपोर्ट करायी जाती तो पुलिस वाले उन्हें पुलिस स्टेशन में रखते हैं और वहाँ भी उन पर रेप किया जाता है। इस तरह से महिलाओं को पुलिस में भी सुरक्षा नहीं मिलती है। इसके लिये मैं कहना चाहती हूँ कि जो मर्द रेप केस में इन्वाल्ड हों उनको अनबेलेबल वारन्ट में पकड़ा जाए और उसके बाद उन्हें रिलीज न किया जाये। नहीं तो वे लोग पकड़े जाने के बाद कोर्ट से बेल लेकर छूट जाते हैं और अपनी आदत से बाज नहीं आते।

इस में अमीर और गरीब महिलाओं की प्राबलम नहीं है। सभी तरह की महिलाओं की एक ही तरह की समस्या है। कभी कभी ऐसा होता है कि पुलिस वाले जिन औरतों पर रेप करते हैं उन्हें प्रोस्टीच्यूट कह दिया जाता है। इस तरह से वे छूट जाते हैं। यह भी गलत है। किसी भी प्रोस्टीच्यूट के साथ रेप करना गलत है और उनके साथ जो रेप करते हैं उन्हें छोड़ देना अच्छा नहीं है।

महिलाओं की जितनी प्राबलम है उनके लिये गवर्नमेंट कानून बहुत से बनाती हैं लेकिन उनका इम्प्लीमेंटेशन नहीं होता है। पुलिस वाले भी उनको इम्प्लीमेंट नहीं करते हैं। महिलाओं के बहुत से कानून ऐसे हैं जिन में बहुत समय लग जाता है। कोर्ट में बहुत समय लग जाता है। इसलिये मेरी यह

इच्छा है कि सरकार जो भी कानून बनावे, उसका इम्प्लीमेंटेशन भी अच्छी तरह से होना चाहिये। हमारी महिलाओं की जो प्राबलम है या जो महिलाओं इन रेप केसिज का शिकार हैं उनके लिये बड़ा अनिश्चय का सबाल है। उनके सामने समस्या होती है कि वे कैसे अपने पिता जी को कहे कैसे अपने हसबैण्ड को कहे।

यह बहुत बड़ा प्राबलम है। जो बहनों बलात्कार की शिकार होती हैं वे इस बात को बाहर किसी को कह भी नहीं सकती हैं। इस वास्ते यह बहुत बड़ा प्राबलम है। सरकार को ही इसका कोई उपाय करना होगा और हमको इज्जत देनी होगी। सरकार जो कानून बनाती है उन के इम्प्लेमेंटेशन पर भी उसको जोर देना चाहिये।

जो भी कानून बनाये जाते हैं उन में इस तरह की व्यवस्था होनी चाहिये कि वे औरतों को इज्जत दें, उनकी इज्जत बनाये रखने में सहायक हों। भाई हमारे जो हमारे पक्ष में बोले हैं उनको भी मैं बहनों की ओर से बहुत बहुत धन्यवाद देती हूँ।

श्रीमती कृष्णा साही : (बेगूसराय)
माननीय सदस्या श्रीमती मुखर्जी ने इस प्रस्ताव को रखते हुये जो भावनायें व्यक्त की हैं तथा अन्य माननीय सदस्यों और सदस्याओं ने व्यक्त की हैं, उन भावनाओं के साथ मैं अपनी भावनाओं को भी जोड़ना चाहती हूँ और उनकी भावनाओं की कद्र करती हूँ। मैंने इस प्रस्ताव में कुछ संशोधन भी दिए हैं जो मैं आशा करती हूँ कि स्वीकार कर लिए जाएंगे। बेइंसाफी, अन्याय, अत्याचार और शोषण के विरुद्ध वातावरण तैयार तो किया ही जाना चाहिये और ये सब बन्द भी होने चाहिये और महिलाओं को जीने का अधिकार तो मिलना ही चाहिये लेकिन यह जो समस्या है यह कोई नई समस्या नहीं है। यह बरसों से

चली आ रही है। यह बहुत ही कुबद है और दुर्भाग्यपूर्ण भी है। हमारे यहां कानून कुछ ऐसे बने हुए हैं जो वृद्धिपूर्ण हैं और इस कारण से भी हमारे देश में आए दिन बलात्कार की घटनाएं हुआ करती हैं। मैं मानती हूँ कि कानून बना देने से ही समाज में सुधार नहीं हो सकता है। मैं अपनी बहनों से भी कहना चाहती हूँ कि यदि किसी लड़की के साथ बलात्कार जैसी कोई घटना होती है और अगर लड़का उससे बाद में शादी करने के लिए तैयार हो भी जाता है तो ऐसी कितनी सार्सें प्राई हैं, मदर्ज इन ला हैं जो उसको बहु के रूप में स्वीकार करने के लिए तैयार होंगी? ऐसा नहीं होता है।

सभी जानते हैं कि डोरी के खिलाफ हम ने कानून बना रखा है। मैं पूछना चाहती हूँ कि क्या यह सही नहीं है कि डोरी की प्रथा दिन प्रति दिन बढ़ती ही जा रही है, भीतर ही भीतर चुपचाप क्या उसको ले नहीं लिया जाता है जिज्ञा की जानकारी बाहर के लोगों को मिल भी नहीं पाती है। जब दो परिवारों का सम्बन्ध स्थापित होता है तो एक परिवार दूसरे परिवार वालों को जेल भेजना नहीं चाहता है। इस वास्ते यह बात खुलती नहीं है।

हम ने बाल विवाह, विधवा विवाह के बारे में कानून बना रखा है। मैं पूछना चाहती हूँ कि कितने प्रतिशत ऐसे कानूनों को हम इम्प्लेमेंट कर पाते हैं? मैं मानती हूँ कि कानून में संशोधन जरूर होना चाहिये लेकिन उसके साथ साथ हमारा जो दृष्टिकोण है वह भी बदलना चाहिये। हमारे देश में पचास प्रतिशत महिलायें हैं और पचास प्रतिशत पुरुष हैं। पुरुषों के बराबर हमारी भी आबादी है। लेकिन देखने में आता है कि शिक्षा के क्षेत्र में बहुत डिसपैरिटी है। इस कमी को पूरा करना होगा और महिलाओं को हम को शिक्षित करना होगा। जो समाज सेवा संस्थायें हैं महिलाओं की या पुरुषों की

भी, उनको भी एक ऐसा एटमासफीबर क्रिएट करना होगा जिस में इन सब बातों को उचित महत्व मिले। न सब संस्थाओं को भी देखना होगा कि इस तरह की घटनाएं न बटें।

यह एक ऐसा सवाल है जिस को राजनीति से, दलगत भावना से ऊपर उठ कर हमको लेना चाहिये था और विचार करना चाहिये था। लेकिन मुझे दुख है कि जिन बहनों ने इस प्रस्ताव को उपस्थित किया है, ऐसा लगता है कि वह भी दलगत राजनीति में पड़ गई हैं और इस में कुछ राजनीति की बू भी आती है। विपक्ष के जो सदस्य या सदस्यायें बॉली हैं उन्होंने ऐसा आभास दिया है जैसे जब से श्रीमती इन्दिरा गांधी प्रधान मन्त्री हुई हैं तभी से ये मार अत्याचार सौ रहे हैं। उन्होंने एलार्मिंग शब्द का प्रयोग किया है। इसका अर्थ तो यह निकलता है कि जो रेप एलार्मिंग नहीं हैं, जो नार्मल रेप नहीं हैं, वह रेप ही नहीं होगा।

All rapes are alarming, irrespective of the status of the woman raped. Under the garb of the word "alarming" बहुत सी ऐसी रोजाना घटनाएं हो जाती हैं जिन का नोग नोटि नहीं चेतते हैं। इस वास्ते यह जो एलार्मिंग शब्द है इसको आपको हटा देना पड़ेगा क्योंकि आर रेप्स आर एलार्मिंग। जो महिला 13-14 साल की है और घनी परिवारकी है उसके साथ अगर दुर्व्यवहार होगा तो उसको क्या आप रेप नहीं कहेंगे। मैं नहीं। चाहती कि इस में वर्गीकरण किया जाए।

इन्होंने यह भी लिखा है कि हायर्ड एण्टी सोशल एलीमेंट्स

MR CHAIRMAN: We will now have to take up Private Members' Bills. So, you can continue your speech when this Resolution is taken up the next time.

श्रीमती कृष्णा साहू: अगर अब समय नहीं है तो मैं दूसरे सेशन में बोल लूंगी क्योंकि मुझे तो अभी बहुत कहना है, थोड़ा समय दया जाय।

MR. CHAIRMAN: Private Members' business starts.

श्रीमती कृष्णा साहू: तो दूसरे सेशन के लिये इसको रख दें। मुझे तब बोलने का मौका दिया जायेगा?

MR. CHAIRMAN: Yes.

15.31 hrs.

[MR. DEPUTY SPEAKER in the Chair]

MR. DEPUTY SPEAKER: We shall now take up Private Members' business.

INDIAN MEDICINE CENTRAL COUNCIL (Amendment) BILL*

(Amendment of Section 17 and Second Schedule)

PROF. MADHU DANAVATE (Rajapur): I beg to move for leave to introduce a Bill to amend the Indian Medicine Central Council Act, 1970."

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Indian Medicine Central Council Act, 1970."

The Motion was adopted.

PROF. MADHU DANAVATE: Sir, I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of articles 75 and 164)

PROF. MADHU DANAVATE (Rajapur): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Motion was adopted.

PROF. MADHU DANAVATE: I introduce the Bill.