

**Mr. Speaker:** So the modified report of the Committee is agreed to. Now we take up the Bills.

15.43 hrs.

**CHILD MARRIAGE RESTRAINT  
(AMENDMENT) BILL—contd.**

**Mr. Speaker:** The House will take up further consideration of the following motion moved by Shri D. C. Sharma on the 22nd February, 1963:—

“That the Bill further to amend the Child Marriage Restraint Act, 1929, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1963.”

Shri D. C. Sharma may continue his speech.

**Shri D. C. Sharma (Gurdaspur):** Mr. Speaker, Sir, I am asking for something very innocuous and harmless from the Members of the Lok Sabha. I request them to permit me, through the Lok Sabha, to circulate this Bill so that public opinion on it is invited. I feel that public opinion, when it is solicited, will be very much in favour of this Bill.

Sir, you will ask me why I have brought up this Bill in this House. Sir, the Child Marriage Restraint Act was passed in 1929. We are now in 1963. So many social changes have taken place during the last 34 years. So much of social transformation has gone on in my country during the last so many years that the time has come when in conformity with the spirit of the age, in accordance with the exigencies of our social circumstances and in conformity with the necessities of our planning, we should raise the limit of age for child marriage. In 1929 we put the limit of 18 years for a male child and 16 for a female child. Obviously, Sir, there is very little difference between the ages of the two, and that does not make for, what may be called, eugenic marriages. I request this

House to raise the age limit of a male child to 21 and of a female child to 18. I say this for the following reasons. I am not going to talk about a male child because I think so far as our religions go they have prescribed the age of marriage for a young man to be 25. I am not asking for 25, I am asking only for 21.

**An Hon. Member:** What is the logic in it?

**Shri D. C. Sharma:** There is no logic in it, but there is a social necessity for it.

I am submitting very respectfully, Sir, that so far as the age of the girl is concerned it has got to be stepped up for the following reasons. In the first place, our girls are taking more and more to education and as education advances the age limit also advances. I know that there is not so much of literacy or education up to this time amongst girls, but I think as time passes the girls will attain parity with boys so far as education is concerned. Sir, the more the number of educated women, the greater is the need to raise this age limit for marriage.

My second point is, when this Bill was passed we had very few, what I call, working women. By working women I do not mean women working in factories but women who take to careers, who become members of the Indian Administration Service, Indian Foreign Service, who become members of other services and who also try to earn their living on their own. This tendency on the part of our girls and our women becoming earning members of the society is growing every day.

15.47 hrs.

[DR. SAROJINI MAHISHI *in the Chair*]

As soon as this tendency starts showing itself, I think the age limit has got to be raised. Sir,

**An Hon. Member:** Say, Madam.

**Shri D. C. Sharma:** I tell you, the Chair has no sex; it does not matter who occupies the Chair.

**An Hon. Member:** You are right.

**Shri D. C. Sharma:** Thirdly, Sir, we are living in an era where industrialisation in India is advancing very fast. If you compare the agricultural communities with industrial communities all over the world, you will find that so far as the agricultural communities are concerned their age-limit is very low whereas the age-limit of industrial communities is automatically raised. India is in the process of industrialising itself. We are trying to attain self-sufficiency in every sector of our public and national needs. In view of this, when this process itself is going on very fast, I think we should also raise the age-limit for child marriage.

One of the most disquieting facts in India is the rise in population. What has happened to our First Five Year Plan, the Second Five Year Plan and the Third Five Year Plan? In the Third Five Year Plan we budgeted for a particular rise in population. But what has happened? The rise in population has been much greater than was anticipated by our wonderful statistical organisation, which is more often in the wrong than in the right.

**Dr. M. S. Aney** (Nagpur): What difference is it going to make by raising the age-limit by two years?

**Shrmiati LakshmiKanthamma** (Khammam): What about war with China?

**Shri D. C. Sharma:** I am coming to that. There is a steadily accelerated growth in the rate of population from 11.19 in 1921-31 to 14.23 per cent in 1931-42 15.34 per cent in 1941-51 and 21.49 per cent in the past decade. If we go on multiplying at this rate, I believe there will be an increase of about 94 million in our population by

1971. This rate is very alarming. If we go on multiplying at this rate, our plans will not be enough to increase our standard of living and we shall not be able to increase our *per capita* income, our national income and all that. It has been asked: why should we reduce our population?

**Shri Bhagwat Jha Azad** (Bhagalpur): What is the contribution of the hon. Member?

**Shri D. C. Sharma:** The "hon. Member" is a widower for the last 29 years. So, what do you expect from him?

I was submitting very respectfully that so far as the increase of population is concerned, vis-a-vis our standard of living, I can assure you that even if we go on increasing at the normal rate, there will be no difficulty and we will have enough manpower and other kinds of power to fight the Chinese. So, I do not think we should be afraid on that score in any way.

Therefore, in my opinion, everything points in the direction of raising the age-limit. I am sure this Bill will have the unanimous support of not only the male members but also the female members of this House. It is inherent in the exigencies of the situation that we should try to raise the age-limit. I feel that this Bill should be sent for eliciting public opinion. After that, I will again come to the House for the passing of this Bill.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Child Marriage Restraint Act, 1929 be circulated for the purpose of eliciting opinion thereon by the 31st October, 1963."

**Shri S. M. Banerjee** (Kanpur): Mr. Chairman. I have gone through the provisions of the Bill, and I congratulate the hon. mover, Shri D. C. Sharma, for bringing forward this Bill. Though he is a widower for the

[Shri S. M. Banerjee]

last 25 years, he has agreed to touch upon this most important point of our social life. Now the question arises whether the child marriage which was prevalent in our country had served any purpose and whether it is still necessary. There is a fight going on now in the country between negotiated marriage and love marriage. In the olden days, senior members of this House who are much older will bear me out, there were not so many cases of divorce as today. Is it due to the faulty marriage system or social aspects or economic depression or things like that? Or is it due to the changing over from the old to the new system? That is the main question for us to consider now. Shri Sharma has stated clearly in the Statement of Objects and Reasons:

"If we are to survive as a virile, robust and progressive nation, and if we are to raise the standard of living of the masses, we must protect the health of the youth and check the growth of population and both these objectives can be achieved by raising the age for marriage."

He has stated in his speech that the correct age of marriage should be 25. There is no such age-limit, so far as the question of marriage is concerned, at least in our country. Today a man can marry only if the UPSC or the Railway Service Commission takes a sympathetic attitude regarding his service. Otherwise, he cannot marry, irrespective of whether he is 25 or 35, the son of a rich man or a poor man. So, the question to be considered is not the age-limit for marriage, whether it should be 25 or more, but the physical development of the person concerned. A man may be quite mature at 20. So, I do not know why the age-limit should be 25, 21 or 23. Really speaking, in a way, one can say that 25 should be the age when a man should get married. Then he is quite conscious of the responsibilities that he is about to take up, and he

follows the mantras which are recited at the time of marriage and he takes up the responsibility of looking after the girl. So, from that point of view, the age-limit of 25 is correct.

Then he goes on to say:

"Fertility is highest between the ages of 15 and 25 and therefore raising the age of marriage will go a long way to solve our economic, health, medical, mental, moral and other problems."

I do not know whether he is advocating family planning, which is entirely a different matter altogether. Also, I do not know whether he has taken any medical advice on the question whether fertility is at its highest between the ages of 15 and 25 or whether it starts before 15. In any case by this amendment he seeks to substitute the words "twenty-on" and "eighteen" for the words "eighteen" and "fifteen" respectively. He also wants to omit the words "above eighteen years of age and" and insert the words "years of age" after the word "twenty-one".

I am against the system of child marriage. It should be abolished. It is one of the worst evils of our country. Still we can see many families in the rural areas where a child is married when he is fast asleep and does not know what is taking place. When he wakes up he finds that his wife is six inches taller than himself. There is a popular song in the rural areas, in the villages "छोटे से बलमा". The girls attain maturity quite early. So, she is quite mature at the time of marriage. But the boy remains a boy. Naturally, it is a popular song throughout the country, at least in Bihar and Uttar Pradesh "छोटे से बलमा". It means that he remains a play mate throughout his life and he does not take any responsibilities. So, I am in favour of circulating this Bill. I would like Government to consider all aspects of this Bill and, if necessary, bring a Bill of their own so that this evil can be eradicated from our country at an early date.

**Shrimati Renuka Ray (Malda):** Madam, first I should like to congratulate Shri Sharma for bringing this Bill, because I feel it is already overdue. It is a good thing that he has thought of bringing forward now. He has put forward a very innocuous suggestion that the Bill be circulated for eliciting public opinion. I am sure, Government can have no objection to it.

I remember those days in 1929 when Child Marriage Restraint Act was passed and how there was tremendous agitation amongst the orthodox elements in the country against it. Today things have vastly changed. Tremendous progress has been made and the conditions that obtain even in the rural areas of those days are now very different. Shri Sharma talked about the condition of women in cities and towns where they are earning members of society now and take up many careers. But even in the rural areas where perhaps in some places one still sees child marriage vast changes are coming about. Changes having come about in this way there seems to me that no objection can be raised to it, that is, against raising the age from 15 to 18 for girls and from 18 to 21 for boys.

16 hrs.

As the hon. Mover of the Bill has pointed out in the statement of objects and reasons, the raising of the age of marriage will go a long way to solve our economic, health, medical, mental, moral and other problems. He has put it in a nutshell. There is no doubt that we shall be able to cope with all these problems. He has spoken about the population problem. I remember, in 1929 when this subject of family planning was first mooted at the "All India Women's Conference," the women who brought it up were almost considered beyond the pale that they should bring up such a subject. But today, we know, whatever be the reason—it is economic reasons mainly—there is a great difference and it is a part and parcel of the programme in our plans of development.

We want things to happen so that families are of such a size that those have to bear the responsibility are able to look after their children and that the mother's health is not spoilt on account of it. All these reasons make it all the more necessary that the girls' age be raised from 15 to 18. At 18, from the health point of view, she is in a better position to bear the responsibility of motherhood and she is better educated also. She will be able to cope with the bringing up of the citizens of the future.

Apart from that, the hard and pressing problem, the economic problem, of the growth of population which is almost on a point of defeating our plans will also be met, somewhat. Therefore I can see no reason whatsoever for the Government not to agree to this. I feel that if the hon. Member had even suggested that this be sent to a Select Committee, the Bill could have come back from the Select Committee and be enacted quicker. But, in any case, as he has moved that it be sent for eliciting public opinion, I do hope that the Government will find it possible to accept this and to see that this measure, which is a very healthy one and is in consonance with the ideals and objectives of the society of today, is taken up and enacted eventually.

With these words, I again congratulate the author of this Bill and hope it will be enacted soon.

**Dr. M. S. Aney:** Mr. Chairman, I also want to join other hon friends and sisters in congratulating Shri Sharma on bringing forth this Bill before this House. I am entirely in agreement with him about the principle of the Bill. But I want to point out one thing.

Most of the persons think that the reform that has taken place has taken place on account of legislation that was brought forward, that is, the Sharda Act, otherwise child marriage would have gone on even upto this time. That is what they think.

[Dr. M. S. Aney]

merely pity the pathetic faith that they have got in social legislation for bringing about social reform. Things are changing; environments are changing and those changes bring about changes in the customs of the people also. Customs have been changed considerably and legislation is coming later on to give it legal validity. That is what has taken place in the case of the Sharda Act. I am sure, even in this case the same thing will take place. People will welcome it in these days.

I particularly support this motion for one reason. At this time fortunately thousands of boys and girls of marriageable age suggested in this Bill are studying in colleges and universities and they will get an opportunity now to express their own opinion. I very much wish the university authorities would take care to ask those boys and girls to express their opinion on the Bill. I have no doubt that they will give their opinion in favour of it. The hon. Mover will have the satisfaction of having carried a measure with the consent of those who are most vitally interested in this Bill.

With these few words, I support this measure.

**Dr. L. M. Singhvi** (Jodhpur): Madam Chairman, while I am in sympathy with the underlying objectives of this Bill brought forward by Shri Sharma, I regret that I cannot endorse the idea of bringing about this social reform by means of a legislative enactment. As Dr. Aney rightly said, vain is the hope that you will bring about social revolution by mere legislation. Indeed Shri Sharma who is known to us all and is respected by all of us as a very prolific legislator has brought forward this Bill, only to canvass the idea and he wishes that this Bill may be circulated for eliciting public opinion. This House, after all, is the mirror of public opinion and is entitled truly to reflect that public opinion. Our know-

ledge of public affairs entitles us to say that child marriage restraint measures, so far as the existing legislation is concerned, have not brought forth a complete or even substantial compliance with its provisions. We know if for certain that even today and in spite of the Child Marriage Restraint Act there is a large number of child marriages performed with impunity. Indeed one would have to be completely blindfolded not to appreciate this fact of life as it is lived in our country. I think that the Child Marriage Restraint Act which is already on the Statute Book is itself being observed quite often only in its breach and is violated freely and with impunity. Such being the case, there is indeed no warrant today for us to take one more forward step without making sure that our feet are firmly planted on the ground. Before we may introduce and enact any such legislation, before we would be entitled to circulate such a Bill for eliciting public opinion, we must make sure for ourselves that the Child Marriage Restraint Act which is on the Statute Book is being complied with by and large in this country.

As a matter of fact, I know it from personal knowledge, as most hon. Members know from their own personal knowledge, that in the countryside child marriages continue to be the rule. At least in some parts of the country child marriages go unabated in the same measure as they used to and the Sharda Act has not made any difference whatever. I would, therefore, counsel a sort of legislative cell-bacy before we can try to endeavour to secure a control of our demographic problem. I would like to counsel abstinence of which we were talking about a little while ago when the Report of the Private Members' Bills Committee was brought before us, rather than sponsor ideas which are impractical and impracticable *ab-initio*. I feel that prescribing mere legislative norms to secure social reform is a very poor method indeed.

You might make law the scarecrow and the terror but you will not make it a perch of actual human custom or social practice by mere legislation. Our endeavour should be to see that we introduce legislation progressively. I am in favour of even trying to secure social reform by legislation, but such social legislation must necessarily conform to the realities of life as it is lived. I feel, Madam, that this measure, although it is a well-meaning measure, does not have any foundation in reality. It does not conform to the facts as they obtain in our country. Therefore, I feel that it is not opportune at this time for us to circulate this Bill for eliciting public opinion, for, in doing so, we will be accused of not even knowing this elementary fact of our social life in this country and we would be rendering ourselves open to the allegation that we do not realise that even the first step in this direction has not been firmly and fully taken.

**Shri P. R. Chakraverti (Dhanbad):** Madam, while endorsing the suggestion of Professor Sharma for circulation of this Bill, I have to make a few observations. Professor Sharma, a very learned professor, is supposed to be an authority on all aspects of the question. He has raised a point in his statement of objects, I feel he is treading on uncertain grounds. He has suggested that this Bill is being introduced with the obvious purpose of checking the growth of population. This a subject which has been highlighted by the Minister of Planning and the Vice-Chairman of the Planning Commission, Shri Nanda, in his statement in Bombay. He pointedly remarked that we have over-fulfilled one target, namely, that of population. With respect to the other shortfalls the senior ministers in the cabinet such as Mr. Krishnamachari have made their own observations. But, here, a question has been mooted by Professor Sharma which is not expected to find its own solution from the circulation of the bill or from its final adoption. We have to rely on certain other factors in supporting

this Bill. That raises a vital question affecting our social structure as it obtains today.

When the question of early marriage was taken up and a decision was arrived at it was a few decades earlier. Society had been undergoing a form of transition. Indeed we have passed those decades and we have come to a stage where we can sit together and discuss how far the present social structure has to be moulded and re-oriented in another form which fits in with our economic, social and political pattern. And there, we have to think whether the age-limit that has been fixed earlier has to be readjusted in the context of the present structure of our society.

So, I would not emphasise on the issue which has been sought to be emphasised by Professor Sharma. Rather, I would say from the sociological aspect of the question that we have to gather opinion on the Bill and that deserves careful consideration. I am sure the Government will agree to circulate it.

**Mr. Chairman:** The time allotted for this particular Bill is one hour. May I know how much time the hon. Deputy Minister wants to take for giving his reply?

**The Deputy Minister in the Ministry of Community Development, Panchayati Raj and Co-operation (Shri Bibudhendra Mishra):** Fifteen minutes.

**Shri C. K. Bhattacharyya (Raiganj):** This is an important Bill. We want to make some observations and we may kindly be granted this opportunity.

**Mr. Chairman:** Shri Heda.

**श्री बाल्मीकी (खुर्जा) :** समापति महोदय, मुझे भी थोड़ा समय मिलना चाहिये

**श्री हेडा (निजामाबाद) :** अध्यक्ष महोदया, इस विधेयक का समर्थन करते हुए मैं इस विषय के दो चार पहलुओं का जिक्र करना चाहता हूँ ।

### [श्री हेरा]

सब से पहली बात यह है कि जो जानकारी देश को मिलनी चाहिए आज के इस वैज्ञानिक युग में, वह उपलब्ध नहीं है। हमारे सामने जिस प्रकार के आंकड़े उपलब्ध होने चाहियें वे हमें हासिल नहीं हैं? अगर यह मालूम होता कि हमारे यहां जो भी विवाह होते हैं उन की औसत उम्र क्या है, अर्थात् कितनी उम्र के लड़कों और कितनी उम्र की सड़कियों के विवाह होते हैं और कितनी संख्या में होते हैं, फलां उम्र के लड़कों और फलां उम्र की लड़कियों के विवाहों की तादाद इतनी है, इस प्रकार के कोई स्टैटिस्टिक्स होते तो इस विषय पर सोचने में हमें काफी मदद मिलती। इसी प्रकार आज जो इस प्रकार के विवाह होते हैं जिन को बाल विवाह, प्रौढ़ विवाह या वृद्ध विवाह कहा जा सकता है, उन का सन्तति नियमन पर क्या प्रभाव होता है, यदि इस के भी आंकड़े कुछ होते तो उन से हमें बड़ा फायदा होता।

इस में कोई शक नहीं कि जैसा वैज्ञानिकों ने कहा है कि विवाह के समय लड़के और लड़की जितने ही प्रौढ़ होंगे उतना ही अच्छा परिणाम होगा, उस पर सन्देह करने की आवश्यकता नहीं है। प्रौढ़ विवाह अगर होंगे तो सन्तति नियमन होगा, सन्तानें सुदृढ़ होंगी। इसी तरह से जो बाल विवाह होते हैं उन से जो सन्तानें होती हैं उन के अन्दर बाल मृत्युओं की संख्या बढ़ती है। लेकिन बच्चों के मरने की संख्या कितनी है अगर इस प्रकार के भी आंकड़े कुछ हम को मिलते तो मैं समझता हूँ कि उस से हमारा बड़ा लाभ होता। मैं आशा करता था कि जब श्री दी० चं० शर्मा यह विषयक पेश कर रहे थे तब शायद वे इस प्रकार की चीज को सामने लायेंगे और हमें अपने मालूमात से और जो जहाँ-जहाँ इस विषय का अध्ययन किया है उस से लाभ पहुंचायेंगे लेकिन मैं समझता हूँ कि वे भी मजबूर थे

और उन के हाथ भी कोई ऐसी चीज नहीं लगी।

दूसरी बात मैं यह कहना चाहता हूँ, जिस का जिक्र कुछ अंशों में डा० सिधवी ने भी किया है, कि बाल विवाह के ऐक्ट से जो हमारा लाभ हुआ है वह इस लिये नहीं हुआ कि हम ने यह ऐक्ट पास किया है, बल्कि इस कारण हुआ कि हम ने इस का काफी प्रचार किया। इस कुरीति के उन्मूलन के लिये जो प्रचार हुआ उस से हम को काफी लाभ पहुंचा है। आज हम देखते हैं कि देहातों में बहुत सी जगहों में बाल विवाह होते हैं लेकिन उन के खिलाफ कोई ऐक्शन नहीं लिया जाता।

**श्री बाल्मीकी :** वहां विवाह बड़ी आसानी से हो जाता है और उस की रिपोर्ट तक नहीं की जाती। जब तक रिपोर्ट ही नहीं की जाती तब ऐक्शन कैसे लिया जा सकता है?

**श्री हेरा :** मैं उसी का उल्लेख कर रहा हूँ जिस पर श्री बाल्मीकी बड़े जोर से ध्यान दिला रहे हैं। मेरा कहना यह है कि जब कानून पास होता है और उस पर अमल कराने की कोशिश नहीं होती तो उस से फिजा कुछ बराबर होती है। जब ऐसा असर कायम हो जाता है कि कानून सिर्फ किताबों में ही है, अमल करने के लिये नहीं तो जो कानून की प्रतिष्ठा होती है वह कम होती है, और यदि उस की प्रतिष्ठा कम हो जाय तो कानून चाहे जितना भी कड़ा किया जाय, उस से कोई लाभ नहीं होगा। लाभ जा होगा वह एक तरफ त कानून को कड़ा करने से होगा और दूसरी तरफ प्रचार करने से होगा। अगर लोभ प्रचार का काम हाथ में ले लें तो मैं समझता हूँ कि इस कानून को खास तौर पर सामने रखने की आवश्यकता नहीं है।

साथ ही साथ अगर हम इस बात की कोशिश करें कि जितनी संख्या में लड़के स्कूल

बाते हैं जतनी ही संख्या में लड़कियाँ स्कूल बाने लगे, तो भी मैं समझता हूँ कि इस कानून की आवश्यकता कम हो जायेगी। प्रायः होता यह है कि चार, छः, आठ साल तक की लड़की तो स्कूल जाती हुई दिखलाई देती है, हालाँकि उन की संख्या भी लड़कों के बराबर नहीं होती है, लेकिन जैसे ही लड़की थोड़ी बड़ी होती है, मैं देहातों के सम्बन्ध में कह रहा हूँ, उसे स्कूल से हटा लिया जाता है। मैं वहाँ की बात कह रहा हूँ जहाँ पर कि जागृति ज्यादा नहीं है, वहाँ पर जहाँ लड़की थोड़ी बड़ी हुई उसे स्कूल से निवाल लिया जाता है और उस को बाल विवाह का शिकार बना दिया जाता है। इस लिये मैं समझता हूँ कि इस कानून को पास करने के साथ साथ एक तरफ तो स्टैटिस्टिकल डेटा मालूम करना चाहिये कि किस उम्र के कितने विवाह होते हैं और उन का परिणाम क्या होता है। बाल मृत्यु के सम्बन्ध में, दूसरी तरफ हमें लड़कियों के शिक्षण पर जोर देना चाहिये। हम सामाजिक कुरीतियों को दूर करने के लिये कुछ अपना प्रचार भी बढ़ायें तो मैं समझता हूँ कि श्री शर्मा के दिल व दिमाग में जो भ्रष्टा उद्देश्य है इस बिल को पास कराने में, वह ज्यादा आसानी से कामयाब होगा। इन शब्दों के साथ मैं विषयक का समर्थन करता हूँ।

**श्री बाल्मीकी :** सभापति महोदय, प्रायः केवल कागज देख कर सदस्यों को बुला रही हैं, कुछ प्रांखों से भी काम लीजिये।

**Shrimati Yashoda Reddy (Kurnool):**  
Madam, I thank you very much for the opportunity that has been given to me today to speak on this Bill. At the very outset, I would like to congratulate Mr. Sharma for having brought this legislation. I was listening with rapt attention to Dr. L. M. Singhvi who so very eloquently opposed this motion. No doubt there is reason in what he says. We have changed the Child Marriage Act as it is now, but it is a fact that in spite of the Act having been there, any

number of child marriages are taking place. I am not denying it. Even two or three months back, I have witnessed one. I could not help it. That does not mean to say that because we failed to a certain extent in a measure, we should not bring forward this Bill. I think it is the fault not only of the Government, but even of ourselves who are supposed to be the leaders of public opinion, and people who are to mould public opinion. We are not able to control it. It is our fault. In our environments, still people are going in for child marriage. That is the fault of the people who are educated. That is not so much the fault of the law, but of the social reformers and social workers. They should also take the blame.

One of the main objects, Shri D. C. Sharma has said, is the control of population. I would like to say one thing here. Certainly, this population problem in India has become a headache for every one. All our plans, whatever has been done, falls short of the demand because of too much of population. One of the Americans coming to India said about the Indian population and the people of India that the people are born like rats, they live like rats and they die like rats. This is the opinion he expressed about the population of India. Certainly it is most shameful. I feel it is a disgrace for the people to be said that they are born like rats, they live like rats and they die like rats. Certainly, we should control the population. This may not be the only way of controlling it. But, it may go a long way.

Another thing that I would like to say is this. Apart from legislation itself, today, we see that there is a sort of natural instinct developing itself, that girls and boys are getting married at a later stage. They are not marrying very early as they used to do in early days, because of education, because of employment facilities. In the western countries, people do not get married till they are financially or economically settled. In India, people have not yet got that



[Shrimati Yashoda Reddy]

consciousness that they should not get married till they have economic independence. What happens, due to a variety of reasons, may be even for want of employment, they get married. May be sometimes, it so happens that people are still getting married at a younger age.

I agree with Shri D. C. Sharma that this Bill should be circulated for public opinion. I do not think the Government will object to it. Moreover, as Dr. L. M. Singhvi said, if the public are not willing, if there is not enough public opinion, certainly they will oppose it. We will find it out. Why should we oppose this? Here, not only we frame laws according to public opinion, but we have also to create public opinion. Parliament acts both ways. Not only do we pass laws according to public opinion, we also create public opinion. All that we are asking today is, let us find out the public opinion. If it is accepted, we will have it as law. We should not object at this stage.

One thing, I would like to tell the Government. When we raise this age of marriage, apart from other things, the Government should take more and more care to give better facilities for the education and better facilities for the employment of both women and men. For want of facilities for education, many people in the villages and in smaller towns get married. Both because of economic factors as well as for want of facilities, they are not being educated. If the Government takes care to see that all the children go to the school and also gives them economic facilities, certainly the age of marriage will go up. I agree with the Mover that it should be circulated for public opinion. Thank you very much.

**श्री कृष्णबाय (दवास) :** समापधि महोदया, यह जो शर्मा जी ने बिल रखा है उसका मैं हृदय से स्वागत करता हूँ। इस सम्बन्ध में मैं दो चार बातों की ओर सदन का ध्यान दिलाना चाहता हूँ।

इस बिल के अन्दर जो बात रखी गयी है, जो प्रस्ताव रखा गया है उसमें यह संशोधन रखा है कि लड़के की विवाह की उम्र २१ साल होनी चाहिए। मेरा निवेदन है कि जो कानून पहले से बना हुआ है उसका सारे देश में बराबर पालन नहीं हो रहा है। इसलिए मैं चाहता हूँ कि इस बिल को पास करने के पहले हम सारे देश की जनता की राय ले लें। यह बहुत आवश्यक है। यह कानून जिस जनता पर लागू किया जाने वाला है उस जनता की राय ले लेना हमारे लिए पहली बात होनी चाहिए।

इस सम्बन्ध में अनेक स्थानों पर देखा गया है, और इस तरह की बातें मेरे अपने अनुभव में भी आयी हैं, राजस्थान, उत्तर प्रदेश और मध्य प्रदेश के बहुत से इलाकों में ऐसा होता है कि लड़की की शादी आठ, नौ या दस साल की उम्र में कर दी जाती है। उन से जो सन्तानें होती हैं उनमें शक्ति नहीं होती, वे दुर्बल होती हैं। उनसे हम क्या आशा कर सकते हैं कि वे भविष्य में देश के भार को अपने कंधों पर उठा सकेंगी। यह बात अच्छी है कि लड़की की उम्र विवाह के समय १८ साल की होनी चाहिए। पर इस के साथ साथ मैं एक बात और कहना चाहता हूँ। मेरा अपना निजी मत है कि है लड़की की शादी की उम्र १५ साल कर देनी चाहिए। जब सारे देश में हम राय लेंगे तो हमको पता चलेगा कि देश की जनता क्या चाहती है। इस विषय में सारे समाज को शिक्षण देने के लिए काफी समय चाहिए और इसमें काफी कठिनाइयों का सामना करना पड़ेगा। देश की अधिकांश जनता देहाती है। इन लोगों में से अधिकांश में बाल विवाह होते हैं। और कहीं कहीं तो ऐसा भी देखा जाता है कि पुरुष ५० साल का होता है और वह १०-१२ साल की लड़की से विवाह कर लेता है। इस पर विशेष ध्यान देना चाहिए। हमारे पार्लियामेंट के मेम्बरों को अपने अपने क्षेत्र में जाकर इस बारे में लोगों को शिक्षण देना चाहिए।

और इस प्रकार की चीजों के विरुद्ध प्रचार करना चाहिए ।

कुछ लोग कम उम्र की शादी पर रोक लगाना चाहते हैं और इस को अनुचित समझते हैं, तो दूसरे लोग इस प्रकार की शादियां कराने के लिए रिश्वतें देते हैं, थानेदार को रिश्वत देते हैं, किसी नेता टाइप के व्यक्ति को रिश्वत देते हैं या किसी वकील को पैसा देते हैं और कहते हैं कि तुम इस विवाह को करवा दो । मेरे सामने ऐसे कैसेज आए हैं ।

तो मैं इस बिल के सम्बन्ध में इतना ही कहना चाहता हूँ कि इस को पास करने के पहले हमारे देश की जनता की राय लेना अत्यन्त आवश्यक है और जनता की राय लेने के बाद ही अगला कदम उठाना चाहिए । अगर हम जनता की राय नहीं लेंगे तो उसका कोई परिणाम होने वाला नहीं है । जो पुराना कानून है उस पर आज तक देश में कितने कम आदमी चलते हैं । जो पुराना कानून बना हुआ है उसका पालन देश की जनता नहीं करती, तो जो हम नया कानून बनाने चले हैं उसका पालन देश की जनता कहां तक करेगी यह विचारने की बात है । हमें इसमें शंका है कि देश की जनता इस कानून का पालन करेगी ।

इसलिए मैं बड़े अदब के साथ शसन से निवेदन करना चाहता हूँ कि जिस ढंग से भी हो सके इस सम्बन्ध में सारे देश की जनता की राय ली जानी चाहिए । इसका प्रचार होना चाहिए और देहातों के एक एक व्यक्ति से मिलकर उसकी राय जाननी चाहिए, उसके बाद इस कानून को पास करना चाहिए । इन शब्दों के साथ मैं समाप्त करता हूँ ।

**Shrimati Jyotsna Chanda (Cachar):** First of all, I congratulate the hon. Mover for having brought forward this Bill in the right time. I hope Government will have no objection to 2916 (A) LSD.—7.

have this Bill circulated for eliciting opinion thereon.

I would like to submit a few points regarding the objects and reasons which have been stated in this Bill. I would like to say that the dowry system is still persistent in our country, and marriages which are contracted by negotiations by the parents or guardians help the dowry system. And due to economic reasons and social stigma, and also because of early marriages, girls are not sent to colleges or schools for education, which hinders the education of women to go forward.

Increase in population has become a great problem in our country. Early marriages with no planned parenthood is increasing improvident maternity.

The question of health of the youth has also been taken care of by this measure. Also this is a question of the health of the future generation of our country.

With these words, I support the motion and request Government to agree to the circulation of this Bill for eliciting public opinion.

**Shrimati Renu Chakravartty (Barackpore):** I welcome this Bill from this point of view that it was only in 1929 that we passed the Child Marriage Restraint Act after a very great deal of agitation and it is now 1963, quite a long period during which general public opinion has been created against child marriage. It is also true, as many hon. Members have stated, that in the villages we still find—not only in Rajasthan but in my State, West Bengal, such child marriages. In my State, I have seen that absolute children are still married. During my last election tour, I was shocked to find a baby in arms who had a vermilion mark right on her forehead, which is the sign of marriage. The child could hardly walk. *Gauri dan* of such types I have seen in villages.

[Shrimati Renu Chakravartty]

Members of this House are aware of the fact even the Child Marriage Restraint Act of 1929 sponsored by Dr. Gaur has not always been put into effect. Nevertheless, it is also a fact that the number of child marriages has been reduced. In urban areas, it has definitely been reduced; in villages also, it has been reduced.

The second great difficulty in our country is, of course, this that a child of 12 is passed off as a child of 15. Who is going to prove it otherwise? As a matter of fact, even when we pass a Bill or enact a law saying that the girl should be at least 18, a girl of 15 will be passed off as a girl of 18. Therefore, even from the practical point of view, I say it is better that we pass it in principle, the correct principle, that the age should be 18. Of course, we also know that when we pass so many laws, there are people who violate it. There are people who go in for black-marketing and other things. In this matter also, we may find, and we will find, that there will be many breaches of the law. But let us put the level at a more correct age than 15. A girl of 15 is really a child and she is not able to bear all the responsibilities of marriage. Therefore, I think it is absolutely right that we should legislate for 18. If we legislate for 18, may be in many cases girls will be married who will be really 15 years of age.

The other point I want to make is this. I am quite clear that only by passing a law, we will not be able to implement it. But that is true of all social laws, whether it is the law against untouchability or it is the marriage laws or it is the inheritance laws. All these matters are matters which will have to be implemented also by public opinion.

I have always looked upon legislation as part and parcel of a process of rousing public opinion. The two have to go together. Law by itself is not effective; public opinion by itself

is not effective. So the two have to go hand in hand. Therefore, I think it is no argument to say that just because we want that public opinion should be roused, we should not have a law. We should have a law and we should also try to rouse public opinion.

There has also been this question of control of population. I feel that controlling of population is not such a simple thing. Just by raising the age-limit for marriage, we are not going to do very much. There are two things without which no country in the world has been able to control population. We may have many many plans, but the two basic things are: a more educated people and a higher standard of living. As soon as you have a higher standard of living and an educated people, automatically the population goes down.

Therefore, this is a much deeper matter and I think it is too exaggerated a claim to say that if we raise the age of marriage, we will immediately bring about a change in the population. Nevertheless, I feel that from the health point of view, it is right that we should raise the age of marriage.

If we pass this, Government as well as ourselves have to be quite clear in our minds that the education of girls has to be implemented up to the age of 18. Normally, in the villages, girls do not go even up to the tenth or eleventh class till they are about 17 or 18, and long before that they are married off. Our social customs are so strict and rigid that they do not study up to the eighth or ninth standard.

With the cut in the Budget, the axe has fallen first on education in many of the States. Where we had free girls education up to the eighth or tenth class it is going to be cut now. This is an aspect which goes side by side. So, in spite of all the difficulties, it is

time we legislated for a higher age limit for the marriage of girls.

**Shri C. K. Bhattacharyya (Raiganj):** Some of my friends in this House have taken objection to the Bill on the ground that this should not be taken up before sufficient public opinion is created in the country. While I agree with them on the conclusion, I do not agree with them on the argument. The circulation of the Bill itself is a measure to create public opinion in this country. It is for that purpose that the circulation of the Bill is proposed. In fact, the proposal for circulation is more easily acceptable to us, because it does not commit ourselves to the principle of the Bill. Even those who are not in agreement with the principle of the Bill may agree to the proposal to have it circulated. When a Bill is sent to the Select Committee, the House is committed to the principle, but in the matter of circulation, there is no such commitment. Therefore, the Government is left free not to oppose the circulation of the Bill. Particularly, the Bill involves sociological, economic and various other questions that some Members have raised.

16-37 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

Regarding the age suggested by the Mover of the Bill, I would say that in India the age of majority differs for different purposes. On a previous occasion I drew the attention of the Government to this that there should be one common age of majority for all purposes. For the purpose of the Cinematograph Act the age of majority is 18, for the purpose of voting it is 21 and so on. So, there should be one common age of majority for all statutory purposes in this country. And the age that the Mover of the Bill wants to fix as marriageable might be at least the majority age for boys. For the girls, of course, the age is 18.

Shri Sharma was stating that if possible he would suggest 25 but that he could not find any basis. I might provide him with a basis. In the *Susruta* of Ayurveda, the rule is that a boy should not be married before 25.

ऊनषोडशवर्षायामप्राप्तपंचविंशतिः ।

यद्यापत्ते पुमान् गर्भं मातृकुक्षौ विपद्यत ॥

That is, a boy who has not attained the age of 25 should not be given in marriage. Therefore, my hon. friend will perhaps thank me for providing him a basis for raising the age to 25 even according to the Indian tradition. That is more necessary because some of the ceremonies that the boys and girls have to go through in marriage are not understandable to each other unless they are sufficiently of age. Particularly, in the case of the Hindu marriages, when the *saptapadi* is made, the rule is that the bridegroom has to say to the bride: "let your heart be devoted to what I do, from this day you and I are one." All these mantras are there, but unless they are sufficiently of age, neither the bridegroom nor the bride will be able to follow the ceremonies that they themselves go through.

Coming to the times of the old legislators, the usual impression is that they were very conservative. My idea is opposite. Our social legislators were more sensible, reasonable persons and they have provided for all the contingencies. They have said that a girl should not be given in marriage and she may remain in her father's house all her life unless a properly accomplished bridegroom is found. That is the rule.

कामम् आमरणम् तिष्ठेत गृहे कन्या ऋतुमत्यपि,  
न चैवैना प्रयच्छेतु गुनहोनाय कर्हिचित्

They did not say that the girl should be given in marriage to somebody. Even in the case of a girl who has attained the age of marriage and arrangement for whose marriage is

[Shri C. K. Bhattacharyya]

not made, she is given the option to choose a husband for herself. The rule is that after having attained the age, she should wait for three years for her father or her elder brother to select a suitable bridegroom for her.

विन्देत सदृशम् पतिम्

If they do not do so the girl is given the option to choose a suitable husband. The social legislators who made these rules must have been very broad-minded persons and sensible persons. In later adaptations of this rule we have narrowed down their application. So, let it not be taken that there is no support for Shri D. C. Sharma's proposal to raise the marriageable age. These are our own traditions: that the boy and the girl must be of sufficient age before they are brought into nuptial tie.

Of course the problem is there; the problem of marriage itself. I believe that the social atmosphere should be created in a way that the marriage may be settled before it grows into a problem. Usually after the marriage grows into a problem it is very difficult to settle the marriage, marriage should be settled before it grows into a problem. That is, I believe, the tendency of the western countries.

There is some suggestion that the social reform should go hand in hand and I thank you, Madam, for making that suggestion. In fact that was so in our country. Vidyasagar and Raja Ram Mohan Roy came up to resist this system of early marriage I believe the circulation of the Bill as proposed by Shri Sharma will create the social atmosphere and bring about the reformers who will take it up and go to the people to seek for their verdict upon it.

Mr. Chairman: Dr. Sarojini Mahishi.

श्री बाल्मीकी (खुर्जा) : सभानेत्री जी, माननीय सदस्या ने आप को बुलाया और अब आप ने उन को बुलाया है। अब हमारा क्या होगा ?

सभापति महोदय : यह प्रतिदान है।

Dr. Sarojini Mahishi (Dharwar North): Madam, thank you for giving me an opportunity to express my views upon this subject. The Child Marriage Restraint Act was introduced in 1929. Prior to that there was no piece of legislation on this. Referring to our vedic culture and heritage, I may say that the child marriage was not in existence during those days. We find great authors contributing to Rigvedic hymns: Gosha, Vishwavara, Appala and Surya who were considered as Brahnavadhinis. They got full education and opportunity to educate themselves. Subsequently even during the upanishad period and the Mahabharata and Ramayana period, the ladies got opportunity to get full education and develop their personality. It is only subsequently that child marriage came into existence. It may be due to certain political reasons or external aggression or due to some such thing. The result of that was that child marriage came into existence. From statistics we find that child marriage was increasing year by year and the result was that widows and widowers were also increasing in number year by year.

That can be made out if statistics right from even 1910 on-wards are referred to.

Shri Balmiki: It is not that the number of child marriages in increasing. That is totally wrong. Now this number is sufficiently decreasing.

Dr. Sarojini Mahishi: I am expressing my opinion. During this period we find that the child marriages were resorted to by the parents perhaps in order to shake off their responsibility as early as possible. Some of the Smritis writers went to the extent of saying that if a girl is married at the age of 8, she would be liberating 14 generations of forefathers of both the bridegrooms and the bride from hell to heaven, and if she married at the age of 10 to 12, the genera-

tions transferred from hell to heaven would be less.

Therefore, I do not know whether that was an initiative on the part of the parents to go in for child marriages and to give away the girl as if she were a chattel. That was termed as 'Dana' and not as a particular agreement or any thing of the kind. It was termed as Dhan unlike any other laws where in you find it is a sort of a contract. According to Manu, it is one of the samskar as; it was an inseparable tie that sprang up between the parties to the marriage. Subsequently, the result was that the two parties who came to know that they were married perhaps realised that they may not be in favour of continuing their relations or the relations could not be continued under different circumstances also. Therefore, the great social reformers found that it was quite essential to bring in this piece of legislation, such as the Caste Disabilities Removal Act, the Child Marriage Restraint Act, etc. The great social reformers like Raja Ram Mohan Roy, Easwar Chandra Vidyasagar, Tilak and Mahatma Gandhi and others were in favour of this particular piece of legislation. But the sorrowful part of this particular legislation is that these pieces of social legislation are never implemented with all seriousness and those who try to violate the sections of particular social legislation are never punished in all seriousness. That is the fate of all pieces of social legislation. Why is this so? The social legislation should also serve as a means to educate the people along with other means which are there to educate the people. Therefore, this legislation, in order that it can be implemented successfully, needs enlightenment on the part of the people also, whose co-operation is quite essential.

Therefore, it is now high time; more than 30 years have passed since the passing of that measure. There are a number of social changes, economic changes and cultural changes that are

creeping into society. The values are also changing very fast. Therefore, it is quite essential that the age of marriage of the girl should now be raised up to 18 and that of the boy be raised up to 21. This is the age of majority; this is according to the law of the age of majority in our country. Therefore, though it is late, I am glad that this Bill has been brought before the House, and I congratulate the hon. Member for bringing this particular Bill before the House. I hope the Bill will circulate for eliciting public opinion.

**श्री बाल्मीकी :** सभानेत्री जी, अभी तक जो भाषण सदन में हुए हैं, उन को सुन कर मुझे आश्चर्य ही हुआ है। इस मुल्क में कोई सुधार का काम कामयाब हो या न हो, उस को कानून का रूप देने का जो तरीका है, वह मुझे पसन्द नहीं है। इस का कारण यह है कि जो भी सुधार हो—चाहे वह बाल-विवाह का निषेध हो और चाहे कुछ और हो—उस को जड़ जनता के बीच में हानी चाहिए। जहाँ तक बाल-विवाह का सम्बन्ध है, उस की हानियों को देश ने पहचाना है और बाल-विवाह को रोकने के लिए १९२६ का जो पुराना कानून शारदा ऐक्ट पास किया गया था, उस का प्रभाव देश में हुआ है। जिस क्षेत्र से मैं आता हूँ, वहाँ पर ज्यादातर बाल-विवाह होते थे और मैं आज इस सदन में यह कहने के लिए तैयार हूँ कि अब वहाँ पर बाल-विवाह न के बराबर होते हैं।

आज इस प्रकार की स्थिति और इस प्रकार का प्रभाव हमारे मस्तिष्क पर है कि संतति निरोध होना चाहिये। लेकिन जिस प्रकार से यह संतति निरोध करने की कोशिश की जा रही है, वह एक प्रवंचना है, वह एक मेनिया है। यह मेनिया हमारे मस्तिष्क में समा गया है। मैं इसको नहीं मानता हूँ। मैं चाहता हूँ कि देश के अन्दर संयम से लोग काम लें, यम-नियम, ब्रह्मचर्य आदि के जो नियम ऋषि-मुनियों ने बना दिये हैं, उनका पूर्ण

## [श्री बाल्मीकी]

पालन करें। लेकिन आज तो जीवन के अन्दर उद्ध्वलता और चांचल्य के ही दर्शन होते हैं। ये प्रवृत्तियां बढ़ रही हैं।

हमें देखना होगा कि किन स्थितियों के अन्दर यह बाल-विवाह हमारे देश में हुआ करते थे। जब हमारे देश के ऊपर आक्रान्ताओं के आक्रमण होते थे, हमारी नारियों पर हाथ उठाये जाते थे उनका अपहरण किया जाता था जो कौमार्य की रक्षा की दृष्टि से छोटी उम्र में शादियां कर दी जाती थीं। लेकिन उसके बाद शारदा एक्ट बना जो कि एक बुद्धिमत्तापूर्ण कदम था। उसका देश के अन्दर प्रभाव हुआ। पढ़े लिखे में तथा सभ्य लोगों में इसका बड़ा प्रभाव पड़ा और उन्होंने इस कानून का पालन किया। मैं मानता हूँ कि कम उम्र के बच्चों की और साथ ही साथ बूढ़ों की भी शादियां नहीं होनी चाहिये। यह भी आवश्यक है कि इस तथ्य को नहीं भुलाना है कि—

भद्रा वधूर्भवति यत्सुवेशाः स्वयं सा  
बनुते जने चेत सभ्य युवा—स्त्री अपने  
मनोनुकूल प्रिय पात्र युवक को पति  
स्वाकार करती है। यह धारणा  
हमारे यहां रही है। जब हम किसी बात  
पर विचार करने बैठे हैं, तो केवल पढ़े  
लिखे आदमियों के बारे में ही विचार करते  
हैं, जो कि मुट्ठी भर ही हैं। उन का ही विचार  
अगर किया जाए तो देश में कोई सुधार  
नहीं हो सकता है। हमको हजारों जो  
मजदूर हैं, किसान हैं, बे पढ़े लिखे हैं, सर्वहारा  
हैं, उपेक्षित हैं, उन का भी विचार करना  
चाहिए। उन पर जिस प्रकार से आप चाहते  
हैं, आप के कानून लागू नहीं हो सकते हैं,  
आप के कानून आयद नहीं हो सकते हैं।  
शारदा कानून के अन्दर लड़की की उम्र  
१५ वर्ष थी और लड़के की १८ वर्ष थी।  
वह ठीक है। वह बुद्धिसंगत है। आज लोग  
स्वयं समझ रहे हैं और उन में कुछ इस प्रकार  
की भावना जाग्रत हो रही है कि आज के  
प्रगतिशील युग में छोटी उम्र में शादी नहीं

होनी चाहिये। यह ठीक है। लोग यह भी समझ  
रहे हैं कि अगर उन के अधिक बच्चे हो जायेंगे  
तो उन का पालन करना आज की कठिन  
आर्थिक परिस्थितियों में उन के लिए मुश्किल  
हो जाएगा। आज पंद्रह वर्ष से कम उम्र की  
शादियां होनी भी हैं तो बहुत कम होती हैं।  
इस उम्र से कम उम्र की शादियां होती हैं  
तो बड़ों पर गौने का प्रचलन होता है, और  
यह गौना कहीं सात साल के बाद, कहीं  
ग्यारह साल के बाद, कहीं पांच साल के बाद  
और कहीं तीन साल के बाद विभिन्न स्थितियों  
में होता है। इस से मैं समझता हूँ कि माननीय  
शर्मा जो का जो मंशा है वह पूरा हो जाता है।  
इस बिल को राय जानने के लिए भेजा जाए  
इस की कोई आवश्यकता मैं नहीं देखता हूँ।  
मैं समझता हूँ कि इस मोशन पर जोर देने  
को आवश्यकता नहीं होनी चाहिये। हमें  
चाहिये कि अगर हम इस तरह का कोई  
सोशल रिफार्म लाना चाहते हैं तो इस के  
पक्ष में प्रचार करें, जनमत के आधार पर  
ऐसा वातावरण तैयार करें, कि इस उम्र से  
कम उम्र की शादियां न हों।

आप देखें कितनी इलोपिंग की घटनायें  
होती हैं, कितनी किडनीपिंग की घटनायें  
होती हैं। इन को रोकने में हम अपने आप  
को असमर्थ पा रहे हैं। मैं अभी जब आ रहा  
था तो दिल्ली के एक अत्यन्त सौंदर्यमय केन्द्र  
के एक कौने में खड़ा हो गया। वहाँ से लड़कियां  
लड़के निकल रहे थे। वे अर्ध निसीलत अर्ध  
प्रक्षिप्त आंखों के द्वारा एक दूसरों से नेत्र  
लड़ाते हुए दूसरों पर नेत्र फेंकते हुए चले जा  
रहे थे। उन की उम्र चौदह साल से कम ही  
थी। जहां तक सैक्स का सम्बंध है, रिसर्च  
बताता है कि गर्भ में बैठे हुआ जो बच्चा  
होता है, उस के अन्दर भी सैक्स है, और  
उसके अन्दर भी सैक्स के गुण हैं। इस तरह से  
कच्ची उम्र में सैक्स की उभरती भावनाओं  
को संयम से रोकने की आवश्यकता है। आज  
चारों तरफ हम चंचलता ही चंचलता के दर्शन  
करते हैं। मैं एक वैदिक मंत्र कह कर अपना

भाप खत्म कर दूंगा जिस में तबयुवती के लिये वेद भगवान का आदेश है :

अथः पश्यस्व मोपरि सन्तर्गं पादकौ हर ।  
मातेकश पलकौ दृशन् स्त्रीं हि ब्रह्मा वभूविथ ॥

तुम नीचे देख कर चलो, ऊपर नहीं, पैरों को संकुचित रख कर मिला कर चलो । इस प्रकार के दस्त्र पहन कर चलो कि तुम्हारे कश (श्रीष्ठ भाग) और प्लक (कटि के ऊपर भाग) को कोई देखने न पावे ।

आज के युग में आप देखते हैं कि किस प्रकार से सौंदर्यता के प्रदर्शन में अश्लीलता अर्द्धनग्नता अंग प्रत्यंग का फड़कना, नेत्र आदि की भाव भंगिमायें दिखाई देती हैं । इस वास्ते जो इस प्रकार की चीजें हैं उनके विरुद्ध जोरदार प्रचार करने की आवश्यकता है ।

दो दिन की बात है। एक नारी मेरे पास ोती हुई आई । उस ने बताया कि उस के पति ने जो यहां दिल्ली में एक प्रोफेसर है, अपनी ही शिष्या एक लड़की से शादी कर ली है । उस के तीन बच्चे हैं । वह औरत मारी मारी रोती फिर रही है । उस को न्याय देने वाला नहीं है । इस प्रकार की यह अनेकी घटना नहीं हैं, और भी अनेकों घटनायें होती हैं । इन की और भी समाज और सरकार का ध्यान जाना चाहिये ।

मैंने देखा है कि जहां चाइल्ड मैरेज हुई है, उन के जो बच्चे हैं, वे ज्यादा स्वस्थ हैं और जिन की पैंतीस साल की उम्र में मैरेज हुई है, उन के जो बच्चा हुआ है, वह केवल तीन पाउंड का हुआ दो घंटे जीवित रह सका । डाक्टर लोग बताते हैं कि उन के बच्चे ब्यो स्वस्थ या अस्वस्थ होते हैं । इस पर भी आप को विचार करना चाहिये ।

मैं इस बिल का विरोध करता हूं । जो सुधार हो, वह धीमे धीमे जनता की राय से आना चाहिये । सुधार देश में हो रहे हैं, भावनायें देश में उदित हो रही हैं । आर्य समाज जैसी अनेक संस्थायें इस प्रकार के सुधारवादी

कार्य कर रही हैं । हमारे प्रोफेसर, जो हमारे मित्र हैं, वह विधुर हैं । हमारे देश में कहावत है, कि विधुर बवारों से ज्यादा सँवस के मामले में खबर रखते हैं । लेकिन उन की राय जरा बेहतर होती है । उन की राय की कद्र करता हूं । लेकिन हमारे विचारों में संयम का होना बहुत आवश्यक है । सदभावना का होना बहुत आवश्यक है । आज देश में जोरदार प्रचार होना चाहिये ताकि इस बिल के फल जो भावना है उस की पूर्ति हो सके । अशिक्षित समाज के अन्दर, वे-पढ़े लिखे लोगों के अन्दर इस का प्रचार होना चाहिये और देश के आर्थिक ढांचे को देखते हुए, देश के सामाजिक ढांचे को देखते हुए, देश की सामाजिक स्थिति को देखते हुए हमें चलना है । ऐसी स्थिति में मैं नहीं समझता कि इस बिल को राय जानने के लिए भेजने की कोई आवश्यकता है । मैं समझता हूं कि लोगों में जा कर जोरदार इस बारे में प्रचार करने की आवश्यकता है । यह काम तब अपने आप पूरा हो जायगा । मैं इस बिल का विरोधी हूं और मैं नहीं समझता हूं कि सुधार के काम में हमें टांग अड़ाने की आवश्यकता महसूस होनी चाहिये ।

**श्री यशपाल सिंह** (कैराना) : सभानेत्री जी, मैं शर्मा जी को अपनी तरफ से बहुत बहुत सुचारिकवाद पेश करता हूं कि उन्होंने समाज सुधार का यह सुन्दर बिल यहां उपस्थित किया है ।

यह बात जो कही जाती है कि हर एक काम के लिए कानून बनाने की जरूरत नहीं है इस को मैं नहीं मानता हूं । बिना कानून के समाज सुधार का काम नहीं हो सकता है ।

दण्डः शास्ति प्रजा सर्वा दण्ड ऐवाभिरक्षति  
अगर दण्ड न हो, अगर कानून न हो, तो राज व्यवस्था चल नहीं सकती है, राज व्यवस्था हो नहीं सकती है । स के बिना कोई सामाजिक सुधार भी नहीं हो सकता है । यह बहुत जरूरी था और मैं समझता हूं कि बड़े उपयुक्त



[श्री यशपाल सिंह]

समय पर वह इस बिल को लाए हैं और इन को लाने के लिए मैं उन को मुबारकवाद पेश करता हूँ ।

यह भी जरूरी है कि बूढ़ों के विवाह रोकने की कोशिश की जाए । बूढ़े जो विवाह करते हैं उस के विरुद्ध कोई आन्दोलन नहीं होता है कोई कोशिश नहीं की जाती है । जब से यह ५८ साल पर रिटायर करने की बात आई है और इस में तीन साल और बढ़ा दिये गए हैं तब से यह टैंडेमी और भी ज्यादा बढ़ रही है । जो बेरोजगार हैं उन को रोजगार नहीं मिलता है दूसरी तरफ इन को तीन साल के लिए और रख लिया गया है । इस से बेरोजगारी में वृद्धि ही हुई है । नौजवानों की शादियां नहीं होती हैं, और आप ने जब से यह तीन साल की अवधि बढ़ाई है, तब से यह टैंडेमी बढ़ रही है ।

यह कौन सोचता है कि जो सेहरे की रस्म या यह मार की रस्म आई है, यह इसलिए आई है कि बड़े लोग विवाह करते थे, तो उन के नकरी दांत कोई न देख ले उन के चेहरों की झुरियां कोई न देख ले, उन के सफेद बाल कोई न देख ले । सेहरा और मीर की जो रस्म है, यह बन्द की जाए । जिस मुधार के लिए, जिस रिफार्म के लिए आप ने यह बिल पेश किया है, उस के लिए मैं आप को वधाई देता हूँ । यह जरूर है कि इस कोटोजैम के युग में यह उम्र कुछ ज्यादा है । अगर इस का एक साल कम कर दिया जाए तो अच्छा होगा । हिन्दुस्तान की हालत ऐसी है कि लोग डाल्डा ज्यादा खाने लगे हैं । इस का नतीजा यह है कि बूढ़े या बच्चे ही रहते हैं, बीच की स्टेज खत्म होती जा रही है ।

तिफन्नी गई अलामते पीरी अयां हुई  
हम मुन्तजिर ही रह गए अहले शबाब के  
स वास्ते मैं समझता हूँ कि एक साल अगर कम कर दिया जाए तो और अच्छा हो और

बूढ़ों की शादी के ऊपर जरूर रोक लगाई जाए ।

**Shri Bibudhendra Mishra:** Madam, it has been stated that this Act was passed in the year 1929 and many social changes have taken place since then which necessitate the amendment of the Act and a thorough revision of it. I entirely agree with that view but I will come to it subsequently. Let me tell the House here that so far as the question of age is concerned, it was again considered by the Dominion Legislature in the year 1948, on the motion of a private Member, and the age which was 14 then was raised to 15, so far as the girl was concerned, after proper scrutiny, but the age of 20 for the boy, as suggested by the private Member, was not accepted by the then Dominion Legislature. I am not expressing my opinion on the subject. All that I want to say is that this question of raising the marriageable age of both the boy and the girl was considered in 1948 by the Dominion Legislature and an Act was passed following it, namely, Act XLI of 1949.

17 hrs.

I will refer to another Private Member's Bill. Shri D. C. Sharma was the author of it. He brought forward a Bill in the Second Lok Sabha that subsection (2) of section 12 be omitted. That provides that whenever a prayer is made to a court for granting an injunction the court should give the party an opportunity to hear before granting the injunction. Therefore the point then mooted in this House was that this dilatory process was mainly responsible for the Act being contravened in many quarters. Let there be no mistake or doubt in the mind of anybody that whenever a Private Member's Bill emanates in this House, the Government without any thought opposes it. So far as I am concerned, I have accepted in principle and for

circulation also many Private Members' Bills. Let me tell Shri Diwan Chand Sharma now that his motion which he brought forward in the Second Lok Sabha for omitting sub-section (2) of section 12 of the Act was circulated to the State Governments and we are now going to bring forward a comprehensive Bill on the subject. We have already got the opinion of the States and his suggestion that sub-section (2) of section 12 be omitted has been accepted. Of course, it will come forward in the form of a Bill. But we have accepted this principle. Therefore it is wrong to say that Government is not in a mood to hear when a Private Member's Bill comes forward.

So far as this proposal is concerned, as I said, I am not expressing an opinion. Let me make it clear before this House that since the law relating to marriage and infants is in the Concurrent List, it is necessary to get the opinion of the State Governments. It is not a question of eliciting public opinion. It may not lead to anything; sometimes it may also be delayed. We have also decided, after notice of his Bill came to us, to get the opinion of the State Governments on this particular question, that is, the question of raising the marriageable age. I am not passing any opinion at present. Therefore all these aspects have to be considered whenever you bring forward a social change. Social change is all right, but we have to see when we bring forward such a social change that it must be capable of being enforced also. Therefore many factors have to be taken into consideration. I assure you and the House that this particular question again will be referred to the State Governments for their opinion.

In view of this I request Professor Sharma to withdraw his motion for eliciting public opinion on his Bill.

17-03 hrs.

**Shri D. C. Sharma:** Mr. Chairman, I think, anybody who brings forward any Bill in this House has to suffer

a great deal of nervous tension, not only nervous tension but also a great deal of nervous strain. For instance, one, first of all, frames the Bill; then, puts forward his Bill in the Lok Sabha; then, after balloting it comes before the public, one makes speeches and other hon. Members also make speeches on it and then a whip comes to you and brings a letter from somebody saying that you must withdraw it. The hon. Minister also comes forward and says that this Bill should be withdrawn. So, I think, Shri Kamat was very well within his rights when he said that everybody should have the right to bring forward more than four Bills if he likes. He was very generous, but he does not know what the fate of these Bills is. What is the good of bringing forth babies in this House when there is no protection for those babies and when they are going to suffer from infant mortality? So, the history of these Bills which have a bearing upon social legislation is that they die before they are born. They never see the light of the day.

My hon. friend has been very generous to me and has said that this Bill need not be referred to the public for eliciting its opinion. So much the better for me. He said further that this Bill would be referred to the State Governments for eliciting their opinion. I think this is very good. In view of this that this Bill is going to be referred to the State Governments for opinion, I think I should not press it very much.

But, one thing is there. I think, this Bill, excepting in the case of two persons, has received unanimous support. I thank the Lady Members of this House and the men Members of this House for giving their unqualified support to it. I thank Dr. M. S. Aney who has seen this kind of social reform brought about in this country has also blessed this Bill. I think that is a very great privilege which I have had today. Only there have been two dissentient voices. The voice of Dr. L. M. Singhvi; according to Dr. L. M. Singhvi, there should be no social

[Shri D. C. Sharma]

legislation because social legislation has a very sad kind of fate.

**Dr. L. M. Singhvi:** That is not what I meant.

**Shri D. C. Sharma:** I am not of that view. I think we have to legislate so far as social matters are concerned and even if there are breaches, we need not lose heart. Then, there has been the voice of Shri Balmiki. I am sorry he has gone. But, I could not understand what he was saying. He was only quoting Veda Mantras for which I have a great deal of respect, to prove that this kind of social legislation is not up-to-date and he wanted that the age should be raised to 25 or something like that. I agree with him.

**Shri Yashpal Singh:** He could not prove to the contrary from the Vedas.

**Shri D. C. Sharma:** I think our Ministers are not going to listen to Dr. L. M. Singhvi or to Shri Balmiki or to all of us.

**Dr. L. M. Singhvi:** But, public opinion does.

**Shri D. C. Sharma:** Why don't they listen to us? I think Mr. Kamath sometimes stands up on behalf of the Members. I believe that Mr. Kamath should stand up on behalf of the Members some time,—and I think I will support him—and say that the Bills that we bring forward in this House and the Resolutions that we bring forward in this House should not be treated with such scant attention and such scant respect. I know the Government is run by the Treasury Benches. There is no doubt about it. I have great respect for the Treasury Benches.

**Shri Hari Vishnu Kamath:** By your party.

**Shri D. C. Sharma:** It is also run by my party. I am very proud of my party. But, all the same, I would say that I am in a very great fix. I have

got this letter written by the Secretary of my party and so many things have been whispered in my ears that this should not happen. Our Deputy Minister for Law has also said that he is going to refer it to the State Governments. But, if he makes one point clear, what will happen to it when he gets the views of the State Governments—I think he can tell me in one sentence—I will be in a position to withdraw it without feeling excessively sad. I want to know what will happen to it after the State Governments have given their opinions.

**Shri Bibudhendra Mishra:** This is a question which nobody can answer. How do you know what the opinions will be? It will all depend on that. It is a hypothetical question.

**Mr. Chairman:** Assuming that it will be in favour, what will be the procedure? I think that is what he wants.

**Shri Bibudhendra Mishra:** Assuming that the opinions will be in favour?

**Mr. Chairman:** Yes.

**Shri Bibudhendra Mishra:** If the opinion is in favour, certainly we will accept it. There is no question. Unless we know what the opinion is, how can we say what will happen to it?

**Dr. M. S. Aney:** I want to ask one question. When the Bill is withdrawn here, there is no Bill which you can send to anybody for the opinion of anybody else. You can only give the substance of it and send it. Therefore, there will be no opinion on the Bill expressed by the State Governments. That is the position. How would it be favourable?

**Shrimati Yashoda Reddy:** I think the Government has specifically mentioned that what should be the marriageable age has been referred to the State Governments. They are bringing forward a comprehensive Bill. I think he said that even the question of age has been specifically mentioned

to the State Governments. If I am right, the Minister may say.

**Shri D. C. Sharma:** I take it from what the hon. Minister has said, and that is being backed by one of our whips sitting next to him, that he will take the opinion of the State Governments and then decide what is going to be its fate. I know what is going to be its fate. I am a loyal member of the party. Therefore, I withdraw.

**Mr. Chairman:** Has the hon. Member leave of the House to withdraw?

**Some Hon. Members:** Yes.

**Some Hon. Members:** No.

**Mr. Chairman:** There is no question of majority. Even if one Member disagrees, I have to put it to the vote. Are you pressing?

**Shri Yashpal Singh:** The Bill should not be withdrawn.

**Mr. Chairman:** I will put it to the vote.

**Mr. Chairman:** I shall now put the motion to vote.

The question is:

"That leave be granted to withdraw the Bill".

**Some Hon. Members:** 'Aye'.

**Mr. Chairman:** Those against will say 'No'!

**Some Hon. Members:** 'No'.

**Mr. Chairman:** So, the 'Ayes' have it, the 'Ayes' have it, and leave is granted.

**Shri Yashpal Singh:** No. The 'Noes' have it.

**Shri D. C. Sharma:** I would request my hon. friend Shri Yashpal Singh not to press the point.

**Mr. Chairman:** The rule is this:

"If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements . . ."

—which they have already made—

". . . and may, thereafter, without further debate, put the question."

Already, Shri Yashpal Singh and Shri D. C. Sharma have put forward their points of view as to why one is withdrawing and the other does not agree to the withdrawal. Thereafter I have put the question.

**Shri Yashpal Singh:** No.

**Mr. Chairman:** Is the hon. Member challenging it?

**Shri Yashpal Singh:** Yes.

**Mr. Chairman:** Does he want a division?

**Shri Yashpal Singh:** Yes.

**Mr. Chairman:** Let the Lobby be cleared.

I think there is quorum.

**Shri Hari Vishnu Kamath:** Unfortunately, it is less than 50—47 or so.

**Mr. Chairman:** Let the bell be rung again so that if there are any Members still left outside, they might come in.—Now there is quorum. When hon. Members hear the quorum bell, they should come into the House immediately. Otherwise, the work of the House is held up.

The question is:

"That leave be granted to withdraw the Bill".

The Lok Sabha divided.

**Shri Kapur Singh:** Mine did not work I want to vote for 'Noes'.

**Mr. Chairman:** The result of the division is: Ayes 55; Noes 5.

Division No. 4 |

[ 17.20 hrs.

**AYES**

Achal Singh, Shri	Hem Raj, Shri	Raju, Shri D.B.
Ankineedu, Shri	Jadhav, Shri Tulshidas	Ram, Shri T.
Balmiki, Shri	Kamble, Shri	Rao, Shri Muthyal
Basappa, Shri	Lakshmikanthamma, Shrimati	Reddy, Shrimati Yashoda
Baswant, Shri	Lonikar, Shri	Samanta, Shri S.C.
Bhagavati, Shri	Malhotra, Shri Inder	Samnani, Shri
Brajeshwar Prasad, Shri	Mandal, Shri Yamuna Prasad	Sen, Shri A.K.
Chakraverti, Shri P.R.	Mathur, Shri Harish Chandra	Shama, Shri K.C.
Chaudhri, Shri D.S.	Mirza, Shri Bakar Ali	Shastri, Shri Lal Bahadur
Colaco, Dr.	Misra, Dr. U.	Shinde, Shri
Daffe, Shri	More, Shri K.L.	Singh, Shri D.N.
Desai, Shri Morarji	Naik, Shri Maheswar	Singhvi, Dr. L.M.
Deahmukh, Dr. P.S.	Paliwal, Shri	Subbaraman, Shri C.
Dixit, Shri G. N.	Paramasivan, Shri	Tiwary, Shri R.S.
Elayaperumal, Shri	Patil, Shri D.S.	Upadhyaya, Shri Shiva Dutt
Firodia, Shri	Patnaik, Shri B.C.	Venkatasubbaiah, Shri P.
Hajarnavis, Shri	Prabhakar, Shri Naval	Vidyalankar, Shri A.N.
Harvani, Shri Ansar	Pratap Singh, Shri	Yadab, Shri N.P.
Heda, Shri		

**NOES**

Aney, Dr. M.S.	Kachhavaia, Shri	Yashpal Singh, Shri
Himmatsingji, Shri	Kapur Singh, Shri	

*The motion was adopted and the Bill withdrawn.*

**WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL—**

(Insertion of new section 7A) by Shri C. K. Bhattacharya

**Shri C. K. Bhattacharyya** (Ralganj) I beg to move:

“That the Bill further to amend the Working Journalists (Condi-

tions of Service) and Miscellaneous Provisions Act, 1955 be taken into consideration.”

**Mr. Chairman:** He can continue next time. The House stands adjourned till 11 a.m. on Tuesday the 12th March.

17.21 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday March, 12, 1963 Phalguna 21, 1884 (Saka).*