

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Wednesday, 30th July, 1952

The House met at a Quarter Past
Eight of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-26 A.M.

MOTION FOR ADJOURNMENT

FLOODS IN ASSAM

Mr. Speaker: The statement made by Shri Gulzari Lal Nanda, the Minister of Planning and Irrigation and Power in reply to the short notice question this morning regarding floods in Assam disposes of whatever was required to be done in connection with the Assam flood situation and there is no need to keep the adjournment motion pending.

Jonab Amjad Ali (Goalpara-Garo Hills): May I be permitted to withdraw it?

Mr. Speaker: There is no question of withdrawal. I did not allow it. I shall now merely say that I disallow it.

Jonab Amjad Ali: But I wish to withdraw it.

Mr. Speaker: Very well. Then the matter is over.

MESSAGES FROM THE COUNCIL OF STATES

Mr. Speaker: The Secretary will now read the messages from the Council of States.

Secretary: Sir, I have to report the following two messages received from the Secretary of the Council of States:

(i) "In accordance with the provisions of rule 125 of the Rules of 145 PSD.

Procedure and Conduct of Business in the Council of States, I am directed to inform you that the Council of States, at its sitting held on the 29th July, 1952, agreed without any amendment to the Indian Companies (Amendment) Bill, 1952, which was passed by the House of the People at its sitting held on the 17th July, 1952.

(ii) In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the National Cadet Corps (Amendment) Bill, 1952, which has been passed by the Council of States at its sitting held on the 29th July, 1952."

NATIONAL CADET CORPS (AMENDMENT) BILL

Secretary: Sir, I lay the National Cadet Corps (Amendment) Bill, 1952 as passed by the Council of States on the Table of the House.

PAPER LAID ON THE TABLE

ANNUAL REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

The Minister of Home Affairs and States (Dr. Katju): I beg to lay on the Table a copy of the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the period ended 31st December, 1951. [Placed in Library. See No. IV. A. 4(1).]

Shri P. N. Rajabhoj (Sholapur-Reserved Sch. Castes) rose—

Mr. Speaker: He may first study the statement and then put questions.

श्री पी० एन० राजभोज : मैं यह पूछना चाहता हूँ.....

अध्यक्ष महोदय : अभी नहीं, टबल पर स्टेटमेंट (Statement) रख दिया गया है उस को पढ़ने के बाद पुछियोगा ।

RESERVE AND AUXILIARY AIR FORCES BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

The Minister of Defence (Shri Gopaldaswami): I beg to move:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, be extended upto Friday, the 1st August, 1952."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, be extended upto Friday, the 1st August, 1952."

The motion was adopted.

INDIAN PENAL CODE (AMENDMENT) BILL

AMENDMENT OF SECTION 497)

Mr. Speaker: The House will now proceed with Private Members' Legislative Business. The House will remember that at 12-30 today there will be a half-an-hour discussion on certain points raised by some hon. Member and at one o'clock the report of the joint Committee on the Preventive Detention (Second Amendment) Bill will be presented to the House by the Deputy-Speaker. Mr. Dabhi may proceed with his Bill.

Shri Dabhi (Kaira North): I beg to move:

"That the Bill further to amend the Indian Penal Code, 1860, (Amendment of section 497), be taken into consideration."

This is a very simple Bill consisting of only two clauses. It seeks to amend section 497 of the Indian Penal Code

which defines adultery and provides for the punishment of the same. That section reads thus:

"Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor."

This Bill wants to delete the last sentence, namely, "In such case the wife shall not be punishable as an abettor", from section 497. The present position is that whereas a man who commits adultery with another's wife is punished, the wife is not punishable under the law. If this Bill is passed, both the man and the woman concerned would be punishable under the law. The offence of adultery as defined in section 497 of the I.P.C. is such that it cannot be committed except with the willing consent of both the parties and if there is no consent on the part of the woman, then the act amounts to an offence of rape and the question of the woman being an abettor does not arise at all. Now, if two persons jointly commit an offence it is but fair that both of them should be punishable equally. How is it then that a married woman who becomes unfaithful to her husband and is in illegal intimacy with another man is exempt from punishment while the man alone is punishable? The reply given to this question by the authors of the Indian Penal Code themselves is as under:

"Though we well know that the dearest interests of the human race are closely connected with the chastity of women and the sacredness of the nuptial contract, we cannot but feel that there are some peculiarities in the state of society in this country which may well lead to a human man to pause before he determines to punish the infidelity of wives. The condition of women of this country is, unhappily, very different from that of women of England and France; they are very often neglected for other wives while still young; they share the attentions of a husband with several rivals. To make laws for punishing the inconstancy of