

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