

**Haji Mohammad Ibrahim:** No; not at all.

बी क्लॉस बन्न : यह जो इस में है :

Where after distributing mains have been laid down under the provisions of clause IV or clause V, when any consumer applies, he will have to give an undertaking—"within fourteen days after the service on him by the licensee of a notice in writing in this behalf, he tenders to the licensee a written contract, in a form approved by the State Government, duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return—now 15 per cent.

इस के अन्दर जिसे घाप ने कम्प्लेरी एरिया कहा है यह अगर क्लॉस ५ और ६ में कम्प्लेरी एरिया है, तो उस एरिया में भी यह १५ परसेंट की शर्त लागू है। लेकिन क्लॉस ५ में भी बैसा में ने बतलाया है कहीं कम्प्लेरी एरिया का जिक्र नहीं है। मैं क्लॉस ५ पर रहा हूँ :

#### Clause 5

"Where, after the expiration of two years and six months from the commencement of the licence, a requisition is made by six or more owners or occupiers of premises in or upon any street or part of a street within the area of supply—

Not area of compulsory supply. It is only "within the area of supply"

इस में कहीं भी कम्प्लेरी एरिया का जिक्र नहीं है।

**Mr. Deputy-Speaker:** Area of supply is interpreted by the Minister like that

**Shri Nathi:** The difficulty is, rule 13 (d) mentions what is compulsory. The rules made under the Act deal with it

**Shri Naushir Bharucha:** 'Area of supply' has been defined

**Mr. Deputy-Speaker:** Yes; that has been defined.

I shall now put all the amendments to the vote of the House.

Amendments Nos. 25, 26, 13, 14 and 32 were put and negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 40 stand part of the Bill."

The motion was adopted.

Clause 40 was added to the Bill.

Clause 41 was added to the Bill.

**Mr. Deputy-Speaker:** The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, Enacting Formula and the Title were added to the Bill

**Shri Nathi:** I move:

"That the Bill, as amended, be passed"

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed"

The motion was adopted.

15 45 hrs.

#### DOWRY PROHIBITION BILL

**The Minister of Law (Shri A. K. Sen):** Mr Deputy-Speaker Sir, I beg to move

"That the Bill to prohibit the giving or taking of dowry, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:—Shri J. M. Mohamed Imam, Dr. K. Atchamamba, Shri Nibaran Chandra Lasker, Shri Omkar Lal, Shri Jasti Jayaben Vajubhai Shah, Shri

Balkrishna Wasnik, Shri Ram Krishan Gupta, Shri Mahendra Nath Singh, Shrimati Satyabhama Devi, Shri Sinhasan Singh, Shrimati Uma Nehru, Shri J. B. S. Bist, Shri Hifzur Rahman, Shrimati Renuka Ray, Shri Tekur Subrahmanyam, Dr. M. V. Gangadhara Siva, Shri V. Eacharan, Shrimati Sahodra Bai Rai, Pandit Babu Lal Tiwari, Shri S. R. Arumugham, Shri Radha Charan Sharma, Shri R. M. Hajarnavis, Shrimati Renu Chakravartty, Shri P. T. Punnoose, Shri Subiman Ghose, Shri Uttamrao L. Patil, Shri Braj Raj Singh, Shri Ignace Beck, Shrimati Khushwaqt Rai—I am sorry—

Shri Braj Raj Singh (Ferozabad): Is it a Committee of Shrimatis?

Shri A. K. Sen: I am very sorry

Shri Khushwaqt Rai and Shri Asoka K. Sen, and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee "

This Bill was introduced in the last session. Hon. Members are well aware of the circumstances under which this Bill has been introduced and is sought to be passed. Apart from various assurances given by the

Government from time to time, public opinion, by and large, has been insisting for many, many years that a Bill of this nature be at least introduced and passed, so that the law of this country condemns a practice which is not only antiquated, but may be described as pernicious, a system which has caused untold suffering in the past and still continues to subject to suffering a large number of impoverished people who find it impossible to marry their daughters to suitable bridegrooms unless the proper price may be paid by them.

It is not necessary to deal with the history or try to analyse the causes which have led to this pernicious social evil. It is enough to take note of it as an evil which needs complete eradication. I do not claim at all that a law passed by this Parliament would completely eradicate this evil. In fact, law never does eradicate evils. It is the social conscience of the people which ultimately sanctions the prevention of crimes and evils. The law only expresses that social conscience. We are only taking the first step, namely, express in no equivocal terms the conscience of the people which regards this practice as pernicious and which regards it as an evil. I can tell you, Sir, that since the introduction of this Bill, I do not remember how many hundreds of letters of congratulation I have personally received apparently from people who have been feeling the oppression of this system. Coming from the part of the country where I come from, I can testify myself how especially the poorer sections and the middle class have suffered in the past and are still suffering when their girls come of age and they have to find suitable bridegrooms for them

It is true that a system which provides for parents' finding out bridegrooms for their daughters naturally supplies the cause for such a system. But I cannot see in the near future a substantial relaxation of that practice. I am not very much enamoured

[Shri A. K. Sen]

myself of a large-scale freedom to daughters to find bridegrooms for themselves, but whatever my personal feelings may be, taking into account all the social circumstances which confront us, we can foresee quite a long period of time to elapse before this obligation of parents to find bridegrooms for their daughters can see an end.

Therefore, so long as this obligation lasts, the price that this obligation necessarily involves becomes felt by those people from whom the price is demanded, and it is for those that this Bill is meant, to relieve their suffering, a suffering from a system which I do not think anybody here or outside would be prepared to support.

As I said, we do not claim, I do not think anybody would claim either here or outside, that this law alone would bring about an end of the dowry system. In fact, when Shrimati Renu Chakravartty came at the head of a large number of ladies and saw me, I told her myself that the difficulty which was really being felt by the Government was in the enforcement of such a legislation.

All of us know that child marriage as such has been prohibited a long, long time ago, and yet, unfortunately, they take place every day.

Shri Raghbir Sahai (Budaun) In villages.

Shri A. K. Sen: In towns too. Let us not be so proud of our towns. I have seen child marriages being performed in towns myself, in cities like Calcutta. After all, our social systems do not vary very much in towns and villages. We carry our rural bias when we migrate to cities. There is no doubt about that.

That really brings into relief the problem of enforcement of every type of social legislation. As I said, law cannot ensure the enforcement of the law. It is the social conscience of

the people which must ultimately sanction the sanctity of every law. After all, the Penal Code has not stopped thefts or robberies. It punishes and the people see that thieves and robbers are not encouraged, and that is the real enforcement, the real sanction behind the Penal Code. Same here as in other branches of our legal system. The people must determine for themselves that an evil which the law has prohibited should not be perpetrated and those who seek to perpetrate it are punished according to the provisions laid down in the law.

It is our duty, therefore, as I said, our paramount duty, to express through ourselves the social conscience of the country which frowns upon this evil, and we are actually doing it now in proposing to pass this law. About the enforcement of it, we must build up solid public opinion against this system, a public opinion which will come forward to see that the law is obeyed and that those who infringe it are punished.

I am aware myself, and I have also expressed it here and outside, that a long time will elapse before this evil is completely eradicated by this law, but this law will at least bring to the forefront the rising public opinion of this country against all evils, in this particular case the evil of dowry. I am therefore proposing that the House should pass this Bill as an expression of a solemn duty we have to perform in the matter of social reforms, in expressing the voice of the people in unmistakable terms against evils which afflict our society today. One of the evils we are trying to tackle today. Others we have tried to tackle in the past, and there will be more which we will be called upon to tackle in the future.

I do not want to add very much. I think the Bill recommends itself. The recommendations for the Bill are writ large not only on the face of the

Bill, but on the history of our society of the last few decades, especially after early British education and the creation of a class of people which became desirable in the eyes of prospective parents-in-law. It is only because or that class of people was eagerly sought after by prospective parents-in-law that prices started being demanded. That privileged class is fast disappearing. It will take some more time for all such privileges being destroyed, but so long as they last, so long as other privileges are attached to prospective bridegrooms, this evil will continue unless the law makes it illegal. Therefore, as I said, the recommendation for the Bill is writ large on the Bill itself, in our society, in our history and in the needs which have impelled us to bring this legislation. I therefore submit that this motion may be passed.

Shri Narayanankutty Menon (Mukandapuram): May I point out to the hon. Law Minister that when the Bill is passed and when it is notified that it comes into force, it will affect certain communities in the State of Kerala unless some consequential Bills are introduced and passed? Now that Parliament has got jurisdiction over Kerala, may I know whether the Government will introduce those consequential Bills?

Mr. Deputy-Speaker: That can be raised when we discuss the Bill.

Shri Narayanankutty Menon  
I am just putting it to him.

Mr. Deputy-Speaker: Motion made:

"That the Bill to prohibit the giving or taking of dowry, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely, Shri J. M. Mohamed Imam, Dr. K. Atchamamba, Shri Nibaran Chandra Leekar, Shri Onkar Lal, Shrimati Jayaben Vajubhai Shah, Shri Balakrishna Wamnik, Shri Ram Krishan Gupta, Shri Mahendra Nath Singh,

Shrimati Satyabhama Devi, Shri Sinhasan Singh, Shrimati Uma Nehru, Shri J. B. S. Bist, Shri Hifzur Rahman, Shrimati Renuka Ray, Shri Tekur Subrahmanyam, Dr. M. V. Gangadhara Siva, Shri V. Eacharan, Shrimati Sahodra Bai Raj, Pandit Babu Lal Tiwari, Shri S. R. Arumugham, Shri Radha Charan Sharma, Shri R. M. Hajar-navis, Shrimati Renu Chakravarty, Shri P. T. Punnoose, Shri Subiman Ghose, Shri Uttamrao L. Patil, Shri Braj Raj Singh, Shri Ignace Beck, Shri Khushwaqt Rai and Shri Asoka K. Sen, and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

Shrimati Parvathi Krishnan.

Shri Vajpayee (Balrampur): There is an amendment.

Mr. Deputy-Speaker: He may move it.

Shri Vajpayee: I beg to move:

(1) "That the Bill be circulated for the purpose of eliciting opinion thereon by the first day of the next session."

Mr. Deputy-Speaker: Both the motion and the amendment will be discussed together. I will call him after Shrimati Parvathi Krishnan.

Shrimati Parvathi Krishnan (Colombatore): I welcome this Bill and I extend full support to it. The only disappointing aspect that I felt when the hon. Minister was speaking was that he starts off with a sense of defeatism, he talks of the great difficulties that are going to be there, he talks of how it is going to take a very long time to educate public opinion and so on.

As long ago as 1953, a Private Member's Bill was introduced in this House by my hon. friend Shrimati Uma Nehru, and at that time what did the Government say? They said: give us time, we should not be too hasty, we will bring a comprehensive measure. Six years later, with great diffidence our Law Minister puts this measure before us for discussion.

This is a most disappointing thing because when he is there representing the Government to bring forward a measure which is for jolting the social conscience of our country, at that time one would think that his very speech should give the initial jolt, rather than that he should start off by throwing cold water, in the manner in which he did. We know and he himself said to begin with that he had received hundreds of letters of congratulations, messages and so on, and having given us this very happy information, he goes on to be so gloomy about it.

16 hrs.

We are all aware of the fact that there is going to be much opposition to this Bill, or to this Act when it is passed, in this country, and equally those of us on this side of the House are aware that much of the solid opposition will be inspired from among the ranks of the ruling party. We have had the experience of that opposition in Kerala, where it was those from amongst the ranks of the Congress that opposed the dowry.

(Interruption) I did not say, 'ruling party'. I am careful enough to differentiate, and I know that there are many amongst the ruling party who are as keen on this measure as we are. But we cannot forget the experience in Kerala where it was from the Congress ranks that the opposition to the Dowry Prohibition Bill was voiced.

Shri C. K. Bhattacharya (West Dinajpur): May I make a submission? Should Kerala be dragged in even in the Dowry Prohibition Bill?

Mr. Deputy-Speaker: Because the dowry question was also there.

Shrimati Parvathi Krishnan: It is always very uncomfortable to be reminded of one's misdeeds, and therefore, no wonder we find the hon. Member so sensitive even on a question like prohibition of dowry. So, you see that the opposition has started very early.

What are the points that the opposition usually wields? One is that we must give our daughters something to fall back upon, that dowry is what we give to the daughters so that they go into the new household that they enter, the father-in-law's household, with the social and economic status that will enable them and help them to be respected there. This is the argument that is advanced, but what actually happens in practice? In practice, once a girl with her dowry goes there, the dowry is snatched away from her, and she really has absolutely no claim to it at all. There are hundreds of cases or rather thousands of cases which one can quote, where when a girl is widowed at a very early age, she is thrown out on the streets, because there is no one there to support her, and because once the dowry which she brought has gone into the hands of the father-in-law's people, they have no further use for her. There have been cases even when the parents have had to rescue their widowed daughters from

maltreatment, and have had to take them back into their houses, and then, these widowed daughters in many families have become drudges even in their own houses, once their mothers and their elders have died. Such cases are there in plenty.

The hon. Minister when he was introducing the Bill, said that this Bill was being introduced in order to eradicate the suffering of impoverished people. I think these were the words he used. Unfortunately, it is not the impoverished people who suffer because of the dowry system. It is more those who have got the wherewithal, and who are able to give the dowry; and I think the sufferings, as far as the dowry system is concerned, and the evils of the dowry system are there in every section and every stratum of society, more so where the dowry entails a larger amount.

Then, we also have the other argument that is always being advanced, the argument of religious practices, the argument of our old Hindu heritage, of our culture and so on and so forth. This is one of the favourite arguments to point out that one should not interfere with the sanctity of dowry. They do not care at all about the sanctity of marriage; it is sanctity of dowry that these people usually talk about in season and out of season.

Always, we find that reactionary sections, throughout history, whenever they want to hold back the march of progress, whenever they want to keep up all traditions that help them to remain in power, bring forward this sort of arguments in trying to sidetrack issues.

One cannot forget that a learned judge, some years ago, in a judgment in a case about dowry, said these words:

"When the bridegroom is being offered as a marketable comp-

dity, the high standards of the scriptural marriages is contaminated by sordid considerations of immediate monetary gain".

No more effective reply could be given to those who talk in terms of the sanctity of dowry than these telling words of a judge.

Now, coming to the Bill itself, the first thing that I would like to draw the attention of the House, and the attention of those Members who are going into the Joint Committee, is with regard to the definition. Not being a lawyer myself, I am not sure how far this definition will really cover dowry or how far this definition will be such as to prevent the misuse or prevent the contravention of the giving of dowry by some means or the other.

The definition reads thus:

"In this Act, 'dowry' means any property or valuable security given or agreed to be given to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party either at the marriage or before or after the marriage."

But I wonder whether this definition would cover whatever the father wishes to give to his daughter, or whatever a father is called upon to give to his daughter at the time of marriage by private agreement between the parties, that is, the bridegroom's family and the bride's family. For, here, he talks of one party to the marriage giving to another party to the marriage; I am apprehensive whether there might not be the danger of an understanding that a certain amount should be settled on the bride and later, knowing as we do what the social status of our women is today, knowing as we do the difficulties that women have to face in life today, whether that will not afterwards be got away from her by methods of

[Shrimati Parvathi Krishnan]

bullying Is this a water-tight definition or not? Or should the definition be something more; should the definition be more precise, and more detailed in order to cover also the possibility of gifts being given by the father to the bride at the time of marriage?

Then, in the same clause, the limit that is set upon the dowry is Rs 2000 I feel that this is much too large a figure, because in these days, we know what a great deal of indebtedness is arising because of this system of giving dowry. People have to borrow, they have to mortgage whatever little property they have, and once the marriage is over, they find that it takes years and years for them to pay off these loans that they took in order to pay the dowry.

That is why in our country the minute a daughter is born, there is no jubilation in a house, she is considered to be a liability whereas a son is considered to be an asset. Only two days ago, I met a friend of mine who happens to be the third child in the family, and she is a daughter, she is a girl. She was telling me how from her childhood onwards, one story was being repeated to her all the time by her mother, how when her brother was born,—the first child,—the grand-mother came with scales and had the child weighed in gold and presented her mother with all that gold, when the second child was born, it was a daughter, and they received some silver ornaments and so on. When she was born, as the third child, the grand-parents were so disappointed that they just sent a postcard, not even a greetings telegram. Now, this is a very telling instance.

**Mr. Deputy-Speaker:** By that time, they might have lost that gold and silver.

**Shrimati Parvathi Krishnan:** No, Sir, they had no daughter to give in marriage. The first was only a son.

Be that as it may, the point is that when a daughter is born, the first thing that strikes the parents is: what are we going to do about the dowry? Therefore, I think this limit should be brought down. I would suggest to the Members of the Joint Committee that Rs 500 would be a far more reasonable amount. If parents do wish to give their daughters ornaments, because they like to see them dressed up at the time of the marriage and so on, there are all the years preceding the marriage and they can certainly give their daughter these gifts even after their marriage, but as part of the marriage expenses, the jewellery, clothing and so on at the time of the marriage, the figure should be kept as low as possible, because only then will it be possible to educate public opinion and to see to it that people do become conscious of the fact that marriage expenses should be restricted to the minimum.

With regard to clause 3, I feel that the fine of Rs 5,000 which has been put down is rather exorbitant. This might be considered strange, opposing the institution of dowry as I do, but I feel that it is not by these monetary penalties that you are going to rouse social conscience in this country, much more are you going to rouse it by sending them to jail, by seeing that they are pointed out to society as enemies of society because they contribute to a custom and an institution that is an evil in society. It is not money penalty that is going to rouse them, because those who have money will say, 'All right. We pay the fine and, at the same time, we do this.' You may even have an agreement, an inner understanding, whereby the fine will be covered by the amount that is decided upon for dowry.

Therefore, it is a social penalty that has to be inflicted on those who are enemies of society and that is why I do not think that this fine is going to help in any significant way, on the

other hand, it is the imprisonment that is far more important and that is what we should concentrate upon.

Now, I come to clauses 5 and 6. Clause 5 says that any agreement for the giving or taking of dowry shall be void. Then clause 6 goes on to create a loophole for contravention. What are they told? They are told that they should not receive dowry above, as the Bill stands today, Rs. 2,000. Then they are told: "if you receive a dowry above Rs. 2,000, you have to go to jail, you have to pay a fine; and make sure that that dowry is finally transferred to the bride." This is the loophole that you are providing.

16.13 hrs.

[SHRI BARMAN in the Chair]

In clause 5, you say that the agreement will be null and void. I think according to section 65 of the Contract Act, when an agreement is null and void, whatever is paid according to the agreement has to be paid back to the person who paid it. I am not clear about this. I would like the Law Minister to clarify this point.

Shri A. K. Sen: The hon lady Member is perfect on that point.

Shrimati Parvathi Krishnan: I thank him. But there is something that really alarms me in regard to this particular clause. As is usual with many of the measures, particularly social reform measures, that are brought forward by Government, my experience has been that there are always these loopholes which enable people to contravene the law and get off very lightly. Therefore, I feel that this penalty should be much more. This provision for contravention, this loophole, must be looked into by the Joint Committee. They should make provision for avoiding any such contingency.

Coming to the last point, in clause 8, the offence is made non-cognisable

This means that Government are expecting the initiative for action to come either from the aggrieved parties or social reformers. They do not want to take any responsibility on themselves. They want to say: 'We have brought a social reform measure. We are a very progressive Government. See what we have done. We have bowed down to public opinion'. But they do not want to go that one step further and take on executive responsibility for seeing that the law is finally implemented. If it is left to the aggrieved parties, if it is left to social reformers, I do not think it is going to be quite so successful as it would be if the executive authority itself had to take cognisance of breaches of this law. Therefore, I feel that this offence should be made cognisable and not left non-cognisable.

These are really the points to which I would like to draw the attention of the House as far as this Bill goes. In conclusion, I would like to say that while the measure is a very important one and will give a fillip to the social reform movement in this country—a fillip to the eradication of one of the worst social evils that has grown up in our country—at the same time, unless the women of our country are given basically equal status with men in every sphere of life, you are not going to be able to eradicate this evil. It is no good being complacent and saying, 'Now we are having our civil code. We have introduced one measure after another'. We have on the statute-book today the Marriage Act, the Succession Act and so on. We have to go much faster than that. Side by side with the social measures that are undertaken, we will also have to see that economically women are enabled to have an independent existence and not continue as they are today, in the dependence that they have been forced into.

As I said, the ruling Party has a particular responsibility in this



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connection, because to every measure of this type that is being brought forward, opposition has come much more from the side of the Congress Benches than from the side of the Opposition (Interruptions). That is why I would say that we should be aware of this fact that the fight is there not only outside Parliament, not only against certain parties or certain communal groups who may be shouting in an organised manner, but even inside the Congress Party itself. In the name of old customs which are a festering sore in our country, we are told that we should go very slow. But it is very necessary, when there is a festering sore, to have a very quick and major surgical operation. In this case, the surgical operation needs the co-operation of all parties and all sections. The law should operate in such a manner that this co-operation can be mobilised and this evil can be eradicated.

The Minister himself has admitted that it is not the Act that is going to eradicate the custom but it is the building up of solid public opinion that is going to root out this custom.

Therefore, I hope that this Bill when it emerges from the Joint Committee, will be a much improved measure, particularly these loopholes will be removed, and it will pave the way for the eradication of the dowry system.

श्री बालकृष्णी मभापतिजी, जिस भावना से अनुप्राणित हो कर यह विधेयक लोक-सभा के समक्ष उपस्थित किया गया है, मैं उसका स्वागत करता हूँ। कोई भी विवेक-शील व्यक्ति दहेज प्रथा का समर्थन नहीं कर सकता। दहेज प्रथा हमारे लिये एक अभिशाप बन गई है। भारतीय समाज में नारी की किननी दीन दसा है, इसका यह सूचक है। पुरुष किननी स्वार्थवृद्धि से प्रेरित हो कर काम करता है। इस का यह द्योतक है। वह हमारे सामाजिक

पिछड़ेपन का परिचायक है और सब इस बात के सहमत होने कि बर बसू के कय-बिकय की जो यह प्रथा है, उस का मूलोच्छेदन होना चाहिये।

किन्तु प्रश्न यह है कि इस दूबित प्रथा का, कासक्रम से हमारी संस्कृति में जो यह विकृति उत्पन्न हो गई है, उस के निराकरण का सही रास्ता क्या है? बिधि मंत्री ने अपने भाषण में इस बात को स्वीकार किया है कि सामाजिक बुराईया केवल कानून से दूर नहीं हो सकतीं, और समाजिक बुराईयों को दूर करने के लिये सभी तक जो कानून बने हैं, यदि हम उन के अनुभव के प्रकाश में देखें तो इस निष्कर्ष पर पहुँचेंगे कि यदि जनता जागृत नहीं है, जनमत के जागरण का प्रकटीकरण नहीं हुआ और सामाजिक चेतना उत्पन्न नहीं की गई तो सामाजिक सुधार के लिये बनाये गये कानून अकार्यो की शोभा बढ़ाते हैं, समाज के ढाँचे में जिस मूल परिवर्तन को करने के लिये हम प्रयत्नशील हैं उस के उद्देश्य की पूर्ति नहीं कर पाते।

इस सम्बन्ध में बिधि मंत्री ने बाल विवाह अधिनियम का उल्लेख किया है। जिस निवेदन है कि एक बार बाल विवाह के प्रपराधी को पकडा जा सकता है विवाह करने हुए, लेकिन दहेज की लेत-देते समय पकडना, जब तक देने या लेने वालों में कोई शिकायत न करे, कैसे व्यावहारिक होगा, यह मैं जानना चाहता हूँ। और अगर वह खुद देना या लेना चाहता है तो शिकायत नहीं करेगा। यदि कोई तीसरा व्यक्ति शिकायत करेगा तो उसके लिये दबाह जुटाना एक बड़ी समस्या हो जायेगी। तो इस बात को ध्यान में पडेगा कि इस कानून का पालन कराने में व्यावहारिक कठिनाईया सडी होनी, उनका निराकरण कैसे किया जाय?

Shri Tyagi (Dehra Dun): Boys will go into black-market.

श्री बाजपेयी : एक दूसरी भ्रातृपति भी है ? मैं जानता हूँ कि बाह्यों का एक ऐसा वर्ग है जिसमें लड़कियाँ कम हैं, लड़के अधिक हैं, वहाँ विवाह करने के लिये लड़की वाले को दहेज नहीं देना पड़ता, जो लड़का है या लड़के का पिता है वह उसका विवाह हो जाय या उसके लड़के का विवाह हो जाय इसलिये उस्ता लड़की वाले को कुछ दक्षिणा देता है ।

श्रीमती रेणु चक्रवर्ती (बसीरहाट) : यह बिल तो उसे भी कवर करेगा ।

श्री बाजपेयी : मेरी भ्रातृपति यह है कि यह बिल इस पर लागू होगा लेकिन परिणाम यह होगा कि बहुत से लड़के बिना ब्याहे रह जायेंगे ।

श्रीमती सहोबरा बाई राय (सागर-रक्षित अनुसूचित जातियाँ) : जिनके भन्दर कलंक है वे ही ऐसा लेन-देन करते हैं, दूसरे नहीं करते—

श्री बाजपेयी : अगर हम समझें कि यह कानून सर्वव्यापक होगा तो फिर इस कानून की शरारतों के अन्तर्गत केवल विवाह के समय आदान-प्रदान भले ही रुक जायें, अगर चोर-दरवाजे से भेंट देने की प्रथा चालू होगी । अगर भ्रातृपति से न कहें तो फिर जब शादी की जायेगी तो यह देला जायेगा कि लड़की बाले की हेसियत क्या है, और दहेज न मांगा जाय स्पष्ट रूप से . . . . .

श्री स्वामी : सोच जायेगा कि आप कितनी देर में मरेगा ।

श्री बाजपेयी : कई बातें देखी जायेंगी और प्रयत्न किया जायेगा कि इस विधेयक की शरारतें कानून का रूप ले कर भी निष्प्रभावी हो जायें, और धन और सम्पत्ति का आदान प्रदान चलता रहे । किन्तु मेरे कहने का अर्थ यह न लगाया जाये कि मैं दहेज प्रथा का समर्थक हूँ । मैं ने आप से पहले निवेदन किया कि इस प्रथा का निर्मूलन होना चाहिये, किन्तु इसके लिये पहले कानून का निर्माण नहीं, सामाजिक चेतना की जागृति की आवश्यकता है । मेरा यह आरोप है कि जो भी दहेज प्रथा की निंदा करते हैं वे अपने

सामाजिक जीवन में पारिवारिक जीवन में जब कभी जनमत करे बदलने का समय आता है उस समय इस सम्बन्ध में मौन रहते हैं । उनकी सारी गतिविधियाँ राजनीति तक केन्द्रित रहती हैं, सत्ता की प्राप्ति के लिये प्रयत्नशील और जिन्हें सत्ता मिल गई है वे उसे बनाये रखने के लिये उत्सुक । लेकिन जब कभी लोक-सभा में सामाजिक सुधारों का प्रश्न खड़ा होता है, हम सामाजिक सुधारों के प्रहरी के जागरूक समर्थक के रूप में खड़े हो जाते हैं । मेरा निवेदन है कि सामाजिक सुधार के लिये देश में जैसा आतावरण उत्पन्न करना चाहिये, और उसका दायित्व आज सभी राजनीतिक दलों पर, जनता के प्रतिनिधियों पर है और सरकार पर भी है, उस दायित्व का अभी तक पालन नहीं किया गया ।

हमारा सूचना मंत्रालय दहेज प्रथा के विरुद्ध एक फिल्म तैयार कर सकता था, जो और गैर-सरकारी संगठन है, सरकार से सहायता पाते हैं, भारत सेवक समाज है, युवक समाज है या विद्यार्थियों की अनेक संस्थाएँ हैं, उनको भी इकट्ठा करके इस बात के लिये प्रेरित किया जा सकता है कि वे दहेज प्रथा के विरुद्ध एक आन्दोलन आरम्भ करें । लेकिन यह काम हमने नहीं किया और हम कानून ले भाये । मेरा निवेदन है कि वह बोर्डे के प्रागे गाड़ी जोतने के समान है । कानून बनाने से एक और भावना उत्पन्न होती है । हम समझते हैं कि हमारा कर्तव्य पूरा हो गया, उसकी इतिमी हो गई, अब हमें इस मामले में कुछ नहीं करना है ।

छुआछूत के मेद को मिटाने के लिये जो कानून बने हैं उनके सम्बन्ध में मैं देखता हूँ कि कानून बन जाने से पहले इस सम्बन्ध में समाज में जागृति पैदा करने का प्रयत्न होता था वह अब नहीं होता और सामाजिक कार्यकर्ता समझते हैं कि अब तो कानून बन गया और वह कार्मिजेबल प्रोफेन्स है, पुलिस करेगी, हर्षे क्या पड़ी है । अगर बिना सामाजिक चेतना के सामाजिक सुधार के कानून

### [श्री बाजपेयी]

कहते हैं तो वे सामाजिक सुधार करने के प्रयत्नों में विचिन्तता करते हैं। जो समाज-सुधार की संस्थायें हैं वे इस सम्बन्ध में समझती हैं कि हमारा काम पूरा हो गया, कानून बन गया, अब हम क्या कर सकते हैं। मैं समझता हूँ कि यह स्थिति कोई हमारे देश के लिये भाग्यी नहीं है। यदि कानून बन भी गया तो भी उसके पालन के लिये जब तक समाज और हर एक व्यक्ति जागरूक नहीं होगा तब तक उस का पालन सम्भव नहीं। मैं तो चाहता था कि विधि मंत्री इस बात पर प्रकाश डालते कि जिन दो प्रान्तों में दहेज प्रथा के विरुद्ध कानून बने थे वहाँ उन का पालन किस तरह से हुआ, उन का अनुभव कैसा है। बिहार में और आंध्र में कानून बने थे, अब इस विधेयक के कानून बन जाने के बाद वे कानून निरस्त कर दिये जायेंगे। मैं जानना चाहता हूँ कि इन दो प्रान्तों का अनुभव क्या है, क्या सचमुच कानून से दहेज प्रथा में रूकावट आई है! अगर कानून बना रहा और सुधारों की साज चलती रही और दहेज प्रथा भी चलती रही तो मैं समझता हूँ कि यह कोई स्वस्थ परम्परा नहीं है। समाज सुधार की कसौटी कानूनो की बढ़ती हुई सख्या नहीं हो सकती कि हम कानून बना कर समझें कि हमारा समाज प्रगति कर रहा है। इसके लिये सरकार को और सरकार की प्रेरणा से गैर सरकारी संस्थाओं को प्रयत्नशील होना चाहिये।

इस दृष्टि से मेरा निवेदन यह है कि इस विधेयक को जनमत के जागरण के लिये प्रचारित किया जायें। इस विधेयक को हम जनता तक ले जायें, इसलिये नहीं कि हम यह पता लगाना चाहते हैं कि जनता इस के पक्ष में है या नहीं, अपितु इसलिये कि एक बार यह विधेयक कानून बन जाये तो जनता इसके पालन में सहयोग दे अगर हमने यह स्वीकार किया है कि यह कानून तब तक प्रभावी नहीं होगा जब तक कि लोग स्वयं आकर इस कानून

के परिपालन के लिये प्रयत्नशील नहीं होंगे। मैं जानना चाहता हूँ कि सामाजिक जागृति और चेतना को उत्पन्न करने के लिये हम वा सरकार कौन से कदम उठा रहे हैं।

श्री च०११० भट्टाचार्य : चेतना उत्पन्न हो गई।

श्री बाजपेयी : अभी एक महिला सबस्य ने कहा कि २,००० ६० की रकम जो रखी गई है यह बहुत अधिक है। यह कम कर देना चाहिए मगर मैं समझता हूँ कि २ हजार की रकम अगर किसी के लिए अधिक है तो किसी के लिए कम भी हो सकती है। मुझे आश्चर्य इस बात पर नहीं है कि कन्या को क्या दिया जाता है। अगर पिता और माता कन्यादान के रूप में अपनी कन्या के भविष्य के सुख के लिए कुछ देना चाहते हैं तो एक बार समझ में आ सकता है लेकिन आजकल विवाह के साथ ऊपर से जो खर्च होते हैं अगर उनकी कटौती के लिये कोई प्रयत्न नहीं होता तो मैं समझता हूँ कि वह दूसरे रूप में दहेज की प्रथा चालू हो जायगी। बारात में कितने व्यक्ति भायें? अगर आप २ हजार रुपये से अधिक न लेने पर तो रोक लगा दें मगर इस बात की छूट हो कि बारात में ५०० से अधिक व्यक्ति आ जाय और उनके रेल आदि का खर्चा दिया जाय, उन्हें १०, १० रुपये बतौर दक्षिणा के दिये जाय और चलते हुए साथ में एक एक दुआला भी दिया जाय तो मैं समझता हूँ कि लडकी वाले का कचूमर ही निकल जायेगा और आपका कानून दखल नहीं दे सकेगा। इसलिये यह बात इतनी सरल नहीं है जितना कि इसको बना कर रखा जा रहा है। आखिर यह समाज के सुधार का प्रश्न है। समाज के ढांचे में जटिलताएँ हैं और उन जटिलताओं का जहाँ तक मैं समझता हूँ यह कानून सामना नहीं करता, उनको मीट नहीं करता। यह तो ऊपर की लीपापोती करता है। शायद सरकार यह कानून बना कर साधुवाद ग्रहण करना चाहती है कि हम

समाज के सुधार के लिये जाने वाले कदम बढ़ा रहे हैं और हमने दहेज प्रथा का कानून पास कर दिया। मेरा निवेदन है कि ऐसा करना इसे गम्भीर समस्या को दृष्टि से घोरानस करना है और उसकी गम्भीरता को पूरी तरह साफा नहीं गया है। अगर हम इस कानून में केवल शादी के अवसर पर दिये और लिये जाने वाले दहेज पर रोक लगाते हैं और शादी के बाद प्राधान प्रदान चलता है तो मैं नहीं समझता कि इस कानून का कोई बहुत बड़ा उपयोग हो सकता है।

अभी कहा गया कि पुलिस इसमें दखल दे। इसे कागनेजेबुल प्रोफेंस कर दिया जाय। बात सुनने में अच्छी मालूम होती है मगर मैं इस सम्बन्ध में सरकार की कठिनाइयों को अच्छी तरह समझता हूँ। सरकार अगर दखल दे और उसे कोई गवाह नहीं मिले और मुकद्दमा खारिज हो जाय तब क्या बनेगा? इसी-लिए मैं जानना चाहता हूँ कि इन दो राज्यों के अनुभव इस सम्बन्ध में क्या हैं? नेकिन हमारे विधि मंत्री ने एक भावुकता प्रधान भाषण दिया है। उनकी भावनाओं से हम सहमत हैं कि यह दहेज की कुप्रथा हमारे राष्ट्र के माथे पर एक कलक है मगर सवाल तो यह होता है कि यह कलक मिटेगा कैसे? इस विधेयक की धाराएँ इस कलक का पूरी तरह से निमूलन नहीं कर सकती हैं।

एक मानवीय सबस्य : थोड़ा कर सकती है।

श्री बाजपेयी : थोड़ा कर सकती है इससे मैं सहमत हूँ मगर मेरा निवेदन है कि अगर आप थोड़े का कानून बना देंगे तो अधिक करने में शिथिलता आयेगी और हम समझेंगे कि अब हमें कुछ करने को बाकी नहीं है। इसलिये मेरा निवेदन है कि इस विधेयक को जनमत जानने के लिये प्रचारित किया जाय। इस बीच में सरकार और गैर-सरकारी नस्थाएँ और इस सदन में विधेयक का समर्थन करने वाले जो राजनैतिक दल बैठे हैं उनके सबस्य जनता में जाकर इस विधेयक

विभिन्न धाराओं को समझाएँ। विशेष कर नसब के नवस्यगण अपने अपने निर्वाचन क्षेत्रों में जाकर इस विधेयक की धाराओं की जनता को समझाएँ और लोगों से अपील करें कि न तो तुम दहेज लो और न दहेज दो मगर मुझे डर है कि जो यहाँ समर्थन करते हैं, वे अपने निर्वाचन क्षेत्र में इस के बारे में कुछ नहीं कहेंगे और इतना ही नहीं बल्कि अगर अपने पुत्र के विवाह का समय आये तो कह देंगे कि मैं तो दहेज नहीं नेता मगर क्या करूँ लडके का मामा नहीं मानता या लडके का नाना नहीं मानता, मैं क्या कर सकता हूँ तो इस तरह बीच में मामा नाना आ जायेंगे और दहेज ले लिया जायेगा। अगर हम कानून की हस्ती नहीं बनाना चाहते तो गम्भीरता के साथ हमें इस प्रश्न को उठाना चाहिये। सरकार में भी मैं निवेदन करूँगा कि यह कोई मतभेद की बात नहीं है। सारा देश इस सम्बन्ध में एकमत है और धर्म का आश्रय लेकर, परम्परा का आश्रय लेकर देश में कोई भी दहेज प्रथा का समर्थन नहीं कर सकता। मेरी कम्युनिस्ट बहिन ने जो कहा वह शायद इसलिये कहा कि उन्हें हमारे धर्म और परम्परा का ज्ञान नहीं है। दहेज प्रथा का समर्थन कोई नहीं करता और जो भी दहेज देता है वह विवश होकर देता है। जब घर में जवान लडकी बैठी हो और उसके बाप के दिल पर पत्थर रखा होता है और जब उसको बिना दहेज दिये कोई लडका अपनी लडकी के लिये नहीं मिलता है तो इस मार कर उसे दहेज देनी पडती है क्योंकि जैसे भी हो उसको तो अपनी लडकी के हाथ पीले करने होते हैं। लुगी से कोई भी दहेज देना नहीं चाहता। इस आज की परिस्थिति को ह। इस तरह का एक कानून पास करके बदल नहीं सकते। समाज में एक क्रांति की भावना उत्पन्न करने की आवश्यकता है। मेरा निवेदन है कि कानून माना चाहिए मगर सामाजिक चेतना और जागृति के बाद माना चाहिये, उसके पहले नहीं। पहले हम समाज में जागृति करे और फिर हम कानून से उच्च पर मुहर लगायें।

[श्री बाजपेयी]

मेरा निवेदन है कि सदन मेरे इस संशोधन पर गम्भीरता से विचार करे और इसको अन्ततः जानने के हेतु प्रसारित किया जाय और जनता को एक बार जाग्रत कर लें तो अगले अधिवेशन में हम इस पर कानून की मुहर लगा सकते हैं। इस बीच में हम जनता को शिक्षित करने का काम करें।

**Shri Tyagi:** I am opposed to this Bill

**Some Hon. Members:** Why?

**Shri Tyagi:** For the simple reason that these small measures .

एक माननीय सदस्य : हिन्दी में बोलिये।

श्री स्वामी: मैं इस बिल का विरोध इसलिये करता हूँ कि यह छोटी छोटी चीजें जो कि गवर्नमेंट अपना बजट गुजारने के लिये कर रही है यह कोई बहुत गहरी जगह पर नहीं जा रही है और न कोई बड़े प्रथम काम को ले रही है। आजकल के जमाने में मैं गवर्नमेंट से यह उम्मीद करता था कि मुल्क के उद्धार के लिये वह कोई बड़ा काम अपने हाथ में उठायेगी और उसमें वह नेशन को लगाती। इन छोटी छोटी चीजों में कि दहेज मत दो बहेज मत लो, इस तरह की छोटी छोटी बातों में अपना बजट लगाने के मायने यह है कि साबब दिमाग इस हानत में पहुँच गये हैं कि मुल्क को उठाने के लिये कोई बड़ा काम नहीं रहे हैं।

मेरा ब्याल है कि हर सोसाइटी का एक कल्चर होता है जो कि जरा गवर्नमेंट से आजाद रहना चाहिये। ना मिनिस्टर साहब यह एक ऐसा बिल लाये हैं जो कि नामुक्मिल है और इस शकल में भी इसमें बहुत सी खामिया है, बहुत सी कमजोरिया है और जिनका कि इन्क हमारी बहिन श्रीमती पार्वती कृष्णन् ने किया। काफी कमजोरियां इनमें हैं। जो हम चाहते हैं वह

भी इसमें पूरा नहीं होता है। फिर जैसे ला मिनिस्टर साहब ने अब भी इसको स्वीकार किया कि लीडरशिप के अन्दर एक ऐसी जक्ति होनी चाहिये कि वह देश को और सोसाइटी को अपने साथ ले जा सके और इसपायर कर सके।

मेरे भाई श्री बाजपेयी ने बड़े अच्छे ढंग में कहा कि इस बजट गवर्नमेंट का यह फर्ज था कि जो भी देश के अन्दर लीडरशिप है, अपोजीशन के लीडर हैं, काफी अच्छा अन्तर उनका आवाज पर है और महज इसलिये कि वे कम्युनिस्ट ब्याल रखते हैं या कोई और ब्याल रखते हैं मेरे दिल में उनके लिये कम इज्जत नहीं है। हालांकि वह मेरे में अलग एक अपनी भाइडियालाजी रखते हैं और मेरा उनसे अस्तलाफ भी है तो भी मैं समझता हूँ कि मुअखिज्ज लीडरशिप उनके पास है और उनका कुछ लोगो पर अन्तर है। क्यों नहीं वह अपने अन्तर का इन्तेमाल करते इन छोटी छोटी कुरीतियों को दूर करने में? महारमा गांधी ने हरिजनो और शेड्युल्ड कास्ट वालो के लिये बहुत कुछ कर दिया और वे ब्राह्मण जो कि हरिजनो के साथ पानी तक पीना पसन्द नहीं करते थे, गांधी जी के प्रयत्नो से ब्राह्मण हरिजनो के साथ बैठ कर खाना खाने लगे, हरिजनो के साथ बैठ कर पानी पीने लगे। उन्होंने मुसलमानो के साथ भी खाना पीना शुरू कर दिया। ब्राह्मण और हरिजन एक साथ बैठ कर सहभोज करने लगे। मेरा इसको बताने का मशा यह है कि एक प्रूवमेंट को चलाने के लिये कानून में उसका श्रीगणेश करना अच्छा नहीं है, उसका सोसाइटी पर खराब अन्तर पडता है। अब यह कहना कि दहेज मत दो, अन्तर दहेज दी तो ६ महंगे की सजा होनी, मझे लगना है कि एक एम्पोटेसी सी जा गई है और इसमें तो ऐसा माकूल पडता है सोया कोई ताकत न रही हो, शक्ति न रही हो और कोई अन्तर न रहा हो। ऐसा

क्याल करना कि जेलखाने के दर की लकड़ से हमारा ऐसा वर्जोपमल बनेया, हमारी सोसाइटी का कम्बर सारा का सारा जेलखानों के दर से बनेगा और अगर हमने ऐसा लेजिस्लेशन नहीं किया तो हमारा सामाजिक ढांचा चकनाचूर हो जायेगा, इस तरह से क्याल करना तो ऐसा मालूम देता है गोया किसी नये धावमी की तलवार मिल गई हो और और वह उस तलवार को जगह जगह घुमाये फिरे । मुझे तो ला मिनिस्टर साहब का यह बिल लाना कुछ इसी तरह का मालूम देता है । स्वामस्वाह के लिये हर जगह कानून लगाया जाना ठीक नहीं । तो मेरे कहने का मतलब यह है कि सोसाइटी की ओमेस्टिक लाइफ में मत घुसो । अभी नई शादी हो कर आई है, बच्चों के बेट डम में मत जाको कि क्या हुआ क्या नहीं हुआ । सोसाइटी में, फैमिली में कुछ प्राइवैसी रहने दो आप हर बात को जानना चाहने है कि क्या दिया, क्या नहीं दिया । मैं कहता हू कि और तरह में भी डम पर गौर कीजिये ।

हमारी बहने जो कि दहेज ले चुकी है— मुझे माफ करे—वही आज उसके खिलाफ है । हमारी उमा भाभी दहेज की मुत्वालिफत करती है, लेकिन वे खुद दहेज ले चुकी है, अब दूसरो को रोकती है ।

श्रीमती रेणु चक्रवर्ती : आप ने चुके है और दूसरो के लिये कहते है ।

श्री त्यागी : आप भी ने चुकी है । अब बेचारी मेरी लडकी को रोक देना चाहती है ।

अब सवाल यह है कि दो हजार से ज्यादा का जेवर न हो । अगर कोई लडकी बडे षोक से पली हुई हो तो हो सकता है कि उसके हीरे के बन्दे या हीरे की भण्ठी ही दो हजार से ज्यादा की हो । अब शादी के वक्त उस लडकी के ये जेवर उतारने होंगे कि अगर दो हजार से ज्यादा हो गये तो कहीं

बाप को गिरफ्तार हो कर जेल में जाना पड़े । फर्क कीजिये कि प्रजेट भाते हैं और भाते भाते दो हजार के हो जाने हैं । अब अगर इसके बाद प्रेसीडेंट साहब या प्राइम मिनिस्टर साहब एक छुल्वा भी देना चाहें तो नहीं दे सकेंगे क्योंकि उस हालत में वह दो हजार से ज्यादा हो जायेगा तो उनको गिरफ्तार होना पडेगा और सजा भुगतनी होगी ।

पंडित ठाकुर दास भागवत (हिमार) : यह उसको टच नहीं करता ।

श्री त्यागी : अगर यह उसको टच नहीं करता तो शादी में दस हजार के प्रेजेंट बिये जा सकते हैं ।

अब एक बात पर और गौर कीजिये । कहा जा रहा है कि लडके बाजार में घ्रा गये हैं । उनकी शादी का बडा मोदा हो रहा है । अच्छे लडके नहीं मिलने । मेरा क्याल है कि खूबसूरत लडकियों को तो अच्छे लडके प्राप्तानी में मिल जाते हैं । लेकिन अगर कोई बेचारा गरीब आदमी है । उसकी लडकी भी खूबसूरत नहीं है, लडकी को ज्यादा तालीम भी नहीं मिली है । ऐसा ही नहीं है कि लोग सिर्फ रुपये को ही देखते हो । और भी बहुत सी बातें देखते हैं । यह देखने हैं कि लडकी तन्दुरुस्त है या नहीं, उसका खानदान कैसा है । सिर्फ रुपये के क्याल से ही मारी शादिया नहीं हो रही है । तो मैं यह कह रहा था कि अगर किसी गरीब की लडकी है जो कि ज्यादा खूबसूरत नहीं है उसको कुछ रुपया देकर अच्छी जगह मिल सकती है ।

हमने हिन्दू कोड बना दिया है जिसके मुताबिक लडकी को बाप के मरने पर उसकी जायदाद में हिस्सा मिल सकता है । मैं कहता हू कि आप दहेज को छोड दीजिये । फिर भी यह हो सकता है कि शादी करते वक्त आदमी इस बात पर निगाह रखेगा कि इस आदमी के पास कार्फी जायदाद है, जब यह

## [श्री स्वामी]

भरेगा तो इसकी लड़की को उसमें से हिस्सा मिलेगा। दहेज न सही, भाजों रुपये की जायदाद मिल जायेगी। अगर धाप वह कानून बना दें कि लड़की को न दहेज मिलेगा और न धपनी बाप की जायदाद में से हिस्सा मिलेगा तब तो मैं समझ सकता हूँ कि यह बात ठीक है। लेकिन जब लड़की को बाप की जायदाद में हिस्सा मिल सकता है तब फिर इस बिल का सारा मंचा ही खत्म हो जाता है। लड़के का बाप यह रास्ता देखता रहेगा कि कब इस लड़की का बाप मरे और कब उसे हिस्सा मिले। इस वजह से एक रईस की लड़की की शादी ज्यादा अच्छी बगह हो जायेगी। तो इस तरह यह चीज नहीं रुक सकती। तो फिर इसका इलाज क्या है? मैं कहता हूँ कि सोसाइटी को इतना ऊंचा उठाया जाये कि वह इस तरह का काम करना टेबू समझा जाये। जो ऐसा करे समाज में उसको नीची निगाह से देखा जाये। इस तरह के कानून बना कर तो सोसाइटी का सुधार नहीं किया जा सकता। धाप किस किस बात के लिये कानून बनायेगे।

बहुत सी विरादरियों में लोग एक दूसरे का जूठा हुक्का पीते हैं। मुसलमान लोग एक दूसरे का जूठा पानी पीते हैं, हुक्का पीते हैं। बाहिर है कि ये चीजें अनहाइजीनिक हैं। हाइजीन के हिसाब से यह काम नहीं करना चाहिये। मुसलमान लोग जो एक दस्तरखान पर बैठ कर एक तश्तरी में से खाना खा लेते हैं वह अनहाइजीनिक है। अब अगर हमारे करमरकर साहब चाहे तो इसके लिये कानून बना सकते हैं कि अगर कोई किसी का जूठा खाना खायेगा या पानी पियेगा या हुक्का पीयेगा तो उसको ६ महीने की सजा की जायेगी। धाप इस तरह से सोसाइटी का रिफार्म कैसे कर सकेंगे? इसके लिये तो यही जरूरी है कि सोसाइटी को एजुकेट किया जाये और लोग समझें कि यह काम करना

ठीक नहीं है। जब सोसाइटी एक चीज को बुरा समझेगी तो उसको नहीं करेगी।

क्या धाप समझते हैं कि जेलखाने के डर से चोरियां और दूसरे जुर्म रुके हुये हैं? वे चीजें इसलिये रुकी हुई हैं कि सोसाइटी इन कार्यों को बुरा समझती है और इन कार्यों को करने वालों को कंठेम करती है। इस डर से लोग रुके हुये हैं। सजा के डर से लोग नहीं रुके हुए हैं। इसलिये अगर सोसाइटी दहेज को तेजी से कंठेम करे तो लोग रुक सकते हैं क्योंकि वह समझेंगे कि सोसाइटी उनको बुरा समझेगी। अगर धाप इस तरह का कानून बनायेंगे तो नतीजा यह होगा कि सोसाइटी से शादियां भी ब्लैक मारकेट में आ जायेगी।

इसके अलावा धाप इसके लपड़ों पर गौर कीजिये। अभी बहन पार्वती जी ने बताया कि जो चीज एक पार्टी दूसरी पार्टी को देती है वह इस कानून में दहेज माना जायेगा। इसके मानी यह हुये कि अगर मैं अपनी लड़की की शादी कर रहा हूँ तो जो मैं अपने दामाद को दूंगा वह तो दहेज माना जायेगा लेकिन जो मैं अपनी लड़की को दूंगा वह दहेज नहीं माना जायेगा क्योंकि वह तो मेरी पार्टी की है। अगर मैं अपनी लड़की को दस हजार रुपये दे दूंगा तो वह दहेज नहीं माना जायेगा।

पंडित ठाकुर बास भाग्यं : इसमें है— पार्टीज टू मैरिज जिसका मतलब है खामिन्द व बीवी।

श्री स्वामी : मैं पंडित जी की राय की बहुत कद्र करता हूँ। कांस्टीट्यूट प्रोपर्टी में मैं बराबर धाप से ही सलाह लिया करता था। लेकिन धाप देखें तो इसमें क्या लिखा है। मुझे ताज्जुब होता है कि धाप क्या फरमा रहे हैं। इसमें लिखा है :

"In this Act, 'dowry' means any property or valuable security given or agreed to be given to one party

to a marriage or to any other person on behalf of such party . . ."

Therefore, it is either that party or any other cousin or anybody on behalf of that party. For the sake of distinction we may call it 'party No. 1'. Then it says:

" . . . to be given to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party . . ."

Therefore, it will be dowry only when it is given to this party, say, for instance, to the boy from the side of the girl. If anything is given from the side of the girl to the boy then only it will be considered as dowry. It must go from one party to the opposite party to be called a dowry.

**Pandit Thakur Das Bhargava:** Party to the marriage which can only mean wife or husband and nobody else.

**Shri Tyagi:** Of course, party to the marriage; there is no doubt about that. It means that either the daughter herself must give to the bridegroom or anybody on her behalf must give to the other party or anybody on behalf of that party. There are two parties in the marriage. If any person on behalf of one party transfers money to any person on behalf of the other party, that becomes a dowry. If two parties are not involved in the transaction and a father gives something to his daughter, that will not be a dowry. That is what the law says. If you read the provisions here you will find it to be so. I want the lawyers to contradict me; I am a layman. That is the meaning of the provisions here, as far as I am able to make out, that dowry will only come in when two parties are involved. One party is the recipient and the other party is the giver of the dowry; either they can directly conclude the transaction, the principal parties themselves, or anybody on behalf of one party can give something to any other person on behalf of the other party, but it must pass from one side to the other. If the father

gives something to his daughter it will not be a dowry.

According to this, Sir, where are we? How is the dowry system going to be stopped? Under this provision you can give Rs. 5000, but the only condition is that you should not give it to your son-in-law, you should give it to your daughter. In that case it is all right. I suggest, Sir, for God's sake do not come out with measures which are a laughing-stock before the public. What will people think about us, when we, Members of Parliament, pass such an Act which has no meaning? Even the objective of the Bill is not achieved by this wording.

Then there is something said about presents. If the present exceeds Rs. 2000, the father or the parents concerned will immediately be sent to jail for six months. Is that the manner in which such a relationship should be controlled? Marriage is the only occasion in the country, in India, where a house is happy, where everybody is in his happy mood. It is on that occasion that you want to bring the bombshell of this law. What is all this?

Then about the security and the money. You can give any money to anybody. For instance, you can give a gift to anybody in the world but not to one's own relation! That is what it comes to. Then why not stop the gift to others also? I can give any amount to anybody, gifts to anybody, but not to my kith and kin! That is what it comes to. I can understand that marriages should not be performed or subsist merely on the basis of exchange of money. That is objectionable to me. Wherever there is any marriage, any agreement or settlement between the two parties on the basis of money being exchanged, I think that is criminal. I can understand that it should be stopped, but if willing offers are made, for instance, by a father to his daughter, what is the matter? For instance, I have no son. If I have any money, to whom shall I give it? Shall I give it to your son



[Shri Tyagi]

for nothing? After all, some money must go to my daughter. But you send me to jail; because my daughter was married and I gave her some money I must go to jail. There must be some limit on passing laws. I suggest and I appeal to the Government not to indulge in such small matters because they are popular and because there is demand for such measures.

Somehow or other, we seem to be feminine-ridden. Somehow or other, we have given so much lift to the ladies that whenever any demand comes from ladies we surrender to them immediately, reason or no reason. That seems to be the law. Whatever their demand, that is considered to be a reformist demand because the demand is made by the ladies. After all, I think it is all right that dowries go to the ladies.

In the circumstances, I request my friends that they should not be impatient. Such things can be brought about by means of real education. It is wrong for the Law Minister to say that a penal measure will be an educative measure. This is something contradictory. It is a law of penalty and a penal law, it is expected, will educate society, as if education is penal and penal actions are educative actions. This is something contradictory which I cannot understand.

I therefore oppose the Bill. I suggest we should not indulge in these smaller matters. Let us leave this matter to society, and take up some other serious affairs for the development and progress of the country.

18.58 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

Shrimati Manjula Devi (Gwalpara): I am very happy to welcome this long-awaited Bill and I am happy to see that at least an opening is made for

eliciting public opinion and effort in eradicating this social evil. Many of our women's organisations are working in this field to remove this evil from our society. But they find it an uphill task. When great speakers like our hon friend Shri Tyagi are there, I am afraid it is rather difficult for us to achieve our aim.

An Hon. Member: He spoke in a lighter vein.

Shrimati Manjula Devi: Yes; now I do hope that the House will take this matter in a serious way and see that the tragedy of our society is removed.

I shall narrate to you a few unhappy events in our society, when we try to eradicate this evil from the midst of Indians and raise the standards and morale of the citizens of India and Indian culture. There was a marriage party that came to perform the marriage. The father of the daughter was unable to meet the demands of the bridegroom's party. As a result the daughter, unable to face the insult to her parents, put an end to her life by committing suicide.

There has been another such occurrence. When the bridegroom's party arrived and the relations were assembled and the priest was waiting to perform the ceremony the bridegroom refused to arrive because he did not get the required amount. As a result the bridegroom's party returned and the bride was left alone. According to the social custom, after the betrothal is over, the bride becomes a *vagdatta* and for her life she could not be married.

There are many such occurrences that are happening in our society. There are also some girls whose stories came to our notice, namely, that they committed suicide to save the prediction of their father because the fathers had to sell the entire property to give their daughters in marriage. All

this tragedy of life could be avoided if this social evil could be removed and the system of dowry could be eradicated from our midst

But the measure that we take should be effective. It should not be just like the Sarada Act, a mere scrap of paper. The people should be roused to co-operate with us. This measure should be a sort of opening to get the co-operation of the people. The present situation in India, especially the economic situation is such that very few can give the required amount either for their expenses for the marriage or as dowry for their daughters.

Next, I come to *stridhan*. Clause 2 of the Bill says

In this Act dowry' means any property or valuable security given or agreed to be given to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party either at the marriage before or after the marriage as consideration for the betrothal or marriage of the said parties but does not include'

(1) dower or mahar in the case of persons to whom the Muslim Personal Law (Shariat) applies

And then comes sub-clause (11) which says

"any presents made at the time of the marriage to either party to the marriage in the form of ornaments, clothes and other articles not exceeding two thousand rupees in value in the aggregate"

For many people this Rs 2,000 itself may be beyond their capacity to pay, and in some cases it may be too little. Thus Bill should be made clear. There is no clarification as it is. In the Bihar Bill there is a clear definition. It says

"*stridhan* or any other religious obligations enjoined by the Hindu

law or the personal law applicable to the parties"

17 hrs.

This should be incorporated after item (11) in clause 2. I specially stress for its inclusion, because under the Hindu Succession Act, the daughters are supposed to get a part of the property of the father. It is just an eye-wash. In actual fact they don't. The father has the option to give away the property to his sons by a will, because in India, there is partiality towards the sons. The daughters do not actually get any part of the father's property. Hence, *stridhan* should not be included in this term 'dowry'. So the portion from the Bihar Act which I have quoted should be added after item (11) in clause 2.

Mr Chairman: Does the hon Member have much more to say?

Shrimati Manjula Devi: Yes.

Mr Chairman: She can continue tomorrow.

17 02 hrs.

\*BOLANI ORES PRIVATE LIMITED

Mr. Chairman: The House will now take up the half an-hour discussion on Bolani Ores Private Limited. I will fix the time. Who are the other Members apart from Shri Sukla who have intimated their intention to participate in this discussion? I see none. How much time does the hon. Minister want?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The time may be divided half and half. 15 minutes may be given for each.

Mr Chairman: Shri Sukla may try to finish in 12 minutes so that some other Members may be permitted to put questions if they so desire, and then the hon. Minister can reply.

\*Half-an-hour discussion