

*Molestation of  
Women Bill*

**OLD AGE MARRIAGE RESTRAINT  
BILL.\***

**Shri Mohan Swarup (Pilibhit):** Sir, I beg to move for leave to introduce a Bill to put a restraint on marriages in old age.

**Mr. Deputy-Speaker:** The question is:—I am reluctant to put it—

“That leave be granted to introduce a Bill to put a restraint on marriages in old age.”

*The motion was adopted*

**Shri Mohan Swarup:** Sir, I introduce the Bill.

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**MOTION RE: INCREASE IN ALLO-  
CATION OF TIME**

**Shri Radha Raman (Chandni Chowk):** Sir, I beg to move:

“That the time allotted by the House on the 23rd August, 1957 for the consideration and passing of the Punishment for Molestation of Women Bill be increased from 2 hours to 3 hours.”

**Mr. Deputy-Speaker:** I shall now put the motion to the House. The question is:

“That the time allotted by the House on the 23rd August, 1957 for the consideration and passing of the Punishment for Molestation of Women Bill be increased from 2 hours to 3 hours.”

*The motion was adopted*

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**PUNISHMENT FOR MOLESTATION  
OF WOMEN BILL—contd.**

**Mr. Deputy-Speaker:** The House will now resume further discussion of the motion moved by Shri Radha Raman on the 20th December, 1957

that the Bill to provide for punishment of persons guilty of molesting women, be taken into consideration.

Out of 3 hours allotted now for discussion of the Bill, 1 hour and 7 minutes were taken up on the 20th December, 1957 and 1 hour and 53 minutes are thus still available.

**Shrimati Minimata Agandas Guru** may now continue her speech.

**An Hon. Member:** She is not here.

**Mr. Deputy-Speaker:** Then Shri V. P. Nayar.

**Shri V. P. Nayar (Qullon):** Mr. Deputy-Speaker, Sir, I went through Shri Radha Raman's Bill very carefully, and I could not escape a feeling that he has shown a sense of chivalry which one could have expected from his earlier Bill. Sir, we remember that Shri Radha Raman has recently become a champion of the weaker people. We had from him a Bill for certain measures for the amelioration of the conditions of the sadhus and sanyasis.

**Shrimati Ha Falchoudhuri (Nabardwip):** They are not weaker people.

**Shri V. P. Nayar:** They are. They do not have enough food and they become weaker. Today we have another Bill. And, what does he want. He wants to impose a very heavy punishment for what he calls the molestation of women. I wonder, Sir, whether he has gone with care through the relevant provisions in our Penal Code

From the Statement of Objects and Reasons we find a very sweeping statement. I do not know from where Shri Radha Raman got this information. I would very much like the hon. Deputy Minister for Home Affairs to enlighten me on this point. He starts his Statement of Objects and Reasons

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saying that the crime relating to molestation of women is on the increase. Where? It is certainly not in the parts from which we come.

**Shri Tyagi (Dehra Dun):** Neither from out part.

**Shri V. P. Nayar:** Shri Tyagi says that it is not so in his part also.

**Mr. Deputy-Speaker:** The representatives of every individual State need not deny that.

**Shri V. P. Nayar:** I was really surprised, because I thought it was certainly not on the increase, much less in a menacing way.

**Shri Tyagi:** It may be that in Delhi it is on the increase.

**Shri V. P. Nayar:** It may be so in the hon. Member's constituency, but, for that do we require such a Bill? He says molestation of women is on the increase. If anyone were to read this Bill outside the Parliament it would be a very great surprise to him to know that our men are getting positively bad these days. It is really an aspersion on our men, that they are going about molesting poor women for whom they have all respect. It may be that a miscreant here or a miscreant there may do something.

**Mr. Deputy-Speaker:** I think it is the opinion of women that should weigh in this.

**Shri V. P. Nayar:** I would very much like to hear the women Members on this. But I think there is no situation which warrants a legislation of the kind which Shri Radha Raman has brought before us. He says that the punishment provided for assaults on women in the Indian Penal Code is far from adequate. What are the punishments? Do we want to hang them even if they do it?

There are some offences similar to the one which Shri Radha Raman des-

cribes with no precision, because, what is the offence which he wants to be penalised? Molestation. Formerly, in such legislative measures, if a word like this was used, its grammatical derivatives and cognate expressions also would have been included. I do not want to go into them in detail. Molestation includes indecent behaviour. Anything can be an indecent behaviour. Is there any limit for that?

In the Bill, the definition of 'molestation' is:

"...indecent behaviour towards a woman, assault or criminal force with intent to outrage her modesty, kidnapping, abduction, procuration or importation or wrongful confinement of a woman for an immoral purpose".

So, you find the gist of that is the intent. What is criminal intent? Any intent would by itself be a crime. Is that so? Does it draw any inference which is conclusive by itself from the facts? This is against the principles of criminal law that we have, and there ought to have been a better definition if my hon. friend wanted this to be made the subject-matter of an offence.

Then you will kindly remember that in the Penal Code, which has dealt with offences of this kind in a rather exhaustive manner, much more exhaustive than in the Bill of Shri Radha Raman, the provision is made clear. Section 354 of the Indian Penal Code deals with assault or criminal force to woman with intent to outrage her modesty. What is the punishment for that? It is on the basis that molestation includes indecent behaviour, except that all the ingredients of the offences are there.

As you know, section 354 of the Indian Penal Code reads thus:

"Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely...."

In the Bill, there is no mention of "knowing it to be likely". So, he wants to fix the person with guilt on mere intent, on the manifestation of a mere intent, while it is more exhaustive in the Penal Code, namely,—

"....or knowing it to be likely  
.. "etc

That is left out from Shri Radha Raman's wording of the particular clause

Now, the Indian Penal Code says.

" knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both"

Probably because the punishment for two years is prescribed there, Shri Radha Raman says that punishment meted out in such cases is far too inadequate. He wants such acts which according to him would constitute an offence of molestation to be visited upon by punishment of imprisonment for a very small period, only 15 years, and with fine which may extend to Rs 10,000. Perhaps he thinks that by imposing such a very heavy fine, we might find enough funds to put our Five Year Plan through. I do not know. His objects may be very laudable. In any case, if that be so, the men will have to see that the Five Year Plan does not work from such funds.

Take, for example, section 363 of the Indian Penal Code which prescribes the punishment for kidnapping. Certainly we think that it is a graver offence. The section says

"Whoever kidnaps any person from India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine".

In his definition of punishment, Shri Radha Raman does not choose "of either description", fortunately for the men of this country. But, in the Penal Code, imprisonment can be of either description. All along in the Penal Code, where a particular act has to be considered as a grave crime, the punishment distinguishes between imprisonment of the ordinary type, what we call simple imprisonment, and imprisonment of a rigorous type—rigorous imprisonment.

Shri Radha Raman does not show any inclination, fortunately for the men, as I said, by saying that the imprisonment should be rigorous. However, it is open to the courts—if we pass this legislation and we hope we shall not—to award a punishment of 15 years being considered as one of 15 years' rigorous imprisonment. It would be certainly be interesting for some of our Members at least who have not probably had an occasion to go through the various sections of the Penal Code to find that very grave offences have been dealt with in a different manner from what Shri Radha Raman wishes to do.

For example, here is the offence of kidnapping, or abducting in order to murder. The Indian Penal Code says in regard to this offence

"Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with transportation for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable fine"

I do not want to read all the sections relating to the offences affecting the human body in respect of woman, but one or two sections are also likely to be of use to enable us to consider whether we should pass this legislation or not. I for one would never say that there should be no punishment. There should be. There should

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be punishment for the acts which Shri Radha Raman wants to be penalised. But I feel that such provisions as we have in the existing legislation will meet the situation unless we are shown that this particular type of offence is on the increase. If it is on the increase, then the remedy, according to me, does not lie in enhancing the punishment, because the highest form of capital punishment, I feel, has not ensured the safety of human beings. There are still murders. The highest form of imprisonment has not deterred people completely for committing the offence. There are still cases where that punishment has to be awarded.

I am saying that some of the sections in the Penal Code will throw light on the comparative aspects of the offences which Shri Radha Raman contemplates, and those which are contemplated in our Penal Code. What is the punishment for the intent to secretly or wrongfully confine a person? It is only imprisonment of either description for a term which may extend to seven years.

Then, Shri Radha Raman has included the word "procuration". I do not want to describe it. Everybody knows what it means, to procure a minor girl. The Penal Code says, the imprisonment may extend to ten years and "shall also be liable to fine." Even the framers of the Penal Code did not choose to impose a very light fine which Shri Radha Raman has chosen to impose, namely Rs. 10,000 for this offence, while a mere indecent look would constitute an offence. Whether a look is indecent or not will be a matter of inference, because, as you know, when intent by itself is made the determining factor to fix the person with guilt, what is the corroborative evidence which may be adduced in a look.

I can certainly understand that if a person has committed an act, for example, has stabbed or outraged the modesty of a woman, as contemplated in section 354, it may be well be that

there could be evidence adduced to show from the acts which he has committed that he had intent to commit an act to the detriment of the woman concerned. But indecent behaviour towards a woman may be a look; it may be a frowning look or it may be—

Shri Tyagi: A smile.

Shri V. P. Nayar: Yes; some persons do resent a smile on some occasions. Is it not? Or, a smile may be with all good intentions but the person who sees the smile may feel that it is indecent behaviour. Shri Radha Raman wants for the pleasure of smiling at a good face a small punishment of 15 years' imprisonment! Could anything be more ridiculous than this? If we go through the Bill framed by him, it will be very amusing to find out what the hon. Member wants.

Mr. Deputy-Speaker: If it was a pleasure according to the hon. Member, why should there not be a sacrifice also?

Shri V. P. Nayar: I think that if the smile gives a pleasure, the sacrifice should be by a frown from the other side. That is quite enough, but to imprison a man and that too with rigorous imprisonment for 15 years for the simple offence, done in all good intentions or may be bad intentions, of a smile—

Shri Asoka Mehta (Muzaffarpur): Supposing a smile results in marriage, it would be a life-time imprisonment.

Shri V. P. Nayar: It should be very welcome to some people. That sort of imprisonment will be very welcome. But I want the House to understand that.

Mr. Deputy-Speaker: The hon. Member should be brief.

Shri V. P. Nayar: I wish to speak only on this. If we make penal statutes, we must accept it as a principle that the provisions constituting

the offence for imposing punishment should be specific, and not such as to give different opinions by different persons. Because, as we know, all the courts will construe it in a very strict manner. When you describe an offence more so when the punishment prescribed for that offence is 15 years of valuable life, it is very necessary that apart from "intent", some other act must also be proved.

Are we here going to accept this theory of Mr. Radha Raman that offences relating to human body described in the Penal Code, specially in respect of women, are in such menacing increase today that we are called upon to use our precious time to modify these provisions, which impose in very vague manner punishments on all types of acts, some of which are undoubtedly heinous, that is to say, those who have the luxury of a smile or the mortification of a frown should be immediately sent to jail for rigorous imprisonment for fifteen years?

I would urge upon Mr. Radha Raman to consider whether it is at all desirable. If, as in the case of the Sadhus and Sanyasis Bill, he withdraws it after discussion, if it is only for raising a discussion, it is certainly welcome. But if he is serious of getting it through, I would very earnestly urge upon him to reconsider the situation and withdraw the Bill. Because, the situation in which we are today is not frightening or menacing to such an extent that we should prescribe such a long term of imprisonment and such a heavy fine for offences, which have already been provided for in a more elaborate and more exhaustive way in our penal laws.

**Shrimati Ila Palchoudhuri:** This Bill, as far as it goes to give more protection to women on top of what is already provided by the Penal Code, must be welcomed by all women, because, in India today we have been promised everything by the Constitution, but, it has remained in the Constitution document and women perhaps do need as much

protection and as much support as they may get. From that point of view, I welcome this Bill. But, at the same time, I would like to say that there are some parts which are not well-defined. For instance, in clause (2) various offences put down like outrage of modesty, criminal assault, criminal force etc. these terms, as stated by the previous speakers, need more specific definition, because it is very difficult to know what constitute all these offences.

However, when we bring a Bill like this, I would like to point out that we already have legislation of this description. We have got the Suppression of Immoral Traffic in Women and Children Act, brought in ratification of the U.N. Convention. Then we have got the Penal Code itself.

Is this legislation going to prevent this kind of thing, if it exists now? Because, molestation, if it happens, happens because of vicious thinking. It is the thinking that has to be re-modelled, and not the legislation. That is necessary. In thinking we can only go back to the words of Mahatmaji himself, who said that in self-respecting India the honour and modesty of every woman should be the concern of every man just as if it were his own sisters. Till we view women in that light, I am afraid that no legislation is going to stop molestation, as Mr. Radha Raman visualizes it. At the same time, I would like to suggest something that could be taken up which would really prevent this sort of thing and help the administration.

I think the main thing to look into in cases like this is, is to find where the fault lies. In India today, particularly in rural areas, what is there to take the place of any kind of entertainment that we may wish to give people? There is very little. If we bring happiness and pleasure to the people, then much of this kind of behaviour would be in a diminishing scale, and not in an ascending scale.

When you look what civilisation has given us, we find that very often it

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has given us the causes for this kind of thing. Look at the tribal areas. There is so much of mirth, life and laughter there after a hard day's work. There men and women have absolutely equal status. We have much to learn from them in that respect. After a hard day's work there is dancing, music and singing round the fire or under a flourishing flame of a forest. There is nothing but exuberance and joy. There is no molestation there of women as in the so-called civilised areas.

Then it is brought to the door of women, that much of this sort of behaviour takes place because of women's mode of dress. Some people say that uncivil behaviour is there because women have taken to Western style of dressing and beautifying themselves. Here I would only say that this again is vicious thinking, and it is not a woman's dress that is responsible for objectionable behaviour. Because, if you look into our literature, you will find that beautifully dressed women have been praised in ancient India.

You go and see the sculptures in Ajanta and Ellora. You will see that our old sculptures knew the grace and beauty of the human form with ornaments and embellishments. So, it is not the fact that women have taken to dressing in some way that provokes this kind of behaviour.

Then, I would say that the important thing is to train the minds and bodies of women to be strong and agile. For instance, in Japan every woman knows ju-jitsu. If they are strong in body, nothing will happen. Their bodies must be trained and made strong; their minds must be trained to be agile. Then they will feel confident that they will not be molested. The moment women attain that stature and dignity, there will be less of this kind of behaviour.

The working girls, coming far away from their homes, must be provided

with good hostels, where they can stay with safety and comfort. Economic conditions must be so brought about that marriage and families may be more and more possible. That is the only way in which this sort of behaviour can be curbed. To curb this behaviour, we have not to go far and look at other countries for inspiration. We need only go back to the lore of ancient India. We have the *Maha Bharata* where it has been stated that the princes Chitrangadha was described as:

प्रेम बले तिनी माता ।

बाहु बले तिनी शाला ॥

She was the mother of her kingdom in her love; she was their protector with the strength of her arms. She was bold enough to tell Arjuna when he went to her: "I am not a Goddess, nor am I an ordinary woman nor will I be thrown crumbs of kindness to follow you wherever you may go. If you can treat me as your equal, then only you will know my full stature." That is the dignified attitude that we have to observe in India. All women must feel, and all men must know, that women in India conform to that ideal.

देवो नहिं नहिं भ्रामी सामान्य गमणी  
पूजा करि राखिवे मा बाप से भ्रमि नहिं  
अवहेला करि रुखिदा राखिवे  
पीछे से भ्रामि नहीं ।:

We have to realise this. Then only this molestation, this sort of indignity to women will stop in India, and not by any legislation alone.

**Mr. Deputy-Speaker:** I think men and women should alternate in this discussion.

**Shri Tyagi:** But, according to Constitution, they must be treated on par.

**Mr. Deputy-Speaker:** Does Mr. Tyagi want to say anything?

**Shri Tyagi:** No.

**Shri D. C. Sharma:** (Gurdaspur): Mr. Deputy-Speaker, I am amazed at the speech of the hon. Member who spoke from the Opposition Benches to my right. The first question that he put was, how do you say that crime relating to molestation of women is on the increase. I think the answer to this question could be found in the pages of any newspaper whether it is written in English or in any of our regional languages. I feel that the whole of this world is passing through a strange kind of fever and this kind of behaviour is to be seen not only in India, but in all the countries in the world. If we read the fiction of today—not the high class fiction—which is very often seen in some of our Railway book stalls also and which is published in many countries of the world, we shall find that there is a wave of laxity so far as the behaviour of man towards woman is concerned. Nobody can deny this factor. I do not want to quote the instances which I have read in the papers in my own country. Somehow, there is a feeling these days that women are not respected as much as they should be.

I tell you that this is due to the new schools of psychology that have come into being. I do not want to go into the details of these schools of psychology. But, I tell you, these schools of contemporary psychology have done something to change man's behaviour towards woman and change it, I should say, not in a very desirable way. I do not want to say that perhaps the exponents of these schools of philosophy and psychology had that in their mind. Somehow, the effect of their teachings has been such as will not be conducive to the welfare of the partnership of both the sexes, men and women.

It has been said that this vice may persist in the towns, it is not to be seen in the rural areas. I beg to differ from this view. I think the human male all over the world, all over India, is the same whether he lives in a village or in a town. So, it is no use distinguishing between villages and cities in this case. On the other hand, I would say that so far as the villages are concerned, sometimes the behaviour has inclined to be more aggressive and brutal than the behaviour of the so-called city bred persons. Therefore, it is not a problem which can be described to be merely an urban problem, or a problem which is confined only to the big cities. It is a problem which envelops us at every step, everywhere. I must congratulate Shri Radha Raman for showing social awareness to this problem.

I also congratulate him for bringing forward this Bill whatever the fate of this Bill may be. The fate of Private Members' Bills is a tragic one. It is a fate which I do not wish even to my worst enemy.

**Mr. Deputy-Speaker:** Has he also met the same fate?

**Shri D. C. Sharma:** I have met it more often than is necessary. That is why I speak from personal experience.

Whatever the fate of this Bill might be,—I can see the fate of this Bill written over all the walls of this Chamber—it cannot be denied that we have got to educate the people so far as relationship between man and woman is concerned. I would say that it is not in terms of punishment that we can solve this problem. We can do so by means of education and that education cannot be got from the Indian Penal Code to which my hon. friend overthere made copious references. If the Indian Penal Code had been able to put an end to all the crime in the world, I think we would have been very happy long long ago. The Indian Penal Code sometimes acts

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as a deterrent, acts sometimes as a warning. But, all the same, the crimes to which men have been prey all these years persist. Therefore, instead of seeking a solution of this very urgent social problem from the pages of the Indian Penal Code, old or new, we have got to find its solution in our homes, in our educational institutions, in our public institutions, and in all the media of communication that we have this time.

We are living in a world where the diffusion of knowledge has become a great force and where there are so many agencies for the propagation of knowledge—good knowledge. I would say that the etiquette to be observed when a man meets a woman, when a boy meets a girl, the decorum to be observed, etc. should be taught. When some years ago, I went to a country in the Far East, I was amazed to see that there were charts in every school, in every educational institution, charts which showed young men how they should behave towards young women, which showed how young women should behave towards young men. There was education given in decency, in good manners, in good conduct, in good public relations, in good social behaviour. I think that is a much more fundamental need of the world today: not only India. As I said in the beginning, this is a problem not confined to India, it is a problem which is a global problem. This is needed. It is our teachers who should be kept aware of it.

More than this, it is our homes where we should orientate the minds of young men and young women properly towards each other. It is also the function of our social welfare agency. In our country we have the Social Welfare Board. The Social Welfare Board is an agency which can take upon itself the education or guidance of people in this matter. The Social Welfare Board does not have its branches only in the cities of India, but also in the villages of India. It

has a network of branches and as time passes, its incidence of usefulness goes on increasing. So, I say it is a problem for them to take in hand. Of course, there are other agencies also which work for the social good of this country. I believe those agencies should also take this in hand.

I agree with one of the speakers who preceded me when he said that we should train the minds of women, and their bodies also, so that they can resist any attempt of this kind. That is the ideal to be attained, and I think the womanhood all over the world, and the womanhood in India, is not in such a helpless condition as to be an easy prey to this kind of behaviour.

Our Prime Minister while making a speech somewhere said that there was one thing which he did not like, the women of India being called "abalas". "Abala" is a person destitute of strength, courage or things of that kind. Our Indian women are no longer "abalas", they are "balas"; they are full of courage and strength.

Sushri Maniben Patel (Anand):  
"Sabalas".

Shri D. C. Sharma: My Hindi is very defective, and my hon. friend who always asks me to speak in Hindi will see what has happened to me. I cannot choose the right Hindi word, and there is so much difference of opinion about it.

Our Prime Minister said that our ladies are no longer "abalas"; they have strength and moral courage. I think this is the kind of approach that we should make.

I am one of those who sometimes consult the dictionary. That is perhaps unfashionable, but I do so many things which are unfashionable, and this is one of them.

Shri Hem Barua (Gauhati): That is natural for a professor of English.



**Shri D. C. Sharma:** Shri Radha Raman has given the definition of "molestation" in such a way as to baffle anybody who knows English slightly as I do. I tried to look up the dictionary and I found that he has given an encyclopaedic meaning to the word "molestation". Anyhow, I have no quarrel with him, he can do so, but he has brought together so many things that I think he has in a way defeated the purpose of the Bill. I think he should have tried to restrict the scope, but he has brought in all kinds of things—indecent behaviour towards a woman, assault or criminal force, kidnapping, abduction, procurement or importation or wrongful confinement etc. He has tried to pack too many things into this, and I think this is no good for a social measure.

A social measure should be simple, direct and straightforward; a social measure should not be complex. It should hit the bull's eye, it should make straight for the real objective  
15.55 hrs.

(SHRIMATI RENU CHAKRAVARTY in the  
Chair).

He has tried to bring too many things into it, and therefore I think this is one of the biggest drawbacks of this Bill.

Again, he has provided a punishment of 15 years with fine which may extend to Rs. 10,000. Suppose some hypothetical young man is found guilty of this hypothetical bad behaviour. If he is to be given 15 years, I think the life of that hypothetical young man is blasted for ever. I think this is too much—15 years.

**Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes):** Fifteen hypothetical years!

**Shri D. C. Sharma:** And then Rs. 10,000. Who is going to pay Rs. 10,000? Rs. 10,000 is a very big sum. Of course, he thinks that it should be deterrent, but deterrence

does not mean that you should make the punishment fantastically high or the fine fantastically exorbitant.

Therefore, I say that though the objectives of my friend Shri Radha Raman are very laudable, and something like that is needed not only in India but in other places also, I would submit most respectfully and most humbly that he has overshot the mark. He has tried to go beyond the limits which I think were necessitated by the social urgency of this matter.

I would, therefore, request the Deputy Home Minister, who luckily happens to be a lady of distinction....

**An Hon. Member:** The Chairman also.

**Shri D. C. Sharma:** .....through you, madam, that though Shri Radha Raman may be asked to withdraw the Bill today, the problem has not got to be ignored. This problem has got to be solved and something has got to be done. I would submit very respectfully to the lady Deputy Minister that the Home Ministry which is in charge not only of law and order in this country but also the good behaviour of the citizens of this country, should give thought to this problem, and do something about it. It may be that they may do something about it by means of legislation; it may be that they may do something about it in some other form, but I say that for this kind of social disease, both types of remedies are necessary. The positive remedy of education should be there to educate the people in the canons of good behaviour, and also the legislative remedy should be there, so that people know that if they do not behave, the arm of the law is long enough to reach them. If this happens, I am sure Shri Radha Raman will have done a very useful social service to this country, and also other countries. I do not know if there is legislation in other countries, but sometimes we may be able to show

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the way in a very modest way to other countries, because this problem is not only endemic in our country but is found all over the world.

**श्रीमती कुष्णा बेहला (जम्मू तथा काश्मीर):**  
समानेत्री जी, श्री राधा रमण द्वारा जो बिल पेश किया गया है वह मेरे विचार में बहुत महत्व रखता है। ऐसी कोई व्यवस्था होनी चाहिये जिससे कि इन हरकतों पर कुछ रोक हो सके।

माना कि भारतीय दंड विधान में इसके लिये काफी व्यवस्था है परन्तु छोटे मोटे अपराध इतने होते हैं कि उनके लिये जनता चाहती है कि कुछ न कुछ प्रवन्ध होना चाहिये। इस बिल में १५ वर्ष की सजा तथा १० हजार रुपया जुर्माना की सजा की व्यवस्था की गयी है। यह तो बड़े बड़े अपराधों के लिये होना चाहिये। परन्तु प्रतिदिन छोटी मोटी ऐसी घटनायें होती रहती हैं जिनका सबूत देना बहुत कठिन होता है लेकिन उन बुराइयों को दूर करने के लिये कुछ न कुछ कदम तो उठाना ही चाहिये ताकि जनता का इनसे बचाव हो सके। मैं नहीं जानती कि इन बुराइयों को दूर करने के लिये कानून कहां तक लाभदायक होगा। मैं तो चाहती हूँ कि महिलाओं को अपने में फिर से वह शक्ति पैदा करनी चाहिये जिससे कि ये बुराइयां दूर हों।

प्रायःकल महिलाओं से ज्यादा लड़कियों को इन चीजों का झुकावला करना पड़ता है क्योंकि उनको पढ़ाई के लिये और काम काज के लिये ज्यादा बाहर निकलना पड़ता है। वे इन हरकतों से बहुत परेशान हैं। उन्हें रक्षा की जगह अपमान मिलता है। जहाँ रक्षा की आशा होती है वहाँ उनको अपमान मिलता है। वे अपनी परम्परा के

अनुसार किसी को कुछ कह नहीं सकतीं। समाज में भी कोई जगह नहीं है जहाँ वे जाकर अपनी बात कह सकें। और यह केवल एक जगह की बात नहीं है। भारत के अनेक हिस्सों में ऐसा होता है। लड़कियां कहीं मेले में या भीड़भाड़ में और मनोरंजन के स्थानों में जाने से बचराती हैं। मैं समझती हूँ कि उनको उन स्थानों में जाना ही चाहिये। वे अगर वहाँ जाती हैं तो मन कड़ा करके जाती हैं। होता यह है कि उन्हें वहाँ अपमानजनक शब्द सुनने पड़ते हैं। कहीं कहीं देखा गया है कि बस के स्टैंडों पर और साइकिलों पर चलते हुए उनमें अपमानजनक शब्द कहे जाते हैं। यहाँ तक कि इन अपमानजनक हरकतों में वे बड़ी परेशान हैं। अगर वे कहीं घूमने या दुकानों में जाती हैं तो उनका पीछा किया जाता है और झूठ के झूठ उनके पीछे रहने हैं। वे बेचारी कटां जायें और किसमें कहें। मेरा विचार है कि इस चीज के कारण महिलाओं और पुरुषों के बीच एक खाई बनती जायेगी भरोसे के स्थान पर शंका ही शंका होगी जो कि बड़ी घातक सिद्ध हो सकती है। थोड़े लोगों को छोड़िये, आम जनता इस से परेशान है। कोई भी महिलाओं का अपमान होना पसन्द नहीं कर सकता। लेकिन कोई भी यह रास्ता नहीं ढूँढता कि इस बुराई को किस प्रकार दूर किया जाये। हमें सिर्फ लड़कियों की चिन्ता नहीं करनी है। हमें लड़कों की भी चिन्ता करनी चाहिये कि उनका चरित्र कैसे ऊँचा उठेगा। प्रायःकल उनका चरित्र भी ऊँचा उठाना चाहिये। शिक्षित वर्ग को ऐसा करते देख कर गुर्बों की बहुत ज्यादा हिम्मत बढ़ जाती है। इनमें छोटे बड़े सभी उमर के होते हैं। यह चीज बहुत ज्यादा खतरनाक है।

इन सब बातों को देखते हुए मैं यह नहीं कह सकती कि यह बिल इन बुराइयों को दूर

करने में कहां तक सफल हो सकता है। हमें चाहिए इन बुराइयों को जड़ को देखना चाहिए कि ये बुराइयाँ पैदा कहां से होती हैं और क्यों यह समाज में फैलती हैं। जब तक समाज इसकी पूरी तरह खोज नहीं करेगा तब तक हमें उम्मीद नहीं है कि ये बुराइयाँ दूर हो सकेंगी। ये हरकतें देखने और सुनने में तो छोटी मालूम होती हैं लेकिन लोगों से जाकर पूछिये, उन लड़कियों से जाकर पूछिये, उन महिलाओं से जाकर पूछिये जिन पर गुजरती है। मैं इसके लिये किसी को दोषी नहीं ठहराती लेकिन फिर भी समाज में जो बुराई है उसको दूर करने का कोई न कोई रास्ता ढूढना चाहिये।

एक वक्त था जब औरतें बहुत अच्छी तरह इन चीजों का मुकाबला करती थीं। उनको करना भी चाहिये क्योंकि उनको प्राये देश का बहुत सा काम मंभालना है। लेकिन आज वह चीज हममे बहुत दूर चली गयी है। अगर ऐसा न होता तो पिछले दस सालों में जो घटनायें घटी वे न घटती। मैं न कह सकती कि शिक्षा में फर्क आ गया है या किमी और चीज में, लेकिन मैं यह प्रार्थना करूंगी कि ऐसा कुछ जरूर होना चाहिये जिससे कि हमारे समाज से यह बुराई निकल जाये।

Mr. Chairman: Now, Shri Hem Barua.

श्रीमती लक्ष्मी बाई (विकारावाद): बहिनों को बोलने का भी मौका दीजिये।

सभापति महोदय: जरा ठहर जाइयेगा।

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): We must protect our interests also.

Mr. Chairman: Both sides will be given chances to speak.

Shri Hem Barua: I have gone through the Punishment for Molesta-

tion of Women Bill about half an hour ago, and I must say that I am taken aback as to why this Bill should have been introduced at all, because there is no necessity of a Bill like this. But then I can understand the sincerity of Shri Radha Raman, and that it is because of the sincerity, because of his fear that our women are molested and this social evil is there, that he has sought to introduce this Bill in this House. I congratulate him on that score for having introduced this Bill here.

At the same time, I feel that this is not a problem to be solved by means of a Bill like this or by any amount of legislation. This is a problem, which, as I have described, is a social problem. I am afraid Shri Radha Raman has put his blind eye on the telescope and sees a panorama of molested women before his eyes through the telescope. If he would have tried to look at the problem from the social angle, he would not have introduced this Bill at all I feel that this is a social problem. In our country, there are instances of molestation of women, of course, and there are unhappy incidents too. At the same time, we have to view the problem from the social angle.

What about our society? We talk of the past and say that the past was golden; the past was romantic and men and women met together, fought together, read together, wrote together and built up a common social life. But what is happening today? Under the inroads of the so-called automobile civilisation, we have lost the groping of the past, the moorings of the past, and we are groping for light in darkness; and that light is yet to come. We have lost our old values. At the same time, we have yet to build up a new set of values.

If we move about in our society now, we find there is restriction, there is no freedom of movement, and there is no free mixing of the sexes. We do not have a wider conception of life. When a boy goes out with a girl in our country, the first question that is asked is: 'Are they going to marry?'

[Shri Hem Barua]

And let me state one of my own experiences in this connection. When I was a young man, I had the opportunity of going out with a girl in a first class railway compartment, and there was nobody else in the compartment. After four or five days when I came back to the town, there was a lot of rumour about me, saying 'This man is going to marry that girl', as if no man and woman and no boy and girl can meet without the idea of marriage and without the idea of a joint life. Free mixing of the sexes is absent in this country.

Shri S. M. Banerjee (Kanpur): Did the hon. Member talk with her in the compartment?

Mr. Chairman: The hon. Member need not reply.

Shri Hem Barua: My hon. friend who is very good to me always is much interested in knowing whether I talked with her. I talked with her. It is quite natural for a man to talk with a woman. But then, what happens? This is the sorry spectacle of things that we see in our country.

I did not agree with Shrimati Ila Palchoudhuri when she spoke of the relation between men and women in the villages, for instance. She condemned the relation between men and women in the villages, but had a word of praise for the relation between men and women in the cities, because as she conceives the city men are more civilised and more educated and so on.

Shrimati Ila Palchoudhuri: I did not condemn the relation between men and women in the villages.

Shri Hem Barua: She paid a compliment to the tribal men and women. This is a fact, and I know a lot about these tribal people, because I have been to these hills in Assam on more than one occasion and I have seen how healthy their life is, how

healthy their social sanctions are! Boys and girls can go out together into the harvest field, into the waters of the streams, into the caves of the mountains and dance and sing in honour of one another under the lure of the moonlight. That is a romantic spectacle and when they have their freedom to mix, freedom to dance, freedom to sing, freedom to drink and roll, you do not find that sort of apprehension that is found in this Bill. It is only in a society that is crippled, cabined and confined that women are molested; it is only in a society that is crippled, cabined and confined that you find the need for a Bill of this kind. They do not have any fun or merriment, as Shrimati Ila Palchoudhuri said.

I just remember what I read in Bertrand Russell's book: *Conquest of Happiness*. For the middle-class population, what are their items of mirth or elements of joy? Listening to the radio or going to the cinema? These are only two things—listening to the radio if that family can provide a set or going to the film if they have money in the pocket. These are the only items of merriment or enjoyment and when that natural desire, that natural instinct is suppressed, we find some unnatural channels. That is what happens in our society. We want to suppress the natural urge of a man to meet a woman, to talk with a woman, to mock with a woman and when this natural urge is stultified or is sought to be suppressed, then from the light it goes into the darkness of the underground world and there you find a lot of social confusion and social evils. I would have very much liked my friend, Shri Radha Raman, to have removed these social evils first before bringing this Bill here in this House.

What has happened in the West for instance? Somerset Maugham has said that the greatest revolution that the West has witnessed today is the

revolution of the sexes and that is because of the invention of scientific methods of contraceptives. The so-called idea of chastity is not there. There is a great revolution of the mind and the relation of the sexes there. Here we find coercion, intimidation and we find there is always a fear and apprehension of being found out, an apprehension of being discovered and that is why we take shelter under the shady ways of life. That is what we have in this country. My own view is, if there had been a hearty, healthy relation, a free atmosphere and scope for boys and girls for mixing in our society, there would have been no molestations of this sort.

There is another factor also and that is we as a people have lost all sense of values. I have no doubt about it. Prof. Sharma has spoken about the code of conduct to be taught to the boys; I agree with him, but does India have a code of conduct today? We do not have it. We do not know how to behave with one another. We do not have social sanctions; we are in a chaos today.

My friends have said that this is particularly meant for the young boys and girls, college boys and girls, because of their indiscipline. I do not think so; if Mr. Radha Raman had that idea in his mind, I do not agree with him.

It is quite natural for a young boy to meet a young girl. The young girl might be a college girl and the young boy might be a college boy—it does not matter. If we say that this urge is limited to the boys and girls, I would rather say that it is not limited merely to the boys and girls whenever they meet each other. Often we find this urge in people who are fairly advanced in life also. Or else Bernard Shaw would not have said; "Every man over forty is a scoundrel". That is what he said, because he had this in mind, the old man inviting the youngman in sex-life.

Another thing is about the punishment. This Bill introduces a deterrent punishment. How deterrent it is, it will be very difficult to say. He defines molestation as including 'indecent behaviour towards a woman'. This might be very elastic. It might give scope for so many doubts and so many interpretations. A young boy might whistle or wink at a young girl. I think winking or winking is no offence. It cannot be an offence. Similarly smiling at a fine face is no offence. Girls are like flowers to be admired and smiled at. If smiling at flowers or girls might be an offence, an offence that might be dealt with by punishment of imprisonment for 15 years or fine upto Rs. 10,000, then let Allah protect all boys and girls together from such a nefarious sanction. Let Allah protect us from a Bill like this.

I do not have anything more to say. As far as I think, this Bill must be rejected.

**श्रीमती जिनगी (बलोदा बाजार-रहित-अनुसूचित जातियाँ) :** सभानेत्री महोदय, मैं इस बिल का स्वागत करती हूँ। इससे जनता और महिला वर्ग का कितना भला हो सकता है, वह तो मैं नहीं कह सकती, परन्तु मैं चाहती हूँ कि अपने मविधान के मुताबिक इस प्रकार के कुछ बिल महिलाओं के लिये होना आवश्यक है। मैं बहुत बड़ी बड़ी बातों में नहीं जाना चाहती हूँ। हमारे साथ और हमारी नौजवान लड़कियों के साथ जो छेड़खानी होती है, मैं उस के विषय में कुछ कहना चाहती हूँ।

आप देखेंगी कि जितनी ही शिक्षा ज्यादा हो रही है, उतनी ही लड़कों के द्वारा लड़कियों को छेड़ने में वृद्धि हो रही है। उस को एक फैशन बना लिया गया है। मैं यह कहना चाहती हूँ कि इस बिल का अभिप्राय यह है कि जो धादसी लड़कियों और महिला-वर्ग के साथ छेड़खानी करें, उन को दण्ड दिया जाये,

## [बीमती बिनीमाता]

परन्तु इस सचन के बातावरण से ऐसा मान्य होता है कि औरतों को ही दण्ड दिया जाये, क्योंकि वे ज्यादातर शृंगार करती हैं। और शायद हमारे भाइयों के विचार में किसी युग में शृंगार नहीं था। क्या आप मानेंगे कि गए युगों में शृंगार कितना ज्यादा था? और शृंगार को कितनी श्रेष्ठता दी गई थी, उस को शायद आप भूल गए हैं। उस युग में भी चेहरे पर लगाने के लिये और होंठ लाल करने के लिये पदार्थ होते थे। उस युग में भी लड़कियां उबटन लगाती थी और बहुत शृंगार करती थी। इस युग में समय कम होने के कारण शृंगार के लिये बनी बनाई चीज मिलती हैं। मैं यह कहना चाहती हूँ कि शृंगार करना कोई गुनाह नहीं है। शृंगार की चीजे भी अपना स्वार्थ सिद्ध करने के लिये हम उन को देते हैं। जो औरतें अपनी इच्छा से शृंगार करती हैं, वे सब अपने स्वार्थ के लिये ऐसा करती हैं। चारों युगों में औरतों के लिये शृंगार एक श्रेष्ठ चीज रही है।

हम यहां पर जनता के सेवक बन कर आए हैं और जबान से हम कहते हैं कि हम सेवक हैं, परन्तु हमारे साथ सेवा का नाता निभाने में—औरतों की सेवा और उन के हित के लिये कोई कार्य करने में—शायद हम आनाकानी करेंगे। जब इस सदन से हम को कोई आशा नहीं है, तो बाहर से यह आशा बहुत कम है। आज के युग में यह कहा जाता है कि महिलायें राष्ट्र की निर्माता हैं, परन्तु महिलाओं को प्रोत्साहन देने में, उन की प्रकृति के लिये कोई कदम उठाने में और उन को बराबरी के अधिकार देने में हमारे भाई हिचकवाते हैं। इस के मायने ये हैं कि वे हम को बराबरी में ले कर अपने राष्ट्र के लिये कार्य करने के लिये तैयार नहीं हैं।

इस बिल के बारे में मैं यह कहना चाहती हूँ कि इस का पास होना निहायत आवश्यक है। यह ठीक है कि इस से कुछ होना पाना नहीं है और यह कानून बन जाये, तो वह लागू भी नहीं होगा। परन्तु मैं कहूँगी कि हमारे भाई साहबान अपनी भाषनाओं को बदलें ताकि जो लोग हमारे प्रति अनादर का व्यवहार करते हैं, उन को ऐसा करने से रोक जा सके। आज कहीं अगर कोई लड़की साइकिल पर जाती है, तो उन को छेड़ने वाले दौड़ कर उस के कैरियर पर चढ़ जाते हैं या थक्का मार कर उस को साइकिल से गिरा देते हैं। मैं ऐसे कई उदाहरण बता सकती हूँ। हमारे पड़ोस में एक पंजाबी है, जिन की तीन लड़कियां हैं। वे पढ़ने जाती हैं। कुछ लड़के उन के साथ छेड़खानी करते हैं। उन को समझाया गया है कि ऐसा नहीं करना चाहिये, पर वे नहीं मानते हैं। आखिर उन तीनों लड़कियों की पढ़ाई छूड़ानी पड़ी। यदि कोई लड़की शरमीली हुई और शेंपती हुई, तो इस बातावरण में तो उस का जीवन बरबाद हो जाता है। मैं को-एजुकेशन के खिलाफ नहीं हूँ। मैं चाहती हूँ कि को-एजुकेशन हो और हमारे महिला-वर्ग की आत्म-शक्ति सबल हो, ताकि वे बराबर के अधिकार प्राप्त कर सकें और बराबरी में पुरुषों के साथ मिल कर कार्य कर सकें और वे ये अनुभव न करें कि हम आदमियों के साथ काम कर रही हैं या औरतों के साथ। महिलाओं में यह शक्ति होनी चाहिये कि हमारे भाई औरतों के साथ अपनी बहिनों जैसा व्यवहार करे और समझ कि औरतों के साथ छेड़खानी करना हमारे राष्ट्र के लिये घातक है।

मैं जब गांवों में जाती हूँ, तो देखती हूँ कि गांव वाले अपनी लड़कियों को दूसरी तीसरी श्रेणी तक ही पढ़ाते हैं और फिर उन को स्कूल से छड़ा लेते हैं। इस सम्बन्ध में वे साफ शब्दों में कहते हैं कि शहरों में नौजवान लड़कियां

पढ़ती हैं और लोग उन के साथ खेड़खानी करते हैं। हम को यह नहीं सुहाता, हम इन को मार डालेंगे या मर जायेंगे। गांवों में अभी भी यह बाणी सुनी जाती है।

यह भी बहुत आवश्यक है कि हमारे विद्यार्थियों के चरित्र को ऊंचा करने के लिये स्कूलों में समुचित शिक्षा दी जाये, ताकि वे लड़कों और लड़कियों को बराबर समझें और उन को ऐसा अनुभव न हो कि लड़के और लड़कियां भ्रमलग भ्रमलग कार्य करें और भ्रमलग भ्रमलग कार्य करने में ही हम लोगों की सफलता है, बल्कि वे यह अनुभव करें कि हमारे बीच में कोई खाई नहीं है और हम सब बराबर हैं।

**Shri Jaipal Singh:** I feel I must support this Bill but with a certain amount of mental reservation. I wish Shri Radha Raman would agree to have this Bill redrafted because as far as I can view the language, there is plenty of scope for blackmail in this Bill. We have to be r in mind that aspect.

The mental reservation I make is that the males also need protection. I belong to a society which has been fairly portrayed by my hon. friend, Shri Hem Barua, where men and women are equal in position, they have a free life, where there is very high morality as compared to other sections of the Indian community. I do not say this by way of self-praise. But the picture we see today of these very people is one which is fraught with very dangerous consequences. They happen to live in areas which are the mineral depositories of this great country where factories, mines, quarries are springing up every day and there is a recurrent adulteration of non-tribal population. Go anywhere you like, you find that the impact of the incursion of non-tribal people is having a very unhealthy result. I will only quote what Col. Chatterjee, no more in the land of

the living, but one of the most eminent venereologists that India ever had, told me about 18 years ago. He said that in Chota Nagpur, about 50 years ago, V. D. was unknown; but that in Jamshedpur today if you go to the Chief Medical Officer he will tell you that incidence of V. D. there today is something over 80 per cent.

Chairman, I need not multiply instances to indicate what I mean. The danger to the tribal people has become more and more serious, whether it is a mela, whether it is when they visit the towns or whether it is when the non-tribal people visit their forests and their villages; all the time this danger of what Shri Radha Raman calls molestation and much worse is there.

Now, as far as I am concerned, I think the tribal people, on the whole, excepting those who live in the periphery of industrial areas can look after themselves. But, there are areas in India where, we must bear in mind, the matriachal system of marriage obtains. Now, do the women need protection in that form of society or the men? Let us not be suffragists and plead the cause of women only.

I think Shri Radha Raman should secure your permission to withdraw this Bill and have it redrafted so that—as in the Constitution man includes woman—if a particular crime is inhuman and indecent, whether the assault is on women or men, the gravity of the situation, to my mind, is exactly the same. I think the punishment should be for both sides.

My hon. friend, Prof. Sharma seems to be concerned more with young people and he was objecting to the penal provisions in this particular Bill. Chairman, I think, you will agree that your experience and my experience must be about the same that it is the old bachelors who are far more dangerous than young people. I think old bachelors.... (Interruption). I speak from personal experience. I think

[Shri Jaipal Singh]

they think age will cover everything they may say or do. You know that sort of story. 'I am old enough to be your grandfather; just come in.' We must all agree that in cities like Delhi and other cities of a metropolitan character, where there is no normal city development—cities are growing in slums, slums upon slums, this type of danger is one which is there. This danger is a veritable one. It is there. So, if the Indian Penal Code or the other Acts are not adequate to cope with the situation, I do think legislation is called for. But I would again request my hon. friend Shri Radha Raman not to be so soft towards women. They are not so soft in the 20th century. Let us not make that mistake. They are not living in glass houses any more. Now we have a Constitution giving equal opportunities as far as the law is concerned. I fully agree with Mr. Barua that they must be in a position to stand up for themselves. Men cannot be carrying them in their arms all the while. This is a temporary thing. When people say malicious things when he travelled in a train or in a jungle I did not quite follow what he was saying—for which he was not responsible. . .

**Shri Hem Barua: Rumours.**

**Shri Jaipal Singh:** If my hon. friend will worry about rumours, I think he better change his sex; if rumours are going to agonise him, that will lead him nowhere. I do feel that there is too much in our country today of this suffergetting attitude that the women are being persecuted and suppressed. I belong to a society where women are on top. Why cannot the rest of the so-called advanced society do so? We are backward people. Why cannot you take a little bit from us? If women have got to be careerists, if they must be politicians as they have been in the past and did a splendid job in the freedom struggle, there was no molestation in those days. What is this new compunction that Shri Radha Raman is building up in his heart?

**Mr. Chairman:** It is not for politicians.

**Shri Jaipal Singh:** It is inhuman, it is indecent—they say. There is that attitude. The sooner the orthodox society—I am using the word 'orthodox' in its pedantic sense—makes up its mind that women have also souls, self-respect and they are also the builders of the family and the nation, the better it is for them. I maintain that if any protection is called for at all, it is called for men also.

**श्रीमती लक्ष्मी बाई :** सभानेत्री महोदया, यह जो बिल राधा रमण जी ने यहां पर पेश किया है मैं इस का स्वागत नहीं करती हूँ और न ही इस का स्वागत किया जाना चाहिये। मैं उनसे विनम्र निवेदन करती हूँ कि वह इसको एक दम विद्वड़ा कर लें। बहुत से भाई बहिनों ने इस पर हुई बहस में भाग लिया है और अपने विचार प्रकट किये हैं। आप लोग बहनों और माताओं को अच्छा समझते हैं, पावन और पवित्र चरित्र वाली समझते हैं और मैं समझती हूँ आप को ऐसा समझना भी चाहिये। उन में आज भी आत्म शक्ति है और वे अपनी रक्षा कर सकती हैं। लेकिन आवश्यकता दूसरी चीजों की है, इस तरह के बिल यहां लाने की नहीं। जब आप लोग किताबें लिखते हैं तो बहनों के बारे में लिखते हैं और जब तस्वीरें बनाते हैं तो बहनों को ले कर बनाते हैं। आप लोग और कुछ बनाने की बात को सोचते ही नहीं हैं।

मैं इस बात में गौरव महसूस करती हूँ कि मैं बहुत सी बहनों के चरित्र को मा की तरह जानती हूँ। आज जो बुरी बातें होती हैं वे किस की गलती से होती हैं और उन को कैसे रोका जा सकता है, यह प्रश्न हमारे सामने है। मैं समझती हूँ कि कानून बना देने से या कस्त तथा रेगुलेशन बना देने से कुछ काम नहीं हो सकता है। इस बिल में आप ने हंसी मजाक करने के अपराध में पंद्रह साल की कैद और १०,००० रुपये जुर्माने के रखे हैं। आप लोगों



को बाजार चलते पकड़ सकते हैं। अगर आप उन को पकड़ते हैं तो आज उन के पास देने के लिये इतना पैसा भी नहीं है। मैं समझती हूँ कि इस बिल को लाने में उन की नियत अच्छी नहीं थी और मैं इस का स्वागत नहीं करती हूँ। मैं चाहती हूँ कि इस रिस्पेक्टबल हाउस में आप बहनों के लिये अच्छी चीज लावें और हम उस का स्वागत करेंगे। आप ऐसी चीज इस हाउस में लाये जिन का हम स्वागत कर सकें। लेकिन इस तरह का बिल ला कर बहस करना ठीक नहीं है। मैं मानती हूँ कि यहाँ पर बैठे हुए हमारे भाइयों के दिलों में हमारे प्रति आदर भाव है और यह होना भी चाहिये। लेकिन मैं चाहती हूँ और आप इसे स्वीकार करें कि औरतो से सम्बन्ध रखने वाली सभी चीजें औरतों की कमेटी में जिस की अध्यक्षता हमारी डिप्टी मिनिस्टर हैं, जानी चाहिये, और उस की स्वीकृति से उन को यहाँ पर लाने की इजाजत होनी चाहिये।

आप ने इस बिल में पनिश्मेंट की क्लॉज रखी है। लेकिन पनिश्मेंट से कुछ नहीं बनता है। इस बुराई की रोक बाम करने के लिये हमें हिम्मत से काम लेना होगा। अगर कहीं पर कोई आदमी या लड़का शरारत करता है तो हमें चाहिये कि हम चार पांच मिल कर उस का सुधार करने के लिये उस की माता के पास, उस के पिता के पास जाये, और उस के माता पिता उसको ठीक राह पर बाले। अगर लड़कियों में हिम्मत नहीं होती है तो उन को चाहिये कि वे अपने माता पिता को बता दें। अभी मेरी एक बहिन ने उन लड़कियों का जिक्र किया है जिन्होंने अपनी पढ़ाई बन्द कर दी है। मैं समझती हूँ कि पढ़ाई बन्द नहीं होनी चाहिये थी और उस व्यक्ति के सुधार के उपाय करने चाहिये। हसी मजाक करने से काम नहीं चलता है घर पर अच्छी ट्रेनिंग होनी चाहिये और उन को अच्छे वातावरण में पाला जाना चाहिये। ऐसा देखा गया है कि बड़े लोग भी इस तरह के हसी मजाक करते हैं। यह बहुत बुरी चीज है और ऐसा नहीं

होना चाहिये। ऐसे काम वही लोग करते हैं, जो इरिस्पेसिबल होते हैं जो कुछ काम बंधा नहीं करते हैं, जो पढ़ाई लिखाई नहीं करते हैं, जो बेकार फिरते हैं हमारी बहिनो को बैठ कर के इस पर विचार करना चाहिये।

हमारी बहिनो ने प्राजादी की तहरीक में बहुत काम किया है और अच्छा नाम कमाया है। अब यह जो बुरी चीज सोसायटी में है, इस को दूर करने का काम भी उन को अपने सिर पर लेना चाहिये। भाई तथा बहिनें अलग अलग नहीं हैं, समाज के ये दोनो एक ही भ्रंग हैं। आज देखा जाता है कि बहुत सी बहिनो की शादी नहीं होती है और इसका एक बड़ा कारण डावरी है। इस वजहसे अगर आप को बहनों के सम्बन्ध में कोई बिल लाना ही या तो इस डावरी की प्रथा को कम करने के लिये लाना चाहिये या और में सुश होती। दक्षिण में तो शादी में बहुत ज्यादा पैसा माँगा जाता है। मैं चाहती हूँ कि जब कोई लड़का पैसा मांगे या किसी और से भी पैसे की माँग की जाये तो सारे के सारे खानदान को गिर-पतार कर लिया जाये। इस तरह का बिल क्यों नहीं लाया गया, यह मेरी समझ में नहीं आया। अब जो बिल लाया गया है, इस को देख कर मुझे बहुत दुःख हुआ है। अगर आज हम किसी को दोष दे सकते हैं तो समाज को ही दे सकते हैं, और पनिश्मेंट भी समाज को ही दे सकते हैं। एक लड़का एक शादी कर लेता है और उस के बाद दूसरी शादी करना चाहता है। अब दूसरी शादी करवा लेता है तो हम लोग बहुत सुश होते हैं। मजाक करते हैं और इस चीज का स्वागत करते हैं। लेकिन हम लड़की की जिन्दगी की ओर ध्यान नहीं देते। उस की जिन्दगी बरबाद हो जाती है। ऐसी चीजो के बारे में हमें बिल लाने चाहिये थे।

हमारे भाई लोग ज्यादा पढ़े लिखे होते हैं। आज यहाँ पर इन्वेलिटी की बात कही गई है। मैं इस को सुनना नहीं चाहती हूँ और न मैं इस को सुनने के लिये तैयार हूँ।

[श्रीमती लक्ष्मी बाई]

यह तो एक बकरी को ले कर उस का मुकाबला एक बड़े पशु से करना है। बहनों की भादतें भ्रमण हैं, उन का रहन सहन भ्रमण है। आज यह कहा जाता है कि औरतें सबल हैं। मैं समझती हूँ कि आत्म बल जिस में होता है वही सबल होता है। केवल मात्र कह देने से या स्टाम्प लगा देने से कोई सबल नहीं हो सकता है। पकड़ने की हिम्मत होनी चाहिये, उस में आत्मशक्ति होनी चाहिये। जो त्याग कर सकता है, सैक्रिफाइस कर सकता है, वही सबल कहला सकता है।

अन्त में मैं इतना ही कहना चाहती हूँ कि हमारे राधा रमण जी अपने इस बिल को जल्दी से बिदडा कर लें और इस पर और अधिक बहस नहीं होनी चाहिये। आज जरूरत इस बात की है कि हम बहनों को, लडकों को तथा लडकियों को अच्छी ट्रेनिंग दे और उन के विचारों को अच्छी ओर लगायें। यदि हमने ऐसा किया तो इस बुराई का अन्त होना कोई मुश्किल काम नहीं रह जायेगा।

**Shri Balasaheb Patil (Miraj):** When we consider this Bill, I think we are on the wrong path, because we are going to provide punishment for molestation of women. I think that this punishment for persons who offend women should be left to the women.

Supposing a boy or a naughty person whistles or smiles against a certain woman, then, if the woman takes up this question by herself and takes the law in her hands and gives a punishment, the question will end there. We have got the Indian Penal Code wherein there are so many provisions. They have been there for so many years. It has worked very well. I think no protest against the working of the Indian Penal Code has come in.

At the same time, we find that this problem of molestation and punishment therefor has not been solved.

Therefore, my submission to this House will be that this is not the proper way of dealing with it.

Now, what we have seen and heard here is one of the specimens of a Bill which cannot be called a good law at all. For a good law, it must be a precise one and to the point. The most important thing in any Bill is the definition. We find in the definition so many things put together. For instance, molestation, indecent behaviour, abduction, etc. And for all these things, only one punishment is there, and that punishment is one of rigorous imprisonment for 15 years. It is like the law that one found in the legal history of England, when that country was in primitive ages. Then, the English law provided hanging as the punishment for theft or forgery, as in section 302 of the Indian Penal Code.

We are not going back to those ages. We are going forward, and hence, if this sort of definition is turned into a law, this would be a bad law. Therefore, on technical grounds also, it cannot be a good thing.

Secondly, this offence of molestation should be looked into on two considerations. One is from the social point of view and the other from the point of view of intention. There are persons who by nature are sex offenders, and for that purpose, some psychologists or doctors are needed. Further, we must see to the circumstances. We have to educate the children, men and women as well as boys and girls in a certain way that they will look to these things in the right and proper prospective. Then, such offences will come to an end.

**Mr. Chairman:** I would just like to know from Shri Radha Raman whether he wants the right of reply.

**Shri Radha Raman (Chandni Chowk):** Shall I begin?

**Mr. Chairman:** Not now. I shall call the hon. Minister. How many minutes does Shri Radha Raman require for his reply? Five minutes will do, I suppose.

**Shri Radha Raman:** Ten minutes.

**Mr. Chairman:** I think we must finish soon. I shall now call the hon. Minister, and then Shri Radha Raman can reply.

**Shri Jaḍhav (Malegaon) rose—**

**Mr. Chairman:** I am afraid I cannot call any other hon. Member.

**The Deputy Minister of Home Affairs (Shrimati Alva):** Madam Chairman, the mover, Shri Radha Raman, while trying to devise deterrent measures for the misbehaving male, has landed himself in a state of confusion. Though his object is laudable, his presentation is bad, as you will see from the Bill. The object that he has in view brings us down to the basic fundamental relationship between the two sexes. How is that to be regulated? According to the mover of the Bill, it has to be done by legislation of a drastic nature.

If we analyse the Bill before general comments are made, most of the hon. Members in this House have stated that molestation is not easily defined, and "indecent behaviour" can be interpreted from man to man and woman to woman in the light in which each individual considers a thing decent or indecent.

The Bill does not seek any particular amendment of any particular section. It covers the common law. We have the Indian Penal Code. We have got sections 342, 354, 366, 366-A, 366-B and so on; all that is there. But there is something wrong if with all the laws existing in the statute-book we still have to look for in the dark for regulation of human behaviour.

As Mr. Jaipal Singh just now said, our—shall I say—primitive society was free from this molestation. But while the mover wants to protect the woman, let him not try to rob her of her strength. We do not want to be protected through the measure that shall rob us of our strength. I do admit that as urbanisation and industrialisation grows, these problems of social behaviour patterns rise and take aggressive forms. But for that we do not need a Freud or Adler to tell us what must be done. Social problems have to be tackled at the level of agencies run by society, may be governmental, may be non-governmental.

But when we come down to human character, we have to admit that these evils that we see around us, especially so in the cities, have arisen because of certain inhibitions. The human mind and the human body have very intricate mechanisms, and there have to be outlets. We have to move fast. As someone from that side suggested, we have to make greater facilities and greater amenities, along with social education for our masses, to bring mirth and laughter in their lives. What do we see today? Such trends in society have to be fought against.

The Pornographic literature and advertisements, the cinema and the shop-window, all those trends that break down the standard of morality, are they going to be rectified by the mover by this measure? Human passions cannot be regulated by human legislation. And we in this century have come to believe and be convinced that human character, however depraved, still can be reclaimed, and the older methods of retribution and torture and punishment must yield to better methods of reformation. It may be the human urge, as the saying goes, the spirit is willing, the flesh is weak.

Today, if you see state-wise, especially in our cities, I may say that the Bombay Government has taken some kind of a step to fight this evil of these roaming Romeos. Let us not forget the Juliets also. There in Bombay, they have made surprise

[Shrimati Alva]

squads to go round and take charge of the misbehaving male. But, even then, with a legislation like this, we shall be only touching the fringe of this problem. As it was rightly put by one of the Members, with the Indian Penal Code, comprehensive as it is, we have not been able to do away with crime. Certainly this measure which looks so drastic, 15 years and fine extending to Rs. 10,000, sounds a monstrosity. A man who is able to pay Rs. 10,000 is not going to go round your streets. He has other ways and means. It is the poor and it is the misguided youth whose passions are formed by bad literature, by bad films, by bad advertisements and so many other factors, bad housing, pushing up the age of marriage and so many other contributory factors which make this evil exist to such an extent as we find it today.

Therefore, I agree with some of the hon. Lady Members here who said that to deal with the misbehaving male must lie within the powers and strength of women. Correct thinking and correct relationship is a concern of the women. It is said the woman has her rights and equality of opportunity has been guaranteed by the Constitution. Our ancient past is oft-quoted as the golden age. But, since the ancient past, we have come today through a recent decadent civilisation, in which the woman lost her place. I do not think that such a Bill should be accepted in this House and I am happy to see that all round it has been expressed that this Bill should be rejected. As such, I feel that the hon. Mover will take recourse to other methods to eradicate this evil.

No disease is cured by treating its symptoms. The evil is deep-rooted in society. Something is wrong, rotten in our State and the social strata of the different people. The basic human character is given to a man or woman in his first surroundings, that is, the family, in those surroundings in which he finds himself and then the

social agencies such as the school and the other institutions that he goes through. I do not wish to take more of the time of the House. I urge on the hon. Mover that though his object is laudable, the provisions of this Bill are not feasible, are impracticable. I want to assure the hon. Member who spoke from that side that this evil must engage the attention of the Government. All evils and all problems are engaging the attention of Government. At the State Government level, I think this is a case that has to be tackled State-wise.

There was another hon. Member who said that in his State this evil hardly exists. This evil cannot exist where men and women are equal partners in life. This evil can exist only when the mental reservation is there to look upon the fairer sex as the weaker sex, but let measure you here that the fairer sex should never be looked upon or considered as the weaker sex, as we are trying to build up a new society and a new nation. I earnestly urge the Mover to withdraw this Bill with the explanation that I have given.

Mr. Chairman: May I ask Shri Radha Raman if he desires to withdraw.

Shri Radha Raman: I just want to say something.

Mr. Chairman: Is he pressing?

Shri Radha Raman: That I will decide.

Mr. Chairman: What I would like to know is whether he is pressing his Bill or wants to withdraw.

Shri Radha Raman: I will withdraw it, but I have to say something about the remarks made and other things that have been said.

Mr. Chairman: On the question of withdrawal I think he can make a small speech.

(12:17)

**Shri Radha Raman:** That is what I am going to do.

I am very grateful to the hon. Members who have expressed themselves on the Bill that I had moved in the previous session of Parliament and which is being further considered today. I am also thankful to those who have not questioned my sincerity in bringing this Bill. I am also thankful to the hon. Minister who has called the object of this Bill to be laudable and stated that the evil to which I have drawn attention is there and deserves the attention of the State Governments and that of the Centre.

I am, however, not very happy to see that some of the hon. Members who represented men spoke in terms which somehow annoyed one hon. lady Member here, that the Bill should not have come at all.

It is admitted that there are already in the Indian Penal Code provisions of such a nature where punishments are given for offences like kidnapping, abduction etc. I have only added one more word "molestation" in the definition. Since I am not a lawyer I may have made some mistakes and there may be some shortcoming in the definition, but I think the House was quite competent, and the hon. friends who spoke could certainly have improved upon the definition, and I would have accepted their amendment. They have also taken objection to my extending the term from 10 to 15 years in some cases, and to the fine of Rs. 10,000. I am sorry that it was not taken into consideration that that was the maximum punishment which was suggested. It did not mean that even for small offences that punishment should be given.

17 hrs.

Some hon. Members were ridiculing this idea by saying that there was indecent behaviour from women's side towards men. I do not deny that

there may be some women in our country who are aggressive, but I have yet to see as many women as there are men of that type. I can say with my own experience, and the letters that I have received and the correspondence that I have exchanged that there are thousands of men and thousands of boys of school-going and college-going age who are doing a lot of mischief, and they are making a hell of the life of our girls and our women.

It was to prevent that that I had brought forward this measure. I know that this has its own shortcomings. As I said in the beginning, I am a layman. I am not a good draftsman, nor am I a lawyer who can go deep into the matter of definition and be as precise as the members want.

Now, I have a few suggestions to make to the Deputy Minister of Home Affairs. Since the fate of this Bill is going to be what generally is the fate of most of the non-official Bills, I have to withdraw this Bill, but I have to make a few suggestions, and I hope these suggestions will receive the fullest consideration of the Central Government and also the attention of the State Governments and something more effective will be done by them to face this evil.

One suggestion which I want to make is that the present provisions of the Indian Penal Code should be examined, and there should be some modifications made in order to meet the changed conditions. The existing provisions were drafted long long ago and in a different atmosphere. Now, the society is growing, and we are all independent, and as Shri Hem Barua and Shri Jaipal Singh have said, our society is greatly improving, and women are also getting bolder and bolder. In fact, as one hon. Member said, there have been instances where a smile is met with a frown. And I think that we will meet with

[Shri Radha Raman]

more and more of such instances because women should be stronger and stronger. They are getting education and they are also being trained. They meet freely in order to live a healthy life and not for any indecent or unhealthy activities. Therefore, there is no doubt that they should be stronger. But I certainly feel that the provisions of the Indian Penal Code require some modification in the changed conditions of today.

We should have a special civil dress police squad, recruitment for which should be made from among trained social workers. In such cases as come to light or as are reported, the enquiries which are made should be entirely confidential, because in the present state of our society, no woman will like that a report should go to any police station, and no parent would like that any report should go into the hands of the police. Then, there should be special courts, where there should be women judges to try the cases. The court proceedings should be in camera and simple, speedy and inexpensive. In the case of adolescents and young men, corrective institutions should be established in various places.

As regards the deterrent punishment which I have provided for, it has been said that it is already provided for in the Indian Penal Code. But I only wanted some enhancement of it. But if it is felt that with these suggestions matters could be improved, then I would be quite happy. So many hon. Members have said that the object of the Bill is laudable, and have drawn attention to the fact that there is an evil which requires attention, and since they have said that

the Bill as it is before the House will not serve the purpose in view, I beg leave to withdraw it.

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

Some Hon. Members: Yes.

*(The Bill was, by leave, withdrawn)*

Mr. Chairman: It is five minutes past five now. I will take the opinion of the House whether the House is willing to sit for another 45 minutes, the additional time taken for the earlier business.

Some Hon. Members: No, no.

Shri Raghunath Singh (Varanasi): I may be allowed two minutes to move my Bill at least.

Mr. Chairman: First, I have to take the opinion of the House whether the House desires to continue the sitting.

Some Hon. Members: No, no.

Mr. Chairman: Then this can continue the next day.

Shri Raghunath Singh: I want only two minutes to move the Bill.

Mr. Chairman: The hon. Member forgets that balloting is done for two Private Members' Bills days so that there is no fear of his Bill lapsing.

17.07 hrs.

*The Lok Sabha, then adjourned till Eleven of the Clock on Monday, the 24th February, 1958.*