

15.07 hrs.

DOWRY PROHIBITION BILL—
contd.

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Shri A. K. Sen on the 11th February, 1960, namely:—

"That the following amendments made by Rajya Sabha in the Bill to prohibit the giving or taking of dowry, be taken into consideration:—

Clause 2

(1) That at page 1, at the end of line 9, after the word "given" the words "either directly or indirectly" be inserted.

(2) That at page 2, lines 1 to 6 be deleted.

Clause 4

(3) That at page 2, clause 4 be deleted."

The amendments are also under consideration along with this motion.

I suppose no hon. Member was in possession of the House the other day. Shri D. C. Sharma.

Shri D. C. Sharma (Gurdaspur): This Bill is a strange commentary on the way in which social legislation is drafted in our country. It is a pity that our country should take such a step-motherly interest in social legislation. In the first place, the record of our country in this respect is very sad reading. If some private Members bring forward a social legislation, it is not treated with that amount of seriousness which it deserves. In the second place, whenever any social legislation is brought forward, the drafting is done in a—

The Minister of Law (Shri A. K. Sen): Sir, on a point of order. A general discussion of the Bill is not in order now. The hon. Member can speak only on the amendments under consideration.

Mr. Deputy-Speaker: I am sorry I was not attending so closely as I ought to have done. Really, only the amendments that have been made by the Rajya Sabha are now before us. If any amendments to those amendments are made here, they could be discussed. But beyond that, we cannot go and take up other aspects of the Bill.

Shri Braj Raj Singh (Ferozabad): He mentioned his point of view only by way of an introduction.

Shri D. C. Sharma: Every Speaker has to start with a preamble, and I also started with a preamble.

Mr. Deputy-Speaker: But the preamble should not be too long.

Shri D. C. Sharma: I was only pointing out that this Bill was drafted very half-heartedly.

Mr. Deputy-Speaker: This is not the stage when we are to go into the drafting of the Bill, how it was done, etc.

Shri D. C. Sharma: What I mean is this. There is one clause which has been deleted by the Rajya Sabha. That is clause 4. All kinds of arguments have been put forward for the deletion of this clause. It has been said that this will lead to harassment. Is there any law that we have passed which does not lead to harassment directly or indirectly? I think if we look at all the Acts that we have passed here, somebody will come forward and say, "This has been a source of irritation and trouble to me". So, to bring forward this kind of out-dated argument against this clause is not proper. It has also been said that it will be workable in cities where people are highly educated, but it will lead to all kinds of undesirable consequences in the villages. I do not want to draw any kind of distinction between towns and villages. I think the people of the villages are as intelligent as those in the towns, though they may not be as educated. At the same

[Shri D. C. Sharma]

time, to think that the people of the villages are more litigation-minded than the people of the towns is also not the whole truth.

Thirdly, it has been said that there are several factions in the villages and so, one faction might try to take advantage of this clause to harass a member of some other faction. That is also not true. Factions are to be found as abundantly in cities as in villages. So, all these arguments which have been put forward show a very distorted picture of our villages; they put the people of our villages in a very unfavourable light and try to show them in a way which is unwarranted by the facts of the situation. That is why I would say that this clause which was going to be a kind of insurance against any kind of misuse of the provisions of this Bill, should stand as it is.

Every Bill that we pass has three functions: preventive, punitive and deterrent. More than the first two functions, it is the deterrent function of a Bill that matters more. Nobody bothers about the preventive functions. So far as the punitive functions are concerned, our lawyers are there—may they live long and prosper—and they will try to see that nobody is punished unjustly. The deterrent functions of the Bill are useful from the social point of view and also from the educational point of view. I do not think our Bills are educative in that sense, if they are deprived of their deterrent functions. If we take away this clause, this Bill is without any teeth. It becomes anaemic and half-hearted.

Our social legislation has not been good in the way of implementation. We passed the Untouchability Offences Act and the Food Adulteration Act. How many cases have come forward under these Bills to show that they have been operating to the benefit of our people? These Bills, having social good or the good of the people as their objective, somehow are born out of indifference and they

are implemented out of indifference. The only saving grace in this Bill is that we should have a deterrent clause like this. If that is also taken away, I think this Bill will lose most of its value.

It is feared that there will be some persons who will take undue advantage of this clause. I submit very respectfully and in all humility that the history of legislation all over the world is such as to justify this kind of complaint against any kind of Bill. There are the police regulations and laws relating to criminal offences. Sometimes they are taken undue advantage of by some unscrupulous persons. If that is the criterion of legislation in any country, I think most of the legislation should be thrown overboard. There is hardly any Act which has not been taken undue advantage of by some clever person. If this is going to be the rock on which this Bill is going to founder, it is absolutely an imaginary thing. This clause says that a man should be punished with imprisonment which may extend to six months or with fine extending to Rs. 10,000. I think this is the most wholesome part of the Bill and this should continue.

There is the other aspect of this clause. This is going to be an educative clause. I think every legislation that we pass has its educational aspect. But social legislation should be educational as well as punitive. People know that if they demand directly or indirectly some dowry, they will be punished. This will put the fear of God into their heart and this will make them very very circumspect. So, I would submit that this is a very useful clause and should stand as it is.

Shri Tyagi (Dehra Dun): Will punishment make marriage happy?

Shri D. C. Sharma: I do not know very much about marriages, nor does my hon. friend know much about

them. His knowledge is theoretical and so is my knowledge theoretical. If our knowledge is not theoretical, it is out of date.

Therefore, I am not talking of marriages in terms of happiness. I am talking of marriages in terms of legal sanctions. Legal sanctions cannot make any marriage happy. Therefore, the question of happiness does not arise. But I should say one thing; that marriage will be happy and that marriage will lead to good results where the hands of both the parties are clean, where the hand of the party of the bridegroom is clean and where the hand of the party of the bride is clean. I think that this clause is going to result in something which will not tarnish our marriages with any kind of mercenary motives. Unfortunately, at this time, marriages are being tarnished by all kinds of commercial motives in my country and other countries. This is the most unfortunate situation through which we are passing.

People want to be married, but they want dowry, this and that. People want to be married, but they want to attach all sorts of conditions. I want marriages without commercial strings attached to them; I want marriages which are clean, holy and happy without any shadow of lucre. From that point of view, I think this clause will be very useful. So, I would submit very respectfully, without referring to what the Rajya Sabha has done—they must have done it in their wisdom, I have no doubt about it—that this Bill should stand, as it was passed originally by the Lok Sabha.

I would make an appeal to the hon. Law Minister, who is one of the ablest members of this House and of the Cabinet, we are very happy that he is here, that he should not practise the policy of open-mindedness, so far as this Bill is concerned. He was with us here when we pressed this clause, and when he went to the Rajya Sabha he was a party to the deletion of this clause. Of course, he

said: I have an open mind and every member is free to vote anyway he or she likes. It is good for the Law Minister to give us this kind of opportunity and freedom to do what we like about the Bill. But I had thought, coming as he does from Bengal, and coming as I do from Punjab, both of us are very well-qualified to judge the good effects of this clause. In fact, we two are better qualified than perhaps many other members of other States. I would have thought that with his background of Bengal, and with his background of India, he would have been able to put his feet down on this and stick to the old clause. Therefore, I submit that this Bill should be retained, as it is. I hope he will now plead our cause with as much vehemence as he can, with as much eloquence as he is capable of, and with as much legal acumen of which he is the master. I am sure that now he will give up the policy of open-mindedness and he will be with us so that this Bill is passed again with this clause in it, as it was originally passed by the Lok Sabha.

Mr. Deputy-Speaker: I now call on Shri Easwara Iyer. Hon. Members should be brief and concise.

Shri Easwara Iyer (Trivandrum): Mr. Deputy-Speaker, I shall endeavour to be as brief as possible. On the Bill, as it has now emerged from the Rajya Sabha and the amendment that has been suggested by the Law Minister, I am very sorry to state, with all respect we cannot agree with the wisdom of the House which has suggested the amendments. The hon. Law Minister has been giving a certain amount of background to support the amendment, particularly with respect to clause 4 of this Bill. He himself has travelled far beyond the ambit of clause 4 in order to sustain the amendment that has been put forward. It has been argued by the Law Minister that, so far as clause 4 is concerned it will amount to a certain harassment on the part of persons concerned, particularly when the parties to the marriage fall out.

[Shri Easwara Iyer]

A reading of clause 4 would show that

"If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both."

The Scheme of the enactment seems to be that "dowry" is defined in the first clause, subsequently the taking or giving of dowry is penalised, and clause 4 goes further and penalises the demand of dowry. Dowry by itself is not an offence. The essence of the transaction of dowry is receiving money or money's worth as consideration of marriage. And the giving or taking of it, if it is penalised, and if we leave apart the demand for dowry, then we will be in the sound position of finding out legal evidence for sustaining the giving or taking of dowry, and 101 loopholes would be found out by astute parties or astute dowry takers to ward off the evil....

Mr. Deputy-Speaker: Assisted by astute lawyers.

Shri Easwara Iyer: Yes, assisted by astute lawyers. When the complaint has been lodged before the magistrate's court that such and such person has taken dowry, or such and such person has given dowry, so many loopholes could be found out as to how the punishment could be escaped. I need not illustrate by example, because that should not be taken advantage of by others, but I would certainly say this: suppose a person says, after this enactment has become law, "I will take dowry only in cash, and that too privately and secretly", it is very difficult to prove that. What I am submitting for the consideration of this House is this: it is the demand for dowry which is the essence of the transaction, and that should be

penalised, because it is possible to prove whether person before marriage has demanded dowry. Suppose a bridegroom or his party says "I will marry your daughter provided you give me Rs. 18,000 or Rs. 20,000". That letter is an evidence of the demand for dowry. Even if no dowry is given in pursuance of that letter, the demand itself is an offence under clause 4. In spite of the fact that the party may come forward and say "I have not received any dowry in pursuance of that letter", that letter is evidence of the fact that he has certainly demanded dowry.

Now, if we remove clause 4, what will be the effect? Suppose some letter is produced as evidence of the demand of dowry. Then the reply will be "Look here, I have demanded dowry. I wrote this letter. But this letter or oral evidence only proves the demand. Does it go to the extent of proving that I am benefited by it? You must go a step further and prove the actual taking or actual giving." I need not go into the legal technicalities, but it will be practically impossible. The result of eschewing section 4 from this Bill will be this.

With great respect for the hon. Law Minister, I am submitting that we are now entering into a bold adventure in the field of social legislation. Of course, Shri Tyagi would say that this legislation itself is most innocuous. But I would respectfully submit to this House that although it may be innocuous, it is an adventure in the field of social legislation. Of course it may not serve absolutely to eradicate the evil of dowry-taking. The social reformers' function may be there to do away with dowry-taking. But this is also a step which is an aid to eradicate this evil. The result of taking away section 4 from this legislation would be bad.

Of course, the hon. Minister would say that this is a legislation which is born out of good intentions. But the result will be that this legisla-

tion will be like a stillborn baby. This legislation would go *phut*, if I may explain it in common parlance, unless we make the giving or taking along with the demand for dowry a penal offence.

Now, let us look at section 4. The hon. Minister himself said that this will give a lever to the other persons, who have been disappointed, of match-making, where the parties have fallen out of a marriage, to harass the other party by unwanted legislation. This is an explanation, which I am surprised should come from the hon. Law Minister. If I want to harass the hon. Law Minister here nothing prevents me from filing a private complaint saying that on my way to Parliament he was about to assault me. Under the India Penal Code, I can move the District Court. Nothing prevents me from saying that he has defamed me. But it may be thrown out as a frivolous complaint by the magistrate.

Mr. Deputy-Speaker: Would any court believe that the hon. Law Minister could assault Shri Easwara Iyer?

Shri Tyagi: On the other hand, the opposite will be believed.

Shri Easwara Iyer: That depends on the quantum of evidence that is led in or as *res ipsa loquitur*. The thing speaks for itself whether he could assault me or not.

What I was saying is the fact that a legislation, which makes a certain act or omission an offence, will be utilised as a weapon of harassment in order to justify it being taken away is an argument which cannot hold water in the modern world. It is open to anyone—there is the Child Marriage Restraint Act—whenever, suppose a marriage is performed, to rush to the court and say, "Here is a child marriage." But if I rush to the court, I must prove it. If I sue the hon. Minister for assault on a frivolous complaint, he has got his remedies against me. But the complaint will be thrown out if I cannot sustain it.

So, the fact that a demand has been made for dowry and the demand is made an offence under section 4, it will lead to harassment of the parties to a marriage is a matter which I cannot understand.

Even on a reading of this section itself, where is the scope for harassment? The hon. Law Minister cited the example of two parties agreeing to enter into a marriage alliance and subsequently the marriage alliance falling off and a subsequent marriage with some other party being performed by the desirable youngman. It may be open to the other side to harass him by filing a frivolous complaint. That is what he said. What does the section say if read in the legal way? What that section penalises is not any two persons but—

"if any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom...."

The expression used is 'bride or bridegroom'. That must be understood in its proper light. With great respect for the hon. Law Minister I may say that it is not any person. The status of bride and bridegroom must come into existence, in order that section 4 may be attracted. What is the meaning of it has not been defined in this enactment, but if we go into the common meaning of the dictionary, the bride must be a person, who sooner or later is about to be married and the status of the bride is the woman who is, at or before the marriage....

Mr. Deputy-Speaker: Not the woman. She cannot be a woman before marriage.

Shri S. M. Banerjee (Kanpur): Girl.

Shri Easwara Iyer: I am sorry girl. Here is a terminological inexactitude. I am only saying that the girl just before or after the marriage is known as the bride, and the bridegroom is the boy soon after or just before the marriage.

Shri Tyagi: For how long?

Shri Easwara Iyer: This is the dictionary meaning. I leave it to you to decide whether it is after cutting the wedding cake or subsequently after the honeymoon. It is for you to decide. I am only saying within a reasonable time of the marriage, just before or after, a person is known as a bride or bridegroom. I am making the position clear that any two persons cannot be called bride and bridegroom; at any rate, it is subsequent to the contract of marriage that a person attains the status of a bride or bridegroom. The bride and bridegroom relationship comes in once the contract of marriage has been fixed up, and then if the marriage takes place, they become man and wife.

The expression used is "bride or bridegroom". If a demand for dowry is made at that stage, certainly it is an offence. It is as bad as giving or taking of a bribe; but the marriage may fall through because of the inability of the bride's parents to meet the exorbitant demand made on them, and if still a person demands dowry, he must be penalised for that.

We were wanting to eradicate this evil. We know that our society is full of this evil. When a parent is faced with the situation that he has to spend beyond his means to see that his daughter is married to a desirable young man, he does not stand on level ground with the bridegroom's father. The over-anxiety and the concern of the bride's parent will drive him to the necessity of selling the last piece of his property to see that he raises sufficient funds to see that his daughter is married somehow or other. There is a saying in Tamil in our State to the effect that if a man has five daughters, even if he is a king he will become a beggar. That is the state of society in which we are living. To say that a demand for dowry cannot be penalised, but only the giving or taking of it is without meaning, for, as a practising lawyer of experience I can say that, if clause 4 is taken away, the giving or taking of dowry cannot be proved by

any evidence worth the name. This is a very serious matter. The taking away of clause 4 will render this Bill absolutely nugatory and will not bring about that amount of reform that it did contemplate, and all that the hon. Minister has said will only stay as intention and the intention will not be translated into action.

I would therefore again appeal to the House to throw out the amendment deleting clause 4. If necessary, this House and the other House might consider it in a joint session since this is a matter which involves thousands and thousands of young men and women in this country. We will have to consider the matter anxiously before we delete clause 4.

Shrimati Manjula Devi (Gopalpara): We have discussed this Bill in great detail. I would like to take only two minutes to discuss the amendments.

The Bill, as it has emerged from the Rajya Sabha, gives a confused picture of the whole problem. The amendments recommended by the Rajya Sabha are very conflicting. What they give with one hand is taken away by the other. They are very contradictory. The purpose served by deleting Explanation I in clause 2 is weakened by deleting clause 4. The intention of the Bill is to awaken the social conscience of the people in regard to the evil of the giving of dowry.

Sir, mind instigates action, and action is originated at the initial stage of demand. At the stage of demand, most of the marriages are broken. Any evil act or any harmful undertaking should be nipped in the bud at the very outset. So, this evil should be destroyed at the very stage of attempt itself.

Do we want to defeat the very intentions of this Bill? I do not think we want to defeat the very intentions of this Bill. If we delete clause 4, then we would certainly defeat the intention of the Bill. So, I would strongly recommend that clause 4

should be retained, and I would request the hon. Law Minister that he should call a joint session of both the Houses for the final passing of this Bill.

Kumari M. Vedakumari (Eluru): When the Bill was first considered in the Lok Sabha, in a way, we criticised the Bill because we thought it would be very difficult to implement the Bill in its full sense. But after the Bill has come back from the Rajya Sabha, we find that it has come back without even that sense, because they want to delete clause 4. We want to understand the mind of the Law Minister as to the purpose of deleting clause 4.

Mr. Deputy-Speaker: The hon. Member should give out her mind. Why should she try to understand the mind of the Law Minister?

Kumari M. Vedakumari: It is the Law Minister who has brought forward this Bill before the House. So, we would like to understand why the Minister has brought forward this Bill. Is it to decorate the statute-book? I only wish to express the sentiment or the opinion in the country. This Bill has been brought forward because Government wanted to make the acceptance or giving of dowry a legal offence. But without doing that, they want to delete clause 4. That is, demanding of dowry is not made a crime. Demanding is not punishable. But I want to submit that when you say that giving and taking are punishable, then it must be remembered that demanding is the very first step in the bargain for the marriage. Unless a certain gentleman or a party demands, the bargain will never start. We are encouraging the starting part of the bargain, but only at the last point we say that it is a criminal offence and that it is punishable. I am afraid society will not appreciate this kind of thing.

I want to submit that when a Bill is brought forward, there should be an element of coercion and the punishment should be deterrent, and the Bill

should be brought forward before the House and after it is passed, it should be implemented in the society in its full sense. So, we, the Members of this House, request the Law Minister not to go by the opinion of the Rajya Sabha, but to understand and appreciate the stand taken by the Lok Sabha and call for a joint session of both the Houses . . .

Mr. Deputy-Speaker: Why should we request the Law Minister we have to take a decision ourselves.

Kumari M. Vedakumari: I would request the Law Minister to call for a joint session to decide this matter.

When this Bill was discussed in the Rajya Sabha, clause 4 was voted down by Rajya Sabha, but while bringing it back to the Lok Sabha again, the Law Minister said that we never discussed clause 4 here. The fact is that our House was unanimous about it. The House unanimously agreed to retain that clause in the Bill. So we never had a discussion over that clause. When the Rajya Sabha voted it down, we are having an opportunity to discuss it. We are now expressing our opinion that that clause should be retained in this Bill. If we want to give full sense to this Bill, if we want to make it a Bill with a clear sense, this clause should be retained in it.

Shri Tyagi: On the previous occasion also, I had agreed to the passing of this Bill only willy-nilly. I am in principle opposed to any such measures. I think it were better even at this stage if the Minister were pleased to withdraw the Bill altogether, because my feeling is that such reforms could better be effected by people going into the society and preaching such reforms. Our society is already too law-ridden and to pass a Bill for every little movement of society will make it difficult for people to live. But anyhow, after due discussions we had come to some compromise formula, whereby we decided that if any presents, a few clothes or so are given by the father to his daughter, they should not be deemed to be dowry

[Shri Tyagi].

within the meaning of the Act. Some clarifications were also made. This was made clear in the Explanation so that people may not be embarrassed or harassed over small, little matters. The Explanation which is now sought to be dropped reads:

"For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties".

We passed the Explanation after due consideration. Our desire was to see that none of the parties was unnecessarily harassed. Any presents made—even in ordinary marriages we make certain presents—any presents made to one's own daughter should not be deemed to be a dowry, if they are willingly offered.

Now, I have no son. Where shall I take my property? Shall I give it to the Minister? Can I not give it to my daughters? I have three daughters. I must give my property to my daughters. If it is demanded, of course it is an offence. But willingly and voluntarily if I give it, why should I be prevented from doing so!

Shri Easwara Iyer: Do not give it as consideration for marriage.

Shri Tyagi: If this Explanation is taken away, the result will be like this: गए रे शादी कराने पहुँच गए जेलखाने ।

Mr. Deputy-Speaker: The hon. Member has taken enough care.

Shri Tyagi: In fact all punitive clauses in the matter of marriages are unwelcome to me. Children get married. This is the best occasion in their life. Let their pleasure and happiness not be marred by any such thing. I am not in favour of any legislation in this matter. But if the House

now feels, since we have reached this stage, that we should have legislation and the Bill should be passed, I insist that this explanation must be maintained. The House must insist on the Explanation remaining in the Bill.

पंडित ठाकुर दास भार्गव (हिसार) :

जनाब डिप्टी स्पीकर साहब, तीन प्रमेंडमेंट्स दूसरे हाउस से आई हैं, उन को देख कर मुझे खरा ताज्जुब सा हुआ । जब इस हाउस में आरिजिनली यह बिल आया, तो उस वक्त हमारे आनरेबल ला मिनिस्टर साहब ने निहायत वाजेह तौर पर बयान किया था कि जहाँ तक स्त्री धन का ताल्लुक है, स्त्री-धन देना जायज है, स्त्री-धन रखना जायज है और स्त्री-धन के बरखिलाफ उन्होंने एक लफ्ज भी नहीं कहा । बल्कि जब मैंने बीच में इन्ट्रूट किया, तो उन्होंने फरमाया कि वह खुद भी स्त्री-धन के हक में हैं और इससे उसको देना मना नहीं है । मेरा ख्याल है कि उनको यह याद आ गया होगा ।

श्री अ० कु० सेन : अभी तक ऐसा ही कहता हूँ ।

पंडित ठाकुर दास भार्गव : अभी तक वह ऐसा कहते हैं । यही नहीं कि अभी तक वह ऐसा कहते हैं । मैं इससे भी आगे जाता हूँ । मैं आनरेबल मिनिस्टर साहब की ठीक तौर पर तारीफ़ करता हूँ—मैं उनकी खुशामद नहीं करता हूँ जब मैं यह कहता हूँ कि उनको इस कदम मारेल करेज था कि उस हाउस में जब ये सवाल उठाए गए, तो उन्होंने कहा कि कुछ ही इस की तारीफ़ रखो, यह नैचरल चीज है कि शादी के मौके पर बाप बेटी को दे और मेरी बेटियाँ हैं, मैं दूंगा । दिस इज वाट ही सेंड मैं ने इस सिलसिले में सब की सब तक्रारों पढ़ी हैं । मैंने आनरेबल मिनिस्टर साहब का जो एटीच्यूड यहाँ पर देखा, उसकी बेहद तारीफ़ करता हूँ कि ही हैड दी मारल करेज आफ़ सेइंग वाट ही बिलीव्ड । यहाँ

पर कौन साया था इस भ्रमंडमेंट को ? यह किस की भ्रमंडमेंट है, जिस को वह खारिज कराना चाहते हैं ? हमारे डिप्टी ला मिनिस्टर साहब की, जिन्होंने खुद इस भ्रमंडमेंट को रखा । उस भ्रमंडमेंट को रखने पर झगड़ा हुआ । हमारे ला मिनिस्टर साहब ने उसको भ्रमंड किया । लेकिन इन दोनों मिनिस्टर साहबान के दिल में यह चीज थी, है और रहेगी कि जहां तक इस भ्रमर का ताल्लुक है कि शादी के मौके पर लड़के या लड़की के वालदेन कुछ दे सकें, यह एक ऐसी चीज है, जो हज़ारों बरसों से इस देश में चली आ रही है, जो कि हर एक सोसायटी में, हर एक बिरादरी में और हर लोगों में रायज है । बीच में जब झगड़ा हुआ, तो हमारे स्पीकर साहब ने बीच में दखल दिया । जिन लोगों को वे तकरीरें याद नहीं हैं, वे प्रोसी-डिग्न देखें । उन्होंने दखल दिया और कहा कि शादी कैसे मुमकिन है अगर आप कस्टमरी प्रेजेण्ट्स को रोकते हैं, जो शास्त्र के मुताबिक है, यानी लड़की को अच्छी तरह कपड़े ओढ़ा कर, जेवर पहना कर शादी के वक्त झाड़ बना कर बिठाया जाये । जहां तक राज्य सभा—हमारे एल्डर हाउस—का ताल्लुक है, मैं उनकी शान के बरखिलाफ कुछ अर्ज करना नहीं चाहता हूं, क्योंकि मैं जानता हूं कि वहां के मੈम्बर साहबान भी हमारी तरह इस बात के लिए एकशस हैं कि देश में ऐसे काम हों जो कि लोगों को पसन्द हों और उनके फ़ायदे के लिए हों । वे डरते हैं दफा ४ से, लेकिन मैं यह अर्ज करना चाहता हूं कि दफा ४ को रलें या न रलें, अगर इस एक्सप्लेनेशन को आप हटा देते हैं, तो कोई शादी इस देश में नहीं होगी जिसमें हैरासमेंट नहीं होगा, अगर पुलिस चाहे, या लोग चाहें । कौनसी ऐसी शादी है, जिसमें खाना नहीं खिलाया जाता है ? इस बिल में ये अलफाज हैं—

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

अगर आप बरात और नौशे को खाना खिलाते हैं इन कनसिडरेशन आफ दि मैरिज, अगर आप उनकी भाव-भगत करते हैं, ठहराते हैं तो इट इज इन कनसिडरेशन आफ दि मैरिज । इस कनसिडरेशन में नहीं, जिस सैन्स में बिल इस्तेमाल किया गया है, लेकिन नाट एज कनसिडरेशन बट इन कनसिडरेशन । यह मैंने पेशतर भी अर्ज किया है । हमारे दोस्त चाहते हैं कि शादी के वक्त खुशी हो, लेकिन अगर ये अलफाज रखे जाते हैं, तो हर मौके पर हैरासमेंट होगा, जिससे सरकार को इतना डर लगता है । अगर चालीस करोड़ लोगों के खिलाफ यह ला बगैर इस एक्सप्लेनेशन के पास किया जाता है, तो यह दुस्त नहीं होगा । मिनिस्टर साहब के दिमाग में यह है—हर एक मेम्बर जानता है कि उनके दिमाग में यह है कि प्रेजेण्ट दिया जाना जायज है । मैं अदब से पूछता हूं कि उनका मन्तव्य कुछ है और कर्तव्य कुछ है । वह दिमाग में तो यह रखते हैं कि शादी के मौके पर कुछ देना जायज है, लेकिन वह कहने से शरमाते हैं । मैं उन चन्द एक लोगों की मैसेलेटी पर हैरान हूं, जिन्होंने यहां तक राज्य सभा में कह दिया कि ला मिनिस्टर साहब मेरी जेब में हैं, मेरे काबू में हैं, मैं ने उन पर जादू कर दिया है । मुझे उन लोगों की मैसेलेटी पर शर्म आती है । आनरेबल मिनिस्टर साहब की जेब में मैं हो सकता हूं, लेकिन इतने लम्बे चीड़े मेरी जेब में कैसे हो सकते हैं ? मेरी गुजारिश है कि वहां पर जो लोग डरते हैं और इस तरह की बहस करते हैं.....

उपाध्यक्ष महोदय : किसी के लिये यह न कहिये कि वह डरते हैं । यह उनकी राय होगी ।

पंडित ठाकर दास भागवत : मैंने वहां की सब स्पीचिज पढ़ी हैं । वे कहते हैं कि हम इस के खिलाफ नहीं हैं कि शादी पर कस्टमरी गिफ्ट दिया जाय । मेरी यही शिकायत है । अगर वह कहते हैं कि प्रापर्टी का दिया और

[पंडित ठाकुरदास भागवत]

भिया जाना नाजायज है और नहीं होना चाहिये, दुनिया में ऐसा नहीं होता है, तो हम क्यों ऐसा करें, तो मुझे कोई शिकायत नहीं होती। सब के सब ने यह बयान किया कि देना तो दुस्त है, लेकिन एक्सप्लेनेशन हटा देना चाहिये, इस से पता नहीं कि क्या हो जायेगा। मैं जानता हूँ कि वे एक्सप्लेनेशन को क्यों हटाना चाहते हैं। यहां पर ज्वाइंट सिलेक्ट कमेटी की रिपोर्ट आई। उस में लिखा था कि दो हजार की रकम रखी जाये। उस के बारे में कहा गया कि इट इज एनकरेजमेंट आफ डावरी। हमने उस हिस्से को उड़ा दिया, ताकि कोई यह न कहे कि यह एनकरेजमेंट आफ डावरी है। हमने कहा कि राइट आफ प्रापर्टी क्या चीज है। क्या वालन्टेरी गिफ्ट भी नहीं दिया जा सकता है? जैसा कि अभी त्यागी जी ने फरमाया, किसी के पास जायदाद है, लड़का नहीं है, तो क्या वह मिनिस्टर साहब को देगा? इस में सच्चाई है। किसी के पास प्रापर्टी और कांस्टीच्यूशन में हम लिखते हैं कि उसका राइट आफ डिस्पोजल उसके पास है। मैं यह अर्ज करना चाहता हूँ कि इस तरह की शर्त रखना कि कोई प्रापर्टी किसी को दी या ली नहीं जा सकती है, इतना नाजायज है कि वह दुस्त नहीं। यह बिल्कुल कांस्टीच्यूशन के खिलाफ है। यह मैं मानने के लिये तैयार हूँ कि इस में ग्रीवामैन आफ दि चार्ज इतना है कि जो लोग नाजायज तौर पर, कनसिडरेशन आफ दि मीरेज के तौर पर किसी से एक्सटर्शन करके कुछ रुपया ले लेते हैं कि मैं अपने लड़के या लड़की की शादी नहीं करूंगा, अगर मुझे इतना रुपया न मिले, तो वह रांग है, जिसको हम कनडेम करते हैं, सारा हाउस कनडेम करता है। अगर इसके बारे में जनाब पुरानी बहस को पढ़ें, तो जनाब को मालूम होगा कि इस हाउस की ओवर व्हेलिंगली लार्ज मैजोरिटी ने इस को पास किया था। अगर इस तादाद को जनाब याद रखें, तो उस

हाउस के छः मेम्बरों की मैजोरिटी उस के सामने हेच है। यहां पर इतनी बड़ी भारी मैजोरिटी थी, जिसका कोई ठिकाना नहीं है। अगर दोनों हाउसेज के मेम्बरों को मिलायें, तो एक्सप्लेनेशन के हक में ओवरव्हेलिंगली लार्ज मैजोरिटी थी। मैं अर्ज करना चाहता हूँ कि इस एक्सप्लेनेशन को हटा देना देश के साथ बेइन्साफी होगी। मैं ला मिनिस्टर साहब के मारल स्टैंड की तारीफ करता हूँ, लेकिन वह मुझे माफ़ फरमायेंगे, मुझे यह कहने को ताम्मुल नहीं है कि उन्होंने उस हाउस को एक्सप्लेनेशन के बरखिलाफ देख कर उस फोर्स से, जिस से कि वह हमेशा अपने विलों के लिये लड़ते हैं, जोकि उनको पसन्द होते हैं, वहां वह नहीं लड़े, बल्कि एक तरह से उन्होंने सरेंडर सा कर दिया कि जैसे इसमें भी कुछ खराबी है। लेकिन मैं क्या करूँ? यह ला मिनिस्टर साहब का अपना बलाज है। यह ठीक है कि मैंने उस पर अमंडमेंट दी थी और मैंने ऑर-शोर से हाउस को अर्ज किया था कि यह दुस्त है। वह ऐसा न करें कि दिल में कुछ रखें और जाहिर कुछ करें और इस तरह वह देश में एक कोहराम न मचवा दें। मेम्बरों का कुछ नहीं बिगड़ता। यह सरकार का बिल है। अगर वह किसी गांव में जाकर कहें कि सब के सब लड़की की शादी पर सोग करने लग जायें, न किसी को मिठाई खिलायें, न ओढ़नी दें, तो सब लोग उन को क्या कहेंगे। वह देश में कोहराम मचाना चाहते हैं, सारे देश को डिस्टीटिसफ़ाइड करना चाहते हैं? वह यहां यह पास करना चाहते हैं कि एक कौड़ी की चीज देना जुर्म हो जायगा, किसी को खाना खिलाना जुर्म होगा, कपड़े देना जुर्म होगा। मैं यह अर्ज करना चाहता हूँ कि यह कन्ट्री के साथ फ़ाट होगा कि हमारे मन में तो यह है कि जो गिफ्ट मुनासिब हो, वह देंगे, यह जायज है और इस कानून में रोक दें कि किसी चीज को देना जायज नहीं है। मैं यह अर्ज करना चाहता हूँ कि प्योर

ब्रानेस्टी डिमांड कि वही चीज लियें, जोकि हमारे विभाग में है, मन्तव्य और कर्तव्य एक होना चाहिये । इस एक्सप्लेनेशन को हटाना दुस्त नहीं है । अगर उसको हटाया जाता है, तो इस बिल की सोल को खत्म किया जाता है । वह ऐसी चीज करते हैं, जोकि भ्रनहर्ड आफ है । आज तक किसी ने यह नहीं कहा कि शादी के मौके पर गिफ्ट मत दो । मैं भ्रज करना चाहता हूँ कि इस एक्सप्लेनेशन को रखना इस के टैटामाउंट है कि जो यहां और वहां के मेम्बर चाहते हैं, उस को डिसरिगाई करके उसके खिलाफ काम किया जाय । मैंने कई दिन लगाकर ये सब स्पीचिज पढ़ी हैं । मैंने एक भी स्पीच ऐसी नहीं पढ़ी, जिस में यह कहा गया ही कि कुछ भी देना जायज नहीं होगा । हमारे हाउस में भी इस एक्सप्लेनेशन को हटाने के लिये स्पीचिज हुई । हमारी बहनों और दूसरे मेम्बर साहबान ने इस का जिक्र किया और कहा कि हम इस को मानते हैं । मंगलमूत्र का जिक्र आया । हर एक चीज का जिक्र आया । हमारे स्पीकर साहब ने भी बड़े जोर-शोर से इस की ताईद की । इस को हटा देने का मतलब यह है कि सारे हाउस की मुत्तफिक राय और हमारे स्पीकर साहब की राय को मिनिस्टर साहब डिसरिगाई करना चाहते हैं । मैं हरगिज यह मानने के लिये तैयार नहीं हूँ । हमारे ला मिनिस्टर साहब ने दस वफा यह कहा कि मैं इस के बरखिलाफ नहीं हूँ कि हमारे देश में लड़कियों को फ्राइनेशियल इंडीपेंडेंस हो, मैं इस के बरखिलाफ नहीं हूँ कि लड़कियों को शादी के मौके पर कुछ दिया जाय । उन्होंने यहां तक कहा कि अगर इस को पास कर देंगे, तो भी मैं दूंगा । मैं इस से ज्यादा और भ्रज नहीं करना चाहता । इसलिए मैं ज्यादा बक्त नहीं लेना चाहता हूँ । मैं यह भ्रज करना चाहता हूँ कि जहां तक एक्सप्लेनेशन का सवाल है, हम किसी सूरत में भी इस को हटाने के लिये तैयार नहीं हैं और डावरी की ऐसी तारीफ करने के लिये तैयार नहीं हैं कि कोई प्रापर्टी या पैसा डायरेक्टली

या इनडायरेक्टली, किसी तरह का, किसी रिस्तेदार से, किसी तरह से, लेना देना नाजायज होगा और वह हैरासमेंट होगा । अगर पुलिस वाले न पहुंचे, तो एक ब्रादमी शिकायत कर देगा । हर एक ब्रादमी को शिकायत करने का हक है । अगर किसी के साथ लड़ाई हो जायगी, तो शिकायत कर दी जायगी । मैं इस एक्सप्लेनेशन को किसी भी कास्ट पर हटाने के लिये तैयार नहीं हूँ, जिस को खुद ला मिनिस्टर साहब और डिप्टी ला मिनिस्टर साहब ने समर्थन किया हुआ है और जिस को सारे हाउस की प्रोवरन्ट-स्मिगली लाज मैजारिटी ने पास किया हुआ है ।

श्रीमती सुभद्रा जोशी (भ्रम्बाला) :
सेक्शन ४ के बारे में आप की क्या राय है ?

16 hrs.

पंडित ठाकुर दास भागवत : मेरी राय यह है कि हमारे ला मिनिस्टर साहब जैसेकि श्री दी० चं० शर्मा जी ने उन की सही तौर पर तारीफ की है, उन लायर्स में से हैं, जिन को बहुत तजुर्बा है हाई कोर्ट का और बड़े डिस्टिगुइशड लायर्स में से हैं, उन्होंने खुद राज्य सभा में यह कहा था कि दफा ६ ऐसी दफा है जिस से उन के खयाल में फायदा पहुंचेगा । बाकी दफाओं के ऊपर उन्होंने कहा कि उन के ऊपर मैं ज्यादा डिपेंड नहीं करता कि रिफार्म होगा । दफायें ३ और ४ हैं जिन का कुछ झगडा हो सकता है । दफा ३ में डावरी का देना और लेना दोनों नाजायज हैं । मैं ने भ्रज किया था कि जो देता है डावरी, उस को माफ कर दिया जाय, उस के ऊपर मुकदमा न चलाया जाये । अगर डाका पड़ जाय तो पहले ही जिस के घर डाका पड़ा है उस को मुलजिम करार दे दिया जाये तो यह ठीक नहीं होगा, यह बिल्कुल गलत होगा । एक मास्टर था, उस के पास अगर कोई लड़का शिकायत ले कर जाता था तो वह पहले उसी को पीटने लग जाता

[पंडित ठाकूर दास भार्गव]

था और कहा करता था कि क्यों पिटा, तू ने उस को मारा क्यों नहीं और उस के बाद दूसरे से पूछा करता था कि क्या मामला हुआ है। इसी तरह से यहां बात है। जो देने वाला है वह मजबूर हो कर देता है, जिस की लड़की की शादी नहीं होती है, जिस की लड़की बड़ी हो गई है, बगैर रुपया दिये कुछ होता नहीं है, मजबूर हो कर अपना घर बेच कर, अपनी सारी चीजें बेच कर, जैसे एक्सटार्टिड भ्रादमी होता है उसी तरह से वह वहां पर कुछ दे देता है, तो हम उस को भी पब्लिक इंटरिस्ट में मुजरिम करार दें, यह कहां का इंसाफ है। इस वास्ते मैं ने अर्ज किया था कि उस को मुजरिम करार न दिया जाये। जो लेने वाला है, जो नाजायज फायदा उठाता है, वह मुजरिम है और जो देने वाला है वह तो लुटता है। लेकिन हाउस ने अपनी विजडम में दोनों को मुजरिम करार दे दिया जैसे रिश्वत के अन्दर लेने वाले और देने वाले दोनों को मुजरिम करार दे दिया गया है। यह इसलिये किया गया ताकि यह चीज हमारे देश से हट जाये। लेकिन जैसाकि आनरेबल मिनिस्टर साहब ने कहा और हमारे ईश्वर अय्यर साहब ने उस की बड़े जोर से टाईड की कि देने वाला कभी आ कर यह नहीं कहेगा कि मेरे समधी को और मेरे दामाद को कैद कर दिया जाये, मेरी लड़की को जिस ने शायद कुछ हिस्सा लिया है, उस को कैद में भेज दो। तो इस का मतलब यह है कि गिवर मुकदमा नहीं करेगा, टेकर नहीं करेगा। तो मुकदमा कौन करेगा? इस वास्ते मैं समझता हूं कि दफा ३ के जितने भी मुकदमात होंगे अगर वे सारे के सारे नहीं तो ६६.६ परसेंट फेल हो जायेंगे। अदालतों में कोई नहीं आयेगा। इस का मतलब यह होगा कि दफा ३ के अन्दर कनविकशंस बहुत कम होंगे, बहुत थोड़े मुकदमे आयेंगे। हम ने पिछली बार कहा था कि कोई मशीनरी बना दो, कुछ ऐसा कर दो कि सोशल कामेटीज इस में हिस्सा लें लेकिन

वह एमेंडमेंट भी मंजूर नहीं हुआ। मैं समझता हूं कि इस सारे कानून की जी जान है, सारे कानून का जो बोझ है, अगर हम कह सकते हैं कि कुछ कानून तो बना है, तो वह यही है।

आप खुद कहते हैं कि लेने वाला और देने वाला दोनों निकल जायेंगे। ऐसी सूरत में क्या चीज है जिस के वास्ते हम ने कानून बनाया है? जहां तक मैं समझा हूं वह है रुपये को एक्सटार्ट कराना, किसी दूसरे के दिल पर यह असर डालना कि अगर रुपया नहीं दोगे तो तुम्हारी लड़की की शादी नहीं होगी। इस वास्ते The real gravamen of the charge, the real gravamen of this Bill is the demand for dowry दिया जायगा या नहीं दिया जायगा, जुर्म होगा या नहीं होगा, लेकिन अगर आप डिमांड को भी पीनल करार नहीं देते हैं, अगर यह कह देते हैं कि डिमांड करने वाले को सजा नहीं होगी, तो इस बिल का कोई फायदा नहीं है। मैं अगर हाउस की बड़ी इज्जत करता हूं। लेकिन मैं नहीं समझा कि उन मेम्बर साहिबान ने जिन में श्री पी० एन० सप्रू भी थे जिन्होंने कि इस के खिलाफ तकरीर की, क्यों इस के साथ एग्री नहीं किया। जहां तक जुर्म का सवाल है वह होता है दिमाग से। जो चाहता है कि कुछ मिल जाये वह मुजरिम है, वह आइडियल मुजरिम है, उस का एटि-ट्यूड आफ माइंड ऐसा है जोकि उस को मुजरिम बना देता है, अगर वह अपनी एटिम्प्ट में सक्सेसफुल हो जाता है, तो भी मुजरिम है और अगर सक्सेसफुल नहीं होता है तब भी मुजरिम है क्योंकि जहां तक उसके एक्ट का ताल्लुक था वह उसने कर दिया, वह इसमें कामयाब हुआ या नहीं हुआ यह और बात है। अनसेकसेसफुल होने पर अगर आप उसको सजा नहीं देते हैं तो यह बड़ी बात होगी कि लोगों को इजाजत हो कि वे दूसरे लोगों के घरों में जाकर चोरी करें और अगर चोरी में वे अनसक्सेसफुल हों तो उनको सजा नहीं होगी।

आपने जनाबेवाला खुद कहा था कि दफा ५११ इसमें आयद होनी है या नहीं। मैंने उसके बाद जाकर इसको देखा और मैं मानता हूँ कि जैसा नथवानी साहब ने कहा कि वह आयद नहीं होती है, मैं भी समझता हूँ कि वह यहां आयद नहीं होगी। मैंने उस रोज़ अर्ज किया था कि अगर आप दफा ४ को हटा दें तो जिस हूरेसमेंट का आप नाम लेते हैं, जिस हूरेसमेंट के नाम पर आप अपील करते हैं, वह हटे या न हटे, मेरी गुजारिश यह है कि दफा ४ असल दफा है और अगर इसको हटा दिया जाए तो यह बिल ही खत्म हो जायगा। यह बिल क्यों यहां रखा गया है? जिस गर्ज से इसको रखा गया है अगर उसको किसी हद तक पूरा करना है तो दफा ४ और एक्सप्लेनेशन दोनों रहने चाहियें। अगर आप एक्सप्लेनेशन को हटाते हैं और दफा ४ को हटाते हैं तो, जैसा मैंने पिछली बार कहा था डावरी सिस्टम खत्म हो या न हो, डावरी सिस्टम का खात्मा होना इस बिल से मुश्किल है, इस बिल की जान ही निकल जाती है और बहुत है कि इसको आप वापिस ले लें, इसको विदड़ा कर लें, इस बिल का कोई फायदा नहीं रह जाता है। ये दोनों चीजें मेरा नाकिस राय में इस बिल की जान है। हो सकता है कि अगर हाउस में यह अच्छी तरह से समझा न गया हो कि दफा ४ किस गर्ज से बनाई गई थी। इस हाउस में दफा ४ पर बहुत ज्यादा झगड़ा नहीं हुआ। यह इतनी आव-बियस चीज थी कि इसकी मुखालिफ्त नहीं हो सकती थी।

अब एक चीज डायरेक्टली और इन-डायरेक्टली रह गई है। हमारे ला मिनिस्टर साहब ने बड़े वाजया तौर पर बताया है कि डायरेक्टली और इनडायरेक्टली के जो अफ्फाज हैं वे बिल्कुल गलत थे क्योंकि गिब्ज के अन्दर चाहे डायरेक्टली दे या इनडायरेक्टली दे, दोनों चीजें आती हैं। मैं उन लोगों के बारे में क्या कहूँ जिनकी समझ में यह बात नहीं

आई। अगर उनकी समझ में यह बात नहीं आई तो हमारे ला मिनिस्टर की समझ में यह बात आ गई है जो यह कहते हैं कि इसको हटा दें और मैं इसकी ताईद करता हूँ मैं मिनिस्टर साहब से एग्नी करता हूँ कि डायरेक्टली लिखें या न लिखें, जब तक गिब्ज यहां पर मौजूद है, उसके माने डायरेक्टली और इनडायरेक्टली दोनों हैं। ला मिनिस्टर साहब इस हाउस के मैम्बर हैं और हम जानते हैं कि उनकी कद्र कितनी होनी चाहिये। जब वह कहते हैं कि इनकी कोई जरूरत नहीं है तो कोई वजह नहीं है कि उसको माना न जाए। हमारे डिप्टी मिनिस्टर साहब ने खुद यह एमेंडमेंट मूव की थी कि एक्सप्लेनेशन न दें तो मुश्किल हो जाएगी जिसका मतलब यह है कि हमारे ला मिनिस्टर साहब और डिप्टी ला मिनिस्टर साहब की इतनी जबदस्त राय थी, इतनी लीगली राइट राय थी कि हम उसको खैरबाद नहीं कह सकते थे। इस वास्ते इस एक्सप्लेनेशन को हटा दिया जाए तो इस बिल की जान ही चली जाएगी और यह किसी तरह से भी वाजिब नहीं होगा।

मैं अगर हाउस की कद्र करता हूँ लेकिन मैं पूछता चाहता हूँ कि इस हाउस ने क्या किया था, इस हाउस की मैजोरिटी ने क्या पास किया था जिस पर उनको एतराज था। यहां पर इसके हक में इतनी ज्यादा मैजोरिटी थी कि उसको देख करके कुछ लोग वाक आउट भी कर गए। मुझे इस पर खुशी नहीं है कि वे वाक आउट कर गए। मैं चाहता हूँ कि जितने भी सोशल लैजिस्लेशन हों वे सब की राय से, सब की सम्मति से पास हों। लेकिन चूंकि यहां पर मैजोरिटी का सवाल है, इस वास्ते उस तरह से उनको पास किया जाता है। मैं मैजोरिटी की तरफ से अपील करता हूँ, आनरेबल स्पीकर साहब ने जो कुछ कहा उसकी बिना पर अपील करता हूँ, आनरेबल मिनिस्टर साहब के कंडक्ट की तरफ से अपील करता हूँ, कि अगर आप सही मानों मैं

[पंडित ठाकुर दास भार्गव]

ऐसे बिल को रखना चाहते हैं और चाहते हैं कि उससे देश का कुछ भला हो

उपाध्यक्ष महोदय : मैं माननीय सदस्य से कहना चाहता हूँ कि वह स्पीकर साहब की स्पीच का बार बार इस्तेमाल न करें।

पंडित ठाकुर दास भार्गव : जनाबेवाला, मैं खत्म कर रहा हूँ और बार बार उस स्पीच का इस्तेमाल नहीं करना चाहता हूँ। लेकिन क्या उन्होंने इस किस्म की स्पीच नहीं दी, क्या उन्होंने नहीं कहा कि कोई शादी नहीं . . .

उपाध्यक्ष महोदय : अगर यहां बैठे हुए उन्होंने कुछ लफ्ज कहे तो बार बार उनके बारे में नहीं कहा जाना चाहिये।

पंडित ठाकुर दास भार्गव : उनके जो लफ्ज थे, वे बेहद बुककत के हैं और मेरे लिये यह मुम्किन नहीं है कि मैं उनके उन बुककत के लफ्जों को छोड़ कर अपनी राय का इजहार करूँ और मैं समझता हूँ कि आनरेबल स्पीकर और डिप्टी स्पीकर साहब जो राय देते हैं, उनकी राय का जो मैंबर लिहाज नहीं करता है मेरे ब्याल में उसके दिमाग में फर्क है

उपाध्यक्ष महोदय : ऐसा न कहिये, किसी वक्त आपके खिलाफ भी कोई राय यहां से दी जाए तो आप क्या करेंगे ?

पंडित ठाकुर दास भार्गव : मेरे खिलाफ भी अगर राय दी जाएगी तो उसकी भी मेरे लिए उतनी ही बुककत होगी जितनी अब है, उस में कोई फर्क नहीं आएगा।

मैं अर्ज करना चाहता हूँ कि मैंने ला मिनिस्टर साहब की कई मामलों में मुखालिफत की है और करता रहूँगा तब तक जब तक कि मेरे डिफरेंसिस रहेंगे लेकिन इसका यह मतलब नहीं है कि मैं उनकी लियाकत की, उनकी काबलियत की, उनकी दूसरी चीजों की कद्र नहीं करता हूँ। उनके लिए मेरे दिल में बहुत

इज्जत है। मैं अर्ज करना चाहता हूँ कि हाउस को अपने आप को स्टलटिफाई नहीं करना चाहिये। जिस हाउस ने बहस करके मैजोरिटी के साथ इसको पास किया और समझा कि यह ठीक है, वह अपनी राय इस वास्ते बढ़ा दे कि दूसरे हाउस ने इसको दूसरे तरीके से पास किया है तो इसके कंसिक्वेंसिस अच्छे नहीं होंगे। मैं नहीं चाहता हूँ कि हाउसिस के बीच में कोई डिफरेंसिस हों। लेकिन जब डिफरेंसिस चालीस करोड़ आदमियों पर असर डालने वाले होते हैं तो हमको उनपर संजीदगी से गौर करना होगा। कौन सा सैक्शन है जिसमें शादी नहीं होगी, कौनसा सैक्शन नहीं है जो मुकदमा नहीं कर देगा ? इस वास्ते मैं अर्ज करना चाहता हूँ कि हम अपने साथ इंसाफ नहीं करेंगे, हाउस के साथ इंसाफ नहीं करेंगे अगर हमने इन तीन एमेंडमेंट्स को मान लिया। इस वास्ते मैं अपनी पूरी ताकत से इन तीनों एमेंडमेंट्स को अपोज करता हूँ।

Shri C. R. Pattabhi Raman (Kumbakonam): I shall straightaway state that I am for the explanation and for clause 4. Having said that, to avoid speculation, may I, with your leave, endeavour to present the picture of the Bill, as it has now evolved, as it is before us now? In clause 2, there is the addition of the words "either directly or indirectly". That implies any property or valuable security, if it is agreed to be given either directly or indirectly. We must remember that we have passed the Gift Tax Bill. People who go through the Gift Tax Bill will find that what is contemplated in that measure is exemption for provision for children, especially at the time of marriage. It appears as though we are forgetting the previous enactment where special provisions have been made with regard to provision for children at the time of marriage. The explanation, if I may summarise, relates to presents in the form of cash, ornaments, cloth or other things.

Then, the position is this. We are for the abolition of dowry. We know that it is too late in the day, if I may say so, after the Joint Committee has reported on it and a good deal of discussion has gone through, to say that the hon. Law Minister should agree to withdraw the legislation at this stage. Rightly or wrongly, there is a feeling in the country, and I subscribe to it, that the dowry is an evil which really characterises a good number of marriages in our country.

Perhaps it may not be realised that abetment may come into the picture. I want my lawyer friends to realise that conspiracies also are possible. Suppose a marriage is broken in a city, or village, or anywhere. The aggrieved side wants to bring the other people into some sort of trouble. A complaint is filed. Though it may not be very relevant to the discussion, I may say that the other day a distinguished film actor was detained in South India, for possessing liquor. Some poor officer was trying to enforce the law passed by the State on prohibition. There were a number of editorials in many newspapers that a big bungling has taken place, that tourism will be affected and so on. Just imagine the feeling of the poor officer who wanted to see that the law is enforced. Let us think for a moment what will happen if conspiracy . . .

Shri T. B. Vittal Rao (Khamnām): What an innocent example you have given!

Shri C. R. Pattabhi Raman: I am only referring to the consequences. You are now passing a law which will have certain penal clauses in it. What will happen is this. Suppose there is a charge of conspiracy. A present is given by some person, and the charge is that it is given by the father of the bride through that other person. Therefore, that present is a present which comes under the term "dowry". Kindly see the ramifications of it. It need not be necessary to prove the giving or taking. It is enough for one to file a complaint. If he wants to file a complaint against certain parties, stating that a present is given through some

persons. That is good enough as an offence. Please consider that aspect. Abetment is an offence here. Of course, "attempt" would not come here. What will happen, especially in the villages?

Shri Easwara Iyer: A complaint without *prima facie* evidence might be rejected immediately.

Shri C. R. Pattabhi Raman: I want to assure my friend, Shri Easwara Iyer, that once a complaint is filed, the accused does not feel secure till it is finally disposed of. Till you are acquitted or discharged, you are an accused. People are dead afraid of this. The harassment aspect is there. Even important people in England do not mind at all complaints or charges against them before magistrates. They just go to the court, face the charges and get out of them if possible. They see nothing wrong about it. But in our country the very fact that a complaint has been filed and one is taken to a Police court is enough. The fact remains that this will be a tremendous weapon of harassment if the explanation goes.

To the best of my ability I have been trying to understand what Pandit Thakur Dasji was saying in Hindi. The hon. Deputy Law Minister, after a big debate, actually worked on Panditji's amendment. The whole thing was written down. Pandit Thakur Dasji was moving an amendment to by way of an explanation. That was modified and accepted. This was the result of a good deal of deliberation in this House.

Now let me go back to clause 2. What happens is this.

"At or before or after marriage as consideration"

and not "in consideration of marriage" are the words. Now suppose a wrist watch is presented by the uncle of the girl. Some other party, who has got a grievance. . . .

Shri Tyagi: Please do not point your finger towards me.

Shri C. R. Pattabhi Ramana: I thought you had a very powerful case for your daughters for whom you have to provide.

Suppose a wrist watch is presented by the uncle of the girl or by a friend. It is stated in the complaint that it is really the bride's father who is giving it through that person as consideration of marriage. It may be that in course of time you may have a number of cases where the courts will give rulings as to what is "consideration". It may be directly consideration for marriage or as a dowry or not. All these may be matters of interpretation. Till we have the accepted interpretation, the parties will have to stand in the court as accused. There may be a conspiracy charge. The whole lot of them will be lugged in. After days and days of adjournments and the other side's filing statements, it may take six months or eight months before they are discharged or acquitted. Do you want that?

The Rajya Sabha has been pleased to add "either directly or indirectly" to make it more pointed and to make it more impressive. So, anything, either directly or indirectly, is brought in as consideration. If the explanation goes, I wonder if *Mangalsutra* would come within its purview. I have been thinking about it. In many communities, unless I am very much mistaken, the *mangalsutra* is given by other people. Aunts do it in many cases. Although that class of people have disappeared now, but in certain parts of Andhra Pradesh the Devadasi is supposed to be *nitya sumangali* and it is she who goes and ties the *mangalsutra*. What will happen? Is it dowry or not? Able friends like Shri Easwara Iyer, if he is a prosecutor—if he becomes a prosecutor, he will really succeed—he will say it is really a consideration indirectly. It is not necessary that the party should be involved here.

Shri Easwara Iyer: I will not be as irrational as that.

Shri C. R. Pattabhi Ramana: The party directly need not be involved at all. It can be done through other persons. So, the widest ambit has been given.

Now if the explanation goes and if we add 'directly or indirectly' to clause 2, it will create havoc. It will lead to a lot of harassment. If a match is talked about and is put through, all is well and good. Even then I will not be surprised, because the stigma of our women being thrown away from the house or of not living with their husbands has almost vanished now, specially in big cities. That is not a big terror now. Actually, a daughter may come away from the husband and then there may be complaint. Therefore if the explanation goes, 'as consideration will be very, very wide.

Having said that, I wish, with your leave, to go to clause 4. I see no rhyme or reason as to why the Rajya Sabha should drop clause 4 at all because demanding, as has been put very ably by Shri Easwara Iyer and others, is the beginning of it. If you want to scotch the offence at the very beginning and nip it in the bud, that is the time to do it, that is, when they demand it. What is the use of taking away a clause which provides for penalty for demanding dowry and penalising only actual giving and taking? Therefore I would submit that the Explanation should be retained and clause 4 should be enacted and "either directly or indirectly" may be taken away in clause 2.

Shri Mulchand Dube (Farrukhabad): We are not able to understand the meaning of the word "consideration". The Law Minister will kindly enlighten me on this point. Clause 2 reads:

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

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person:

at or before or after the marriage as consideration for the marriage of the said parties.."

If "consideration" is as defined in the Indian Contracts Act, the question will be whether the Hindu marriage is a contract or a sacrament. We have passed the Hindu Marriage Act. Although that Act provides for civil marriages and contractual marriages also, sacramental marriages have not yet been prohibited. If it is a sacramental marriages, the question will be whether anything given at the time of such marriage can be deemed to be a consideration for the marriage at all. My submission is that it will not be a consideration, because the marriage of a daughter or a sister is a sacrament and it is the bounden duty of a parent or brother to help the daughter or sister. Hence there is a defect in this definition.

The same thing is there in the Explanation also. In order to bring something within the four corners of the word "consideration," there has to be a contract. If there is a contract, there has to be a proposal, there has to be an acceptance. My hon. friend is taking out clause 4 altogether which means that there should be a demand. He says the demand is not necessary. If the demand is not necessary and an acceptance of the demand is not necessary by the other side, how will it be a consideration? Therefore, I submit that the omission of clause 4 is again a mistake. If it is taken out, the whole Bill becomes infructuous.

Then I come to clause 6. If the dowry or something given at the time of marriage is void, if the contract itself is void, then the question will be whether you can ask the person who has taken that money or the property to refund it, because in the ordinary course of law, when a contract is void, the property is allowed to remain where it is.

If the demand of dowry is itself void, then there is no question of its being returned to the girl or anybody else. I think clause 6 suffers from that defect. I only wish that the hon. Minister will take all these into consideration and enlighten me as to whether I am stating the law correctly.

Shri Nath Pai (Rajapur): May I draw your attention to the fact that a demonstration of railway workers, about 20,000 strong, is before the House wanting to make a representation to this august House? May we seek your guidance as to how that representation may be made?

Shri Naushir Bharucha (East Khandesh): May I know if they are prevented from coming in, or if any of their representations have been prevented from coming in, at the instance of the Chair?

Mr. Deputy-Speaker: Order, order. I am not at all concerned with what what is happening outside. The only authority that I have got here is to see that the proceedings here inside the House are conducted properly, and that is what I am doing. I will request hon. Members not to detract my attention from the duties that are cast upon me.

Shrimati Parvathi Krishnan.

Shri Braj Raj Singh: This House should become aware of the conditions of the people.

Mr. Deputy-Speaker: Should we adjourn the House?

Shrimati Parvathi Krishnan (Coimbatore): After hearing all the speeches that have taken place on the amendments, starting with that of the Law Minister himself, what strikes me is that the word 'harassment' has become a much-abused and much-hackneyed word, because all the arguments that have been put forward by hon. Members to strengthen their point of view have all the time been using this question of a possible harassment and inevitable harassment and imaginary harassment.

[Shrimati Parvathi Krishnan.]

And in so doing, they seem to completely lose sight of the real importance of the Bill, or, perhaps to be more honest, my opinion is that in so doing, they try to cloud the issue and try to side-track the whole thing on to this question of harassment.

With regard to the question of whether the giving of property to a daughter would come under this Bill, which Shri Tyagi referred to, there is nothing on earth to prevent it; nobody on earth is going to stop him from giving his property to his daughter. The only thing is that nobody wants this property to be made a condition to the marriage on the part of the bridegroom. How he seems to understand that people do not want him to give his property to his daughter, and why he should be puzzled as to what he should do with his property, because he has no son, is something which I am sorry to say I am unable to follow at all, because there seems to be no room at all for argument on this matter, and no room for any doubt.

The only point is that the word 'harassment' should be used in the context in which it should be used, namely that this Bill, a Bill for prohibiting the giving of dowry is really to end the harassment that the women of our country have been subjected to through so many centuries, the harassment of the giving and the taking of dowry. Because of this social evil that has existed, we know what suffering has been faced by the women and by the parents of girls who have not been able to fulfil certain demands that have been made on the part of the bridegroom's families.

Therefore, with regard to this Explanation, I am completely in agreement with removing the Explanation, because that is exactly where the loophole will be provided. If there are parents who want to give gifts

to their sons and to their daughters, and wish to see that they set up a home free from economic worries and so on, it can certainly be done as a voluntary gift either before the marriage or at any time after the marriage. For as long as those parents are there to give help to their children and to give gifts to their children, they will continue to do that. The whole point here is that it should not be given as consideration for marriage.

Shri C. R. Pattabhi Raman: The clause says 'after marriage' also.

Shrimati Parvathi Krishnan: I did not interrupt the hon. Member when he was speaking. So, let him not interrupt me now.

The point is that a loophole should not be created by saying that we want to see that we do not convert weddings into funeral occasions, we love to have rejoicing at the time of marriage and so on. Nobody says that the marriage should not be conducted with all the joy and happiness that is there present on all occasions of marriage. But why is it necessary that money should be spent for people to be happy. This is something which I do not understand. It is not only by lavish expenditure such as we know—we have seen sometimes even Deputy Ministers in Delhi lavishly spending—that joy and happiness are created.

Shri Tyagi: My hon. friend sitting on my left (Dr. P. Subbarayan) has also spent lavishly.

Shrimati Parvathi Krishnan: May be, the hon. Member Shri Tyagi is unaware of the fact that as far as marriages in our family are concerned, they all took place in a very simple manner and in a simple way, because that was the way in which we were brought up, and that is the principle that has been upheld in our families. Since he was personal

in his remarks, I am sorry I had to give him also a personal reply.

All the arguments that have been put forward for retaining this Explanation seem to go round this one point of having to give these presents, having to give saries, jewellery etc. There is nothing to stop them from doing it before marriage or after marriage or at any other time. The main thing is that would create a loophole, because we know in the south, particularly,—and Shri C. R. Pattabhi Raman himself must be aware of the fact that particularly in his community—very often a condition is made by the bridegroom's people that the bride must wear twenty sovereigns worth of necklace or gold chain, that the bride must have a pair of diamond ear-rings, that the bride must be dressed in a sari such as the Banaras tissue sari, etc. etc. It is these conditions that we do not want to give room for in a Bill which has been brought forward in order to prohibit the giving and taking of dowry. I am sure no right-thinking lawyer, no right-thinking person, no right-thinking Judge is going to hold the giving of ordinary gifts given in the natural course as a result of affection of the parents for their children as dowry in any court in our country, because I think we are advanced enough to see that this sort of justice will be upheld in the courts of this country.

Secondly, with regard to the question of demand, I am amazed how in a Bill brought forward to prohibit the giving and taking of dowry, the demand of dowry is being legalised by removing from it a clause which seeks to punish the demand for dowry. Here again, the only argument that the hon. Law Minister was able to put forward—I do not accuse him in the way others have; after all he had brought forward the amendments because the Upper House has thought it fit to pass those amendments—the only argument he could put forward

was about harassment to people all over. Cases of giving and taking dowry will be very difficult to be brought before a court. It is far easier to deal with demand. It is at that stage that this evil can be checked more effectively. As my hon. friend, Shri Easwara Iyer, said, on this question of whether the dowry has been demanded or not, whether harassment is going to come out of the clause as existing and so on, we need have no fear because, though I am not a lawyer, I think such complaints cannot be taken up nor summons issued unless there is *prima facie* evidence which can be put before the court. Frivolous complaints will not be entertained by the courts. So there is nothing to fear that that will lead to harassment.

Secondly, I do not think that in our country there is a very large section of people today who have the money to carry on this kind of harassment. So why should there be this sort of fear, that there will be big harassment. This is something which beats me.

So I would urge that the House should reject this amendment coming from the Rajya Sabha asking for the deletion of clause 4, because in not doing so we will really be making this statute a dead letter even before it goes to the Statute-book. In fact, it would be a still-born statute of no value whatsoever either to the social reformers or to all right-thinking people who join hands in eradicating this evil of giving and taking dowry.

Shri Jaganatha Rao (Koraput): I think mine will be the lone voice in this House besides the Law Minister's in support of the amendments.

Firstly, the deletion of the Explanation to clause 2 does not alter the situation. The definition of 'dowry' in clause 2 is wide enough. Anything given amounts to a dowry only in case it is given as consideration for marriage. So whatever be

[Shri Jaganatha Rao.]

given, cash, jewellery or cloth, it would not amount to a dowry unless given as consideration for marriage. The Explanation was inserted only by way of clarification so that any doubts remaining may be removed. But as I see the definition, it does not create any doubt, and the Explanation is, therefore, not called for.

The other contentious matter concerns the deletion of clause 4. I feel clause 4 should not there. This measure aims at the prohibition of dowry. It is a social reform which seeks to remove this evil. What is needed today in regard to the prohibition of dowry is the removal of dowry-mindedness. Whatever be the legal measures adopted by Parliament, unless there is a social or psychological change in the minds of the people, certainly this legislation cannot be effective.

So the mere demand of dowry should not be made penal. When we legislate a social measure, a measure which seeks to effect social reform, we should not rush into the realm of penal law. The giving and taking of dowry are offences. Suppose a man knowingly or unknowingly demands dowry.

Shrimati Subhadra Joshi: How can he demand unknowingly?

Shri Jaganatha Rao: Not knowing the provisions of the law. But it is up to the person on whom the demand is made to refuse.

Secondly, I would say that the mere demand would not amount to the attempt of taking of dowry in law. An attempt is something more. It should proceed from the stage of preparation to some overt act. Supposing the person on whom the demand is made does not agree, then the attempt fails. If you look at the illustration given in section 511 of the Penal Code you will find this. One is, a person breaks open a jewel box but he finds no jewels there. The offence of attempt is there. If the jewels were there he would have taken them.

The second illustration is, a man picks another's pocket but he finds nothing there. But yet he has committed the offence of attempt.

Shri C. R. Pattabhi Raman: I am sorry to interrupt. Section 511 of the Code applies to offences under the Code.

Shri A. K. Sen: The attempt is there.

Shri Jaganatha Rao: The attempt should be something more than a mere state of mind. If the demand is made and the person refuses, the demand would fall. The making of the simple demand of a dowry as an offence under this measure is not called for and when we attempt social reform we have to go rather cautiously, and we should see that psychological change is brought about.

For instance, we have the Removal of Untouchability Act. The mere passing of the measure has not removed untouchability. It takes time to have a change of heart. So, if giving a dowry is an offence and taking a dowry is an offence, that would be sufficient. It would make people think twice before a demand is made and dowry is given. So, this clause 4 cannot be the soul or the life of the Bill.

I say clause 6 is more important. Clause 6 says that gifts made in favour of a bride or a bridegroom out of love or affection should go to the bride or the bridegroom concerned and it should not be taken by the father or the guardian. That is the essence of the Bill. It is not intended to make the mere demand an offence. I think there is much force in the deletion of clause 4 and the deletion of the Explanation to clause 2 does not alter the situation.

Mr. Deputy-Speaker: The hon. Law Minister.

Shri A. K. Sen: Mr. Deputy-Speaker, Sir.....

श्रीमती सहोबरा बाई राय (सागर-रक्षित-अनुसूचित जातियाँ) : उपाध्यक्ष महोदय, कुछ महिलायें रह गईं ।

उपाध्यक्ष महोदय : मैं तो देखता रहा उस तरफ कि कोई महिला खड़ी हो, लेकिन कोई नहीं खड़ी हुई, तब मैंने श्रीयों को बुलाया है ।

श्री त्यागी : उनकी शादियां हो चुकी हैं ।

श्रीमती सहोबरा बाई राय : वाह शादियां हो चुकी हैं तो क्या हुआ ? लड़कियां तो उनकी हैं ।

Shri A. K. Sen: Mr. Deputy-Speaker, Sir, it is really a remarkable occasion when one of the hon. Members speaking from the opposite side, Shrimati Parvathi Krishnan, was addressing the House when a loving father of hers is sitting on the opposite side. She was addressing most of her arguments to him. (*Interruption*).

Mr. Deputy-Speaker: I think she was addressing all the arguments to the Chair.

Shri A. K. Sen: She had her eyes on the father. (*Interruption*).

I would first address myself to the point raised by Shri Dube on the definition of the word 'dowry'. As he pointed out, what is pernicious is not the giving of something by the father or the mother but what is objectionable is what is given under duress or under compulsion. Or, in other words, corrupting the sacramental nature of a marriage into a commercial transaction. That is what is pernicious. And we do not want to perpetuate this particular corruption of what is a pure sacrament into what has become largely a commercial transaction. If commercial feelings are introduced then the idea of sacrament is not observed. The whole thing tends to corrupt what is regarded as sacrament; or, in other words, take something as a consideration for

or as the basis of marriage, which is certainly and legally a sacrament. Therefore, though marriage is not a contract; yet the taking or giving of a dowry makes it something like a contract in the sense that dowry becomes the consideration for the transaction of marriage. That is exactly what we have designed to penalise and to prohibit. Therefore, the definition cannot be improved upon; as I have said, at least we have not been able to do so. Better definitions had not been urged uptil now and if they were urged, we would have certainly considered them with an open mind. Therefore, the question of the explanation sadly becomes very relevant and I must say frankly that the apprehensions which have been expressed by several hon. Members are not absolutely baseless because it does tend to create a feeling or possibly it may lead to harassing a few where a gift prompted by absolutely filial consideration may be challenged on the ground that the gift is not purely voluntary but has been induced by the prospect or consideration of marriage. But this is inevitable when you try to tackle an evil like the dowry system and the best safeguard is the fine judiciary we have which ascertains the facts impartially and fearlessly and without prejudice and penalises only those who are within the ambit of the law. Therefore, in the ultimate analysis, all questions of harassment and all questions of false complaints or possible dangers will have to be safeguarded against by a competent and fearless judiciary which, I am proud to say, we possess and in which we have perfect confidence. But, as I said, the explanation becomes relevant. It is for the House to agree to the Rajya Sabha's amendment or not. But as I said—I repeat it because Pandit Thakur Das Bhargava had raised this point—that even with the explanation, a gift by the father will not be penalised unless it is proved that it is vitiated by being the consideration for the marriage.....

Shri Tyagi: Does the explanation make it worse?

Shri A. K. Sen: It makes no difference. What was pointed by the Rajya Sabha and also many hon. Members here is that if you keep the explanation, you really open the eyes of all possible evaders so that they may try to disguise a transaction of dowry by putting it on the garb of a voluntary gift and so on.

Pandit Thakur Das Bhargava: Are the voluntary gifts to be encouraged or discouraged?

Shri A. K. Sen: So far as the Central Board of Revenue are concerned, they would like very much to encourage the gifts and so far as the sons are concerned, they would not like gifts to be very liberally indulged in in favour of the daughters. It all depends on from which angle you look at the problem.

The position will be the same whether you keep the explanation or not but possibly there is one argument which could be advanced in favour of the deletion of the explanation that if you put it so boldly, possibly the wagers and law-breakers get the clue from the letters of the law written in very bold letters. That is the only argument in favour of the deletion of the explanation. Otherwise, the law remains just the same because we cannot possibly penalise a purely voluntary gift by a father to his daughter. How can we? What power have we? No legislature has the power to prevent a father from giving what he chooses to give to his daughter as a purely paternal gift. So, it will be entirely for the House to decide whether the retention of the explanation should be voted for or we should accept the deletion as passed by the Rajya Sabha.

Next is the question of clause 4. As I said, I only put forward the argument which is advanced in support of the deletion of clause 4 in the Rajya Sabha which, again, in all fairness, I must say is not without foundation, having regard to the numerous private feuds and quarrels we have in the villages.

We cannot certainly close our eyes to the extremely litigious nature of many of our village factions which take the slightest advantage of the law in putting the other side into trouble. But again, as I said, I agree with most hon. Members who have opposed the retention of clause 4 that it is true that whenever you penalise social evils like this and bring into fold certain persons, those who are opposed to others would otherwise like to put their opponents into trouble by taking advantage of such social measures. But that is no argument against passing beneficial and necessary social measures. We have to strike a balance between the two on very fair considerations which must weigh with any law-making body and a responsible Parliament like ours.

The next point raised by Shri D. C. Sharma needs very little reply. He has mostly spoken against the retention of clause 4.

Then, Dr. Sushila Nayar, of course, mainly based her arguments against the retention of clause 4. I have dealt with that already. I am deeply obliged to her for paying me certain compliments about my alleged knowledge of law. I can assure her that so far as that is concerned, I have no pride whatsoever. I hope I have never expressed it and I hope I shall never do so and if I have ever given any expression of any such alleged pride, I am sincerely sorry that I should have created this feeling in the mind of any hon. Member, because any person who has something to do with law knows his own limitation. It is a limitless sea which can never be fathomed by any individual, and humility is the only hallmark of a person who is devoted to law and I hope that we all will share that cardinal principle which not only characterises the profession of law but all the noble professions including the profession of a legislator.

That is all that I want to say. As I said, the Government has thought it fit not to rely on any whip in the matter. It is a social matter and the

Parliament must vote according to its free will.

Mr. Deputy-Speaker: I shall put the question to the vote.

Shri A. K. Sen: May I suggest one thing? The amendments may be put one by one.

Mr. Deputy-Speaker: I will do that. But now the motion for consideration has to be put as a whole. The question is:

"That the following amendments made by Rajya Sabha in the Bill to prohibit the giving or taking of dowry, be taken into consideration:—

Clause 2

- (1) That at page 1, at the end of line 9, after the word "given" the words "either directly or indirectly" be inserted.
- (2) That at page 2, lines 1 to 6 be deleted.

Clause 4

- (3) That at page 2, clause 4 be deleted.' "

The motion was adopted.

Mr. Deputy-Speaker: Now, we shall take up the amendments, one by one, as desired. First, I shall take up clause 2. I had one amendment by Shri C. K. Bhattachaya. He is not present. Is any hon. Member wishing to speak?

Shri A. K. Sen: I wanted to say that I entirely agree with respect to what Pandit Thakur Das Bhargava has said, namely, that even without the words "directly or indirectly", it will bear the same interpretation.

Mr. Deputy-Speaker: The question is:

Clause 2

- (1) That at page 1, at the end of line 9, after the word "given" the words "either directly or indirectly" be inserted.

The motion was negatived.

Mr. Deputy-Speaker: The amendment is lost. I will now put the next amendment to the vote. The question is:

- (2) That at page 2, lines 1 to 6 be deleted.

I suppose these lines constitute the Explanation.

Those in favour will say 'Aye'.

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will say 'No'.

Some Hon. Members: No.

Mr. Deputy-Speaker: It is difficult for me to decide. Hon. Members should be alert and understand what it means and then they should exercise their right of vote. Rajya Sabha has recommended that this Explanation be deleted. I will again put it.

The question is:

"That at page 2, lines 1 to 6 be deleted."

The motion was negatived.

Mr. Deputy-Speaker: We come to clause 4. I will put the next amendment.

The question is:

"That at page 2, clause 4 be deleted."

The motion was negatived.

Mr. Deputy-Speaker: There are some formal amendments by the Government.

Shri A. K. Sen: They are all consequential.

Amendments made:

Page 1, line 3,—

For "1959" substitute "1960". (3).

Page 1, line 1,—

For "Tenth Year" substitute "Eleventh Year". (2).

[Shri A. K. Sen]

Mr. Deputy-Speaker: These are the only amendments. Shri A. K. Sen?

An Hon. Member: There should be a joint session.

Mr. Deputy-Speaker: Perhaps all the consequences laid down in the Constitution will follow.

An Hon. Member: They can agree not to press.

Mr. Deputy-Speaker: I have not to declare what should happen. I cannot announce when the joint session will meet. The House will now take up the next item.

16.53 hrs.

IMPORTS AND EXPORTS (CONTROL) AMENDMENT BILL

The Minister of Commerce (Shri Kanungo): I beg to move:

"That the Bill further to amend the Imports and Exports (Control) Act, 1947, as passed by Rajya Sabha, be taken into consideration."

Sir, as hon. Members will have noticed from the Statement of Objects and Reasons, the Bill aims at extending the life of the Imports and Exports (Control) Act, 1947, by another six years, i.e., upto 31st March, 1966. The need for control of the foreign trade of the country cannot be over-emphasised and such a need is greater today than ever before and is likely to continue for many years. While the export trade is liberalised to the maximum extent and control is exercised only in respect of a few commodities, particularly in short supply in the country, the import trade has to be closely controlled to put the limited foreign exchange to the maximum national advantage.

The import and export trade of the country is now intimately linked with the execution of national plans and to emphasise this aspect, the extension of

the Bill is proposed for a period of six years, i.e., to synchronise with the currency of the third Five Year Plan. While the need for a certain measure of import and export control will remain with us for a much longer period than six years, the extension proposed is considered sufficient for the present thus providing the House with opportunity for further review at subsequent stages. I have no doubt that hon. Members will agree that this measure is necessary in the national interest.

Opportunity has been taken to make a few minor amendments in the Act in the light of the experience gained over the last few years. These amendments have become necessary to bring the existing practice in these matters in strict conformity with the position in law. Contravention of any condition of a licence granted under the provisions of this Act, or the orders formulated under it, which can be a serious matter and against which appropriate administrative measures are always taken commensurate with the seriousness of such contraventions, has now been directly brought within the penalty provisions of this Act.

As I have stated in the beginning, the Bill has been debated upon and passed by Rajya Sabha, and I hope this House will whole-heartedly give its full support.

Sir, I shall not take any further time of the House, and I beg to move that the Bill may be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Imports and Exports (Control) Act, 1947, as passed by Rajya Sabha, be taken into consideration."

Shri Bimal Ghose (Barrackpore): I have nothing against this Bill, but I would take this opportunity to make certain observations. The context in which this Bill was first passed has changed. There were import and