

LOK SABHA DEBATES

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LOK SABHA

Tuesday, July 29, 1986/Sravana 7, 1908

(SAKA)

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER *in the Chair*]

[*Translation*]

MR. SPEAKER : Shri G. Bhoopathy.

SHRI BALKAVI BAIRAGI : Mr. Speaker, Sir, Shri Bhoopathy is going to speak on marriages for the first time. Is it the beginning ?

MR. SPEAKER : It is an auspicious beginning. Have the memories of your own solemn occassion become fresh ?

ORAL ANSWERS TO QUESTIONS

[*English*]

Steps to ban Child Marriages

*162. SHRI G. BHOOPATHY : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether child marriages are taking place in spite of the fact that they are banned ;

(b) the number of cases registered during 1984, 1985 and upto June, 1986 ; and

(c) the steps proposed to be taken for the strict implementation of the Act banning child marriages ?

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THE MINISTER OF STATE IN THE
MINISTRY OF LAW AND JUSTICE
(SHRI H.R. BHARDWAJ) : (a) Yes,
Sir.

(b) The information is not readily available. The same will be collected from the State Governments and will be laid on the Table of the House.

(c) By the Child Marriage Restraint (Amendment) Act, 1978, offences under the Act have been made cognizable for the purpose of investigation of such offences and for all matters, other than matters referred to in section 42 of Cr. P.C. (arrest on refusal to give name and residence) and the arrest of a person without a warrant or without an order of the Magistrate.

[*Translation*]

SHRI G. BHOOPATHY : I have seen the photographs in the newspapers and the magazines that child marriages are taking place in Rajasthan and other States. Rajasthan alone accounts for 50 thousand child marriages. This is really painful.

MR. SPEAKER : Vyasji, what is he saying ?

SHRI G. BHOOPATHY : After child marriage, small children start the consummation of marriage at an early age, and the Government cannot stop it. If this process continued unchecked, the number of children in the country will go up steeply. If the children continue this process, the mother as well as the father would become weak. What steps the Government are going to take to stop child marriage and early consummation thereof ?

I would like to congratulate the Rajasthan Government,.....

MR. SPEAKER : You put your question rather than giving a lecture.

SHRI G. BHOOPATHY : I congratulate the Rajasthan Government that they dismissed the Minister who arranged a child marriage of her daughter at a tender age. Why don't they make this punishment effective throughout the country ?

SHRI H.R. BHARDWAJ : Sir, the hon. Member's first submission that the children and the men from Rajasthan are weak can be judged from the very appearance of Shri Vyas. Vyasji, you kindly stand up so that we may have a glimpse of your body. (*Interruptions*) I find that 70 per cent people in Rajasthan.....

[*English*]

PROF. MADHU DANDAVATE : So far I thought that Shri Girdhari Lal Vyas belonged to the Youth Congress but now it seems that he belongs to the children's academy !

[*Translation*]

SHRI GIRDHARI LAL VYAS : The child marriage which takes place in Rajasthan is not in fact the real marriage. The real marriage takes place when the girl attains the age of 20-22 years and 'gauna' ceremony is performed.

SHRI H.R. BHARDWAJ : Sir, I know a lot about Rajasthan. Perhaps, the hon. Member does not have complete information. Take any person from Rajasthan, you will find him well built and sturdy. Take for example an animal, a camel from Rajasthan. You will find it the stoutest of all. None is weak there.

So far as the prevalence of social evils is concerned, this social evil was in prevalence there from the very beginning due to historical reasons. This evil is gradually diminishing as a result of social movements. Earlier, the age of consent in the Child Restraint Marriage Act, 1929 was 14 years and 18 years which has now been raised to 18 years and 21 years respectively. Now, coming to the question of marriage and 'gauna', there are some local customary laws which are gradually

undergoing a change. These local customary laws exist in other parts of the country too which are monitored by the State Governments and we do not interfere with them. Therefore, the hon. Member should know that this social evil of child marriage is also gradually dying away in Rajasthan and Madhya Pradesh.

SHRI G. BHOOPATHY : Mr. Speaker, Sir, in his reply the hon. Minister has not stated as to how many persons were convicted. The law is very clear that whosoever arranges child marriage can be arrested, fined and even jailed under Section 52. All this is provided in the law. For whom this law has been enacted ? Child marriages are taking place for years but why are the Government sitting silent ? What steps are proposed to be taken in this regard in future ? (*Interruptions*)

SHRI H.R. BHARDWAJ : Sir, as I have stated earlier, the State Governments have been asked to take action, the culprits will also be tried, we are collecting information and as soon as it is received, it will be placed before the House.

[*English*]

SHRIMATI GEETA MUKHERJEE : The Question was submitted 21 days earlier, but in the reply not even rough and ready estimates could be given. From this it is clear that no State Government is really monitoring these cases. What the hon. Minister says about child marriage may be partially all right. But the fact remains that there is this attack of fundamentalism and all that. Will the hon. Minister tell us whether they will make arrangements to really monitor this question of child marriage which is not just disappearing like this. Will they give directions to the State Governments to monitor this and take appropriate steps ?

[*Translation*]

MR. SPEAKER : Are the things all right in your State ?

SHRIMATI GEETA MUKHERJEE : I did not speak about Rajasthan.....

(*Interruptions*)

[English]

SHRI H.R. BHARDWAJ : I am definitely getting information from the State Governments to place it before the House. But I will examine whether I have the competence to direct the State Governments in this behalf because you are very allergic to that.

SHRIMATI GEETA MUKHERJEE : Persuasion is also a kind of direction.

[Translation]

SHRI MOOL CHAND DAGA : Mr. Speaker, Sir, while speaking about Rajasthan, the hon. Minister did not disclose that the rural people in Rajasthan, having four to five children, got them married at a very early age in a single ceremony. Why do they do so? Because their economic condition does not permit them otherwise. (Interruptions) That is why they perform community marriages of all the children, but 'gauna' in Rajasthan takes place after the age of 20-21 years. You think that the marriage takes place at an early age but that in fact is not a marriage. They do it to avoid the expenditure on separate functions. It is the poor who are victimised by the police under the existing law and they have to pay them bribe for no fault of theirs. You make amendment in the law that the 'gauna' ceremony after the marriage should not take place before they attain the age of 20-21 years because, their economic condition does not permit it.

SHRI H.R. BHARDWAJ : Sir, the law will continue to be the same under which the marriage is permitted after the age of 18 or 21 years, but if there are some local customary laws which the society is not changing, I have already said that it is due to some reasons and that is why not many cases have been registered in Rajasthan. But merely for this reason, the Government is not going to shirk its responsibility. If the law provides that the marriages should take place after the age of 18-21 years, we all should help in the compliance of the law.

[English]

SHRI BRAJAMOHAN MOHANTY : May I know whether it is a fact that in the Hindu Marriage Act, the customary practice of marriage has been 'saved' through a 'saving clause' and whether there is any proposal to bring this custom within the purview of the Statute?

SHRI H.R. BHARDWAJ : That is a particular type of marriage. You may have a type of marriage under the customary law; but in the basic law, even under the Hindu Law, female and male should be above 18 and 21 respectively.

[Translation]

SHRI RAM NAGINA MISHRA : Sir, through you, I would like to know from the hon. Minister whether this Child Marriage Restraint Act which has been passed for the protection of the society is applicable to only the Hindu Community or is it applicable to the other communities? I think, the law is imperfect. In case it is not applicable to the other communities, will some steps be taken to see that it become applicable to others also?

SHRI H.R. BHARDWAJ : I am surprised to know that you do not know even this much that it is applicable to all.

[English]

Delay in completion of Rihand Project

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*163. **SHRI RAJ KUMAR RAI :**

**SHRI YASHWANTRAO
GADHAK PATIL :**

Will the Minister of ENERGY be pleased to state :

(a) whether the Rihand Project is likely to be delayed because of erratic supply of essential materials by the British suppliers;

(b) if so, the details thereof; and