

in failure. I do not know whether it is possible, but I would like to know from the Government whether the Government can think on the lines of having a separate bank such as 'Poverty Alleviation Bank' in order to meet such contingencies and more especially to see that the poorer sections of the people are helped under this scheme.

DR. RAJENDRA KUMARI BAJPAI :
The Scheduled Castes Financial and Development Corporation is meant for this purpose only. They provide margin money and loans to the Scheduled Caste and Scheduled Tribe people for poverty alleviation programmes. I do not think there is any need for a separate bank for this.

Crime Against Women

***573. SHRI HANNAN MOLLAH :**
SHRIMATI BIBHA GHOSH
GOSWAMI :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have received the report of the Study made by the Bureau of Police Research and Development regarding unnatural deaths of married women;

(b) if so, the main findings and suggestions made therein; and

(c) what measures are proposed to be taken to implement the suggestions made in the Report to reduce crime against women ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : (a) In 1986 the Bureau of Police Research and Development conducted a study of unnatural deaths of married women, with special reference to dowry deaths, in the Union Territory of Delhi.

(b) The study data have revealed that there has been an increase in the incidence of death of married women, especially in the age group of 18-30 years, in the Union Territory of Delhi.

The suggestions of the study relate to making improvement in the working of Police with regard to investigation of cases of crime against women and making laws on the subject more effective.

(c) Since 'Police and Public Order' are State subjects, the Bureau of Police Research and Development sent copies of the study to all State Governments in February, 1987 for necessary action.

The Indian Penal Code, the Criminal Procedure Code and the Indian Evidence Act have been amended to deal effectively not only with dowry death cases but also with those of cruelty to married women. The Dowry Prohibition Act, 1961 has also been amended to make the provisions more stringent and effective. The Ministry had also issued instruction to State Governments and Union Territory Administrations about steps to be taken in cases of unnatural deaths of married women.

SHRI HANNAN MOLLAH : As the statement itself says, the incidence of these atrocities and killings of married women is increasing.

You see the figures. In 1985, it was 990. In 1986, it went up to 1390. So, it is increasing very fast.

You will be surprised to see the figures that in Bihar in 1986, it was 62 and upto July 1987, it went upto 408. In Delhi it was 64 and 78. In U.P. it was 461 and upto July, it is 553 and so on. Like that, in every State, it is growing alarmingly. The stringent laws are there. The Amendments are there. But in spite of all that, the implementation part is not upto the mark.

You can kindly recall the case of Sudha Goyal. When the Supreme Court gave its verdict that the culprits should be given punishment, for two years they were absconding.

Only when the social organisations fought, ultimately after two years, they sent to jail.

In view of this, I would like to know categorically from the hon. Minister, how

many cases of unnatural deaths of married women were registered in the last three years, how many cases were tried in the courts and what is the fate of the verdicts and whether the verdicts are implemented or not? What is the Government doing in order to ensure that these cases also do not meet the same fate of Sudha Goyal.

SHRI CHINTAMANI PANIGRAHI : We share the anxiety of the hon. Member. As far as all the State Governments are concerned, as I pointed out in my answer, those reports are not with us. But so far Delhi is concerned—I can motion now the required information in the last three years they are as follows :

Years	Number of cases reported
1985	43
1986	64
1987	79
1988 (upto 15th March)	13 only

Year	Number of cases admitted
1985	43
1986	63
1987	78
1988	13

Year	Number of cases challaned
1985	41
1986	51
1987	36

Year	Number of cases pending trial
1985	41
1986	50
1987	36

Year	Number of cases pending investigation
1986	8
1987	41

Year	Number of cases acquitted
1986	1

Year	Number of cases untraced
1985	2
1987	1

Year	Number of persons arrested
1986	156
1987	175
1988 (till now)	25

Year	Number of cases cancelled
1986	1
1987	1

SHRI HANNAN MOLLAH : I request that all the information, from all over the country might be collected and placed before the House.

My second supplementary is this : I have talked to a large number of social workers. They are complaining that after the amendment of the Dowry Act, all the police stations have not formed those Special Cells to investigate and prosecute the culprits. Even where the cells have been formed, they can only investigate; they have no power of prosecution. They cannot prosecute, and because of that, many cases are not registered and tried. In view of this, I will ask the hon. Minister whether they will agree that this Act should be further amended, and the Special Cells empowered, i.e. given prosecuting powers, and that the courts also should have some cells to see that their directions and judgements are implemented.

SHRI CHINTAMANI PANIGRAHI : In respect of the State Governments, we are frequently writing to the State Governments to give us upto date information so far as crimes against women are concerned. Whenever these reports come to us, we shall be informing the hon. Minister.

So far as making the laws more stringent is concerned, we have made the laws more stringent very recently in this House. *(Interruptions)* Therefore, about all these things I hope we will come to know how far they are being implemented, because most of these things were enacted in 1986 and 1987. Therefore, even the cases in 1985 which were reported, even those cases are still pending in courts. You know the way things function there. So, we are concerned with the feelings of the hon. Ministers of this House, and we are taking strong action and stringent measures. We would like to associate all the voluntary and social bodies and institutions, because their help is more needed than even the implementation of these laws, because it is a social crime, and we shall have to fight socially also. Therefore, we take a serious note of the hon. Member's suggestion. Regarding social bodies, voluntary institutions and women's organizations, we shall take their help actively in finding a solution to the problem of crimes against women.

SHRIMATI BIBHA GHOSH GOSWAMI : The Minister has listed the number of cases where deaths have occurred; but so far as my knowledge goes, under the Prohibition Act cases have not come up as expected; and that is because of the fundamental flaw in the Act itself, viz. the equation of the victim and the perpetrator of that crime, i.e. the giver and the taker of the dowry.

A strong opinion has been expressed against this during the sittings of the Joint Select Committee also. Under the present socio-economic conditions in India, the bride's parents or the bridegroom's side has to give dowry to the groom's side; and they have to comply with the demand or greed of the other side. Factually, these two sides are not equal, but they have been treated as equals in this Act; and the registering of a case under the Dowry Prohibition Act before the woman is either killed or ousted from her married home does not happen easily, because this means doubly punishing the victim. That is why the women's organizations also cannot act freely. Rather, they would register cases under Section 403 of the IPC i.e. breach of trust. Had this law been amended

suitably, for example, to enable the giving side to be cited as a witness to give evidence in the court, then it would have been easier to find out the cases and it could have avoided many cruel deaths also? Is the hon. Minister thinking seriously about amending this law at an early date?

SHRI CHINTAMANI PANIGRAHI : Already this point which the hon. member has pointed out was taken note of. The Dowry Prohibition Act 1961 has been amended by the Dowry Prohibition Amendment Act 1984 to make the Dowry Prohibition Act most stringent. By this Act, offences in the original Dowry Prohibition Act have been made cognizable, non-bailable and non-compoundable. A provision has also been made for enhanced punishment for giving or taking dowry. The Dowry Prohibition Act, 1984 was further amended in 1986 to make the provision most stringent and effective. Minimum punishment for taking or abetting taking of dowry has been raised to five years from six months and a fine of Rs. 15,000 from Rs. 5,000/-. *(Interruptions)*

SHRIMATI BIBHA GHOSH GOSWAMI : This is not an answer to my question.

SHRI CHINTAMANI PANIGRAHI : It has been amended as desired by the hon. member. As a result of this amendment, the burden of proving that there was no demand for dowry will be on the person who takes on or abets the taking of the dowry. Even offences under the Act have been made non-bailable; that also we have done. It has also been decided to appoint Dowry Prohibition Officers by the State Government who will greatly help in effective implementation of the Act. I hope these officers will be assisted by the State Government. *(Interruptions)* We have asked the State Governments...*(Interruptions)*

SHRI SAIFUDDIN CHOWDHURY : If you want, she can repeat the question. You repeat it.

SHRIMATI BIBHA GHOSH GOSWAMI : My point has not been replied. The Dowry Prohibition Act, 1961 reads as follows :

'3. Penalty for giving or taking dowry—If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years and with fine which shall not be less than Rs. 15,000/- or the amount etc. etc....'

My point is that the two sides are equally treated, but in actual practice under our present socio-economic conditions, the two sides are not equal. That is why if any case is registered under the Dowry Prohibition Act, the victim is twice victimised. Are you doing something to correct it ?

SHRI CHINTAMANI PANIGRAHI : It has been taken note of and this Act has become more stringent to see that they get punishment.

KUMARI MAMTA BANERJEE : You allow us a full discussion on this question because this is very important.

(Interruptions)

SHRI CHINTAMANI PANIGRAHI : I told you that it has been amended and whatever objection has been raised has been met. The Act has been made more stringent.

(Interruptions)

SHRI SAIFUDDIN CHOWDHURY : Will you please explain the question ?

[Translation]

MR. SPEAKER : She is asking whether oppressed and oppressor are equal or not. If it is so, what will you do for this ?

[English]

SHRI CHINTAMANI PANIGRAHI : I have already replied that to meet this objection, the Act was amended and it has been made more stringent so that they will be held responsible. All the amendments have been made to meet this objection, to make it more stringent. *(Interruptions)* Both the giver and the taker are punishable.

(Interruptions)

SHRI HANNAN MOLLAH : They are not equal. You can understand the plight of the guardian of the girl.

SHRI CHINTAMANI PANIGRAHI : How can the taker be punished without punishing the giver also ? We have included both.

SHRI SHANTARAM NAIK : The deaths which occur on account of matrimonial reasons or dowry reason, obviously we cannot prevent through the police machinery because these are social offences. The prevention machinery is very much restricted in the respect. I would like to know, just we have got these, what are known as, disturbed areas, will a track be kept of socially disturbed families with restrictions on their social life. If it is found that there are some reports with respect to a family, the Government can keep a track of such socially disturbed families so that some preventive measures can be taken with respect to certain areas.

SHRI CHINTAMANI PANIGRAHI : Reports of disturbed areas come to us. If we have to stretch this to disturbed, families, then perhaps it will be a very difficult task to find it out.

PROF. K.K. TEWARY : There is a plethora of laws against crimes of crimes committed against women and there is no dearth of recommendations and research papers in this connection and the source of unnatural deaths; they come not only from dowry issue but from other issues also. For example, the practice of Sati in this country is one of the most abominable practices. I would like to know from the hon. Minister whether it has come to the notice of the Government that ** Swami Sankaracharya of Puri has been going around preaching Sati practices and he has been quoting from the scriptures that Sati is sanctioned in the Hindu scriptures. Has the Government taken any steps and why action has not been taken, and why the Sankaracharya of Puri has not been arrested so far for preaching this commission of Sati ?

**Expunged as order by the Chair.

MR. SPEAKER : No, no. It is not relevant to this question.

PROF. K.K. TEWARY : Because, only in the last session we passed an Act, and why no action has been taken.

(Interruptions)

MR. SPEAKER : Mr. Tewary, it is not relevant to this question.

PROF. K.K. TEWARY : I would like to know why action is not being taken against the Sankaracharya of Puri. Laws lose their authority unless all those laws are implemented and one cannot be above the law. *(Interruptions)*

MR. SPEAKER : You cannot use that word. Nothing of that sort. This is not pertinent to this question.

PROF. MADHU DANDAVATE : Sir, he is very relevant. *(Interruptions)*

PROF. K.K. TEWARY : This question is about unnatural deaths of married women. *(Interruptions)* Pleased see the question.

MR. SPEAKER : But that is murder.

PROF. K.K. TEWARY : Sati is an unlawful act. The question is about unnatural deaths of married women.

(Interruptions)

MR. SPEAKER : That is murder.

PROF. MADHU DANDAVATE : He is fully justified in raising that question. It is a crime against women and that is why it is punishable. I think that question should be answered. *(Interruptions)*

PROF. K.K. TEWARY : Would this House describe 'Sati' as a natural death ?

MR. SPEAKER : No. No question.

PROF. K.K. TEWARY : This is about unnatural deaths. This is very much relevant to this question. It is a criminal offence. *(Interruptions)*

MR. SPEAKER : But the question can be differently asked, because we have tackled it properly and we have discussed it properly and I think we are all against that.

(Interruptions)

PROF. K.K. TEWARY : Why action has not been taken against the Sankaracharya ? *(Interruptions)*

SHRI BASUDEB ACHARIA : This question is about crimes against women.

(Interruptions)

MR. SPEAKER : Achariaji, I have got no objection to this discussion at all. We have all been of the same consensus. We have promptly and I think collectively decided against that. It is not so ?

(Interruptions)

MR. SPEAKER : We are all against it.

(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT) : Sir, he just wants to point it out to you, for your kind consideration, that this question relates to, not only unnatural deaths but to those of married women. *(Interruptions)*

PROF. MADHU DANDAVATE : Has he come across unmarried Sati also ?

(Interruptions)

MR. SPEAKER : Look here. Please calm down. Don't shout. *(Interruptions)*

PROF. K.K. TEWARY : Kindly see part of the question. *(Interruptions)*

MR. SPEAKER : I have got no objection. If the Minister is ready to reply, I have no problem at all. *(Interruptions)*

PROF. K.K. TEWARY : Sir, Let me clarify. Part (c) of the question clearly speaks about the measures taken to reduce crimes against women. So, Sati is covered by this question and I do not know who

he gets the idea that even unmarried women come under Sati. Only married women under Sati. (*Interruptions*)

MR. SPEAKER : Mr. Tewary, one minute. Please listen to me also. Dowry is something else and Sati is something completely different. So simple it is. I have no hesitation in agreeing with you that Sati is also an abominable crime. We have discussed that and we have agreed on that. This question relates to dowry death and that is not a dowry death.

(*Interruptions*)

MR. SPEAKER : Why are you shouting? If you want a discussion on that, I can allow you another full time discussion. I have got no hesitation allowing a discussion.

(*Interruptions*)

MR. SPEAKER : Why are you wasting my time ?

SHRI SAIFUDDIN CHOWDHARY : Outside impression will be very bad if answer is not given here. Let him answer.

(*Interruptions*)

MR. SPEAKER : I am only elaborating on this. Please listen to me.

(*Interruptions*)

MR. SPEAKER : There is no question. We are not divided on that point at all. I am only saying that dowry is something else; that is also plain murder, that I agree with you.

(*Interruptions*)

MR. SPEAKER : Murder is always unnatural. We should not try to mix up these two things. Dowry is the cause for making that girl burn or get her strangled or whatever it is. Sati is something else, after her husband's death, they want to get rid of her. But anyhow, if the Minister wants to reply, I have no problem.

(*Interruptions*)

SHRI CHINTAMANI PANIGRAHI : Sir, I hope the hon. Members know it "that we have passed laws condemning this act

of Sati and the entire country condemns it. Sir, any utterances in support of Sati...

(*Interruptions*)

PROF. MADHU DANDAVATE : His question is, how are you going to deal with Sankaracharya of Puri, who has glorified Sati system. (*Interruptions*)

MR. SPEAKER : Mr. Thomas, I am on my legs.

(*Interruptions*)

MR. SPEAKER : The question is simple; we have to technically differentiate between a married woman and a widow. The question of Sati comes only after her husband's death. This question is regarding crimes against married women. This is a technical thing.

(*Interruptions*)

MR. SPEAKER : Now, you don't stop me. I do not disagree with you on that score. I am only disagreeing with you that we can have a separate discussions, if you like, on that score. I have no problem at all.

(*Interruptions*)

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Sir, I do not want to go into the technicalities and argue whether this is right or wrong. We go entirely by your decision; whatever you feel can be discussed. Now on this question, this Government has taken more measures than any previous Government to protect women.

(*Interruptions*)

One second. Let me finish. We are willing to have a discussion on this subject in this House any time you like. Even if it does not come under this, we are willing to have a discussion. (*Interruptions*)

PROF. MADHU DANDAVATE : There is no question of discussion. The question is : a plain and simple question was asked by Mr. Tewary and he wanted an answer for it. (*Interruptions*)

MR. SPEAKER : Well Professor, on technical grounds you are wrong.

(Interruptions)

PROF. MADHU DANDAVATE : I can prove that even on technical grounds, his question is perfectly in order. It does not refer to dowry. It refers to crimes against married women. *(Interruptions)*

PROF. K.K. TEWARY : I plead for myself. Let the Minister reply.

(Interruptions)

MR. SPEAKER : There is no difference of opinion in this House on this point. Absolutely we all agree on one thing. I do not disagree with you at all. We are one on that point that we are against this. It is a simple.

SHRI CHINTAMANI PANIGRAHI : It is a good thing that for the first time our friend Mr. Tewary and on that side Prof Madhu Dandavate, are uniting together on one point. The answer to this question is very simple. As pointed out by the hon. Prime Minister, we have taken most stringent measures against sati. And any utterances in support of sati, the Government strongly condemns that...

SHRI BASUDEB ACHARIA : What is the answers ?

SHRI CHINTAMANI PANIGRAHI : The answer is that it is for the State Governments to take action. They must take action...*(Interruptions)*

PROF. MADHU DANDAVATE : On a procedural matter. The question is related to the crimes which are to be dealt by the State Governments. In spite of that, you allowed the question. Therefore, he cannot go scotfree on the basis of saying that the matter was concerned with the State Governments. The question is whether he will advise that action should be taken even against Sankaracharya.

MR. SPEAKER : It is taken for granted. I do not think, there is no answer to this. It is inherent that when a law is passed, it must be enforced. It is so simple.

SHRI BASUDEB ACHARIA : Nobody is above the law.

MR. SPEAKER : This is what we said yesterday.

PROF. MADHU DANDAVATE : He is feeling shy to take the name of Shankaracharya of Puri.

SHRI V. SOBHANADREESWARA RAO : Several amendments have been brought to the Indian Penal Code, Criminal Procedure Code and Indian Evidence Act. In spite of severe and sincere efforts from women organisations to prevent these mishappenings in the country, there is one lacuna in the Hindu society where the daughter of a family is not entitled to property right along with the male members in that family. Because of this particular lacuna, in spite of all these efforts, these unhappy things are taking place. Will the Government bring forward an amendment to the Hindu Code making daughter also eligible for a share in the property along with other male members in the family ? Till now only after the death of the father she is entitled for succession of property. But as long as the father is alive, she is not eligible to property right. Will the Government consider this, because, to women we are giving equal rights in jobs ? In each and every sphere Government wants women to have equal rights. Then why does a women member of a family not have equal right in her father's property ? Government of Andhra Pradesh has brought such an Act and the President has also given his assent. Then why does the Union Government not bring forward such an amendment to the Hindu Code ? The hon. Prime Minister is here. Let the Government give a categorical answer to my supplementary.

SHRI CHINTAMANI PANIGRAHI : The question can be referred to the Ministry of Law. This is a separate question.

SHRI V. SOBHANADREESWARA RAO : The Prime Minister is here. He can say that the Government will consider it. He cannot say that the Ministry of Law will consider it. *(Interruptions)*