Patiala district at 6 a. m. in the morning. It is a serious accident and a large number of people have died and a greater number of people have been injured. I expect the Government to issue a statement clarifying the position and I suggest, Mr. Vice-Chairman, that we should observe one minute's silence in memory of those wcople who are dead,

THECOMMISSION OF SATI (PRE-VENTION) BILL, 1987—contd.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We will continue the discussion on the Commission of Sa'i (Prevention) Bill, 1987.

SHRI DHARAM CHANDER PRA-SHANT (Jammu and Kashmir): Mr. airman, Sir, this law will ope-Tate upon the country except jammu entire and Kashmir. This means a woman who becomes widow in Jammu and а Kashmir can burn herself over the Pyre of her husband.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): At this stage, it is no' necessary for the Minister to reply. Mr. Prashant, you are also speaking and finally the Minister will reply. Hon'ble Members. I request you to stick to time. (Mfeny a time the bell is violated rather than followed. It

i 1 be difficult to run the House if violators get more time. I am entirely in your hands. If the Bell is not to be rung, I am prepared for that. There can be stretching of one or two minutes but double the time or treble the time cannot be allowed. I can see one or two minutes' stretching may be accepted. I request the Members to cooperate.

SHRI SUKOMAL SEN (West Bengal): Mr. Vice-Chairman. Sir, I rise to support the Bill with certain amend-^k ments but while rising to speak on the BU, T feel myself ashamed. Rather T feel that the nation is put to sham^o that the Parliament of India has to discuss, debate th. -v Prevention of Com.

mission of Sati Bill, that too, when the year 1987 is going ⁺o close and when the entire world is going to move into the 21st century. At this juncture, in this Parliament, we are discussing a subject which was discussed in our country and in other countries also hundred years back. In our country, 158 years back, a law was passed. Sir, despite this fact, we are again compelled to discuss this subject here in India. It reflects the state of affairs in our country, the sociological affairs, the economic status of a woman, the condition of a woman, the attitude of the menfolk, the attitude of the State, everything is reflected through the incidents of Sati and through this discussion in the House today. This practice of Sati, the historical researchers, have said was not only in India but in several outsirle India; it was in other countries vogue, this practice of burning of widows or burning them alive with the deceased husbands. It is not possible to go into the long history but researchers say that in India when the practice or' Sati was in vogue in the middle ages, even the Mughal rulers, emperors like Akbar, Jahangir and Aurangzeb strictly banned the practice of Sati in our country. Jahangirs name is very much there for strict enforcement of the banning of Sati while he was the ruler in our country. When the Britishers came, they took an ambivalent attitutde, an indifferent attitude, because they did not want antagonise Hindu conservatives and to because they wanted to rule and loot the country. That was their purpose. Sir, if you go into the genesis of this heinous, barbarous practice, you will find that it is rested upon the problem of property. How could the property be absorbed by others who were no the actual heirs of the deceased? That was thp main criterion of this practice, whether it was in India or in other countries. Sir, in our country, after the Britishers j came, the practice of sati was on the increase. At that time, everybody knows it. the grea^ Raia Pamrnohan Roy took up the issue. He peitioned to the British Government, to the

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rulers at Fort William. He did it in 1818. After much ambivalence and much delay, at that time, the Government at Fort William was compelled to pass a Regulation. That was called tine Bengal Regulation, 1828. It was followed by the Madras Regulation, 1829. Sir, about 158 years have passed since those Regulations clearly banned sati. It is not only that. Thereafter, in the Indian Penal Code, provisions were made banning the practice of sati and prescribing deterrent punishments to those who abet or encourage sati. Section 306, 307, 302 and 304 were provided in the Indian Penal Code for dealing with acts of sati. But despite that, it is a sorry state of affairs that in our country, after independence, as Mrs. Margaret Alva told this House the other day while she was replying to a calling attention motion on sati, 28 cases of sati were recorded.

SHRIMATI MARGARET ALVA: Fortyone.

SHRI SUKOMAL SEN; I stand corrected. Forty-one cases were recorded after independence. That means, on an average, more than one a year. This reflects the state of affairs in our country. While our Prime Minister very often advises the country to be prepared to leap into the 21st century, our country has a record of 41 satis during the last 40 years. What was the reason? I will support the Bill with some amendments. The is supportable. There are provisions, in the I. P. C. also to prevent sati. But despite such provisions, why has sati been committed? Let us look at the sociological aspect of this problem.

It is a mediaeval practice based mainly on the problem of property. It is also based on superstition, obscurantism and mediaeval values Can we prevent it only by passing a law? In the I. P. C. so many provisions are there to punish the culprits. Despite it, with a lot of fanfare, sati was committed in Deorala before the full blare of the police, the administration and the Government of India. It was held in Rajasthan. So, only law, however deterrent it may be, cannot stop such a mediaeval practice if mediaeval values are not fought properly. My complaint against the Government is that the Government is not at all willing to fight mediaeval values which generate such heinous, barbar- oils practices. This Government is not at all willing to fight mediaeval superstitions, mediaeval values and the obscurantist outlook, I know that this is a capitalist Government. This Government wants to build capitalism in our country. I have no doubt about it. At the same time, this Government wants to keep alive the feudal values and that is the contradiction, I would complain that the people who are at the helm of affairs in this Government, run a capitalist Government. They want to establish capitalism in our country. They have capitalist vicesJ But they lack in capitalist virtues. I will not take much time because you have already cautioned us about the time available. I will deal only with some points. Mrs. Alva will be kind enough to listen to me. What is happening in our country? Our country is full of 'gurus', full of 'swamis' and full of religious preachers. Our country is full of babas and swamis. This is a country where at the close of the 20th century we are still full of babas, swamis, matas, gurus, etc. People, not only uneducated common folk, not only uneducated villagers, but even those at the highest level of administration, people who run the affairs of the country, prostrate openly before the gurus. A newspaper came out with a picture of one of the highes+ dignitaries of this country when he went to invoke the blessings of a guru. He bent down beforeone guru and that guru did not bless him with his hands but he placed one of his feet on the high dignitary and blessed him. When this was the conduct of high dignitaries of our country, how can you blame the common, uneducated, village folk who indulge in superstition, who indulge in obscurantism? Even our Prime

Minister is no exception. The other day he went to a guru who was performing" a jathra or something like that. For what? Fop his salvation. He frequently visi's temples and prostrates before gods and goddesses. These are the values of those who claim to be highly educated, highly placed, and who run the affairs of the country...

SHRI DIPEN GHOSH (West Bengal): The Prime Minister is going to visit Guruvayur Temple tomorrow.

SHRI SUKOMAL SEN; Yes, high dignitaries visit temples. They feel that with the blessings of gurus, gods and goddesses they will be in a fit condition to rule the country despite all the faults and crimes they commit otherwise. This ig how superstition and obscurantism are cultivated and

rpctuated by not the villagers but those who Cclaim to be educated and who rule the country. The other day what happened at Gwalior? There was a mention in the morning about the marriage extravaganza at Gwalior. I have no complaint against that or how much money was spent or who was fed. That is not my point. My point is about how medieval values are sought 10 be revised through this ex-travaganza, through these ceremonies, ceremonies which used to be held 300, 400 years back; rajas and maharajas I those ceremonies 400 years back. And the same thing is being done now at Gwalior in India. It means the feudal values are sough¹ to be revised, superstitious and obscurantist values are fought to be revised, with all fanfare by the rulers of the country. How can you blame then those ignorant, illiterate, village folk in Rajasthan or elsewhere who joined the chunri march or who idolize the oractice of sati? You cannot blame them. The rulers of the country themselves are behaving in this way. These things are ^ bound to happen when the rulers themselves are practising such things. Therefore, my only point is hy passin⁸ a law, however stringent the law, these things cannot be stopped; they

will continue to occur. That is why I want to tell the Minister, through you_> that the Government should take steps to stop these medieval practices, 10 stop indulging in superstition and obscurantism. Unless you do that, however valuable this Bill may be, such practices cannot be stopped.

Then m_y point is before the Rajasthan Government passed the Ordinance or the Bill, in Indian Penal Code we had sufficient provisions to deal with the events that took place in Rajasthan. Yet, what did the Government do? In the full glare of the police, the administration, the Chief Minister and the Government of India, this barbarity was committed in Rajasthan. What did the D. M. or the police officer in charge Or the Chief Minister do? Why were the provisions of the IPC not applied against the DM, against the nolice officers and against even the Ministers, because before their ver_v eyes these things happened? Without their connivance, this bar_ arity could not have been perpetrated in Rajasthan. Not only that. After committing that barbarity. they held -a big ceremony, the chunri mata ceremony, and thousands of people joined that. But this could not be prevented. How did it happen? When the people in the country are being uiged to prepare themselves for entering the 21st century, they could not stop them from holding such functions or conducting such ceremonies although full powers are there with the Government. They could not stop this. So, it all depends on the attitude of the Gov. ernment. Not only that. The Prime (Minister of our country, the young and socalled progressive Prime Minister took more than two weeks to comment ...

SHRI DIPEN GHOSH: 21 days.

SHRI SUKOMAL SEN:.... on the situation. Yes, he took 21 days to com ment on the situation. Perhaps he was calculating, during those 21 days, as to what would be the electoral prospects in Rajasthan for his party

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if he commented on the sati, whether the Rajputs would vote for the Con-gress(I) or not. Perhaps he was calculating the electoral prospee's for his party in Rajasthan during those days. If you base everything on electoral calculation, if you go on calculating as J_o whether you will win or lose if you condemn sati, if this is your calculation, and if your electoral calculation, is based religious, fundamentalist and on obscurantist practices, then these things are bound to happen in this country. The Government could not stop this sati there. So. unless and until the Government changes its attitude, such things will happen. At least, Sir. let this Government take a not think that the capitalistic view—I do Government has any socialist view-ns done in America or England or it is France. At least, Sir. let them have some Western ideas, some European ideas. But they are having only medieval ideas and they are in medieval practices. That is indulging complaint against this Government. mv

Now. coming to the Bill as such, uld pay that this Bill contains some lacunae also. For example, it does not say, the Bill does not say. when it will come into effect. As and when necessary, it will come into effect and it may not come into effect in all the States together, but one by one only. Why is it so? Why are you faltering? Why don't you say that this Bill come into effect immediately? It should come into force immediately. Unless proper legislative measures are there for taking action, there is no use. Even in the case of the 1829 Regulation, the Government that ruled in Fort William then decided that the zamin-dars and the falukdars and the other people in the villages who ruled in the villages during those days, should be held responsible and they were heM responsible if any act of sati was committed in their villages. The zamindari; and the talukdars were

held responsible in those days. Now, who is responsible? It is said in the j Bill that the police would be at liberty to take action against sati. But whether it is the district administration or the district police, is not clear. If an act of sati is committed in a district, it is not clear whether the District Administration is responsible or the District Magistrate[^] is responsible or the District Police is responsible. But, after the commission of this offence, after something happens, the police will come into the picture. Only then the police comes into the picture arid take action. Some provision should be there here so that the police administration and the district administration are also held responsible for this. Not only that. A provision has been made here, although it was diluted in the Lok Sabha, the effect that if a woman wh_0 went to to commit *sati* is caught, she will be jailed for months. Why? Have" you come across six any woman in the Avorld who committed sati on her own? Even in the medieval days it was not done. It is always forcibly done and there is no voluntary sati anywhere in the world. AT Satis are forced satis.. A woman is forced to commit sati and she is caught and she is prevented and she is then Put in the jail for six months. This should not be there. I have given certain amendments and there are s_0 many amendments. T would re-* Quest the Government to ?o -slow in getting this Bill passed-this Bill we support and there is no doubt about it-and the Government should change its attitude. This Bill should be pronerly implemented with full political will. Otherwise. if you calculate only your prospects, then this legislation electoral will be only on naper. I say this because We have had so many laws in this respect, the 1829 Regulation. the 1830 Reflation, the TPC. then another TPC and then another amend-/ ed IPC and so on, and this piece of legislation also will find its place in the waste paper basket and the peopie will keep their eyes closed to what is happening and allow everything to happen. So. Sir, I condemn this Government for taking a feu dal attitude, but I would support the Bill when it comes to voting.

श्रीमतो सक्षा विजय जोशो (महाराष्ट्र) : ग्रादरणीय उपमभाष्यक्ष महोदय, में सती विरोधी विधेयक का समर्थन करने के लिए खडी हई हूं। म.न्यवर एक दिन मुझे मिलने के लिए एक महिला आई । वह एक अच्छी खासी पढी-लिखी महिला थी। मझे कहने लगी कि, आप लोग सती के खिलाफ बोलते हैं तो मुझे बड़ा दुख होता है ग्रौर इससे जो हमारी धार्मिक भावना है, उसको ठेस पहुंचती है। 🕈 तो यह जानकर चौंक गयी कि एक स्त्री होकर दसरी स्त्री को जिन्दा जलाने के पक्ष में यह ग्रौरत है ग्रौर धर्म की बात छेड़ रही है । भैने उसको पूछा कि, क्या ग्राप मानती हैं कि पति की मृत्यू के बाद पत्नी को जीने का ग्राधिकार नहीं है और पति की मत देह के साथ उसे जिन्दा जलाया जाय । यह कहां का न्याय है , यह कहां की सानवता है ग्रीर यह हां का धर्म है ? तो वह महेला मुझे बोली कि ग्राप गलत समझ रही हैं। जो ग्रौरत को जिन्दा जलाते हैं, मैं तो उसके बिल्कुल खिलाफ हूं। लेकिन 式 सती मानती हूं सीता को । सीता सती थीं, द्रौपदी सती थी, अनुपाइया सती थी, साविली सती थी। जब ग्राप सती के खिलाफ चिल्लाते है, तब हमें लगता है कि हमारे जो पूज्य-नीय देवी-देवता हैं उनके सतीत्व को नीचे झुकाया जा रहा है । जैने उन्हें सनझाया कि मत्य के मार्ग पर जो चलती हैं, ग्रपने पविव दैदीप्यमान गणों से सारी दुनियां को प्रेरित करती है, उन महान देवियों को हम पूज्यनीय समझते हैं मानते हैं । उनमें सत्य का तेज रहता है, इसलिए वे सती कहलाती हैं। सरकार ग्रौर सही विचार करने वाले व्यक्ति आज प्रचलित अर्थ में जो सती की प्रथा है, उस कुप्रथा के खिलाफ आवाज उठा रहे हैं। उस प्रयाको नष्ट करने के लिए सब्त कदम उठा रहे हैं। धर्म में जिसको महान माना है, उनकी महानता को कम करने या किसी की धार्मिक भावना को ठेस पहुंचाने का किसी प्रकार का उद्देश्य इसमें नहीं है । श्रीमती प्रभा ठाकर जो कवियती हैं, ने अपनी कविता में कहा है, "किस रूप से ये देखो सती शब्द चल गया, इसका जो सही अर्थ था वह कितना बदल गया । अन्सया सती रही सीता भी थी सती । जो सात हैं सतियां महान, सत्य पर चलीं, इनमें कोई जीवित पति के संग न जली ।" मान्यवर, लेकिन म्राज बीसवीं सदी के ग्रंतिम चरण में भी पति के शव के साथ स्त्री को जलाया जाता है । उसे सती कहकर देवत्व दिया जाता है। यह कहकर कि पति की मत देह के साथ स्त्री सती हो जाती है तेव वह अपने पति, अपनी माता और पिता--इन तीनों के परिवारों को शढ़ करती है ग्रौर वह अपने पति के साथ ढाई कोड साल तक स्वर्ग में स्थान पाती है । मान्य-वर, इसका मतलब यह हो गया कि इस पथ्वी पर जो जीवन उसे प्राप्त हुआ है, जीवन वह जी रही है उस जीवन को उससे छीन लेना ग्रीर जिस स्वर्ग का ग्रस्तित्व है भी या नहीं, इनका किसी को पता नहीं है, ऐसे स्वर्ग के लिए उसे रवाना कर देना और वह भी जिन्दा जला-कर, यह हमारे पिछडेपन और बेशर्ति का एक नमना है।

मान्यवर, 4 सितम्बर, 1987 को ऐसी ही शर्मनाक घटना राजस्थान में घटी कि शर्म में हमें अपनी गर्दन उपर उठाना मुक्किल हो रहा है । 18 साल की रूपकुंबर जिसने कि ग्रभी अपनी जिन्दगी देखी भी नहां थी, जिसका जादा हए सिर्फ 8 महीने हुए थे ग्रीर उन 8 महीनों में से सिर्फ 20 दिन वह अपने पति के संग रही थी। जिस पति के साथ वह सिर्फ 20 दिन रही उस पति को चिता में जलकर वह मर गयो। देवराला गांव की रूपकुंवर है, के पति को मृत्यु 4 6 P M सितम्बर को सुबह 7 बजे हुई सोकर के ग्रस्पताल में । दस बजे तक उसका शव देवराला लाया गया और ढाई बजे दाह संस्कार पुरा भी हो गया। उसी के साथ रूपकुंवर जल कर खाक हो गयी । यह सब मामला इतना झटपट हुआ कि रूप-

[अामतो सधा विजय जाशा]

कूवर के परिवार के जो सदस्य थे, उनके जो माता-पिता थे उनको यह खबर जिस समय हमको अखवा ों में 5 सितम्बर को यह खबर मिली वैसे ही उनको भी यह खबर 5 सितम्बर को प्राप्त हई हालांकि वे जो उसके माता-पिता थे वे जयपूर में रहते थे, जो कि सिर्फ 80 किलोमीटर देवराला से है। कारण यह दिया गया कि सती ज जाती है उसका निश्चित समय ोता है और रूपकूंवर के माता-पिता को खबर देने के लिये समय ही नहीं था । इस प्रकार के कारण को कोई बच्चा भी सही नहीं मानेगा । कहा जाता है कि रूपकुंबर अपनी इच्छा से सती हई । पहले तो कोई जल कर मरने के लिये तैयार नहीं होगा, फिर भी प्रियजनों की मत्य पर कुछ देर के लिये सोचने समझने की ताकत खत्म हो जाती है और उस वक्त कोई मरने की बात करे तो उसको उस विचार से परावृत्त करना आवश्यक है। उसे परावृत्त करना तो छोड़ ही दीजिए, समझाना भी छोड़ दीजिए, लेकिन उसके बजाय उसको प्रोत्साहित किया गया । राजस्थान में जब मैं गयी थी तो देवराला भी गयी थी और वहां के लोगों ने कहा कि रूपकुंबर "पापा, पापा, बचाम्रो, बचाम्रो" ऐसे चिल्ला रही थो और यह जो उसका चिल्लाना था यह सती माता के जयघोष में, उसकी ग्रावाज में दब गया । उसके चिल्लाने को दबाया गया और उसके गले तक रची हई जो लकडियां थीं उसमें से उठने की उसने कोशिश की, लेकिन उसमें वह कामयाब नहीं हो सकी । यह सरेम्रान हत्या है । यह सारी मानवता पर एक बदनुमा दाग है जिसने भी इस घुणित कार्य में सहयोग दिया ग्रौर उचित कार्य-वाही करने में ढील दी उन्हें कड़ी से कडी सजा मिलनी चाहिए और मान्यर, मझे खुशी है कि इस विधेयक में सेक्शन 4 के अनुसार किसी स्वी को सती होने के लिये उकसाने पर मृत्यु दंड ग्रौर उमर कैंद और फाइन की सजा का प्रबन्ध है। सेक्शन 4 सब संक्शन 2 के अन्तर्गत एक्सप्लेनेशन में कौन सी वृत्ति उकसाना कहलायी जाोगी उसका विस्तृत विवेचन है । इसमें कौन सी कृति उकसाना कही

जायगी इसमें कोई संदेह नहीं रहेगा। सेक्शन 5 के तहत सती को महिमा मंडित करने वालों को कम से कम एक साल की सजा, जो सात साल तक बढ़ायी जा सकती है, देने का प्रवन्ध है जोर उसके साथ साथ कम से कम 5000 ग्रौर जो 30,000 रुपयों तक हो सकता है ऐसे फाइन की व्यवस्था है। दूस री ग्रोर मरने 🕔 का सार्वजनिक उत्सव मनाने वालों को कम से कम इतनी सजा तो होनी ही चाहिए ।

ऐसे काम देश के कई भागों में हए हैं । वेछले 40 सालों में मझेतो मालम था कि 38 सती को घटनायें हई लेकेन अभी अभी बतारा गया कि 41 ऐसी घटनायें हुई हैं । अनेक कस्बों और गतरों में सती के मन्दिर हं। वे ग्रीरतें ग्राज से 50/100 साल पहले सती हई थीं । उनके सती होने के पोछे अद्भुत वलन बनाया जा रहा है। कैसे अपने सतीत्व के कारण उसकी चिता में अपने आप आग लग गया उसका वर्णन किया जाता है। कौन जानता है कि अपने ग्राप आग लग गयों थी या किसी ने आग लगायी। सौ स'ल के वाद रूप कंवर के बारे में भो ऐसे किस्से सूने जायेंगे। सौ साल के वाद क्यों जयपुर जब में गयी थी तो एक आ रनी अपने आप कैसे ग्राग लग गयी ग्रीर रूपकुंवर कैसे चिता पर बैठी और उस समय उसके मख-मंडल ५२ कैंसा तेजोवलय ग्रा रहा था उसकं; सारी वातें सुना रहा था । उसका वर्णन कर रहा था। तो मैंने पूछा कि क्या यह सब आ पने अपनी आंखों देखा है ? उन्होंने कहा के नहीं किसी ने सझे बताया है के अपने आप आग लग गयी थी। तब मैंने उसको डांटा ग्रौर उसको चूप केया। तो ब, चूप हुछा। तो इस तर, से राजस्थान सती वरोधक कानन की घारा 19 को अबँध घोषित किया है। यह ठीके है। धारा 19 को नरस्त करने से मौजूद। स्ती मंदिरों ग्रौर स्ती को महिमा मंडेत करने के खेलाफ काननी फंटा कसने की भूमका वन गई है। सभी सती मंदरों को अवैध घो षत किया जाना चाहिए । मौजदा सती मंदिरों में किसी

अन्य देवी देवताओं की स्थापना करक बह मंदिर उन देवताओं के मंदिर कहलाएं इस विधेयक के अनुसार सती के नाम से जो वस्तु बनायी जाएगी उसको नष्ट करने के ¹लए कलेक्टर और 1डॉस्ट्रक्ट मजिस्ट्रेट का अधिकार दिए गए हैं जोकि उचित बिंग्त है ।

महोदय कुछ लोग बबर प्रथा को हिन्दू धर्म से जोड़ रहे हैं दह बिलकुल गलत बात है । धर्मशास्त्र के घेष्ठ पंडित श्रीपांडुरंग शास्त्री के अनुसार सती प्रथा ग्रीक संस्कृति की देन है । वेदों में सती का उल्लेख रहीं नहीं है । कार्य, त्रिया कर्म के लिए वेदों में मंत्र हैं लेकिन सती के समय पठन करने के लिए मंत्र वेदों में नहीं हैं ग्रीर उस समय बौन सी विधि करेंगे, इसका भी उल्लेख कहीं नहीं है।

ंहोदभ, जमें तत्वचितां मैक्समूसः अपने ''संस्कृत वाडमय का इतिहास'' नामक ग्रंथ में कहते हैं कि सम्प्राट् कनिष्क के कुषाण संप्रदाय ने यह अथा भारत में चलाई होगी क्योंकि कुषाणों पर ग्रीक संस्कृति का प्रभाव था । इसलिए ऐसी कुप्रया को हिन्दू धर्म से जोड़कर, हिन्दू धर्म को बदन म करना उचित नहीं

मान्यवर. 1829 में लाई विलियम बेंटिंग ने सतं. प्रथा निर्मलन कानून बनाया। इसके पहले इन प्रथा के खिलाफ पहले ग्रजी इंगलैंड के बेडफोर्डेशग्धर सुबे के ग्रंग्रेजों ने का थी ग्रीर इसको बंगल से राजा राम मोहन राथ और नाना शंकर शोट ने समर्थन दिया । 18 जुन, 1823 को यह अर्जी थी देम नामक पालियामेंट के मेम्बर में कामन्स संभागह के सामने पेश को । उस समय प लियामेंट के सदस्यों ने मर्त प्रथा का ऐसा हद्य जिदा-रक वर्णन किया कि सबका दिल पिघल गया। फर भः कानुन बन्ने के लए और 6 साल लग गए । राजा नाम मोहन राय ने इस कुप्रया का अनुभव अपने परिवार में की किया था। 1818 में उनके भाई जगमोहन का देहान्त हुम्रा । उनके साथ उनको पत्नी सतो दो गई। ग्रापनी भाभी के प्रति राम मोहन को बड़ा पूज्य श्रदा 1579 R.S.-6

थां। जब वह चिता पर चढ़ो तब वह दाह शुरू होने पर प्रभिन को सहे न सर्का और चिता से कूदने की कोशिश करने लगां। तब उनके प्राप्ताग्रों ने ग्रौर शाह्यनों ने उसे लकड़ी से चिता में ढकेल दिया ग्रौर देखका चीखें सुनाई न पढ़ें इसके लिए जोर जोर से ढोल बजाना झुरू किया गया। छोटे राजा राम मोहन राय पर इस घटना का इतना गहरा ग्रसर हुग्रा कि उन्होंने प्रतिज्ञा की कि इस दुष्ट प्रथा को नष्ट करूंगा तभा दम लूंगा ग्रौर उन्होंने ग्रपना जीवन इसी काम मेलगाथा।

महोदन, यह जो प्रथा है वह खासकर बेगाल में प्रक्षिक थे। क्योंकि पश्चिम बंगाल में कानून से पत्नी को मालमत्ता में समान अधिकार है। इस प्रया के पीछे जो कमशियल ग्रासपेक्ट है वह बड़ा खतज्वाक है । देवराला गांव में नारियल के टक्स भर करके केरल से ग्राये । सैकडों दकानें लगीं । उनकी बिकी सैंकडों गना बढी । फोटोग्र,फरों ने चालाका से लीगों की भांखों में धुल झौंक कर ट्रिक फोटोग्र,फी में कमा लिया । धार्मिक लोग फूल, जारि-थल. पैसे सती स्थान पर चढ़ा कर, जिसके घर में उती हुई, उस परिवार को किय-मित ग्रामदनी ग्रीर साधन दिला देते हैं। इससे यह होगा कि यह खतरनाक प्रवृत्ति फैलती जायेगी कि धरियार में किसी स्वी को सती बनाम्रो और माराम से बैठकर सात पीहियों तक खाओं। इसके ऊपर जबर्दस्त रोक लगाने की जस्रत है। सेक्शन-8 के प्रनसार उथकी सम्पत्ति को जब्द करने की ब्यवस्थ, की गयी है । जो आइमी उकसाने में मदद करेगा वह भी टोषी होगा । यह बिल्कुल सही बात है। (समर को घंटी) में दो फिनट और लूंगी ।

े उपसमाध्क्ष (श्री हेच हनुमनतम्पा) : ग्रापके तीन-चार मिनट ज्याया हो चुके हैं।

श्रीमती सुधा विजय जोशी: ैं खत्म ही कर रही हूं। इस धिष्ठेयक में जो खास बात है वह यह है कि पॉलियॉनेंट या क्रसेम्बली का कोई शख्स इस प्रतार सती करने के लिए किसी को उक्सायेगा

(श्रीमती सधा विजय जोशी]

उसको बिल्कुल ग्रागे के लिए टिकट नही दिया जायेगा। मैं यह कहना चाहती हूं कि इसको पालियामेंट या असेम्बली तक ही क्यों रखा जाये इसको पंचायत तथ ले जानः चाहिए । इसको पंचायत तक ले जायेंगे तब यह ग्रीर भी ठीक हागा । जो महिला संस्थाएं हैं, सामाजिक संस्थाएं हैं, उनको मो ग्रधिकार मिलन चाहिए। जहां इस प्रकार के पुनाह होते हैं उनको का 1ने' अ घट रा लने चाहर देनका मज देने के खिए वे आगे वढे । उसके साथ-साथ हमारी जो नयी पीढ़ी है उसके मन में इस प्रकार की अमानघ प्रथा के प्रति घण पैदा हो जानी च हिए । इसलिए पाठयत्रम में इस प्रकार का प्रथा को भयानकता पर प्रकाश डालने वाले विचार रखे जयें। मुझे भालूम है खुतकर राजस्थ.न को वह जुच्छे अर्मर शिक्षित परिवार का लडकियां भा सोने समय धती माता को फोटो की वंदन। करती है योकि ईस संस्तार लक्ते ऊप'ँने ो है। हस सम्मा, लतसम्मार यानी वाटमी पर न पहें इसके लिये लोगों को जागरक करने की पावश्यकता है। कितने भी कायदे कानन हों जब तक हम इनको समाज तक उठी पहुंचायेंगे जब तक समाज परिवर्तित नहीं होगा तब तक कायदे कानन का कोई फ.य.न नहीं होगा उसका सती टपयोग नती तोगा । समाज परि-वर्तन हमें करना चाहिए।

विधवाओं की तरफ जो देखने की दृष्टि है उस दृष्टिकोण को भी बदलना चाहिए । विधवाओं की अधिक सिथति अच्छी रहे इगलिए ठोस अधिक कार्यक्रम भी रखने चाहिएं ताकि विधवायें अपने आपको स्वतंव महसूस करें अपने आपको समझें कि वह किसी भी प्रकार से कम नहीं है । अपनी बेटियों के मन में भी ऐसे विचार डालने होंगे । उन्हें सिख.ना होगा कि वह अपनी शक्ति को पहचाने अपने आपको पहचाने ।

1 7,85

प्रभाठ।कृगके शब्दों में नारी की क्यापहचान हैमें बताती हं: "नारी है ज्योतिपंज वो जननी है पुरुष की, अबला नहीं है वो नहीं दासी है किसी की, झांसा की है रानी कभी दुर्गावती है वो, वो इन्दिश गांधी है, तो दुर्गा की शक्ति है वो। प्रपने स्वरूप को हमें पहचायना होगा, प्रपनी बिरादरी का हक मांगना होगा।" इन्हीं शब्दों के साथ में इस सुग-दित विद्येयक के लिए सरकाश का और मंत्री महोदया का अफिनन्दन करतों हुं

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Hon. Members, I want to remind the House that a Short Duration discussion has already taken place on this subject on two days. I would, therefore, request^ the Hon. Members to confine them-' selves to the suggestions on the Bill. That will help the House to complete the Bill early.

ग्रौर विष्ठेधक का समर्थन करती है।

Yes, Shri Rajangam.

SHRI N. RAJANGAM (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise t₀ support this bill on behalf of A. f. A. DJVT. K. William Bendick banned Sati legally, during the British rule. It is a matter of surprise that the necessity of this bill has^. been realised only after 150 years. It only signifies that our interests have remained pivotted to the realm of power than to any kind of social reform that needed priority $_{0}r$ war footing. It is indeed unfortunate that we needed such a long time only to make an endeavour to come to terms with reality to take this step. Dr. Ambedkar said that social reform was preferable t₀ political reform in this larger interest of trie society. He very strongly felt that social refrom would have telling effect on the orthodox society of * India.

^English translation *oi* !he original speech in Tamil.

This augusl House has passed a number of Bills besides amending various Acts to rise to the situations. But we know beyond a shadow of doubt that these Acts and amendments are not implemented with the Necessary political will. In Tamilnadu, the great leader of Dravidian move/ment, 1'ate E. V. Ramasamy Periyar devoted his whole life to wards the cause of social reformemancipation particular. women in To cite just an example of his prag approach, matic he insisted that women should tie the 'Mangal Sutras' to men in the marriage ceremony so that the men falk might realise that both, husband and wife are equals. also pointed amount He out the

- harm done the society of to bv religions that segmented hu th< rn n beings int. to four Varunas matised the lower castes. Because of the illiteracy and womer. the "'Oos like Sati ignorance of have been continuing for
- " centuries. Tf well educated a. nd well inftrmed women like Smt. Margaret Mva an] Smt. Renuka Choudhury break the irrational shackles and t'hrow the husbands : n the funeral pyre of 'their wives, I am sue, (his practice of Sati would *come to* an abrtip half. The Sati would have disappeared long hack, if we had such women. But even educated women Jack this courage. Otherwise, there could have been no necessity to bring this legislation a* fflis stage. This will only reveal to the world what kind of 'a nation India is! Without much ado. we should admit that we have not made much progress in Social reform for it involves religious reform.

When King Henry VIII wanted to marry his- elder brother's wife he was not ¹ allowed to do so by the Canterbury Church and fhe Parliame. Therefore he. wis all out to bring about reform in all aspects of life. Anj the rest is history. King Edward VITT renounced his crown for the sake of his wife and to save the sanctity of marriage and the rights of his wife. Mr. E. V. Ramasamy Pariyar spent his life pleading for the emancipation of women because he thought then alone there would be an 'deal state. Because he could feel the heart heat of the under privileged, he declared in a pronounced

fashion 'that no progress in any sphere was possible without the much needed so cial reform. And today as his words ring, I feel bow great a visionary he was! I want to make a specific request to the Government. Ple'ase, do not repeat be hollow slogans of 'march towards 21st; century'. Be no-e cautious and realistic and see that we Jo not make a retreat to compelled to say this 19th cenr because, most or us are still, unable to insulate from the impact of the irrational and illogical customs of the society. It is high 'time that women folk awakens from the s1t'nat its rights arenot trample. nme of religions orcustoms. Such awakening willnotonlyget them their due bui will also saveourcount>-y from bei amassed in (hefnternation:

I request the Government *, be more pragmatic i, n its approach. I also plead he Hon'ble Ministe for Social Welfare to go bringing about social reform in wh ti

Thank vou.

[उपाध्यक (श्री जगश देशाई) गीठांसीम हुए]

कमारी सईदा खातल (मध्य प्रदेश) : बादरणीय उपसभाध्यक्ष महोदय आपने मुझे आज जो सती (तिवारण) विधेयक 1987 पर गोलने का मौका दिया इसके लिये जे आपका आभारी हं ।

महोदय जाज के यग में जहां भारत विकासणील देशों की श्रेणी में पहुंच रहा है वहां इस प्रकार ब्रांघविण्यास ने पूर्ण और कढिवादी घटना की कल्पना जी क्लेशकारी है तथा प्रगतिशील समाज ौर विकासोमख देश के कदमों की जिलाने वाली है। इस कुप्रधा का वहता से मान हिक बिरोध होना ही चाहिए । यात हमारी माग्रेट आल्वा जी ने जो जह विधेयक यहां पर प्रस्तुत िया है उसके िय उनको बधाई देती हं । सही माल्लो में एक औरत का दर्द एक सोरन ही समझ सकती है । जब हमारे पी पर कांटे चभते हैं तभी उसकी तकलोफ का हमें ब्रहसास होता है । महोदय नती का Sati means, the woman is devoted to her 'husband, eve_n 'after death.

किंगारी सहेवा खातू ।

बानी औरत अपने आदमी के प्रति अपने पति के प्रति जन्म-जन्मांतर तक जडी रहे । सती सावित्री का किस्सा सवका मालम है । सती सावित्री ने अपने पति को आतमा को एक नयी जिन्दगी दिलवाई मां । वह माग में जलकर सती नही हई थो लेकिन फिर भी उसको मती की पदवी दी गई थीं । अपने पति की मत्य का उसे दुख था लेकिन साथ ही उनमें इतन। जोश था कि उसने अपने पति की हात्मा को नई जिसगी दिलवाई थी। झगर पति के साथ जलकर सती होना बडा प्रथ्य का काम होता तो हम परम जादरणीय स्वर्गीय श्रीमती इंदिरा गांधी के शासन काल से बॉचन रह जाते क्योंकि उनका शासन काल भारतवर्ष के इतिहास के स्वणिम पृष्ठ कहलाते हैं। वे भी एक विधवा थी । इसलिये यह जो समाज में बुराई व्याप्त है हमें इसको जड से उखाइ फेंकना चाहिए । अगर इस बराई का श्म क्रीति का एक भी कण समाज में बचा रह जाता है तो वह हमरी महिल जगत का दोपक की तरह परेजान कर सकता है। जिन्दगी जो है जीवन जो है वह सभी प्राणियों के लिये बरदान है और इस वरदान का सही अर्थ समझकर दूसरों के जीवन को मुखमय झौर सुफ्फलित बनाना ही मानव पुरुषार्थ है। लेकिन हमे यह देखकर बड़ी शर्म महसुस होती है कि हम अपनी मां बहन झौर बेटी की जिन्दगी की रक्षा नहीं कर सकते । जब हम उनको जिन्दगी की रक्षा नहीं कर सकते तो उनकी जिदगी लेने का अच्छित-यार हमें नहीं है। जिन्दगी जिस ऊजर बाले ने दी है उमे हो जिल्दगी लेने का श्रस्तियार है।

उपसभाध्यक्ष महोवय, इस बिल का मै दुबारा गरमजोशी से समर्थन करती हू। माग्नेंट आल्वा जी ने जो यह विल प्रस्तुत किया है इससे बहुत ही ग्रच्छे परिणाम हमारे सामने आयेगे। श्रीरत जो है उसको हर आयु में सरकण की जरूरत महसुस होती है। जब वह बच्ची रहनी है तब उसे अपने पिता का संरक्षण चाहिये, जब बह युवा होती है तो उसको अपने भाई का संरक्षण चाहिये और भाई के संरक्षण में रह कर वह अपनी जिन्दगी गुजारती है और शादी के बाद उसे अपने पति का संरक्षण चाहिये । इस प्रकार जब वह बूखी हो जाती है तो उसे अपने बेंटे का संरक्षण चाहिये । तो औरत की जिन्दगी पूर्ण रूप से आदमी का संरक्षण चाहती है । तो पूर्ण जिन्दगी में प्रगर औरत को संरक्षण न मिले तो उसकी जिन्दगी जान-वर से भी बदतर हो जाती है । औरत सारी जिन्दगी इसी साच में गुजारती है । इस पर मझे एक जेर याद खाता है-

''तमाम उन्न इसी कशमकश मैं गुजारी हमने । के क्राणियां किसी णाखे चमन पे बार न हो ।''

इन लक्यों के साथ में मारपोट खाल्वा जी को बधाई देती हूं क उन्होंने यह बिल लाया है। हालांकि यह बल बहुत देर के बाद आया है लेकिन फिर भी देर आयाद दुरुस्त आयाद वाली कहावत चार-तार्थ होती है। इसलिए ैं उन्हें डबल बधाई देती है। धन्यवाद।

SUMATI RENUKA CHOWDHURI lAndhig Pradesh): Thank you for giving

 i_s opportunity. If it is for the surface <u>\iiue</u> of welcoming the Bill because it deals with women and for the betler-

0] " >men, I accept and welcome I. I 'am saying so becaus simply -

Ems empowering an impotent Governmen1 with more powers to establish what has already been established. The Bill categorically says: "... to provide for the more effective prevention of the com mission of Sati and its glorificalio, n and for matters connecter therewith or inciihereto. " This negates what we in Н is of Independence, claim fo have achieved. We cannot merely by romanticising, philosophising o. - eulogising about st'ark fact, get away with more and more Bills like t'nis. If by introducing ithese Bill, we had an effective Government, a sati would not have taken place. This would not have started from the incident in Deorala, Rajasthan, if the Government had taken serious steps genuinely under

the CrPC Or IPC. Already there are legislations which make this crime a cognizable crime. So, basic-ally, ii is the Government's own admission feat is im-potent. I strongly resent that an important Bill like this has been brought before this august House at 'this fag end Of the day, fag end of the session. This *5tself reflects the seriousness with which the Government is considering; rtiis Bill, You have assigned the fast few hours for Ibis House to talk about an all-important issue T will not talk about the community in this House. [wil] not revive communalism even by 'an inference because T am not speaking as widow man T am resenting with all the anger inside me. There is deep frustration want to go on record that as a worn country of independent India and mother of tw,, daughters, 1 'have to stand up in this House tod'ay to proles, about the Government.

A Sufi poet once said, break them up. Veak the temple, break whatever besides. bul break not a human heart because that is where God resides.

This Goveinment in its efforts to be awaj from the people has forgotten, 'how government is born. T(is a demo government, that is. of the people, for he people and by the people. You are dealing with the intangible society of the Indian masses. Tn the same bre'ath you talk of abolishing sati in terms of reforms. Have we the measures, have we Che methods to implement this Whi do you tolerate 'and watch when so attaining Samadhi" Tt is during this tion of sati that Samadhi was to ed. When thousands flock there why is Hie Government turninc a blind eye? are w_e justifying that a person of age has 3 right over bis own person his own body to attain samadhi How do we tolerate hunger strikes where foui later you are watching a man in 10 commit suicide, if you tal 1 in that interpretation" You 'are infringing on the individual's rights. then you. ire talking of euthanasia as a from of

social reform. Where 1 have registei a Member of this august House fo, he right to die with dignity. As lona as [t not within the parameters of any bi aid. I wish to die with dignity when such a ch'ance arises where I am not depi on machine to sustain life if "life. interpreted as life in the spirit Chat is supposed to be. 1 do not want an life.

When we are talking of legal euthanasia, when we have legalised eal termination of pregnancy, when is no law against amniocentesis, whi are tolerating hunger strike as a bla, weapon, as militant non-violence, when we are tolerating everything, in the breath we are patting ourselves on the back and saying: "We are bringin this Bill" Not for one moment am 1 tolerating the concept of Sati. be il Mm. be it a Hindu. [am not tolerating Sati. As Gandhiji once effectively -he had written once in 1931-Sati is the epitome of purity. This purity be attained or realised by eanno d\ing: it can be achieved only through constant sti constant immolation Of the spin;. That what you have got to take cognisan --- the spirit of the Indian women h spirit of t'ne Indian society-why women?

Sir. it is denigrat ng to a woman in Indiv, today, in term, of national education policy", fumii } planning etc. these other hills pas* heal the socalled subitaneous psyche of the ^{hll1}Tndian psyche—we talk of bills 'against denigration of women. While S ti by inference of what happened in I 1 and glorifying of ? ' in death, thai unless a wom'an is a panied by m'an, she is not fit to be That is why I say it, unless T die with my pati I am not Sati. Whereas wh'at a people who want to build temple them? What about thousand, of w who are I i 1 of m'an —<!remnent en. day fo • he lnot takin. eon illy impieps? Why sur te bringingthese under one umbrella? Becausethese are non-eff: tive endless. number of passing bills. This is bevond massmedia communication that is existing

[Shrimati Renuka Chowdhury]

in our country. Folklore of Sati has travelled down by wora of mouth, by song. It is the lack of education is the need of the hour today. Be it man or woman, unless you edu_ cate our masses, we cannot bring this about.

Sir, the Bill also has so many lacunae. As was mentioned earlier, it *is* applicable everywhere except the State of Jammu and Kashmir which enjoys a special status in the Constitution. But do you mean to say that we did not know that this Bill was going to be brought about, that we did not seek the permission of Jammu and Kashmir Government?

There is also a clause which says,oman, if she survives, is goingto be punished. This is like a suicidevhich, in other words, means, be it a man or woman, if you wantto kill yourself, do a good job of itbecause if you live, we shall punishyou. You have no effective measuresfor educating the persons that theydo not need to do such a thing. We do not have enough social structure, wedo not have enough social support andcannot be brought about merelying bills and having SpecijilCourts etc.

Now the Government has also brought in this provision where they have said, under the Statement of cts and Reasons that one of the es says. Representation of People Act of 1951 is being amended to provide for disqualification for standing for election to Parliamen; or to any State legislature. I assume this is taking into cognisance that there were several public representatives who took part n this Deorala incident. Would the Government, to show that it is earnest and that this is not an eye-wash, go into retrospective effect regarding this Bill and take action against people? Please dismiss the Chief Minister and other concerned officials and the public representative?

who took part in this and defied the Ordinance and court orders and com mitted a contempt of the court and still took part in the Chunari ceremony some 14-15 days later. Simultaneously the procession in Jaipur was banned. How do you expect the people of this country, or how do you expect me, as an individual, as a re presentative of the masses, to accept" that we are genuinely trving to achieve something. Otherwise this is an expenditure unnecessary on this Government which is labouring under the weight of drought, famine and and the burden is being put on every Ministry saying that there is drought in the country. The genuine is there in the country is of the drought that heart and the mind. This is where we have got to reach out to the masses. We have to be able to inspire the people, the non-political forums, those who are not takingly anything other than human cognizance of value systems. It is the masses who have to come forward to go back from where they have come to educate the people. Unless we have this weapons system this problem cannot be fought. We will continue to pass a thousand Bills like this. We have three State Bills already. I do not know when this Central Bill is to come into operation in other States. Otherwise, of course, every-body will migrate to Jammu and^ Kashmir to go and commit Sati Till that is also taken into con-'ion we will have another 41 lioforo that is done. There are 41 Satis already, registered Satis, as acknowledged by the Government. I don't know how many unknown Satis have been) committed and how dving without belled many women are "Sati"-which is even more humiliating to me as a woman.

Taking these into consideration. Sir, through you I would plead with Madam Minister that while I wel- X come the Bill in concept conceptually the Bill is to be welcomed because I am not negating it—for God's sake let us tighten it up. It is such a porous Bill—there is so much porosity. It is like straining the ocean with a sieve. So, I beg of you, do take into consideration what I have just mentioned: It is by the emulation of the spirit that we a-re going to acheive anything and not by black and white Bills.

Thank you.

श्रीः भंवरलाल पंवार (राजस्थान) : उपसभाध्यक्ष जी, नैं इस बिल का समर्थन करने के लिए खडा हुग्रा हं ।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Seven minutes only.

अो भंबरलास पंव'र : उपसभाध्यक्ष महोदय, इस बिल से राजस्थान को विशेष रूप से चर्चा करते हुए जोड़ा गया है घौर उसके लिए मैं यह निवेदन करना चाहूंगा कि राजस्थान शूरवीरों, एवं वीरांगनाघों की धरती के रूप में भारतवर्ष में प्रख्यात रहा है। बहां पर वीरांगनाघों ने देश के मान एवं सम्मान को बनाये रखने के लिए शतुग्रों से ग्रंतिम समय तक लड़ने के लिए शतुग्रों से ग्रंतिम समय तक जड़ने के लिए शतुग्रों से ग्रंतिम समय तक लड़ने के लिए शतुग्रों से ग्रंतिम समय तक जड़ने के लिए शतु जीवन का जौहर देकर भी, प्रोत्साहन देने के लिए वीरांगनाएं भारतवर्ष में प्रख्यात रहीं, परन्तु समय के ग्रंतराल ने सामाजिक कुव्यवस्थाग्रों ने भारतवर्ष में यह गलत परम्पराएं प्रारम्भ कर दी हैं।

भारत के नौकवान प्रधान मंत्री जी ने बड़ा ही साहसिक कदम उठा कर पूरे राष्ट्र के लिए यह विवेषक इस सल में ही प्रस्तुत कर ास रवाया है। इसके लिए प्रधान मंत्री जो वन्यवाद के ाल हैं ग्रीर हमारी मंत्री महोदया ने जयपुर में आकर जिस साहस और उत्साह से इस संबंध में जो अपना भाषण दिया, उसके लिए भी नै उनको वधाई देता हूं और बह धन्यवाद की पाल है।

एक मानने सदस् : वह भी बीरांगना ही हैं।

ओ भवरलाल पंवार : समाज का कुछ वगै-विश्वेष सती की प्रथा को धर्म को पृट देकर स्वेच्छा से स्वयं स्वी द्वारा यह कर्म करने की बात कह कर इस कुप्रथा का समर्थन करते रहे हैं।

भारतवर्ष में स्त्री का जो स्थान ग्रब तक रहा है, उससे यह स्पष्ट प्रतीत होता है कि बाल्यकाल, बच्ची ग्रपने माता-पिता के कठोर संरक्षण में विताती है, यौवन काल में ग्रपने पति की सविका के रूप में नियंत्रित जीवन व्यतीत करती है एवं वृद्धा प्रवस्था में ग्रपने पुत्रों के ग्रधीन प्रसहाय होकर प्रतिम ख्वास लती है । ऐसी ग्रवस्था में स्त्री की स्वेच्छा से जल कर सती होने की बात कठोर प्रसत्य है । इसको कई भी मानव जो थोड़ा वुद्धि रखता है, यह सही नहीं मान ायेगा कि सती होने वाली ग्रपनी इच्छा से कोई कार्य करती हो ।

महोदय, इस एक्ट के संबंध में मैं माननीय मंत्री जी से एँ निवेदन करन चाहूंगा ि क्लाज 1(3) में प्रावधान है कि यह बिल किसी राज्य में उम तारीख को प्रवस होगा जो केन्द्रीय सर ार राज-पत में अधिसचना ढारा नियत करे और भिन्न-भिन्न राज्यों के लिए भिन्न-भिन्न ता ीखें नियत की जा सकेंगी। इस बल की उपयोगिता एवं स्थिति की गंभीर ता को देखते हुए नैं माननीय मंत्री जी से ग्रौर सरकार से अन्शेध करूंगा ि राष्ट्रपति जी की सहमति प्राप्त होते ही ग्रविलम्ब एक ही तारीख से मभी राज्यों में यह कानून लागू करें और लागू करने की व्यवस्था करें। इसके साथ ही में यह निवेदन इसलिए करना चाहना हं कि बिल के पास होने के पश्चात् भी उसका कार्यान्वयन पूरे राष्ट्र में एक साथ नहीं हो पाता । ैं एक उदाहरण इस संबंध में ग्रापके सामने देना चाहगा । सन् 1961 में एक एडवोकेट एक्ट पास हुआ था जिसमें धारा 30 के द्वारा एडवोकेट को किसी भी कोर्ट के भ्रन्दर या किसी प्राधिकरण के अन्दर एडवोकेमी करने का मूल ग्राधिकार दिया है। ग्राभी ते 17 साल के बाद भी उसको नोटिफाई करके लागु नहीं किया गया है । इसलिए मैं यह निवेदन करना चाहूंगा कि इस एक्ट

[श्री भंबरलाल पंबार]

को तुरन्त ही सभी प्रान्तों में लाग किया जाए । इसके अलावा भी धारा 21 के अन्तर्गतं जो प्रावधान है कि केन्द्रीय सरकार नियम बनायेगी, उस नियम को बनाते साय च के इस एक्टों कई प्रोडियेंट नहीं लाया जा सकता है मिवेदन करना च। इंगा कि मंत्री जी से कि यह जो प्रथा चलों हैं इसके पोछे क्या बात है कि जो हमें गंभोरता से देखने की आदश्यकता है। रजस्थान हे एक तह का है कि चार को 'गेंनित', चोर को ने का ' रो, ताकि चोरो उत्पन्त नहीं हो । यह प्रया जिसके पीछे विधवा स्वी जिस प्रवार से अपना जोवन व्यतीत करती है उसका समाज में क्या सान एवं सम्मान है कि पहि के देहान्त के पश्चात घर के एक कोने में लंबे असँ तक जल की तरह उसको यातना झेलना ५ इती है ? यह उपपनी स्वेच्छा से इच्छानेसार वस्त्र एव जेवर नहीं पहन सकतो । काले कपडे पटनने पडते है। व्यक्ति अपनी आजीविका के लिए प्रात. जब घर से प्रस्थान करता है और दिवया यदि सामने आये तो अपसकन होना मानकर बंट जाता है आगे नहीं वढता है और कार्य करता वन्द करता है । इस लिए ये कुछ ऐसी वार्ने हैं जिसके लिए इन्छ समेंडमेंट के स्थ में भी इस प्रकार से प्रायवान करने पडेंगे ताकि यह जो कु-प्रथाएं यद तक सामाजिक व्यदस्था के कारण बन गई हैं उनको हटाया जाए ताकि स्ती का सम्मान वहे । स्ती का विधवा होता अपसकृत तहीं समझा जाए। राजस्यान में देवराला की घटना के पूर्व पिछले 10 सालों में तीन ऐसी घटनाएं घटित होने जा रही थीं उनको संस्कार ने रोका और ऐसी प्रथा को सत्कार कभी वर्वाश्त नहीं करेगी । माननीय सदस्या ने श्रभी जो कहा कि यह बिल केवल एक पेपर की तरह है। नहीं ऐसा नहीं है। इससे पुरे राग्ट में इस प्रथा को सुनियो-जित डंग से रोकने की न्यदस्य। हो जाएगी । मेरी सचना के झाधार पर देवराला घटना के पश्चात लगभग 30 लाख की राशि इन प्रथा को महिमा मंडित करने के लिए इकट्ठी की लई है। झब उस राणि का दुरुभयोग नत्नीं हो पायेगा

त्रौर उसका सदुपयोग हो मकेगा । इस संबंध में सरकार से मेरा निवेदन है कि बहु विधवा अध्यम बनाए और वैसे यह प्रया सामाजिक रूप से भी दूर हो सके। मुझे जो समय दिया गया उसके लिए आा⊺ा वहत वहत धन्यवाद ।

DR. (SHRIMATI) SAROJINI MAHISHI (Karnataka): Mr. Vice-Chair- -* man. Sir, thank you for giving me fome time to speak.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Seven minutes.

DR. (SHRIMATI) SAROJINI MAHISHI: After the Deorala incident in Rajasthan, the bitter reaction that was shown towards this incident in the whole country has been taken by the Government, I hope, in the proper sense, and this piece of legislation is before the House. The ill-will and the bitter feelings that were created in "" the entire society, in the entire country on acount of this incident ir. Deorala, even after a period of 40 years of the independence, is shoe

Sir, four decades have passed, but where are we actually? We speik so highly about our space research, our nuclear power, our earth stations, space stations and our commercial satellites and a number of ^>ther things. But where are we? Are we going back again to bring a piece >f legislation-we have brought it already--which was brought 15J /ears back during the British Rule: What efforts have we made since then to see that this situation is remedied? We say the position of the women in I our country is improving and a number of social legislations have been brought into force, but how far have they been implemented with ??rious-ness, with the spirit that is essential for the implementation of the same? A tiger is never offered in sacrifice, an elephant is never offered in sacrifice, a wolf is never offered in sacrifice; it is only a poor goat that is offered in. sacrifice and the God is also pleased with that. It is satire. Therefore, is she a goat or a sheep

that the woman is being offered in sacr fice? It is she who is victimised by the maledominated society. It is not a reflection on anybody here, ise they are not responsible for this. But in a male-dominated society, woman was considered as a commodity as a thing for enjoyment, who can be sacrificed any time and a person can go in for a second or even a third marriage. Whether it is Hinduism or Islam, woman has been considered as a commodity. I would like to know here what efforts have we niada even after the forty years after Independence to see that her position is improved. In 1937. the Hindu Women's Property Act was brought into force, but it was not Hindu Women's property Act; it was Hindu Widow's property Act with restricted or with limited rights in the property. But 50 years have passed since then. Dhe 1956 codification of the Hindu Law gave a right to the daughter in the property of her father, but not the right as a member of the copar-ry system property. She has no right to open the of partition in the coparcenery system of property. She has no right to have an economic position in the society.

In the field of religian, she lost her pos tion. How she came to lose the pos: tion. I am going to elaborate in very short time. But before that I would like to refer to line number 3 in the Bill which says:

"Whereas *Sati* or the burning or ing alive of widows or women is revolting to the feelings of human nature and is nowhere enjoined by any of the religions of India as an imperitive duty. "

Even if it is enjoined as an impe-rative rule or duty by any religious script, wherein interpolations have been put into it. we are not bothered about it. Therefore, this sentence is not necessary at all. Even if it has been put into the body of any scripture later on as an interpolation, how are -we bothered about these things? As human-beings, a woman has got the right to live in a better way and always continuously struggle to live in a better way. If she becomes a stone without expressing any feelings of her own, she is worshiped in the temples and if she lives as a human being she is not Vespected even.

What is actually her position? What is here economic position? What is ber social position even today? Irrespective of the caste, creed or sex or place of birth, every citizen has been given equality before law and equal protection by law. It is there in the body of the Constitution. But in practice, I would like to narrate a few things as to how woman lost her position in the economic field and also in the social field. She was married at the age of eight. She had neither the opportunity of getting education, nor had she the opportunity of getting any economic rights in her father's property or to succeed to anybody's property. Therefore, in these circumstances, not in the Vedic period, not in the Upanishad period, but later on in the Smriti period, this discontinued and she was entitled after marriage to her right in the form of Stri Dhan_ She was an titled to this women's property Stri Dhan, which was given to her at the time of the nuptial ceremony, at the time of the nuptial procession or when sitting before fire for the marriage. Later on, of the nuptial course, her husband was there to decide whether there was an impending danger in the family and he could take it away also. Therefore, under these circumstances she could not get right to any property also. except this piece, which was a very paltry thing so to say. Latex on actually she was married and then when she was not en-titled to get any property naturally her position in the religion-it may be Hinduism or any other religion-was reduced to that of a non-entity.

I am giving an example in Sanskrit drama. When Rama performed a sac-

[Dr. (Smt.) Sarojini Mahishi]

rifice Atreya asked who was Rama's wife because it was learnt that he had abandoned his first wife, he has started the horse sacrifice, who is his wife-who is participating in the re-Iigious rituals in the He said, has he married for the sacrifice? second time? Alas! no. Then who is his wife who is participating in the religious rituals? Golden image of Sita. And Rama is appreciated like this. Rama's mind is harder than the diamond and softer than the petals of a flower who indeed is able to understand the mind of a magnanimous person. That is how, of course, Rama is praised as a great magnanimous person and what he has done is a very big thing and live Sita need not be there: Sitas image can be placed instead of Sita. The whole thing has started from then onwards. Anything can be replaced. An image can replace the live wife. Later Sita gives a clean certificate to Rama also: "I should not charge Rama on account of the wanton act that he has done towards me but it is due to the result of the accumulated sin of previous birth that I am born as a mv woman. " Therefore, these are all the feelings that have been filled into the minds of the society. I do not like to say who done these things. It is a male has dominated society where 12 types of sons were recognised but not the intelligent daughter born in the family to succeed to the property. I quoted 12 types of sons, earlier to succeed to the property; Even a male child purchased from outside can also succeed to the property but not the daughter born in the family, even though she is intelligent. "I do not want a mad daughter to succeed to the property but a mad son can succeed to the property. " It is Gajendragadkar who has elaborated al] these things. But in spite of all these things we are not able to change and bring a revolutionary attitude in the spirit of the law. That is still continuing with us. We call it by name of the legacy, we call it by the name of culture, we call

it by the name of heritage but we never had this deformed and twisted heritage and interpretation of these things. A girl became a widow, a child widow. Dr Karve had to struggle for more than half a century to keep her alive to see that her problems were solved, of course, he did quite a lot. But in spite of that we_# are. still having deformity. The girl who becomes a child widow, her hair is removed, she has to wear a particular type of dress, her siaht is inauspicious, she cannot participate in any of the things. How are you going to restore the social values that were there earlier? She is the incarnation of divinity. She is the mother God. She is all things, services, sacrifices incorporated into the body of woman. She is the embodiment of (sacrifice, she is the embodiment of service, she is everything. On paper, in praise we use all these words. But actually in practice her sight is inauspicious. It is not her fault that her husband died. That is how we are treating, it is due to her fault, her sin her husband died and, therefore, she also should accompany him in the funeral deformities have crept into the pyre. These body. Therefore, what is it that Government want to bring about, have they the spirit and will behind it? If they cannot do anything in the Dowry prevention Act. 1961 25 years have passed now but the bride burning continues. On the i contiary, it is increasing. Even after the daughter-in-law in the family has got three children she is sent back or she is burnt and the father-in-law and mother-in-law take part in that with active interest. These are cases of course, which are increasing and the Government has not taken it up with all Untouchability seriousness. has been considered as a crime in the body of the Constitution itself but then what has the Government done in these cases? There are three ways of remedving the situation-lihe refor_ mator_v theory, the punitive theory and the deterrent theory. Here we find punitive and deterrent theories. The deferent theory has been utilised

so that it is deterent for any other person to undertake such measure or ke shelter under these measures. But Sir, the reftrmative theory is very ial. Women oi our country must be educated. They must be provide I unities in jobs. They must be given an economic position also and then the old laws of the country have got to be remedied and that amend-is very necessary. I would like to refer to a point which my good friiind Shri Dharam Chander Praia ised that except the State of Jammu and Kashmir, of course, this law would be applicable in the whole county. Of course, this is very ridiculous. Whatever it may be, a piece of social legislation you are bringing in here. Does it mean that anyone can go to Jammu and Kashmir and commit Sati? A piece of social legislation not of a good spirit is there. Aleast like a social legislation, we ^ extend it on paper to Jammu and Kashmir which is a very very significant part of our country. I would like to mention another thing.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now Please conclude.

DR. (SHRIMATI) SAROJINI MAHISHI): Yes, I will finish. There is no suit protection in clause 15. "No suit, p osecution or other legal proceedings 11 lie against the State Government or any officer or authority of the State Government, etc. " that is concerned with bringing about some improvement with good faith. Why rot give some protection to voluntary crganisations, womens organisations who come forward to take up this work. If no protection is given to them, they will not be able to undertake this work. It is very necessary. Not only the Government but even a piece of legislation cannot do much without the voluntary cooperation of a number of institutions and members of the Bociety. Therefore, I would wish that Government would also give protection to the women organisations and other institutions which come forward to take up the cause

(Prevention) Bill, 1987

country. Thank you.

ओ सरेन्द्रजीत सिंह अहल्वालिया (बिहार) जेपसभाध्यक्ष महोदय, में सती निवारण विधेयक का समर्थन करने के लिये खडा हआ हं। यह सती निवारण विधेयक आज भारत के 780 मिलियन लोगों की पूकार है। यह ग्राज अपोजी-जन था रूलिग पार्टी की बात नहीं है पिछले दिनों देवराला गांव में घटी घटना ने हिन्द्रस्तान के हर एक विवेक शील नारी और पुरुष के दिल को हिला दिया है कि ऐसी भी घणित चीजें घट मकती हैं जोकि हमारे समाजिक ग्रौर नैतिक जीवन के माथे पर कलंक का टीका बन कर खड़ी हो सकती हैं 1157 साल पहले राजा राम मोहन राय ने ब्रिटिश साम्राज्यवाद के लोगो के संकीर्णतावादी दिमाग के अन्दर घस कर इसी चीज का इतिवाद करते हुए एक विश्वेयक लाथा था । पर दूभग्वि की बत है कि आज तक हम उस विधे-थक के बारे में जनता को समझ। नहीं सके । जनता को उस के बारे में जन्म नहीं देसके । बात आती है कभी-कभी धर्म के नाम पर इस तरह के करन काम होते हैं। धर्म की बात मोची जाय तो ग्राज भी पांच शंकराचार्थों के बीच में एक शंकराचार्यं ने इस सती प्रथा को चाल रखते के लिये समर्थन दिया है । मेरे ख्याल से उन के दिमाग का दिवालियापन उसी तरह हो गया है जिस तरह झकाली तखत के जत्थेदारों का हुआ था कि जिनके कारण आज धर्म को बदनम किया जा रहा है । नेरी समझ में, नैं कोई फर्क नहीं समझता ग्राकाली तकत के जत्बेदारों में और जगन्त अपुरी के शंकराचार्य में. जिन्होंने इस एक घणित कार्य को धर्म के साथ जोडा है ग्रीर धर्म का कलंटित किया है । धर्म में बहत सारी चीलें ऐसी हैं जिनको गावों में यनपर पंडित हमे यग-यगान्तरों तक समझाते रहे हैं कि पर रती गमन पाप है. हम लोगों ने लसके लिए विद्येयक भी कुछ वर्ष पहले पास किया है, ५र जब से संझ्यता चली आई है, जब से अम बना है, पंडित मा

[श्री सूरे द्रजीत सिंह अहल्वालिया]

मौलवी या ग्रंथी या नाइरी गावों के नोगो को समझाता ग्राया है कि जीव हत्या पाप है, फलां-फलां चीजं हमें समझ ता ग्राया है जोति सोमाइटी में कोड ग्राणः कंडक्ट बनने शाह हैं, उन पर बेम करते हुए इमने विधेयक पान किए हैं। कठ ग्रजीब लगता है कि इस पर भी कुछ मोहर लग न्ही है धर्म की । पर मझे कोई दिखा दे कि किस धर्म में दा किस धर्म ग्रंथ में लिख हुआ है कि जो स्त्री किसो की बेटी है, किसी की मां है, किसी की बहन है, किसी की प्रेयसी है, किसी की पतनी है, वह पति के साथ ही मर जाएगी । यह रिवाज हिन्दस्तान का नहीं बह रिवाज बहत सारी दुनिया के मल्कों में चलता आया है । लोगों की यह ध.रण, वी कि जब झादमी मर जाता था तो उसके साथ फर्नीचर, ख.ना, ग्रीर वर्ड किस्म का सामान तथा जिल्दा ग्री गतों को भी दफना दिया जाता था। कहीं पतनी के साथ पति को भी दबा दिया गया या पति जलकर मर गया, ऐसा कहीं नहीं हन्ना । पुरुष प्रधान देश में स्त्री के साथ त। यह ग्रत्याचार ग्राज की सभ्यता के भावे पर एक कलंक का टीका बनकर खडा है।

श्रीमन, इस विधेयक में कुछ ग्रच्छा-डयां भी हैं ग्रौर कुछ कमियां भी है। क्लाज 3 के बारे में मैं कहना चाहता ह इसमें कहा गया है कि कोई सर्त बनने जा रही है था बनाई जा रही है, ऐसी स्त्री को कोई ग्रगर ५कडेगा या एकडकर ले जाएगा तो उसे कम से कम 6 महीने की सजादी जा सकती है। नैं कहता हं कि इस विश्वेयक में इस बात का भी प्रावधान है कि न्या पति के मर जाने के वाद एक जिन्दा स्वी, एक पत्नी, एक विश्ववा को गलत दवाई खिलाकर नगे में रखा गए। है क्योंकि उसको सती बनाना चाहते हैं उसे जबरदस्ती ले जाया जा रहा है ग्रीर पुलिस उनको रेस्क्य करके ले जाती है तो फिर उसको जेल में बंद क्यों करती है ? उसका क्या कसूर 🛃 ? ग्रीर उसके साथ ही उसका फैसला करने के लिए जो ग्रापने जो स्पेशन कोर्ट बनाने की वात सोची है, जब तक ग्राष

उसका फैसला करेंगे कोर्ट के माध्यम से तो तब तक वह किसके पास किमकी कस्टडी में रहेगी ? उस नारी को उस विधवा को आप कौन सी जगह देंगे? आपने कहा है कि नारी निकेतन में रखेंगे। आए दिन ग्रखबारों में छपता है. ग्राए दिन स्पेशल मेंशन हमारे सदन में होता है कि हिन्दू-तान में नारी निकेतनों ने बेज्यालय का रूप धारन कर लिया है। ग्राप उसको क्या प्रोटेक्शन देंगे ? जब वह तीन महीते या 6 महीने के बाद स्पेशल कोर्ट में बरी होकर वापस आएगी तो उसका कॉन सा जीवन है। वह कौन से महिला सनाज में खडी होगी ? आपने क्या प्रावधान रखा है ? सती के साथ-साथ ग्रापको सोचना चाहिए था कि कुछ ही दिन गहले संथ राहग्रा है जैन धर्म में । यह त्या, है ? ग्राप जब स्यसाइड के साथ उस विधेयक को जोड़ते हैं उसी तरह से ट्रीट करते हैं तो यह तो संथारा हो रहा है जिसमें 22 वर्ष की नौजवाल लड़की ने संथारा किया था खाना माए बगैर मर गई यह भी गलत है। इस ग्रोर ग्राप ने क्यों नहीं विचार किया है ग्राज ग्रगर इस विधेयक में ऐसा तोई कानन बनाने की गंजाइण है क्या? जो सती होने जा रही है या कराई जा रही है, पूलिस जब प्रोटेंट करके ले पाती है सूरज के उजाले में ही किसी मजिल्हेंट के पास से तो सेक्शन 164 के जंदर उसे विटनेस लेकर छोड़ दिया जाये, उसके मां-वाप के सपूर्व कर दिया जाये, जहां जाना चाहे उसके सुपुदं कर दिया जाये कोई ऐसा प्रावधान है?

[उपसभापति महोबया] पाठासंह हई ग्रभी पछि लोकसभा में विधेयव पेश करते समय विचार आया था, उत्तवारों में पढ़ने में आया कि मंत्री महोद: ने कहा था, जिन लेडीज दिखदाओं ना डिटन किया जायेगा उन्हें कोर्ट उठने के पहले ही या कोर्ट उठने के साथ-साथ लिहा तर दिया जायेगा। अपर ऐसी बाह हे ता क्लाज:- 3 में ऐसा प्रावधान क्यों नहीं रखा गया? उसको छिपा कर क्यो रख। गया ? कल इस प्रादधान के रहने से जचचहरी में उसका मिसयुटीलाडजेशन होगा। सबसे बड़ी बात यह है कि 1829

में जो विवेयक पास किया गया था उसे अ।ज तक लोगो ने नहीं समझा। मेरे कुछ सुझाव हैं कि कम से कम बच्चों को जब हम पढ़ाते हैं, जो नयी जनरेशन आ रही है, नयी पनीरी पाल रहे हैं कलास ग्री से लेकर क्लाम दस तक उनको इस विधेयक के वारे में पढाया जाये के यह करना अपराध है। सबसे बड़ी चीज जो हमारे एक मित्र ने कही कि चोर से पहले चोर कों मांको मारो । यह तो सच है कि जब प्रोभर्टी को लेकर झगडा है, सम्पत्ति को लेकर झगडा है...

उपसभापतिः वहां भी मांको हो मारो बाय को नहीं मारो।

श्रः मरेन्द्रजोत सिंह ग्रहलुवालियाः : ऐसा है कि मांही बताती है कि बन्चे तेरा वाग .कौन है। जब सम्पत्ति को लेकर झगडा है तो इस विधेयक में ऐसा आता चाहिए कि जब एक छादमी मर जाता है तो उसकी स्त्री के नाम पर उसकी सम्पत्ति का मटेशन, उसके स संग। सर्टीफिकेशन की जरूरत न हो। उसको कचहरों में चक्कर न मारने पडें। पति को जितनी सम्पत्ति है वह उसके नाम पर ट्रांसकर कर दी जाये सिक वंथ मुर्टी फिकेट के ऊपर ही । इसके लिए उसे मक्सेजन सटींफिकेट की जरूरत न पड़े। क्योंकि जब वह सक्सेशन सटींफिकेट लेने के लिए जाती है तो पूरा परिवाः उसका तकदार बन जाता है और तरह-तरह के जाक्ते ^कशन डालता है।

सबसे बडी चीज जो है वह है विधवा विव ह को एन्करेज किया जाना चाहिए। हमारो हिन्दस्तान की सभ्यता में या समाज में विधवा सबसे गिरी हई चीज है। अगर ग्राण विधवा की सबसे दयनीय अवस्था तेलों नो जगतह जाली बेरे को राबेटो रतो है उस संय চা বিবাট देख। जब घर में कोई सल्छा संस्कार वह करनी है तो उसको सामने नहीं अने दिया जाता। बह अपने दांभाव को नहीं देख सकती। वह अपनी वह को रिसीव करने के लिए सामने खड़ी नहीं हो सकती। उस को इतनां छोटा माना जाना है । उतना ग्रमभामाना जाता है। वह एँ जवज्ञकृत का कारण बन गयी है। हमारे कान न में विद्यवा विवाह का प्रावधान

होना चाहिए। अभी उपसभाषति महादया ने कहा चोर की मांको क्यों बाप को नहीं मारो तो वड़ी छोटी से बात आती है कि सास भी कभी वह थी। बह बनने के नाते सास ने जो अत्याचार देखें वह अपनी बहु पर करना गरू करती है। ग्राज नारी की सबसे बड़ी दुश्मन नारी है।

श्रीमतः ईला रमेश भट्ट (नाम-निर्देशित): नहीं. नहीं ।

थो सुरोन्द्रजत सिंह अहलवालियाः मजबर करती हैं सती होने के लिए। वह घर का बंटवारा करने के लिए मजबूर करती है.. (व्यवधान) । अ/प मुटठी भर महिलाएं हाथ हिलाकर इस बात से इंकार नहीं कर सकती हैं। ग्राप समाज में बाहर निकल कर देखिए तो ग्रापको वास्तविक स्थिति का पता चल जायेगा। इसके सथ-सथ मैं द:ख प्र^टट ुरत हं कि हमारे बाज के मंत्रिमंटल में जो ग्राठ महिला मंत्री हैं उनमें से कितने महिला मंत्रियों ने जाकर तगड़े डिमोन्स्टेशन किये हैं, इस कुप्रथा के खिलाफ आन्दोलन खडे किये हैं? सबसे बड़ा दूख मझे तव हुआ। स्रीर उस दि हुआ जी 10 दिन पहले यह एनाउन्स किया गया था कि दरदर्शन पर देवराला की सती की घटना पर एक प्रोग्राम दिखाया जाएगा। में टीवी पर इस प्रोग्राम की इंतजार जरतारह । उस वक्त नुझे बहुत दःख यह देखकर हथा कि हमारे मत्वा में सती प्रथा के खिल फ झावाज उठाने व ले मबसे पहले आदमी जिनका इतिहास साक्षी हैं श्री रोजाराम मोहन राय का नाम तक नहीं लिया गया और उनके बारे में बताने वाला भी कोई नहीं था। हम इस बात से अभिज्ञ हैं कि सतीप्रथा का विरोध करने वाले सबसे पहले व्यक्ति राजाराम मोहन राय थे। आज हम इन वातों से अभिज्ञ हैं और यह पाप करने के लिए स्त्रियों को मजबुर करते हैं। ग्राज जिस तरह से कुछ लोगों को यह पता नहीं है कि मुलामी क्या होती है और ग्राजादी का महत्व क्या है, उसी तरह से सती प्रथा के ढ़ारा भी समाज का कितना अहित हुआ है, स्तियों का कितना शोषण हन्नाहै. इसकापता नहीं है।

[श्री सरेन्द्रजीत सिंह अहलूबालिया]

श्वी बिहुलराव माधवराव जाधव (महाराष्ट्र) : मै आपकी इन्फारमेशन के लिए यह बताना चाहता हू कि महाराष्ट्र में महात्मा ज्योतिबां फुले और सावित्री बाई ने सती प्रथा के विरुद्ध बहुत बड़ा आन्दोलन उठाया था।

श्री सरेन्द्रजोत सिंह ग्रहत्व लिया -राजाशम मोहन राय ने अपनी भाभी को सती होते हुए देखा था ग्रौर तभी से उनके मन में सती प्रथ। का विरोध करने को मावना पँदा हुई और उन्होंने इसके विषद आवाज उठ,ई। उनको उनके घर वालों ने घर से निकाल दिया, गांव वालों ते गांव से निकाल दिया ग्रोर प्रदेश वालों से प्रदेश से निकाल दिया। उसके बाद वे लन्दन गये। वत्नीं से उन्होंने অমদা স্নান্টালন লুফ কিয়া। हिन्द धर्म, वालो ने हिन्दू धर्मसे उनको तिकाल दिशा तो उन्होंने क्रेज समाज की स्थापना की ग्रौर एक नये धर्म को जन्म दिया। धर्म क्या है? धर्म हमें यह नहीं सिखाता कि किसी ा खन करो या सेकिफाइस करो । धर्म हमें सिखाता है िं नैतिक जीवन किस तरह से चलाया जाता है, उस याधार पर जीवन जिया जाय ग्रीर नैति जीवन के आधार पर अच्छी प्रचार से जीवन गजारा जाय और अन्त में मोक्ष को प्राप्त िया जाय।

आज मैं इस विधेय. का समर्थन रते के साथ-साथ धर्म के नेताओं को आगाह करना चाहता हूं ां राचार्यों ने इस विषय पर चृष्पी साधी हुई है, खेन तो इस प्रथा के विरोध में और नहां इसके फेवर में कुछ ह रहे हैं, यह ठीक नहीं है । अंग्रेजी में एक कहावत है- साइलेन्स इज हाफ ांसेट । इसलिए मैं उनको कहना चाहता हूं कि वे लोग इस प्रथा पर जो चुष्पी साधे हुए हैं, यह उचित नहीं है । उनको इस प्रथा का विरोध रना चाहिए और समाफ को इस प्रथा के विरुद्ध नथा नारा देना चाहिए । इन जब्दों के साथ मैं इस विधेयक का समर्थन रता हूं ग्रौर चाहता हूं ि इस प्रथा के विश्वेद्ध हमें लोगों को जौन देना चाहिए ग्रौर समाज में लोगों को समझाना चाहिए कि इस रास्ते से हटकर वे सहीं रास्ते पर लाएं ग्रौर जो मुट्ठी भर लोग अपने लाभ के लिए उन्हें गलत रास्ते पर ले जाते हैं उनको उन्हें गेकना चाहिए।

महोदया, आपने मुझे बोलने लिए जो समय दिया उसके लिए मैं आभारी हं।

अ) शरद a दब (उत्तर प्रदेश) : उप-सभागति महोदया, मैं इस विधेयक पर बहत विस्तार से नहीं, संक्षेप में अपनी राय सदन के सामने रखना चाहता हं। मैं इस देश की, महिलाओं को, इस दे 👘 के जन-मानस को बधाई देना चाहता ह जिसके नतीजे में भारत सर ार को और हमारे दोनों सदनों को बाध्य होना पडा कि यह जो सती प्रथा है उसके बारे में नये) सिरे से कानून बनाने क ाम करें। में (स विधेयक के रूप में ग्रीर (सके ढ़ांचे में बढ़त सारे संशोधन के पक्ष में नहीं हूं। मैं मानता हूं कि जो वर्तमान परिस्थितियां हैं उसमें यह विधेयक स्वागत योग्य है और सलिये सिद्धान्तः 🕇 स्म ा स्वागत करता है।

महोदया, लेनि इस मौके पर में कुछ बातें हना चाहता हं जिससे समाज का जो वीकर सेक्सन है, जो भजोर हिस्सा है ग्रौर जो हिस्सा हमारे दे ग्रौर इनिया की आवादी का आधा है उसमें मजबती आय, उसमें कित आय और उसके साथ जुल्म का जो सिलसिला है वह वन्द हो। महोदया, दुनिया की महिलाग्रों के साथ कई तरह की जल्म-ज्यादतियां होती हैं लेिन हमारा जो देश है इसमें महिलाओं के साथ जो बर्ताव है वह दुनिया की अन्य महिलाओं से अलग है। में आपसे यह निवेदन रना चाहता हं कि हिन्दुस्तान की जो महिलायें हैं, मां हैं, वहन हैं, बेटियां हैं, उनके साथ जो व्यवहार होता है वह दनिया में कहीं नहीं होता है। इसका कारण मात्र ए है। इस मख्य कारण को लमझे वगैर सतही बातों पर विचार करते रहने

भाविक रिश्ता होना चाहिए । बह रिश्ता इस देश में टट गया है। पुरुष जब जो उसकी बहन और बेटियां हैं उनकी शादी विवाह करेगा तो इस कन्सेंप्ट के चलते औरतों के ऊपर तमाम तरह के गुलामी के जाल ग्रीर जंजाल धुमते रहेंगे। नतीजा यह होता है ि औरत के मामले में परे हिन्दस्तान का जो इतिहास है उसकी जो धर्म किताबें हे बह मरी पड़ी हैं। माफ ंरना दो बातों में हिन्दुस्तान में न्याय नहीं हो सकता । अभी अहलुवालिया जी बोल रहे थे। महोदया, मझे बहत बढिया लगा यह देखकर कि उनके मन में विद्रोह है। वह मुझे ठीक लगा। लेकिन सब कुछ कहने के बाद उन्होंने हा कि महिलायें जो हैं जब सास बनती हैं तब उनका जो मानस है, पुरुष प्रधान समाज वा मानस, उनका वह मानस उछा पडता है । लेकिन में हना चाहत हं कि हिन्द्स्तान को जो महिलायें हैं और जो पुरुष हैं उनकी यौनसुचित के बारे में जो कन्सेप्ट अलग-अलग है, उसमें जमीन ग्रीर आसमान का जो अंतर है, पुरुष तो वीस-बीस महिताओं के साथ सम्पर्क रख सकता है लेगिन महिला, अगर एक पुरुष उसे धोखा दे जाय तो उसकी साी जिंदगी फिसल जायेगी, उसकी सारी जिन्दगी बरबाद हो जायेगी। बरबाद हो जाएगी जब तक यह विचार है ग्रीर (स विचार का इतिहास में वर्णन है। मैं अभी जो रामायण सीरियल चल रहा है उसको एक दिन देख रहा था । तो मैंने देखा कि उसमें सीता और रावण का आपस में संवाद हो रहा था। सीता के मंह से यह कहल-वाया जा रहा था कि पुरुष के साथ बात करना भी सती के उपर चोट है, उसकी छाया पडना भी यानी आदमी से वान करने में भी ग्रौरत का जो सतीत्व है वह खंडित हो सकता है। मतलब यह है कि आरत कोई वस्तु है, कैंपिटल है इतनी खबसुरत चीज है कि कोई दूसरे नहीं एक ही पुरुष के द्वारा भोगी जाए। ठोक है, लेकिन पुरुष वर्ग के साथ भी इस बात को जोड़ने का काम होता तो मैं सोचता हं कि यह काम नहीं होता । नै साफ कहना चाहता हूं कि हिन्द्स्तान में जाति व्यवस्था के योग का आप इन्तजाम नहीं करेंगे हिन्द्स्तानके शतिहास में तमाम तरह के धर्म के बारे

से काम नहीं चलेगा । इसके लिये हमें इस मल्क के इतिहास में जाना पड़ेगा । यदि इसके इतिहास में जाने का हम काम करें तो इतिहास जो इस ा है वह माल इसकी संस्कृति ा है । स्राज भी स्राप आदिवासियों में चले जाइये । आदिवासी जो महिलायें हैं उनके साथ ज्यादती ग्रौर जल्म का सिल-सिला कम है। उत्तर भारत में विध्यांचल से नीचे चले जाइये, हिन्दुस्तान का उत्तर भारत जो पहले आर्यव्रत हलाता था, उसके रीव क्योंकि महाराष्ट्र ग्रीर बंगाल बाज में हैं उसमें जरूर खराबी चली गई हैं, लेनि व्यापत तौर पर विघ्यांचल के तीचे जगर ग्राम ताय तो जुल्म के खिलाफ चाहे वह जाति व्यवस्था हो और चाहे महिलाओं के साथ जुल्म हो वगावत ा काम ज्यादा हम्रा है। इन आग्दोलनों के चलते आज केरल में घर घर में चाहे वह हिन्दु हो और चाहे मुसलमान हो वहां पर मान्न संस्टेति हा भी है। इसी तरह से जो आदिवासी इलाके हैं वहां मात्र संर ति का डोमिनेशन है । हि द-स्तान में जिस समय जाति व्यवस्था । उदय हन्ना तो उस समय ग्रीरतों को गलाम बनाने कातीं। दम कदम पर डेंजाद हका ग्रीर महोदया, में कहना चाहता हं कि देश की जिस देश की मां गलाम है इस देश में कभी बहादुर आदमी पैदा नहीं हो स ता । मैं इमरजेंसी में जेल में बंद था और वहां पर नेरे साथ बहत लोग थे श्री पील मोदी बोले ियह दस-दस बीस-वीस साल चलेगी । मैंने उसे हा कि नहीं चल सकती है इस देश में दस-दस बीस-बीस साल इमरजेंसी । इसीलिये यहां पर हिटलर पैदा नहीं हुआ और न चर्चिल पैदा हुआ। बे दोनों आदमी मजबूत मां की संतान हो सकते हैं, मजबूत मांकी संस्कृति की संतान हो सकते हैं । हि दुस्तान ने अपनी मां को गुलाम किया, चारों तरफ से उसको ाटा, समाज से ाटा नतीजा यह हुआ कि उसने पलट र बदला दिया। यानी हिन्द्रस्तान में पहली बार, हिन्द्रस्तान के इतिहास 🕅 पहली बार ाम हन्ना है। यह व्यवस्था तब तक खत्म नहीं हो सकती जब तः महिलाओं के योनिसुचिता के सिद्धान्त को इसके साथ जोडा जागेगा। ग्रीरत ग्रीर भर्दका एङ नैचुरल, स्वा-

[श्रीं शरदे यादव]

में औरत के बारे में जिस तरह की बनियादी वातें खराव लिखी गई हैं मैं ग्रापको उसका एक उदाहरण देना चाहता हं। इतिहास में एक रहिला का नाम भो प्रचलित है सीता का नाम है मती साविती ा नाम है लेकिन द्रोपदी का नाम नहीं है । मैं यह कहना चाहता हूं कि हिन्दुस्तान के इतिहास में द्रोपदी में बडी कोई नारी हुई ही नहीं है । पूरा महाभारत ही झोपदी के द्वारा रचागया। मेरे पास वक्त नहीं है समय नहीं है नहीं तो मैं ग्रापको बताता कि िस तरह से कदम कदम पर द्रोपदी ने ग्रत्याय ग्रीर जुल्म को कभी स्वीकार नहीं किया हर केंदम पर वह जुल्म ग्रौर ज्यादती के खिलाफ लडी। यानी महाभारत कृष्ण के द्वारा नहीं रचा गया द्रोपदी के द्वारा रचा गया। दोपदी हाजिरजवाब थी। जब भीष्म पितामह मरने लगे तो मरते हुए शिक्षा देने लगे। वहां भी द्रोपदी णांत नहीं रही । उसने कहा कि जो भीषम पितामह हरहे हैं ठीक उसके विपरीत ग्राचरण करते रहे हैं ले.िन भरते समय शिक्ष दे रहे हैं। यह डोंग है। जब हिन्दुस्त/न में द्रोपदी जैसी महिला जो कदम कदम पर जुल्म और ज्यादती के खिलाफ लडी महाभारत का जो देश के तमाम तरह के लोगों के मानस पर घमा हुआ बना हुआ एक ग्रंथ है उस ग्रंथ की नायिका महानायिका ृष्ण नहीं हैं उस महानायिका ा नाम द्रोपदी है। द्रोपदी जितनी हाजिर जवाब थी उसक: ित ल/ इतिहास में नहीं मिलती कि कोई महिला इतनी हाजिरजवाब रही हो और ग्रन्थाय और जल्म के खिलाफ लड़ने का जो मन है वह स्रापको कहीं नहीं मिलेगा लेकिन देश के श्तिहास में हीं भी कोई द्रोपदी ा मन्दिर नहीं मिलता है । वह इसलिए नहीं मिलता है कि हिन्दुस्तान में जाति व्यवस्था उस दिन समाप्त हो जाएगी जुल्म उस दिन मिट जाएगा जिस दिन हिन्दूस्तान की ग्रौरत ग्राजाद हो जाएगी सिर्फ औरत के मामले में वायदा खिलाफी ग्रौर बलात्कार को छोड़ र ग्रोरत ग्रौर मर्दकेबीच में सारे रिश्ते जायज हो आएंगे। उस दिन कोई देवराला में सती होने का ाम नहीं होगा। क्या कोई दुया में ऐस। देश हो सकता है। देवराला में वह महिला उठकर भागी लेटिंट भागते समय जो सारे लोग

वहां खड़े थे उनके मालुम था कि वह शहीद हो रही है लेकिन उन लोगों में से एक भी आदमी ऐसा नहीं हुन्रा जिस रे यह कहा हो ियह क्या कर रहे हो एक महिला जल रही है वह भाग रही है तुम कह रहे हो कि सती हो रही है। मेरा मतन्त्रब यह है कि हिन्दुस्तान में द्रोपदी का कहीं मन्दिर नहीं बना इसलिए कि उसके पांच पति थे। मैं आपसे निवेदन करना चाहता हं कि योनि सचिता का विचारे जो अकेले महिला के साथ अन्नेले मां के साथ जोड़ा गया है आधी दुनिया के साथ जोड़ा गया है इस बात के चलते हिन्दस्तान को महिला के साथ हजा रों वर्षों से जुल्म ग्रीर ज्यादतियां हो रही हैं हजारों वर्षों से उसकी गलोरीपाई किसा जारहा है उसकी गलामी की उसकी कैंद की गलोरीफाई किया जाता है झौर गलोरी-फाई करते हैं तो यह देश (तिहास में ऐसा मुल्क है जो हमलावर से कभी भी जीता नहीं है। इसलिए जिस देश ने अपनी मां को आधी दुनिया को कमजोर कर दिया गुलाम कर दिया वह देश कभी भी दूनिया में जीत नहीं सकता है मुल्क दुनिया में जीत हासिल नहीं कर सकता है। तिहास गवाह हैकि एक युद्ध भी नहीं जीता। बचतन में जब मैं। अपनी दितिहास को किताब पढता था तो मुझे बड़ा कष्ट होता था कि एक जगह ऐसी नहीं है जहां हिन्दुस्तान हमलावर के सामने टिका हो । जिस देश में मांवीर नहीं उस देशा में वीर पुत्र नहीं पैदा हो सकते हैं उस देश वीर कौम भी पैदा नहीं हो सकती है। एक भी युद्ध हमने नहीं जीता दुनिया में मुबसे लम्बी उम्र हमारी गुलामी की रही है। उसका ज़ारण यह है. हमने ग्रपनी मां को गुलाम ित्या श्रौर जिस देश में मां गुलाम होती है उस देश में बहादुर पैदा नहीं होते । मैं आपसे एक निवेदन . रना चाहता हुं कि जो हिन्दुस्तान में जाति व्यवस्था का ोग है जो योति सचिता का जो विचार है रन दोनों चीजों को जोड़ने लाकाम नहीं होगा। इस संशोधन में एक वात मैं आपसे कहना चाहता हुं जिसमें काश्मीर को बाहर निका क गया है। मैं एं उदाहरण देता चाहता हं। जब रूप कंवर देवराला में सती हुई और जब राजस्थान में कानन बन गया तब लोगों में यह चर्चा छिड़ गई कि यह तो

रांची में पैदा हई थी तो हम रांची में मंदिर बनाएंगे। यह अन्दोलन वहां चल पडा य नी यह इतन बजार ालाय के और निकम्मा देश है में आपको बताऊं कि इस धरती पर इन्सान विरोधी जगह अगर कहीं लिखी हई है तो वह यह देश है। जिसका गौरव सरदार जी पढ रहे थे कि इस देश के धर्म में सब बढिया से बढिया चीजें हैं ले**िन इसी धर्म ने आपका ना**श कर दिया । मैं बहुत खदब के साथ जिम्मे-वारी के साथ बहना चाहता हं कि इन धर्म की किताबों में जहां इन्सान के बारे में महिला के बारे में जो गंदी बातें हैं उनको निकालने का काम यदि सरकार या समाज साहस के साथ नहीं करेंगे तो ने सती प्रथा को बंद नहीं कर पाएंगे।

एक बात पीर है कि जिसाम कश्वीर को निकाल रहे हैं हो हो स बता है कि इस देश का स्रादमी जो ईतना फर्टा इंल है स्रपने को मारने में, अपने को समाप्त रने में वह कहेगा कि चलो, ाश्मीर में चल हर सती उरते हैं। यहां तो बंद हो गयी है चलो काश्मीर में इसका जलस लेकर चलते हैं ग्रीर वहां सती 🗄 रते हैं। यह काम भी कर सकते हैं।

दिवराला में जब रूपकंवर सती हुई तो रांची में मंदिर बनाने के लिए वहां पर कमेटी बन गयी, वहां पर मीटिंग होने लगी और हिन्दू पंडे पंडित सब वहां पहुंच गये ग्रौर ग्राः र उनके घर में मंत्र जपने लगे। यह ऐसा नालायक और नाश देश है ि जिसमें जरा सी जगह नहीं है यानी यह राम मोहन राय के आंदोलन को मार सकता है, महात्मा फुले के आंदोलन को मार सकता है, महात्मा गांधी के आंदोलन को खत्म कर सकता हैं, यहां हमारे अंदर विध्वसक शक्ति, यह ऊर्जा इतनी ताकतवर है कि हम अच्छाई के लिए बने ही नहीं हैं, हम इस देश को गटर बनाने के लिए, कचरा बनाने के लिए बने हैं। इसलिए इसमें किसी तरह का लुपहोल नहीं रखना चाहिए ।

महोदया, मैं इस सदन में एक बात बडे अदब से कहना चाहता हूं । अभी इस तरफ के माननीय सदस्य कह रहे थे कि इमारे यहां 8 महिलाएं मंत्री बनायी गयी 1579 RS-7

हैं । लेकिन सब फुकदा मंत्री बनायी गयी हैं, बिल्कल कमजोर बनायी गयी हैं स्टेट मिनिस्टर हैं यानी कोई महिला केबिनेट मिनिस्टर नडीं बनायी गयी हैं... (व्यवधान)

श्री विठ्ठलमाई जोतीराम पटेल (गुज-रात) : मोहसिनाजी हैं।

श्री शरद यादव: एक हैं। लेकिन आधी होनी चाहिए। आप उसी से संतुष्ट हैं...आल्वा जी आप उसी से संतुष्ट हैं तो रहिए, मैं तो ग्रापके पक्ष में बोल रहा हं।

श्रीमती सारग्रेट झाल्वा : मैंने कहा है अभी एक मंत्री कैविनेट रैंक की हैं।

श्री शरद यादव: न मान गया हू। मैं कहता हूं कि आधी होनी चाहिए केवल एक हैं, और बताइये कि झापको ये लोग चेयरमैन बना सकते थे लेकिन शंकर दयाल जी को यहां ले आये... (व्यवधान) मेरा कहना है कि शंकर दयाल जी तो हमारे गुरू हैं... (व्यवधान)

उपसभापति : ग्राप कहां से कह पहुंच गये।

श्री शरद यादव : मैं कहना चाहता हं कि कदम-कदम पर जुल्म है, कदम कदम पर अन्याय है। आपको विद्रोह करना चाहिए। अच्छा हुझा झाज झाप बैठी हुई हैं नहीं तो मेरी बात को इतनी देर तक कोई नहीं सूनने देता। महोदया, मेरा कहना है कि इस कानन में एक बात श्रीर करिये, एक परम्परा लगा दीजिए। श्चंत में एक बात कहना चाहता हूं। अग्रिने सब तरह के कानून बनाये वे इसलिए सफल नहीं होते हैं कि इस देश की जो अफसरशाही है जो नौकरण हो हैं जो उनके कानून को लागू करने वाले लोग हैं उनके ऊपर हम कानून में कोई सजा देने का कोई प्रावधान नहीं रख पाते हैं। में मानता हं कि आपके बस में नहीं है कि उनको सजा देने का कोई प्रावधान य। कोई कानन बना सकें लाकन कुछ परम्पराएं बन सकती हैं। मैं आपको वचन देता हं, पक्का एश्योरेंस देता हूं कि यदि

[श्री शरद यादव]

ग्राप जहां सती होती है वहां के थानेद र क लिए एं परम्परा बना दी जेए ि उसको जिंदगी भर के लिए लाइन हाजिर कर देंगे यानी क्लर्क रहेगा खाने पीने की जगह नहीं रहेग-क्योंकि थानेदार জৰ फील्ड में भर्ती हो जाता है तो इस देश को लुटता है, वह मरियल भर्ती होता है ग्रीर मुर्गा खाकर मजबूत हो जलता है-अर्थात यदि उसको लाइन हाजिर करने की परम्परा बना में ग्रीर वहां के जो मैजिस्ट्रेट हैं, डी एम हैं उनको लाइन अटैच करें या ग्रीर जो ल्राहोल्स हैं वहां रखने को परम्परा बनायें, च हे अपकी मरकार रहे या हमारी सरकार रहे, अगर हम लोग उनको ऐसी जगह रखें कि जहां उनके खाने पीने का इंतजाम खत्म हो जाये तो यह सती प्रथा बंद हो जायेगी विष्ठ्याचल के नीचे तो यह बिल्कुल ही नहीं है, बहुद बढ़िया जगह हो गयी है वह और यह है सिर्फ आधावतं में जहां पर कि लोग वसते है। सबसे न्यादा गड़बड़ हमारा इलाका है जहां से एक चीजें होती हैं। इसलिए महोदया में इन बिल का समर्थन करता हे और उन महिलाओं को बधाई देता हूं जिल्होंने जन आंदोलन कर हम मब लोगों को, इस मदन को, इस सरकार को बाध्य किया कि इन कन्तून को हम वनाना च हिए । इन्हीं झन्दों के साथ अपनी बात को सम प्त करता हूं।

SHRI -GURUDAS DAS GUPTA: Madam Deputy Chairman...

THE DEPUTY CHAIRMAN: Please be brief. You have spoken on a previous occasion,

SHRI GURUDAS DAS GUPTA: Madam, I cannot but note that the House is in the company only three Ministers of State during the discussion on Sati. It only displays the attitude of the Government towards the problem. (*Interruptions*) I am equally critical of the vacant benches on this side. I believe that this is the attitude, the callous attitude, of the society as whole towards the proba lem of the dignity of women. I take that...

श्री ठाकुर जगतपाल सिंह (मध्य प्रदेश) उधर भी कितने सदस्य है... (व्यवधान)

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श्वी शरद यादव: देखिये वह आपके लिए भा कह रहे हैं आर इस तरफ के लिए भी कह रहे है। वह दोनों तरफ के लिए कह रहे हैं। य नो यही दिख रहा है कि कितने हम जसके प्रति सीरियस है। (व्यवधान)

SHRI GURUDAS DAS GUPTA: ... into cognizance. But at the same time, I would like to point out that the Government should have fixed up a time convenient for the Members also. The Government is bringing forward a Bill at the lr st moment, when most of the Members might have already left the House. It was also a responsibility of the Government.

Madam, in my opinion, I cannot compliment the Government for the Bill that they have brought forward. There cat be no question of not supporting the Bill. But this has been unfortunately a miscarriage. In my opinion, it is an ineffective Bill by an incompetent Government. In my opinion it is a ritualistic Bill, not reflecting firmly the will of the Government to fight for the dignity of women: is a whole. I feel this only reflects the slipshod method and a failure on the part of tht Govtrnmeru to take into consideration that it is not Deorala in Rajasthan which threatens the national fabric, but it is the rising menace of atrocities on women which really threaten the national unity of the country. Therefore, I thought that Government will take the lead or should have taken the lead in for initiating а comprehensive Bill not to prevent sati only but to protect the dignity of women of this country who have been reduced to the position of second-rate citizens, in a male-dominated society. The point is atrocities on women. The pomt is not only sati. Sati is a part of the atrocities. Who can deny that in the country where we are living, on the threshold of our stepping into the next century, the atrocities on women are on the rise? Can we deny. Madam? Here is a press-cutting. It says. Tn a custom; akin to sati young girls are encouraged to fast for rain. This is one of the manv

forms of atrocities that have taken place in th; country. What about the Devdasi system? The Government may prevent sati, but have they made up their mind to prsvent the Devdasi system? May I tell you. Madam, that when a young woman turns widow in a family in Rajasthan, she becomes the common property of all the males in that family.

* Everybody can enjoy that lady. Do you know. Madam, that in Punjab if the wife of the first brother dies, then the second brother can take her a_s his wife even when he has his wife? It is a custom. It

is a custom prevailing... (Interruptions)

श्री शरद यादव : हरियाणा में भी यह कस्टम है।...(व्यवधान)

SHRI GURUDAS DAS GUPTA: Do lot get agitated. You ask your Minister. You inquire from the Minister.

SHRI PAWAN KUMAR BANSAL (Punjab): It is not so in Punjab now.

SHRI GURUDAS DAS GUPTA: It is in a part of Punjab. Madam, this only betrays the ignorance of our learned friends on the other side. These are the (horrors of this social problem. (*Interruptions*)

श्री राम अवधेश सिंह (विहार) : आप नहीं जानते हैं, बंसल साहब, यह ऐसा था ग्रीर आज भी है।

SHRI PAWAN KUMAR BANSAL: It may be remarriage where younger brother is unmarried.

SHRI GURUDAS DAS GUPTA: There is no remarriage. This is a legalisation of keeping a widow as a mistress. It is still there. (*Interruptions*). You may not do it. But there are people who are ready to do it. There are people.

ठाकुर जगतपाल सिंहः ऐसा है कि विडो के लिए जरूर है...(व्यवधान)

अगे नुरुद'स दास गुप्तः हां, जरूर है। ... (व्यवधान)

SHRI PAWAN KUMAR BANSAL: It is not so. श्वी शरद यादवः यह जो कह रहे हैं, वह यह है कि एक अपदमी की आलरेडी पत्नी हैं और छोटा भाई मर जाए, तो उसकी पत्नी को रखने का रिवाज है सारे इलाके में।

श्री सुरेन्द्रजत सिंह अहलुवालिया: ऐसा है कि छोटे भाई के साथ चादर बदलने का प्रावधान है ताकि घर की सम्पत्ति बाहर नहीं जाए।

SHRI GURUDAS DAS GUPTA: It is shameful for Members of Parliament to say that *the* system is for protecting property. My point is that if a young widow becomes the wife of the second brother even whom the second brother is married, I will call it a prostitution of marriage.

SHRI PAWAN KUMAR BANSAL: That is not there. There may be widow remarriage. There is a difference between remarriying a widow and keeping her _as a mistress.

SHRI **GURUDAS** DAS GUPTA: Whatever may be the reason, there are hundreds and thousands of examples of being committed on young atrocities women either under the pretext of custom or under the pretext of religion or for protecting family property. Woman becomes properly to protect your own personal property. Is it not shameful? Is it not shameful on the part of free India? Therefore, the main point for consideration is whether the Government will pick up will and courage to fight on all fronts to prevent not only sati but precent atrocities on women, and figh: for dignity of the women. The main point is not the sati but the dignity of the woman which is at stake. Therefore, this Bill should have been a comprehensive Bill; it should have been comprehensive on all sides. Why do T call this Bill ritualistic because this is a Bill to prevent sati. How many satis were committed? Only forty cases are there. And how many young brides have been burnt to death? How many cases of atrocities on young women have taken place? How many cases of molestation have come to our notice? Can we

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deny that a woman has become a commercial commodity in the country? A woman's body is shown on the television screen just 10 bring money to the coffere of a multinational company. This is the status of women of free India. Therefore, 1 thought that Smt. Margaret Alva woJU lead the crusade not only to protect women from committing sati but to protect women and their dignity in the country as a whole. She has not done it. Therefore, it is a lopsided Bill, it is a partial Bill and a ritualistic Bill, which only shows that the Government is not determined to fight for the dignity of women.

While going through the Bill that the Government has brought forward, I find there is a political aspect. Who does not know that the Government of Rajasthan had failed to prevent it and failed to perform its Constitutional responsibility on the eve of the incident at Deorala? While initiating the discussion here in the House, I accused the Government of Rajasthan and I place before you a press clipping of The Times of India dated 22nd September; 'Chidambaram raps Rajasthan Government on Sati'. It is a clear indication that Mr. Chidambaram) had to go there to bring them to senses, and the Central Government was absolutely sure, was clear of the role that the Government of Rajasthan had played.

What does the Bill say in the Statement of Objects and Reasons? It is an unnecessary character certificate given to Rajasthan Government to bail out the Government of Rajasthan from the accusation of the Opposition and the country as a whole. What is written in the Statement of Objects and Reasons? "The place also attracted large number of crowds and in spite of various steps taken by the State Government of Rajasthan ... " What were the steps taken by the Government of Rajasthan? The Government of Rajasthan did not take any step. They did not carry out the decision of the High Court and were sleeping absolutely. They connived even with the fundamentalists. Now, the Central Government tias brought the Bill, giving a

clean chit to the Rajasthan Government, seeking to bail out the Government of Rajasthan. Therefore, this Bill has been brought. This line in the Bill has a little bit of political understanding and it should be deleted. Now, collection of donations has been banned. Why only this? Why have you not banned donations also? Only collection of funds is banned. Madam, I know that Birlas have donated crores of rupees in Rajasthan to hold Mela there; Pun Pun Mela. Collection is banned but donation is not banned. Therefore, I say, the Bill is full of loopholes. Please ban not only collection but volutary donation on the part of anybody to perpetuate the memory of Sati and glorify Sati.

Then, you have not mentioned about the sale of books. When we discussed thi_s question in this House the o: her day, I said that books were being gold. I pointed out that money was being minted. Why have you not banned the sale of books? Why have you not banned the sale of easettes? Therefore, this Bill is * full of loopholes and these loopholes have to be plugged. Failure to plug the loopholes only speaks of your indecisive mind.

Now, I come to clause 4. It has been stated...

THE DEPUTY CHAIRMAN: Please conclude now.

SHRI GURUDAS DAS GUPTA-Shall I conclude without stating my points?

THE DEPUTY CHAIRMAN: You can make your points.

SHRI GURUDAS DAS GUPTA: Am I going out of the ambit of the Bill?

THE DEPUTY CHAIRMAN: In that case you may go on for more than one hour.

SHRT GURUDAS DAS GUPTA: I do not want to take more time. I am only making points. Tf you want me *to* sit down, I can sit down. No problem. It is up to you.

THE DEPUTY CHAIRMAN: Try to sum up.

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SHRI GURUDAS DAS GUPTA: I am summing up.

THE DEPUTY CHAIRMAN; This is what I am trying to tell you.

SHRI GURUDAS DAS GUPTA: This *h* what I am also trying to impress on you

Now, I was talking about clause 4. It has been stated that if a person commits Sati, then abetment is a crime. In the first sentence, it is said that if a person tries lo co limit Sati, then also abetment is a crime But there is a third category: There may be cases where there may be as inducement to commit sati but the lady doeg not commit sati, either she commits sati not she tries to commit sati. In such a sit xation, the question is whether in-ducenent to commit sati will be made illega or not. There is no reference to it, i the Bill. Inducement is taken to be an act of criminality if sati is committed or attempt is made. But as I said, there may be cases where a lady may run away. She may escape. In such cases, inducement which is given by her inlaws or her relations is not being taken cognisance of.

The miscellaneous part is very interesting. Take, for example, clause 18. If a person hconvicted then and then only he will not be entitled to inherit the property of the sati. Why should it be so only in the case of persons who are convicted? There may be other persons who have not been convicted but who might have induced the act of sati. Let us say, in the case of Roop Kanwar, the mother-in-law is not convictd but she had given inducement. However, since she is riot convicted she is entitled to inherit the property. Why? In my opinion, the property of the sati cannot be inherited by any member of the family whether one is punished or not punished. The entire property of the sati has to go to the Government and they should use the property for improving the living conditions of destitute women. Government seems to be very liberal in the case of persons who are not convicted. I want the entire property to be taken over by the Government.

Then again, when a person is convicted, , he is debarred from contesting elections for five years only. Why not for the whole of his life? Why should a person who has been convicted be permitted after five years even? Why should he be debarred for five years only? Why Madam Margaret is lenient towards such people? As a lady....

SHRIMATI MARGARET ALVA: I am sorry to interrupt. The provision is, five years after a person is released from jail.

SHRI GURUDAS DAS GUPTA; Why should it be for only five years? Why not the whole of his life? Why should a criminal be allowed to participate in elections after five years even?

AN HON. MEMBER: He may change.

SHRI GURUDAS DAS GUPTA: He will not. There is no question of his changing. Since the person is responsible for the murder of a woman, the Indian Parliament and the Indian Legislature can not take him in their portals. Government seems to be too lenient. There should be total ban on them.

Lastly, Madam, in clause 4, Explanation (d) it is said "participating in any procession in connection with the commission of sati or intentionally... " here why do you bring the word 'intentionally'? You have imported this word only to give an opportunity to the accused to get out of it. Therefore, I want deletion of the word 'intentionally'.

SHRIMATI MARGARET ALVA: That amendment has already been accepted yesterday. We have deleted it. The amended Bill has been circulated today.

SHRI GURUDAS DAS GUPTA: It has not come to us.

In conclusion, I state that this is going to be ineffective Bill, this is going to bea partial Bill and this Bill only reflects the total failure of the Government to unleash a popular mass movement in the country. Madam, I want to point out that

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ihis Bill has been drafted without taking into cognisance the opinion of the women's organisations of the country. Madam Margaret is going to implement the Bill without there being the movement and without the movement this Bill will be on paper only, and there can only be a movement if there is scope for the participation of the women's organisations, domocratic organisations in this country. This Government is not ready to take popular cooperation for the implementation of the Bill and to hold aloft the dignity of the women in our country. Therefore, in a sense I an deeply shocked by the w: iy in which the Government has brought forward this Bill. (Interruptions). I reiterate I am supporting the Bill, but T am doing it extremely reluctantly.

SHRIMATI ELA RAMESH BHATT: Madam Deputy Chairman, when this barbaric incident happened in Deorala, I know for well that the hon. Minister was very seriously concerned about it and she had given a positive response to u_s and to the women's organisations when they agitated. T congratulate you because it is a concrete step. Madam Minister, you have brought this Bill before us, namely, The Commission of Sati (Prevention) Bill, 1987. 'Yes, it is 1987 and we feel ashamed that in the year 1987 we have to bring a Bill on Sati. It is indeed very sad. I feel ashamed to use the word 'sati' but the recent incident of sati has opened our eyes to the fact that so much more constructive work is still needed to be done to help our women to develop their own strength, to fulfil their lives with purpose and dignity. We have to understand in depth the unfortunate conditions where young women or youn° widows are being forcibly sacrificed to an outdated and inhuman ideal in full view of spectators. Condemning. Madnm. is one thing and it is easy to condemn. T also strongly condmen. However, W2 need to understand that psyche of ihe societies where it is considered better for a woman to die than to lead an honourable life as a widow or as a remarried woman. Let us make the life livable and purposeful for all women of this country.

Every woman's life is precious to the country; We have to create social conditions where every woman is able to grow at her own pace, in her own capacity. A woman's life is not meant for the service of only one man: Let us fill! her life wilh more substantial purpose and with noble ideals-

Now I want to talk about this Bill. I have to propose a few amendments. I propose to delete section 1(3) and propose that this Act should come into force immediately throughout the territory of India. When the Government is so clear to prevent the act of Sati, there is no reason why it should delay its implementation.

Then more importantly, I propose that section 3 be replaced by the following

"Notwithstanding anything contained in any law for the time being in force, it shall be presumed that wherever Sati is committed, the custodians of the woman concerned are guilty of the offence of Sati unless they prove that the act of Sati was voluntary act.

Such presumptions have already been made in the Indian Evidence Act concerning the offence of dowry and such a presumption is necessary because the woman who has been compelled to commit Sati is already dead.

SHRIMATI MARGARET ALVA; I am sorry to disturb you. We have already brought this also in this BAI. May be you have not noticed it. Onus of proof is shifted to those who are charged with the crime.

SHRIMATI ELA RAMESH BHATT: It does not cover fully, according *to* me. So I propose this. it is only such a presumption that will deter the custodians of the woman from pressurising her to commit Sati. Otherwise the death sentence proposed in the Bill for the abettors of sati will become meaning less, because in any event the woman is already dead. The presumption is in complete consonance with and fits into the Statement of Cfcjects and Reasons of the Bill which in

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para 2(iii) states that in most cases, the,, 'idow or the woman is compelled to commit Sati. This House should take notice of the condition under which the evil actual social practice is continuing in spite of the since the lime of Raja Rammohan efforls Roy. Hence without a legal presumption which incorporates the fact that a woman is compelled to commit Sati. the practice will be effectively deterred by the Bill. It is not unacceptable to punish the very woman who has had to live through the trauma of an attempted Sati. Imagine the pressure emotional and societal-that such a woman must have undergone! How can we ever presume that any woman goes of her own free will? In a society where women have such an unequal status, where widows are considerel inaus-pic ous or as oulcastes, how can we speak of free choice of a woman to commit Sati? We need not therefore have this law to punish these very women. I feel that this provision would amount to punishing the victim, instead of the offenders. So this provision go out very clearly as it should would merely add to the pressures that a woman has to face at a most difficult and traumatic period of her life.

Then regarding sectio. n 10(2), i would propose to delete "has held law" and add after the words 7 years "having experience in criminal law". The reasons vhy 1 am proposing this is that this is a cr minal offence and an Advocate with no experience of criminal law will not he able to do justice to the case. It must foe remembered that there will be no Advocate for the woman who is already dead because of Sati except the Public Prosecutor. So, any person appearing in the criminal law courts for the first time as a Public Prosecutor, having no experience of a criminal trial, will not be able to effectively pursue the case. The proposed law will be as effective as the ability of the Advocate. So I request— and I appeal to-the honourable Minister to accept this amendment.

Then I come to sub-clause (4) of clause 10. Here I propose to add:

"Notwithstanding anything contained in any law for the time being, no Go-

vernment or Special Public Prosecutor shall hav_e the power to withdraw a criminal case filed under the Act. "

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The reason why I propose this amendment is, there is a specific power under the Indian Penal Code by which a Gov ernment can apply to the court for with drawing criminal cases. The Supreme Court has interpreted this power to mean that a Government can seek with drawal of a case to end a riotous situation and to bring peace in a community or a place. We very well know that in Rajasthan itself, in spite of the order of the High Court, the ceremony of glori fying Sati went on at Deorala. A Go vernment similarly placed may choose to withdraw the prosecution under the Act on the ground that the prosecution will result in a law and order situation or will endanger public safety. If we are to firmly fight this social evil, then such prosecutions should not be allowed to be The amendment proposed withdrawn by me prevents such withdrawals and exhibits the determination of the courts to fight such a social evil.

Lastly, regarding clause 18, I propose to add to that clause:

"All the properties belonging to, the woman committing Sati or who has been compelled to commit sat; shal! only to the welfare of her children. In case her children are minor, the property shall be held in trust by a State Government official designated for the purpose. "

There are, clearly, properties which be long to women. Under the Dowry Pro hibition Act, even things given in dowry belong to the women. Hence there should be a specific provision by which her pro perty, after Sati, should not continue to be in the possession an<j control of those who had created the atmosphere for her commit Sati Morn t_0 property should be utilized for the bene fit of her children, or be held in trust for them. The designated State official should be responsible for the utilization of this property in the interest of the children.

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Madam, Sati is basically a property motivated evil. The motive is to remove her out of the line of succession. No poor woman has ever committed Sati and no poor husband has ever forced his wife to commit Sati. Let us recall history, that Raja Rammohan Roy_s *bhabhi* would have got the property of her husband under the *Dayabhago* system. Therefore, through this amendment I propose that all property belonging to the widow should be protected by the State.

Madam. I appeal to the honourable Minister to accept my amendments on the strength of their merits. I am fully conscious of the reality that law or legal protection is very far from the women, who are oppressed, and of the majority of women, particularly this group of women who are potential Satis.

Before closing my speech 1 only pray and I pray that you all join me in the prayer that this particular enactment never ever sees the light of day and let it gather dust for ever so that we never have to make use of this law and no Sati ever happens in this country; Thank pou.

8.00 p.m.

श्रीमती ज़ब्ला कौल (उत्तर प्रदेश): माननीय उपसभापति महोदया, ग्रापकी इजाजत से मैं स्तियों पर होने वाल वीभत्स ग्रायाचारों को रोकने के लिए सती निवा-रण विधेयक, 1987 जो लाया गया है उसका हृदय से स्वागत करते हुए समर्थन करती हूं।

म ननीया, भारतीय संस्कार और संस्कृति में नॉरी का बहुत भव्य स्वरूप और भूमिका मान्य है। भगवान शिव की अर्द्धनारीश्वर के रूप में पूजा की जाती है।

नारी समस्त जवितयों का प्रतीक मानी गयी है।

लक्ष्मी भौतिक, ग्राधिक क्षमता एवं शक्ति कः प्रतीक है।

सरस्वती सांस्ट्रतिक क्षमता एवं बौढिक शक्ति का रूप है। ग्रीर संजार की समस्त शवितयों की सम्पूर्ण प्रतीक दुर्गा जी हैं।

इसी परग्परा में जयशंकर प्रसाद ने कहा है।

"नारी तुम केवल श्रद्धा हो " तुलसीद(स जी ने रमायण में कहा है जब रम वन जा रहे थे तो कौ गल्या ने कहा --जो केवल पितु आ यसु ताता तो जनि, जाह जानि बढि माता।

एसी रही है हमारे देश में नारी की गौरवपूर्ण स्थिति।

अब इस सती प्रया को व्युत्पत्ति के बारे में कुछ कहना घहूंगी। स्ती गव्द शिव की पत्नी के दाह होने से संबधित है। उनको किसी ने जलाया नहीं था न सदाशिव को कुछ हुअ यानी वे भरे नहीं थे। वह पति के अपमान से शुद्ध हो कर स्वयं जल गयी थी।

अस कहि जोग अगनि तनु जारा। भयो सकल सरू हा हा कारा।।

उसके बाद जो भी देवी-देवता वहां बठे थे उनकी खूब मरमम्मत हुई, उनकी खूब पिट ई हुई। उनके पिता जो की तो गरदन ही साफ कर दी गयी थी। हालांकि जो लोग वहां बैठे हुए थे जिनकी पिटाई हुई थी, जो मारे गये थे उनका कोई दोष नहीं था। उन्होंने कोई प्रोन्साहन नहीं दिया था लेकिन फिर भी यह हुआ जयदेव ने गीत "गोविन्द" में लिखा है कि सती वह है जिसके हृदय की गति उसके पहले रुक जाये। सती उसे ही कहा जाता है। लेकिन आज उसकी भाषा को तोड़-मरोड़ दिया गया है। यह कुछ नयी परम्परा हमारे देश में चल रही है।

हमारे देश मैं इसी भारतीय नारी की महत्वपूर्ण भूमिका के परिपेक्ष में कुछ हना चाहूंगी कि स्वतवता की की पहली लड़ाई का नेतृत्व झांसी की रानी ने िया। गांधी जी के आहवान पर स्वतंत्रता आन्दोलन में स्त्री एवं पुरुषों ने बराबर से पूरा-पूरा योगदान दिया। आन्धोलन में पिकेटिंग करना विदेशी पड़े जलाना, जेल जाना, लाठी खाना आदि में स्तियों ने पूरा योगदान दिया। आजादी के बाद हमारे संवि ान में लिंग, जाति, धर्म से ऊपर उठ र स्त्री और पुरुष को समान अवसर एवं अधिकार प्रदान किये हैं। नाी को सभवत करने क लिये हिन्दू कोड बिल बना जिससे उनकी श्राधिक स्थिति में सुधार आया, उनकी सक्षमता बढ़ीं। उनकी शिक्षा, पोषण आदि के लिये विशेष योजनायें बनीं। फिर दहेज विरोधी कानून बना और अब ये सती निवारण विधया 1987 आया है।

माननीय'. केवल कानून बनाने से समाज एवगएवः नहीं बदल सकता । मानसिक स्थिति नहीं बदल जती। विसंगति तो यह है कि ग्राधनिक स+यता क दबाव से हमारे शाक्वत मुल्य तो ढह रहे हैं। पहले हम कम से कम भावनात्म रूप से समाज में नारी का मान करते थे। एक आस्था थी मान्यता की। एक आचार संहिता थी। आज उसका नितांत अभाव सा दिखाई देता है । कानुनों द्वारा ः माजिक रूप से जो सुरक्षा भावना नारी में उभरनी चाहिये थी वह नहीं उभर पायी। मैं तो यह कहंगी कि वह नितांत शस्य में रह रही है और इस सामाजिक मुन्य में आज की नारी एक घोर असुरक्षा और ग्रनिश्चित का प्रतीक बनी हई है लिशंक की तरह अधर में लटक रही है।

श्रव वह समय आ गया है अब हमें मानसिक दृष्टिकोण में आमूलचूल परिवर्तन करने की आवश्यकता है । हमारी सामंतवादी मानसिकता को बदलने के लिये नये विवासणील मूल्यों की आवश्यकता है । इन**ा आवहान हमारे** राष्ट्रीय नेतृत्व ने किया है हमारी समस्त सा ाजिश संस्थाओं, हमारे धर्माधिकारियों, धर्म गुरुग्रों ग्रादि सबको मिल कर करना चाहिये । मैं माननीय मंत्री जी से निवेदन कहंगी कि वक्तिंग बुमन होस्टल में उनको जगह मिल सके और उनके 210

लिये स्पेशल होस्टल बनायें जायें। साथ ही यह भी इत्ता चाहूंगी कि जैसा अभी हमारे एक भाई ने कहा था कि बर्किंग बुमन होस्ट्ल्स की जो बहुत दयनीय स्थिति है उसमें सुघार किया जाये। अभी उन्होंने बताया कि होस्ट्ल्स की जो गन्दी स्थिति है उसके लिये उन्होंने जिस शब्द का इस्तेमाल किया. उसको मैं नहीं कहना चाहती हूं लेकिन कहना चाहती हूं ि इनमें सुधार लया जाये।

दूसरी बात मैं यह कहना चाहती हूं कि ग्रगर हमें स्तियों को ऊपर उठाना है तो उनको नौकरियों में, लेजिस्लेचर्स में, कालेजों में एडमिशन दिलाने में जैसे टीचर्स ट्रेनिंग कालेजों में, मैडिकल कालेजों में, इंजीनियरिंग कालजों में एडमिशन दिलाने के लिये उनका कोटा बढ़ाया जाये ग्रौर उन्हें ग्रन्य सहलियतें दी जायें।

तीसरी बात मैं यह कहना चाहती हं कि जायदाद के मुकदमों में उनकी सहायता हो ताकि पति की मत्य के बाद घर वाले जो घन हड़प लेतें हैं वह गरीब और बेसहारा ग्रौरतों को प्राप्त करने में ग्रासानी हो। मैं तो यहां तक भी कहना चाहती हूं कि हमारे राष्ट्र की जनसंख्या का तकरीबन 50 परसेंट ग्रग महिलायें हैं उनकी सामाजिक दशा के उन्नयन एवं उनको समाज में उचित स्थान दिलाने ग्रौर उनकी खोई हई प्रतिष्ठा पुनर्स्थापित रने को दिशा में, उनका मनोबल बढाने एवं साहस दिलाने के लिये उनको समाज का बीवर सेक्शन स्वीकार करके उनको सारी सुविधायें ग्रौर प्रोत्साहन देने की म्रोर सरक र ध्यान दे, जोकि वीकर सेक्सन्स के लिये आज दी जा रही हैं। हमारी सरकार सदैव से स्तियों के उन्नयन के लिये कटिबद्ध है और समय समय पर प्रभावी वदम उठाती रही है और आज का यह सती (निवारण) विधेयक 1987 भी इसी दिशा में एक ठोस कदम है। मैं माननीया मंत्री जी को ग्रौर उनकी सरकार को इस विधेयक 211 Commission of sati

[श्रं/मति कृष्णां क/ल]

को लाने के जिये बधाई देते हुए इस सती (निवारण) विधेयक, 1987 का तहेदिल से समर्थन करती हं।

SHRIMATI MARGARET ALVA; Madam. I notice that not even the speakers who had raised points are present here to listen to the explanations or the answers that I have to offer,

SOME HON. MEMBERS; We are here.

SHRIMATI MARGARET ALVA; I did not see behind. I am speaking from the front.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh); We are here to listen all those replies.

SHRIMATI MARGARET ALVA: Madam, I do realise that the Bill, as has been said, should have come earlier in the Session, but I would like here to begin by offering a word of explanation. The commitment was made in the Consultative Committee of the Ministry of Home Affairs as well as on the floor of this House that a comprehensive legislation to deal with the practice of Sati would be brought during the current Session. There was a legislation passed in Rajasthan, which had been challenged in the courts and we thought that we should have the benefit of the decision of the Rajasthan High Court. Besides that consultations were htld with the leaders of the Opposition and with the crosssection of other experts before we finally came to Parliament with what we believe is the most comprehensive draft possible at this stage. But, as I said in the Lok Sabha yesterday also, no law is complete in itself. It is possible, as we go along, we may come back with improve ments, with; ertain changes, which we find may becjme necessary, but as the hon. Member, Shrimati. Ela Bhatt Ji just said, I hope with her, that we will never have to apply this law at any time to anybody at any stage in this country.

It is true that the social conscience of the country was shocked when the incident in Deorala received the publicity which it did. I must say particularly, it was due to the publicity which was given to this particular incident-because, as we know, it had happened in remote villages before-that for the first time as a nation this was taken up as a challenge. f 1 do congratulate women's organisations, W groups and active people in various parts of the country, including men, of course, who responded to this challenge and who joined in to see that there was a response where it was needed. (Interruptions) Let me answer point by point, Mr, Gurudas Das Gupta. I did not disturb you, but you can challenge me at the end. Please be patient to listen me. Madam, it has been said that nobody was consulted. In fact, ihere was a very unkind remark that Ministers, eight of us in the Government, have sat as silent spectators. This is not true. Perhaps, not every one of us is in a position to go and demonstrate against our own Government because we are a part of the Government

SHRI S. S. AHLUWALIA: It is not - against the Government but against the social designs.

SHRIMATI MARGARET ALVA; (

know, Madam Deputy Chairman, you yourself were there with them and you witnessed though you did not hit the headlines. A number of women Members of Parliament, Ministers and including Madam Deputy Chairman herself were there to participate in a demonstration meeting which was held in Rajasthan itself. We cut across party-lines and there were women from all political parties, all groups, including Ministers. MPs and activists also from parties which may consider that they are more active than we are. We joined hands and we were all there together.

I want to go on record that when thi incident happened, it was the Prime Minister—other colleagues ar_e not here — who called the women Ministers immediately for a discussion of what we

believed needed to be done. He called us for a closed door meeting, consulted LIS and it was a joint decision among all the women Ministers with the Prime Minister and later, of course, with others. But the first people were women Ministers who were called for a consultation by the Prime Minister.

श्री राम ब्रवधेश सिंह : राजस्थान सरकार क डिगमिस किया जाना चाहिये इन ी इ : : पीठेंट सरकार है । (६.वधःन

अंभतो म[ः]रबेट अगल्वाः आप राज-स्थान की बात नहीं .रिये। मैं दिल्ली की बात कर रही हूं।

श्री राम ब्रवधेश सिंह : राजस्थान के चीफ मिनिस्टर दोवी हैं या यह वोगो हें । उनको डिसमित किया जाना बाहिये था।

अोमतो म**ंरप्रेट ग्रा**हवा : अब आप मझे बोलने दोजिये । (व्यवधान)

J'ease don't disturb me.

I want to say that it was at the initiative of the Prime Minister and his commitment to get through that we have been able to get it through during the session and come to Parliament. I do agree that this is not the best time of the day or the best part of the session for passing his important legislation. But we were not prepared to wait till the next session. We saw that it had to be done with urgency and I wish that my friends on the other side had also realised the urgent and spent a little more time as a mark of solidarity with the women of India in supporting us at this crucial time on this Bill.

Madam, various points have been raised. I will not go into very great detail. But T feet that certain points if T clarify, perhaps, would help Mr. Gurudas Dass Gupta to withdraw many amendments which he has proposed because most of them I am prepared to answer and satisfy his objections or whatever it is. One point that has been raised is that we have left out in the 'definition' certain important provisions. For instance, he spoke about the 'definition' as far as the donation is concerned. I would like to say that the definition of glorification is not exhaustive. It is only illustrative and we have tried to make it as comprehensive as possible. I would lik. tell him that the word 'supporting' would include donations or supporting the glorification would automatically include all types of donations including land, money or whatever it is.

We have also used the term 'propagating' and in this 'propagating' would come any pictures, cassettes, movies, documentary and everything and propagating the idea in whichever form whether you are makiny images, whether you are printing pictures, it would all come under glorification by this clause.

Madam, a point was made why it has not been extended to Jammu and Kashmir. T would like to say that we are governed by the special provisio_n that criminal laws passed by the Parliament are not directly applicable. But the State Legislature passes its own Bill and accepts it and we have no doubt that Jammu and Kashmir will do it. We have to stick to the provisions of the Constitution as they exist.

An objection has been raised "why don't you say that it should be applicable immediately everywhere?" It is true that we have provided here. If some States for some reason cannot do it, we do not want that there should be a problem with the others. After all we must first get the President's signature on this Bill before we can take it up. The procedure has to be followed.. Once we have this done, we intend without any delay to notify its application to the entire country at one time and we h ive no doubt that ^{tmn}s has fo be done.

Madam, the other point that has been made repeatedly is about the punishment for the victim. We have put a proviso which looks after all that has been done, that she is not in a proper state of mind,

[Shrimati Margaret Alva]

she has got various pressures, psychological and others because of which she either consents or she is of course, otherwise forced into it. But the point is the act of Sati in itself is made an offence and is punishable. I cannot then make the abetment of that crime punishable like we have done. If the offence is not punishable and carries no punishment, how can I say anyone who abetted in that crime must bo punished? The fact is that there must be an offence which is punishable before I can go in for punishment for abetment. So Sati if it is called voluntarybut we have not used this word anywherewould become suicide. Otherwise, for the persons who abetted and if it has been forced, then automatically, it becomes liable to death penalty or to life imprisonment. Yesterday, we have amended this provision. We have reduced the punishment from) one year to six months and we have put in the priviso that the court would use its discretion to see that the poor helpless victim is not harrassed or punished. It is normally a token thing which has to be gone through, which unfortunately I cannot totally delete.

As far as the amendment for removing the word 'intentionally' is concerned. I have already said that we have accepted this amendment yesterday because we did not want to bring in the concept of mens red and therefore the word 'intentionally' has already been deleted in the Act as it has come from the Lok Sabha. Madam, the other question that has been raised is about authorising others besides the Collector and the District Magistrate to take preventive action. I do agree and even this time, it has been said that by the time, they went to the police station, the crime h'ad already been committed. Now we have got the rules. Trie rule-making power is there and there is provision for the officers to delegate their powers to local officers or whoever it is because each State Government may want to have its own system of delegation. It becomes very difficult for us and the Central law cannot say exactly to whom fhey will delegate but that would be looked after by the rule-making powers because we do realise that this crime requires decentralization of authority and responsibility if it is to be dealt with at the local level.

THE DEPUTY CHAIRMAN: It has to come under the rules.

SHRIMATI MARGARET ALVA: Yes, under the rues, we will make provision for that. The other amendment which has been proposed is that of a local committee. In that it has been suggested, every district should have a committee which is being called a vigilance committee. Madam, you will agree with us that this is not a kind of an offence which is common all over the country. There are areas where probably there would be need for the Collector to set up such committees. We are providing for it under the rule making powers allowing it to the local administration to set up such committees where needed. About giving protection to voluntary organisations which is another point which has been made, we have not speciafically mentioned it because under the Act, they have no specific responsibilities imposed on them. It is for those whom we are charging with specific responsibility that we are giving protection under the law saying that for what you do under these provisions, where you are required to do something, you will he protected and cannot be charged for the powers which you will use. Madam, there is one more point which hag been raised by Shrimati Ela Ramesh Bhatt which speaks about the special qualification in the appointment of the judge to the special court. I do not think there is need specifically to mention criminal law because a Sessions Judge is supposed to be an expert in all the concerned laws just as the advocate or the special public prosecutor because they d° not do any one type of law; they are covered by both. Madam, the other point is why we have not made the offence cognizable and nonbail'able. T would like to say that there may not be a provision here but under the existing Criminal Proce-dur Code, any offence which carries a punishment °f seven years or more of

imprisonment, including life imprisonment, or death penalty, is automatically cognizable and non-bailable. And so, there is no objection and it requires no amendment. We have also provided for onj or two other amendments. I would jus; like to clarify as it would save time be: ause they need not be moved if the Members concerned are convinced. Dr. Bapu Kaldate suggested-I do not think he is moving that amendment; he is not here-that the death penalty should be removed. We have the death penalty in the Indian Penal Code. My point is if a man is murdered; death penal'y is given, liould not those who are guilty of forcing a woman to burn herself or of burning her in public to the sight of everybody, be charged and punished with the death penalty? I do not see why there should be a distinction; only, perhaps, because the victim happens to be a. voman.

Another point I would like to clarify it about omitting the 'twenty years' clause in the Act. Madam, there seems to be some misunderstanding here. We are not saying that temples more than twenty ye. irs old are to be omitted from the pur-view of the Act. As you know, the provision of the Rajasthan Ordinance, which late_r became an Act, which had said that temples which had existed before the Act would be protected, was struck down by the Rajasthan High Court. We have certainly not tried to make any exception. All that we have done is, we have divided the existing structures and temples into two categories- those which have existed for more than twenty years and those which have existed for less than twenty years. We have provided that in the case of those which are more than twenty years old, all actions will be taken at the level of the St ite Governments while those which arc less thin twenty years old will be dealt with by the Collector or the District Ma-gistrate, as the case may be. Tt is just a question of a cut-off date and not an effort of protecting those which had been fnere before.

I think I have covered all the amendments which have been proposed. As T said, they have already deleted yester-

day the term "intentionally". This covers also the burden of proof. As I have told Shrimati Ela Bhattji the burden of proof is already shifted under the Act to those who are charged with the crime and therefore, the amendment she wan ted is taken care of. I would like, finally Madam. to comment on what everybody has agreed on and commented on and that is the rehabilitation of widows. This is a very important part of the whole efforts at solving this pro blem. As Sarojini Mahishiji said, you have curative, punitive or preventive steps. Curative steps are very very important and we are very much aware of it. As I have already mentioned in the other House, the Rajasthan Government have passed an order for employment of wi dows in Government service wherein they have removed the age bar for them and have also provided that their employment does not have to go through employment exchanges. I have written to all the Chief Ministers and sent a copy of th is, order, requesting that they do the same in their States. I hope that hon. Members will pressurise their own State Governments and see that this is followed up. We also have working women's hostels where we are now permitting them to keep their children and we are providing specially to see that the widows who come there get priority as they come. Madam, there is one question which was asked by Sudha Joshiji as to why only M. Ps. and IM. L. As. are disqualified and why not all others. I would like to say that we, here, can only legislate as far as M. Ps. and M. L. As. are concerned, under the Representation of the People Act. It is for the State Governments to legislate as far as the other bodies are concerned and I hope that the State Governments will take necessary follows-up steps in this regard. With these words, Madam. I think...

SHRI GURUDAS DAs GUPTA: You have not answered my points. My first point was why a cut-off year was necessary. You h; i'e said that it is only a cut-off year and it is for the State Government to look after; in some cases it i_s for the Central Government to look after...

SHRIMATI MARGARET ALVA: Not Central; I said, collectors 'and magistrates.

SHRI GURUDAS DAS GUPTA: In collectors. You some cases have not replied: o my specific questions: (1) Why do you allow the people who are unpunished belonging to the family of the sati. to inherit that property? (2) Why do you disagree to the Government taking over entire property of the sati? (3) the Why do you disagree to debar the perso, n being convicted only Tor five years. not more than that? (4) Why hav .: you brought in unnecessarily the question of Rajasthan Government under Mr. Chidambaram' himself and yourself had, while we had been discussing sati in a short-duration discussion, Categorically stated that many things should have been done by him, and why do you refer to it now saying, "Despite Rajasthan Government doing it "? Why do you think it necessary in the Bill, in reference to Rajasthan Government? In my opinion it is an attempt to bail out Rajasthan Government of possible accusation.

SHRIMATI MARGARET ALVA: Let me answer the point's which have been raised. As far as the property is concerned, we have made a provision in this Bill that anyone convicted of the crime of abetting or being involved in Sati, shail not be an inheritor of the property of rtie victim, whatever the property might be. My point is that unless a person is guilty. I cannot just say that he must not inherit. Tf he is isconvicted. he or she is totally debarred. I can here say that we have discussed a much larger question about even dowry deaths, about oth. r kinds of crimes against women, and we are considering how we can see that the property of the woman does not become a bait for those who would like to get rid of her, we are considering' how to cover all these cases, how we can work out a method by which her property could be protected from being shared among all thos; who got together to commit the crime of those who are going to benefit from it. At the moment we have said that nobody who is convicted of the crime shall inherit the property, no matter who it is. As far as 20 years' limit is concerned, it is for administrative purposes, because there are some temples under the Archaeological Survey of India and there may be some which are under trusts, etc. and which have to be dealt with in a different kind of legislation and where any collector is not authorised to go and demolish or in-teifere with it. It would require action at a much higher level. Therefore, we have siid that these old temples would require a much more complicated procedure which only the State Governments could possibly deal with; maybe, a number of departments would be involved in it. So we felt it should not be done by a collector who is helpless. This is the only reason why we are not protecting any temple or structure of that kind.

The other point is we are not giving any certificate; we have only given a statement of events, as it were, that all this happened, there was an outcry and that is why despite what they did, all this happened and so we felt that there was

need for an all-India legislation -----

SHRI GURUDAS DAS GUPTA: Does it not tantamount to bailing out the Rajasthan Government?

SHRIMATI MARGARET ALVA: I am not justifying anything. I am not standing here to justify anything. We are standing by our Statement. But I would say that we have, I think, reached unanimity that it is not who is responsible or who was wrong; what we are today standing here fcr is to make a commitment that this will l never happen again and it is not only Government or the Ministry of Home Affairs or my department of this country and to give thenu think the commitment has to be of all parties, of all States, of the nation as a whole to defend thj honour of the women of the country and to give them the right to live. If that is the commitment, I do not think that I should have any quarrel over. With these words. Madam...

SHRI GURUDAS DAs GUPTA: Why sbould it be only five years? You have not answered that.

SHRTMATI MARGARET ALVA: Let me say that the provision in the Representation of the People Act as on today for all disqualifications it is five

years as it stands today. If the Member feels that it should be amended, then he

can move a Private Members Bill to amend the Representation of the People Act and 'see that it is amended. But, today, I am hound by other legislations as the stand and we h'ave to stand by them.

With these words Madam, I would request the honourable Members to with-" draw the amendments and support the Bill. Thank you. Madam.

SHRI H. HANUMANTHAPPA (Karnal: ka): Madam Deputy Chairman, with, errnission, I want to seek a clarification. This is just for my information.

Through this Bill, we are empowering the District Magistrates to. pro'nibit by a separate order. I think under clauses 3, 4, and 5, we have biven the right for committing sati. What i_s the necessity for clause 6? Why should a District Ma-f. LstiMte by a separate order prohibit this? If in any area the District Magistrate does noj prohibit by his separte order, then the action taken under clauses 3, 4 and 5 will be vitiated.

SHRIMATI MARGARET ALVA; No.

SHRI H. HANUMANTHAPPA: No, no. I just want to understand the neces-sity for this section. Why do you want the Distrcit Magistrate to prohibit such acts by issuing a separate order when the Bill itself prevents it? Where was the necessity for such a clause?

SHRIMATI MARGARET ALVA: Madam, there are two points. One is issuing it after the crime is committed and that would be done afterwards. But we have also provided for preventing the act from being committed. I mean to say that it is true that I can go and have a person hauged after the woman has been burnt. But my basic desire is to prevent the woman from being burnt and we are, therefore, indicating tie authority to go in and stop the \ ceremonies, stop the burning or maybe even to go into places, inside the houses, and Bo on. The idea is that the moment the information is given, he is authorised and we have also provided for delegation

of powers. Even the village officers will be able to prevent the crime from being committed and that is the idea. He will pass an order the moment he gets the information to see that these ceremonies or act_s do not take place. In the case of Rajasthan, they say that we did not take preventive action or we did not stop that. We have made it compulsory on local officers and I think it is clause 17(2) which makes it compulsory on certain officers to see that they immediately take action and prevent the act from taking place.

SHRI H. HANUMANTHAPPA: If there is no prohibitory order and if the incident also takes place, the accused will fake the stand that there was no pro-hibtory order.

THE DEPUTY CHAIRMAN: Hia poini is that you have to hold somebody responsible fcr not prohibiting it.

SHRIMATI MARGARET ALVA: We have made the concerned officers responsible for taking action.

THE DEPUTY CHAIRMAN: I shall now put the amendment of Mr. Gurudas Das Gupta to vote. It is for referring the Bill to a Select Committee.

श्री राम ग्रवधेश सिंह : महोदय राजस्थान के मुख्य मंत्री को क्यों नहीं... (व्यवधान)

उपसभाषति: ग्राप जरा बैठ जाइये। (व्यवधःन)

श्री पवन कुमार बांसल : मैडम इसे रिकार्ड वर लें.... कभी-कभी जब कोई सैंटर-स्टेट रिलेंग्ज की बात होती है तो ये हमेशा कहते हैं कि आप स्टेट गर्वनमेंट को हटाने की कोशिश करते हो ... (व्यवधान) आज यह ऐसी मांग कर रहे हैं।

SHRI GURUDAS DAS GUPTA; Ma. dam. an consideration of the appeal made by the honourable Minister, I do not want to press my Motion.

The amendment was, by leave, withdrawn.

THE DEPUTY CHAIRMAN: I shall put the motion moved by the Minister to vote.

The question is

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, a§ passed by the Lok Sabha, be taken into consideration. "

The motion wa_s adopted,

THE DEPUTY CHAIRMAN: We shall now take up the dause-by-clause consideration of the Bill. We shall now take up clause 2. There are two amendments in the name of Mr. Guruda_s Da_s Gupta.

SHRI GURUDAS DAS GUPTA: In view of the appeal made by the Minister and in order to ensure that it i^> universally accepted, despite its shortcomings, I do not move my amendments.

THE DEPUTY CHAIRMAN; I shall now put clause 2 to vote.

The question is:

"That clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 22 were added to the Bill.

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

SHRIMATI MARGARET ALVA: Madam, I move:

"That the Bill be passed".

The Question was put and the motion was adopted.

श्रीमती ईलारमेश भट्ट : महोदया(व्यवधान)

एक माननीय सदस्य : बिल तो पास हो गया ।

*For the text of the amendment vide cols. 148 supra.

श्र**ोमती ईला रमेश भट्ट** पास तो हो गया मालूम है । लेकिन आपने हमको नहीं पूछा कि हमारा अमैण्डमेंट क्या है ?

उपसमापति : ग्रापने ्हा नहीं कि अमेण्डमेंट मूब करना है । ग्राप तो बैठी थीं ।

थ्योमतो ईल⊺ रमेश भट्टः कहा था, हमने सबमिट किया है।

उपसभायति : उसी वक्त ग्रापको ःह देना था, जब क्लाज 3 से 22 कहा गया था।

श्रोमती ईला रमेश भट्टा हम यही कहना चाहते हैं कि हमको मिनि-स्टर साहब से यह एशोरेक्स मिल गयी है तो इसकी वजह से हम सूव करना नहीं चाहते। लेकि इतना बोलने क आपने हमको मौका नहीं दिया।

उपसमापति : ग्रभी तो मिल गया ग्रौर ग्रापने कह दिया ग्रभी ।

THE CHANDIGARH DELEGATION OF POWERS BILL 1987.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEI PUBLIC GRIEVANCES, AND PEN SIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) Madam, I move:

"That the Bill to provide for th delegation of power vested in th Administrator of the Union territory o. Chandigarh, as passed by the Lok Sabha, be taken into consideration."

Madam, the Governor of Punjab today is the Administrator of the Union terri-. tory of Chandigarh. Certain statutory^ powers are vested in the Administrator of the Union territory. He has to hear a large number of appeals and applications for revision. The present Bill provide*