

MR. DEPUTY CHAIRMAN: No more discussion on this. Now, Mrs. Alva to move the Bill for consideration. Yes, Mrs. Alva. (*Interruptions*).

*Not recorded as ordered by the Chair.

SHRIMATI MARGARET ALVA : Sir, the exploitation of women and girls... (Interruptions).. for the purpose of prostitution.. (Interruptions).

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : श्रीमन्, आपन् हमारी बात नहीं सुनी, इसलिए मैं सदन से वाक आउट करता हूँ ।

[At this stage, the hon. Member left the Chamber.]

MR. DEPUTY CHAIRMAN: Mr. Yadav, if it is a new point, I will listen to it. If it is an old point on which I have already given the ruling, I cannot listen and there is no point in listening.

श्री शरद यादव : मैं भी सदन से वाक आउट करता हूँ ।

[At this stage, the hon. Member left the Chamber.]

SHRIMATI MARGARET ALVA: Sir, the exploitation of women and girls for the purpose of prostitution... (Interruptions).

SHRIMATI KANAK MUKHERJEE (West Bengal): Sir, I am on a point of order.

MR. DEPUTY CHAIRMAN: Just wait, Mrs. Alva. Mrs. Mukherjee is on a point of order. What is your point of order, Mrs. Mukherjee?

SHRIMATI KANAK MUKHERJEE: Sir, Just only one point I want to make. This is a very important Bill.

MR. DEPUTY CHAIRMAN: Let her first move the Bill for consideration.

SHRIMATI KANAK MUKHERJEE: Sir, this is an important Bill. (Interruptions).

MR. DEPUTY CHAIRMAN: Are you objecting to her moving itself?

SHRIMATI KANAK MUKHERJEE: No. Sir, I am not objecting to her moving the Bill. Excuse me, Sir, for just a minute. I do remember that this Act

was passed in 1956. Before that, there were women's movements and movements by social organisations for this and we were all involved in this movement for this progressive legislation. Now the Government wants to make further amendments to it. It is a very good proposal. But we want the opinion of women's organisations, social workers, and others on this. I request the Government not to introduce it now but to put it in a Select Committee and give us time to take opinion on that.

MR. DEPUTY CHAIRMAN: Please sit down. The hon. Member has the right to move any amendment after the Minister moves the Bill. Mrs. Alva.

SHRIMATI MARGARET ALVA: Sir, it has already been introduced; I am not introducing it now.

The exploitation of women and girls for the purpose of prostitution is an obnoxious feature of crime against them. The problem of prostitution in its commercialised form has evoked a serious concern in various official and non-official forums. Though prostitution has persisted since time immemorial, it has all through been considered an evil that wrecks the very foundations of the family and the community as basic units of human society. In a poor country, deprivation, destitution and neglect are found to have been closely associated with this vice. What is most disturbing is the organised racketeering in the sexual abuse of innocent children and young women in the trade of prostitution. Moreover with socio-cultural and economic changes the problem of immoral traffic seems to have acquired increasingly clandestine forms. In this context, State intervention is deemed imperative in counteracting such blatant forms of exploitation as tend to degrade the status of a human being to mere commodity sold and purchased to satisfy the lust of others.

In India, prostitution in its commercialised form, as an organised means of living, has been prohibited by the Suppression of Immoral Traffic in Women and Girls Act, 1956, as amended in 1978. The

Act was enacted by Parliament in pursuance of the International Convention signed at New York on the 9th day of May, 1950. It supplements the provisions of the substantive law against kidnapping, abduction, seduction and wrongful restraint of women and girls. The Act provides a framework for penal action against those responsible for the abuse and exploitation of women for the purposes of prostitution, care, protection and rehabilitation of those rescued from the trade and inhibition of prostitution in a public place or any area specified as such. The enactment extends to the whole of India.

Despite the amendment of the Act in 1978, it is generally felt that the enforcement thereof is not effective enough to deal with the problem of immoral traffic in all its dimensions. A number of individuals, advocacy groups and voluntary organisations working for women have been urging upon the Government to enlarge the scope of the Act, to make penal provisions more stringent, and to provide for certain minimum standards for correctional treatment and rehabilitation of the victims. In view of this and the several gaps and lacunae noticed in the conceptualisation of the Act and the growing commercialisation of the flesh trade in different parts of the world, having its repercussions on the Indian situation, the present amendments are being moved. The use of boys as well as girls for purposes of prostitution is rampant in many luxurious as well as smaller hotels and guest houses in our metropolitan cities.

In view of the aforementioned position, it is proposed that the scope of the Suppression of Immoral Traffic in Women and Girls Act, 1956, as amended in 1978, be widened to cover all persons, whether male or female, who are exploited sexually for commercial purposes.

It is also a matter of shame and sorrow that children of tender age, of both sexes are increasingly being used and inducted into the profession. The proposed Bill seeks to come down with a heavy hand on the perpetrators of tender age. For the first time, the Bill sees to give differential

punishment to offenders of crimes against victims based upon their age. Earlier, the Act defined 'girls' as females who have not crossed the age of 21 and defined 'women' as females who have completed the age of 21. However, punishment in respect of all offences was uniform in both cases. But, now in the Amending Bill, we have sought to define three categories of victims. A child has been defined as a person who has not completed the age of 16 years, a minor defined as a person who has completed the age of 16 but not yet completed the age of 18 and a major defined as a person who has completed the age of 18 years. We have provided for more stringent punishment in the case of children and Minors. As I have already stated, the Bill seeks to punish offences committed in respect of both women as well as men. This is path-breaking event in the history of legislation in moral trafficking and seeks to recognise realities which govern this sordid world of crime and exploitation.

The Bill seeks to appoint Special Police Officers called Trafficking Police Officers with powers in relation to the whole country. The ramifications of the flesh trade, as we all know, generally cover more than one State and often involve several States. These Special Police Officers, it is hoped, will expedite investigation of such offences. We have also provided for exemplary action to be taken in cases of establishments such as hotels where trafficking offences take place. The licence of hotels are liable to be cancelled in case of crimes committed against children and minors in the premises of the hotels. In the case of other victims, the licences can be suspended.

The Bill also seeks to include certain presumptions. It will have the effect of punishing offences on the basis of these presumptions. One of the presumptions in the Bill is that wherever a child as found in brothel with any person, it shall be presumed that the person has committed an offence under this Section. The Bill also provides for medical examination by a registered medical practitioner of persons who are recovered from

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the premises of a brothel. The medical examination will seek to determine the age of the person, the extent of injury suffered as a result of sexual abuse and the presence of any disease sexually transmitted.

The Bill further provides that Women Police Officers will accompany the Special Police Officers during the search. When no Women Police Officer is available, a woman member of a recognised welfare association or an institution would have to be included in the raiding party.

Seduction of a person in custody will now receive enhanced punishment. Section 17(a) is being added to safeguard the interests of persons rescued under Section 16, the Magister being required, before making an order for handing over the custody of the rescued person to a parent or a guardian, to have an inquiry made by a recognised welfare institution or organisation as to the capacity of that person or his or her genuineness to look after that person.

Some provisions which have now been included, will strengthen the hands not only of the law, but also of women and other groups to help avoid this, shall I say, menace which has existed perhaps from times immemorial. Sir, I commend the Bill to the House.

The question was proposed.

SHRI K. MOHANAN (Kerala): Sir, it is a social legislation and I do not want to oppose this Bill. But I would like to register my strong protest against the way in which the Government is dealing with such important and sensitive legislations. The Government is considering this Parliament as a private property of the ruling party and the Government because they have majority in the House.

Sir, you know that this important Bill has been introduced in the House only yesterday even without the consent of the Business Advisory Committee. They have never mentioned in the Business Advisory Committee that such an important legislation is coming. I do hope my

comrades on the other side will also agree with me (*Interruptions*) Comrades mean my colleagues in the House, of course.

Sir, I do agree with the Minister that this will strengthen the scope of the Act, and we are proposing more stringent punishment against those offenders, and all these things are there. In spirit, Sir, I am supporting this Bill. But, I am sorry, Sir, in letter I cannot support it because I did not get any time to go through this Bill and suggest any amendments or anything to this. Sir, prostitution and exploitation of sex is an unavoidable evil of the capitalist society. You cannot suppress it or you cannot avoid this evil by simply making legislations. From 1952 onwards, you are making legislations, and you will come with amendment after amendment. But, this is a social evil. This is not a symptom. This is only a symptom of the social system of our country, the capitalist system of our country. So, Sir, what I am saying is that I am supporting the Bill in spirit, but I am sorry, I am not in a position to go into the details of this Bill in its letters. Even though the Bill is very important, that last amendment was in 1978. After 1978, nearly eight years have elapsed. We have been waiting for all these eight years. So, I request the hon. Minister to wait for two more months. Sir, I did not get time to send my amendment in writing. So orally I am moving my amendment to refer this Bill to a Joint Select Committee with a special instruction to submit their report on the first day of the next session. Otherwise, Sir, hasty legislations will never help and it is an abuse of the parliamentary system itself. Kindly accept my request. You have introduced the Bill only yesterday and today morning you ask us to participate in the discussion without even going through the Bill. And you are denying us the right as Members of Parliament to suggest amendments and to study the background. By asking us to participate in the discussion in a hasty manner, you are denying our rights as Members of Parliament. That is why I earnestly request you to refer this to a Joint Select Committee. I support this Bill in its spirit. But when we are

are passing a legislation, as responsible Members of this Parliament, as a responsible body of this country, we have to take pains on these matters. So, I again request the hon. Minister to refer this Bill to a Joint Select Committee for a minimum time up to the next session, with a special instruction to submit their report on the first day of the next session. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, Mr. Vishvijit Prithvijit Singh.

SHRI M. A. BABY (Kerala): Sir, I want to seek a clarification.

MR. DEPUTY CHAIRMAN: Just a minute.

SHRI K. MOHANAN: Sir, orally I have moved my amendment. I want to know the reaction of the Minister because we did not get time to send it in writing.

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, there was no mention of this item in the List of Business for today which was given to us yesterday. Only in today's revised list of business we have got this.

SHRI K. MOHANAN: Sir, this is an abuse of the House. (*Interruptions*)

SHRI M. A. BABY: Mr. Deputy Chairman, Sir, my colleague has just now spoken about the hastiness with which the Government has brought forward this Bill. I would like to know whether the Government has been prompted into this hasty action because of the reports that they might have seen appearing in the 'Illustrated Weekly' magazine regarding the Chief Minister of Orissa. Is it after reading those reports that the Government have come hastily with this Bill. If it is so... (*Interruptions*).

SHRI VISHVIJIT PRITHVIJIT SINGH (Maharashtra): Sir, I am not yielding. You have called my name to speak. (*Interruptions*).

SHRIMATI MARGARET ALVA: I can only tell the hon. Member that he seems to be rather ignorant of the international conventions governing this

suppression of immoral traffic, which has itself been amended a few months ago to make it cover both men and women. He seems to be behind time on this information.

SHRI M. A. BABY: Sir, the reports in the 'Illustrated Weekly' might have motivated the Government to come hastily with this legislation. I do not know whether this is going to be given retrospective effect. Then we shall discuss that also. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Please sit down, I have called Mr. Vishvijit Prithvijit Singh. When the turn of your party comes, you can speak at that time and not now.

SHRI VISHVIJIT PRITHVIJIT SINGH: Mr. Deputy Chairman, Sir, this Bill was brought in yesterday. The Bill was introduced yesterday by the hon. Minister. No Member raised any objection to discussing it today. Since there were only two days left, business has to be adjusted accordingly. It has to be done. We are all capable of bearing with such matters, especially towards the end of the session when we know the kind of pressures that are there on the Government.

SHRI NIRMAL CHATTERJEE: The Business Advisory Committee listed all the items according to their perception about which should have to be taken up this week. It was not mentioned. That is why the difficulty. The introduction was permitted but that it would come up for a discussion in this session was never indicated.

SHRI K. MOHANAN: We are not opposing the Bill. But what we want is that some time should have been given to us to go through it, to study it.

SHRI VISHVIJIT PRITHVIJIT SINGH: I can understand your sentiments. But, may I now proceed with the Bill. I believe that this House ought to be unanimous in supporting this measure. This is a measure which was long overdue. The original Act was not stringent enough. We know that not only in India but all over the world there has been discrimination against women. There are still countries

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in this world where woman do not even have a vote. There are still countries in this world where women are bought and sold as slaves. There are still certain areas in this country, what to talk of other countries, where women are treated no better than cattle. It is this ignorance, this attitude of total discrimination, this attitude of male chauvinism which we have to fight against. It is because of that attitude that prostitution exists. It is because of sociological reasons, it is because of psychological reasons, it is also because of economic reasons that prostitution exists. The poverty, as that hon. Minister has said in her introduction just now, in her resume, as she asked for the Bill to be considered, has a lot to do with it. I would like to quote from a book which has become a landmark. It is written by Simone De Beauvoir. It is called a *Second Sex*. She deals with prostitution. There is a complete chapter devoted to prostitution. I am going to quote portions of it. She says:

"In prostitution, male desire can be satisfied on matter what object, such desire being specific but not individualised as to object.... So long as the prostitute is denied the rights of a person she sums up all the forms of feminine slavery at once. It is native to woman what motive drives women to prostitution; today we no longer accept Lombroso's theory that lumps prostitutes and criminals together and sees degenerates in both.... No fatal hereditary factor, no physiological defect weights upon them. The truth is that in a world where misery and unemployment prevail there will be people to enter any profession that is open."

"It is not their moral and psychological situation that makes the prostitutes' lot hard to bear. It is their material condition that is most often deplorable. Exploited by their pimps and their madams, they live in a state of insecurity, and three-fourths of them are penniless. After five years of the life, about seventy-five per cent have syphilis, according to doctors who have inspected thousands. Inexperienced minors, for

example, are fearfully susceptible to infection; twenty-five per cent should be operated on as a result of gonorrhoeal complications. One in twenty has tuberculosis; sixty per cent become alcoholics or drug addicts; forty per cent die before the age of forty. It must be added that in spite of precautions, now and then they become pregnant and that they operate on themselves, generally under bad conditions. Common prostitution is a miserable occupation in which woman, exploited sexually and economically, subjected arbitrarily to the police, to a humiliating medical supervision, to the caprices of the customers, and doomed to infection and disease, to misery, is truly abased to the level of a thing".

It is this abasement to the level of a things, to the level of an object, when any human being is dehumanised and made into an object. It is that attitude which we have to combat against. It is the nomenclature of the previous Act, the very nomenclature of the previous Act where we were talking in terms of women and girls. That itself is dehumanising. When prostitution, as the hon. Minister has stated, is practised even on boys and men, I do not see any reason why we could not use the word 'person'. That is why, now the word 'person' has been brought in and the entire nomenclature of the Act has been changed. The entire attitude of the Government has changed. And why has the attitude changed? It is because in the previous Act, we called it 'The Suppression of Immoral Traffic on Women and Girls'. We are now going to call it 'Prevention of Immoral Traffic'. Suppression is done on something which is there. We accept the factum of the crime being present and we say we are going to suppress it. Prevention is, when we say, we are not going to allow it to take place. We do not allow it to take place in the first instance. There is no question of suppression because we will have prevention. I congratulate the hon. Minister for this wonderful measure which is coming. This is a measure which is going to have a salutary effect. Prostitution appeals to the baser instincts of man. It is the

baser instincts of man which have created this kind of a situation. On derepresentation of women, our entire attitude of our society is generated to dehumanising women. The hon. Minister has not brought in the Bill today on the obscene representation of women. Has it been introduced? Well, I hope it will come up soon. It is because of the effects of those kinds of lascivious advertisements, that kind of literature, that kind of hoarding which create a situation where a woman is considered, is dehumanised, debased and considered as an object. It is that creation of an attitude of man of creating woman into an object which creates the further ramification of encouraging prostitution by itself.

I am very glad that this Bill has been introduced today. It is because just yesterday, the new 20-point programme has been announced, and one of the major measures in that programme is equality for women:

- (1) Raise the status of women;
- (2) Enhance awareness of the problems of women;
- (3) Create mass consciousness about women's rights;
- (4) Implement a national programme of training and employment for women;
- (5) Enable women to participate with equality in socioeconomic development and nation-building; and
- (6) Rouse public opinion against dowry and ensure effective implementation of anti-dowry legislation.

This has now been enshrined in the twenty-point programme. It is but apt that immediately after the introduction of the restructured twenty point programme, this Bill is taken up for consideration. This is the first major measure to be brought forward immediately after the introduction of the twenty-point programme, restructured programme.

Sir, we have a dichotomy in our thinking. We have double-standards. There is a dichotomy in our thinking. when we see our mothers, our sisters and our

daughters, we consider them as somebody pure, as Goddesses. But when we see other women, we look at them as objects of desire and objects of lust. It is this dichotomy which needs to be removed and to a large extent it will be removed by the penal provisions in the Bill which has been brought forward. It is this dichotomy which Shrimati Indira Gandhi referred to when she made a speech in Bombay on June 26, 1966; she said:

"In few countries do women hold higher position in politics and public life than in India. But this should not us to think that the old inequalities and disabilities from which the women of India have suffered have all ended. Ours is a country in which oppositions and contradictions thrive, and nowhere is this more so than as regards women. If we have women who are among the most progressive in the world, we also have women who are among the most backward. In law, all discrimination between man and women has been abolished. Yet, we all know the social and economic hardships which our women suffer in addition to the general hardships which any individual suffers in a society so poor and still so largely mediaval as ours.

In the countries where women had to fight for their rights, it had been easier for men to finally accept the fact of women's emancipation. In India in spite of the fact that the emancipation of women has released powerful social forces, non-acceptance of equality of women on the part of men is a great hurdle. Another hurdle is the old ideal of a silently suffering Sita which remains at the back of the mind of even a liberated Indian woman."

Sir, as I said, it is this dichotomy which is the cause of many problems. There is a dichotomy in our thinking. In our attitude. We have double-standards. The Bill seeks to change all this. This Bill is the first of its kind to reflect this change in attitude. We have an attitude. We have a history. We have a tradition of reverring our women. We have a tradition where we refer to our country in the feminine gender. We refer to India

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as Bhatat Mata, as Mother India. We refer to our country, our nation, in the female gender. But in the streets, we see the squalour and the degrading sight of our women being abused in prostitution.

Now, Sir, I would like to refer to the clauses. In Clauses 2 and 3 as I said, the change in attitude is shown by the fact we are changing the nomenclature where we refer to prevention rather than suppression. Clause 5 talks about prostitution. It says: "(a) in clause (a) for the words 'of prostitution' the words 'of sexual exploitation or abuse' shall be substituted. This is a welcome amendment. We have defined what is prostitution. In the original Act, it was not clear. The provision in the original Act is 'Prostitution means the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind, and whether offered immediately or otherwise, and the expression 'prostitute' shall be construed accordingly.' This again was a dehumanising provision, this again was a denigrating provision, which is now sought to be changed by this Bill. We are now talking in terms of sexual exploitation or abuse'. For clause (f) in section 2, the following is proposed to be substituted which says 'prostitution means the sexual exploitation or abuse of persons for commercial purposes, and the expression 'prostitute' shall be construed accordingly'. As the hon. Minister has pointed out, it refers to 'persons' and for the first time we are bringing in men and boys within the purview of the Act. In clause 9 of this Bill the penalty is sought to be enhanced. In the old Act the penalty was less. It has now been made 7—10 years. This is what is important.

Coming to clause 8 again the earlier provision was for a penalty of one to two years with a fine of Rs. 2000. On a subsequent offence the fine was two to five years plus Rs. 2000 fine. This is now made rigorous. In the case of a child it has been made more rigorous. Even otherwise, it is now five to seven years. There is an important provision about the offence committed against the 'will'. This is important. The amendment in clause 8 says:

"shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and if any offence under this sub-section is committed against the will.

The most important point is against the 'will' of any person.

"Of any person the punishment of imprisonment for a term of seven years shall extend to imprisonment for a term of fourteen years;

Provided that if the person in respect of whom an offence committed under this sub-section.

(i) is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life; and

(ii) is a minor, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years and not more than fourteen years."

It is sought to be made stringent. As the hon. Minister has pointed out, this Bill seeks to differentiate between offences committed on adults, offences committed on minors and offences committed on children. Furthermore, it seeks to differentiate between offences committed of free will and offences committed against the person's will. That is most important and the amendment is welcome from that point of view.

Again in clause 9 the provision has been made more stringent. Earlier the provision was one to two years plus Rs. 2000 fine. On a second conviction two to five years plus Rs. 2000 fine. Now it has been made from seven years to life plus a fine. And there is a new sub-section which has been added for protection of the children. The onus of proof has been put upon the person who is found with a child in a brothel or even a child or minor found in an area which is raised by the authorities. It says:

"Where any person is found with a child in a brothel it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

Where a child or minor found in a brothel, is, on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes."

This again is a provision where the onus of proof has been put upon the person who is caught, the person who is found. There was too much of gullible in the past that I was not involved. Now the proof has been put on them. This is specially to protect the interest of the minors and children. We have found that the exploitation of children and minors is growing day by day in this country. No matter where you go, whether it is Calcutta, Bombay, Delhi or even the smaller cities or towns of this country, you find that the children are the easiest to exploit. Children are kidnapped and put into the brothels and all kinds of things are happening against the boys and girls.

The provision made in clause 10 is again welcome. If a child or a minor is found in a brothel, the brothel keeper is also subjected to the same penal provisions, to the same punishment as was being given to the person who has committed the offence. The brothel keeper also suffers the same thing. The idea is to get to the whole gamut, not to punish just one person but to punish the entire group of people involved in the trade so that it can become unprofitable for them they realise the dangers and stay away from it.

I have a little problem only with clause 11. My problem is in the reverse. As the hon. Minister will probably be aware, in the original Act the punishment to women, if they solicit for customers as prostitutes, was 6 months to one year.

Now for a man, it is provided that the punishment will be 7 days to 3 months. It is stated:

"Provided that where an offence under this section is committed by a man, he shall be punishable with imprisonment for a period of not less than seven days but which may extend to three months."

Now this is a provision which is discriminatory. It discriminates against the very object of the Act. I would urge upon the hon. Minister to kindly see whether something can be done about this.

Then coming to clause 12, it is a very very important clause. It deals with people are looking after children as guardians of the children. It is very important for the guardians of children or guardians of women to see that they protect the interests of those who are under their care, who are their wards. When they themselves will become the exploiters of that innocence which they are seeking to protect, which they are empowered under law to protect, then they are the ones who are to be prosecuted with great stringency. In the earlier Act, the provision was for punishment for one to three years with a fine of Rs. 1000. Now this has been increased to seven years to life imprisonment plus a fine. For this reprehensible crime, I think this is a just punishment. People ought to be punished categorically if they do any such thing.

In clause 13, sections 10 and 12 are sought to be omitted. In the old Act, provision had been made for parole for good behaviour. There is no question of good behaviour in prison of those people who have committed acts so reprehensible as to be convicted under the provisions of this Act. It is very right that the hon. Minister has chosen to omit those clauses and see to it that they serve their full prison sentence.

Clause 16 has been made comprehensive, I would like to quote two sub-sections which, according to me, are very important. Sub-Section 5A says:

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“Any person who is produced before a magistrate under sub-section (5), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted disease.”

This is a very important provision. In the previous Act, no such medical examination was provided for and lots of problems would arise. This is also to find out whether minors are involved . . . (*Time bell rings*). Just two minutes more, Sir.

In Clause 16, sub-section 6A says:

“The special police officer or the trafficking police officer, as the case may be, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (4) is required to be interrogated, it shall be done by a woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognised welfare institution or organisation.”

Then it defines what is a "recognised welfare institution or organisation" and says it means such institution or organisation as may be recognised in this behalf by the State Government. I will come to that later. But this is a very good provision because again we find that even the guardians of law and order, even the guardians of peace, even the guardians of our morality turn round and they themselves become oppressors. The nexus between the criminals and the police and the prostitutes and madams are too well known to be described here, and it is to stop that, to see that they are not exploited by them that this provision has been put in. I am very glad that the hon. Minister has done that.

Clauses 18, 19 and 20 talk about the recognised institution. I think the nomenclature is slightly wrong. The sections are wrong. There is some problem there. I

am referring to section 18 of the principal Act.

There are some clauses which deal with what is called a recognised institution. Here I would point out about the care of minors to be sent to particular institutions or women to be sent to particular institutions. The Minister has stated in his introductory speech that this is to provide for minimum standards or rehabilitation and care. I have a problem there because when you define a recognised institution as that which is recognised by the State Government, you put the onus of the proof of capability of that institution to rehabilitate and care, of those minimum standards, on to the State Government. And our experience is very bad in this case. The homes for little children, even the one in Delhi, we have seen. Even young boys have escaped from that home, and some of them wanted to commit suicide because they were kept in such horrible conditions. Do you want that these children should be sent to such institutions? I would request that at the time of framing the rules to see that proper standards are maintained and proper criteria are laid down so that we do not have this problem of only those institutions being there which are recognised by the State Government. I mean, there may be cases of institutions which are being run by social organisations which are not recognised by the State Government and yet doing very well. It is up to your Ministry to see that such things do not happen.

I am quite sure that now, with the introduction of this Act, with the stringent penal provisions of this Act, the entire prostitution trade in this country has been given a warning, has been told, "Now we will brook no nonsense from you. We will not tolerate anything. Everybody who is involved from the madams to the princes, to the procurers, to the suppliers, to the customers, is going to be covered by this Act with very harsh, stringent punishments, salutary punishments. No bail, no parole. You will be in jail for life and will pay huge fines."

I am sure this is a warning for even the institutions like the 5-star hotels. I

know the amount of prostitution that takes place in the 5 star hotels. Even the 5-star hotels have become dens of prostitution. They call them by the name of Liaison Officers, by the name of various kinds of Public Relations Officers. But they are also of the same category. Because they have more money you say that they are not prostitutes and that only those who are poor, who take small amounts of money are prostitutes. Everybody who is involved in this trade from top to bottom is a prostitute. This Act provides for closure of such hotels, for suspension of licence for three months, and finally for closure of the hotel if a minor is found there. I will be glad to see this action being taken, if and when it is taken, at the earliest possible time.

I am quite sure that we will now be able to fight prostitution with these safeguards, with these provisions. This is the first time that with the help of the Government of India we would be able to fight prostitution, we would be able to nip it in the bud. As its nomenclature has shown us, this Act will truly prove to be preventive rather than suppressive. It will properly prevent this evil.

Thank you, Sir.

SHRI V. RAMANATHAN (Tamil Nadu): I am very glad to welcome this Bill. I support it for many reasons. Its first welcome feature is, as stated in the Statement of Objects and Reasons, that it covers male as well as female. Secondly, this is a long-awaited Bill to eradicate this evil. For a long time the required emphasis on it had not been given thinking that that was a trade between individuals and had been in existence from time immemorial. But now the Government has come forward with this amendment Bill to completely prevent it and solve the social problem.

This immoral trafficking is due to many reasons, but its main reasons are poverty, illiteracy, peculiar social conditions and social frustrations. My learned friend who spoke before me argued that by stringent punishment we can eradicate this evil. I humbly submit only by heavy and stringent punishments we cannot eradicate

this evil. There are certain causes for this social evil. These must first be identified. One of its main reason is poverty. My learned friend said that even in Five Star hotels this evil exists. Without going into much detail I would only say the main cause for it is also the prevalence of poverty in plenty. Illiteracy is another reason for it. Literates may not like to get involved in this social evil. Therefore, in order to eradicate this evil, we have first to eradicate poverty and illiteracy. So, in order to bring about this social reform we have to make the people realise what this evil is and why it is not to be proceeded with. Besides there are certain social frustrations. There are also causes for this type of offence. Unless the culprits mend themselves, it is difficult to eradicate the crimes. We must make the culprits to mend themselves. That is the main thing.

Periyar Ramaswamy, the social reformist, who came from the South fought all along for the eradication of this evil. He was a person who started this social reform forty to fifty years ago. At that time Devdasi system was prevalent in Tamil Nadu. He fought throughout his life to eradicate this evil. He started a social reforms movement whereby there was a feeling of respect for the women and the women themselves realise their self-respect. In this way he made an all-out effort to eradicate the Devdasi system from Tamil Nadu. He made propaganda from village to village and the community which was considered to be prostitute because of this was brought to light and took all steps to improve their social conditions.

Sir, I would suggest that employment opportunities must be given to such ladies enabling them to earn their livelihood themselves and to get out of this evil. Besides they must be given property rights.

While referring to the 20-point programme, my learned friend tried to show how women's rights are being evolved. Even in the restructured 20-point programme presented in the other House it does not contain equal property rights for women also. Take for example, the Gov-

[Shri V. Ramanathan]

ernment of Andhra Pradesh it has enacted a statute that women in the State of Andhra Pradesh will get equal right in the property. That is not here in this Bill. Sometimes social tension in the families leads to dowry deaths. If this law is suitably amended or liberalised, then, this sort of thing can be prevented. I feel the Dowry Prohibition law should be strictly enforced to avoid these offences. Those who want to preserve their old system and who do not want to come out of the religious fanaticism are mainly responsible for this type of frustration. A person in the family when he is unable to take a decision because of social pressure or social backing woman goes out of the family and leads to this type of offences. Unless these measures are taken we cannot prevent these offences. Till this system prevails the social order cannot be changed. So I request the Minister to take note of these suggestions and unless it is amended, we cannot implement this Bill successfully as we are envisaging.

Further I request the Minister to reconsider the question of removal of section 10 which relates to release on probation of good conduct or after due admonition and of section 12, security for good behaviour from habitual offenders. If some people knowingly or unknowingly entangle themselves in these offences, they must be given an opportunity to correct themselves. Therefore, I request the Minister not to remove these sections 10 and 12 from the Bill completely. If these sections are there, then, I think, it should be a very good Bill which will bring a social order and will help to form a good society. With these few words, I conclude. Thank you.

SHRI H. HANUMANTHAPPA (Karnataka): Mr. Deputy Chairman, Sir, while I stand to support the Bill brought forward by the hon. Minister, I also take this opportunity to compliment her for salvaging "SITA" a puranic woman. Unfortunately SITA's name was given to the Suppression of Immoral Traffic Act. I am happy that Mrs Margaret Alva being a lady herself has been kind enough on SITA to salvage her by

removing the nomenclature of the Act itself and making it Immoral Traffic (Prevention) Act. I am happy that at least SITA is saved by this amendment.

Sir, being a Minister for Women and Child Development, I do not think that she herself is happy in moving this Bill because her portfolio does not take care of this Bill. In fact, she herself said that the changing scenario of the socio-economic conditions in the country has given rise to such immoral acts. When she has come to that conclusion that the changing scenario is responsible for alarming increase in these acts, these crimes, she herself feels that this is a very inadequate Bill and this is not a Bill which will take care of all those things that have come to light. Sir, what are the reasons today for the suppression of the immoral trafficking? We have to attack on those reasons if it is going to be really a preventive Act. When I went through the Bill, I found that it is only when you bring the accused there is the punishment clause. Where is the clause for prevention? If it is to be preventive measure, then we will have to attack the reasons, the causes for immoral traffic. Sir, many friends have said that there are so many reasons, the first one is the poverty. We see, day in and day out that the girls are being sold. Sir, coming from the South, the hon. Minister knows that the oil countries kings come here, negotiate and marry girls and take them and finally they drop them out. What is the measure that we are taking for these drop outs? Who are these people that are being used for this immoral traffic? What is the action that you are taking for the divorced women and the rape victims? What is the alternative that you have made for them? When once for various reasons, may be for the crimes that are increasing and may be due to the social structure, if some unfortunate girl is raped, she is neither accepted by the society nor accepted by the parents nor anybody is there to marry her. Then what is it that we have done? I think, this Bill should have covered all these things also, then only, it would have been a comprehensive Bill and it would have given more powers to the administration to take care of these

incidents so that these incidents could be prevented. Then only it would have become a preventive act and added to this, are the religious customs and the superstitions. Sir, coming from the South, the hon. Minister knows that there is a custom "BETHLE SEVE" Nude Service to the God in my State. Nude Service has been recognised by the society and it is being followed. I do not know how the Government will tackle it, whether it would be tackled by amending this Act? The trafficking police that we are creating under this Bill has no power to prosecute them. Recently, there was an incident in Shimoga district in Karnataka, a famous Chandraguti incident and every woman who comes there just because she has offered that she will be nude and she runs nude to the temple and these are the customs which are at the bottom of these evils. Unless we tackle them, unless we go to the root of these superstitious practices and the religious practices, nothing much will happen. The devdas system is also prevalent in Karnataka. It is also prevalent in Belagum District and in Maharashtra. I was just going through the New Education Policy. There also, unless we change this system of male dominant society, no amount of our preventive acts will come to the rescue of the women. (*Interruption*).

MR. DEPUTY CHAIRMAN: Are you changing sides?

SHRI H. HANUMANTHAPPA: I am sorry, I am not changing sides but this is a problem of the 51 per cent of the population of this country. Only 49 per cent cannot do. We want the support of 51 per cent of population who are women and every house has got women, as mother, as sister, as daughter and as daughter-in-law. So, it is the burning problem of the country. We need not be complacent with these amendments making the punishments stringent and interpreting certain clauses and certain words. Even though, I compliment the Minister for salvaging Sita, I need not be happy because it will not be possible to take care of all these things with this Act. There is

no doubt that it takes care to the extent that it has enlarged the scope of the Act. It has included both male and female victims of such acts. It is giving stringent powers to the administration. It is creating a separate enforcing authority, the trafficking police. And it enlarges the jurisdiction of the police also when there is an inter-State crime. It also envisages the creation of new courts, special courts for these crimes. It gives powers to delicense hotels if they indulge in these things. It also provides for stringent punishment if there is a seduction in custody. So with all these things, I do hope that this Bill is going to take care of the problem so far as the culprits are concerned. But as far as the preventive aspect of it is concerned, I think the hon. Minister will come under another portfolio, as Minister of Woman and Child Welfare, with comprehensive provisions to take care of these things. Unless we take care of these things, only with these amendments, we will not be able to curb this immoral traffic.

Sir, the hon. Minister also referred to the recommendations of various women's organisations. The All India Women's Conference has given certain recommendations. It has said:

"Ameliorative measures to be taken by the Government for victims of atrocities and violence can be effective only with the support of non-governmental organisations.

"The branches of All India Women's Conference should concentrate for the next five years in promoting socio-economic schemes for women and to educate them on their rights and duties."

Now, financial assistance is also given for short-stay homes and working women's hostels. This is more important. Nowadays we see everyday in the press that a woman is divorced, a woman is ditched, a woman is burnt or a woman is thrown out of her house. Those who are driving them out will become responsible for it. But I support giving them property rights.

[Shri H. Hanumanthappa]

Some States have legislated on it, but the property rights, as it is envisaged, are the property rights of the father, the parent. Why not give her the property rights of the husband also? If a woman gets married, she must have the right of the property of her husband from the date of the marriage. Some portion of the property should be transferred to her. Then only the husband will be more careful. He may refrain from driving her out. And even if he wants to divorce her, he will have to think twice. And she will be able to stand on her own legs. Depending upon her parents is ruled out because of the Indian customs, the customs of the Hindu society, because we are supposed to be giving out our daughter, our sister to the family in which she is marrying. So in that background, when property rights have not been given by the parents' house, let her acquire the property rights of the husband from the date of the marriage. Let her get a certain amount of property transferred to her. This may be considered. This is only loud thinking. This can at least prevent the husband from getting a divorce for small reasons, petty reasons or from driving her out.

All said and done, sufficient protection has to be given for such girls and such women who become victims of such crimes. What are the figures in India? The accounted crimes against women every year are nearly 50,000. Many more are left without being reported because we are superstitious. Even if something happens in anybody's house, we want to hush it up in the interest of the girl, in the interest of the family. But the reported cases of crimes against women are 50,000 every year. If these 50,000 people are not taken care of, where will they go? How will they live? Who is going to take care of them? If some girl is raped, what is her future? The father will not accept her. Nobody is there to marry her. The society will not accept her. Either she has to burn herself and commit suicide or she has to go to the market. Unless

we ensure protection for such women, this Bill will not be effective to prevent this immoral trafficking. There is the Delhi Police Research and Development Organisation which studies crimes against women. It has made some recommendations and the main recommendation contained in its report is that the investigating machinery and the prosecution branch should be more responsive to women-victims of atrocities, there should be involvement of women-police officers in the investigation of cases and crimes against women. This, of course, has been taken note of, that women will be associated in the investigation and interrogation. But why not the Bill itself provide that there should invariably be a woman-police officer in every police station? When 50 per cent of the population comprises women, why not in the police force? Why not have an equal share in the police force? To start with, let there be at least one woman officer in every police station. Let them not depend upon outsiders. Again, many of the outsiders are proving to be brokers, middlemen, whether male or female. Therefore, why not strengthen the police force by creating women officers in every police station?

Then there is the other recommendation for rehabilitation of victims of atrocities. Then there is a recommendation for involvement of social psychiatrists during the trial proceedings, special training for revenue and police officers especially in tribal administration, then, payment of compensation to victims of crimes. This is very important. When crimes are reported against women, Government should come forward with a certain amount of compensation so that the women victims can stand on their own legs. Of course, this can be read either way. But still, as a precautionary measure, as a preventive measure, something should be done. As said, crimes may take place due to low income, social situation, social tension or such circumstances, use of mass media in increasing social tensions which results certain crimes against

women. (Time-Bell Rings) I, therefore, request the honourable Ministers to pay greater attention to the preventive aspect rather than the punishment aspect, because in every crime the culprit has to be apprehended first and only after apprehension of the culprit that this amendment comes into play. But we should try and see that the crime itself is not committed, that there is no scope for committing such crime. Therefore, preventive measures are more important, social changes are more important. I request the honourable Minister to take note of all these things and bring a comprehensive Bill.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.30.

The House then adjourned for lunch at thirty-three minutes past one of the clock.

The House re-assembled after lunch at thirty-three minutes past two of the clock. The Vice-Chairman (Shri H. Hanumanthappa) in the Chair.

THE VICE-CHAIRMAN: (SHRI H. HANUMANTHAPPA): Now, Dr. Bapu Kaldate.

डा० बापू कालदाते (महाराष्ट्र) : उपसभाध्यक्ष जी, स्त्रों तथा लड़कों अनैतिक व्यापार दमन (संशोधन) विधेयक, 1986 के बारे में जो चर्चा अब शुरू है, उसे शुरू करते समय ही मैं पहली बात स्पष्ट कर देना चाहता हूँ कि जिस जल्दबाजी से इस विधेयक को पारित करने का प्रयास चल रहा है, वह मुझे ठीक नहीं लगता है। जैसा कि हमारे मित्रों ने कहा है कि इसके लिए एक अध्ययन की फ़ुरमत, सहूलियत देनी चाहिए थी क्योंकि सामाजिक सुधार के विधेयक या सामाजिक सुधार कोई ऐसी प्रक्रिया नहीं है कि जो साल, दो साल में पूरी हो सकती है और इसके लिए खूब गहराई से इस सदन को भी सोचना चाहिए, कुछ ज्यादा गहराई से उसको जो भी परिणाम होते हैं, उसको देखना चाहिए। जो समाज हम बनाते

जा रहे हैं, इस समाज से जो सवाल पैदा हो गये हैं, उसके जवाब भी हमारे विधेयकों के जरिए हमको मिलने चाहियें।

मुझे लगता है कि इस दृष्टि से अगर देखा जाए, तो यह धांधली, यह जल्दबाजी अनावश्यक ही नहीं, लेकिन यह जो परम्परा है, इस सदन की परम्परा के खिलाफ़ है। यह बात मैं पहले ही स्पष्ट कर देना चाहता हूँ। लेकिन मैं जानता हूँ कि भले ही हम लोग कितना भी प्रयास करें कि भाई यह ज्वाइंट सिलेक्ट कमेटी को भेजा जाए, हम जानते हैं कि आप इसको ले जाने वाले नहीं हैं और यह व्यवहारिकता जानने के कारण इसके बारे में मेरे जो भी कुछ विचार हैं, वह इस संशोधन विधेयक के सन्दर्भ में मैं आपके सामने रखना चाहता हूँ।

पहले ही एक बात मैं स्पष्ट कर देना चाहता हूँ कि इस दुनिया के एक मशहूर लैंगिक शास्त्री, श्री हेवलाक इलिअस ने इस आधुनिक समाज के बारे में एक बहुत ही बढ़िया वाक्य लिखा है और जैसा कि मुझे याद आता है, उन्होंने लिखा है कि--
"Hypocrisy is key note of modern civilisation,"...

डॉंग यही आज के आधुनिक समाज की गुरु किल्ली है और भारत इससे मुक्त नहीं है।

न आधुनिकता की दृष्टि से लेकिन भारत की परंपराएं सारे रीति-रिवाज, सारी रूढ़ियां ये सारी रूढ़ियां इसी का उदाहरण हैं। यह समाज है यही भारत है जिमकी संस्कृति के बारे में हम लोग गर्व करते हैं। लेकिन संस्कृति सिद्धांतों को हद तक तो ठीक है कि हम अद्वैत का सिद्धांत बोलते हैं, लेकिन इंसान-इंसान में फर्क करते हुए द्वैत इस हद तक चला जाता है कि वह मानवता कर संहारक बन जाता है। यह बात सही है कि धर्म में शास्त्रों में लिखा हुआ है--नारी देवता समान है उसकी पूजा की जाय। लिखने के लिए तो यह ठीक है..... (व्यवधान)...

संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री सोताराम केसरी) : देवी समान है देवता नहीं।

श्री बापू कालदास : भाई देवी कहिए, मेरे लिए कोई फर्क नहीं है। तो देवी समान है कहने के लिए तो ठीक है लेकिन जहाँ तक व्यवहार का सवाल है, वहाँ एक गुलाम की तरह उसको जिन्दगी काटनी पड़ती है। यह जो ढोंग है इस ढोंग को दुरुस्त करने का प्रयास किसी भी विधेयक से नहीं होगा। यह बात मैं स्पष्ट कर देना चाहता हूँ क्योंकि यह जो सामाजिक सुधार होते हैं, इसके लिए काफी सदियों से, सालों से प्रयास करने पड़ते हैं और हमने देखा है कि इस देश में भी पुराने जमाने के राम मोहन राय से लेकर अब अंग्रेजों के जमाने में महात्मा फूले तक, अन्ना साहब करवे तक, जिन्होंने स्त्रियों की स्थिति के बारे में, उनके सुधार के बारे में कई प्रयास किए हुए हैं। मैं जब इस विधेयक की तरफ देखता हूँ तो मुझे जिसका सिंह जी ने गर्व किया, वह मुझे लगता है कि गर्व करने की बात नहीं है। आपने तो उसका नाम बदल दिया दमन की जगह निवारण कर दिया। लेकिन यह क्या निवारण करतू वाला विधेयक है? इसकी सारी धाराएँ अगर देखें तो दमन की शक्ति देने वाला यह विधेयक है, इसमें निवारण कहाँ से आया।

महोदय, वैद्यक शास्त्र का विद्यार्थी होने के नाते मैं आपसे यह कहूँ—प्रिवेंशन की बात जब वैद्यक शास्त्र में कहते हैं, तो दवाओं का सवाल नहीं होता बल्कि यह कहा जाता है कि आपको अगर खांसी नहीं होनी है तो यह बातें कीजिए, यह निवारण की प्रक्रिया है। लेकिन इस सारे विधेयक में निवारण की बात नहीं है, दमन की शक्तियाँ देने वाला विधेयक है। इसका नाम बदलने से इसको जो बुनियाद है या स्वरूप है, इसमें मुझे कोई फर्क नहीं लगता है। यह ठीक है, यह आवश्यक है, मैं मानता हूँ कि सरकार के पास ज्यादा शक्ति हो, जिसके कारण जो भी गुनाहगार है या इस क्षेत्र में अनतिक्रम को बढ़ावा देने वाली शक्तियाँ हैं, उनको डर लगे। लेकिन समाज सुधार की प्रक्रिया सिर्फ इससे नहीं होती..... (व्यवधान)...

श्री जगेश बसाई (महाराष्ट्र) :
निवारण के लिए ही है ... (व्यवधान) ..

डा० बापू कालदास : यह निवारण के लिए नहीं है। निवारण के लिए अन्य प्रक्रिया चाहिए जो मैं अब आगे कहूँगा कि किन प्रक्रियाओं की जरूरत है। यह मैं मानता हूँ कि समाज सुधार की प्रक्रिया दोनों ढंग से चलती है—एक तरफ कानून के जरिये असमाजिक तत्वों को डराते रहिए ऐसे काम करने वालों को और दूसरी तरफ जिन कारणों से ऐसी स्थिति उत्पन्न होती है, उन कारणों को दुरुस्त करने के लिए या उन कारणों से समाज को मुक्त करने के लिये प्रयास करना चाहिए। अब मैं आपका ध्यान इस तरफ खींचना चाहता हूँ कि कमेटी आन स्टेट्स ने बहुत सुन्दर ढंग से इस प्रश्न की तरफ हम सब लोगों का ध्यान खींचा है,

I will quote one small paragraph:

“The prostitution represents the exploitation of the poor by the rich and of women by men. If women have really to reach the level of equality with men, the society should be in a position to ensure economic, social and psychological security for the traditionally exploited women-folk. Prostitution is the worst part of women exploitation.”

इसका मतलब है कि तीन बातों का जब तक आप विचार नहीं करेंगे यानी इनकी सामाजिक परिस्थिति का, इनकी आर्थिक परिस्थिति का और जो मानव है उसको बदलने का प्रयास अगर हम नहीं करेंगे तो यह हो सकता है कि कानून शायद आपको दमन की शक्ति दे दे, लेकिन जिस बुनियादी बुराई को खतम करना चाहते हैं, वह बुराई शायद खतम न कर पाए। मुझे यह “निवारण” शब्द से इतना ही लगा कि सरकार व्यावहारिक बन गई है कि इन बुराइयों का दमन नहीं कर सकती। इस अवस्था में हम लोग पहुँच गए हैं। जिन वाणिज्य प्रवृत्तियों, व्यापार की, कार्मिशियलाइजेशन की बात आप कर रहे हैं, हम तो अगर आपको यह कहें।

Commercial value system is the real system of the world.

सारी दुनिया की व्यवस्था ही बिल्कुल व्यापारिक मूल्यों पर आधारित है, जिसमें इन्सान को व्यापारिक दृष्टि से, मुनाफे या नुकसान की दृष्टि से देख जाता है।

इस वेल्यू सिस्टम में, जिसमें मुनाफाखोरी या नुकसान के हिसाब से इन्सान को देखा जाता है, इन तीन बातों को ध्यान में रख कर काम नहीं करेंगे तो दमन की शक्ति हमें बहुत आगे ले जाएगी ऐसा मैं नहीं मानता हूँ।

दो-तीन बातें इस सम्बन्ध में और कहना चाहूंगा। हमारी कुछ अन्ध श्रद्धाएं हैं। आपको आश्चर्य होगा, मैं महाराष्ट्र से आता हूँ, वहां एक समय ऐसा चला, एक हवा चली, अन्ध श्रद्धा चली कि अगर लैंगिक दुर्गण हो, बी डी वाला पेशेंट हो, वह अगर छोटी बच्चियों के साथ सम्भोग करे तो उसकी डिजीज खत्म हो जाती है। आपको आश्चर्य होगा, एक साल तक हम यह देखते रहे कि छोटी बच्चियों को बी डी डिजीज होने लगी। ऐसी धारणा बन गयी अन्ध श्रद्धा के कारण। मैं महाराष्ट्र से आता हूँ, आप कर्नाटक से आती हैं, हम दोनों के बार्डर पर देवदासियों का मामला बड़े जोरों से चलता है। महाराष्ट्र में इस पर बड़ा मतगड़ा आन्दोलन चलता है, हमारे मित्र चलाते हैं। यह भी अन्ध श्रद्धा है कि लड़की समर्पित करें प्रभु के लिए, उसकी इच्छा हो, न हो। समर्पित होना अलग बात है, समर्पित करना अलग बात है। देश के लिए कुर्बानी करने वाले लोगों को समर्पित नहीं किया जाता था, वे खुद देश की बलिबेदी पर चढ़ने के लिए खुद को समर्पित करते थे। लेकिन यह तो उन पर जुल्म है क्योंकि वे बेचारी कुछ नहीं कहती हैं, इसलिए उनको समर्पित किया जाता है। हमने इसका अध्ययन किया, हम गए हैं उस इलाके में। सब गरीबों की महिलाएं हैं, वे समर्पित की जाती हैं या दी जाती हैं प्रभु के नाम पर। यह होते-होते वे बम्बई और पूना के प्रोस्टीट्यूशन हाउसेज में चली जाती हैं। यह अन्य श्रद्धा की बात है। सारे धर्म पारम्परिक बन गए हैं। जो बुनियादी श्रद्धाएं धर्म के जरिए इन्सान को प्रभावित करने वाली थीं वे आई नहीं। सारे मजहब दाढ़ी में फंस गए, चोटी में फंस गए, कंगन में फंस गए, कृपाण में फंस गए। ये धर्म कोई सामाजिक प्रश्न हल करेंगे, ऐसा मैं नहीं मानता हूँ।

जो परम्परा है उसके खिलाफ सख्ती से काम नहीं लेंगे तो इन अन्ध श्रद्धाओं का मुकाबला कानून की मदद से नहीं होगा। अन्ध श्रद्धाओं के खिलाफ नया अभियान इसके साथ-साथ चलाना होगा।

जहां तक महिलाओं का सवाल है, यहां बहुत बार चर्चा होती रही है उनकी शिक्षा के सम्बन्ध में। कल उस पर चर्चा होगी एकशन प्रोग्राम आफ एजुकेशन पोलिसी। यह बात बार-बार कही गई है हिन्दू हिन्दुस्तान में ड्राप-आउट का सबसे ज्यादा प्रतिशत देहाती गरीबों का और साथ-साथ महिलाओं और लड़कियों का है। उसके सम्बन्ध में थोड़ा-थोड़ा सोचने लगे हैं। अगर लड़की बी ए है तो दहेज कम देना पड़ता है। इसके लिए थोड़ी-बहुत प्रेरणा आ गयी है कि उनकी पढ़ाई कराई जाय। लेकिन आम तौर पर देखा गया है कि न शिक्षा के क्षेत्र में, न रोजगार के क्षेत्र में, न उनकी क्रय शक्ति बढ़ाने के क्षेत्र में उनके पिछड़ेपन को दूर करने के लिए प्रयास किया गया है। इसलिए हम बार-बार कहते आए हैं कि जैसे अनुसूचित जाति के लोग हैं, अनुसूचित वर्ग के लोग हैं, उनके साथ-साथ इनकी उन्नति के लिए भी विशेष प्रयास करने होंगे।

जहां तक वेश्या व्यवसाय का सवाल है, जो कार्मशियल सिस्टम है उसके भी परिणाम होते हैं। काल गर्ल्स क्या होती हैं इसका भी अध्ययन इस देश में हुआ है। इससे पता लगा कि कुछ कैसेज में कारण था एम्बीशन टु एचीव मेटीरियल बेनीफिट्स। यह भी बात होती है कि बाहर की दुनिया का भी असर मन पर हो जाता है, हम देखते हैं कि वहां के आदमी के पास मोटरगाड़ी है, उनके पास टी० बी० है तो हमारे पास भी वही हो। और यह भौतिकता के पीछे जो दौड़ है वह आज सारे संसार में चल रही है। उसका असर यहां की लड़कियों पर भी पड़ रहा, है। ऐसा कई कैसेज में आप को नजर आता है। काल गर्ल्स इसीलिये ऐसा करती हैं और उसमें उन को पैसा मिलता है और वे कहती हैं कि हम को ज्यादा अच्छा मकान मिलेगा और

[डा० बापू कालदाते]

गाड़ियां मिलेंगी और इसी लिये ऐसे सारे प्रयास होते हैं। तो मैं कहूंगा कि यह जो आर्थिक समस्या है, जो मानसिक समस्या है, खास कर पुरुष प्रधान संस्कृति में, और यह तो आप मानेंगे कि यह पुरुष प्रधान संस्कृति है, इस बात को कोई ना नहीं करेगा, तो जब तक पुरुष स्वयं इस मानस में नहीं आयेगा कि महिला जो हमारे साथ काम करने वाली है, जो हमारी सहचारिणी है, जो सहधर्मिणी है वह हमारे साथ आये, हमारे बराबर का स्थान पाये तब तक इस काम को बहुत कम कर सकेंगे।

जो दो तीन अमेडमेंट आप के आये है उनके बारे में कुछ कहना चाहूंगा। मुझे लगता है कि आप ने कुछ डिटेरे पनिशमेंट रखा है, तीन साल की जगह 7 साल का दिया है, यह ठीक है लेकिन मुझे पता लगा कि सेवशन ए में जो अमेडमेंट आप ने किया है उस में आप ने लिखा है कि जो होटल्स हैं उनका लाइसेंस तीन महीने के लिये खत्म हो जायगा। क्यों तीन महीने के लिये ही खत्म होगा, उसे तो पूरी तरह खत्म करना चाहिए। क्योंकि जब इस तरह का केस पकड़ा जायगा। तो इसका मतलब यह होता है कि इस तरह की बात वहां पहले से चल रही होगी और केस पकड़ने के बाद आप ने तय किया कि तीन महीने के लिये उसका लाइसेंस रद्द कर दिया जाय। मैं चाहूंगा कि जिस होटल में ऐसे केसेज मिलें उनका लाइसेंस पूरी तरह से खत्म होना चाहिए और वे फिर नहीं खुलने चाहिए। नहीं तो वह तीन महीने के बाद फिर खुलेगा और उसे ब्राथल बना कर चलायेगा। यह बात मेरी समझ में नहीं आती और इसलिये मैं चाहूंगा कि होटल वाली जो बात है उसकी आप फिर से जांच करें और यह मैं मानता हूं कि 3 महीने के बाद 6 महीने और फिर उसे बढ़ाते हुए एक साल तक उस को किया जा सकता है, लेकिन मैं चाहता हूं कि ऐसे होटल का लाइसेंस परमानेंटली कैसिल कर दिया जाना चाहिए। जब भी इस केस का पता चलेगा तो वहां पहले से यह काम हो

रहा होगा। आज की बात आप को पता चलेगी पहले की बात का आप को पता नहीं होगा। तो इस लिये आप इस को और ज्यादा डिटेरेट करने का प्रयास करें।

दूसरे, पुलिस को आप ने पावर दी है, लेकिन बम्बई में पुलिस कैसे बर्ताव करती है इस को मैं जानता हूं। मुझ ऐसे अवसर प्राप्त हुए हैं और पूना में जो कांस्टीट्यूयेंसी हमारे नेता श्री एस एम जोशी को मिली थी उसका एक हिस्सा ऐसा था कि जहां वश्याय रहती थीं। मैं वहां उनकी हालत देख चुका हूं। मैं हर एक के घर गया वोटर के नाते और मैंने देखा है कि व कितनी बुरी हालत में रहती है। वहां गुंडे रहते हैं और अगर उन गुंडों को पुलिस का साथ न मिले तो उनकी गुंडागर्दी चल नहीं पाती है। तो पुलिस को पावर देने के संबंध में मैं इतना ही कहना चाहता हूं कि पुलिस इस पावर का गलत इस्तेमाल कर सकती है। यह अनुभव उनका नहीं, हम लोगों का है और हमारे मित्र इधर और उधर बठ हैं उनको भी यह अनुभव आया होगा कि पुलिस को ज्यादा पावर देने से ही अच्छा प्रबंध नहीं हो पाता है और वह कुप्रवृत्ति को भी बढ़ावा दे सकती है। तो इस अधिकार का गलत इस्तेमाल न हो इसकी तरफ भी आप को ध्यान देना चाहिए और जो आप के हाथ में है एज एमिनिस्टर फार वीमेन वेलफेयर वह खास तीन समस्यायें हैं—मानसिक, आर्थिक और सामाजिक, इन को भी दुरुस्त करने का साथ-साथ प्रयास कीजिए तब ही इस शंशोधन विधेयक का कुछ फायदा हो पायेगा ऐसा मैं मानता हूं।

श्रीमती सुधा विजय जोशी (महाराष्ट्र)
माननीय उपसभाध्यक्ष महोदय, मैं सप्रेम आफ इम्मोरल ट्रैफिक इन वीमेन ऐंड गर्ल्स (अमेडमेंट) बिल, 1986 का समर्थन करती हूं। इस दुनिया में स्त्री जाति सब से पिछड़ी हुई जाति है। इस पिछड़ेपन के अनेक कारण हैं। आर्थिक कारण हैं, सामाजिक कारण हैं, धार्मिक कारण हैं। इस मदों की दुनिया में, जिस को पुरुष प्रधान कहा गया है, वह मदों की दुनिया है। सही बात है, उसे दुय्यम

दर्जों का स्थान प्राप्त हुआ है। इस लिये मर्दों को उपभोग की चीज समझते हैं और ऐसी चीज समझते हैं जो बिकाऊ है, जो खरीदी जा सकती है। कुदरत ने जो उसके ऊपर जिम्मेदारियाँ डाली है, उससे भी वह मर्दों से पीछे फेंकी जाती है। उसे सुरक्षा की जरूरत महसूस होती है। जिन्होंने उसकी रक्षा करनी है, वही उसे विभूषित समाज के सामने फेंक देते हैं और उसे देह विक्रय करने पर मजबूर करते हैं। ऐसे गुनाहों पर बंधन डालने के लिए 1956 में एक कानून बनाया गया था। जब उसको कार्यान्वित करने में कुछ कमियाँ महसूस होने लगी, तब 1978 में उसमें संशोधन लाया गया। फिर भी इस मन गहन समस्या के सत्र पहलुओं को संभालने की क्षमता उसमें नहीं है, यह प्रतीत होने लगा और इसीलिए इस कानून की व्याप्ति बढ़ाने के लिए यह विधायक लाया गया है।

महिलाओं की स्वयं सेवी संस्थाओं और अनेक सामाजिक कार्यकर्ताओं ने इस कानून की व्याप्ति बढ़ाने की और उसे अधिक कड़ा करने की सूचना की थी। मान्यवर, आजकल महिलाओं के ऊपर जो अत्याचार हो रहे हैं उन्हें ध्यान में रखते हुए मैं जरूर कहूँगी कि इस संशोधन की आवश्यकता थी।

मान्यवर, इस ऐक्ट का नाम बदल दिया गया है। सप्रेमेशन ऑफ इमॉरल ट्रेफिक के अलावा इमॉरल ट्रेफिक (प्रिवेंशन) ऐक्ट नाम दिया गया है। इससे अंतिक शरीर संबंध और देह विक्रय पर सिर्फ निबन्धन ही नहीं लगाए गए हैं बल्कि उस पर पूरी पाबंदी लगाई गई है। ऐसे अपराध न हो, इसके लिए काफी हद तक दक्षता ली गई है। मुझे तो ऐसा लगता है कि यह जो सजा बढ़ाई गई है, यह जो निबन्धन लगाई गई है, यह वास्तव में प्रिवेंशन हो सकता है। ऐक्ट में जहाँ-जहाँ "बॉय" और "गर्ल" आया है, वहाँ-वहाँ उनके बदले में "परसन्स" कहा गया है। इससे ऐक्ट की व्याप्ति बढ़ गई है। जो-जो अनैतिक देह-विक्रय के शिकार हो गये हैं, फिर वह स्त्री हो या

पुरुष, उनको उसमें समाविष्ट किया गया है। यह बिल्कुल सही कदम है। अतः इस को बढ़ने न देना और उसको नष्ट करना समाज का कर्तव्य है।

श्रीमान, यह सही है कि ऐसी गंदी हरकतों के शिकार पुरुष भी होते हैं और उनका जो प्रमाण है वह हमारे सामने है, ऐसी हरकतों को भी बढ़ने नहीं देना चाहिये। लेकिन यह जो पैसा कमाने के लिये नारी देह का विक्रय किया जाता है, यह शर्म बात है। इसके लिये ज्यादा से ज्यादा संरक्षण स्त्री को मिलने की आवश्यकता है।

श्रीमान ऐक्ट में 16 साल से कम उम्र के बच्चा, को "चाइल्ड" या बालक कहा गया है। जिस बच्चे को सैक्स का पता भी नहीं, सैक्स क्या चीज है इसका पता नहीं, उसके ऊपर सैक्सुअल अत्याचार करने अपराध है। ऐसे गुनाहों के लिये कड़ा सजा विधेयक में दी गई है। उसके लिये प्रिंसिपल ऐक्ट के सेक्शन 5 में संशोधन किया गया है। बालकों का उपयोग वैश्यावृत्ति के लिये करने का जो अपराध है, उसके लिये कम से कम सजा 7 साल की की गई है। (चाइल्ड के बारे में अपराध) बालक की वैश्यावृत्ति के लिये उपयोग करने वाले अपराधियों के लिये कम से कम 7 साल की सजा, जो रिगोरस इम्प्रिजनमेंट तक की दी जा सकती है। इसमें इसकी लाईफ का प्रबन्ध किया गया है,

माइनर, अवयस्क जो 16 से 18 साल की उम्र का है जिसे 18 साल पूरे नहीं हुए हैं उसके बारे में अपराध करने वाले को 7 से 14 साल की सजा हो सकती है। वैसे ही मैन्डेटेड सेक्शन 5 के अनुसार इस अपराध की सजा 3 से 7 साल तक और 2000 रुपये जुर्माने तक की है। और किसी की इच्छा के विरुद्ध यह अपराध किया गया हो तो यह 7 साल की सजा 14 साल तक भी बढ़ाई जा सकती है।

1956 के कानून के मुताबिक, जो सजा ज्यादा से ज्यादा दो साल और 2000 रुपये जुर्माने तक सीमित थी और

[श्रीमती सुधा विजय जोशी]

पुनः-पुनः किये गये गुनाहों के लिये 4 साल की सजा दी जाती थी, वह सभा लाइफ इम्प्रिजनमेंट तक बढ़ा कर सरकार ने उचित कदम उठाया है। इस प्रकार के अपराधों के लिये कितनी भी कड़ी सजा क्यों न हो, वह कम ही है।

प्रिंसिपल एक्ट के सेक्शन 13 में जो अमेंडमेंट की है, उसके अनुसार ट्रेफिकिंग पुलिस आफिसर्स को ज्यादा अधिकार दिये गये हैं और वे अधिकार सिर्फ किसी एक राज्य के लिये मर्यादित नहीं, बल्कि पूरे हिन्दुस्तान भर में उन अधिकारों का इस्तेमाल करके वे इन्वेस्टीगेशन कर सकते हैं। इससे गुनाहों की पूरी जांच करने में सुविधा होगी।

जिम होटल में वैश्या व्यवसाय किया जाता है उसका लाइसेंस सस्पेंड किया जायेगा और जहाँ यह व्यवसाय, बच्चे और माइनर से करवाया जाता है, उसका लाइसेंस कैंसल किया जायेगा। कैंसल लाइसेंस किये जाने का प्रबन्ध इस एक्ट में है वह मैं अपने माननीय सदस्य को बताना चाहती हूँ।

डा० बापूकालदाते: तीन महीने के लिये है।

श्रीमती सुधा विजय जोशी: नहीं, नहीं। इस प्रकार की सजा मिलने से होटल का मालिक ऐसा अनैतिक धंधा करने से पहले जरूर दस बार सोचेगा। पुलिस कस्टडी में सिडक्शन हो गया तो बलात्कार के लिए इंडियन पीनल कोड में जो सजा है वह सजा इन अपराधियों को हो सकती है। प्रिंसिपल एक्ट के सेक्शन 10 और 12 को हटाया गया है। यह सबसे सराहनीय कदम है। मान्यवर, ये बदमाश अपराधी, अच्छे आचरण का बहाना बना कर छूट के आते थे। स्त्री देह के, दाल सब्जी जैसे बेचने वालों और पाप की कमाई खाने वालों को किसी भी हालत में, किसी भी बहाने, छोड़ा न जाये। ऐसे पापी को सजा मिलनी ही चाहिए। इसलिए सेक्शन 10 और 12 हटाये गये हैं। यह भी बड़ा अच्छा काम हुआ।

सेक्शन 15 के अनुसार तलाशी करके जिन व्यक्तियों को वैश्यागृह से लाया

गया है उन सबकी वैद्यकीय (डाक्टरों) जांच अनिवार्य करने का प्रबन्ध विधेयक में है इससे सैक्सुअल एक्सप्लोएटेशन के विविध तरीकों की जानकारी हो सकती है। गुनाहों की भयानकता नजर आयेगी और अपराधियों को उचित दण्ड देने में मदद होगी।

मान्यवर, हर पुलिस थाने में नहीं, लेकिन किसी-किसी पुलिस थाने के बारे में हम सुनते हैं, पढ़ते हैं कि थाने पर लायी गयी महिला पर अत्याचार हुआ। किस्मन की मारी बेचारी महिला जिसको जबदस्त वैश्या बनाया गया, वह फिर से पुलिस थाने पर वासना की शिकार न हो, इसके बारे में दखल रहना बड़ा जरूरी है। इसलिए इस संशोधन के अनुसार, महिला पुलिस से ही ऐसी महिलाओं की पूछताछ होगी और महिला पुलिस अधिकारी उपलब्ध न हो तो मान्यता प्राप्त सामाजिक संस्था की महिला समाज सेविका के समक्ष ही उसकी पूछताछ होगी। मेरी दृष्टि से यह बड़ा महत्वपूर्ण संशोधन है। ऐसी महिलाओं की तरफ सहानुभूति से देखना भी जरूरी है और उन्हें संरक्षण भी आवश्यक है। ऐसे अपराधों को शीघ्र निपटाने के लिए जरूरत पड़े तो स्पेशल कोर्ट्स की स्थापना करने की क्षमता केन्द्र सरकार को दी गयी है, जिनको राज्यांतगत (इन्टर स्टेट) गुनाहों को सुलझाने की क्षमता प्राप्त है। इससे शीघ्र न्याय मिलने में सुविधा होगी। इस प्रकार सरकारने, जो मनुष्य है और खासकर नारी जाति पर अत्याचार करने वाले अपराधियों को कड़ी से कड़ी सजा देने के लिए ठोस कदम उठाये हैं इस के लिए मैं मंत्री महोदया का अभिनन्दन करती हूँ।

मान्यवर, इसके साथ-साथ मैं यह कहना चाहती हूँ कि यदि हम चाहते हैं कि वैश्या व्यवसाय का निर्मूलन हो तो इन बदनसीब औरतों का पुनर्वसन करने की जरूरत है। उनको इस व्यवसाय से निकाल कर कुछ चरितार्थ का साधन सरकार जरूर दे जिसे कि वे अपना पेट पाल सकें, समाज में सर ऊंचा करके रह सकें। उनके लिए, जिले-जिले में बसती गृह बांध कर उनके निवास की सुविधा

उपलब्ध करायें। वहाँ पर उन्हें व्यवसाय की शिक्षा देकर उद्योग दें। और उन्हें इन्सान जैसे जीने का मौका दें। इस कार्य 3.00 P. M. में केन्द्रीय सरकार राज्य सरकारों को भी शामिल कर सकती है और उसके साथ-साथ सेवा भावी संस्थाओं की मदद ले सकती है। इस संशोधन में करेक्शनल ट्रीटमेंट एंड रिहैबिलिटेशन आफ दि विक्टिम का उल्लेख है। सिर्फ उसका उल्लेख है, उसकी पूरी स्कीम का जिक्र नहीं है। मुझे आशा है कि इसके बारे में सरकार सोचेगी और पूरी स्कीम बनाएगी। इन शब्दों के साथ मैं इस विधेयक का समर्थन करती हूँ।

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Sir, I would like to, first of all, congratulate the hon. Minister and welcome the Bill which has been brought forward for our consideration today. At the same time, there seems to be a suppression of discussion on this Bill. This is a fairly important Bill which is being passed for the benefit of women, and they are few enough as it is. There seems to be an unseemly haste in getting this Bill passed. It would have been nice if this Bill had been open to public debate and we had a little more time for consultations and discussions with voluntary organisations who have been actively participating in the prevention of such activities and with those who are working in other fields. While the scope of the Bill has been considerably widened to include the other sex also rather to remove the sex bias in the case of prostitution as such, the Bill has a lot of porosity.

Now, Sir, there is a need to analyse why prostitution has come about. What are the main factors still prevailing and what are we going to do about it? Why is it that when a woman is arrested under the present Act, she is liable for punishment and not the client? There has to be a direct action plan. There should be a provision so that the client is also brought within the purview of this Bill so that he can be prosecuted

directly. This should be made a non-bailable offence. There should be a stigma attached to the person concerned. There should be a stigma attached to the client also because he is the vital conduit between the profession and the society. Of course, the society actively condemns the act of prostitution. But what is being portrayed in actual fact is...

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Hon. Minister should listen to the speech of the hon. Member.

SHRIMATI RENUKA CHOWDHURY: There is a martyr-air given to the act of prostitution. What are we doing about it? Women who have been procured unlawfully for the act, women who have not been rehabilitated effectively after the act, are constantly going back to it; what I would call relapse. This is because the system fails to hold them, and they go back to the act of indulging in prostitution. Why do they do so? It is because it is the only means to an end, namely, sustaining themselves. They live below the poverty line and it is the only means which they know of.

Sir the Bill also fails to acknowledge and do something about the children of these unfortunate women. What happens to the children of these women who are born into the profession? In the name of some misguided sense of motherhood they are kept with the women and they have known no other life. What is being done to educate these children to alienate them from their surroundings, without depriving them of their mother's love? How are we going to accommodate these children in the present social structure because it is dynastic? Prostitution is dynastic. They inherit more often than not. There is a social stigma attached to women who have been raped. But rape is by force. More often than not, women is an unwilling partner. After they become victims of rape, where are the rehabilitation centres for these hapless wo-

[Shrimati Renuka Chowdhury]

men who lived below the poverty line? Where do they go? They are kept in a women's home, they are put in a rescue home, under the Department of Women and Child Welfare, where they are made to live with hardened professional prostitutes. The women does not have a shred of hope. It is important that every remand home and every rehabilitation centre has a psychological rehabilitation centre. We must give psychological help so that they can recover their self-esteem, they can compete on equal level in society tomorrow. Also, Sir, it is important to educate our people, and the literate people who are the clients of prostitutes. It is important to educate the people as to what the by product of prostitution is and how a woman's status is needed to be improved in all walks of life. Today a woman cannot go to a cinema hall with her husband without a man at the back putting on his feet on to her seat. There is a stigma if the woman rises in the theatre in protest because then she will be blamed for it and not the man. The husband also forces her to accommodate the man at the back to put his feet on to her seat. She has to undergo not only physical degeneration but moral degeneration also. She has to sit in utter humiliation, while the whole world looks on. It is like eve teasing which is a contributing force towards the degeneration of the status of women which is resulting in acts like this. You have to tighten up eve teasing also. Then, Sir, there are obscene cinema posters, utilising the woman's body in nude or semi-nude poses for the commodities which do not require to be sold. There has to be a framework in which women are required to operate and it is necessary that all these aspects are taken into consideration before the Bill is made to prevent prostitution. Everybody sees prostitution, merely as a 'physical act between two bodies'. That is not the answer to it. There is a lot of mental intercourse. There is a lot of interchange of ideas which goes on. There

is an interchange of force which goes on in our society, who constantly contribute towards the income of our prostitution. So, Sir, it is important that we have cells which will operate State-wise, inter-State wise, and Centre-State control boards with competent people, both medical as well as psychiatrists. Now there is a stigma on psychiatrists. There is a social taboo. These women who have been damned by society, they need the aid, they need help and these organisations have to rehabilitate them both physically as well as mentally. Then there are the religious connotations. It is with a matter of pride that they are still abundant in our society. The very act of sacrificing the child in the name of God, the very act of sacrificing a young child or a pre-puberty child on the altar of God, there is need to ban all these superstitions which are going to ruin this country. As my hon. colleague Member said, curing of venereal disease with a physical liaison with prepuberty person with a child will cure them, this is an absolute fiction. This is the practice which has brought about crime in child rape. Can there be anything more degenerating? Also the victims, the people who have done rape, who are the offenders, has there been any facility provided for them for psychological rehabilitation because rape is again a psychological disturbance? It has to be recognised for the disease it is and we have to treat it on those grounds, not merely as a social ostracisation of these people because they will only revert and go back to commit the crime. (*Time bell rings*). Sir, this is a very important Bill. This reflects people's...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Why do you waste your time? You go on.

SHRIMATI RENUKA CHOWDHURY: The trials of women victims of these crimes should be done in camera. Women are shy to come out, even to speak to women they are shy. They are ashamed to say anything.

Sometimes they are victims of the circumstances. And they do not want publicity for such things. There must be active rehabilitation centres, which are feasible, which will give them an income source, which will give them a new identity, which should be able to provide that background which they can claim as authentic when they leave these homes to go into society. There should also be voluntary organisations and forces which will follow up the rehabilitation of these women in society. Time and again, on public platforms public figures have given platitudes about what they are doing for the rehabilitation of women—especially those in prostitution. It is a fashion to talk about uplifting prostitutes. But how many people actively will do something? That is what is important today. Will the people in our society take a woman from the home and even use her as domestic help in their homes without casting aspersions on her or perhaps on their own husband and son in the house? Unless women come out and fight for themselves, unless men come out to support the cause of women, unless men bring forward the need to change the status of women in this country—and that means, in every status, that means even to the extent of amending the Hindu Succession Act whereby by mere birth we will inherit the property of our parents—unless we are able to do that and we know that we have financially every right to survive and we do not have to be thrown out of the house and we are not guilty of not being married, we are not guilty of not being educated and we are not guilty of being a burden on the society and that it is not a man's birth right to procure a woman and use her body as a commodity—and as a perishable commodity—not even that status is given to the women in prostitution—nothing is going to help. So I urge the Minister, before this Bill is passed right through, to give it more breathing time, to get more feedback from public organisations, to get a little more data from the women voluntary

organisation. What is more important is to include the male cell, as AIDS is being propagated by means, not the women. It is being propagated by the act of homosexuality. Acquired Immunity Deficiency Syndrome is now being flouted and it has become a heterosexual disease because of inadequate medical knowledge about the subject, inadequate medical knowledge and exposure, because of not enough checks. We also have to consider what we are going to do about prostitution as a whole. Have we been able to wipe it out? Is it a necessary social evil? If it is a necessary social evil, how are we going to channelise it. Are we licensing the brothel houses and providing for medical care for women who are practising prostitution? Have we taken any women who are beyond the curable age and disease, have we taken any women into custody and treated them? Are they being kept, fed and clothed. All that has to be included as a part of the Bill, otherwise the Bill fails in essence in what it is being propagated for.

With these words, I conclude.

SHRI DHARANIDHAR BASU-MATARI (Assam): Sir, this is a most unfortunate subject. I took very keen interest in it and worked on that. I know what is what.

This evil is not in existence in Assam. I must inform the House that Assam is free from the evil of prostitution. There are no women who sell themselves for their livelihood in brothels. When I told this thing to our Prime Minister, late Shrimati Indira Gandhi, she wanted me to see the problem in my capacity as a Chairman of some Committee. Then I found thousands and thousands of them in one quarter or one building in Bombay, in Calcutta and other cities. When I told this to Indiraji, she appointed a Commission—one-man commission under a lady doctor and she got all the data. It is not only poverty, as Mrs. Chowdhury was saying, but it is the businessmen who run their business on them. So, this should be stopped. This is too deli-

[Shri Dharanidhar Basumatari]

rate a question to be discussed. I do not want to discuss all this. Rather it is unfortunate.

At the same time, I tell you, Mr. Chairperson, unless there is provision for rehabilitation, it is not possible to check this evil just by passing a law. There must be a rehabilitation source. Unless they are rehabilitated, how can they maintain their livelihood? Still they are below the poverty line, and they cannot maintain themselves by other means. They do not have means. It is found in the report that highly educated are also going in for prostitution. They are in Bombay, also in Calcutta. It is because of poverty. So, I must request the lady Minister to see that they are rehabilitated. Unless they are rehabilitated, you cannot take these people away from the places where they are indulging in prostitution.

I don't have to say more. It is a very delicate question for us to discuss about this. It is easier for women just to discuss. It is not sexual only. Because of poverty reasons they take to that profession, heinous profession, the most inhuman profession. So, it should be stopped. Provisions are there in the Act.

My friend was mentioning that if some hotel would be found to be guilty of providing prostitutes, for six or seven months it would be closed. This is an easy process. He has nicely said that after six months they would come back and start the same practice.

At the same time, I want to mention one thing. I have the privilege of having toured all over the world except China. I think, I found everywhere that prostitution is practised privately. But it is not so nasty unlike ours. Therefore, it must be stopped. I do not know by what action, in what way. But it must be stopped by rehabilitation, not only by shouting, by speaking but by giving shelter to those people who are actually practising that. Everybody is a father,

everybody is a brother. So, no daughter, no sister, no woman should be allowed to take the prostitution. They are found to be in very, very dilapidated conditions, in poverty. I would request the Minister to see that these people should be rehabilitated.

I also request you to look into the report of the committee which Mrs. Gandhi had appointed.

AN HON. MEMBER: What have they recommended?

SHRI DHARANIDHAR BASUMATARI: You find out.

SHRI JASWANT SINGH (Rajasthan): Mr. Vice-Chairman, Sir, of course, I support this Bill. That is not what is open to debate at all.

Earlier, in the morning when the hon. Minister of State asked me whether I was going to participate in this discussion, I said, "Yes." She quipped, "Being an immoral person it was only right that you should participate." I cannot agree more. I think just now my close friend, Dr. Bapu Kaldate...

SHRIMATI MARGARET ALVA: I only mentioned that it was most appropriate that we should participate. I did not say, "You."

SHRI JASWANT SINGH: Dr. Bapu Kaldate said, "It is only right for an immoral person like you to participate in this discussion."

There was a very fine intervention by my charming colleague, Mrs. Renuka Chowdhury. But I take objection to a reference she made to an already existing Bill. To that very Bill I had earlier taken objection, and the hon. Minister of State, then not a Minister, had then stood up in support of what I had said. So, I would start by suggesting that the name of that and this Bill be suitably changed.

I think it is an insult that on our Statute we have a Bill called "Eve Teasing Bill". At the time of its introduction I had asked how could we possibly have a Bill on the Statute Book,

which calls itself "Eve Teasing Bill"? It reflects on our inability to coin a suitable name for this Bill. Therefore, I would start by suggesting, through you, to the hon. Minister of State to please change the name of this Bill. Of course, that is not entirely relevant to what we are discussing this afternoon, but I could not help referring to it because Mrs. Renuka Chowdhury referred to it.

I am still in some difficulty about the terms that you have used to describe this Bill. You are just continuing with the words that we have in existence in our earlier Bills. For instance, you have used words like "sexual exploitation" or "immoral". Of course, there is a certain amount of explanation given about the meaning of these words. If we say what is moral or immoral, we understand it on the basis of existing morality and ethical standards, which are subject to history, to geography and to times. Therefore, it is not in absolute term. When you talk of immorality, you are leaving a certain amount of vagueness. When you say what is immoral, we understand it only in the context in which you are using it. But I must point out that it is because of laziness on your part that you are continuing with these words. Similarly, I do think the word "sexual exploitation" leads to many interpretations and there is no attempt made here to define it as well as you could.

SHRIMATI MARGARET ALVA: If you have a better interpretation, why don't you suggest?

SHRI JASWANT SINGH: I leave it to you to consider and coin better terms.

Now, I come to the term "obscurity". I think we need to be clear in our minds as to what is really obscene and what is not obscene. Some of the violence we perpetuate on one another in public and political life, I think, is much more obscene than

many things which are called obscene merely because they are sexual. So, we have to shed aside all this moral hypocrisy on the subject and approach it differently. Mind you that is not with a view to finding fault with you. I am only exchanging thoughts with you. That is why I say when you talk of the words like "immoral", "sexual exploitation", you are using words which are current and have been used for the past 30-30-50 years and on account of some laziness of mind you are not finding new words. Therefore, I suggest that you find a new word or a new title for the Act. Because I have not had the time to go into details of it, I am trying to put across to our very bright and very dedicated Minister that if this Bill is going to become an Act, please think about what I have said.

It is not with a view to sound a note of discord, but I do think there is a fault in this enactment because there is no mention of the male prostitution in it.

SHRIMATI MARGARET ALVA: That is the main change we have brought about. That is there.

SHRI JAGESH DESAI: It is there. I think you have not read it properly.

SHRI JASWANT SINGH: Of course, I have not gone through it fully, but the point is that there is existing within our society—and we all know about it—that there is an exploitation of male, particularly male children, and that is an aspect which deserves some thought. Sir, I am not opposing this because this is being brought by the Treasury Benches. Even in the unlikely event of the Opposition being in power at this precise moment, I would have opposed and I would have said the same thing. The role of the State in social legislation of this kind is actually very limited. The State must not arrogate to itself the role of a reformist. The State is not a reformist. I am not finding fault with the hon. Minister for setting right whatever was wrong with the

[Shri Jaswant Singh]

existing provisions of law. But I think if we do not recognise that the role of the State in social legislation and social reform is inherently limited, any Government irrespective of its political colouring, any Government that arrogates to itself and its pre-supposition that they are going to reform the society will make very great errors and we are suffering. In fact, India is suffering because of this illusion. (*Times bell rings*) that politics can be employed as an instrument of social change. However, your bell has come at a very timely moment and I have just two more thoughts to express. The limitation of law, there is a fine cliché, almost a cliché that good Governments don't need good laws and with bad Governments even good laws are not good enough. Now, I will leave it at that, otherwise it will become contentious, because the Bill is not contentious. But the limitations of law, please look into it.

My esteemed colleague told me that when I support this Bill, I must read out a part of Sanskrit sloka which suggests-

“मातृवन् परदारेषु”...

Very simply put it means look at all women as mother. Very simply put, but it is very difficult thing to achieve. I certainly have not been able to achieve it. It suggests that look at anybody that is not your wife as a mother, I cannot do it frankly. But I think it is a worth endeavouring for and I support this Bill. Thank you.

श्रीमती श्रीमती इंदीरा प्रेमजी (महाराष्ट्र) : उसभाध्यक्ष महोदय, समाज सुधार की दृष्टि से जो पहले बिल था उसको और भी ज्यादा कड़ा बनाने के हिसाब से जो यह बिल लाया गया है यह बहुत ही स्वागत योग्य है। मैं मिनिस्टर साहिब का अभिनन्दन करती हूँ इस बात के लिए कि बहुत अरसे के बाद एक अच्छा अमेन्डमेंट इस बिल में लाया गया है। यहां कुछ सुझाव ऐसे आए कि इसे जोइंट सेलेक्ट कमेटी के पास भेजा जाना चाहिए और बाहर का प्रतिक्रियाएं हैं

वह देखना चाहिए लेकिन अगर इसके आब्जेक्ट्स एंड रीजन्स को देख तो उसमें कहा गया है कि वालंटरी आर्गनाइजेशन्स, महिलाओं की संस्थाओं और जो इस क्षेत्र में काम करने वाले व्यक्ति हैं उनके पास से जो सुझाव आए उन्हीं को सामने रखते हुए यह बिल लाया गया है। जो प्रांसस जोइंट सेलेक्ट कमेटी बनने के बाद होती है वह पहले हो चुकी है और लोगों की प्रतिक्रिया और सुझावों को सामने रख कर बिल लाया गया है। इसलिए मैं समझती हूँ कि इसे जोइंट सेलेक्ट कमेटी के पास भेजने की कोई जरूरत नहीं है। यहाँ और भी बहुत सी बातें कहीं गयीं। और यह बात सही है कि सपाज सुधार के जो बिल होते हैं वे सिर्फ कानून बनाने से ही यशस्वी नहीं होते। एक मानसिक वृत्ति होती है जिस को बदलने की आवश्यकता पर जोर दिया जाना आवश्यक होता है। यदि हम चाहते हैं कि ऐसे बिल कामयाब हों तो हम को यह करना चाहिए।

जहाँ तक महिलाओं का सवाल है, महिलायें परंपरा से और केवल इतिहास में ही नहीं, वैदिक काल से महिलाओं को इस दृष्टि से देखा गया कि वे एक ऐसी चीज हैं जिन का दमन किया जा सकता है। हमारे वैदिक धर्म में यह सारी बातें नहीं हैं। जिस द्वैत और अद्वैत की बात हमारे डा० दाप् कालवाते जी ने वहीं अपने भाषण में, तो मैं उन से कहना चाहती हूँ कि जब द्वैत और अद्वैत पर वाद हुआ था मंडन मिश्र और गंडराचार्य जी के बीच तो उस समय मंडन मिश्र की पत्नी को जज बनाया गया था कि वे बतायेंगी कि कौन सही है और कौन गलत है। तो यह हमारी मान्यतायें रही हैं जिन में स्त्री को इतना ऊँचा स्थान दिया गया : अभी भी हम देखते हैं कि जो लोग भगवान का नाम लेते हैं सुबह सुबह, वे कहते हैं राधा कृष्ण, राधा कृष्ण या सीताराम सीताराम। तो राम के पहले व सीता का नाम लेते हैं, कृष्ण के पहले वे राधा का नाम लेते हैं। यह मान्यतायें हमारे समाज में हैं। मगर बहुत सी बातें ऐसी हैं कि जिनमें सुधार लाना बहुत जरूरी

है यह बात भी हम भूल नहीं सकते । जब सीता जी वनवास के बाद लंका से वापस आयीं तो उन की अने परीक्षा के बाद ही उन का राम जी ने वापस लिया था । लेकिन जब एक धोबी की बीबी शाम को देर से घर आयी, वस्त्र कपड़े धोने नदी पर गयी थी, देर से लौटी तो धोबी ने कहा कि इतनी देर से क्यों घर वापस आयी हो । क्या तुम ने सब को राम समझ लिया है कि जिस ने दूसरे के घर में रही हुई सीता को, अपनी पत्नी को, वापस ले लिया । यह बात जब राम के सामने आयी तो उन्होंने सीता का त्याग कर दिया । तो यह बात भी हमारे सामने है कि सीता जैसी धर्मपत्नी का, ऐसी पवित्र और निर्मल पत्नी का त्याग करने की मूर्खता भी राम जी के पास आ गयी । तो महिलाओं को कहाँ कहाँ हम ऊँचा उठाते हैं और उन को कंसा स्थान समाज में देते हैं, लेकिन आज कल के जमाने में कुछ बात हो रही है । मैं इन सारी बातों को कहूँ इसके लिये तो समय नहीं है, लेकिन स्टेटस आफ वीमेन के बारे में चर्चा चल रही है और यू एन ओ में भी एक सेल है स्टेटस आफ वीमेन के लिये, उसके लिये कॉन्फरेंस हो रही है और 1975 का वर्ष महिलाओं को बराबरी का स्टेटस देने के लिये हो मनाया गया था, तो यह सारी बातें हो रही हैं, लेकिन आज तक महिलाओं को बराबरी का दर्जा नहीं मिला है । इसमें बहुत मी चीजें हैं और सब से बड़ी चीज है हमारी मानसिक वृत्ति । जब तक उस में कोई सुधार नहीं आता है तब तक महिलाओं को बराबरी का दर्जा मिलना मुश्किल है और यह बात किसी कानून से नहीं हो सकती । इस के लिये तो हम को अपने दृष्टिकोण को बदलना होगा और हमारे कहने का मतलब है पुरुषों को अपने दृष्टिकोण को बदलना होगा और इसके लिये इस के साथ ही महिलाओं को अपने अधिकार को जताना होगा, मांगना होगा, उन को उस के लिये लड़ना होगा और उन का साथ सरकार को देना होगा और सरकार कर रही है, ऐसे सारे कानून ला कर और इसलिये मैं मंत्री महोदया का अभिनन्दन करती हूँ ।

जहाँ तक इस बिल के जो अलग अलग सेक्शन्स हैं, हिस्से हैं उन के लिये मैं अपने अनुभव से कुछ बात कहना चाहती हूँ । मुझे मालूम है कि कुछ काम हुआ है लेकिन मैं न जो अनुभव किया है सोशल वेलफेयर के मिनिस्टर के नाते वह मैं कहना चाहती हूँ कि पुलिस डिपार्टमेंट पर भरोसा कर के हम को इस के सारे इम्प्लीमेंटेशन को छोड़ नहीं देना चाहिए । यह अभी छोड़ा गया है । उसके साथ ही साथ वालेंटरी ऑर्गनाइजेशन जो खासकर महिलाओं की हों या दूसरी हों—उसमें कोई फर्क नहीं पड़ता कि महिलाओं की हों, पुरुषों की न हों,—उन का सहयोग लेना आवश्यक है । इसलिए कि आखिर पुलिस भी पुरुष हैं और ऐसी महिलाओं का जब सवाल आता है जिनके ऊपर अ-याचार हो रहे हैं, जिनको ऐक्सप्लायट किया जा रहा है, उनकी तरफ देखने की वृत्ति पुलिस की भी वही होती है जो कि क्लाइंट की होती है । इसमें पुलिस ऊपर उठी हुई नहीं है । इसलिए या तो ऐसी पुलिस फोर्स बनाई जाए जिसके जिम्मे हम यह काम सौंपें क्योंकि पुलिस को आम तौर पर सारे काम दिये जाते हैं, कहीं पर मोर्चा हो तो पुलिस बुलाई जाती है, कहीं स्ट्राइक हो तो पुलिस बुलाई जाती है, कहीं पर मर्डर हो या डकैती हो तो भी पुलिस ही उसका इन्वेस्टिगेशन करती है । सारे मामलों की तलाश पुलिस करती है । तो ऐसा कानून बनाने के लिए सोशल रिफार्म की दृष्टि होनी चाहिए जिसमें मानुषिक वृत्ति होनी चाहिए । उनका अलग सैल होना चाहिए, जिनका ओरियंटेशन होना चाहिए कि इस समस्या को इस तरह से ठेकिल करना है ।

श्रीमन. इसमें जो दूसरा अमेंडमेंट लाया गया है कि यह महिला अफसर न हो तो महिला सोशल वर्कर को लिया जाए । इसके लिए मेरा सुझाव है कि महिला अफसर के स्थान पर महिला सोशल वर्कर एक न रहने हुए कम से कम दो आप रहें । महिला सोशल वर्कर कौन हो, इसकी लिस्ट आप बना लीजिए, क्योंकि पुलिस जो इन्वेस्टिगेशन करती है वह किसी को सोशल वर्कर अपाईंट कर दे, किसी को भी कहीं से उठाकर ले

[श्रीमति प्रतिभा देवीसिंह पाटोल]

तो वह बोल देंगे कि इस औरत के सामने कहा। यह मुझे मालूम है। इसलिए मैं आपसे कह रही हूँ कि सोशल वर्कर कौन हो, उनकी लिस्ट पुलिस के पास हो। वह मायता प्राप्त सोशल आर्गनाइजेशन की सोशल वर्कर हो और एक के बजाए दो हों जिनके सामने इन्वेस्टिगेशन हो या इंटरोगेशन किया जाए।

आखिर में मैं आपसे कहूँगी कि जो सबसे ज्यादा महत्वपूर्ण बात मैं समझ रही हूँ वह आर्थिक बात है जिसको लेकर ये सारी बातें होती हैं। This is not a Bill for prevention of prostitution. This is for prevention of commercial exploitation of women.

इसलिए इस बिल में आप यह ध्यान रखें कि जो ऐसी औरतें होती हैं उनके लिए रैस्क्यू होम बनाते हैं, वहाँ जाकर जब उनको रहने की मुदत खत्म हो जाती है, 1, 2 या तीन साल वह रहेगी उसके बाद फिर उसको वहीं ले जाया जाता है, वह लोग उसके पीछे रहते हैं कि जब भी यहाँ से निकलेगी फिर उसको वहीं वापस ले जाते हैं। जो इसका बंदोबस्त होना जरूरी है। यह तभी होगा जब हम उनको काम देंगे और उनको रिहैबिलिटेड कर सकेंगे। इसके लिए मेरा सुझाव है कि हमारे शासन के पास ऐसी बहुत सा योजनाएँ हैं, सोशल वेलफेयर डिपार्टमेंट के पास जो स्कामें हैं जो वे स्लम कालोनियाँ में चलाते हैं, जैसे न्यूट्रिशनल फड प्रोग्राम है, दूध बच्चों को देते हैं, ब्रैड देते हैं, बहुत सी चीजें देते हैं, तो यह काम किसी प्राइवेट बेकरी को आप देते हैं। तो हम ऐसी औरतों को आन आर्गनाइजेशन बनाएँ जो बेकरी बनाएँ। अगर उनको ट्रेनिंग दी जाए तो वे इस काम को कर सकती हैं और उनको सरकार को खरीदना चाहिए ताकि उनके लिए माकेट हो। इस तरह के प्रोग्राम उनके लिए तैयार किए जा सकते हैं। ट्रायबल प्लान के अन्दर भी जो यूनिफार्म बनाने का काम है वह भी इन औरतों के संगठनों को दिया जा सकता है और सरकार यह गारन्टी दे कि सभी यूनिफार्म महिलाओं के आर्गनाइजेशन से खरीदी जाएँ। जैसे

भी महिलाएँ वहाँ से निकलें उनको रिहैबिलिटेड किया जाए और उनको यह काम दिया जाए ताकि उनकी रोजी रोटी का प्रबंध हो सके और दोबारा उनको वहाँ जाने का इच्छा न हो। ये बहुत सारी चीजें हैं जो उनको ऐक्सप्लायटेशन से बचा सकती हैं। यह जो कामर्सल प्वाइंट आफ व्यू है जिससे उनको ऐक्सप्लायट किया जाता है, उसका कोई चारा नहीं रहता है। ऐसी जो महिलाएँ होंगी उनके लिए यह काम करना जरूरी होगा। इसमें वीमेन्स और गर्ल्स की जगह पर्सन कर दिया। Males are also brought under this Bill and this is also a welcome feature. So I again congratulate the Minister on the measure she has brought.

श्री धर्मचन्द प्रशान्त (जम्मू और काश्मीर) : उपसभाध्यक्ष महोदय, स्त्री तथा लड़की अनैतिक व्यापार दमन (संशोधन) विधेयक, 1986 आज इस सदन के सामने है। इस संशोधन से जो अनैतिक व्यापार हमारे देश में इस समय है उसका दमन करने का प्रावधान है। पहले भी कानून पास हो चुका है। उसमें कुछ बूटियाँ थीं जिसके संशोधन के लिए यह बिल लाया गया है। जो कानून होते हैं उसमें कुछ न कुछ लूप होल्स रह जाते हैं जिससे फायदा उठाकर इस किस्म का व्यापार चलता है। पहले कानून में नर्तकियों और गाने वालियों को छूट दी गयी थी और उन्होंने इस गाना और नृत्य के बहाने इस प्रकार का व्यापार चलाया। मैं यह कहना चाहता हूँ कि यह जो कानून है इसमें क्या मंत्री महोदय ने अच्छी तरह से गौर कर लिया है कि इसमें अब कोई लूप होल्स नहीं रह गया है ताकि यह व्यापार अब न चल सके ?

यह जो वेश्यावृत्ति है यह हमारे देश के लिए नया नहीं है। बहुत प्राचीन संस्कृत के नाटकों में इसका जिक्र मिलता है। मूच्छनाटक संस्कृत में एक नाटक है। इसका जो नायिका है, हिरोइन है, बसन्त सेना वेश्या है। इस प्रकार हमें उपनिषद् में एक जगह जिक्र मिलता है कि जवाली नाम की एक स्त्री है। उसका लड़का विद्या पीठ के लिए गुरु के पास जाता है।

गुरु पूछता है कि तुम्हारा गोत्र क्या है। वह कहने लगा कि मैं मां से पूछ आता हूँ। वह माता के पास आया तो माता ने कहा बेटे, मैं नहीं जानती कि तुम्हारा पिता कौन है। मैं तो घर-घर काम करती हूँ। पता नहीं तुम किस से हो। वह गुरु के पास गया और उस लड़के ने वैसे ही गुरु को बता दिया कि मेरी माता ने कहा कि तुम्हारा गोत्र पता नहीं मेरा गोत्र जवाली है। गुरु को यह बात अच्छी लगी और उसने कहा यह सत्य बोल रहा है इसलिए गुरु ने उसका नाम सत्यकाम रख दिया। उस वक्त भी वेश्यावृत्ति थी लेकिन उसको परिधि थी, वह नियन्त्रित थी। परन्तु उसके बाद जिस प्रकार समाज फैलता गया यह नियन्त्रण हटता गया और वेश्यावृत्ति बढ़ती गयी।

वेश्यावृत्ति की समस्या हमारे दिल्लों नगर की ही नहीं है, सारे देश की समस्या है। उस के लिए जो कानून बने वह ऐसा बनना चाहिए जिससे किसी स्त्री को मजबूर होकर यह काम न करना पड़े। जैसा हमारे और माननीय सदस्यों ने कहा कि एक सबसे बड़ा कारण इसका आर्थिक भी है। अभी चार दिन की बात है, मुझे बताया गया कि एक स्त्री बस अड़्डा, जो दिल्ली का है, इसके पास आकर खड़ा हो गया और किसी से कहने लगी कि मुझे पांच सौ रुपये की जरूरत है और मुझे इसी वक्त चाहिए। मुझ से जो काम चाहो करा लो। यह पांच दिन की बात है। यही होता है। हमारी जो आर्थिक स्थिति है यही सबसे बड़ा कारण है। नारी-निकेतन बनाये गये। जो पिछला कानून था उसमें इस चक्के से या कोठे से निकाल कर स्त्री को नारी निकेतन में रख दिया जाता है लेकिन नारी निकेतन में भी भ्रष्टाचार है। वह सफल नहीं हो सका। इसलिए सबसे जो काम आवश्यक है वह यह है कि उन स्त्रियों को जो इस धंधे में फंसी हैं उनके लिए, उनके जीवन के निर्वाह के लिए, कोई आर्थिक सहायता दी जाए त कि फिर वे इस जाल में न फंस सकें और फंसाने वाले कौन हैं? फंसाने वाले वे हैं जिनको हम अंग्रेजी में पिम्पस, दलाल कहते हैं,

वे मर्द हैं। "यत्र नारयोः पूजयन्ते तत्र रमन्ते देवताः।" वे लोग आकर इसको खींच कर उन चक्को में ले जाते हैं, कोठों में ले जाते हैं। साहिर लुधियानवी ने कहा है, औरतों ने मर्दों को जन्म दिया और मर्दों ने उसे बाजार दिया। इसलिए मैं यह कहना चाहता हूँ कि पिम्पस के लिए इस कानून में कोई व्यवस्था नहीं है। वे स्त्रियों को बाहर से लाकर किसी के हवाले कर देते हैं और भाग जाते हैं और ये स्त्रियाँ ग्राहकों के हाथों में चला जाती हैं। इसलिए आपको इन पिम्पस को पकड़ना चाहिए और इनको ज्यादा से ज्यादा सजा दी जानी चाहिए ताकि वे इन स्त्रियों को बाहर न ला सकें, कोठों में नहीं रख सकें।

दूसरी बात इस समस्या के साथ आर्थिक पहलू भी है। इस पर ज्यादा ध्यान देने की जरूरत है ताकि उन स्त्रियों को जो इस धंधे में फंसी हुई हैं, जीवन-निर्वाह के लिए कोई साधन मिल सके और उनको दुबारा इस धंधे में न आना पड़े। बम्बई में इस संबंध में कुछ स्त्रियों का इंटरव्यू हुआ है। इन स्त्रियों ने जो इस धंधे में फंसी हुई हैं उन्होंने सबसे पहले यही कहा कि वे इस धंधे में गरीबी के कारण आई हैं। दूसरी बात उन्होंने यह बताई कि उनको बर्गलाकर लाया गया है। सिर्फ गरीबी ही इसका कारण नहीं है, जो स्त्रियाँ डाइवोर्स होती हैं, समाज में परित्यक्ता होती हैं, वे भी इस धंधे में आ जाती हैं। इसलिए जब तक इन चीजों पर अच्छा तरह से ध्यान नहीं दिया जाएगा, मैं समझता हूँ कि आप जो भी कानून बनाएंगे, उससे सफलता मिलने वाली नहीं है। सबसे पहले आप इन स्त्रियों को जो इस धंधे में लगी हुई हैं, आर्थिक दृष्टि से सम्पन्न बनाइये, उनको जीवन-निर्वाह के लिए कोई अन्य साधन दीजिये।

SHRIMATI ELA RAMESH BHATT (Nominated): Mr. Vice-Chairman, Sir, I support this Bill and I congratulate the honourable Minister for bringing forward this Bill with all its amendments. Because of the very short notice that we were given, I had a very quick look at the changes which are

[Shrimati Ela Ramesh Bhatt]

being proposed in the Act relating to immoral traffic in women. Most of the changes being proposed are welcome. Sir, it was indeed necessary to widen the scope of the Bill to include both men and women and also to create safeguards for children and minors.

Sir, as we all are aware, trafficking in children and child pornography are suddenly becoming a big business. This reflects the moral degradation which is taking place the world over. This tendency now to use children and minors needs to be dealt with very firmly. In connection with this Bill, I want to make a few points to emphasise the need to look at such matters in an integrated manner. It is important for us, for example, also to see that the media do not create an environment which encourages immoral trafficking. At the moment, I am afraid, the media do it. As we all know, even the so-called family magazines and also the national dailies do not hesitate to indulge in pornographic exposures. They issue advertisements publishing stills showing sex acts, etc., and on the matter of children, I remember a big ad on the cover page of a national daily. It was an ad for a 14" television set with the photograph of a young girl, a minor girl, scantily clad, with the caption "A beauty of 14. Take her to your bedroom or anywhere else.". This is the kind of thing we have today. So, to deal with such ads, we need to control our media.

The other point is that so far it is the woman, the person who is selling herself, is seen as the offender. But the customer, the man who is buying her, is not seen as the offender. Why not? I think a male soliciting prostitutes should also be punished. I say this mainly because I know that most women who are being bought and sold are helpless and they are forced into prostitution because of poverty and social circumstances. In most cases they are the aggrieved and not the offenders.

Thirdly, in order to implement such Acts we need to improve the conditions of Nari Niketans. Their present conditions are so deplorable that instead of being safe women feel quite insecure. We need many more Nari Niketans in India.

Fourthly, and lastly, I strongly suggest that trials should be expedited and women caught under this Act should be tried in their own areas. For example, if a girl from Madras is caught in Delhi, she should be tried in Madras. She should be kept in Madras where she will feel safer, will know a few people who will help her. She will not be harassed by pimps and other. This would also mean that the men who are the main offenders, pimps, hotel operators, etc., will not be able to harass her there.

Finally, along with this Act what we have to emphasise is the rehabilitation part. We need to improve our programmes for women's equality and development so that women have real choices; they have alternatives. If women are not offered alternatives, in desperation they will be forced to go back to the same offences.

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I rise to support the Bill. Although it is a matter of shame and it is a matter of reality...

SHRI SITARAM KESRI: This is a social issue; it is not an economic issue.

SHRI GURUDAS DAS GUPTA: I support the Bill, I said. Don't you need our support? Instead of welcoming, the Minister seems to be annoyed because we have... (Interruptions)

SHRIMATI MARGARET ALVA: I have not felt annoyed

SHRI GURUDAS DAS GUPTA: Not you, but the man sitting behind you—the male Minister. (Interruptions)

Anyway, Sir, I consider that it is a matter of shame, but at the same time a matter of reality that when job opportunities are shrinking in other spheres of the economy, the profession of prostitution seems to be thriving as the most profitable job for finding livelihood for womenfolk. No women, I believe, shall like to be a prostitute on her own. Prostitution is a profession by compulsion. Therefore, the question arises: what are the compelling situations that make a woman a prostitute

Sir, may I remind the people who are ruling the country that it is the nature of the society, it is the system of the present society, which is mainly responsible for the galloping rate of increase in the number of prostitutes, registered or unregistered, in the country? Therefore, the blame to be fixed is on the nature, the type and order of the society that is sought to be built in this country. because let it be a matter of discussion where in the world there is no prostitute. It is not in Washington, neither it is in England nor it is in Tokyo, but it is only in Moscow and Peking that people say shall say that there is no prostitute. (*Interruptions*) Yes, Sir. I have not named Delhi, neither I have named Calcutta; I have named Washington. I have named Tokyo, I have named England. Let us not be in love with those cities because these are the countries which are not our friends. Therefore, let not any objective description of the cities be a matter of irritation to our friends who are sitting on the other side. Anyway, Sir, the point is that this is a country where the majority of the people are living below the poverty line; this is a country where the majority of the labour force is either idle or partially idle. Therefore, this is the situation in which prostitution thrives. If any attempt is genuinely sought to be made to suppress this illegitimate trade, then what is to be suppressed, what is to be changed, what is to be overhauled is the nature and character of the society. Sir, I submit that it is capitalism which has made women a marketable commo-

dity. Who can say 'no'? Women trade is because of lust for power, lust for money and lust for profit which takes recourse to the display of a beautiful woman for the sale of cosmetics or which takes recourse to the display of a nude woman body for the sale of refined cosmetics and textiles in our country. Who can deny that the Government's own television has also fallen a prey to this mischievous advertisement now being carried on in our country by the capitalists? Therefore, Sir, in order to suppress this illegal trade, Government must have a look at it with a proper perspective. Of course, I don't object to what is being said in the Bill. But the perspective has to be greater than what it is.

Sir, to end prostitution, poverty has to be ended. To end prostitution, unemployment has to be dispensed with. To end prostitution, discrimination has to be ended. Women, my sisters and my children, are subjected to double tyranny. They are subjected to tyranny because they are women. They are subjected to tyranny because they are living in the present society based on exploitation. Therefore, women are made object of double exploitation.

Sir, going through the Bill hurriedly, I find that there are several loopholes. Firstly, I may submit that even in the ITDC hotels, prostitution is thriving in the name of development of tourism in order to attract foreign tourists and in order to attract few American dollars and few British pounds. Prostitution is practised in an invisible way in these hotels. Not only that, I may submit that it is also in Tihar jail. According to a report submitted by an expert, homo-sexualism is practised on payment of money. Do you call it prostitution? Do you call it rape? Do you call it a rape on Indian statehood? If you call it so, then what is the prevention? Sir, I am told that the rescue homes have become the most fertile places for recruiting prostitutes owned by the Government, may be in some cases owned by social organisations. Therefore, the Government must take a proper perspective if it is to fight effectively the growing menace of prostitution.

[Shri Gurudas Das Gupta]

I will come to another side. It is a matter of shame that in the masculine-dominated society, men taking advantage of their superiority, compel women to lie down in bed. Let us feel ashamed. Just to get a promotion, just to get an appointment, just to get a transfer, a superior officer compels a woman employee, in some cases of course, to have sex. Isn't it true, Sir? Even some film stars of Bombay have complained that to get an assignment, they have to lie down in bed with the producer. What do you call it? Is it rape? If it is rape, what is the prevention? (*Time bell rings*) Sir, just to get benefit in the man-dominated society, a woman is made to endure all this. How are you going to end it? Therefore, Sir, something more concrete has to be done. I don't agree with my friends on the opposite side that political philosophy

4.00 P.M. has no roll in a changing society. The state is above everything and the whole society can change spontaneously on its own without making good laws. I am not a party to such an understanding. The State has definitely a good role, the legislation has a good role and, of course, good women Ministers have definitely a role. But over and above everything, it is the social order which has a role. And if you cannot change the social order, you cannot end and you cannot curb this evil profession reigning throughout the world. Sir, I have been told by a trade union leader, not belonging to my Party, nor belong to the Opposition that a Manager in a tea garden was taking sex advantage to give jobs to only women workers. Sir, this is the position of the society.

[The Vice-Chairman (Shri M. P. Kaushik) in the Chair.]

Sir, this is the discrimination women are subjected to the discrimination because they are women. Women are subjected to discrimination because of social order. Therefore, Sir, this legislation is not comprehensive because only legalistic aspects have been looked into. But there are more problems than what is being dealt with. Therefore, Sir,

as a Communist I believe, as a Leftist I believe that prostitution can only be ended if the present society based on exploitation can be ended. So long as we remain in the present society, woman is subjected to bondage. And liberation of women can only take place in a society where everybody is made free from all forms of exploitation. And in a society where there is no exploitation, woman will also be free from exploitation.

Therefore, Sir, while pledging ourselves to that fight for a social change, to the liberation of manhood from all forms of exploitation, I also lend my support to the fight for women's liberation. While doing so, I lend my support to the limited purpose that this bill is going to serve. Thank you, Sir.

PROF. (MRS.) ASIMA CHATTERJEE (Nominated): Mr. Vice-Chairman, Sir, thank you for giving me an opportunity to speak on this Bill. Sir, the profession of prostitution which has been defined in this Bill as sexual exploitation for commercial purposes is prevalent all over the world. We are all aware of the Geisha girls in Japan. And considering the serious consequences of this profession, the Suppression of Immoral Traffic in Women and Girls Act was first enacted in 1956. This Act was enacted in pursuance of the International Convention for suppression of traffic in persons as already mentioned by the hon. Minister this morning.

Sir, I would like to congratulate the Minister for introducing the Bill with all the necessary amendments in order to rectify several inadequacies. When the Act was amended in 1978, there were some lacunae which needed rectification. Now, several stringent measures and stringent penal provisions have been made in this Bill, and I support this piece of legislation. But I would like to make a few comments.

Sir, I have some reservations about the amendment under sub-section (2) of section 7(b) of the principle Act. It says: "which may extend to two hundred rupees, and if the public place or premises happen to be a hotel, the licence for carrying

on the business of such hotel under any law for the time being in force shall also be liable to be suspended for a period of not less than three months but which may extend to one year." Sir, I would like to add 'homes, orphanages and rehabilitation centres'. There are reasons why I say so.

Sir, the Agra District Judge, Mr. O. P. Sexena, has found the detention of most of the girls in the Agra Protective Home illegal. The Judge sent a report in this regard to the Supreme Court. This is quite a recent incident. On investigation it was revealed that a number of inmates residing in the Agra Protective Home appeared to have been sent to the Home without any warrant on the prescribed form. And it was also reported that women and girls who were wanted as witnesses in criminal cases for sexual exploitation were housed with those detained under the Suppression of Immoral Traffic in Women and Girls Act. Sir, we are aware that girls and women are sold in oil countries for immoral traffic. Not only men and women but even gangsters are involved in these criminal acts. An 18-year old girl Kamala, alias Shakila, narrated such a harrowing story stating "I am a child of misfortune and have been sold and resold and forced to adopt the profession of prostitution. She started sobbing and stated, I have been forced to this profession for earning my livelihood. Our girls and women adopt this profession because of poverty, misery, socio-economic conditions and sometimes due to ill-treatment from in-laws and husbands. And in order to maintain themselves and in order to maintain the family they are compelled to adopt this profession. In many cases these girls and women contract diseases which are found to be incurable and in that context the Bill is very welcome. But provision should be made not only for their rehabilitation but also for proper education and training so that they will be self-dependent, so that they can lead a life in a dignified manner in the society. Sometimes the girls are compelled to take to this profession even by their parents and guardians and the Bill is taking proper care of the offenders.

But I would like to know what is the machinery which has been evolved to identify these cases all over India. Sir, I believe mere legislation will not do, more legislation will not fulfil the objectives. Every State must be alert and must have an active crime branch of its own to smash these rackets. I would request the hon. Minister to take steps to put a dead stop to this "flesh trade racket". In this context it deserves mention that several inter-State gangs dealing in the sale of girls who are being utilised for immoral traffic, are cropping up and flourishing and they have been active for quite some time in our country. (Time bell rings). Sir, in this connection the Eighty-fourth Report of the Law Commission of India on Rape and Allied Offences has been published nearly six years back on April 25, 1980 and this should be given due consideration.

Sir, this immoral trafficking in women and girls is a social evil. No doubt, when we are passing this Bill to cure this evil, I support it strongly. But prior to that we must see how to cure the social ailment for that purpose the hon. Minister should give serious thought to it.

With these words, Sir, I conclude and I wholeheartedly support the Bill. Thank you.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Yes, Shri Ram Awadesh Singh. But please go to your seat.

श्री राम अवधेश सिंह (बिहार) : यहाँ से परमीशन दे दीजिए।

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Please go to second bench from the last.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): He has taken the permission, Sir. He can speak from here.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Permission is always prior.

श्री राम अवधेश सिंह : उपसभाध्यक्ष महोदय, आपकी आज्ञा से तो कहीं से भी बोला जा सकता है लेकिन आपकी कठोर आज्ञा थी तो यहाँ आ गया।

[श्री राम अवध शर्मा]

महोदय, मैं बिल के समर्थन में खड़ा हूँ। इसकी भावना का मैं स्वागत करता हूँ। लेकिन यह जिन कदमों को सुझाया गया है कि इममोरल ट्रैफिक को रोका जा सकता है, मैं समझता हूँ कि इनके कारणों में गहराई से नहीं जाया गया। इनके कारण बहुत गहरे हैं और निदान बहुत हल्के ढंग से किए गए हैं।

महोदय, इममोरल ट्रैफिक के मुख्य तीन कारण हैं। एक तो मनोवैज्ञानिक कारण बहुत डीप रूटेड है और वह यह कि एक अन्ध-विश्वास बना हुआ है आम तौर से किताबों में या भीतर-भीतर बातचीत के दौरान यह बताया जाता है कि कम उम्र के लड़कियों के साथ औरतों के साथ सम्भोग करने से शक्ति बढ़ती है इसीलिए बड़ी उम्र के लोग भी चाहते हैं कि छोटें उम्र की औरतों के साथ सहवास किया जाये और इस कारण से मैं समझता हूँ ज्यादा उम्र के लोग भी इस काम में लगते हैं यह अन्धविश्वास पर आधारित हो, लेकिन यह बहुत बड़ी माता में प्रिवलेंट है और यह सबसे बड़ा कारण है।

दूसरा सबसे बड़ा कारण है आर्थिक, गरीबी की रेखा के नीचे कितने लोग हैं आप जानते हैं। एक मिडिल क्लास वाले के लिए जिसके चार लड़के और दो लड़कियाँ हों, दो हजार आमदनी हो तो वह उनकी पढ़ाई नहीं करवा सकता। जब लड़कियाँ पढ़ती हैं तो सोचती हैं कि हम अपना खर्चा अपने से निकालें और जब गार्जियन कह देते हैं कि हम पढ़ाने में अक्षम हैं और उनके मन में होता है कि हम पढ़ तो इसके लिए उनको मजबूरन लाचारी में आसान तरीका है वही अपना पढ़ता है; नौकरी उनको नहीं मिल पाती, पार्ट टाइम जॉब मिल जाय तो वह भी करके लड़की पढ़ाई का खर्चा निकाल सकती है, लेकिन वह भी नहीं हो पाता है इसलिए आर्थिक कारण जब्दस्त कारण है।

तीसरा कारण है, पूरे देश की जो व्यवस्था है पूँजीवादी, सामन्तवादी। किसी

भी समाजवादी देश में प्रोस्टीट्यूशन की व्यवस्था नहीं है, चाहे चाइना हो, रूस हो, बल्गारिया हो, रूमनिया हो, हंगरी हो। जहाँ कहीं सामन्ती व्यवस्था है, पूँजीवादी व्यवस्था है वहाँ इस रोग का निदान कानून बना कर और इतने हल्के ढंग से कानून बना कर आप नहीं कर सकते हैं, किसी कीमत पर उसे रोक सकने में हम लोग सक्षम नहीं हो सकते हैं। हम जिनको रोकने के लिए, पंजा देने के लिए बनाते हैं वह पुलिस के छोकरे सबसे ज्यादा इस काम में मशगूल हो जाते हैं। पुलिस इममोरल काम करने लगे तो फिर आप अन्दाजा लगा सकते हैं कि इस बुराई को कैसे टैकल किया जा सकता है। कानून हमने बनाया है कोई घूस नहीं लेगा, लेकिन कोई बता सकता है थाना में बिना पंजा दिए हुए, बिना घूस दिए हुए कोई एन्ट्री होता है। हम भी यह जानते हैं और मंत्री महोदय भी जानती हैं कि थाना माने घूस, घूस माने थाना, दरोगा माने घूस, घूस माने दरोगा। यह होता है, लेकिन कानून है जो घूस लेगा दरोगा उसे पकड़ेगा। दरोगा बिना घूस के काम नहीं करता। पुलिस का जो ढाँचा बना हुआ है उसमें आप चाहें कि इसको रोकें तो नहीं रुक सकता। हम चाहते हैं कि वालंटरी आर्गनाइजेशन आगे आएँ। जब तक वालंटरी आर्गनाइजेशन, जिनका उद्देश्य नैतिक समाज की रचना हो, आगे नहीं आते, तब तक इस मामले में काम-याब नहीं हुआ जा सकता। अगर यह व्यवस्था की जाय कानून में कि उन्हें कानूनी तौर पर अधिकार होगा पुलिस के साथ सहयोग करें और पुलिस के कामों की देखरेख करें तब कुछ कारगर कदम उठाए जा सकते हैं—कृष्ण हो सकता है, यह नहीं कि पूरा हो जायेगा।

मैं कह सकता हूँ कि अन्धविश्वास के कारण भी यह सारी चीजें हो रही हैं। देवदासी प्रथा इस देश के लिये कलंक है। भारी कलंक है। आज भी इस बसवर्ग सदी में जब धरती का इंसान चाँद की धरती को रोँद कर यहाँ वापस आ गया उस हालत में भी हम यह मानते हैं कि देवदासी बनाने के लिये अपने घर की

लड़की को दान करो और उस को अवि-
दाहित रखे और वहाँ का पंडित उस के
साथ पहले भोग करेगा तब हम को स्वर्ग
मिलेगा। तभी हमारे स्वर्ग का रास्ता खुलेगा।
ऐसा अंधविश्वास आज भी अपने देश में
है, आजादी मिलने के 37, 38 साल बाद भी
है और हम इस को समाप्त नहीं कर पाये।
यह कांग्रेसी शासन के लिये कलंक और
शर्म की बात है कि अभी तक इस कलंक
को, इस अंधविश्वास को यह सरकार
मिटाने नहीं पायी है। तो मैं यहाँ चाहता
कि कानून आप चाहे जितने बना ले उस
से कोई फक नहीं बढ़ता है, लेकिन
आप में दम नहीं है तो नहीं है। जो उद्देश्य आप रखते हैं उसे
पूरा करने के लिये अगर आप बात
करते हैं तो देवदासी प्रथा को ही आप
मिटाना चाहते हैं। हम इस बिल के समर्थन में
हैं लेकिन आप जरा देवदासी प्रथा
को तो खत्म करो। यह देश ढोघीरशाही
है और इसी लिये परस्पर विरोधी बातें
करता है। एक ओर औरतों को माँ से
नीचा नहीं माना जाता हर जगह वह माँ
है, सरस्वती माँ, लक्ष्मी माँ, धन देवी विद्या
देवी, रण देवी सब में माँ के रूप में उस को
चित्रित किया जाता है, एक ओर उसको
इतना आदर देते हैं और दूसरी ओर
औरतों को पतनी, पैर की जूती धमकते हैं,
मुँह से करेंगे आदर और खिंचेंगे नीचे।
तो यह हिन्दू संस्कृति जो है, यह ब्राह्मण-
वाद जो है यह इस देश को खा रहा है
दीमक की तरह से। इस पर हम को हमला
करना होगा। जब तक उस पर हमला नहीं
करेंगे (व्यवधान) ब्राह्मणवाद इस देश
के लिये दीमक है वह इस देश को चट
कर गया है। इस देश को उस ने गुलाम
बना दिया है और इस देश को वह
गुलामी की ओर ले जा रहा है। धन्यवाद।

श्री महेन्द्र मोहन मिश्र (बिहार):
किसी जाति पर तोहमत लगाना इस प्रकार
ठीक नहीं है।

SHRIMATI MARGARET ALVA: Mr.
Vice-Chairman, Sir, I thank all those
Members who have taken part in the
debate. We had sixteen Members parti-
cipate in the discussion this afternoon and

I thank them all. I am grateful to them
because there has not been a single Mem-
ber who has opposed the amending Bill.
Some suggestions have been made. Some
have spoken about lack of time. Others
have asked for a Joint Select Committee.
But not a single Member has opposed the
amendments or the provisions which we
have brought forth before the House today
and I am grateful to them.

It has been mentioned, I think, by
almost all the speakers, that the problem
of prostitution cannot be viewed in isola-
tion of the socio-economic factors which
are very important. The status of wo-
men in the country is an important issue
and we all agree, I think, irrespective of
parties or our own economic status, that
unless and until this section of our popu-
lation which constitutes 50 per cent, almost
51 per cent today, is given an opportunity
to become economically independent, ex-
ploitation of women cannot really end.
When we speak of exploitation, we are
not talking only about this one problem
of prostitution, but exploitation in various
fields as well. Government is very much
aware of this reality and we are in the
process of working out various schemes
which could help women improve not
just their economic status but their total
status as free citizens in the country.

Sir, there is a great deal of hypocrisy
when one talks about women and social
evils like dowry or prostitution. We have
one set of standards when we talk of our-
selves and one tends to talk differently
when one talks about somebody else. In
this country we tend to be very protective
about women in our own families, wives,
mothers, daughters, and set certain
standards for them, but somehow our
men tend to believe that other women do
not need to receive perhaps the same type
of protection or respect and this is one of
the basic issues involved in prostitution as
well. So, there is no point just saying that
it is woman's economic status alone that
is at the root of it all.

Somebody spoke about literacy being
important to right prostitution. I beg to
differ because I think the bar of literacy

[Shrimati Margaret Alva]

does not really prevent either the man or the women from staying away either from a brothel or from being involved. It has no, shall I say, differences of caste, creed, colour or anything, it almost affects anybody and everybody.

Sir, many of them spoke and spoke rightly that this Bill tends only to speak about what is done after a woman gets involved and it does not have provisions for preventive measures. Sir, at the moment we are involved in trying to work on the very sources from where these girls come into brothels. I may give only one example to point out how powerful the lobbies which work in this whole network are. I was in Patheria in Madhya Pradesh two months ago and this was for a big event in the community because there had been no marriages celebrated in this community for more than 500 years. The girls all went into dancing, entertainment and prostitution by the time they are 14 or 15 or, may be earlier, the men never work and they live on the earnings of the girls. Now we launched a movement here. This was the first occasion of 20 marriages of girls from these villages. It was supposed to be a big event but the very week there was a big controversy that I had attended the marriages where some of them were minor girls who were got married. Nobody for all these years had spoken of minor girls going into prostitution, nobody had spoken about it. Of course, I must clear that I did not go to verify the age of every single girl who was married but the statement was made in the Assembly that they were all above the age-limit. But the entire controversy was built up because people were getting worried that if these girls got married and are settled in other villages, their source of supply to the sort of houses round the country would disappear. So, it is not just a question of one or two isolated cases, there are very powerful lobbies which procure these girls and that is why we are making efforts to burst out these inter-State links. We are now trying to see that it is not limited to State borders. We will have officers who will be authorised to move outside the State boundaries so that

these rings could be dealt with effectively.

Sir, there are the religious practices like the Devadasi system and Shri Hanumanthappa spoke about certain other systems which prevail in some of the southern parts of the country, which have a great deal of religious sanction and therefore, tend to be accepted more easily. This certainly requires a great deal of a social movement and involvement of voluntary groups, religious leaders and others to try and fight this evil right at the grassroot level. I must say that many of you have spoken about the provocative advertisements, provocative literature and movies, etc. which lead to this and I am sure you all know that yesterday we have already introduced a Bill in this House on the indecent representation of women, which I think will help somewhat in curbing this sort of tendency to present women, and Indian women particularly, in sort of advertisements and representations which are not becoming of our respect for women and I am sure that this would be welcomed by the House as well.

SHRI RAOOF VALIULLAH (Gujarat): Doordarshan says that it has its own code on advertisements that it follows. We have been taking up this matter in the Consultative Committee of I & B Ministry, for nearly one and a half years, about indecent exposure of women.

SHRIMATI MARGARET ALVA: Let the Central legislation come and then we will see what will prevail. But this Bill has been introduced; it has not yet been passed. It cannot be passed in this Session, but we hope that there will be enough reaction and public debate on this and by the next Session we will be able to pass it.

श्री राम अवधेश सिंह : देवदासी अपराध को खत्म करने के लिए क्या कदम उठाये हैं ?

श्रीमती मारग्रेट आल्वा : देवदासी के बारे में अभी बोल रही हूँ ।

Sir, there has also been a repeated demand—I have taken common points from all the speeches—about having more women police officers. As far as fighting

prostitution is concerned, we have made a provision here. But I must say that I also, as Minister for Women, have been pursuing this. Whether it is dowry deaths or many other such problems dealing with children—child offenders—we have been wanting more women police officers involved, but our problem is that we cannot get enough women to join the police force. In fact, the Home Ministry has been asking me ‘why don’t you have a campaign so that there should be more women coming in and we could have a special, if necessary, sort of battalion, or whatever you call it, of women police which can help at crucial times for jobs like this’, but I think we still have a problem on this front.

Mr. Mohanan, of course, spoke about the system as being the culprit. Well, you can have a political debate on this. Mr. Gurudes Das Gupta also went into this. But his request for a Select Committee. I think, is something which we do not need really to accept at this stage. The Bill was circulated yesterday. Mr. Mohanan, and for experienced people like him, 36 hours is much more than what he needs to really make a contribution like he does in this House.

We have had many many suggestions from many voluntary groups and women organisations—those involved with this problem—and it is on the basis of these discussions and exchange of views that we were able to concretise some definite provisions in this Amendment Bill.

I must congratulate Mr. Vishvjit Prithvijit Singh. I was telling him that he did a better job than any Minister could hope to do as far as explaining the provisions of the Bill is concerned and he has done a great service for me and made my job very much easier. But there were two points which he raised. One is about the discrimination which comes about in clause 11 of the new Bill amending section 8 of the Act, about the punishment for men and women under the Act. I must say that discrimination, if any, is weighted against the men because eve-teasing was also mentioned. Women are harassed much more on this front than men are. You see very few women standing on the roadside

teasing men—may be it is there occasionally but not generally—and therefore, there is a minimum punishment prescribed as far as the male offender is concerned which has not been provided as far as female offender is concerned. Well, this is for the present and if you find that women are becoming troublesome, we will consider having same provision for them as well later on.

SHRI VISHVAJIT PRITHVIJIT SINGH: Some do tease me.

SHRIMATI MARGARET ALVA: I am sure you don’t object to it; you must be enjoying it. We do not want minimum punishment prescribed for that. Sir, he also mentioned the question of children being rescued in the course of raids and sent to home certified by the States. At the moment we have only this provision that homes to be recognised have to be certified by some authority—and it is the State Government at the moment which certifies homes as being ones which can receive assistance, which can be recognised for these purposes. I do agree with the Member and with many others who have spoken about the great need to improve the conditions in children’s homes. I have been a visitor. I have paid surprise visits. I, as a mother, found that it was extremely depressing to see the condition in which some of these homes are run. But there are also good homes, and I would not like to condemn them all. Wherever there is scope for improvement, I can assure the Members that we will be on our toes to see that these improve. In fact, a new bill, the Juvenile Justice Bill is coming before Parliament in order to bring the children’s Acts which exist in the various States on a common footing throughout the country and give a better status to all the institutions which deal with children’s problems, their homes and their care.

I think it was Mr. Vishvjit himself who also spoke about the homes where even others are sent after they are rescued. Here I must say that we have now provided that before a

[Shrimati Margaret Alva]

person is handed over to the so called husband or parent or guardian who appears to take custody of the person, when he or she, the child or the adult is to be released, a registered women's social welfare organisation is brought into this, and it will enquire and guarantee that the person who has come to take custody of the person to be released is a bona-fide person who can be trusted and who is capable and is genuine in taking custody of the person for care.

Mr. Ramanathan spoke about the need for social reform. I think we are all agreed that this evil would have to be fought as a social evil and that the people themselves would have to be involved in a big way if we are to totally eliminate it. The fact that we have changed the very name, the title of the Bill from "Suppression" to "Prevention" means that we have gone one step further. We will see how in the course of the next few years we will be able to fight it, and maybe then we could proceed even further based on your suggestions and the experiences which we gain.

Mr. Ramanathan also said that two sections providing for the release of habitual offenders on probation for good behaviour should not be removed. I am sorry that I am not for it. I feel that habitual offenders being given parole or being released for good behaviour is something which is self defeating and contrary because the moment they are released they are back again running their brothels or again creating problems even for the investigating authorities. We, therefore, felt that once they are convicted and found to have really committed the crime, this punishment must have its full effect so that they know they cannot get away from it earlier.

Mr. Hanumanthappa welcomed the release, as he said, of SITA as far as the prostitution was concerned. It is true that it was something to which

many, many women have been objecting. I mean the title "SITA" for this Act, which, I think, was really—shall I say?—sad and inappropriate one. We have now changed it. I think that has been welcomed by everyone.

SHRI VISHVAJIT PRITHVIJIT SINGH: Now would it be PITA?

SHRIMATI MARGARET ALVA: Not PITA. There was great objection to that also. It would have been more appropriate.

SHRIMATI RENUKA CHOWDHURY: Even Sita was doubted by man. Even Sita had to prove herself.

SHRIMATI MARGARET ALVA: We have all the time got to prove ourselves in one field or the other. I am sure you will agree on that.

SHRI PARVATHANENI UPENDRA: Why did you keep quiet all these years?

SHRIMATI MARGARET ALVA: Mr. Hanumanthappa also spoke about the need, as he said, for prevention and for changing the economic status. I can tell him that we do have many, many schemes for helping women in distress. Our emphasis now is going to be more and more on shifting women from the pale of welfare and just distress assistance to involving them in developmental processes. And the fact that point number two of the new 20-point programme has given a full status to the programmes for women as one of our poverty alleviation and one of our developmental programmes, in itself is a proof that we are serious in changing the situation as far as Indian women are concerned.

Shri Bapu Kaldate spoke about the hypocrisy in the Indian society and I could not agree with him more. He said that we cannot just suppress the crime, we have to prevent it. I must tell him that the amendment of the Bill itself is a change from suppression to prevention and it is a proof of it. Therefore, we have done what he is now suggesting.

He also spoke about the problem of sexually transmitted diseases and said that it is a very big problem. Keeping this very fact in mind, we have in the Bill now provided for compulsory medical examination of every person rescued from the brothels and this has to be done by a recognised medical practitioner. I think this will satisfy his suggestion.

He also spoke about the responsibility of national leaders in changing the situation. Well, I know the national leaders play a very important part, but I think, as far as this problem is concerned, everybody has a role and a responsibility.

I do not think that small men are outside the purview as far as the problem of prostitution is concerned. In fact, we do have—as he said—many problems particularly where husbands themselves marry girls in the villages. They marry uneducated and ignorant young girls in the villages and bring them into towns and sell them in brothels and go elsewhere and marry again. So, marriage in the case of these young girls itself lands them in brothels in big cities and this does require a great deal of attention. Mass media would have to play a very big role in fighting this type of tendencies. I must say that the media has played a very positive role. Investigative journalism during the last four years and the missionary zeal of women journalists and others who have probed into this issue, have given so many informations and suggestions in this regard.

Hotels and guest houses do pose a problem to us in preventing this evil because in private hotels and guest houses everyday claims that he or she is a guest on his or her own work. The problem in the hotels is genuine. Somebody spoke of the women employed as PROs or in some other capacity in the ITDC and other hotels actually are employed for prostitution. It might be and we are aware of the problem. I would like to tell Mr. Kaldate that while three months

to one year we have provided for revoking the licences, in case we find adult prostitutes, their licenses will be totally cancelled if minor children are found doing all this. In their case it is not three months to one year suspension of the licence, but it will be a total cancellation. It would be of permanent nature.

SHRI GURUDAS DAS GUPTA:
May I seek a clarification? Why in the case of adult prostitutes the suspension is for three months, to one year while in the case of a child it is a total cancellation? Why this discrimination?

SHRIMATI MARGARET ALVA:
In the Act itself we have tried to make a distinction between those who are there by their free will and those who have been forced into it. We have spoken about adults and we have spoken about the younger ones. We have distinguished the punishment based on age and circumstances. It is not possible for me to say that any woman found in somebody's room in a hotel is a prostitute. She might be there on her free will. She might be having an affair with somebody. So, in that case if we do that, it would create other problems. But in the case of children there is no such question and, therefore, an immediate action is called for.

SHRI GURUDAS DAS GUPTA:
It is a diluted action.

SHRIMATI MARGARET ALVA:
Well, may be with experience we may go further, but to do everything at one stroke may prove counter-productive. Shrimati Sudha Vijay Joshi while supporting the Bill also spoke about exploitation of women in lock-ups and also spoken about the need for family courts. I must say that the Family Courts Bill was passed by Parliament in 1984. In fact, for all these two years I have been chasing the Chief Ministers as well, but except Rajasthan no other State has yet set up a family court. I think recently the Prime Minister has...

SHRI PARVATHANENI UPENDRA: In Andhra Pradesh we have set up women's courts.

SHRIMATI MARGARET ALVA: But here we are talking about family courts which include women as well as men. We wanted the family courts to help in sorting out lot of problems faced by women. But I am sorry to say that this has not come. This amending Bill provides for special courts to deal with offences wherever it is found that it is required. We are not making it mandatory, but we are providing for setting up of these courts as we go along if where they are found necessary.

Shrimati Renuka Chowdhury made many suggestions and very welcome ones. She spoke about rehabilitation and she brought out an important question particularly of the rehabilitation of the children and all those who are involved in the profession. This is one of the biggest challenges which we face today. I may tell her that through Social Welfare Boards and through our other programmes we are trying to set up special homes and residential places where the children can stay and occasionally their mothers can visit so that they are removed out of the atmosphere in which they are born and they may have a separate identity of a different future. This is perhaps one of the most important aspects of rehabilitation because unless you deal with the child you will have them go back into the same profession no matter what you do. She also spoke about eve-teasing and Mr. Jaswant Singh objected to the term which has been used in one of the Bills which was passed and I had also objected to when I was a back-bencher and perhaps we could take another look at it as we go along. The Member also spoke about indecent representation of women which goes on in the name of posters and advertisements and so on. I am sure the hon. Member is aware that we have yesterday introduced a Bill to deal with this problem as far as we could. She also

spoke about the need for in-camera trials for rape. I would like to tell the hon. Member that in Parliament we have amended Cr. P.C. and provided earlier for in-camera trials of all rape cases. But I may tell that there are certain parts of the country where this is still not happening. I think it is for the public to demand that where they do take place they are held in camera.

Shrimati Pratibha Devisingh Patil while welcoming spoke about suppression of women. But she also made two very important points. One is that making sure police do not exploit those who have been rescued. I have already said that even a raid party should have two women. He have also provided that wherever a women is rescued and interrogated there shall be at least one woman present and where police women are not available, then, they would provide for women members of recognised womens organisations certified by the State Government to be present during the interrogation of the persons concerned. She also spoke about the rehabilitation programmes and, of course, as I replied, we are doing some about that.

Shri Dharanidhar Basumatari spoke about the need for rehabilitation and the problem of keeping women from going back to profession after they had been rescued. This we will certainly keep in mind.

Shri Jaswant Singh is not here. He supported the Bill. He said that it should cover both male and female offenders. Perhaps he was not aware and I am sure everybody knows that one of main changes that we are making is that both men and women are brought under the purview of this Bill. He also had an objection to too much social legislation being brought in by the Government. Sir, I must say that there are certain evils where the Government, I think, has to give the lead by way of creating an atmosphere to fight these evils. If you wait only for the public to demand

such legislation, it would be a long time coming. Sometimes, the Parliament has to be the opinion maker and not always respond to situations as they come along. I think, we have had some very good social legislations in this country which have been unique and which have a very important role in fighting social evils whether it is the caste system, child marriage, female infanticide, dowry and the Bill under discussion has already been there for so many years. It will change now but up till now, the Suppression of Immoral Traffic Act was there.

Shri Dharam Chander Prashant spoke about the need for improving the status of women. Smt. Ela Ramesh Bhatt spoke about the advertisements derogatory to the women. She asked for special courts which the Bill is already providing for to deal with these offences and we have also provided for inter-State Trafficking Officer who will look into and who will go beyond the State boundaries. Of course, she has also called for the rehabilitation of those who have been rescued. Shri Gurudas Das Gupta, while supporting the amendment made it, shall I say a debate between the capitalism and socialism as far as the social problems are concerned. Sir, there are opinions about it and I am not going into any kind of debate on this. I certainly do not think that everybody in a socialist country turns a saint over-night but the problem is there and I do realise that poverty and lower status of women does create a problem. (*Interruptions*)

SHRI NIRMAL CHATTERJEE: Madam Minister, you began by saying that it is a socio-economic problem. Now, you are relating it to saintliness and otherwise.

SHRIMATI MARGARET ALVA: Sir, he spoke about the need for women liberation and so on and so forth but he also wanted that the provisions relating to hotel should also be brought in to prisons and to other homes but Sir, I must say that we

have provided for custodial offences where a person is in custody is subjected to this kind of treatment, then the punishment has been enhanced very heavily. Smt. Asima Chatterjee spoke about it. She also mentioned the question of custodial offences and I would like to tell her that the punishment now goes up to life imprisonment for those guilty of crimes of those in their custody. Of course, Shri Ram Awadesh Singh spoke about the religious sanctions and superstition which really is at the root of this evil which goes on even today. Sir, I think, I have answered all the points that have been raised by the Members.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Do say something about devdasis also.

SHRIMATI MARGARET ALVA: About devdasis, I may say that we have launched in our State in Belgaun which is one of the centres of this evil which still exists a massive programme for educating these women, opening socio-economic projects to give them employment and it has received a very positive response from them. More and more women are coming into some kind of rehabilitation schemes which we have started and of course, this cannot be ended in one generation but we are quite confident that their children at least, will not be back in this profession and we are seeing that they are educated in residential schools and moved out of it. With these words, I thank all those who participated in this debate for their support, for their suggestions and I commend the Bill to the House.

PROF. (MRS). ASIMA CHATTERJEE: I have one word to say. In the last paragraph, when the offenders are tried in the court, there must be women judges also. That has not been added to it.

SHRIMATI MARGARET ALVA: It is at the magisterial level, we would like more and more women to come into the legal profession and to be there. (*Interruption*).

AN HON'BLE MEMBER: But I may add for your information that men also need to be there.

SHRIMATI MARGARET ALVA: But my point is that we have provided that before the magistrate, as I said, hands over custody, an enquiry through a recognised women's social welfare organisation would be conducted to ensure that the custody of the person who is being given after rescue, is into the right hands or into a children's home, as the case may be.

SHRI K. MOHANAN: We men are more concerned about this than women.

THE VICE CHAIRMAN (SHRI M. P. KAUSHIK): The question is:

"That the Bill further to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956, be taken into consideration."

The motion was adopted.

THE VICE CHAIRMAN (SHRI M. P. KAUSHIK): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 to 24 were added to the Bill.

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

SHRIMATI MARGARET ALVA: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE NATIONAL SECURITY GUARD BILL, 1986

THE MINISTER OF STATE IN THE DEPARTMENT OF STATES (SHRI GHULAM NABI AZAD): Sir, I beg to move.

SHRI M. KADHARSHA (Tamil Nadu): On a point of order. My point of order is about the very moving of the motion by the Minister. Sir, the bulky Bill was circulated only this morning. If you go through the rules of procedure rule 123 clearly says that there should be a gap of two days after circulation of the Bill, before it could be taken up for consideration. But I do not know why the Government is rushing through this Bill. It has become the practice of the Government to sleep all the time and at the fag-end of the session, rush through such very important Bills. We want to have enough time to go through the Bill. It is not proper on the part of the Government to rush through this Bill. If they had shown the same speed in tackling the terrorists, by this time the terrorist activities would have been wiped out of the country.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): It is the discretion of the Chairman. Therefore, I allow the Bill to be moved.

SHRI K. MOHANAN: About the other Bill also, we raised this question.

SHRI GURUDAS DAS GUPTA (West Bengal): Even the Chairman should do his homework.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): It is an important Bill. It should be given top priority.

SHRI GHULAM NABI AZAD: Sir, I beg to move:

"That the Bill to provide for the constitution and regulation of an armed force of the Union for combating terrorist activities with a view to protecting States against internal disturbances and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."