

Then, if you look into the expenditure incurred by the Directors on TA etc. they are very much inflated. If you look into the fees given to the chartered accountants, they are also very much inflated. Despite that, the chartered accountants have passed severe strictures about the company advancing big loans to people without interest and never asking back for them for more than two years. What I am saying is that the Government should immediately intervene in the matter. It is an illegal lock-out and the Government should compel the management to continue to publish the paper and all the allegations of the employees against the management regarding financial irregularities should be gone into. This paper which is an institution connected with the great name of our national freedom movement leader Jawaharlal Nehru, should be saved and the employees should not be put on the road. Thank you very much.

SHRI LOKANATH MISRA

(Orissa): Sir, this is a matter which is of great importance. About 400 workers have been thrown out into the streets and a mere mention without any kind of assurance from the Government will not do. The workers would not be benefited by a mere mention of the facts on the floor of the House. Sir, I would earnestly request you to kindly admit a Calling Attention Motion tomorrow or the day after, according to convenience, and the reaction of the Government must be known. All the workers have probably unanimously agreed to making a cooperative society and running the paper. So what difficulty can there be in running the paper if the workers themselves are willing? Therefore, I would earnestly request you again that a Calling Attention Motion should be allowed either tomorrow or day after tomorrow so that the facts could be thrashed out and Government's assurance on the matter obtained.

SHRI JAGJIT SINGH ANAND: I entirely endorse this.

श्री उपसभापति : अब सदन की कार्यवाही 2 बजे तक के लिए स्थगित की जाती है ।

The House then adjourned for lunch at one of the clock.

The House reassembled, after lunch, at five minutes past two of the clock. Mr. Deputy Chairman in the Chair.

### THE CHILDREN (AMENDMENT) BILL, 1977

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): Sir, I beg to move:

"That the Bill to amend the Children Act, 1960, be taken into consideration."

Sir, if you permit, I would make a short observation on the principles behind this Bill. You will notice that children constitute the most vulnerable section of our society and we owe to them that we should take proper care of them so that they are not exploited, ill-treated or they are not directed by unwanted persons in undesirable channels. This very objective was recognised in the Directive Principles of our Constitution and under Article 39, sub-clause (f) we have the provision among certain principles of policy to be followed by the State—

"The State shall, in particular, direct its policy towards securing..." then here comes the provision "(f) that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

[Dr. Pratap Chandra Chunder]

To give effect to this directive principle the Children Act, 1960 was passed. The object of this Act is contained in the preamble; it is written here—

“...Act to provide for care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union Territories.”

It is obvious that this Act is confined to Union Territories because so far as States are concerned it is the States which will pass a similar legislation. And I am glad to tell you that almost all the States have passed similar Acts except the following States: Nagaland, Orissa, Sikkim and Tripura. The Children Acts of Assam, Bihar, Rajasthan, Jammu and Kashmir and Madhya Pradesh which have been passed recently are based more or less on the pattern of the Children Act, 1960 which was passed by Parliament. However, in working out this Act, we have found that there are certain significant lacunae which ought to be supplied; otherwise, the Act cannot be enforced and worked out in a proper manner. You will notice that this Act applied to two types of children only—(1) neglected children, and (2) delinquent children. So far as neglected and delinquent children are concerned, we have noticed several inadequacies and weaknesses in the provisions of this Act. I shall try to indicate three types of weaknesses which were found and which are now sought to be met by the present Bill—(1) rigid classification of children as either neglected or delinquent, overlooking the fact that more often than not delinquency is the result of neglect and is, therefore, to be treated as such; (2) absence of adequate stipulation regarding maintenance of proper standards of service in the Homes meant for correctional treatment of children; and (3) absence

of provision for comprehensive after-care services for children who live in situations after undergoing a period of correctional treatment. These are some of the main weaknesses which were noticed in working this Act. So in the present Bill we are trying to meet these weaknesses. For instance in the definition of “neglected child” we are trying to widen the scope by referring to not only parents who are unfit to exercise such care and control, but also—this is a new provision—parents who are not able to exercise proper care and control over the child. This will cover cases of economic backwardness, cases where the parent is otherwise fit to take care of and control the child but for economic reasons or similar other reasons, he is not able to exercise proper care and control over the child. In such cases the Act may be applied. Two types of procedure have been contemplated within the framework of the existing Act. The officer concerned takes up the initiative in the interests of the child and the officer brings the child before the competent authority. Again, two types of competent authorities are there—one concerning the neglected children and the other concerning the delinquent children. So, far as the neglected children are concerned under the present system, the competent authority is the Child Welfare Board. Before the Board finally decides the fate of the child, the child is kept in some observation home and when the case is decided by the Child Welfare Board, the child will be sent to the children’s home. This is for neglected children.

As far as the delinquent children are concerned, the procedure and set-up are somewhat different. The child is brought before another competent authority, namely, the children’s court and the children’s court, pending final decision, keeps the child in the observation home and after the case is disposed of, the child is then sent to some special school for delinquent children. This is the present pattern of the Act. But in the course of its

working, it was noticed that sometimes it appeared that the delinquency depended on the neglect by the parents. The child itself is not to blame because the neglect was on the part of the parents. Because the child could not be properly looked after, that led to his delinquency. In the present Act it is not possible to send the child from the children's court to the Child Welfare Board. This Bill seems to remedy that defect. Now there will be some sort of mobility for the movement of the child from the children's court to the Child Welfare Board and *vice versa*. If it is found that the delinquency has nothing to do with neglect, then the Child Welfare Board can send the child to the children's court. If there is a dispute between the competent authorities, a provision is made for the purpose of referring this dispute for final decision to some other authority, namely, the District Magistrate and in some cases—as my amendment will indicate—to other judicial authorities under the present Criminal Procedure Code.

Coming to the next stage, in the observation home the child would be kept pending the final disposal of the case. These observation homes are generally of institutional type and there is often not that degree of warmth for the child. There is not always the presence of any personal care for the child. The child is taken from his home and thrown into the observation home which is more or less of an impersonal character. This was not liked by social workers. It was thought that the child should be alternatively kept in some place of safety. This place of safety is going to be defined in this Act. Instead of sending the child, pending the decision, in the observation house, the child may be sent to the place of safety where he may get individual care, not along with many other children. He will get individual care and there will be some personal warmth which will be evinced by philanthropic persons who will be intending to take care of the child pending dis-

posal of the matter. This is one important addition which is sought to be made by this Bill.

Even at the time of trial in the children's court for delinquent children formerly only the Magistrate and other officers were associated. But it was felt that if there is a panel of qualified social workers including a woman who could advise the children's court in this matter, it will be good for the children also. It is because here again this impersonal character will be taken away and a legalistic approach to the problem would not be there. If two qualified social workers are there, of whom one would be a woman, who, as everybody knows, will have some motherly instinct in her own conduct before the court, if such a panel could advise the Children's Court in the case of delinquency, then, Sir, more human element is injected into this matter and ultimately, it might be for the good of the child. So, this new matter is also being included and in keeping with the modern concept Children's Court should be of an assistive and corrective nature, it is proposed that Courts should be assisted by two qualified social workers out of whom at least one should be a woman.

The next important provision, Sir, will be regarding after-care. Under the present Act, there is provision for after-care no doubt. But the details are not there. Of course, the Administrator could frame rules for after-care; but, under the present Bill, it is sought to give some special guidelines to the Administrator for setting certain standards for after-care. So, in this Bill, Sir, some of the details of these guidelines are indicated so that proper after-care is provided for the children. Earlier, Sir, in the Children's Court or the Board, no legal practitioner could appear. But the matter was challenged in the court of law and the court held that the right to the services of a legal practitioner was inherent and to this extent, in a similar statute, the provision was struck down. So, we felt that at least

[Dr. Pratap Chandra Chunder.]

in the Children's Courts, the help of the legal practitioner, as a matter of right, could be obtained and in the amendment that I am now proposing, in respect of the Children's Board. Sir, the assistance of the legal practitioner would depend upon the discretion of the Board itself. Now, these are some of the major provisions which we would like to introduce. In addition to this, Sir, the old Criminal Procedure Code of 1898 is no longer in existence and the new Criminal Procedure Code has come into force. Therefore, consequential changes will have to be made in the provisions of this statute. Now, these are some of the major principles that come under the provisions of the Bill and I would recommend the Bill for the consideration of the honourable Members. I am glad to find that, by and large, the honourable Members have approved of the provisions of the Bill, because I have not got any amendment other than the official amendments that I am going to place before this House.

Now, Sir, with regard to the official amendments that I would like to move, without going into the details, I might say that in the original Bill, as placed before this House, it was not clearly indicated as to who would select the panel of two qualified social workers and what qualifications they should have. Now, in the present amendment, Sir, it is going to be made clear as to who would do so. Then again, Sir, about the assistance of the legal practitioner before the Board was not clearly spelt out. It is proposed to make it clear also.

Finally, Sir, in case of any dispute regarding the transfer of a particular case from the Children's Welfare Board to the Children's Court or *vice versa*, reference was to be made before a District Magistrate. Under the present Criminal Procedure Code there is provision for District Magistrate. But he is dealing with executive matters in general. So, in my amendment, I have proposed, since I thought that

it would be better, to refer this dispute to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as the case may be. These are broadly the various provisions of the Bill and of the amendments that I would like to move officially.

Sir, I would recommend the Bill for the acceptance of this honourable House and with this brief introduction, I would like to submit that this Bill be taken into consideration.

*The question was proposed.*

**श्रीमती प्रतिभा सिंह (बिहार) :**

उपसभापति महोदय यह बिल 1960 के बाल कानून के अनुभव के आधार पर लाया गया है। उसमें जो कमी रह गई थी मंत्री महोदय ने उसको काफी विस्तार से बताया है कि किस प्रकार से उन कमियों को दूर करने की चेष्टा की जा रही है। मंत्री महोदय ने कई बातों का जिक्र किया है। हमारे कास्टिडियन में भी इस मुद्दे पर बहुत जोर दिया गया है। बच्चों का अधिक से अधिक किस तरह से विकास हो सके, उनके शरीर का, मन का, विद्या का, बुद्धि का, हर प्रकार का समुचित विकास हो सके, इसके विषय में संविधान की कई धाराओं में विस्तार से दिया हुआ है। इस वजह से जो कुछ कमी चिल्ड्रन एक्ट में रह गई है, उसको दूर करने की चेष्टा करना हमारा पहला कर्तव्य है।

लेकिन उपसभापति महोदय, जैसा कि मंत्री महोदय ने खुद भी बताया है कि यह बिल जो है वह केवल यूनियन टेरेटरीज के लिये वह ला रहे हैं : इसका सम्बन्ध केवल यूनियन टेरेटरीज से है। बहुत से ऐसे राज्य हैं जहां यह कानून लागू है और सिर्फ तीन चार स्टेट्स में यह कानून लागू नहीं है। उपसभापति महोदय, अब सवाल यह है कि कुछ राज्यों में जहां लागू भी है, वहां पर भी इस कानून के अर्न्तगत कार्यवाही पूरी तरह से

सही रूप में नहीं हो रही है और कई स्टेटों में यह लागू नहीं है । तो मेरा यह कहना है कि मंत्री महोदय इस कानून को केवल यूनिवर्सल टेरिटोरियल तक सीमित न करें बल्कि एक माडल कानून लाये, जिसको सारे देश में बच्चों के लिये लागू किया जा सके । क्योंकि उपसभापति महोदय, बच्चों की संख्या जो 14 साल से कम है, करीब करीब 230 मिलियन है । जिसके माने यह है और साधारण ढंग से हम कह सकते हैं कि करीब करीब हमारी आबादी की 47 प्रतिशत संख्या बच्चों की है । इतनी बड़ी जनसंख्या के कल्याण के लिये, जितना ध्यान देना चाहिए, उतना ध्यान नहीं दिया गया । इस कानून के द्वारा हम उस बाल संख्या की बात कर रहे हैं जिसको नेगलेक्टेड और जुविनाइल्ड डेलिक्वेंट की परिभाषा प्राप्त है । खुद भी मंत्री महोदय ने इस बिल को विस्तार से समझाने हुए कहा है कि इस बिल द्वारा जो पहले के बिल में, 1960 के बिल में जो रिजीडिटी नेगलेक्टेड एण्ड डेलिक्वेंट बच्चों की परिभाषा क्लार्सिफिकेशन की थी, उसमें वह डिलाई लाये है । दोनों ही नेगलेक्टेड बच्चे और जुविनाइल्ड डेलिक्वेंट बच्चे जो हैं, वह एक दूसरे से मंत्रिष्ठ है । जो नेगलेक्टेड बच्चे होते हैं वह ब्राद में जुविनाइल्ड डेलिक्वेंट बच्चे भी होते हैं और जो जुविनाइल्ड डेलिक्वेंट बच्चे हैं वह नेगलेक्टेड होने के कारण बन जाते हैं । सवाल यह है कि इस कैटेगरी में इस तरह की जो समस्या है क्या हम इस के सही रूप में समाधान की बात सोच रहे हैं कि किस प्रकार से और कैसे हम व्यवस्था करें, जिससे इस समस्या का समाधान सही रूप में हो सके । यहाँ पर कुछ कहने में पहले यह देखना होगा कि जो कमजोर वर्ग वूलनेरबल ग्रुप में आते हैं वह कौन से बच्चे हैं ? इसमें 6-7 कैटेगरीज के बच्चे

आते हैं । (1) वह जो स्वयं में रहने हैं, (2) चिल्ड्रन आफ माइग्रेन्ट्स वर्कर्स, (3) कैटेगरी अग्र्युज्ड चिल्ड्रन, जिन्हें घरों पर गाली-गलौज सहना पड़ता है (4) जो आरफन चिल्ड्रन हैं, जिनके माता-पिता नहीं हैं, (5) रिफ्यूजी बच्चे हैं, (6) चिल्ड्रन आफ अनवाटेड मदर और (7) चिल्ड्रन एक्सपोज्ड टू ड्रग्स एंड नारकोटिक्स हैं । उपसभापति महोदय, सवाल यह है कि इन बच्चों की समस्या क्या है और उसे कैसे हल करें । यह तो बहुत ही गम्भीर विषय है और बच्चों की समस्या को हाइलाइट करने के लिये युनाइटेड नेशन्स ने 1979 में इंटरनेशनल डेयर फार चिल्ड्रन मनाया जाने का तय किया है । लेकिन जब हम समाजवादी देशों के इतिहास की ओर नज़र डालते हैं तो अपने अपने देश चाहे वह चीन हो, रूस हो वहाँ एक विशेष शासन प्रणाली स्थापित करने के बाद सबसे पहले उन्होंने बच्चों के हितों को प्राथमिकता दी । पाश्चात्य देशों ने भी बाल कानून बनाकर, चाहे उसका अपराधों से संबंध रहा हो, चाहे बाल मजदूरी से सम्बन्धित रहा हो, बहुत पहले लागू कर दिया था । परन्तु हमारे यहाँ प्रथम योजना में बच्चों के कल्याण का और कोई विशेष ध्यान नहीं दिया गया । दूसरी योजना में बाल कल्याण को वूमन वेलफेयर से जोड़ा गया । तीसरी योजना में जा कर बाल कल्याण का महत्व आया और उसके लिए विशेष धनगति एलोकेशन की गई और चौथी योजना में और अधिक महत्व दिया गया है । हमने इस ओर ध्यान ही नहीं दिया कि जब बच्चा पैदा होता है तब तो बड़ी खुशी मनाते हैं किन्तु बड़ा होकर कैसे अच्छा इन्सान बनेगा इस ओर हमारा ध्यान नहीं गया । उसके घर का वातावरण, बाहर का वातावरण कैसे बनाया जाता कि वह एक अच्छा नागरिक बन सके, डाक्टर बन सके, इंजीनियर बन सके । हम फैक्टरी तो बना लेते हैं मग चलाने वाला कौन होगा यह नहीं सोचा और

## [श्रीमती प्रतिभासिंह]

न इसके लिये कैसे कानून की आवश्यकता होगी इसकी गम्भीरता को समझा। माननीय मंत्री महोदय ने कहा यह जो हमारी दो कंटेनरीज हैं जिसके लिए यह विल लाए हैं नेगेलेक्टेड एंड डेलीक्वेंट चिल्ड्रन, उनके पीछे क्या है। आपने अभी इसमें बताया है कि इकोनॉमिक रीजंस हैं कुछ और दूसरे रीजंस हैं। पर उन्हें दूर करने के लिए कौन सा नया कानून लाएँ जिनसे बच्चों के जीवन में हम खूबी ला सकें और इन समस्याओं को हम कम कर सकें।

विलकुल मिटा सकेंगे यह तो मैं नहीं कहती लेकिन कम जरूर की जा सकती हैं। अभी तक स्वतंत्रता के पहले के बच्चों के जीवन के संबंधित चार कानून थे। Child Marriage Restraint Act, 1929, जिसको शारदा एक्ट कहते हैं Children Employment and Labour Act, दो एक्ट इनसे सम्बन्धित है और चौथा Guardians and Wards Act, 1890 स्वतंत्रता के बाद दो कानून बने। एक Hindu Adoption and Maintenance Act दूसरा

Hindu Minority and Guardianship Act

1956 में दो एक्ट और आए

Women and Children Licensing Act and Young Persons Harmful Publication Act. सबसे पहले मैं चौथा ही लेना

चाहती हूँ। बावजूद इन कानूनों के बच्चों की अपराध करने की भावना क्या कम की जा सकी, ऐसा क्यों? Young Persons Harmful Publication Act को ही लीजिए जितने बड़े बड़े शहर हैं वहाँ पर गन्दे पब्लिकेशन्स के ढेर हैं। और बड़े शहरों की दीवारों पर, सस्ती मैग्जीनों

और अखबारों में भद्दी तस्वीरें रहती हैं, सिनेमा में बहुत से ऐसे दृश्य होते हैं जो बच्चों में अपराध की प्रवृत्ति को उत्तेजित करते हैं। इस मौजूदा बिल में हम जो कहते हैं कचहरी बनवाएंगे उसमें दो क्वालीफायड मोशल वर्कर्स हों। मंत्री महोदय ने स्वयं कहा कि उनके क्वालीफिकेशंस कैसे तय होगी, हूँ विल सेलेक्ट देम? तो मैं इस में यह कहना चाहती हूँ कि जब तक आप इन में विशेष योग्यता निर्धारित न कर दें कि उसमें मनोविज्ञान जानने वाले हों, साइकोलोजिस्ट हों, साइकियाट्रिस्ट, पेडियाट्रिशियन हों और जब तक उनको आप नहीं लेंगे तो कैसे मालूम होगा कि कौन सी परिस्थितियों से मजबूर होकर बच्चों ने अपराध किया और किस प्रकार की सुधार वाली परिस्थितियों की आवश्यकता है, उनके घर में किस प्रकार के सुधार की आवश्यकता है चाहेर के वातावरण आप जो विशेष होम की योजना ला रहे हैं उनके अन्दर में किस प्रकार की परिस्थिति की आवश्यकता है और उसमें कैसे सुधार किया जाए। आपटर केयर होम बना देने में नहीं चलता है वहाँ के अभिभावकों के अन्दर उस तरह की भावना है कि नहीं है वे पूरी तरह क्वालीफायड हैं या नहीं हैं, यह भी देखना चाहिए। जो चिल्ड्रन वेलफेयर बोर्ड बनता है उसमें किस प्रकार के सदस्य हों, यह सारी बातें गम्भीरतापूर्वक सोच कर आपको क्वालीफिकेशंस फिक्स करनी होंगी वरन् यह चीज बन जाती है कि जो फायदा बच्चों के जीवन पर, बच्चों के मन पर होना चाहिए, वह नहीं होता है। हम रोज देखते हैं कि बच्चों के अपराध घटने के बजाय बढ़ते ही जा रहे हैं सवाल यह है कि जब तक परिस्थितियों में सुधार नहीं लाया जाएगा तब तक मिर्फ इंस्टीट्यूट्स बना देने से कोई लाभ नहीं होगा। मान लीजिए किसी को मलेरिया की बीमारी है अगर हम कुनीन के बदले टायफायड की गोलियाँ दें तो उसी समय रोगी मर जाएगा। उसी तरह से जब तक हम एक कम्पग्रिहेसेव बिल बच्चों के लिए न लाएँ, उनके सारे जीवन

के प्रत्येक अंग में देखते हुए कि क्राइम से संबंधित क्या-क्या बातें हैं, कौन सी विशेष परिस्थितियाँ हैं जिनकी वजह से मजबूर हो कर क्राइम करते हैं, इन सारे विषयों को हम नहीं लेंगे तो हमें इस में बहुत सफलता प्राप्त नहीं हो सकती। जैम जेल में अलग रखने की योजना रहती है। बहुत से प्रदेशों में कोई न कोई इस विषय में इनेक्टमेंट किया हुआ है परन्तु बहुत सी जगह देखा गया है कि इन बच्चों को डाइहार्ड क्रिमिनल्स के साथ रख दिया जाता है और ये बच्चे चूँकि दिमाग के तेज होते हैं इसलिए जब ये लोग जेल से बाहर निकलते हैं तो नयी चीजें tricks सीख कर आते हैं, और डाइहार्ड क्रिमिनल्स बनते हैं। कुछ बड़े-बड़े शहरों में आर्गेंटाइज्ड गैंग्स बच्चों को अपंग करके, उनको 'मेम' करके, उनसे अपराध कराते हैं और पकड़े जाने पर पुलिस अफसर उनको बुरी तरह पीटती है। पीटने से उनके अपराध की भावना कम नहीं होती है बल्कि बढ़ जाती है। इस के विषय में कुछ रिसर्च अमरीका में हुआ है, रिचार्ड गेन्स ने किया हुआ है जो वहाँ के अच्छे नामी मोशलॉजिस्ट है। उन का कहना है कि पीटने से कुछ बच्चों की क्राइम करने की प्रवृत्ति अधिक उभरती है, वजाए क्राइम नहीं करने के, क्योंकि उनके हृदय में एक रोष होता है, बदला लेने की भावना होती है और वह बदला उस आदमी को मार कर नहीं ले सकता है तो अपराध कर के लेता है। मां-बाप के पीटने का भी बुरा असर होता है, पुलिस की मार का भी बुरा असर होता है और यह बार-बार एक्सपीरियेंस से देखा गया है। अतः यदि बच्चों के जीवन में सुधार लाना है और अपराध की वृत्ति को कम करना है तो हमें कानून द्वारा कुछ विशेष कदम उठाने पड़ेंगे, जैसे कि जो (i) उत्तेजक द्रव्य हैं और कई किस्म के पिल्स निकल रहे हैं, इस तरह की जो उत्तेजक वस्तुएँ निकली हैं उनकी बिक्री बंद कर दी जाए।

Prohibiting sale of intoxicating ma-

terial to children and young persons.

खास कर दिल्ली में बच्चों की ये गोलियाँ खाने की आदत बढ़ रही है। अभी दो-तीन साल पहले दिल्ली के एक कालेज से कोई बच्चा गोलियों के सेवन से गायब ही हो गया। वह अपने मां-बाप का इकलौता बच्चा था और आज तक उसका पता नहीं लगा।

दूसरा है :

Protecting children from dangerous and certain types of cinemas and entertainments. जो दृश्य, खास कर डकैती के, चोरी के, झूठ बोलने के—ये सारी बातें हैं—उन को देखकर बच्चे की टेन्सि होती है इमिटेड करने की। वे इमिटेड करने की कोशिश करते हैं और अचानक कहीं भाग जाते हैं, कुछ कर लेते हैं।

(3) Next, educating mentally and physically defective children.

उनमें एक हीनता की भावना होती है उस भावना को दवाने के लिए क्राइम की ओर उनका दिमाग बढ़ता है। (4) जिन बच्चों के मां-बाप फैक्ट्रीज में या लेबर के काम में बाहर निकल जाते हैं, कभी-कभी उनके बच्चों के दिमाग भी क्राइम की तरफ बढ़ते हैं तो उनको सुधारने के लिए चाहे आप होम्स में उनको ले जाएँ और चाहे तो उनको दूसरे उपाय से सुधारें परन्तु उनकी होल्डिंग आप सेलरीज एन्ड वेजेज आफ चिल्ड्रेन के विषय में आप कादून लाकर देखें कि किस तरह से अच्छी स्थिति में वह रहें।

(5) Next, prohibiting persons to leave the country without making arrangements for their children and wards.

तो खास कर ये लोग या दूसरे ऐसे लोग जो फैक्ट्रीज वगैरह में काम के लिए चले जाते हैं अपने बच्चों के वास्ते व्यवस्था नहीं कर पाते हैं,

### [श्रीमती प्रतिभासिंह]

ऐसे लोगों में भी देखा गया है कि कुछ इस तरह की बातें होती हैं। उनके बच्चों का झुकाव घर के वातावरण से बाहर के वातावरण में क्राइम की तरफ जाता है।

(6) There should be a uniform adoption legislation for all communities and sections.

अभी तक जो भी आपका एडाप्शन का लेजिस्लेशन है वह हर एक के लिए मान्य नहीं हुआ है। सेलेक्ट कमेटी की रिपोर्ट मौजूद है, हर सेशन में हम महिलाएं जाकर, जो भी प्रधान मंत्री होता है, उन को मिलते हैं, उन पर दवाव डालने की चेष्टा करते हैं कि आप एडाप्शन बिल को पार्लियामेंट में लाएं, और मंशोधनों के साथ उस को पास करें ताकि जिन बच्चों के मां-बाप नहीं हैं और जिनके पास बच्चे नहीं हैं दोनों के बीच सामंजस्य स्थापित हो, और सामंजस्य स्थापित करके हम उन बच्चों के जीवन में नयी रोशनी, नया प्रकाश और नयी खुशी ला सकें। आपने स्वयं भी कहा कि मां-बाप और स्टेट, दोनों को सहयोग करना पड़ेगा।

Then, only we can improve the lot of the criminal child.

अगर घर की परिस्थिति अच्छी नहीं है तो उन बच्चों को होम्स में ले जा सकें और उन के जीवन में सुधार ला सकें। "युनिसेफ" ने भी तय किया है कि वह चेष्टा करेगा to reach the un-reached child in India.

और उसकी जो प्राथमिक आवश्यकतायें हैं, जो उसकी बेसिक नीड्स है उनको अधिक कार्यान्वित करें जैसे भोजन है घर है पढ़ाई और खेल की आवश्यकतायें है ताकि उनके जीवन के हर अंग में विकास ला सकें। प्रो० एन० जी० गोरे प्रोफेसर आफ चिल्ड्रेन एण्ड सोसाइटी का कहना है कि बम्बई जैसे शहर से तो बच्चे एक्सपोर्ट भी हो रहे हैं। कैसे रोका जाये उसको। मैं खास कर उन

देशों का नाम तो नहीं लेना चाहती लेकिन आस-पास के देशों में वह बच्चों को ले जाते हैं और नीकर की तरह से उनसे काम लेते हैं। मारपीट करते हैं। किस तरह से उसको रोकें? इस विषय में एक बात मैं और आपके सामने लाना चाहती हूं कि जब आप इन अपराधों के विषय में सोच रहे हैं तो मैं आपको याद दिलाना चाहती हूं कि अभी बिहार में जो बड़ेया ग्राम में जो इंसीडेंट हुआ उसके लिये कोई कानून नहीं कि कैसे इस तरह के इंसीडेंट्स को कम करे। बच्चे स्कूल में पढ़ रहे थे। उठा कर उन्हें लोग ले जाते हैं और उनके साथ ज्यादती करते हैं। अगर वह मर नहीं जाते हैं और जिन्दा रह जाते हैं तो उनके दिलों में इतनी कठोरता आ जाती है कि उनको कोई भी अपराध करने से रोक नहीं सकता है। तो ऐसी चीजों को रोकने के लिये आप क्या कर रहे हैं। अभी कुछ दिन पहले बिहार का ही इंसीडेंट है कि जनता पार्टी के एक मिनिस्टर ने एक अनाथाश्रम की महिलाओं के साथ कैसा व्यवहार किया। वह सब सन्डे मैगजीन में निकला है। रक्षक ने भक्षक का काम किया। तो इन सारी बातों को देखते हुए आप एक कंसालिडेटेड लेजिस्लेशन की बात सोचें अगर बच्चों की जिन्दगी में नये सिरे से सुधार लाना चाहते हैं और उनमें अपराधों की भावना को कम करना चाहते हैं क्योंकि आज के बच्चे कल के नागरिक हैं और जैसा कि एक लेखक ने कहा है :

Man is the real power who builds on the earth and flies to the sky.

आदमी आज चन्द्रलोक पर पहुंच रहा है दूसरे-दूसरे नक्षत्रों पर पहुंच रहा है और यहां पृथ्वी पर जो कुछ भी बनाया है वह सब इसान ने बनाया है और यह इसान कल का जो इसान है वह आज का बच्चा है। बगीचे में हमें फल देख कर खुशी होती है उसी प्रकार घर के बच्चे देख कर हम खुशी होती है लेकिन उन के लिये हम क्या कर



रहे हैं ? उन्हें कैसे सुविधायें देंगे ? किस प्रकार उनकी रक्षा करेंगे ? किस प्रकार उन्हें अच्छी परिस्थिति में लाने की चेष्टा करेंगे ? किस प्रकार घर के वातावरण को सुधारेगे इन सारी बातों पर हमें अधिक ध्यान देना चाहिए । जितना ध्यान देना चाहिए उतना ध्यान अभी हम नहीं देते हैं । हम एक फैक्टरी बना लेते हैं, बाहर के कोलाबोरेशन से एक कारखाना खड़ा कर लेते हैं, लेकिन जब वह कोलाबोरेशन खत्म होता है तो चूक आज़ के बच्चों पर हम ध्यान नहीं देते हैं इस कारण ऐसे नागरिक नहीं बना पाते हैं कि जो उस फैक्टरी को चला सकें, जो उन डैम को चालू रख सकें जो कि हमने बनाये हैं, जो उन उद्योग धंधों को चालू रख सकें जो कि हम ने खड़े किये हैं । हम अपने देश में अच्छे डाक्टरों को नहीं पाते हैं कि जो हमको रोगमुक्त रख सकें । उपसभापति महोदय यह डर्सलिये नहीं हो सकता है कि वे भूख से पीड़ित हैं । जिन बलनरेविल कैटेगरीज का मैंने जिक्र किया उनके बच्चे भूखे सो जाते हैं और ऐसा होने पर उनका उत्साह मर जाता है । उनकी दांगें कमजोर रहती हैं । निराशा से भरी आंखों से आप राष्ट्र का सृजन नहीं कर सकते हैं, राष्ट्र को महान नहीं बना सकते हैं ।

You will have to see that the building India does not go hungry to bed.

अपराधों में तभी कमी होगी जिस दिन हम यह कर सकेंगे कि हमारे बच्चे भूखे नहीं रहेंगे । जापान में मुझे देखने का मौका मिला है । वहां के बच्चों में बहुत फर्क आया है । सब से अधिक ध्यान वे बच्चों की ओर देते हैं । किसी गांव में आप चले जाइये सब से अच्छा इंस्टीट्यूशन वहां का स्कूल होगा । बच्चों के खाने से सस्ती से सस्ती चीज लेकिन कौन सी चीज दें कि जिस से उनका शरीर पुष्ट रहे, उनका दिमाग पुष्ट रहे । जब तक शरीर पुष्ट नहीं होता तब तक दिमाग मुपुष्ट नहीं रहेगा । यह बीसवीं शताब्दि

बच्चों का युग है । बच्चों के कल्याण से भाबी पीढ़ी का कल्याण है ।

The future generation robust in body, mind and spirit can alone build a great nation.

राष्ट्र तभी महान होगा जब उसके नागरिक न केवल शरीर से स्वस्थ होंगे बल्कि मन और बुद्धि से भी पुष्ट और स्वस्थ होंगे । इसका उदाहरण रशिया में है । उनके यहां जो प्रिसेज को उन्होंने खत्म किया, उनके जितने पैलेसेज लिये, उनका उपयोग उन्होंने अपने बच्चों के विकास के लिए किया । उनके लिए खेल सामग्री वहां पर रखकर उन्हें अच्छी बातों में व्यस्त रखकर उनको स्वस्थ बनाने एवं उनका जीवन आदर्श बनाने के लिए उनका उपयोग किया गया । उनके यहां इसीलिए 9-10 साल की लड़कियां भी सबमैरीन जैसी टेक्निकल चीजों के नमूने तैयार करती हैं जो बाद में उनके नमूने डिफेंस के लोगों ने लिए हैं ।

इसलिए उपसभापति महोदय, मैं माननीय मंत्री महोदय से कहूंगी कि यह बिल लाकर तो उन्होंने अच्छा किया है, मगर उन्हें इस विषय की ओर अधिक ध्यान देना होगा और एक ऐसा मांडल एनएक्टमेंट बच्चों के लिए लाना होगा जिस में कि बच्चों के जीवन में बहुमुखी विकास हो और उनकी अपराध करने की भावना कम हो सके

PROF. RAMLAL PARIKH (Gujarat): Mr. Deputy Chairman, Sir, I rise to support this Bill and while supporting it, I feel that this is a small Bill with limited provisions on which there can be hardly any difference of opinion. This is a Bill which should receive the unanimous support of all sections of the House, not only of all sections of the House here but also of all sections of our people in the country as a whole.

The Bill has a limited purpose of rectifying some of the anomalies and

[Prof. Ramlal Parikh]

some of the inadequacies which have been detected in the Children Act, 1960. Particularly, some of the provisions of this Bill, like the involvement of qualified social workers to assist the Children Courts, widening of classification of delinquent and neglected children and making it flexible and widening of the functions of the Children Courts are the welcome measures. I would agree with these provisions and I hope that all the hon. Members would agree also. Nevertheless, the question arises whether this measure would be adequate enough to meet the needs and requirements of the development of our children who constitute nearly 42 per cent of our country's population. It is quite a large number, an astronomically large number and I am sure the hon. Minister of Education and Social Welfare would consider my suggestion to bring about a more comprehensive legislative measure to deal with all the aspects of the growth and development of the children and to deal with their problems in all the spheres. Some of the problems have been mentioned by the hon. Member who just now spoke before me. There are quite a number of other problems, the problem of their education, the problem of their nutrition, the problem of their health, the problem of sports and recreation and all such problems are there. Therefore, Sir, it is time now for this country to think of a comprehensive Children Bill which would in one measure, cover several aspects, particularly the ones as far as this Bill is concerned, so that the welfare of our children is taken care of not in an isolated manner with one angle in the Children Court and another angle of children welfare in any governmental agency, but these problems should be tackled in an integrated way and a comprehensive way. I would suggest this for future consideration by the hon. Minister. The idea the world over, the idea which is now prevalent and current, is that we should have a comprehensive character on children's develop-

ment. The United Nations is working on it. It is time we also consider such a measure and I am sure that if the hon. Minister comes forward with such a measure, it will receive the unanimous support of all sections of our society.

Now, coming to some of the provisions of the Bill, while welcoming the involvement and the introduction of social workers to help the children's court, I would like to express my apprehension on one point. The hon. Minister has been conscious of this point. But I would like to point out that in spite of his consciousness, things could be different. The amendment which he has proposed requires that the social workers would be possessing such qualifications as may be prescribed. This is very good. But it has happened in our country that because of the pecuniary benefits attached to the public posts, generally the public posts, generally the basic concept, the basic objective, with which a particular provision was made, a particular post was created, is not maintained. Take, for example, community development. The extension workers were supposed to be recruited from among qualified social workers. But it did not happen then. In many other agencies, in the social welfare agencies in the beggars' homes and in a number of social welfare agencies, there was a stipulation about qualified social workers, but the definition of social workers and what qualifications should constitute the qualifications of social workers were not mentioned. The result was that the boards and the local agencies made their own interpretations. I do not say that it could be prescribed straightaway here. It is just not possible. I agree. But I would like to make one point here, if the hon. Minister could accept my suggestion. Whenever qualified social workers are to be appointed, one minimum stipulation should be that they should have undergone training in field work. Why do I say this? I have had the opportunity of dealing with this problem in the School of Social

Work with which I myself was associated. We have been producing qualified and trained social workers through ten to twelve schools of social work and there are also some child psychology institutes. But they are very few in number. But what has happened is that when the Public Service Commission started recruiting, they recruited graduates with general sociology degree, a degree in social sciences, which was theoretical, which was academic, which was devoid of field work and which was devoid of any experience, training association, study, observation and so on in relation to field problems. They were based on book knowledge. There are various types of degrees given by our universities. I would, therefore, like the Government to take care here. As soon as the Bill is passed, some committee should go into the question as to what should be the qualifications for the social workers. We must also categorically give proper guidelines. Otherwise, what will happen? Even though you are passing a Bill for the Union Territories, it is going to be a model for the State Governments. The State Governments may interpret it in any manner they like and defeat the very purpose of having the social workers. Now, it has been the demand of the social workers that on the one hand we are training social workers through schools of social work, and on the other, the posts meant for them are being filled up by general sociology students or some other students who do not possess any experience and training in field work. This is a little technical problem which I would like to bring to the notice of the Government. This is a very important problem. If we are training social workers in schools of social work, we have a duty and moral obligation to ensure that they have priority in relation to the positions for which they were trained. I would also say that in terms of the development of child welfare and fixing them to the children's home, one approach must be kept in mind. It is good to take care of delinquent

and neglected children, but 'neglected children' is a very wide term. I do not know how you are going to cope with it if you are really wanting that the neglected children were to be taken care of. It is a very wide term. It just cannot be a few 'neglected children'. We know the neglected children constitute a vast majority of our society, society which is itself delinquent, which itself socially, economically and culturally mal-adjusted. We do not have the question of maladjustment of children alone but we have a question of maladjustment of our society as a whole. Our societal arrangement, our social structure is full of maladjustment of every kind. Therefore, we must find out some way of dealing with children, not in an isolated phenomenon as individuals unrelated to the social structure, unrelated to the social conditions in which they have grown. Therefore, it would also be necessary for the schools of social work and for the institutions specially dealing with psychiatry and child psychology to recognise this fact that in the past also we had delinquent children, we had neglected children, but the society took care of them in such a way that they were not allowed to go to the length of being criminals, to the length of being irresponsible, being vagabonds. Why is it happening today that the society has ceased taking care of these children? We will have to work on the two fronts simultaneously. On the one hand, we will have to change the conditions of the society, we will have to change the societal factors which are responsible for making the children vagabond, a burglar, a criminal. Why is it happening? It is happening because of certain social conditions and these also will have to be simultaneously removed. Otherwise, all the sincere and honest efforts with which the hon. Minister has brought forward this Bill, will continue to be defeated. On the other side, I know it is not so easy, but something has to be done to relate the condition of the child to the social conditions and develop him that way. Our schools

[Prof. Ramlal Parikh.]

of social work and the psychiatrists and psychologists have not taken cognizance of these things. They have tried to copy the Western model of social work in which an individual is an isolated phenomenon and not a social one. Therefore, the results have been disastrous. This is because we have tried to copy the social work methodology of the West which has a different society, which has a different social structure, an industrial society where affluence is a common factor, affluence is not a minor factor, but it is a major factor. Here affluence is a minor factor, it is not a major factor in a predominantly rural and agricultural society. Even in a predominantly slum-oriented urban society it is not a major factor. We have two types of societies in India—one a limited section of affluent people and the other unlimited, ever-growing mass of people and children, which is continuously growing, whose conditions are far from improving because of worsening poverty, disease, homelessness, parentlessness, devoid of community and devoid of anything that makes one civilized. Sir, I do not want to go into great details, but this is an important point which I wish when the Boards are constituted will take care of it. And when they are going to use the qualified social workers, the type of training and the type of approach that is required to help this kind of work will have to be reflected in the training, in the methodology of training, in the schools of social work, in the meetings of the professional social workers. It will also be necessary to find out how exactly they can meet the requirement of the children's court.

But, at any rate, I congratulate the Minister for this very important and bold measure of associating social workers and accepting and recognising that social work also requires a trained, qualified person to deal with it. This itself is a very great advance and many of us in education will feel very happy that he has done so.

Now coming to the next point about lawyers... (*Time bell rings*)... The earlier decision that legal practitioners were barred from appearing before the children courts was good. We have just been told by the hon. Minister that a Supreme Court judgement has created this position that he is now obliged to permit legal practitioners to appear before the children courts. I for one thought that this area will not be taken as an area of legal battle a matter only of lawyers' interpretation because this is a far wider human affair. Of course, law is also a human affair but some times law is very isolated. If our legal practitioners, as they are today, are going to take this up as a matter of their narrow legal profession, then I am afraid the children courts might run into another difficulty. On the one side, the hon. Minister has rightly and very nicely tried to overcome the difficulty by bringing in social workers. On the other side, a very contrary measure, a measure in the opposite direction also comes in the same Act. And that is this measure which brings in the legal practitioners. I do not know whether we have legal practitioners in child welfare, and children law specialists. Probably if they are there, then they will not be specialists in interpreting law but in finding out the human factors which are responsible for this condition of delinquency, this condition of negligence. Therefore, some way is to be found out to minimise their association or involvement. I do not have a ready solution for this. The hon. Minister is an eminent expert in law and probably he alone can find as to whether there is a way out because of the Supreme Court judgement. If there were no court judgement, I would have straightaway said that this provision was unnecessary and violative of the earlier approach of bringing in social workers. Anyway, if this is a reality, then we will have to find a way of reconciling the legal practitioners and social work together.

Then, lastly, the Act has probably not given much thought—maybe it may be giving it in future—to the

constitution of the Children Welfare Boards and the membership of these Boards. Many a time, for this kind of special jobs, members are appointed for expedient local reasons on grounds which are totally irrelevant to the requirements of the Board. Therefore expedient local reasons on ground—Bill that the qualifications for the social workers will be laid down, I would also say that the qualifications of the members of the Board should also be laid down so that anybody who does not have a job anywhere is not put in the Board and the Children Board does not also become a kind of asylum for those public workers who have no work. Some way must be found to ensure and safeguard that this provision is not misused by the local agencies.

One more point is that there was a reference by the hon. Member who spoke just before me to the Child Adoption Bill. I was a member of the Select Committee. I also pleaded with the previous Government that the report of the Select Committee was ready, it had been presented before the House and therefore let them bring this Child Adoption Bill as soon as possible so that the anarchic condition that is going on in the name of child adoption is brought under some regulation. I know there are some differences in it because some of my other friends have felt that the personal law of some religion is affected by this. We have

3 P.M. no intention to do that. But if it is so we can sit together, find a way out where everybody could agree on something because this is not a matter of difference of opinion or any controversy. But I commend this suggestion that very soon an opportunity should be taken to bring the Child Adoption Bill which has been already scrutinised and process and made ready by the Select Committee. The Government should soon bring it so that this another aspect of the child welfare programme also is taken care of.

In the end I should again repeat my first suggestion with which I started

my comments today that the time is ripe for bringing about a very comprehensive child welfare bill which defines all aspects of child welfare and the development of the children so that nobody loses sight of the thing. Even the courts will interpret, the practitioners while arguing, social workers while assisting the managers of the children's home. While taking care nobody should lose sight of the totality of child development. This is most important. The personality of the child is not to be developed in one aspect of the matter only. The development of his personality in totality, the totality of his condition, the totality of everything that we want. If you want this kind of totality approach, then a comprehensive Bill will be necessary because everybody knows while doing something what other aspect is affected.

I congratulate the Minister again for this specific Bill and hope all the Members of the House will support it. Thank you.

SHRIMATI MARGARET ALVA (Karnataka): Mr. Deputy Chairman, Sir, I rise to support the amendments though right at the beginning I would like to say that this piecemeal effort is not going to go very long in solving the various problems as far as the children of this country are concerned since this Act is applicable only to the Union Territory. I would like to ask the Minister to tell us today how many states have these Acts and in how many States it is actually implemented and what, in fact, has been the impact from the experiences of the past.

As far as the provisions of the existing Act are concerned, I welcome particularly the provision which provides for the involvement of social workers. I suppose this will go a long way in solving some of the problems which come before the Tribunals and the Boards. As far as the other provision goes, on page 3, section 12 of the principal Act you have substituted by

[Shrimati Margaret Alva.]

"The Administrator may, by rules made under this Act, provide etc.". I would prefer very much the word "shall" instead of "may" because as far as our bureaucracy is concerned when it is "may" it is meant "may not" rather than "may". I would have preferred very much that a more positive directive was given to this provision because I believe that after-care is most important as far as these children are concerned, because very often children, for various reasons, are taken out of their normal surroundings and are brought to homes and institutions and then suddenly the institution finds that they have done their job and they have no further responsibility to these children and they are left to fend for themselves. I believe, therefore, that the after-care provision should be made a little more obligatory as far as this clause is concerned. I would therefore, have preferred very much that the word "shall" was used instead of "may".

Well, the other Clauses are of absolutely no consequence and I do not want to say very much about them. I would like to ask what really our approach is as a nation to the problems of children as we face them. It is true that in 1974 a Resolution on a national policy for children was passed. It was discussed in this House and in the other House, and both Houses of Parliament passed it. And as a result the National Board for Children was set up and I had the honour of serving on the National Board for Children. Then came a Standing Committee which was supposed to be more than the executive of that National Board. Meetings were held; suggestions were made. In the course of all this came the ICDS, the Integrated Child Development Scheme. I will speak on that a little while after. We have nutrition programmes, educational schemes and various other schemes. We had schemes in the past which were given up by the Government. Do all these plans and programmes by themselves guarantee that a major break-

through has been made in making the life of the child in this country a little more meaningful and a little more happy? Gabriel Mistral, Nobel prize winner, appropriately said, "We are guilty of many errors and many faults. Our worst crime is abandoning the children, neglecting the fountain of life. Many of the things that we need can wait; the child cannot. Right now is the time when his bones are being formed, his blood is being made and his senses are being developed. To him we cannot answer tomorrow. His name is today." And yet I must admit and I plead guilty also of making many mistakes. I had used strong words when I spoke in this House earlier on the Resolution, that our policy in this country as far as our children are concerned—I would very honestly repeat it, as having been one of hypocrisy. We say a lot of things when we pass Resolutions. We observe children's days and we do a number of things. But when it comes to actual implementation this is perhaps one of the most neglected sections in this country. What percentage of our Plan resources do we allocate to the cause of children? What priority do we give to children's schemes? Repeatedly the Ministers who occupied the seat in this Ministry have complained that when Plan cuts, when financial cuts were to be imposed, the first to be affected is this Ministry, particularly these programmes for children and women—I would emphasise, the programmes for children. These cuts come in spite of the fact that this section of our society is perhaps the most valuable wealth that a country has and should really be proud of. And why? Because, children have no lobby; they have no trade unions to fight for them; no strike that they can organise; no vested interests in Parliament or outside to really champion their cause. The 1971 Census shows that we have in this country 228 million children under the age of 14. Of this 186 million are in rural areas and 42 million in urban areas. And the statistics also show that 70 per cent of their children go to bed hungry.

I think this is the saddest tale that one can tell 30 years after freedom has come. I do not want to go into the details. But there are certain fundamental aspects which I want to place before the honourable Minister today. The first is the fact that 30 years after freedom we still do not have a common definition of 'child' for the different Acts in our country. A study group was set up in November, 1973 to study the question of a common definition of 'child'. And as usual, the study group was made of persons who lacked commitment. The officers met; they discussed. And what is the final decision? It has come to the conclusion that it is not feasible to standardise the definition of the age of the child for application in all cases. We do not need a whole committee to go into this and say in the end that it is not possible to define the child. I am quoting from the report of the Working Group on Standardisation of the age of the Child, Ministry of Education and Social Welfare. If in this country we are incapable of Standardising the definition of child, how do we expect to achieve anything so far as the improvement of the lot of the child is concerned? The annexure to this report gives ten different Acts showing how different are the definitions of child as far as the age is concerned in each one of these Acts. How do you expect to get anything else done in this field if we are incapable of having a common definition of child, to begin with?

I understand that the Integrated Child Development Scheme is undergoing basic changes and that various international agencies and groups have suggested that this is not quite practical and therefore it should undergo these changes. I do not know whether it is correct or not. But I think so much was spoken about it and the pros and cons were discussed at length before it was launched and we were told in the National Board that the scheme could not be judged in one year and it had to be changed

or re-oriented gradually. I do not know whether the UNICEF has also made some recommendations on this. But I feel that this scheme should be given a little more time before a basic change of this kind is talked about.

The other point I want to mention is about the Children's Adoption Bill. I was a member of the Joint Select Committee and we went round the country and there has been an overwhelming acceptance among the people that this law is a must. The social workers and voluntary organisations and most of the minority communities—I belong to a minority community—it is true that some have a feeling...

**SHRI HAMID ALI SCHAMNAD** (Kerala): Is it not true that the Muslim minorities asked the Select Committee to exempt the Muslim minorities from this law?

**SHRIMATI MARGARET ALVA:** Not all. I am saying that there was overwhelming acceptance for it. Even from among Muslims we had received hundreds of memoranda demanding that the Bill be brought in. But of course, there were some sections, as it happens anywhere...

**SHRI HAMID ALI SCHAMNAD:** There are Muslim minorities in the Congress who...

**SHRIMATI MARGARET ALVA:** I do not want to break up any minorities into Congress and non-Congress. They are minorities as a group. And in every group there may be differences.

As far as children are concerned, they are still, even today, governed by the Guardians and Wards Act which, I think, is completely outdated. The children who are taken in for adoption have, at the age of eighteen, the option to opt out of adoption, since the adoption is not strictly legal.

There is also the adoption of Indian children by foreign parents. There

[Shrimati Margaret Alva]

was a lot of trouble about this earlier because we do not have a common civil law. Very often people from abroad who want to adopt children here have got to literally come here and prove that they are not child lifters or those who deal in children. The moment they express their desire to adopt Indian children, there is suspicion and fear and they are made to feel, like criminals in courts of law in this country.

The third and perhaps the most serious matter which requires attention is the lot of the working children in this country. It is true that the statistics show that we have only 30 million working children in this country. I refuse to believe it. Nobody accepts this figure as correct. Most of the children who work in the country are in the unorganised sector.

And, Sir, whenever an effort is made to find out their age, no employer is willing to give it and even the child is not able to give the correct age and, so, this figure of thirty million is absolutely incorrect. But I would like to say that there are thousands and thousands of children in this country who work in the unorganised industries and who work as domestic servants and who work, perhaps, as the most exploited and the most cruelly treated people in this country. This is because, as far as the law is concerned, they do not exist at all and we have no law which protects them, which guarantees medical facilities for them or which guarantees leave for them or the minimum hours of work or the minimum wages even. So, they slog for long hours in the most inhuman and unhygienic conditions and they grow up with fear, neglect and the effect of cruelty writ large on their faces and these are the children who we expect will grow up into sedate and sensible citizens in a free society. How do you expect these children to grow up as normal citizens when their childhood has

been spent in such conditions and in such circumstances where there is no protection and no help of any kind at all? But, as I said earlier, there is no trade union for them and there is no labour law nor is there anybody to help them or protect them and, more often than not, the officers of the Labour Ministry and the other Government agencies, are hand in glove with the employers and these children never have anything done for them at all. The Fifth Five Year Plan provides Rs. 350 crores for children's programmes. Out of this Rs. 250 crores are meant only for nutrition. It is true that it is very very necessary because nutrition is really a basic necessity. But this amount also covers the expectant and nursing mothers, pre-school children and certain other items. What really is the lot which the children of this country get out of this allocation in the Plan is the thing that I would like to know.

Then, Sir, there is the question of educational facilities for the children which affect the children very much. I think it was with great care and concern that the idea of bringing Education under the Concurrent List was mooted. I believe, in fact, it should be a Central subject where the Centre should take the primary responsibility and see that the various educational schemes are implemented properly. At least, in having brought it under the Concurrent List, we had brought in a certain amount of effort to bring about a uniform pattern or system of education for the entire country. But I must here say, that in spite of the fact that I may have to strike a chord of dissent in respect of what the honourable Education Minister has said—he made recently certain statements—about public schools and the quality schools—that I still believe that if in this country you want really to establish a basic unity and uniformity amongst the children, then you need a single system of education, where the rich and the poor,



irrespective of their class and caste and their religious differences. all these children, will come to common schools and start life on a common footing. If you talk of equal opportunity, I think the basic thing is equality in education and the basic requirement is at the primary school level. I, therefore, do not subscribe to the view that the class system of education is the requirement of any society. Even if the standard is to come down for ten or fifteen years, I think you should have it and I think that a uniform system of education is more important. Particularly when you talk of 10X2X3, or 8 something something and so on whatever you may add up, as far as I am concerned, I think it all comes to 'O' at the end since a common system of education has not been evolved at all. Then, Sir, we have talked so much of pre-school facilities, creches, day-care schools, etc. and we have talked of these things right from the International Women's Year. But it is still a far cry because not much progress has been made on these fronts.

Then, Sir, there is the question of juvenile offenders. How many States in this country have juvenile courts which are functioning? How many States have remand homes and correctional schools for children? Because of lack of facilities, we very often see that the child offenders, for no fault of their own, but because of negligence by society or perhaps in their homes, have to take to petty thefts and petty crimes to maintain themselves and then they land up in jail where they have to spend their days with hardened criminals and so, naturally, they leave the jail more hardened than they were when they went in. I would, therefore, like to ask the honourable Minister as to what is being done to see that every State has its own correctional homes, for the juvenile offenders, which would help them in correcting themselves. Then, Sir, there are the orphanages and the child-care homes.

Here, Sir, I would like to pay my tribute to the voluntary agencies and other private institutions which, I think, are the only organisations in this country which have done something to maintain certain standards in taking care of such children. The Government-run institutions, if anything, I would say, are less than sub-standard. There is no question of dedication. There is no question of child care, and half the money that is allotted goes into the wrong hands. In the children of today, it has been said, tomorrow has its beginning and they are the human harvest, good and bad, according as we men and women till the field of child life. In view of this, I would plead with the hon. Minister to give a new direction to the solving of this gigantic problem which we face, as far as the future of our children is concerned. In this, we must involve all sections of our society, private agencies, voluntary agencies, religious groups and everybody to see that the lot of the children improves. Then alone it could perhaps bear some results.

UNICEF, I know, has been playing a big role. I think with a little more thought, their contribution in this field could be enhanced. The International Children's Year has also been announced. We were co-sponsors of this Resolution at the United Nations last year. I hope we will take this year seriously and see that necessary legislation that has not come all these years is introduced, so that we are able to build a nation of children who are physically fit, mentally alert and spiritually alive.

Thank you.

\*SHRI E. R. KRISHNAN (Tamil Nadu): Hon. Mr. Deputy Chairman I rise to say a few words on the Children (Amendment) Bill, 1977.

\*English translation, original speech in Tamil.

[Shri E. R. Krishnan]

This Bill seeks to remove the drawbacks found in the parent Act enacted in 1960. I wholeheartedly welcome the good provisions of this Bill. It is proposed to involve two qualified social workers, one of whom would be a woman, to assist the Children's Courts constituted under the Act. As has been mentioned in the Statement of Objects and Reasons, it has been a paradox so far that delinquent children are referred to the Child Welfare Boards and the children who are the victims of negligence are sent to the Children's Courts. This Bill seeks to make good the inadequacies in this matter so that mutual transfer of cases between a Child Welfare Board and a Children's Court is possible. This opportunity is being utilised for revamping the children's homes and special schools.

While I commend the appreciable efforts of the Education Minister, yet I appeal to him to take back this legislative measure and bring later a comprehensive law incorporating the suggestions which I would be making now.

Sir, you know the harrowing horrors of the howling hurricane in the Southern States of our country. Overnight many thousands of children became orphans. They are in the midst of carcasses of cattle and corpses of human beings. I am sorry to say that no effort has been made to take them to Child Welfare Homes. Taking advantage of this unfortunate situation, the flesh-traders and other anti-social elements in the country are roaming unchecked in the affected areas and they are lifting the young girls and boys with impunity. Sir, these innocent orphans are going to be made the social outcasts in future. The Central Government should come to the succour of these suffering children and help them in starting life in salubrious surroundings. When the Central Government have brought forward this measure for the purpose of providing

adequate care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children in the Union Territories, it becomes all the more necessary that this legislation should incorporate the imminent necessity for taking adequate care of children orphaned by the Nature's fury. That is why I demand that this Bill should be taken back by the Minister of Education.

The urban children under the influence of western culture spreading fast all over the world become the burden of society. It is ironical that the rural children who are the beasts of burden, become delinquent children on account of their perennial hunger. They are living in the outskirts of town in outraging poverty. We have Child Welfare Boards, Children Homes, Special Schools, Correctional Centres for urban children. The rural children not only live in acute poverty but also in atrocious surroundings without such Boards and Homes. Are the rural children not the wealth of the nation? Do they not constitute the future of the country? Why should their interests and welfare be not looked after properly. I demand that Child Welfare Homes should be established in rural areas. The Central Government should give necessary financial assistance to the State Governments for this purpose.

Besides the steps to be taken in this legislative background, a serious attempt is called for in propagating the truism that the health of the child is the wealth of the nation. The services of eminent men of standing in the cultural sphere should be utilised for this purpose. In this connection, I would like to refer to my party's Leader, Puratchi Thalaivar Thiru M. G. Ramachandarn who has not only laid the foundation-stone but also led the pathway of cultural renaissance in Tamil Nadu. He has dedicated his life to the upliftment of the future of Tamil Nadu, meaning the children of Tamil Nadu, after abdicating his life of prosperity. I suggest that he should be asked to

participate in films depicting the problems of children and how to solve them. Sir, the children are the blossoming buds of humanity. They are the fountain of life. They should be allowed to flower spontaneously, not cast away to wilt and wither in negligence. Sir, our leader Thiru M. G. R. not only leads the Government but also serves the society. His advice and active support must be sought by the Central Government in the matter of formulating legislative proposals and also executive programmes for the welfare of the children.

Sir, to usher in an era of political honesty, magnanimity in social dealings, an era of declining delinquency among children, I suggest that the Government should take note of my suggestions in this regard. The social imbalance is the seed-bed of crimes. The gulf between the poor children and the rich children is like the gap between a mountain and a meadow. The home atmosphere and filial affection, which forms the background for child's growth should be unsullied. It is unfortunate that the delinquent children are punished like hardened criminals. Delinquency born out of deprivation of necessities of life is not a crime. Such children must be carefully handled. The people entrusted with the onerous responsibility of handling such unfortunate children must be given sound training in child psychology. The growing difference between the rich and the poor must be bridged quickly. There should be uniform system of education throughout the country. The services of Psychologists and Psychiatrists should be utilised at least in the Urban Centres of Child Welfare. The Correction Centres in the country must be revamped and their approach to delinquent children must be reoriented.

Sir, before I conclude, I would reiterate the need for associating the Leaders who have sacrificed their everything for the service of the people, with particular reference to my

Leader Thiru M.G.R. in the welfare programmes of children in the country.

**SHRI KHURSHED ALAM KHAN** (Delhi): Mr. Deputy Chairman, Sir, I rise to support the Bill. Before I say anything about this Bill particularly because it is for the Union Territories, I must say something else. I would like to say that two hon. Lady Members on this side have spoken on this Bill and they have said nothing about what they should contribute to it.

**SHRIMATI MARGARET ALVA:** What do you mean by it?

**SHRI KHURSHED ALAM KHAN:** They are basically responsible for the children. Apart from that, I know that the mother's lap is the best school or the best cradle for a child.

**SHRI G. LAKSHMANAN** (Tamil Nadu): On a point of order, Sir. Two speakers have already spoken and our friend says that they have not spoken anything or they have spoken nothing. Is it not an aspersion on those Members?

**SHRI KHURSHED ALAM KHAN:** I have spoken about their contribution. My only submission is that the mother's lap is the best school and best cradle and, therefore, they are responsible to make more contribution in this behalf. However, you can draw your own inferences.

[The Vice-Chairman (Shri H. M. Trivedi) in the Chair].

Sir, I shall be stressing the obvious if I highlight the importance of this Bill and its significance because the children are our national property, they are our future hope and we have to be more considerate about them. Sir, the proposed amendments 4, 5, 6, 8 and 10 together with the sub-clauses make up for the deficiencies and inadequacies experienced in the im-

[Shri Khurshed Alam Khan]  
 plementation of this Act. They widen the functioning of children's homes and special schools for the development of child's personality. This is all very good but really speaking, we have to strike at the root of this cause because what is the real problem and what is the approach that should be about this problem have to be clear. It is hoped that as soon as these amendments are made operative the implementation will remove all those deficiencies and inadequacies that have come to notice. Now, Sir, it must be admitted that this particular matter has not received the importance and the urgency that it deserves. No doubt, the Act provides for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected and delinquent children. But here I would like to mention that the Education Ministry did not consider this point important enough even to make a reference of this in their Annual Report. I may be pardoned if I had read this Report in a hurried fashion because I could not find even a word, even a paragraph about such an important matter.

Sir, there is another important thing to which I would like to draw the attention of the hon. Minister. Really speaking, we do not know what the dimensions are of this problem, particularly in the Union Territory of Delhi. We could make this a sort of our field of study and find out what the real dimensions of the problem are. And that could be a sort of pilot study for our future course of action. Apart from the Act and its implementation, what have we done to study the problem and what really should we do in future so that we could meet the requirements which are so essential and which are so urgent? Sir, I would like to know whether it has been considered at any time necessary to study the working of the child welfare boards and the working of the children's courts because these boards and these courts have not been working properly or their performance has not been as

we expected. And we hope that a lot of improvement can be brought about if a study of the working of these courts and these boards is made and the suggestions that come out of the study are implemented. Basically, Sir, the contributory factors which are responsible for the deficiencies are: (a) economic conditions; and (b) environment. Unless the economic condition of the parents is improved, I don't think we would be able to make any dent in respect of this problem which is a national problem. This deserves our special attention. Environmental problem is also a very important problem. Here, I would like to give a very ordinary example of a census which was conducted in respect of the minority children in UP some time ago. We found that at the primary stage level, 50 to 75 per cent. Children were attending the schools. But this number dropped to about 25 to 30 per cent. at the middle school level and 1 to 5 per cent. at the higher secondary and the college level. Now, this is all the result of environmental and economic conditions. Unless these two problems are tackled and tackled in a realistic manner, I do not think that you would be able to gain anything from the implementation of this Act and the real objectives will not be achieved in any case. No doubt, both these are gigantic problems but surely preventive measures have to be backed up by these measures and by the suggestions which I have made. Parental care can always play a very important role in this matter but unless something is done to improve the economic condition and environmental condition, I am sorry to say that nothing will be achieved and even if it is achieved, it will not be as satisfactory as we expect it to be.

Sir, education and recreation facilities have their own importance for children. I can assure the hon. Minister that children who are victims of neglect or who are delinquent suffer from these two problems, namely, lack of recreation facilities and lack

of educational facilities. So, unless these two aspects are given due consideration, it will not be possible to achieve the desired results.

Then, Sir, there should also be a chain of free foster care homes for these unfortunate children. Unless this is done it will not be really possible to bring them back to normal life and rehabilitate them in order to make them useful and good citizens of the country. All these measures should further be backed up by schemes of services for children and maladjusted groups social defence programme. This is also very necessary because unless you back up your programme with these measures, you would not be able to achieve what you really want to achieve. Now, I do feel that all these efforts supported by men, money and ways and means are very essential and unless all these three combine you cannot get things done and you cannot achieve what you want to achieve. Therefore, let us provide generously the allocations for these things because unless we provide generous allocations it would not be possible to expand the experiment which we are carrying on at the present moment on a very limited scale.

Amendment of clause 9 is very essential because unless children's homes are established it will not be possible to have the all-round growth and personality development of these children. Similarly, special schools have to be established so that the standard and the nature of services required for these children as stipulated by the rules and regulations under this Act can be provided. In the same manner, in pursuance of amendment to section 12 of the Act, a certain standard for these after-care organisations is essential so as to enable such children to lead an honest, industrious and useful life and thus become good citizens of the country. Neglected children or delinquent children are the responsibility of the society and need all our care and attention and naturally if we do not make liberal grants for this purpose, it will not be

possible to achieve the desired results. Rehabilitation of such children and restoring them to lead a normal life is a reward in itself. Of course, there is another important thing. I do not know how it is possible to bring the orphanages and orphans children within the scope of this Act. In most of these orphanages, the children are kept there not for the purpose of developing their personality, not because they have been deprived of their parents, but because they are utilised for purposes which are really not going to help them in their future life in order to make them good citizens. Instead of this, they are being utilised for begging money for these orphanages. This should be stopped. There should be some regulation and there should be some regular inspection of these places to ensure that the children who stay at these places, get necessary education and get necessary protection and they also get necessary training to become good and useful citizens of this country.

Sir, before I conclude, I would also like to say that unless there are societies of the parents working on a voluntary basis to ensure that the children are given necessary training, necessary education and necessary facilities for developing their personality, I am sure only this Act and the rules framed thereunder, will not help very much. As I said in the beginning, the lap of the mother is the best cradle and the best school and unless our women-folk take a special interest, it would not be possible to achieve our objective only by means of this Act or the rules which the State may frame thereunder. Thank you, Sir.

**SHRI SANAT KUMAR RAHA** (West Bengal): Sir, I welcome this Bill and congratulate our Education Minister for bringing this Bill for the down-trodden sections of the children who are delinquent and neglected. No rich person can say that his children are neglected. Only the society can claim that these are our children who

[Shri Sanat Kumar Raha]

are neglected and are delinquent. So, we are dealing with these children today.

It is a sad thing today to remind ourselves that after 13 years of our independence, our Government looked into the matter of these delinquent and neglected children and brought forward a Bill which was passed by the Parliament, known as the Children Act, 1960. Now, after 17 years since that Act of 1960, the Janata Government, first time, comes with the amendments for these wretched children. So, I congratulate our Education Minister for bringing forward this Bill to take care of these neglected children.

Sir, in our society, it is accepted that 50 per cent. of the people are below the poverty line. These delinquent and neglected children come mainly from these families. The Janata Government while trying to take care of these down-trodden children should also not forget that the Bill which is before the House is not adequate or comprehensive enough to meet the inadequacies, weaknesses of the Act. I would, therefore, urge upon the hon. Minister to examine this Bill and arrange to make a report to the Parliament every year, after collecting the necessary data and information from the State Governments, about the performance and the achievements of this Act. Though this Act is meant for the Union Territories, I hope that this will be a guideline for the other States. According to Article 39, Directive Principles are meant for the State governance. I must, therefore, request the Central Government to keep a watch on the affairs of the States so that we in the Parliament get a comprehensive idea with regard to the implementation of this Act after amendment is made.

It is good that the Minister has already recognised the socio-economic factor and the amendment proposed is also towards that end so that the

families which are enabled to maintain and take care of these neglected children, have been taken into consideration. Therefore, these sections will also be covered. It is good. But when we see our society, as it is today, I apprehend that the number of the delinquent children and the number of the neglected children will increase year after year. Their number will go on increasing if we do not make any improvement and dent into the socio-economic structure and systems of our society. This is not preventive but only rehabilitative. We must make provisions to give protection and care to the children who are neglected and who are delinquent. It is also good that provision is being made for appointment of qualified social workers, two social workers, out of whom at least one shall be a woman. But I would like to emphasise that these qualified social workers should be selected not from among those who are doing some social work, but from among those who are interested in the social welfare of the children, specially in the welfare of the down-trodden people. People should be selected from among those who are serving the Harijans, the Scheduled Castes, the Scheduled Tribes and other poorer communities. Otherwise, the people selected from among others will not have the same psychology as those who are from among the Harijans, the Scheduled Castes, the Scheduled Tribes and other poorer sections of the rural people. Therefore, I would request the hon. Minister to see that these social workers are taken from among those who are interested in the welfare of the people, particularly, the down-trodden people and neglected children.

I have some experience in regard to these children's homes, delinquent homes, juvenile courts and so on. From my experience, I can say that these are not jails but like mini-jails. There is some sort of jail atmosphere in these homes. This should be removed. A homely atmosphere should be created. A social and cultural at-

mosphere is lacking in these homes. When we go there, we find that these children feel very strange. They do not know how to receive us. They do not have the same social atmosphere and environment which other children have. Therefore, they are not able to come to us easily and have a talk with us. Such an atmosphere should be created. I would suggest that these children should be acquainted with the atmosphere and environment outside their homes. This will enable them to have a broader outlook and an understanding of the culture and phenomena outside their own homes. These are necessary. There are so many primary schools in our towns and villages. These children can go and mix with them in social functions, cultural functions and so on so that they will be able to develop acquaintance, and they will be able to enlarge their outlook in various spheres. Therefore, I would suggest that special care should be taken to see that these children have an understanding of the atmosphere outside their own homes.

Then, some provisions have been made in regard to special schools, observation periods, children's courts, transfer of cases and so on. Provision is also made for safety homes. I hope the hon. Minister will give us some indication as to the definition of safety homes. With these safety homes and so on, I would prefer women to be associated so that there will be motherly care. If there is no motherly care, these safety homes and other institutions for these wretched children will not be able to function effectively. Similarly, I would ask the Government to arrange for some special training, to have a particular type of psychological approach. We can have trained teachers for this purpose. I have been to so many Children's Homes. I have had talk with the inmates. I have attended their functions. I feel that there is a need of creating an atmosphere which should prevent breeding delinquency. The delinquency and the neglected childhood co-exist in our

society today. With these words, I take my seat.

SHRIMATI SUSHILA SHANKAR ADIVAREKAR (Maharashtra): Mr. Vice-Chairman, Sir, before the hon. Minister introduced this amendment to the Children's Act of 1960, we definitely would have appreciated if he had presented a consolidated report of the working of the present Act under consideration and other child welfare protection measures being undertaken in various Union Territories at least. This would have given us a rather clear picture before starting a discussion in this House on this amending Bill. Sir, I still feel that it is yet not late for the hon. Minister to give us this information regarding the working of these different Acts in the Union Territories of the country. We all know that the children may not be quite the angels they are supposed to be, but, Sir, there are no two opinions about the fact and the necessity of bestowing the utmost care on them and bringing them up in the healthiest and happiest manner possible. One of the important points in the declaration of the rights of the child is "to be protected against all forms of neglect, cruelty and exploitation and to be protected from all practices which may foster any form of discrimination." The International Year of the Child is to focus and provide with an intensified zeal an awareness to the needs of children and to evolve a concrete plan of action. Our child population is over 120 million today and we expect to add at least another 140 million children in the next decade. Out of this a large percentage will join below the subsistence line of existence. Sir, if we knock at the doors of every house, in a village and every jhuggi, in the slums of the cities, we will be astonished to see that the ray of growth of science and civilization has not entered these houses and the family members like their own children are far from understanding the growing needs and requirements of children. The prospects of an average child are bleak though he has a mathematically better chance in al-

(Shrimati Sushila Shankar Adiva-  
rekar]

most many respects than his parents or grandparents. The parents themselves are ignorant about the things that are going on, they are ignorant about the needs, about the demands of the growing children in this new scientifically expanding world. The child born today has considerably more favourable possibilities of surviving infancy than one born 25 or 30 years back. Diseases of epidemic deaths are less but the influence of urbanisation has increased tremendously, leaving the child unprotected from the bad and evil influences and the parents are silent spectators or indirect agents to encourage children to do wrong things that they are being exposed to. Due to the financial and other constraints in the field of child welfare, we always have a go-slow policy in this direction. Sir, I would like to bring to your notice one special case which deserves special consideration. This is regarding the physically handicapped about which we have mentioned in the Act also that they will be taken care of. Sir, I want to bring to your notice one discrimination. We give 100 per cent. grant to the schools for able-bodied children but the grant received by the institutions for the physically handicapped children for their education is just 45 per cent. I still fail to understand this discrimination against the physically handicapped children who require more attention than the able-bodied children who are getting 100 per cent. attention as well as 100 per cent. financial assistance.

I would like to mention another aspect—and that is regarding child beggars and other destitute and orphan children who are really neglected children in the right sense of the term. I do not know about the statistics of the whole country but as far as my State of Maharashtra is concerned, I can say that the number of beggars' homes, orphanages, correctional homes, remand homes etc. does not cover even 1 per cent. of the child population which requires such

State protection, with the result that the anti-social elements take advantage of these children not only for begging by naming them but by encouraging them in petty thieving, bootlegging, gambling and many other such minor crimes and offences. Sir, in Bombay, some time back a crash programme was launched against begging by children. A number of beggar children were taken away from the Bombay city to the other homes in the State. We have nearly 175 such institutions run both by the Government as well as the private agencies and they can look after about 10,000 children in the State. But Bombay city alone has more than 25 to 30 thousand beggar children. I do know how the State can manage to give protection in these remand homes and correctional homes which can only take care of 10,000 children. The other children were left to their fate, with the result that these children either ran away from those remand homes or went to other States for fear of entering Bombay city and, after some time had lapsed, they again came back to Bombay city and the streets of Bombay city were flooded with these beggar children again. These beggar children, who were removed from Bombay city, were creating problems not only for the adults but were responsible for different types of things happening in the city. We know that they require shelter, we know they require education. But they hardly get any shelter or education. They only live on the footpaths doing things which are not fair for them to do. Sir, the only thing I want to bring to your kind attention is that not only this is an enormous problem but even the children who are trained in this trade are so glamorised by this art that they are not prepared to give up begging or their anti-social activities which they indulge in so easily that they would like to do them and repeat them again without any hope of giving them up. And Sir, the role of the Government  
4 P.M. so, Sir, the role of the Government and the voluntary agencies become more important and



the work more stupendous. We have come across various shocking reports of the way how police implements vagrancy and anti-beggary Acts especially in cities like Delhi and Bombay. Sir, even today the police is never considered as a friend on whom you can rely in times of difficulty and unfortunately, the child looks at him as a figure to be afraid of. Unless and until the Police department changes this attitude, any amount of preventive work will have no effect. Most of the children are forced into crimes. So a right help and assurance by the police who can inspire confidence in children will go a long way to help children resist anti-social activities. And for achieving that, Sir, the hon'ble Minister should take the help of the Home Ministry, I request the hon'ble Minister of Education and Social Welfare to sit with the hon'ble Minister of Home and plan out a programme where the Police Department and the Social Welfare Department can sit together and devise proper measures. The common man in distress would rather prefer to suffer than to go to the police, he is always prevented from going to the police because he is afraid of them. Sir, why could we not change this attitude of looking towards police? Can we not have a special squad of police well trained in children psychology to help children in distress? Can we not give the police of this squad with a different uniform than the usual police wear so that the child looks at him in a more friendly way? Can we not establish a regular strong relationship between this police squad and the voluntary agencies working in this field so that they tackle the issue jointly in a better way to the satisfaction of all concerned and the Department also?

Sir, I remember that in the city of Copenhagen the Police Department itself is running recreation clubs for the children residing in poor areas. The argument is a very valid one that this effort and the finances for this activity are much less than what would be needed to check the crimes in ordinary way. This will be more

effective to keep the children engaged. A better behaviour from the police will definitely have a better effect.

Sir, clause 15 of the Bill before us proposes permission to lawyers to appear before children's courts. I do not know for what reason this amendment is brought. The hon'ble Minister has already explained that this is a legal necessity and it cannot be done away with. Sir the fear of the black robed lawyer's appearance in the children's court itself is rather too much for a child to be away from criminal-minded activities. Even if you send him to the correctional home the child never feels that he is not a criminal. And that is why, Sir, my humble suggestion is if the hon'ble Minister can take up this issue with the Law Minister and find out a way so that the lawyers need not appear in the special courts of the children it will be of great help and keep the children away from criminal activity.

Sir, we know that many Members have spoken about the Children Adoption Bill. I feel it is an urgent need today that when we are trying to provide correctional homes and foster homes, it is equally necessary to provide a natural home also for the children. The Child Adoption Bill will go a long way to help this aspect also.

Regarding the qualifications of these social workers, I feel prescribing qualification for a social worker is very necessary and it should be spelt out; it should not be left in a vague way. Apart from that, I would like to give a small red signal to the Minister. Sometimes these self-styled social workers also try to create social problems. Therefore, we should be aware of this type of self-styled social workers who do not have any qualification but they would like to indulge into such activities to exploit the causes of the children. If such activities of these social workers are not stopped and if proper care is not taken the purpose itself for including the social worker would be defeated. Sir, one word regarding child labour which has been mentioned. In Delhi and

[Shrimati Shushila Shankar Adiva-rekar]

Bombay we have a large number of children working as labourers in hotels and domestic places without cash wages. They look like bonded labour. I feel a legislation could be brought in this respect also to see that children are not used as bonded labour. (*Time-bell rings*). Sir, I feel that our progeny should be looked after properly. Once again I hope that the honourable Minister of Education will take care to see that the problems of our children are attended to and the children are taken care of properly. With these words I conclude.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Mr. Mahanti, you can have two or three minutes if you want to speak.

SHRI BHAIRAB CHANDRA MAHANTI (Orissa): Only two or three minutes? In two minutes what can I say?

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): I am afraid we have already exceeded the time for the Bill.

SHRI BHAIRAB CHANDRA MAHANTI: But, Sir, it is unfair that a Member should be asked to speak only for two minutes.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Would you like to conclude in about five minutes?

SHRI BHAIRAB CHANDRA MAHANTI: Yes, Sir.

Sir, I join my friends on both sides in congratulating the Education Minister for bringing this piece of legislation. A small piece of legislation though, I consider it to be a very important one. Of all the major problems that are facing our nation I consider that the problem of children is quite high in the order. Children are like the canvas for a painter. The painter can draw on the canvas a devil as also an angel. If the children of our country, as of all

other countries, are properly looked after, educated, fed and brought up in a proper environment, they can be turned into angels; otherwise, they will turn into devils. The most tragic part, is that, we, as a nation, are quick in enacting legislations but are very lethargic and insincere in our follow-up actions. As has been pointed out by Mr. Raha, it took 13 years for us, knowing the problem very well, the problem of children in this country, to legislate for children, and that was the Children's Act of 1960. We also knew the inadequacies that were there in the parent Act and yet it took 17 years, from 1960 to 1977, for bringing this piece of legislation. The original Act reads—"....to provide for care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union Territories." What have we done? As has been pointed out by several speakers on this side of the House as also on the other side, this piece of legislation relates only to the Union Territories. In regard to the States, as the Education Minister said in his opening remarks, not all the States have enacted similar legislation. There are still some States who have yet to move in the matter. And yet the fact remains that whether it is in the Union Territories where this piece of legislation is in force, or in the States which have enacted a similar legislation, nowhere has there been that sincerity of effort in implementing the provisions of this piece of legislation; otherwise, you would not find the tiny tots, the little children, the young children, on the streets, in the corners of every street, in our country. From here when you walk along the Raisina Road you find children of four, five and six years of age running after you for one naya paisa. Still more pitiable is the spectacle of small children on the railway platforms of New Delhi and Old Delhi Stations. This is prevailing every-where in our country.

A provision has been made in clause 11, for a scheme of "after-care programme to be followed by such after-

care organisations for the purpose of taking care of children after they leave children's homes or special schools and for the purpose of enabling them to lead an honest, industrious and useful life." I want to know from the Education Minister as to what is the spirit behind this provision. What sort of education are you going to give them? Is it full and complete education, the education that you would like your child to be given, or I would like my child to be given or every Member of this House would like his or her children to be given, depending on the merit of the children? Is that sort of education contemplated? If that is so, the State must be prepared to accept these neglected or delinquent children, whatever you call them, as the children of the State. The society must take full charge of them. The Education Minister should do well to the country if he brings forward a comprehensive legislation which has been suggested by many of my friends here. After proper notification, the State should take over any child below the age of fourteen, who is found loafing in the streets. This should be made known to the parents. The State must take full responsibility of seeing that such children are looked after properly and educated properly. They should be given the same type of education as any child of any prosperous parent would be given. Otherwise, I am afraid, it would be the same old story again. It took 13 years to bring forward the first legislation and it took another 17 years to bring this amending legislation. Yet, the number of neglected children, whether in the Union Territories or in the States, is increasing, increasing and increasing. Between 1960 and today their number would have definitely doubled.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Please conclude.

SHRI BHAIKAB CHANDRA MAH-ANTI: My impression is that these delinquent children come not so much from the lower strata of the society. In very many cases they come from

comparatively well-to-do families. It should also be made known to the parents of those children, the parents who are fairly prosperous, that if their children below the age of 14 are found in the streets, they would be taken over by the State and, I am sure, Sir, that if this is done, the parents who are neglecting their children, will then be more cautious and careful and the number of delinquents would be reduced to that extent. For want of time, Sir, and because, in the initial stage itself, you have rung the bell, I am constrained to conclude... (*Interruptions*)... I am sorry to say that a member is asked to speak on a subject and at the initial stage itself he is asked to finish and he is given only two minutes then this takes away the incentive of the speaker to say things he wants to . . .

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The time for the Bill has been fixed already and I am proceeding according to that only.

SHRI BHAIKAB CHANDRA MAH-ANTI: That is right. But how can you expect a Member to finish in just two minutes? . . . (*Interruptions*) . . .

SHRIMATI MARGARET ALVA: Sir, there are others also who wanted to speak on this. Prof. Nurul Hasan and some other Members also have not spoken yet.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): That is all right. But the time allotted for this Bill has been exhausted . . . (*Interruptions*) . . .

SHRIMATI MARGARET ALVA: But there are other speakers also.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Mrs. Alva, no point in arguing with the Chair. The time allotted for this Bill has been exhausted already mainly by the Congress speakers.

SHRI BHAIKAB CHANDRA MAH-ANTI: You are a Member of this House, Sir, and you should realise as to how you would feel if you were

[Shri Bhairab Chandra Mahanti]  
asked to finish your speech just in two minutes

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): I am only in the Chair, that is all—conducting business.

SHRI BHAIRAB CHANDRA MAHANTI: That is all right. But there is a way of saying things. If you were the speaker and if you were asked to finish just in two minutes, how would you feel about it? You must realise that. A Member is asked to speak and you give him only two minutes. What can he say in those two minutes? How can he say?

SHRIMATI MARGARET ALVA: Sir, you can give him some more time.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Mrs. Alva, you are a part of the Business Advisory Committee and the Committee has fixed the time.

SHRIMATI MARGARET ALVA: That is all right, Sir. But . . . (Interruptions). . .

SHRI S. W. DHABE (Maharashtra): Sir, let him continue his speech.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The time allotted for the Bill has already been extended by fifteen minutes and . . .

SHRIMATI MARGARET ALVA: But there are other speakers also.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): . . . this is mainly to accommodate Mr. Mahanti.

SHRIMATI MARGARET ALVA: But there are other people.

SHRI L. R. NAIK (Karnataka): Sir, I wanted to speak.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): For your information, Mrs. Alva, the number of speakers from your party is eight and from all other parties the number is five.

SHRI L. R. NAIK: Sir, I have been waiting for the last four days to speak on this Bill.

SHRIMATI MARGARET ALVA: Sir, there are other speakers. . . (Interruptions) . . .

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Mrs. Alva, you are a Member of the Business Advisory Committee. The time fixed by the Committee for this Bill has already been extended by fifteen minutes. There is another Bill I am sorry, I cannot allow any further extension. Yes, Mr. Minister.

DR. PRATAP CHANDRA CHUNDER: Sir, I am grateful to the honourable Members for giving support to this Bill and for appreciating the stand of the Government. Although many of the honourable Members have said that a comprehensive Bill should have been brought forward, I most respectfully submit that this would amount to a sort of Children's Code and we have to decide whether it is desirable or possible to bring forward such a Bill before this House. We had earlier attempted to bring forward the Hindu Code, but it failed and piecemeal legislations had to be passed to tackle the different aspects of the problem. In the case of children, Sir, problems are multifarious and even if we try to bring forward one comprehensive children's Code, that might not cover all the problems which might be affecting children. For instance, some of the points which have been raised regarding missing children or kidnapped children or kidnapping of children, some of these are taken care of by the Indian Penal Code which has been in existence for many many years. Some honourable Members mentioned child labour. We have various industrial legislations which actually tackle all these problems. Similarly, other Acts or Bills have been mentioned, particularly the Adoption of Children Bill. This Bill is under the consideration of the Government. But many of us know that it

has been opposed by many friends of a minority community and, in fact, more than one dozen Members of Parliament from this House as well as the other House have come to me and very seriously asked me not to proceed with this Bill in respect of the Muslim community. Then again, Sir, there is the problem of foreign adoption and we have been considering as to how to safeguard the interests of the children who are taken away from this country because, under the private international law, we will have no jurisdiction over them. So, when once they are taken out of the country, it may be that we lose all control over them and these children may be sold there for prostitution or for other nefarious purposes and we are having no power whatsoever over these children. So, these are extraneous matters which do not really arise out of this particular Bill. This Bill is a piecemeal legislation, no doubt. But the Act is there already in the Statute Book. It was passed as early as in 1960 and in the course of its working, it was found that there were one or two lacunae and one or two defects and the present Bill is placed now before the House for curing those defects and for filling those lacunae. We are, therefore, concerned with this limited function of the present Bill, and this Bill actually deals with the cases of neglected children and delinquent children. I quite appreciate that at the back of this neglect or delinquency there is often the case of socio-economic backwardness. Poverty is often the moot cause of such neglect or delinquency. At the same time, as hon. Member Shri Mahanti has pointed out, it is not the sole cause, because even in an affluent society or affluent families we find causes of neglect and cases of delinquency. I have visited many western countries which are by far more affluent than we are. But still such problems are there. Incidence of delinquency is quite acute and they are very much sore about this. But I cannot appreciate the suggestion that State will come in the position of parents. The State can-

not be *loco parentis*, because this had been conceived of by Plato several centuries ago when the family system would be crushed and children would be the wards of the State. Now, our society has never accepted that. Certainly the State has a duty towards children. But the primary duty lies with the family, with the parents, in particular. We are glad that our family system is somewhat better than the family system of many of the western countries, and even today in the totalitarian countries or socialist countries we find that greater emphasis is being laid on the family aspect. I was reading a short report of the present changes in the Soviet Constitution, and I found that more stress has been laid on the duty of the parents to child and of the child to parents. In other words, there is reversal of the earlier approach and the duty of looking after the child primarily rests with the family. I want to stress that this aspect should not be lost sight of. But when the parents fail, they do not do their duty or they are unable to do their duty, then the State steps in. Similarly, when a child turns delinquent, instead of sending him directly to jail, steps are taken to correct him so that he may improve himself and he may become a fit person in society and become a good citizen when he grows up. That is the purpose of this Bill. And that is only a limited purpose.

Now, as regards the provision of lawyers, I appreciate the concern which had been felt by the hon. Members. But we cannot help it because in Article 22 of our Constitution it is clearly mentioned that when a person is arrested and placed in custody, then he has got the basic right to get the services of lawyers. The Gujarat High Court has said in a case involving children under another Act that in such cases we cannot deprive the child of the assistance of a lawyer. Specially, Article 22, clause (1) has to be referred to. It says:

"No person who is arrested shall be detained in custody without be-

[Dr. Pratap Chandra Chunder]  
ing informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice."

That is why this change has been brought in. There is no other reason. The reason was to comply with the provisions of the Constitution.

Many other points have been raised. As the time is short, I do not want to take much time of the House. I would like to say that, by and large, we are concerned with the various problems that have been raised. We are trying to meet some of the problems. For instance, take orphans. The Government of India is providing more and more funds in the hands of State Governments and voluntary agencies for setting up orphanages in much larger numbers, so that more and more orphans can be provided for there. For the purpose of nutrition, the ICDS programme is sought to be expanded so that more children are brought within its scope. In other words, from different angles, child welfare is looked at. But I quite concede that it is not possible for us to do away with all the evils of society, particularly when the socio-economic condition is so low. We know that in the last few years, whereas we had 40 per cent. of our people below the poverty line, there has been a serious deterioration of the condition. Nearly 70 per cent. of our people have fallen below the poverty line. It is not possible for this Government to change the situation overnight. So, we are trying to improve the general economic conditions of the society. Along with it, the condition of children will also improve. These are some of the major points which have been raised. I would like to deal with only one other point which the hon. Member, Shri Khurshed Alam Khan, has raised. He stated that there was no mention about this particular measure in the Ministry's

Report. I find that at page 41, paragraph 5.5.1 this measure has already been referred to. It is about legislation, Children's Act of 1960—proposed amendment in raising the quality of institutional service, etc. These are some of the points which I would like to refer to. All the other points and suggestions which the hon. Members have made will certainly be kept in mind and we will try to see how we can together work for the improvement of the conditions of children. With these words, I move that the Bill may be taken into consideration.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The question is:

"That the Bill to amend the Children Act, 1960, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Now we shall take up clause-by-clause consideration of the Bill.

*Clauses 2 to 4 were added to the Bill.*

*Clause 5—Amendment of section 5*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Clause 5—there is one amendment.

DR. PRATAP CHANDRA CHUNDER: Sir, I move:

1. "That at page 2, for lines 29 to 31, the following be substituted namely:—

'(3) Every children's court shall be assisted by a panel of two honorary social workers possessing such qualifications as may be prescribed, of whom at least one shall be a woman, and such panel shall be appointed by the Administrator'."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The question is:

"That Clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

*Clause 6, was added to the Bill.*

*Clause 7—Amendment of section 7*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Clause 7—there are two amendments.

DR. PRATAP CHANDRA CHUNDER: Sir, I move:

2. "That at page 2, line 45, for the words 'District Magistrate' the words 'Chief Metropolitan Magistrate or, as the case may be, the Chief Judicial Magistrate' be substituted."

3. "That at page 3, line 1, for the words 'District Magistrate' the words 'Chief Metropolitan Magistrate or Chief Judicial Magistrate' be substituted."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The question is:

"That Clause 7, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 7, as amended, was added to the Bill.*

*Clauses 8 to 14 were added to the Bill.*

*Clause 15—Amendment of section 28*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): Now Clause 15—there is one amendment.

DR. PRATAP CHANDRA CHUNDER: Sir, I move:

4. "That at page 4, line 22, after the words 'proceeding before it' the words 'except with the special permission of that Board' be inserted."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The question is:

"That Clause 15, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 15, as amended, was added to the Bill.*

*Clauses 16 to 19 were added to the Bill.*

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

DR. PRATAP CHANDRA CHUNDER: Sir, I move:

"That the Bill, as amended, be passed."

*The question was proposed.*

SHRI L. R. NAIK: Mr. Vice-Chairman, Sir, it is with great pleasure that I stand here to support the Bill. I have heard the hon. Minister of Education with rapt attention and I must say that the Amendment Bill to the Children Act, 1960, which he has brought forward was the most needed one. It is based on the needs of children. Nor, Sir, you find from the Amended Bill that there are two kinds of children who are to be taken care of. They are those who have been neglected and those who are delinquents. Now, as regards the neglected children, I am happy to hear the hon. Minister of Education that neglected means neglected by parents who are unfit to take care of their children and also parents who are incapable of looking after them. I think, this is really a very progressive measure. In the light of these things, what I can say is that once as the Judicial First Class Magistrate in

[Shri L. R. Naik]

the composite Bombay State, I had an occasion to administer the Children's Act. And that Act is still in vogue as far as Karnataka is concerned. But at that time what used to be the *modus operandi* was this. The Judicial Magistrate was, of course, not merely a Judicial Magistrate he was also an executive Magistrate. He was not only solely in charge of this problem of children but he was also to try some other criminals. But what used to be the practice was that the police officers used to bring the children to the Magistrate and the Magistrate in his wisdom instead of punishing them or convicting them, used to send them to the remand home. And this system is still prevailing in those States where they have their own Children's Act. Therefore, I would like the hon. Education Minister to examine whether the Children's Act as obtainable in Karnataka or Maharashtra or Andhra Pradesh or some other State is on the same lines as the Children's Act of 1960. And, Sir, this is a very important provision.

Then, Sir, the second thing to which I would like to draw the attention of the hon. Education Minister is this. Sir, as you know, there used to be an Act called the Criminal Tribes Act, 1924 during the British regime. Under this Act, several castes and communities for no fault of theirs were declared as criminals. The result was that a whole community was declared as a criminal community. But our great Father of the Nation, Mahatma Gandhi, fought against this obnoxious and heinous law and ultimately it was repealed in 1952. Since then, during the administration of that Act, some of the criminals used to be kept in settlements. (*Time bell rings*). Kindly allow me to finish this very important point. Sir, I want to bring to the notice of the hon. Minister that these settlements are still there in many major cities. Even though they are there for the last several years, what has happened as a result of this obnoxious law is that they have

remained as criminals even to this date and they have their own children. Even these children are resorting to questionable deeds. I think this is a proper Act which has now been amended and which can take care of these people. I would therefore, urge upon the hon. Education Minister to see what he could do to take care of these ex-criminal tribe children now found in the settlements. This is a very important point and we will be doing a good national work if we take care of these children because, Sir, as a social worker, I find that there has been no marked improvement in their condition even though several other methods have been adopted to take care of them because of the obnoxious law under which they were placed. I, therefore, earnestly request the hon. Education Minister to make a note of this and see what all he could do in this respect.

With these words, Sir, I wholeheartedly support the Bill.

DR. PRATAP CHANDRA CHUNDER: Sir, I am delighted to know that the hon. Member has got practical experience about the running of the juvenile courts and about the children of criminal tribes. Certainly his suggestion will be noted very carefully.

THE VICE-CHAIRMAN (SHRI H. M. TRIVEDI): The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

#### THE APPROPRIATION (NO. 4) BILL, 1977

THE MINISTER OF FINANCE AND REVENUE AND BANKING (SHRI H. M. PATEL): Sir, I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the