

[Shri Krishan Kant]

ted, how the teeth should be cleaned, how the whole approach should be there—a detailed working of all this should be there and should be propagated amongst the schools, the colleges and also outside so that the disease would not spread. I would like to know whether the Government is doing anything in this regard. If they are not doing anything, will they see that something is done in this respect ?

DR. R. K. CHAKRABARTI (West Bengal) : The Minister has mentioned three categories of dentists—those who are qualified in this country, those who have qualified themselves outside of this country and those who have migrated. I would like to get clarification as to what will happen to those people who are practising dentistry for more than 20 years but who do not possess any academic qualifications. I want to know whether their cases will be considered and if so, how they will be judged, what would be the criteria. How many years of service or experience will be taken in to consideration ?

DR. DEBI PRASAD CHATTOPADHAYAYA : My friend, Shri Krishan Kant, has drawn my attention to a very important aspect, the importance of publicity in making people aware of good dental habits. Sir, I would have been very glad if we could spend the sum which, I presume, is spent in Soviet Russia on this, and it must be a very respectable sum. In Soviet Russia the problem is a bit different. Being a very cold country, the people there are not very keen to wash their teeth ; so the dental problem is much more serious there, is more acute in that country and the publicity is required to be more widespread. When I say this, I do not mean to say that there is no need for publicity here. There is of course the question of priority. The much more fundamental question of family planning is there, for instance. On that front we are concentrating more. In all towns publicity and propaganda are going on. Time permitting, fund permitting, we will certainly do something about it. And we will draw the attention of the State Governments with whom lies the primary responsibility in this regard to spend more in making the people aware of the good habits, in promoting good habits, regarding dental care and health.

About the point raised by Dr. Chakrabarti there are some practitioners who are registered in terms of the Dental Council Act simply because of the length of their service or work. Now, in this Act we have not dealt with parti-

cularly that aspect. We have only provided the qualifications which are enumerated and recognised as recognisable qualifications ; about them we have drawn up a sort of an inventory and attached it to the Schedule of the Act. That is what we have achieved. But we have seen both at the time of the enactment of the original Act and also at this stage that the qualifications that we have laid down are not enough to cover the whole area.

MR. DEPUTY CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

THE ADOPTION OF CHILDREN BILL, 1972

Motion for reference to Joint Committee of the Houses

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITI RAJ SINGH CHAUDHURY) : Sir, I beg to move :

“That the Bill to provide for the adoption of children and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 45 members ; 15 members from this House, namely :

1. Shri Nageshwar Prasad Shahi
2. Shri S. D. Misra
3. Shri Man Singh Verma
4. Shri Dahyabhai V. Patel
5. Shri S. Kumaran
6. Shri V. V. Swaminathan
7. Shri Todak Basar
8. Shrimati Sushila Shankar Adivarekar
9. Shri B. R. Munda
10. Shri M. R. Krishna
11. Shri Joachim Alva
12. Shri Maqsood Ali Khan
13. Shri B. C. Bhagwati
14. Shri Shankarlal Tiwari
15. Shrimati Lakshmi Kumari Chundawat

and 30 members from the Lok Sabha ;

that in order to constitute a meeting of the Joint Committee the quorum shall

be one-third of the total number of Members of the Joint Committee ;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make ;

that the Committee shall make a report to this House by the last day of the first week of the Eighty-second Session of the Rajya Sabha ;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of Members to be appointed by the Lok Sabha to the Joint Committee."

As the House is aware, there is no general law of adoption in our country. Adoption is permitted by statute, namely, the Hindu Adoptions and Maintenance Act, 1956 amongst Hindus only. By custom, adoption is permitted amongst a few numerically insignificant categories of other persons. In recent times, there has been a growing demand for a law of adoption. Several social welfare organisations have represented that such a law will afford an opportunity to provide for the increasing number of abandoned, destitute and neglected children, proper homes and families. Further, such a law would also afford an opportunity to childless and other parents not only to satisfy their natural instinct of parental affection and devotion by adopting and bringing up a child, but also of serving society by taking care of the weaker elements thereof. Representations have been received, from time to time, from several foreigners about the difficulties experienced by them in adopting Indian children by reason of there being no general law of adoption.

Sir, I am happy to say that the Bill before the House seeks to implement two important directive principles contained in the Constitution. The first directive principle is that embodied in Article 39 (f) of the Constitution which lays down that the State shall in particular direct its policy towards securing that childhood and youth are protected against exploitation and against moral and material abandonment.

The second directive principle which the Bill seeks to implement is that contained in article 44 of the Constitution which provides that State shall endeavour to secure for the

citizens a uniform civil code through out the territory of India. Sir, in any law relating to adoptions, the interest of the child to be taken in adoption is of paramount importance. I think it is in the fitness of things, Sir, that for the evolution of the uniform civil code contemplated by article 44 of the Constitution, we start with children and adoption of children.

At this stage I do not propose to go into the details, I may, however, draw the attention of the House to the fact that the Bill seeks to place an adopted child on practically the same footing as a child born in lawful wedlock and that it also provides for the making of provisional adoption orders, subject to elaborate safeguards, for permitting foreigners to take children out of India for the purpose of adoption. The Joint Committee will, no doubt, consider all the suggestions which the Honourable Members may make in respect of the provisions of the Bill. Sir, with these words I Command to the House the adoption of this motion for reference of the Bill to a Joint Committee.

The question was proposed.

SHRI SANAT KUMAR RAHA (West Bengal) : Mr. Deputy Chairman, Sir, in support of this Bill, I would like to say something which is of social welfare importance and of Constitutional importance. The Minister has referred to article 39 of the Constitution. Though I support this Bill, still I think that the Minister has got a very cheap ground for application of article 39. In that article, for social welfare advancement they have given some directives, (a), (b), (c), (d), (e) and (f). This article has been provided in the Constitution to direct the State to bring the society to such a level where inequality will be removed, justice will be done and social welfare will be advanced, so that a new society will come up. But article 39 is a very cheap ground for bringing this Adoption of Children Bill. Adoption of children is a very rare case in our society. Those who are unfortunate and not well-to-do are going to adopt children who are unfortunate and not well-to-do. But this is not a recurring happening in our society. So, when it is a rare case in our society, it is a very cheap ground that the Minister has come forward with this Bill under article 39 of the Directive Principles of the Constitution. The Statement of Objects and Reasons says that the Bill will protect the children of the society. Are the children to be maintained

[Shri Sanat Kumar Raha]

and protected through adoption? This Bill does not look into the question of those orphans, destitutes and unfortunate children of the soil who do not know their fathers' names. What will the society do for these children? What will the Government do for these unfortunate children of the soil? The Government cannot come up with any provisions of this Bill. The Government has stated that there should be a uniform Bill for the adoption of children. I support it because the Act which is already there, the Hindu Adoptions and Maintenance Act, is for the Hindu community only. This Bill is a uniform one—irrespective of community. So I support it. This Bill also seeks to equate the status of the adopted children with that of these sons and daughters born in lawful wedlock. It is also a measure for the welfare of the society. The persons adopting children should not treat these adopted children as children born of other parents but should treat them as their own sons and daughters.

Then the provision for supervision of institutions is also a welcome feature. All these things are aimed at social advancement. So in support of this Bill I would say that the Government should make stronger provision for supervision in the Bill. This aspect should not be neglected. The Government should also seriously consider that provisions made in the Bill alone will not suffice. There should be a proper machinery for supervision, to look into this affair, so that the object of the Bill can be realised in reality.

Another thing I would like to bring to the notice of the honourable Minister is that the children who may be taken abroad should not be allowed to be treated as slaves. Because, children may be taken abroad for adoption, and, sometimes these children will be treated as slaves. This thing should be seriously considered by the Government. I have this apprehension because our international image is not so sweet, not so smooth, not as we want. So there are various types of people who want to make cheap labour, who want to have cheap labour, from India, to run a traffic. I want to say that this system should be stopped and it should be stopped and it should be ensured that our children going abroad may not be taken as slaves. We are not trading in slaves. The Government should act independently and not as an adopted child of the capitalist system. Our system is capitalist system. This

Government is trying to change that system. Still I must say that there is no significant symbol by which I can say that this Government is radically changing the system of the society. So if the Government cannot act independently, if the Government cannot act against the reactionary forces of the society, it automatically means that this Government is still an adopted child of the capitalist system. The true spirit of Article 39 regarding the advancement of the society, equality of justice, distribution of wealth, progressive society, all these things should be seriously looked into. I only hope that this Bill will give a start from this day and it will step by step lift the Government so that in our future society these adoptions will be a thing of the past and the new society will be awakened and move forward with advancement so that the problems of the adopted or the adoptors will not be there.

With these words I conclude.

श्री जगदम्बी प्रसाद यादव (बिहार) :
कश्मीरी आदमी हिन्दुस्तानी लड़के को अडाप्ट कर सकता है या नहीं ? यह एक व्हाइटल प्रश्न है ।

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Can I adopt Mr. Qureshi ?

SHRI J. P. YADAV : You can adopt Mr. Qureshi, but he cannot adopt you.

SHRI K. P. SUBRAMANIA MENON (Kerala) : The Bill under discussion is a welcome measure. Actually it is the duty of the State to look after the children whose parents are either not known or unable to look after their children. But unfortunately in this country there are millions of children who are not able to carry on their life in a respectable, in an honourable, way and who suffer all sorts of humiliations, privations and difficulties. Maybe, in some cases there may be parents or other grown-up people, well-to-do people, coming forward to adopt children in very difficult circumstances. Adoption is also done by people who do not have children and who want to rear children for posterity. Therefore, a law enforcing certain policy in this regard is a welcome measure. But going through the Bill I find there is one lacuna and that is where it is found that it is not necessary to divulge the parentage of the adopted child. There should be a provision to that effect. But there is no provision to pro-

tect the interests of children in such cases. I will tell you why I am saying this. Maybe if a grown-up child is adopted, it is not possible to keep the parentage secret. But where a child which is not grown up and it has not been able to recognise its parents is adopted, there should be absolute secrecy about the parentage of the adopted child and the new parents who are adopting the child. Otherwise when such a child grows up, it may create emotional problems both for the child as well as for the new parent and the old parents. I know of such cases where it has happened. Therefore, some sort of provision has to be made when a child, say less than 3 years, is adopted by another parent. Then there should be absolute secrecy of both the adoptee parents as well as the parents who allow such adoption. This secrecy should be maintained so that in its later life the child will not create any emotional problem not only for the child but also for the parents. I hope the Joint Committee will look into this matter.

SHRI NITI RAJ SINGH CHAUDHURY : In my opening speech I had only referred to Article 39 (f) and not to the entire Article 39. As I said, this is just a humble beginning that we are trying to make in implementing certain provisions of Article 39 (f) and 44. I am thankful to my honourable friends for the suggestions that they have made. Two points have specifically been made. One is there should be sufficient safeguard about children who are being taken out of the country for adoption. I may in this connection refer to the provisions contained in clauses 22 and 23. If the Joint Committee feels that the safeguards are not sufficient and if the hon. Members feel that they are not sufficient, they may make their suggestions at the sittings of the Joint Committee which can certainly modify or enlarge the provisions in order to protect the rights of the children that are taken out of the country for adoption.

The second suggestion is about the desirability of not divulging the parentage of the child to be adopted. This matter also can be considered by the Joint Committee and whatever may be the recommendations of the Joint Committee, they would be most seriously considered by the Government. With these words, I request that the motion may be adopted.

MR. DEPUTY CHAIRMAN : The question is :

“That the Bill to provide for the adoption of children and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 45 members, 15 members from this House, namely :

1. Shri Nageshwar Prasad Shahi
2. „ S. D. Misra
3. „ Man Singh Varma
4. „ Dahiabhai V. Patel
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that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make ;

that the Committee shall make a report to this House by the last day of the first week of the Eighty-second Session of the Rajya Sabha ;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee ”

The motion was adopted

MR. DEPUTY CHAIRMAN : There is no other business before the House. It is rather unusual to finish the work before time

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI OM MEHJA) : It is unusual because many of the hon. Members did not participate in the discussion on these Bills. I am, however, thankful to the hon. Members.

MR. DEPUTY CHAIRMAN : The House stands adjourned till 11 00 A M tomorrow.

The House then adjourned at forty minutes past three of the clock till eleven of the clock on Wednesday, the 2nd August, 1972.