

[Mr. Chairman.]

"As my presence is necessary here in connection with the Election petition which is posted for continuous hearing, I am unable to be present for the meetings of the Rajya Sabha during this session. I request that I may be granted leave of absence for this current session of the Rajya Sabha."

Is it the pleasure of the House that permission be granted to Shri K. Madhava Menon for remaining absent from all meetings of the House during the current session?

(No hon. Member dissented.)

MR. CHAIRMAN: Permission to remain absent is granted.

ALLOTMENT OF TIME FOR CONSIDERATION OF THE REPORT OF THE RAILWAY CONVENTION COMMITTEE, 1960

MR. CHAIRMAN: I have to inform Members that I have allotted three and a half hours for the consideration of the Government Resolution regarding the Report of the Railway Convention Committee, 1960.

THE CHILDREN BILL, 1959— continued

MR. CHAIRMAN: We shall now take up the Children Bill.

SHRI BHUPESH GUPTA (West Bengal): Sir, before we take that up, I had . . .

MR. CHAIRMAN: I have passed it on to the Prime Minister. He said he had an adjournment motion to deal with in the other House.

SHRI BHUPESH GUPTA: I request you to see that something is said tomorrow at least in this House.

MR. CHAIRMAN: I have passed it on to him.

SHRI BHUPESH GUPTA: Thank you; because the situation is serious.

MR. CHAIRMAN: Everywhere; not merely there.

SHRI MAHESH SARAN (Bihar): As I was saying yesterday, this Bill has greatly improved after passing through the Joint Committee. There are one or two things to which I wish to draw the attention of the House. Now, in clause 13 (2) it is said:

"When information is given to an officer-in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the child, he shall forward a copy of the entry made to the Board."

Now, Sir, my submission is that if he does not take charge of the child, where will the child stay? He cannot stay with the guardian because the guardian is unfit to keep him and it will be difficult to trust him. Therefore I think there is some lacuna here. The child should not be left to himself and some arrangement must be made to keep him somewhere.

Then clause 13(4) says:

"Every child taken charge of under sub-section (1) shall, unless he is kept with his parent or guardian, be sent to an observation home . . ."

Now, my submission is that the parent or guardian will not be a fit person to take charge of the child because we are dealing with the neglected child. Therefore I think that sub-clauses (3) and (4) should be amended so that some arrangement may be made for the proper custody of the child.

Now, Sir, I am glad that clause 41 and clause 42 are there. In clause 41 we find—

"Whoever, having the actual charge of, or control over, a child, assaults, abandons, exposes or wilfully neglects the child or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such child unnecessary mental and physical suffering shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

Again, clause 42 says—

"Whoever employs or uses any child for the purposes of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

My submission is that it is really necessary that those who are really responsible for all the trouble that the child has to face should be punished, because proper care has not been taken in respect of the child. Instead of punishing the children it is much better to punish those who neglect to look after the children or allow them to beg or are cruel to them and if that is done, I think after a little while we will find such offences by children will decrease. So I submit that these two are really very good provisions and I welcome them.

DR. H. N. KUNZRU (Uttar Pradesh): Mr. Chairman, the Bill before us is a comprehensive Bill and it includes all those things that are regarded as important in respect of the care of neglected or delinquent children at the present time. It provides almost for everything. Nevertheless, there are certain deficiencies in the Bill and I should like to point them out so that they might be made good before the Bill is passed. The Bill provides for the establishment of children's homes by Government and for the recognition of non-official children's homes by the Administrator. While this is of course a necessary provision, I suggest, Sir, that

provision should be made for the establishment of what are known elsewhere as foster homes. Now, foster homes differ from children's homes in this respect that the children who are sent to foster homes are able to live in a family. They therefore, can enjoy family life to a certain extent. Now, the payments to these families—foster homes—may be made either by a parent if he is able to do so or by the Government. It is desirable for several reasons that fosterhomes should be established. Apart from other things, it is found that a man or a woman remarries and the children of the previous marriage are, therefore, not well looked after. They are left to themselves and this may give rise to delinquency or the children may go about without proper supervision and may, therefore, be regarded as neglected children. But if there are fosterhomes where such and other children can be sent, I think the children are likely to receive better supervision and training than they may in children's homes.

Another point that I should like to place before the House is that children, particularly girls, should not ordinarily be given in adoption. Apparently it is very desirable in the interests of the children that they should be adopted by some family, but it has unfortunately been found that these adopted children are very often exploited and are given menial work to do. It is, therefore, necessary that Government should carefully scrutinise the requests of families for the adoption of children in children's homes. If a child is allowed to be adopted, Government ought to insist on some guarantees that he will not be treated as the drudge of the house and made to do the lowest kind of work. As far as possible, it should be ensured that the child shall in all respects, in respect of such property, for instance, as there may be, be treated really as a son. Unless this can be done, it is better to keep the children in

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children's homes. I say this particularly with regard to girls, for there is a greater danger of girls being subjected to improper treatment than boys can be.

Then, Sir, I should like to draw the attention of the Government to the children of beggars. I think they should be taken away from their parents because beggars cannot exercise proper supervision over them. Apparently a beggar's child may not be exploited, but the circumstances in which his parents live will make it almost impossible that he would be properly looked after or that he would be given such training as would prevent him from joining the ranks of beggars himself. The definition of a neglected child given in clause 2(1) says:

"'neglected child' means a child who—

- (i) is found begging; or
- (ii) is found without having any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or
- (iii) has a parent or guardian who is unfit to exercise or does not exercise proper care and control over the child;," etc.

Now, it is quite possible that a beggar's child may not be found begging. It is obvious that in respect of the other two conditions, the situation will be unsatisfactory. Usually beggars have no home and the child will, therefore, be found to have no home or settled place of abode. Again, as beggars depend upon begging, it is obvious that many of them have no ostensible means of subsistence. How can they, in these circumstances, exercise proper care and control over their children?

[Mr. DEPUTY CHAIRMAN in the Chair].

Humanly speaking, it is impossible that beggars would be able to bring

up their children properly. It is desirable, therefore, that these children should be separated from their parents. I know that this will throw a great burden on the State, but if it is proposed to deal adequately with the problems of neglect and delinquency, this question ought not be ignored. It must be regarded as a very important question to be dealt with by all the means at the disposal of the Government as soon as possible. In this connection I should like to draw the attention of the Government to the proviso to clause 15 (3). This provides for keeping a child in an observation home pending an enquiry into the circumstances, so that the Board might determine whether he was a neglected child. Now, the proviso says:—

"Provided that no child shall be kept with his parent or guardian if, in the opinion of the Board, such parent or guardian is unfit to exercise or does not exercise proper care and control over the child."

Now, the Government, without saying in so many terms in the Bill that the children of beggars would be regarded as children over whom their parents and guardians are unfit to exercise proper care and control, has assumed a heavy burden. If this proviso means anything, it means that the Government should make arrangements immediately for the protection and the proper upbringing of beggars' children, so that their number might not increase in society.

Then, Sir, I should like to draw the attention of Government to the responsibility that they have undertaken with regard to the maintenance of neglected and delinquent children. I am referring to clauses 9 and 10. Clause 9(3) says:

"Every children's home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education, but also provide him with facilities

for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall perform such other functions as may be prescribed."

There is a similar provision *mutatis mutandis* in clause 10 for delinquent children. I am glad, Sir, that the Government has taken so heavy a responsibility on itself, but I should like to know what means Government has at its disposal in order to discharge this responsibility. The development of character and abilities is as much necessary among ordinary children as it is in the case of neglected and delinquent children. Has our educational system so far provided for the development of character and the development of individual aptitudes? I doubt whether anybody including the Education Minister will answer this question in the affirmative. That is why I want to ask Government what steps they wish to take in order to train the character of neglected and delinquent children and to give them an opportunity of developing their useful aptitudes to the full.

In this connection, Sir, I would like to stress the importance or properly trained workers to look after neglected and delinquent children. You cannot just establish children's homes and special schools and appoint people who do not understand the psychology of children, who have no experience of social welfare work to be in charge of these institutions. This is work of the highest importance, I mean the observation homes and children's homes require the services of a highly trained agency, and if one goes to Bombay, one finds that a trained agency is available in these institutions. The number of trained people is not large. We have so far depended on getting men from outside, or I want to ask Government whether they propose in connection with this Bill or independently of it to establish an institution for the

training of workers who will be needed if this Bill is to achieve the purpose that it has in view.

Lastly, I should like to say a word about after-care organisations for which provision is made in clause 12. The clause says:

"The Administrator may, by rules made under this Act, provide for the establishment or recognition of after-care organisations and may vest them with such powers as may be necessary for effectively carrying out their functions under this Act."

Such organisations not started by Government may be recognized by the Administrator if they are suitable agencies in his opinion. This is a matter of the greatest importance. Such organisations will also require the services of a trained agency. I know that in the case of released prisoners their aftercare imposes a very heavy responsibility on those who interest themselves in their future welfare, who want that the prisoners by being provided with some means of earning their livelihood should be made useful members of society. I hope, therefore, that aftercare organisations will be established in adequate numbers, and that the Government will make an earnest effort to see that these organisations are able to carry out their duties successfully. However good a special school or a children's home may be, it cannot wean the child permanently from the habits acquired by him during the period that he was neglected or was allowed to roam about and commit offences. It is necessary that after the child goes out of a children's home or a special school, he should be looked after for some time by a specially trained agency. If this is not done, then only half the work that the Bill has in view will be carried out, and I am sure that the Education Minister is sincerely desirous that the various provisions of the Bill should be carried out properly so that the children who unfortunately are running the

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risk of becoming a danger to society later on may be saved from moral degradation and may become a credit to the society to which they belong.

SHRI K. SANTHANAM (Madras):
Mr. Deputy Chairman, I cordially welcome this Bill. We cannot do too much for our children, nor can the importance of looking after neglected and delinquent children be exaggerated. It is but right that the Central Government should set up a model law and also try to operate that law in a manner which can be imitated by all the States. Therefore, whatever observations any one of us may have to make can only be with a view to improving the Bill and making its provisions effective.

Sir, under the Bill two kinds of institutions are to be set up, children's homes for the neglected children and special schools for the delinquent children. Throughout the Bill these two institutions are kept entirely separate. I do not see why there should not be an exchange between these two institutions in suitable cases. There may be delinquent children whose delinquency could be easily removed and whose retention in the special school may not be advantageous. While it may not be possible to restore the child to a parent or guardian, it should be possible to put it in a children's home. Similarly some children in the children's home may prove intractable and may prove a nuisance and danger to the other children, and it may be worthwhile to remove those children to the special schools. I do not see any provision where the administrator or competent authority can make this exchange. I think at least it should be provided in the rules.

There is a provision about religious denomination in special schools. Clause 21(4) says—

"In determining the special school, or any person to whose custody a child is to be committed or

entrusted under this Act, the court shall pay due regard to the religious denomination of the child to ensure that religious instruction contrary to the religious persuasion of the child is not imported to him."

But I do not see why a similar provision has not been inserted so far as the children's homes are concerned. The same thing must apply to the children's homes also; in fact, it should be made applicable to them to a greater extent. I believe that so far as the children's homes are concerned, it is not so wise for the State to have its own homes but they should encourage charitable institutions like the Ramakrishna Mission to start homes under their assistance because if the State directly undertakes this task, it must have a sufficient number of institutions and sufficient resources at its disposal, to do the work thoroughly throughout the State. I do not know if any authority will get the administrative or the financial resources to apply this Bill immediately throughout the State. Therefore that territorial authority will have to do the work bit by bit. It will be preferable to utilise the services of the non-official institutions as much as possible and assist them. I think it is also desirable that the local bodies in these territories should be encouraged. Why should it be that the institution should be directly managed by the Administrator and why should not some other institution, of the local panchayats or of the district boards or of the municipalities, be asked to start these homes and run them and why not the Administrator help them? Further, I find that there is no provision here for financial assistance to homes which are run by private, non-official institutions. If a child is entrusted to some private individual who is willing to take charge of him, I think that will be the most satisfactory method of looking after the child. If there are such persons and if they are poor, there is no reason why the State should not assist them of course,

you have to have a proper supervising agency to see that the child is being looked after well and is being treated well. But, subject to this condition, there should be an effort to put as many children as possible in homes, especially in homes where there are no children, where they can be looked after well as their own children, and if poor people are willing to take them, they should be assisted. A multiplicity of methods are required for this purpose and it is not a question of either having State homes or nothing at all.

There is one point on which I feel a little strongly. Why should sex become a point of difference in a Bill like this? There is a difference regarding the ages of the boys and girls who may be kept in the homes. It is said that the girl should be kept there longer than the boy. As a matter of fact, psychologically, the boy develops more slowly than the girl. The girl matures a little more quickly and therefore there is a greater reason for keeping the boy a little longer in school than the girl. But the process has been reversed here. As a matter of fact, there should be an attempt to get these girls married at the age of 16, 17 or 18 and enable them to settle down in life because if they are in the children's homes till they are 16, 17 or 18 and if they are let out afterwards, what will they do? There should be some people to take charge of them afterwards, and so if arrangements can be made to get them married before they leave these homes, then it will be much better for them.

Sir, to run these children's homes and the special schools, a special type of individuals is needed. It is necessary to select people who are psychologically fit to deal with these children. It requires a great deal of affection and patience to deal with these delinquent children. They should understand the minds and souls of these children. So, only people with natural sympathies who can deal with them with a great

deal of patience should be selected. If recruitment is made just as government officials are appointed, then I do not think these homes will be run satisfactorily. It is prescribed that sociological experts and others are to be on the Boards; I do not know whether expert knowledge is needed to decide whether a child is neglected or whether expert knowledge is not needed to look after a child when he is put into a children's home or into a special school. So, special arrangements must be made in this regard and probably it may be worthwhile to have an all-India institution where special officers can be trained to be sent to look after these children's homes in all the States as well as in the Union Territories. This is a matter which requires a great deal of consideration.

I hope, Sir, that as a result of this Bill, beggars will become extinct. I entirely endorse all that has been said by Dr. Kunzru regarding the necessity to take away beggars' children. A beggar must be automatically deemed to be unfit to support a child and his child must be taken away and put in a children's home; otherwise, we shall be perpetuating a future generation of beggars. These beggars being so many, we will require a large number of homes for their children. If the Government of India makes a special allotment for this purpose for the whole country in the Third Five Year Plan, it will be money which is worthily spent.

With these few words, I welcome this Bill.

SHRIMATI T. NALLAMUTHU RAMAMURTI: Mr. Deputy Chairman, the object of the Children Bill, 1959 as reported by the Joint Committee of both Houses of Parliament is to provide for the 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 a very valuable Report and the objective is

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laudable. And the Committee has gone carefully into the problem in its seven sittings and has assessed opinions from welfare organisations. It is an essential Bill. So, I welcome the Bill and the Report. But what I am unable to understand is this bifurcation of children into two categories—neglected children and delinquent children. On page 8, under Chapter II, under “Competent authorities and institutions for children”, mention is made of Child Welfare Boards to deal with neglected children and of Children’s courts to deal with delinquent children. I am happy to note, Sir, that in respect of both these bodies the provision has been made or suggested that not less than one shall be a woman. In Madras, Sir, the Juvenile Courts are administered by women honorary magistrates—it is completely women—and in this connection, Sir, I would suggest that as many women as possible should be employed not only in these Boards and Courts but also, as some of my friends have pointed out, in the homes run for these children and in the after-care committees. It is an accepted principle that in the earliest years of childhood women are much more competent to go deeply into all that relates to the well-being of children, and therefore they should be brought into the picture as much as possible.

I find in sub-clause 6(3) on page 9—

“No person shall be appointed as a member of the Board or as a magistrate in the children’s court unless he has, in the opinion of the Administrator, special knowledge of child psychology and child welfare.”

Now, Sir, I do not know exactly what this means. Does it mean that all those who serve on these Welfare Boards and in the children’s courts should be degree-holders in child psychology? Are women, who are

experienced as mothers and who have become experts in the handling of the young, and expert social workers not to be employed here? Women who have really gained experience in the care and handling of the young are born psychologists and therefore they are the best to look after children. I ask, Sir—I hope it is not derogatory to the status of the Administrator—if he is qualified in child psychology as it is demanded in this Bill that in the opinion of the Administrator a person appointed as a member of the Board or as a magistrate in the children’s court should have special knowledge of child psychology and child welfare. Experience in the social field, contact with children, the interest in the young, dedication to their cause, all that matters much more than mere academic degrees, and therefore appointment to such bodies should not go as in Government service but should be viewed quite differently when it requires the handling of the young.

I find, Sir, that the police is given too much discretionary power, in deciding who is a delinquent and who is a neglected child. In fact there should be co-ordination between the Child Welfare Boards and the juvenile courts or the children’s courts as it is called in this Bill, for many of the cases that are brought to the children’s courts are due to offences committed by children on account of poverty, due to economic circumstances, due to parental neglect and victimisation by society, and hence it is hard to draw a line of demarcation between neglect and delinquency. It is here, Sir, that those who had the interest of the young should intervene and protect the children from being stigmatised as delinquents. I would suggest here, Sir, that while the differentiation between delinquent and non-delinquent, normal and non-normal, is a welcome feature, care and scrutiny has to be exercised by the kind of authority in whom this act of discrimination is vested. The police officer’s duty should be merely

o round up cases of theft or wandering or begging, and the so-called waifs and strays are brought in large numbers to these children's courts. Many of them would come under the category of 'neglect'. I feel, Sir, that the Welfare Boards and the children's courts should sit together on many an occasion and see that these cases are viewed very very carefully so that those that are supposed to be delinquent and are brought by the police, when they are found—as is the case very often—non-delinquent cases, they should be brought under the category of neglected children, and also *vice versa*. It is a very very important point to be stressed and it is here that the human approach to this subject should be made.

It is not mentioned, the number of people who are to compose these Boards and the children's courts. It is desirable in both that there should be a quorum fixed by the promoters of this Bill.

Then, Sir, on page 13 in clause 17 appears the provision with respect to uncontrollable children. I hope, Sir, that this clause will be used very very carefully and that it will not lead to irresponsibility on the part of parents and guardians.

Then there are clauses providing that children should not be given intoxicating liquor in public, that the children should be sent to homes where their relevant religion will be taught, and that the authorities of the homes to which the children are sent should have complete control of the children and should even undertake the marriage of these children, etc. All those are there, but what I find in going through this report and the various clauses is that the State has come forward to undertake a tremendous piece of work. I feel that every clause of this Bill must be put into operation and I hope, by the way, that this law will not be only on the

statute book, but would be implemented. But implementation involves, as I find, the creation of these Boards, the courts, the probation officers, the children's homes, the special schools, the after-care organisations; a whole series of organisations, organisations with expert personnel who are conversant with the subject they have to deal with and, above all, such persons who will have a great zeal for the cause they are undertaking. All that would need a tremendous amount of finance. Above all it would require a paraphernalia of organisations from start to finish, and it is that, Sir, that makes me say that while this law is put into operation in the Union Territories, the administrations should also enlist—as my friend Mr. Santhanam had pointed out—the co-operation of the voluntary organisations that are already in the field. They have done yeoman service in many a direction for the care of neglected children, children who are supposed to be delinquent, who are wrongly accused as such, but are actually neglected children, deserted by mothers who cannot look after their children, whose children remain uncared for due to poverty. Now all these voluntary agencies that are already having very fine homes for these children should be utilised as much as possible. With regard to the handling of these children, tremendous care is needed. That is why I am against the whole idea of adoption of these children by private families or private people, not only for girls but also for boys. It is much better that they are in the institutions. There is supervision there, there are certain rules and regulations, watch and ward, health, opportunities for character formation, etc. I do not think any child would like to be under any obligation to any private person as such for having been taken as an orphan or a neglected child and for having been brought up. There are families and families and I will not go into the details of this question. There have been very many cases of abuses of minors. That is a very large subject in itself but I

[Shrimati T. Nallamuthu Ramamurti.] would insist that where you are going to safeguard these neglected children, you should see that they are not allowed for adoption by private agencies at all. Also I would like the term 'illegitimate' to be abolished altogether from the scope of this Bill. The delinquent is the father and not the child and no stigma should be attached to the child, as an illegitimate child. As we have stoutly resisted the term 'orphan', so also the term 'illegitimate' should go. You might call them by any other name, for example, a neglected child. The parent is the delinquent and wherever the father is discovered, he should bear the cost of maintenance and education of such a child. You might call the mother as unmarried or as being out of wedlock but the child should not be stigmatised as 'illegitimate'.

Regarding age-limit I know that in the certified schools, 16 to 18 are prescribed and probably this Bill has incorporated that from the Madras Act or the Bombay Act or the existing Acts but there it is only for the training. The authorities have to see that they are educated properly and I am glad that there is insistence on character formation and for proper moral training being given during their stay in these organisations. But what is more important is to see that where the parent is able to redeem the child on surety, then such opportunity should be given for the parents to take charge of the children even if in the early years they might have suffered neglect.

Secondly when these children, either in the special schools or in the Homes where they are kept under these categories, have reached a standard of education, then their employment is very important. I do not say 'Marry all the girls'. The limit may be 18 years but after-care organisation is all-important in the

sense that it should be the watch-dog, watching the career of these people who are released from these organisations and who go out into life to eke out their livelihood and who go into the various professions. The after-care organisation should be a watchful mother to see that they are properly employed and even when they are married, they should see that the marriage is a happy settlement and their children, when they are born, become the grandchildren of these after-care organisations or the State which might have sponsored this way of life for them. In that way the after-care committees must be in abundance all over the area where these children are being treated as neglected children or victimised children or as delinquents.

With regard to after-care committees, the public might be asked to come and help the State in this respect. There are women and men who are philanthropists. There are already philanthropic organisations. They would undertake this. There should be a kind of link between the boys and girls passing out of the threshold of these institutions and such philanthropic organisations where they can find employment. They should give not only employment in a strictly official manner but they should really view these employees with special sympathy and affection and see that they do not go back or revert to their previous life and that they progress step by step so that they would become full citizens of the country. Specially I am talking about the so-called delinquents who have been sent to the certified schools. I have come across many instances where such students have become great assets to the society.

Another aspect of this report is this that the classification should be, as much as possible, a mobile one. As Mr. Santhanam said, you should not say that there is no scope for delinquent children to improve in the special schools and to be brought to ordi-

nary homes. Very often the ordinary homes have some difficult cases to be taken. Such things do happen and it is possible that they are treated in that way even in those States where these Acts are already there.

Above all, the training of personnel is an important thing. My friend, Shri Avinashilingam Chettiar, has pointed out in his Minute of Dissent as follows.

"The Bill, as it has emerged from the Joint Committee is definitely improved in many respects. Apart from details, there is one matter, which should have been provided in the Bill, which I believe has escaped the attention of the Joint Committee

We have found by experience in the past, that with the best laws and with the best wishes in the world, many of our social reform measures have not succeeded. This is mainly due to the want of trained workers. This is all the more true with regard to the implementation of a law of this type dealing with neglected children and juvenile offenders. The Bill provides for probation officers, children's homes, special schools, observation homes, Child Welfare Boards, Children's Courts, etc. All these require a good knowledge of the art and science of the bringing up of children and their correction. Unless provision is made for the training of competent men and women for the purpose, the effectiveness of the Bill will be lost. Provision must be made in the Bill itself, authorising the Administrator to arrange for this necessary training."

Two warnings I want to give. Wherever possible, probation officers even in the children's courts should be largely women. We know from experience that even when dealing with cases of boys, women bring to bear a point of view that has been very helpful to the honorary magistrates in these

children's courts. You often find that the police officer brings in a case not substantiated sometimes by authentic facts and then the probation officer goes into the details of it, into the background, the surroundings, the history and so on. And then when all is said and done, we find coming from the woman probation officer a point of view which shows a psychological insight into the child, and that is of very great help to the magistrate. Therefore, I would insist that as much as possible, in the handling of cases even in the juvenile children's courts, the probation officers should be composed of a large proportion of women. You should have as large a number of women there as possible.

I would also submit that where girls have to be conducted from certain questionable places to the court, you should have women police employed for the purpose as much as possible or women-helps or guides.

The second warning that I would like to give is that when a child is rounded up there must be quick transfer of the child to the court or to the concerned authority, to the Board or to the court. There should not be any long waiting, with the child being taken from this police post to the other police post and so on, at the will and pleasure of the police. That is very harmful to the child. Very often children are rounded up for no cause and that injures the children. Once they are brought in, speedy justice is necessary and speedy classification of the child is necessary also. Having been classified and before they reach the destined place, the special school or home, the rest place, the place where they rest, must also be an educative centre. These children should not be just crowded in some place in great numbers, with an officer to watch them, to give them food and ask them to go to bed and so on. The so-called "Remand Homes" for the delinquents and even the "Waiting shelters" for these neglected children, these

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places should also be places where expert personnel is there to guide, to watch, to see that all that is congenial for the proper care and upkeep of these children is promoted.

MR DEPUTY CHAIRMAN: Are you likely to take more time or are you finishing soon?

SHRIMATI T NALLAMUTHU RAMAMURTI. I will take a little more time, Sir.

MR DEPUTY CHAIRMAN: In that case, you may continue the speech after lunch. The House stands adjourned till 2.30 P.M.

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

The House reassembled after lunch at half past two of the clock. MR. DEPUTY CHAIRMAN in the Chair

SHRIMATI T NALLAMUTHU RAMAMURTHI Sir, I was referring to the need for provision in the Bill itself for the training of the personnel required at all stages of this scheme for the care, protection, etc., of the children, in fact, to carry out the noble and laudable objects of this Bill. The Administrator or the authority entrusted with the implementation of the Bill should also be empowered to a certain extent to see that proper institutions are started for the training of the personnel to run these schools, children's homes, special schools, observation homes, child welfare boards, children's sports and above all, the Probation Officers, the women police required for escorting girls from one place to another. In this matter of training personnel for these institutions, the experience and knowledge of the already existing institutions in the field is invaluable and

should be utilised. It should be possible, for example, to have such training of personnel conducted in the already existing institutions which have been conducted very efficiently and successfully, for example, like the Ramakrishna Mission, the Avvai Home, the Sharda Vidyalaya in Madras State, etc. All these institutions may be utilised for training personnel for children's homes. The experience of the Madras Juvenile Courts, many of them presided over and conducted by women who are not degree-holders and who are also assisted by women Probation Officers, may be used. I would suggest that good work done in whichever State it may be in the matter of care and protection of the neglected and victimised delinquents by institutions may be encouraged so as to enable the supply of trained workers in whatever other areas they are needed so that we need not have strict water tight compartments as between State and State. Where knowledge, experience and expert guidance are available, there these institutes should be started. Though the Bill refers only to the Union Territories, still the intention being to have this as a model Bill, it would be only fitting and just to utilise the knowledge and experience of States which have given a lead in this direction for the benefit of the country. This makes it all the more necessary, Sir, that alongside of State organisations sponsored by this Bill, voluntary agencies in the social field should be given adequate support and encouragement by liberal grants and assistance. Further, Sir, wherever there are children's homes and special schools, I would request that the Department of Education should supervise such homes on the education side and the Director of Health should supervise on the health side. In some States there are Directors of Social Welfare in others there may not be but I think it is the work of several departments that should come to the fore in order to carry out the objectives of this Bill.

SHRI D A MIRZA (Madras) On the religious side?

SHRIMATI T NALLAMUTHU RAMAMURTI It is automatic when proper humane conduct is taught. When the history and the lives of great saints and sages are put before them as models, they automatically get this irrespective of denominations. We are working towards that goal and that while we teach and practise our own religions, we also see that all religions find a place as they lead to the same goal, namely God.

आकाशं पतितम् त्रयम् यदा गच्छति
सागरम् सर्वदेव-नमस्कार श्री के. वम्
प्रति गच्छति ।

Whatever the road, all roads lead to Rome, so also, all rivers go into the ocean and, therefore, all worship goes to the same God. In that spirit, Sir, these homes will be conducted. I hope they will be so conducted.

Having answered my hon friend's anxious question, I proceed with the rest of my plea that there should be as little interference as possible by the police or the magistrates in these organisations. More of the human, psychological and social approach should prevail. A word of caution, Sir. If this Bill is to be effective, beggary, whether old or new, professional or otherwise, should absolutely be abolished. I do not know how you will do it but it is a deplorable thing that after so many years of independence in a democracy that we boast of and a welfare State that we are working towards, beggary in all forms exists under religion, under ancestral lore and utilising the young. We are only handling the young, the off springs of such beggars but what about the root—begging as an institution? The root must be uprooted and unless the Home Department or whatever be the department that is responsible for it, brings forward

legislation to uproot beggary, the problem will not be solved. Look at the sights that we come across when we go to perform worship to Venkateshwar at Tirupathi, when we go to Banaras, the holy place.

MR DEPUTY CHAIRMAN. There are ten more speakers. You have to be brief.

SHRIMATI T NALLAMUTHU RAMAMURTI At some places, we have to close our eyes to the beggars, maimed decrepit, exposing all kinds of wounds and desecrating the sacred precincts of the abode of Gods. I would, therefore request that alongside this Bill, speedy measures must be undertaken to abolish beggary in every State. Otherwise, every State will have to face an enormous problem of delinquent children to be housed in these homes and the financial commitments and the organisational commitments have to be on a vast scale.

MR. DEPUTY CHAIRMAN Order, order. There are still ten more speakers.

SHRIMATI T NALLAMUTHU RAMAMURTI One sentence more, Sir. To make this Bill effective, the Education Department, the Home Department and the Health Department have to co-operate with each other. I welcome this Bill most heartily and congratulate the Education Minister on having launched this measure and the Committee that has reported on this. I hope that all efforts will at the same time be made to implement this measure as speedily as possible so that it may not be a decorative figure on the Statute Book, to enlist the support of those veteran giant social workers in the field and to enlist their sympathies so that the neglected, the exploited and victimised delinquent children may be guided and educated in a proper manner which would enable the possibility of shaping and moulding from out of these children the citizenship that our democracy needs, a citizenship

[Shrimati T Nallamuthu Ramamurti]

that would be based on the rock of character more than efficiency, on the rock of those ideals and sentiments that we have always cherished in our young, namely, to obey the elders to promote peace and to see that all is done by them in order to build a greater India than ever there was before

Thank you very much

श्री भगवत नागयण भागवत (उत्तर प्रदेश) उपसभापति महोदय, मैं इस बिल का हृदय से स्वागत करता हूँ। मैं समझता हूँ कि इस बिल के पाम हो जाने से हमारे देश की बड़ी भारी आवश्यकता पूरी होगी। मैं तो यहाँ तक कहूँगा और मिनिस्टर साहब ने निवेदन करूँगा कि यदि इस बिल में ऐसा प्राविधान कर दिया जाये कि जिसके द्वारा जो स्टेट चाहे वह अपने यहाँ इसको लागू कर सके तो बहुत अच्छा है। इस पर मुझे आशा है कि वे अवश्य विचार करेंगे।

हमारे देश में जो इस समय नेगलेक्टेड चिल्ड्रेन या डेलिन्क्वेन्ट चिल्ड्रेन की संख्या बहुत बड़ी हुई है, वास्तव में उसका कारण खराब आर्थिक दशा और समाज के तमाम ऐसे दोष हैं जो विशेषकर जातपात के सबंध में, संप्रदायों के सबंध में उपस्थित होते हैं। इस बिल से आर्थिक दशा का तो कोई सुधार नहीं होना है और न समाज की जो बुराईयाँ हैं वे दूर होनी हैं, परन्तु इसके प्राविधान के द्वारा जो कुछ हम को उपाय उपलब्ध होंगे उनके द्वारा हम उन बच्चों का मुद्धार कर सकेंगे, उनको सन्मार्ग पर ला सकेंगे कि जो उन कठिनाइयों और बुराइयों के कारण बुरे मार्ग में पड़े होंगे हैं।

आर्थिक दशा खराब होने के कारण जो लोग अपने बच्चा को भीख मागने के लिये प्रात्माहन देते हैं, उसी का नतीजा आज हम देखते हैं कि छोटे छोटे बच्चे, यहाँ तक कि पाच-पाच, छ-छ वर्ष के बच्चे भी, रास्ते में, स्टेशनों पर तीर्थ स्थानों पर नदियों के किनारे,

सब जगह इस तरह से फिरते हैं जैसे कि कोई उनका व्यापार है। यह तो एक व्यापार सा बन गया है। इसलिये हमको एक ऐसा कानून की आवश्यकता थी कि जहाँ तक हम से हो सके, गवर्नमेंट की ऐसी सस्थाओं के द्वारा हम उन बुराईयाँ को रोक सकें।

मुझे कुछ विशेष बातों के ऊपर गवर्नमेंट का ध्यान दिलाना है जिनकी मैं इस बिल में कमी पाता हूँ। सबसे पहले तो मैं यह कहना चाहता हूँ कि बच्चा को हम ऐसे वातावरण में रखना है कि जो किसी प्रकार से दूषित न हो, जिससे उनकी भावनाओं पर बुरा असर न पड़े, उनकी मनोवृत्ति पर ऐसा असर न पड़े जिसे वे समझे कि हम कहीं बाध दिये गये हैं, हम बद कर दिये गये हैं। जो दो खराब वातावरण बच्चों के लिये होते हैं, वे हैं—एक अदालत और दूसरा पुलिस। अदालत शब्द ही से उनके हृदय में यह भावना उठती है कि हम तो किसी जुर्म में फँस गये हैं और पकड़े जा रहे हैं। चाहे वे नेगलेक्टेड चिल्ड्रेन हों, उनके माता-पिता हों या न हों और उनका पालन पोषण न होना हो, जहाँ अदालत का नाम आया कि वे यह समझते हैं कि हम किसी आफत में फँस गये हैं। मेरा निवेदन करने का मतलब यह है कि इस बिल में जो चिल्ड्रेन कोर्ट और जो वेलफेयर बोर्ड, ये दो संस्थाएँ रखी गई हैं उनकी मैं आवश्यकता नहीं समझता हूँ। चिल्ड्रेन कोर्ट की कोई आवश्यकता नहीं है। जो काम उनके द्वारा होते हैं वे चिल्ड्रेन वेलफेयर बोर्ड के द्वारा भी हो सकते हैं, क्योंकि आप यदि इस बिल के क्लोज़ को देखें तो पता चलेगा कि दोनों के एक से अधिकार हैं, दोनों संस्थाओं की एक सी कार्यवाही है, बल्कि कई धाराएँ तो इसकी ऐसी हैं कि दोनों संस्थाओं की कार्यवाही एक ही धारा के द्वारा बनाई गई है। दोनों ही संस्थाओं के सदस्यों को मैजिस्ट्रेट-रियल अधिकार हैं। यह नहीं है कि चिल्ड्रेन वेलफेयर बोर्ड के संस्कारों को मैजिस्ट्रेट-रियल अधिकार न हो, उनकी भी फर्स्ट क्लास मैजिस्ट्रेट की जैसी पावर्स होंगी। फिर कोई

कारण नहीं है कि नैंगलेक्टेड चिलड्रेन के लिए अलग एक सस्था हो और डेलिक्वेन्ट चिलड्रेन के लिये अलग एक दूसरी सस्था हो। देखना तो हम को यह है कि जो लोग इसम नियत किये जात है वे ऐसे हा कि जिनकी पूरी महानुभूति इस कल्याणकारी कानून के साथ हो, जिनको कि बच्चा की साइकानोजी के सम्बन्ध में पूरा ज्ञान हो, जिनको बच्चों को सुधार के मार्ग पर ले जाने का अनुभव हो और जिन्होंने इसके ऊपर विचार किया हो। तो मेरा नम्र निवेदन यह है कि इस बिल के प्राविधान देखने से यह पूरा पता चलता है कि दो सस्थाओं के होने की कोई आवश्यकता नहीं थी। सेलेक्ट कमेटी ने दो सस्थाएँ कर दी जब कि पहले उसमें एक थी। परन्तु जो भी कारण हो, कोई आवश्यकता इसलिए नहीं मालूम होती है क्योंकि दोनों का अधिकार एक है और दोनों के मेम्बर बोर्ड के मेम्बर हैं और जो क्वालिफिकेशन्स रखी गई हैं वे सब एक है। तब फिर कोई कारण नहीं है कि दो सस्थाएँ रखी जायें।

बोर्ड और कोर्ट के अलावा पुलिस को जो अधिकार दिये गये हैं उनसे भी यही बात मालूम होती है। आप देखेंगे कि इसके क्लॉज १३ में पुलिस को नैंगलेक्टेड चाइल्ड को गिरफ्तार करने का अधिकार दिया गया है। हम लोग रोजमर्रा देश में देखते हैं कि पुलिस किस तरह से इसका अनुचित लाभ उठाती है। अगर कोई पेरेंट या गार्डियन है तो उनको भी वह हैरेस कर सकती है कि तुम्हारा बच्चा आबारा फिर रहा है और हम उसे गिरफ्तार करते हैं वरना इतना हम को दो, हम उसको छोड़ देंगे और रिपोर्ट नहीं करेंगे।

इसके अतिरिक्त पुलिस के साथ सम्पर्क होने का अवसर क्लॉज १३ में भी आता है। क्रिमिनल प्रोसीजियर कोड में तो पुलिस अपने अधिकार में एक आदमी को २४ घंटे तक रख सकती है लेकिन इस धारा के अनुसार पुलिस अपने पास किसी मुजरिम को २४ घंटे से भी अधिक समय तक रख सकती है। इस धारा सब-क्लॉज तीन में यह दिया हुआ है :—

“Every child taken charge of under sub-section (1) shall be brought before the Board within a period of twenty-four hours of such charge taken excluding the time necessary for the journey from the place where the child had been taken charge of to the Board.”

इस धारा द्वारा पुलिस का यह अधिकार है कि वह २४ घंटे के भीतर मुजरिम का बोर्ड के सामने पेश करेगी। लेकिन अगर बोर्ड का दफ्तर इतनी दूर है कि उसमें काफी समय लग सकता है तो वह समय अनग हागा। तो पुलिस से इस तरह के सम्पर्क में बच्चों को नहीं आने देना चाहिये। जैसा पुलिस का तरीका है, हम जो रवैया उनका देखते हैं और जैसी हम लोगों को जानकारी है, उसके आधार पर हम कह सकते हैं कि चाहे बच्चा नैंगलेक्टेड हो या डेलिक्वेन्ट हो, अगर पुलिस के सम्पर्क में इतने समय तक रखा जायेगा तो उसमें खराबी ही पैदा होगी। पुलिस के अन्दर सुधार की भावना नहीं आ सकती है; क्योंकि उनको ज़ुर्म की सख्या को बढ़ा कर दिखाना होता है, उनको तो यह दिखाना होता है कि हमने इतनी ज्यादा सख्या में गिरफ्तारी की है, और वे समझने हैं कि जितनी ज्यादा सख्या में गिरफ्तारी होगी उतनी ही ज्यादा उनकी वाहवाही होगी, प्रतिष्ठा होगी कि हमने इतने लोगों को गिरफ्तार किया, इतने लोगों का चालान किया। तो जिस उद्देश्य से यह बिल लाया गया है, यह चीज उसके विरुद्ध पढ़ती है।

इसी तरह से क्लॉज १६ है —

“Where a child is arrested, the officer-in-charge of the police station to which the child is brought shall, as soon as may be after the arrest”

इसमें भी कोई लिमिट नहीं है। इसमें यह दिया हुआ है कि २४ घंटे के अन्दर वो

[श्री भगवत नागयण भार्गव]

के सामने लाया जाना चाहिये। इसमें सिर्फ 'एज सून एज' कर दिया गया है। 'एज सून एज' की कोई लिमिट नहीं है कि वह कितनी देर तक अपने पास रख सकता है। फिर अगर कोई नैगलेक्टेड चाइल्ड के सम्बन्ध में कोई रिपोर्ट पेश करना चाहेगा तो वह पुलिस आफसर के पास रिपोर्ट करने जायेगा। इस ऐक्ट द्वारा जो बोर्ड बनाया गया है उसके पास वह आदमी रिपोर्ट नहीं करेगा बल्कि वह रिपोर्ट करने पुलिस आफिसर के पास जायेगा।

"When information is given to an officer-in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the child, he shall forward a copy of the entry made to the Board"

अगर वह कहे कि हम बच्चे का चार्ज नहीं लेते हैं और रिपोर्ट लिखने से इकार कर देता है तो बच्चा कहा जायेगा? तो इसीलिए सस्था को इस बिल द्वारा संचालन का काम भी करना चाहिये। इस बिल में इस तरह के लूपहोल्स नहीं होने चाहिये जिनसे पुलिस नाजायज फायदा उठा सके और इस बिल का उद्देश्य ही नष्ट हो जाये। मेरा निवेदन यह है कि बजाय इसके कि पुलिस आफिसर को नैगलेक्टेड चाइल्ड को गिरफ्तार करने का और उनके पास रिपोर्ट लिखाने का अधिकार दिया जाये, बोर्ड के ही पास रिपोर्ट लिखाने का अधिकार दिया जाना चाहिये। जैसा कि सदन में बहुत से सदस्यों ने कहा है कि देश में बहुत सी ऐसी वालटरी आर्गनाइजेशन है जैसे भारत सेवक समाज है, समाज

कल्याण बोर्ड देश में स्थापित हुए हैं, उनके नीचे समाज कल्याण समितियाँ हैं—अगर नहीं हैं तो स्थापित कर दी जा सकती हैं—उन लोगों को यह अधिकार हो कि वे इस प्रकार के बच्चा की रिपोर्ट कर सकें और बोर्ड के सामने पेश कर सकें। अगर उनको यह अधिकार दे दिया जायेगा, तो ज्यादा अच्छा होगा। वैसे भी बोर्ड का दफ्तर रहेगा ही कोई न कोई और वहाँ वे सीधे रिपोर्ट कर दें तो यह ज्यादा अच्छा होगा। जो इस ऐक्ट के अन्दर सस्थाएँ बनेगी उनके काम का सवाल हम को बड़ी मावधानी में करना है। अनाथालया का और ऐसी सस्थाओं का, जिन को अनुभव है, वे जानते हैं कि इन सस्थाओं के अधिकारी अगर अच्छे न हों और उनकी भावनाएँ कुत्सित हों तो अनेक प्रकार की बुराईयाँ पैदा हो जाती हैं। कितने ही अनाथालयों में यह शिकायत मिलती है कि वहाँ के अधिकारी, जो वहाँ लड़कियाँ होती हैं, उनसे अनुचित सम्बन्ध स्थापित करते हैं। इसके अतिरिक्त वे वहाँ के लड़के और लड़कियों से अपने घर का काम लेते हैं, चौका बरतन करवाते हैं, झाड़ू लगवाते हैं, कपड़े धुलवाते हैं और न जाने क्या क्या काम लेते हैं। तो सब से बड़ी बात जो हम को ध्यान में रखनी है, वह यह है कि चाहे इस ऐक्ट के लागू होने में देर हो जाये, परन्तु हम को सब से पहले यह प्रबन्ध कर लेना चाहिये कि इन सस्थाओं में जो काम करने वाले होंगे उनका चुनाव ठीक ढंग से किया जाये। यह एक बहुत महत्वपूर्ण प्रश्न है। अगर थोड़ी बहुत मामूली ट्रेनिंग हमने उनको दे दी तो उससे काम नहीं चलेगा। इसमें ऐडमिनिस्ट्रेटर खुद तो देखेंगे नहीं; क्योंकि इस में प्राविधान है कि वे अपने अधिकार किसी भी अधिकारी को दे देंगे। तो हमें असली चुनाव उन अधिकारियों का विशेष रूप से ऐसा करना है कि जो उद्देश्य इस बिल का है उससे उनकी सच्ची सहानुभूति और ऐसे आदमी नियुक्त किये जायें जो अपनी पोलीशन का दुरुपयोग न करें। जैसा कि अभी एक

महिला सदस्य ने कहा, मैं उससे बिल्कुल सहमत हूँ कि अगर इन कामों में महिलाओं का सहयोग लिया जाये तो यह काम बड़ी गंमना में, बड़ी पवित्रता के साथ और गे ईमानदारी के साथ हो सकता है। विल में यह कहा गया है कि बोर्ड में और कोर्ट में कम से कम एक स्त्री रहे, किन्तु इससे काफी फायदा नहीं हो सकता है। मैं यह अर्थ कहूंगा कि जैसा बम्बई में और कुछ बड़ी बड़ी स्टेट्स में है, कि वहां अच्छे अच्छे अनाथालय हैं और अच्छी अच्छी संस्थाएँ इस प्रकार की हैं जो बच्चों की देख-रेख करती हैं, परन्तु वहां म्रिया ही उन संस्थाओं को चलाती है, वैसा ही प्राविधान इस बिल में किया जाये।

इस बिल में जो मुझे दो तीन कानूनी दोष दिखाई पड़ते हैं उनकी ओर मैं गवर्नमेन्ट का ध्यान आकर्षित करना चाहता हूँ। जो बोर्ड के सदस्य होंगे या जो कोर्ट के सदस्य होंगे, उनके सम्बन्ध में विल में यह कही नहीं लिखा है कि उनकी अवधि क्या होगी, कितने दिनों के लिये वे मुकदर्र किये जायेंगे। यह तो है नहीं कि एक दफा ऐडमिनिस्ट्रेटर ने जिनको मुकदर्र कर दिया, जीवन भर वही आदमी उसमें काम करते रहें। बहुत से ऐसे अवसर आ सकते हैं जब उनको बदलने की आवश्यकता हो। इस बिल में ऐसा प्राविधान होना चाहिये कि उन लोगों की नियुक्ति तीन वर्ष, चार वर्ष या कितने दिनों के लिये होगी। यह अवश्य इसमें रहना चाहिये। इसके अतिरिक्त, मान लीजिये, ऐडमिनिस्ट्रेटर की समझ में ऐसा आता है कि वे लोग ठीक काम नहीं कर रहे हैं या ईमानदारी से काम नहीं कर रहे हैं या जो उद्देश्य उन बोर्डों का है उसके विपरीत काम कर रहे हैं, तो उनको अलग करने का अधिकार होना चाहिये। जितने हमारे इस प्रकार के ऐक्ट हैं, चाहे वे लोकल बाडीज ऐक्ट हों, सब में यह अधिकार उस अधिकारी को रहता है कि जो संस्था कायम की जाये, उसके किसी मेम्बर

को वह सस्पेंड कर सके या रिमूव कर सके या उनका एक्सप्लेनेशन ले सके। मगर इस प्रकार का कोई प्राविधान इसमें नहीं है।

इसके अतिरिक्त मेरा एक निवेदन यह भी है कि जो संस्थाएँ इसके अन्दर कायम की जावे उनमें लड़के और लड़कियों के रखने का प्रबन्ध वे कुल अलग अलग होना चाहिये। इसमें जो चाइल्ड की डेफिनिशन है उसके अनुसार १६ साल तक के लड़के और १८ साल तक की लड़कियां वहां रह सकती हैं। तो हम को यह विशेष रूप से ध्यान रखना होगा कि लड़के और लड़कियों के रहने का अलग अलग प्रबन्ध रहे। चिल्ड्रेन्स होम्स, आर्जर्वेशन होम्स और स्पेशल स्कूल्स दोनों के लिये अलग अलग हो तो अधिक अच्छा रहेगा। यदि वे अलग न हो सकें और एक ही इमारत में रहे, तब भी उनका प्रबन्ध बिल्कुल अलग होना चाहिये।

एक बात की ओर मैं और ध्यान आकर्षित करना चाहता हूँ। बच्चों के विरुद्ध जो अपराध करें उनको सजा देने के लिये हमने इसमें प्राविधान रखा है जो कि चैप्टर ६ में है। जब हमने ऐसा प्राविधान रखा है तो उन लड़को और लड़कियों को फुसलाने के जुर्म का भी समावेश हमें इसमें करना चाहिये। इन संस्थाओं में ऐसा नहीं है कि लोग उनके अन्दर न जा सकें या उनके आस पास न जा सकें। बम्बई का जो ऐक्ट है उसमें उन्होंने इसका प्राविधान रखा है। उसकी ओर मैं मिनिस्टर साहब का ध्यान आकर्षित करना चाहता हूँ। हम यह जानते हैं कि हमारे यहां के जो जनरल लाज हैं उनमें तमाम अधिकार हैं। किन्तु उन अधिकारों के होते हुए भी हम को इसमें विशेष अधिकार रखने चाहिये ताकि हम बच्चों का कल्याण कर सकें। तो फिर हम को इसमें यह भी रखना चाहिये कि अगर कोई इस बात की कोशिश करे कि वह बच्चों को फुसला कर ले जाये तो उसको भी सजा

[श्री भगवत नारायण भार्गव]

होनी चाहिये। बम्बई के ऐक्ट में धारा ५३ इस प्रकार है

“Whoever having the actual charge of or control over a girl under the age of eighteen years causes or encourages the Seduction prostitution of that girl or causes encourages anyone other than her husband, provided his wife has attained the age of fourteen years to have sexual intercourse with her shall on conviction, be punished with imprisonment of either description for a term which may extend to two years or with fine”

मैं इसलिये कह रहा हूँ कि ऐसे केसेज इन समस्याओं में होने रहते हैं और लड़कियाँ किसी न किसी तरह फुसलाई जाती हैं। लखनऊ में यह एक बहुत बड़ी समस्या है। उसकी बिल्डिंग भी बहुत बड़ी है। जब मैं वहाँ सोशल वेलफेयर डाइरेक्टर था तो मैं ने वहाँ ऐसी ही शिकायत सुनी थी। वह सस्था जिस स्त्री के चार्ज में थी, उसने मुझे बताया कि पीछे से आकर कुछ लोग लड़कियों को फुसला ले जाते हैं, वे हमारा कहना नहीं मानती हैं और हम उनको कंट्रोल नहीं कर सकते। ऐसे लोगों को सजा इसी ऐक्ट के अन्दर मिलनी चाहिये। जब हम बच्चों के कल्याण के लिये एक सेल्फ-सफिशियन्ट ऐक्ट बना रहे हैं तो इसी के अन्दर इसका प्रावधान होना चाहिये। एक दूसरी बात बम्बई ऐक्ट के अन्दर और रखी गई है जो मुझ को बहुत अपील करती है और वह है “Inciting child to beg to borrow”

इस प्रकार १६ और १८ वर्ष के बच्चे जो हमने इसमें रखे हैं, वे काफी फुसलाये जा सकते हैं और उनको फुसला कर उनके रुपये कमाये जा सकते हैं। तो इस तरह के अपराध हम इसमें शामिल कर सकते हैं। इस प्रकार मैं मिनिस्टर साहब का ध्यान इस ओर दिलाऊंगा कि जो बम्बई ऐक्ट के सेक्शन ५३ और ५६ हैं उन पर वे विचार करें और यदि उचित

समझे तो इन दोनों बातों का समावेश इस बिल में भी हो जाये। मैं समझता हूँ कि इसमें एक बड़ी कमी दूर हो जायगी।

यह मैंने पहले ही निवेदन कर दिया कि मैं अधिक समय नहीं लेना चाहता। मैं इसमें दोष समझे उनके ऊपर ध्यान आकर्षित कर दिया ताकि उनको दूर करने के लिये आवश्यक प्रावधान कर दिए जायें और जास्टिस उसको अपने यहाँ लागू करना चाहे, वे लागू कर सकें।

SHRIMATI RUKMANI DEVI ARUNDALE (Nominated) Mr Deputy Chairman, I think it is very good that we should have such Bills as this for the protection of children and all helpless individuals. But I often wonder they will be effective because when we think of making laws for protecting the helpless and setting standards of how they should be taken care of, it almost seems a hopeless job. We seem to expect so much rectitude and honesty and wonderful qualities in other people which we ourselves do not possess, and that is one of the things, that make me feel this way. When I think of children and a Bill for the protection of children—which I think is a better name than just the Children's Bill—I feel that it should be mainly the concern of women and teachers. It is obvious that the Bill is not only for the protection of children but also for the right education of young people who are without homes, who are destitute and whom we call delinquent children, and so on. We are expecting that begging and all such evils will be abolished by such a Bill. When we think of abolishing begging, we seem to forget that the older people also beg, the parents beg, and if we make it illegal for the child to beg, we should make begging itself illegal, or we should

y that below a certain age they are not allowed to take to begging. It is not only begging that is an evil, but there are many other evils. We have to remember that it is not only the professional, who is a beggar. It is an attitude of mind which makes us beggars and it is that attitude that we have to change. Begging itself is not an evil as we might think. According to our old Hindu ideals, I know of many great people who felt that as students they should beg, at least once a week. That experience, they P.M. feel, is very good. People who go on pilgrimages purposely beg because they want to have the experience of being turned out, of being abused and of being able to stand it, and it is considered to be of great merit. So it is really not actually begging but it is just the mentality that goes towards it and the cruelties that are attached to it which are to be noted. We do not seem to mention the cruelties. We are thinking all the time of the wrongdoing by the young people, but we do not think about the wrong-doing by the older people, the parents, and there is a great amount of cruelty everywhere. For example, we speak about children, and if they are considered to be uncontrollable by the parents, then it might be reported to the Administrator or the Board, and then they can be sent to the reformatory schools. I know positively that many children who are considered to be impossible are not impossible at all, because, having some experience in educational work and having contact with many educationalists, I can positively say that very often if the children are considered to be unruly, it is because the parents do not know how to bring them up, how to help them. I have seen children actually being changed by coming to the right people. So it is really not only the education of the teacher we need but we need also to educate the parents, because they do not know how to bring up the children. We cannot merely take their word when they say "Well, such and such children are impossible, I cannot manage them, they

are unruly, they are taking to criminal and other ways" We have to remember that what they have lacked is love and understanding. That is really the basic principle which is essential, and if we do not apply that basic principle to every single aspect of this Bill, then I am afraid the whole thing will be a failure, because everything depends entirely on that.

There are a number of other points which I would like to mention. From the beginning I have said that this particular Bill should provide more for women and for teachers to take care of these children. I entirely agree with the previous speaker that there should be many more women brought into the picture. Here, for example, it is said that there should be at least one woman member in every Child Welfare Board. I cannot understand why it should be at least one woman. We might say perhaps that there might be at least one man in such a Board. But why at least one woman I cannot understand. This is a very strange part of this particular Bill. In fact I should say that the majority on the Board should be women, that this entire thing should be undertaken by women and by teachers. There is also mention here about child psychology. It is said that the members of the Board should have an understanding of child psychology. That is a very peculiar clause because, if that is the case, we must also provide for the administrators and such people and magistrates to have a proper training in child psychology. We expect teachers to be trained in order to teach children. They must have undergone training. If these people are going to do this kind of work, they must also have proper education. They had better also take a B.T. or some other degree which gives them this understanding. Even so I do not think that even the teachers who study child psychology understand children, because I know that the majority of teachers take

[Shrimati Rukmini Devi Arundale]

up that profession only because there is nothing better for them to do, and that is the only way in which they can earn their livelihood. Very few teachers in my experience really love the children whom they teach. It is a very sad thing but it is a fact that they love their own children and they cannot love other children. We would be very lucky if we really love even our own children because in many homes we do not even find that love. Certainly we do not love our step-children, and we even use the words "step-motherly treatment" when we mean that the children are not well treated. If that is the case, then how can these children be put into these different homes? An hon. Member was talking about children being adopted. I think it is a wonderful idea if people would adopt children. I do not see why they do not adopt children. But I do not think we should adopt children unless we love them. It is no use adopting children if we think that by adopting them we are doing them a great favour. We should have an attitude that by adopting a child, the child is doing us a great favour and we are not doing a great favour to the child, because the child brings so much happiness and so much spiritual wealth to our homes. Unless we have that attitude, even this adoption will become dangerous because we will probably hold the threat over the child for ever, "Did I not adopt you when you were destitute, did I not do this for you, did I not do that for you?", till the child begins to feel "I wish you had done nothing for me, I wish you had allowed me to stand on my own feet." The most important thing is to help it to stand on its own feet.

Then I come to the next point. It was mentioned that children, specially girls, when they are of a certain age, will be married off. I lay stress on the use of the word "off" because that is our attitude about marriage. We think we have fulfilled our responsibility when a girl is grown

up and she is married. "Thank God, she is married, she has left my house"—that is really the attitude, because we think we have no more money to spend on the girl, we think we do not have to worry about the girl any more. I have also just heard that a number of poor girls get married, that useless people marry them and very often misuse them for other purposes also. I think that a much better way than marriage is to see that every single girl is able to earn for herself. I do not see why in this country we all insist that everybody must get married. I think that is a menace especially with regard to the girls because so many girls are worried whether they will get married or not, marriage being their only security. If they are not able to earn their living, they have to depend on their husband and if the husband has married them just to oblige them, he does not care to provide for them, and the poor girls do not know what to do. I think we should make it a point to see that every girl is able to stand on her own feet. Even if she can learn a little, that is ten times more valuable than the millions of rupees she might get from a husband. If it is her wish to marry, unless the people who arrange the marriage make sure that the girl is married to a person who will take care of her and that we can watch to see what has happened to her after marriage, we may not be able to protect the girl even after marriage in case she is not properly treated. Otherwise we have not fulfilled our responsibility as foster-parents to such young people. That is really very important.

I would like to mention one other point, and that is in regard to the word "arrest." I think such a word as "arrest" is a wrong word to use towards children. We are talking about psychology. Is it very good psychologically for a child to be arrested? Maybe the child is doing things which are wrong, maybe the child is almost criminally inclined. Never mind. But the word 'arrest' should not have

found a place here. On the other hand, we may say, I think, 'to protect the child', 'to take care of the child'. Now, whether the officers who take the children are capable of protecting them, I have my own grave doubts, because when I think of the general morality of our country, I really do not feel enthusiastic, I feel a little bit pessimistic for I do not see much interest in other people's suffering or much interest in other children or other creatures or other people and we are mostly interested in ourselves.

And one other point that I want to mention again with regard to this child psychology is this. We say that every member of the Board must have some understanding of child psychology but when no member of the Board is available, then the District Magistrate, the Sub-Divisional Magistrate and others may fulfil their duty. Does it mean then that they should also study child psychology? That has not been mentioned. So, it is very peculiar that suddenly the words 'child psychology' come in in one paragraph and then are forgotten in the case of other people.

Then with regard to the training of people, clause 10(3) says:

"Every special school to which a delinquent child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education but also provide him with facilities for the development of his character and abilities . . .

Of course, it is an excellent idea but we might as well be sure that it is not going to be done because even in ordinary schools which are supposed to provide character training, we are unable to do this. I know positively that nothing is being done. But when it comes to religious education, now-a-days fortunately people are

beginning to say that religious education is important. We do not like to use the words 'religious education' because we like to say that we are a secular State. So, we bypass this term and get round about it by calling it 'moral education'. Let me call it 'moral education' also, if you like, although I dislike that term intensely. Even then we do not really teach the young people what is character because we only preach. We give talks. We say, 'Now, you must be honest; you must be truthful; you must be this, that and the other.' And what does a child generally think? "Well, I must be honest until I grow up because when I grow up, I can do without it because other grown-ups are also doing without it." This is because an example is not set. Therefore, all these are just words only and unless the whole nation is going to change its character including, if I may say so with all respect, even our Members of Parliament, unless we ourselves are going to take this very very seriously and set a tremendous example, I do not know whether the nation is going to change very much.

Now, with regard to the definition of a child, we talk of a boy as a child up to the age of sixteen and if it is a girl, up to the age of eighteen. I do not understand why this should be so because, generally speaking, girls are more mature mentally and otherwise than the boys. I should have thought it might be better to say 'until they attain majority' if you like. In both cases, the age of majority can be taken rather than this age of sixteen for the boy and the age of eighteen for the girl.

Sir, in regard to the neglected child, there are certain qualifications, about his having no home. There is a large number of children in India who do not have any homes at all, who sleep on the pavements, and if it is supposed that they are associated

[Shrimati Rukmini Devi Arundale]
with people who are immoral, drunken or depraved, how are we going to find out who is immoral, who is depraved and all that kind of thing? I can understand brothels, prostitution and so on. Certainly, I should also like to include the words 'if a child is subjected to severe cruelty'. There are many places where the parents of the children themselves think that they are educating their children very well by giving them a thorough thrashing, and they treat their children with such terrible cruelty. I think cruelty should also be included amongst the different reasons for taking care of the child.

There are, of course, many other points that have been stressed by our brother, Pandit Kunzru, and many others here. I entirely agree with them. I would like to suggest only one more thing. That is, why should not the words 'qualified teachers' be included for this particular work in respect of the Boards and the homes which are run for these children because now we are not only training teachers but we are also trying to find work for the teachers? It will be a great outlet for a large number of people, and if they could have the education and the teacher's training and if they feel that their jobs are going to be later on to take care of these children, then it will certainly be a very wonderful thing for them to have been so trained. They will feel that they are going to help in these particular ways. Instead of employing just anybody who has some position, we might go in definitely for people with teacher's training or with teaching experience, but mostly women. I would like once again to mention the fact that women should find a far greater place in this particular scheme than has been the case so far.

I would like to end by saying that it is a very wonderful and a very

great responsibility that we really have in regard to the helpless. Whether they are children, whether they are animals or old people or poor people, the most important thing is that they need our love and our compassion and a sense of protection. How are we going to develop all these feelings unless we ourselves get re-educated? I do not know because love is something which cannot be thrust on somebody. You cannot order somebody to love children. That is the real difficulty. We can all speak in Parliament and say that we should love children. But although we can speak, there are only a few people who really can love children and have the same feelings towards all children and all the helpless creatures as they would feel towards their own children and towards those who are dependent upon them. It is this great force which must be re-established in our hearts. And last but not the least, I would like to mention one great example of a very great educationist who was a criminal lawyer in Germany, who had escaped from Germany, and later on due to the study of Buddhism, took to education. He started the education of a large number of criminal children. He took the message of Lord Buddha who said "Hatred ceases not by hatred; hatred ceases only by love." He wanted to put this into practice and took the criminal children. He took only a few and with tremendous affection, he educated them. He discovered that 75 per cent of the criminal children were not criminals at all, that they were absolutely normal and that the only thing that they needed was love and affection. And I wish we could make this our slogan: "Hatred ceases not by hatred; hatred ceases by love" and practise this philosophy, and apply that motto for every home, every school and every reform institution that we have in this country and, if we do it, I am quite sure that the character of our nation will change and they will become worthy citizens of our country.

SHRI N SRI RAMA REDDY (My-sore) Mr Deputy Chairman, the promotion of good life is the general will of society. The Government derived its authority from the general will of society. Therefore, it should do everything to promote good life. Viewed from this objective, I wish to congratulate the Education Minister on piloting this Bill in this House, even though its application is now limited to the Union Territories. I am sure it will serve as a model for every State in our country and soon the States will enact suitable laws basing them on the model of this Bill.

Now, Sir, the objective of this Bill is stated to be to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories. I think an objective nobler than this could not have been thought of, especially in our country where the neglected children or the orphan children or the delinquent children are found in every street corner. Specially they cluster in cities and urban towns and any number of them are going about. Sir, it is said that the best thing that we can do to the children is to give them the best examples. In the absence of these examples the children, whatever other examples they see round about them, they follow those bad examples and they fall lower and lower and finally they become criminals, they become undesirable and unwanted people in the society, they become a malady, a disease to the society. Therefore it is our bounden duty to see that these children are protected and are made good citizens. Now Sir, the objective is laid down as the care, protection, maintenance, welfare etc. What does this mean? It means a tremendous responsibility cast on the State. The neglected child or the delinquent child has got to be found a home, a home where the duties of the parents have to be discharged, where the affection of the home has got to be given to the child,

the care of the home has got to be given to the child, and I hope the Education Minister has kept ready all the trained people to do this job. Just now our respected lady Member was saying that affection is not a thing that can be forced upon anybody, specially affection towards children. It has got to be inborn. How to find such men? I suppose, Sir, that the children's homes that are thought of are going to provide the real homes for these children. All right. It is quite easy to construct a home, but who will take care of them? Who will play the role of father and mother to these children?

SHRI BHUPESH GUPTA (West Bengal) The Education Minister

SHRI N SRI RAMA REDDY. That is the biggest job. I am sure the Education Minister must have bestowed sufficient thought on this subject. It is not an ordinary teacher, it is not an ordinary man and woman that can do this job. Extraordinary people endowed with the most exemplary character and affection, sweetness and goodwill must be found to do this job. It is more urgent than anything else. Probably this must find the top-most priority in all our plans, knowing as we do the lot of such children, thousands and thousands of children all over the country, I do not know how many millions of such children are found in this country, and it will be a great blemish on our society if we allow this state of affairs to continue any more. Now, Sir, having found the home, the child has got to be educated also. I did not understand my friend Mr. Santhanam who was not differentiating between the home and the school. I am sure both are not the same. I do not know what the framers of this Bill have got in their mind, but I for myself imagine that the children's home is intended to be a real home for the children and the special schools that

[SHRI N SRI RAMA REDDY.] are going to be established under this Bill are going to be the special schools where all the education is given. Education is not merely the three R's, I hope education means education for a full life, to lead a good life in this country, no opportunities shall be shut off from such children. That is a great responsibility. Once again these special schools, really speaking, shall be something different from the ordinary schools that we are having today. Whatever is lacking by way of proper care, proper parents, etc., everything has got to be made good by the special schools and from that angle our Education Minister has called them special schools. I am very happy about it, but I do not know whether he has got all the personnel. It is a specialised job, it is a scientific job and the proper men have got to be trained and kept ready for the job. It is no use our enacting a law here if it cannot be translated properly into practice. Once again the institutions cannot be better than the men who manage those institutions. Therefore we must build up, I mean first of all train them up. I do not know if he has such men on hand. Anyway this is only a sort of mild warning that he should keep his armoury ready, he should keep such men ready to do this wonderful job. If we fail to do, these institutions will degenerate, like so many institutions that we are now having today.

SHRI BHUPESH GUPTA He will have a Deputy Minister

SHRI N SRI RAMA REDDY. Yes, it has been already said, it is not mentioned whether that can do the job

SHRI BHUPESH GUPTA A Deputy Minister for love and affection

SHRI N SRI RAMA REDDY In this connection, Sir, it is very good that the Bill proposes to set up certain institutions for taking care of these neglected children or the delinquent children. There may not be any differentiation as was suggested

by my friend, Mr. Santhanam. I am sure they do not differentiate between neglected children and delinquent children; the same set of people will be put in the same children's homes and in the special schools and other institutions. Now primarily he is setting up special courts for this purpose. It is very good probably for delinquent children or neglected children, both as well, and these courts will dispose of whether a child is a neglected child or a delinquent child or things like that. And then he goes to the observation home, and the provision in this regard reads

"The Administrator may establish and maintain as many observation homes as may be necessary for the temporary reception of children during the pendency of any inquiry regarding them under this Act"

Now I do not understand the word 'may' here in 'may establish'. I think it should be 'must'. It is an absolute necessity that these observation homes should be established before this law is enacted, I mean before the law comes into force there must be observation homes. Otherwise, are you going to keep them under policemen and where are you going to keep them? They learn smoking these birds and other things which these policemen do. I think such a risk shall not be taken with this valuable material that we are going to get into possession of. Therefore as regards observation homes I should like it to be a must.

Similarly, Sir, there is sub-clause 10(1) which reads

"The Administrator may establish and maintain as many special schools as may be necessary for the reception of delinquent children under this Act"

Again I cannot understand the word 'may' here. It ought to have been

must' It must be the absolute and burdened duty that immediately you come to possess such a child it must be put in a proper observation home and then in a special school. A children's home must be created and from there special schools also must be created to take care of the child in the matter of his education. Coming to education, Sir, I will not be satisfied if the Education Minister is thinking of only the three R's. A child has got to be fitted to lead a proper and good life in society. Therefore I am sure he is also thinking of vocational training, training according to the capacity of each one of the children that is in charge of the Government. Therefore these schools shall be special schools giving vocational training, giving education in the three R's and moral training as well. I cannot understand this, namely here it is said that a child ceases to be a child as soon as he is fifteen years old and as soon as she is eighteen years old. Certainly this is a thing that I cannot understand. I seriously object to it. The child shall not go out of your control so long as he is not found to be fit enough to do a particular job in the society. Then only you must consider him to have passed the limit and then only you can part with him. You have wisely included the word 'rehabilitation'. Rehabilitation means finding a suitable job for the child and then only you can settle him in life. Having made that your job as soon as a boy is 16 years old, if you send him out as one who is unfit for the society or not wanted by anybody, what will be his fate? Once again he will turn out to be a criminal. So unless you give him the fullest training in the Home to carry on an honest profession in life, you shall not send him out. I would very earnestly request the Education Minister to change clause 21(1) (c) (ii) which says

"in the case of any other child, for the period until he ceases to be a child

This shall have to be changed, otherwise the laudable purpose with which this measure is going to be enacted will be doomed to failure. In its place I would like to say

"in the case of any other child, for the period until he learns a job and is fit enough to carry on a profession or a living, etc."

Anyway, I have made my proposition clear.

There is another aspect to which I would like to draw the attention of the Government. In the country I have seen, especially in towns and cities, a number of orphanages. These are mostly communal. They are either Hindu orphanages, Buddhist orphanages, Muslim orphanages or Christian orphanages. It looks as if apparently these are doing a great and wonderful task of rehabilitating and taking care of children, affording them education etc. but the nefarious object behind these, if you get into closer touch with them, is proselytisation. That is their main objective. I know thousands of boys and girls from Bangalore. Many of them are yearly being converted to religions other than their own, in the name of these orphanages. Very wisely this Bill provides that any child, either in the possession of Children's Homes or Observation Homes, shall not be given religious instruction other than that relating to the religion to which he or she belongs. It is very correct. But how are you going to prevent the malpractices that are being carried on in the name of religion? This can be done only if the Government straightway takes over all those orphanages. Therefore I suggest, as this Bill is a model one, to our Education Minister that these orphanages should be taken over. I do not believe in the non-official element. They can be there as advisers. It has to be very strictly done. The responsibility is very great. It shall not be entrusted to anybody else. If at all anything goes wrong, this House should have the power to take the

[Shri N Sri Rama Reddy.]

Government to task. Therefore I am rather sceptical about the handing over of some of these. A number of advisory bodies have been provided for. All that does not hold good in the present circumstances. These will have to be done in a very upright manner in a very laudable way. Therefore I have my particular objections to the orphanages that are run in the name of the various religions in the country.

With these observations I very heartily congratulate the Education Minister on piloting this Bill and I am sure all the remarks made in this House will be taken notice of by the Minister and suitable changes, wherever necessary, will be made.

SHRI P. N. SAPRU (Uttar Pradesh) Mr Deputy Chairman, I would like to congratulate the Select Committee which met under your distinguished chairmanship on the quality of the work that it has done in regard to this Bill. Children are our greatest asset. They should not be allowed to be exploited or ill-treated by any section of the community. There are many anti-social elements in this country and we have to be careful about them. The State has a special responsibility towards children because they will be the men who will guide the destinies of this country in the future. Let me say just a word about religious or moral education to which reference was made by our esteemed friend, Shrimati Rukmini Devi Arundale. I am in the unhappy position of being a person who just cannot believe in it. Therefore religious education has no meaning for me. I think it is not right to bring up any child in any particular dogma. His mind should be left free to discover a creed for himself. Then so far as moral education is concerned my difficulty is that I look upon all education as having a moral content. To designate any particular education as moral education is to deny that all types of education have a moral purpose. I

do not think that you can make people moral by preaching morality. If you live a good life, then you may be able to influence those around you. Example therefore is much better than precept.

I would like, with these preliminary observations, to say that the material environment is very important and without a good material environment it is impossible for any one to think of things of the spirit. I think, therefore, that these Homes which you are going to provide for the children should be good places and I would invite your attention to some aspects of this report. First let me take the question of different ages for boys and girls. Girls, as Shrimati Rukmini Devi very rightly said, mature earlier than boys in this country and I should have fixed the age 18 for both boys and girls. I think that this is a matter in regard to which there should be no differentiation on the ground of sex alone. Then I would say that this Bill deals with neglected children and delinquent children but there is a class of children who are the victims of their parents' tyranny and I do not know whether the victimised children also will come within the purview of this Bill.

Let me make one or two remarks about clause 9 to which pointed attention was drawn by Dr Kunzru.

"Every children's home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed."

This is really a superhuman task which you have assigned to the organizers of these children's homes. Are

we quite certain that parents provide children with facilities for the development of the child's character and abilities, that they give the child in every case the necessary training for protecting himself against moral dangers or exploitation? I do not say that the aim embodied in this subclause is not a laudable one; but we shall need supermen to perform this task that is expected of them. Therefore, I say the important question which will have to be considered is that of the right personnel for working this Act. You may have an excellent Act on the Statute Book and yet it may not work or work only creakily. I should like attention to be focussed on the question of the training of the men who are to run these establishments.

I notice that reference has been made to the fact that the persons connected with these homes should be acquainted with social welfare work or child psychology. That term "child psychology" is rather a difficult one for me to understand. There are, as the distinguished Education Minister knows, many schools of child psychology. Which is the school that we have in mind? Freudians would look at the problem of behaviour of the child from one angle. Adler's followers would look at it from another angle and Jung's followers would look at it from a third angle and there are so many other schools of psychologists in the field. Therefore, I would have omitted all reference to child psychology here. If you just say, "who understand children" that will be sufficient. That is something which we can understand. Child psychology is, I admit, a rather difficult term for me to understand.

I am glad that one test has been laid down for these observation homes and that test is that there should be provision for useful occupation of the children.

We have to set up children's courts and we have to set up what you call Child Welfare Boards and the ques-

tion is, what should be the composition of these Boards? I think that while it may be desirable to have a senior magistrate as the Chairman of this Board, there should be more women on these Boards and there should be men who have an acquaintance with the problems of child welfare, who have some acquaintance with the way orphanages are run, with the way that these youth homes are run.

SHRI P. N. RAJABHOJ (Maharashtra): Mostly married women.

SHRI P. N. SAPRU: Yes. And then, Sir, there is a clause which I confess I find rather difficult to understand. In clause 2 we have defined a number of terms and on page 7 you have this; that the neglected child means one who—

"lives in a brothel"

I understand a brothel—

"or with a prostitute"

I would not like to describe any woman as a prostitute, but I understand the word—

"or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;"

Now, take the case of a boy or girl who has a mother who is a prostitute. Is that mother covered by this clause? I mean, the mother has a natural right to the custody of her child and to brand her as a prostitute may be a very serious thing.

SHRI MOHAMAHAD UMAIR (Bihar): How can a prostitute have a legitimate child?

SHRI P. N. SAPRU: So far as the mother is concerned, even the illegitimate child is the property of the mother. The putative father may or may not have any right to control an illegitimate child, but so far as the mother is concerned, she has the

[Shri P. N. Sapru.]

natural right to the custody of the child. I am not suggesting that you should not take away a child from the mother who is a prostitute, because it is one of the fundamentals of the principles of equity courts that the welfare of the child is paramount. But I would like to be clear in my mind whether a mother who is a prostitute is also covered by this clause. I think, as it is worded, it includes the mother and I think that requires some consideration. So far as clause 6(3) is concerned, I should say that no person should be appointed as a member of the Board or as a magistrate in a children's court unless he has, in the opinion of the Administrator, special knowledge of child welfare and social welfare generally. I would exclude all reference to child psychology.

The Board has been given very extensive powers but those powers are to cease on the attainment of majority by the child. The point was raised by Mrs. Arundale that we should continue to be responsible for the child until we are satisfied that he or she has acquired the right instincts, until we are satisfied that the child has acquired the right attitude towards life. Now, this is a complicated business. I do not see how you can affect the rights of a major person by an indirect means of this character. Therefore, I would say, let us have the age of 18 as the age for boys and girls and let us give them till that age the best education in the best environment that we are capable of providing and let them thereafter take care of themselves. We should develop their initiative, their self-respect and their capacity to earn a living. They should be made to feel that they are useful members of society. That work requires, as Mrs. Arundale very rightly stressed, affectionate treatment. Often children go wrong because they have been living in the disturbed atmosphere of unhappy homes. It is amazing to see how every child has, as it were, a life

style of its own. He would like it to be accepted and he would like that life style to be given an opportunity of development. I think it may be desirable for that reason to provide homes not only for orphans but also for those unfortunate children whose home atmosphere is completely rotten. That is a very arduous task but it is a task which we must not shirk because socialism—we use this word very much in this country—has no meaning if the content of that socialism is not going to be the happiness of the common man or the common women or if the content of this socialism is not going to mean good opportunity for the development of a useful life by every child which is born in this country.

Sir, I know that this Bill be enforced only in the Union Territories. We cannot legislate for the States. Bombay gave a lead in this matter because it had a Children's Act. I hope that the Education Minister will take up this matter with the State Governments. Of course, he cannot compel them to pass laws of this character but he can use his powers of persuasion with them to make them fall in line with us in regard to this matter.

One of the useful features of your admirable Report is the information that is supplied to us of what is happening in countries other than our own. I was interested to read the extracts that you have given about legislation in regard to this matter in Sweden, in Denmark, in Norway and in the Netherlands. The Judicial Child Welfare Institute in the Netherlands investigates complaints regarding the care of minors. The following are some of the functions:

"2. filing petitions to the competent judge for action to be taken, according to the civil children's law;

"3. giving advice to the judge on measures to be applied, by virtue of the civil children's law;

"4 temporarily taking care of the minors who, pending a procedure, are committed to the Board by the legal authorities, according to the civil children's law,

"5 filing petitions to the judge for the fixation of alimony, to be paid by the parents for their minor children,

"6 seeing to the payment of these contributions, for which the law authorises,

"7 supervising the care of children withdrawn from parents or guardian and placed in institutions or with foster-families within the province of the Board"

I would like to say a word about these foster-families. We have recently modified the Hindu law of adoption. Under the new Hindu law it is open to a person to adopt a child, a son or a daughter or both. I am glad that woman can be adopted under the Hindu law. The disability which attached to them has been removed but it must be remembered that it is a serious thing for any person or anybody to allow a girl to be adopted. Proper enquiries must be made before a girl is given in adoption. I happen to be connected with an institution in Allahabad, the Swaraj Bhavan Children's Institute run with the assistance of the All-India Women's Council. We have a children's home and we occasionally give children for adoption. We have noticed that there are demands for the adoption of boys and girls but before we allow any girl to be adopted by any applicant we make the most thorough enquiries that we can and we do not hesitate even to take the district authorities into confidence in this matter because we do not want these girls to be adopted by the wrong type of persons. They may trade on them in future, and this is something which has got to be remembered.

Sir, you have also made reference to Child and Youth Welfare in

Sweden and Denmark, and you have invited our attention to the Pioneer Report on Family, Child and Youth Welfare for 1951-52 in Norway. Now, this is a very instructive and illuminating Report. It satisfies our quest for knowledge on the subject and I desire to congratulate the Joint Committee on the good work that they have done under your leadership.

Thank you very much

4 P.M.

श्री जुगल किशोर (पंजाब) उप-सभापति महोदय, चिल्ड्रेन बिल जो आनरेबिल वजीरे तालीम साहब ने इस हाउस के सामने पास करने के लिए रखा है, मैं उसका स्वागत करता हूँ और उन्हें धन्यवाद देता हूँ कि वह इस तरह का बिल इस हाउस में लाये। इस बिल को इससे भी बहुत पहले पास हो जाना चाहिये था लेकिन जब यह पास होकर जायेगा तो उस पर अच्छी तरह से अमल होगा, ऐसी मुझे उम्मीद है। भारतवर्ष को आजाद हुए १२-१३ वर्ष हो गये हैं और हर एक गवर्नमेंट का यह फर्ज है कि वह अपने डिलिक्वेण्ट चाइल्ड और नैगलेक्टेड चाइल्ड की हिफाजत करे और उनका सुधार करे। मैं यह अर्ज करना चाहता हूँ कि चाहे यह बिल देर के बाद आया, आखिर आ तो गया और इसके लिए मैं वजीरे तालीम साहब को धन्यवाद देना चाहता हूँ।

इसके अलावा मैं यह भी अर्ज करना चाहता हूँ कि हमारी पापुलर गवर्नमेंट का यह फर्ज है कि वह अपने हर एक बच्चे का जो नैगलेक्टेड है या डिलिक्वेण्ट है सुधार करे। इस बिल पर काफी गौर व खोज हो चुकी है और आनरेबिल मेम्बर इस चीज पर काफी रोशनी डाल चुके हैं। सप्रू साहब ने इस बिल के मुताल्लिक काफी रोशनी डाली है और कहा कि सिलेक्ट कमेटी में खास तौर पर गौर होने के बाद यह बिल अच्छे तरीके से पास होने के लिए हमारे सामने आया है। मैं आपके सामने यह अर्ज करना चाहता हूँ कि बच्चों का सुधार करने का फर्ज जितना

[श्री जुगल किशोर]

गवर्नमेंट का है वहा सरकार की तबज्जो इस बात की ओर भी दिलाना चाहता हू कि हमारे जो बच्चे हैं वे आयन्दा के शहरी बनेंगे। अगर लडको का सदाचार और आचरण अच्छा होगा तो वे देश के अच्छे अच्छे नागरिक भी बनेंगे। अगर उनका सदाचार और आचरण अच्छा नहीं रहा तो यह देश के लिए अच्छी बात नहीं होगी और देश को नीचे ले जाने वाली चीज होगी। इसलिए इस देश की तग्वकी के लिए इस तरह के बिल को लाया जाना बहुत जरूरी था और मैं इस बिल का पुरजोर समर्थन करता हू। लेकिन साथ ही साथ मैं हाउस के रूबरू एक बात यह अर्ज करना चाहता हू कि बच्चा डिलिक्वेन्ट और नैगलेक्टेड क्यों बनता है? क्या हमारे पास कोई ऐसी रैमिडी नहीं है जिससे कि हमारे बच्चे नैगलेक्टेड और डिलिक्वेन्ट होने से बच सकें? मैं तो आप साहबान की मेवा में यह अर्ज करना चाहता हू कि इस बीमारी की जड़ गरीबी है। हम यह देखते हैं कि आज भारतवर्ष में तमाम गरीबी ही गरीबी है और इस गरीबी के साथ बेकारी भी फैल रही है। अगर बेकारी न हो, गरीबी न हो, तो किसी को अपने बच्चे इतने बुरे नहीं लगते कि वह उनको बुरे काम के लिए छोड़ दें। चोरी करने, जेब कतरने और दूसरे बुरे कामों को करने के लिए आमादा करें। यह गरीबी है, पेट की भूख है जो इस तरह के काम करने के लिए बच्चों या आदमी को मजबूर करती है, आमादा करती है। मैं चाहूंगा कि हमारी सरकार जहां इस तरह का बिल पास कर रही है वहां हमारे देश में जो अशद गरीबी और बेकारी फैली हुई है उसे भी दूर करने के लिए कुछ न कुछ कार्यवाही जरूर करें, ताकि यह बीमारी जिसके कारण बच्चे बुरे काम करते हैं वे नहीं करेंगे। आप देश के किसी गांव में चले जाइये। आपको वहां पर बच्चे खेतों में या दूसरी जगह काम करते हुए दिखलाई देंगे। लेकिन आप शहरों में बच्चों को और नौजवानों को बेकार ढूँढने हुए देखेंगे। मेरा ख्याल है कि शहरों

में गरीबी और बेकारी ज्यादा है और लोगों को अपना पेट भरने के लिए, गुजागार करने के लिए गुजाइश नहीं है। यही कारण है कि शहरों में बच्चे ज्यादातर नैगलेक्टेड और डिलिक्वेन्ट होते हैं। इसके अलावा शहरों में आप यह देखेंगे कि जो अमीर लोग हैं उनके बच्चे शाज व नादिर डिलिक्वेन्ट और नैगलेक्टेड मिलेंगे। ऐसे बच्चों की तादाद ज्यादातर गरीब लोगों में ही मिलेगी। जो लोग ज्यादा गरीब हैं उनके बच्चों में डिलिक्वेन्ट और नैगलेक्टेड मिलेंगे। अगर आप उनकी गरीबी को दूर कर दें तो उनके बच्चों का भी मुधार हो सकता है। मैं इसके लिए सरकार से यह अर्ज करना चाहता हू कि जब हमारी सरकार ने सोशललिमिटिक पैटर्न आफ सोमाइटी बनाने का ध्येय बना लिया है तो आम ख्याल जनता में यह पाया जाता है कि आजकल अमीर ज्यादा अमीर हो रहा है और गरीब ज्यादा गरीब बनता चला जा रहा है। इस गरीबी को दूर करने के लिए हमें कोई न कोई तरीका अख्तियार करना चाहिये। जहां आप चिल्ड्रेन का मुधार करने जा रहे हैं वहां आपको पहले गरीबी को दूर करना चाहिये तब ही देश को ज्यादा फायदा हो सकता है।

आज हम यह देखते हैं कि एक गरीब आदमी जब अपना पेट अच्छी तरह में नहीं भर सकता है तो वह कैसे अपने बच्चे को तालीम दे सकता है। मैं आनरेबिल मिनिस्टर साहब की खिदमत में यह अर्ज करना चाहता हू कि आज तालीम इतनी महंगी हो गई है कि एक गरीब आदमी अपने बच्चे को तालीम नहीं दिला सकता है। अगरचे आजकल प्राइमरी तालीम बिल्कुल फ्री हो गई है, लेकिन फीस के अलावा और दूसरी चीजें हैं जिन पर खर्च होता है और जिसको मा बाप बर्दाश्त नहीं कर सकते हैं। यही कारण है कि आज हमारे देश के जो गरीब आदमी हैं उनके बच्चे डिलिक्वेन्ट और नैगलेक्टेड

यादा बन गये हैं। बाप के पास तालीम दलान के लिए पैसा नहीं होता है, किताबें लिये पैसा नहीं होते और दूसरी चीजें हैं जो तालीम के वक़्त बच्चों को देनी पड़ती हैं। तो मैं यह अर्ज करना चाहता हूँ कि अगर वाकई हम अपने बच्चों का सुधार करना चाहते हैं, अच्छे शहरी बनाना चाहते हैं, तो हमारा सब का यह फर्ज हो जाना है कि भारतवर्ष से गरीबी को दूर करें और इसके लिये कोई न कोई तरीका अख्तियार करना चाहिये। गवर्नमेन्ट की तवज्जो इस तरफ़ है, मगर वह सुस्त रफ़्तार से चल रही है। गवर्नमेन्ट चाहती है कि मुल्क से गरीबी और बेकारी दूर हो लेकिन इस चीज़ पर अमल बहुत सुस्ती से किया जा रहा है।

आज हम देखते हैं कि जो नौजवान पढ़े लिखे हैं वे ही बेकार हैं और उनमें से ही ज्यादा डिलिक्वेन्ट और नेगलेक्टेड होते जाते हैं। जो लोग पढ़े लिखे होते हैं वे अनपढ़ पढ़ में जुर्म करने में माहिर होते हैं। इसलिए मैं कहूँगा कि सब से पहले पढ़े लिखे लोगों की बेकारी दूर करनी चाहिये।

इसके अलावा मुझे और ज्यादा कहने की जरूरत नहीं है। मैं समझता हूँ कि आनरेबिल मेम्बरान ने इस बात पर काफी रोशनी डाल दी है और उन्होंने जो तरमीम करने के लिये कहा है, उन पर सरकार अमल करेगी। इन लपड़ों के साथ मैं इस बिल का फिर स्वागत करता हूँ और उसमें अपनी सहमति देता हूँ।

KUMARI SHANTA VASISHT (Delhi): Mr. Deputy Chairman, Sir I am sorry I was not here; I thought my turn was coming at about 4 o'clock and so I had gone for a few minutes.

would like to support the amendment that has been placed before the House that where the child . . .

MR. DEPUTY CHAIRMAN: The amendments are coming up later.

KUMARI SHANTA VASISHT: I am sorry. Then I would like to make a few other suggestions. Here there is a provision for children's homes which are, I think, exclusively meant for neglected children and other homes which are meant for delinquent children and another category of homes which are observation homes or after-care homes which are meant for children who are released from these institutions or which are to receive children when it is noticed that a child is neglected or delinquent. I think the two should be absolutely and completely separated from one and another because there is a lot of stigma attached to a child who has lived in a delinquent home or who is released from a delinquent home or to a child who has lived in a home for committed children. In our society with the conditions as they are, I think it would be better, as far as possible, never to mix up neglected children with delinquent children unless of course we are in a position to say that there is no stigma attached to a child who has been in a neglected or delinquent home. Unfortunately, in the conditions existing in our country, even a neglected home is almost considered as something bad or something dirty. May be something was wrong with the child and he went to one of the homes. The child would not come out so well. So, when there is so much doubt and stigma attached even to a neglected home, I think it becomes even more necessary to separate one from the other. We should try to create such conditions and atmosphere that even a delinquent child should not suffer from any stigma. If neglected children go into a delinquent home or are received in an observation home, when both the categories are likely to be received, I think the stigma would be there.

Secondly, I think the police officers or policemen, or any other officer connected with the police or the Board or the court, as the case may be, should be in plain clothes. They should be of a different category alto-

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gether. They should never be identified as policemen or people connected with courts, etc. because that has a different flavour altogether, apart from the great shock the children may have of being arrested or caught or produced before a court, of going through a trial and going through a sentence, etc. I think the entire atmosphere should be so controlled and changed that it should not look like a police people's affair or a court business at all, because that would be very damaging to a child in itself. We should take every care, from the moment a child is taken into custody by a person right up to his discharge from a delinquent home or even an after-care home and that at no time should the child feel the terror or the fear or the shock of being in the hands of the police at all.

Along with this it is necessary to see that the girls who are put in such homes, in the custody of the police or in observation homes, should only be handled by women police or women officers. In every single Board and court there should be women officers or magistrates or women police. Particularly their transport from a home to the court or to the Board, or from one home to another, or from one children's institution to another, should be conducted and handled by women only. Very great supervision seems to be necessary in observing some of this procedure, because I have seen the working of courts even in Delhi and elsewhere and I know how much trouble it causes and how much harassment it causes. Therefore, good supervision is necessary. Unfortunately we have some cases of such institutions. Here again, there is some procedure for making rules and so on, but there is no rule or regulation stating that children's homes would be supervised or inspected regularly. There is some provision in the last clause or so for making rules, etc., that the homes may be inspected by somebody, may be once in five years or once in two years.

I think at least a six-monthly inspection by some independent and superior authority is very necessary. Unfortunately as things are and as things happen, some of these institutions—whether they are children's homes, after-care homes or some other homes—are generally friendly with the officers concerned and it is very easy to get a nice report from a colleague or a friend, who would say that the conditions are all right. I might even mention some of the extreme cases that I saw of children in one of the children's homes, where there are neglected children as well as delinquent children. And all the children who go to that home or any of the other homes are considered to be with some stigma.

Then, there is no medical check-up. If a child is ill, it may not come to the notice of the staff or they may not even find out about illness—unless it strikes them and they take care to get a child treated. It has happened that one child was bleeding and he was passing blood with his stools. He was still given 'chana' to eat which made his condition worse. Nobody bothered to examine him medically or give him treatment. And that sort of thing happens even in our Government institutions. Therefore, if we are really providing for that type of institution, then I think we are not doing very much, because the quality of the staff, their training, their aptitude, etc., make a tremendous amount of difference. Unfortunately we are still extremely short of good personnel, trained staff for this purpose. In the field of social welfare and child welfare there is a tremendous shortage of good staff or trained staff. I do not think that even the Union Territories have good homes for neglected children or delinquent children or other after-care or observation homes. Therefore, the problem of having good, trained staff, very suitable and qualified, is going to be a very difficult problem, which you cannot easily surmount for some years to

come. Even those who are trained are not extremely good officers and the staff members do not do as well as you would like them to do. It was also noticed that some of those authorities were not even letting the children use their own equipment, radio and things like that. There was much corruption. Even in regard to their rations, they were making money out of that. When our homes are like that, we cannot expect that even a Bill of this kind will radically improve things. Therefore, I feel that the inspection of such homes is necessary by a more senior officer, maybe the District Magistrate, at least not less than a District Magistrate. At least the District Magistrate, we hope, would not be influenced by the superintendents of such homes or the members of the staff working in these homes.

The medical inspection of the children in these homes should be obligatory. There is no particular provision that all the inmates, who are received there, would be medically examined and looked after, etc. We do not know whether the illness of an inmate comes to the notice of some authority by chance or by intention. It is more by chance than by intention. Then the person is taken care of sometimes, not always. I think the medical examination of the children is absolutely necessary in all kinds of homes where they go to stay. Otherwise, they may infect the other children. They may suffer. They may deteriorate. Unless it is made obligatory in the body of the Bill, it is not likely to be followed.

Another thing that I would like to point out is that a child may be removed to a mental hospital or a leper home by the Administrator, if it appears to the Administrator that the child should be so removed. Now, this 'appearing' is a very doubtful situation. How is it going to appear to the Administrator that such and such a child, whom he has committed to a home six months back or two years back, is no more mentally ill or

has been cured of leprosy? It should be made a regular provision in the Bill that their cases should be reviewed periodically and they should be examined by a board of medical men or so to see whether a child should be removed from the mental hospital and sent back to the children's home or the delinquent children's home, whatever the case may be. But I have seen sometimes even here in Delhi that the person has been locked up with others who are committed for mental illness, even in the Delhi jail. Once having been committed as mentally ill, nobody after that bothered to take them out or to get them examined periodically, though the doctors were there. For many years nothing has been done for the mental check-up of the inmates. Some of the convicts are not criminals. They are only mentally unsound. Nobody reviews their cases. So, they have to be in jail whether they are mentally ill or not. Once they are sent into the jail as mentally ill, it is found that for the rest of their life they are kept there as mentally ill people, which I think is very unsatisfactory. Once you are satisfied with his mental health, you should arrange to remove him from there. But much attention is not paid to it. So, it should be made obligatory in the body of the Bill that in the case of a mentally ill person or a person suffering from leprosy, a review should be made every six months or every three months and as soon as the person is cured, he should be removed to another place for the remaining term of his sentence. If they are just kept there, how can an administrator know, how can a court or a board or a judge know? After all they deal with hundreds of children. They cannot remember every individual case. The court forgets about the case the moment it has finished with that file and a new file comes up. How do you expect these Magistrates, these Children's Boards to know whether a child has been cured or not cured? They are not even very much in touch with the doctors. Of course the homes are not supposed under the provisions of the Bill to have any doctors attached

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to them. In one big town there should be at least one doctor attached to these homes so that periodically he may examine the patients. For example, Delhi can have exclusively one doctor who can keep an eye on all the children in the three or four homes. He could be available as and when necessary and give a periodical check-up. In that case we may put some responsibility on that doctor not only to look after the health of the children but also to see that they are periodically examined and that periodical reports are given about them. Their periodical review is very very necessary to avoid their staying on in mental institutions and leprosy homes for any longer time than is absolutely necessary.

Another thing that I would like to point out is that I do not feel very happy with the wording of the provision that children cannot be staying with a prostitute or a depraved person or a drunken person. I think that drunkenness or depravity or prostitution is now being considered more and more as a psychological and psycho-sexual problem rather than as a financial or economic problem. Depravity or even drunkenness, at least particularly drunkenness, is considered very much of a personality defect and maladjustment rather than as an economic reason, for which psychiatric and psycho-analytic treatment is recommended and used, and there are certain organisations which function for this kind of treatment. So in such conditions, even delinquency. I would go to the extent of saying, is really a problem connected with social and psychological factors. In this connection I do not want that a child should be denied the company and the attention of his parents. If a father happens to be a drunkard, I would like to ask what degree of drunkenness should be there to really see that the child should be taken away from the custody of the father. What degree of drunkenness one could recommend I do not know. I do not know whether that condition would always justify the

course. Are we thinking that drunkenness is much worse than bribery or corruption or inefficiency or dishonesty? I do not know how we can come to decide as to what is depravity. Would we like a child to remain with parents who are extremely dishonest, who tell lies from morning till evening? This is doubtful to my way of thinking because sometimes a person may be a drunkard but at the same time he may be an extremely nice father. So it is really a psychiatric problem, and we would have to see the case on its merits.

Then I feel that there is another anomaly, and that is about cruelty. We feel that the parents of a child are cruel if they neglect him, and so on. There is a whole lot of qualifications which amount to cruelty to a child. The punishment for this is only imprisonment for six months. The parents can be punished to the extent of six months' imprisonment. But if a parent is asking the child to beg, then he should be imprisoned for a term of up to one year. Then if another person is abetting the begging by a child, there also the punishment is imprisonment up to one year. I think that cruelty is a much worse offence towards a child than asking him to beg or abetting in his begging. I feel that for cruelty the punishment should be bigger or more severe than for merely asking a child to beg or for abetting in his begging. I feel that it is not quite logical that we have provided for these punishments in this way. I further feel that cruelty can be extremely damaging and harmful to a child. On the other hand, in our country where a flood may come and ruin not only families but practically entire areas in a part of the country, all people can become destitute overnight. Where such large-scale unemployment exists, I do not see that begging is such a big crime in itself. Much as we dislike it—we want people to be employed, we want them to be in a good condition—I do not know whether at this stage we can make begging so big a crime as it seems to be the case in this Bill. We are taking

such a severe view of this beggary problem. I do not know how far it is really practicable or feasible at this stage to have such a punishment for begging only. I do not know whether our resources are enough to put all these children who are deemed as neglected children or delinquent children in homes. That is of course one aspect of the question. The other aspect is about all these children who are begging. For example, Beggary Act applies to the New Delhi area but the beggars have increased considerably in the last so many years. I think we see more and more beggars in New Delhi in spite of the operation of the relevant Act. So, when this problem is not being checked even in the capital of India, how are we going to control it in the Union Territories? I think it would be a big problem administratively and an even bigger problem financially to put all the children in the homes. Secondly, while we punish the parents for neglecting their children, for cruelty to their children by imprisonment for about six months, for begging the punishment is imprisonment for one year, and for abetting in begging also it is one year. So these are the provisions as far as the parents are concerned. But what happens to the children? We are more severe with the children. If a child is delinquent, he may be advised and sent away or he may be detained till the sitting of the court, or he may be sent to a home for not less than three years. How has this any relationship or correspondence to a crime committed by a child for which he is being sent to a home for not less than three years? Why should we put in this sentence? On the one hand we say that the court will advise the child, "you should be a good child, don't do this, the court will help you and assist you as far as possible"; on the one hand we provide for this advice to the child, and on the other hand the second step we find is that we suddenly jump to "not less than three years in a home". Even for any offence committed by an adult person he may be sentenced to fifteen days' imprisonment, he may be sentenced to three months or six months,

any period, there is no limit. But I do not see why we should lay down such a harsh sentence in the case of a child that he should be in a home for not less than three years. Even our homes are not as ideal as we would like them to be. Therefore, it seems to me extremely severe that a child should have to spend three years at least in a home, whereas his father, having committed a tremendous amount of cruelty, need undergo imprisonment only up to six months. For beggary it may go up to one year, and for abetting in begging also it may go up to one year. Why a child should be sent to a home for three years seems very contradictory and confusing to me, and I do not see any particular justification for such a severe sentence to a child.

Again, if the child is fourteen years of age, then he has to be there for three years. We have to find rationalisation of some sort, some logical way. We may leave it to the court and say that the court will have the authority to send the child to a home for as long as it likes, maybe six months, one year or two years. It should be left to the court itself, and it should not be incorporated in the Bill that it should be for not less than three years.

Secondly, the position is that if the child is above fourteen, in that case he must remain in an institution till the boy is about eighteen years old or the girl is twenty years old. That provision is also, according to me, very arbitrary, and there should be some logic in this. This should again correspond with the gravity of the situation, with the crime that has been committed, with the age of the child, with the circumstances and with the influences on the child, and it should not be laid down in the Bill as to what the punishment for the child should be.

There is a clause about a person who makes a child take liquor or any dangerous drug in a public place. Now, I do not see any reason why we should only be worried about public

[Kumari Shanta Vasisht]

places. After all, if a person steals in a private place, we do not like it and we take action against him. If a child is treated cruelly in a home which is a private place, we take cognizance of that, but under this Bill, if a person gives liquor or any dangerous drug in a private place, we do not take notice of it. Is that not also part of cruelty if an adult gives a dangerous drug to a child in the home? It is as cruel as being neglected, physically, mentally or psychologically. I think this should be condemned along with other actions which turn the child into a criminal. Giving liquor or any dangerous drug to a minor or a child whether in a private place or in a public place should be condemned and disapproved of anyhow. If a person is giving opium, etc. to children or is getting them into this business for the purpose of selling or buying or even delivering it to various parties legally or illegally—I would say illegally—that should also be condemned, and the offender should be severely punished. This practice of giving liquor or any dangerous drug to any child in a private place also should be stopped. You already know—and I think it is known to all the Members—that addiction to these drugs or the use of them or delivery or sale of them is also carried on by adults through children. They use children for this purpose which I think is one of the most disgraceful features of the modern world as it is today, not only here but in all the countries of the world. This is really most damaging and injurious to the interests of the children. Therefore we need to be even more careful about it than we are about other things.

Another thing that I would like to say is that clause 13 contradicts, to a certain extent, clause 41. Clause 13 reads:

“If any police officer or any other person authorised by the Administrator in this behalf, by general or special order, is of opinion that a

person is apparently a neglected child, such police officer or other person may take charge of that person for bringing him before a Board.”

Here he has to take care of the child under his custody and bring him before a Board and there is a definite process for bringing him and trying him and so on and so forth. But, on the other hand, clause 41(2) says

“No court shall take cognizance of an offence punishable under subsection (1) unless the complaint is filed with the previous sanction of the Administrator or an officer authorised by him in this behalf.”

Here again, the Administrator's previous sanction is necessary. But I do not know whether you are going to provide who would be the category of persons who are going to be authorised to bring this sort of cases against the children or against the parents of such children who are neglected or being treated cruelly. I think the Government will have to be very very careful in selecting this category of persons who would be able to bring such charges against the children or their parents. I feel that we should take all precaution and care to see that the provisions of this Bill are not misused or are not used to harass people or to bring disgrace to them or to cause damage to the parents or guardians of the children, because we are giving such wide or vague powers to them. And we do not find things here as complete as they seem necessary. Especially, some of the police officers who are unfortunately notorious and who have such a good experience of concocting cases, cooking up cases, can misuse these provisions, and cause a lot of hardship and harassment to the parents and guardians of the children, and we need to look at this thing a little more carefully and see that no loophole, no ground, no scope, is left for the police people particularly for

the harassment of the parents or guardians of the children or of the children themselves. Unfortunately, in many of the crimes which are committed now, even the police people are very much a party to them whether they are connected with liquor or with theft or with gangs operating in a criminal way. I think the police is sometimes involved in these things, and therefore, considering the conditions as they are today from that point of view, it becomes even more necessary to see that the police and other officers are not given so much of scope or rope to cause trouble to the public at large and bring a lot of disgrace to people. If any one is even remotely involved with the police in connection with such a charge or such a crime, his reputation among his fellow men is damaged to a very great extent and therefore we should see that these powers are given only to very senior and high officials and not to others, particularly to junior people, and proper precaution should be taken to see that these provisions are not exploited or misused.

Another thing which happens is this. Nowadays, there are no institutions particularly for young girls. There are institutions for older women or for boys or for children; but there are no institutions for girls below the age of eighteen, and they are often kept with women who have been convicted for prostitution and such other offences or other heinous crimes. And I think it is extremely necessary that the girls below eighteen should have a separate home for themselves and they should never be kept with adult offenders and they should not be allowed to mix with them. At present, this is not being done, and at the moment there is no home at least in Delhi where these young girls can be kept. They are often kept in the Nari Niketan and other institutions for older women which is extremely harmful to them. But in this Bill, I find no expression at all about the provision of a separate home for these young girls and I would make this suggestion very strongly.

श्री पा० ना० राजभोज : उपसभापति महोदय, मैं इस बिल का स्वागत और समर्थन करने के लिये खड़ा हुआ हूँ। यह एक सुन्दर बिल है और ऐसा कोई भी नहीं होगा जो इसकी तरतूदियों से सहमत नहीं हो। यह बिल मेरे खयाल से, राष्ट्रीय दृष्टि से भी बहुत महत्व का है; क्योंकि बच्चे हमारे राष्ट्र की असली सम्पत्ति हैं और यदि वे बिगड़ जायें या उन पर बचपन में ही बुरा असर पड़े तो भारत का आदर्श नागरिक और नेता तैयार होना मुश्किल है। मैं इस बात से सहमत हूँ कि सामाजिक परिस्थितियों के कारण ही बाल गुनहगार होते हैं। वे उपेक्षित होते हैं, इसीलिये अपराधी प्रवृत्ति के बन जाते हैं। उनको ऐसे ठीक किया जाता है जैसे कि वह अनवाण्टेड चाइल्ड हो। यदि ऐसी भावना पैदा हो जाती है तो बच्चे का ध्यान शिक्षा, किताब, खेल आदि प्रवृत्तियों पर से उठ जाता है और वह खराब चीजों की तरफ जाता है।

आप जानते हैं कि बैकवर्ड क्लासों हमारे मुल्क में बहुत ज्यादा हैं। तो हमारे देश की दृष्टि से यह बिल महत्वपूर्ण है; क्योंकि बच्चों के विषय पर हमारे यहाँ पूरा ध्यान नहीं दिया गया है। यह खुशी की बात है कि इस बिल से इस प्रश्न को चालना मिलेगी। किन्तु यह बिल जो सिर्फ केन्द्र शासित प्रदेश को ही लागू किया गया है, वह ठीक नहीं है। आखिर यह एक राष्ट्रीय समस्या है और इसलिये इस बिल को सारे भारत में लागू करना चाहिये। यह मेरी मंत्री महोदय से प्रार्थना है।

पाश्चात्य देशों में भी यह प्रश्न जटिल बना हुआ है। बच्चे बिगड़ने के अनेक कारण बताये जाते हैं—जैसे कि टेलीविजन है, हारर कामिक्स हैं, फिल्म हैं, वगैरा। पिछले दो महायुद्धों से पाश्चात्य जगत की सामाजिक घड़ी खराब हो गयी है। इसलिए सामाजिक कार्यकर्ता, मानस शास्त्रज्ञ, धर्माधिकारी सरकार, पुलिस तथा बच्चों के माता-पिता

[श्री पां० ना० राजभोज]

इस प्रश्न से बेजार है। १९५५ में यू० एन० ओ० ने एक परिषद् भी बुलाई थी और एक लदन में होने वाली है। तो मैं आपको पाश्चात्य दुनिया में इस समस्या का स्वरूप कितना उग्र और भयानक है, यह बता रहा था। उनके वहाँ के अनुभवों से हम लाभ उठा सकते हैं। उपसभापति महोदय, उन देशों में तो डेलिन्क्वेन्ट बच्चों को नये नाम दिये गये हैं। इंग्लैंड में उनको "टेडी बाइज" कहते हैं, अमेरिका में "हुड्स" कहते हैं। रशिया में भी ऐसे बच्चे हैं, उनको "स्तिलियागी" कहते हैं, फ्रांस में "ब्लैक जैकल्स" कहते हैं, तो स्वीडन में उनको "लेदर जैकेट्स" ऐसा नाम प्राप्त हुआ है। तो मेरा यह सब कहने का अभिप्राय इतना ही है कि यह समस्या हल करने की हमें कोशिश करनी चाहिये, एक राष्ट्रीय दृष्टिकोण से। यह तरतूदियाँ बम्बई, मद्रास तथा पंजाब के बिलों में से अच्छी अच्छी तरतूदियाँ उठा कर रखी गई हैं। मेरी प्रार्थना है कि इसको माडल बिल समझ कर राज्यों को अपनाने का आदेश सरकार को देना चाहिये।

विशेषतः मैं आपका ध्यान चैप्टर ६ की तरफ खींचता हूँ, जिसमें बच्चों के हाथ से कौन कौन से अपराध किये जाते हैं, यह बताया गया है। यहाँ की शराब की बोतल चुपचाप से ग्राहक के वहाँ पहुँचाना तथा गोवा से स्मगलिंग करना, ऐसी बातों में बच्चों से काम कराना बहुत बढ़ गया है। सोना स्मगल करके योग्य जगह पहुँचाने का काम करते समय लड़कियाँ भी पकड़ी गई हैं। और ऐसे बुरे काम करने वाले और कराने वालों की संख्या बड़े बड़े शहरों में और विशेषतः औद्योगिक शहरों में बढ़ रही है।

इस संबंध में टाटा सोशल साइन्स की संस्था के बाल गुनहवार समस्या विषय के प्रमुख विशेषज्ञ श्री जे० जे० पानाकल ने एक विस्तृत अहवाल तैयार किया है। उसमें

उन्होंने बताया है कि काम के लिये देहातों से शहरों की तरफ जवान लोग जाते हैं। उधर उन पर माँ बाप का दबाव रहता नहीं और वहाँ अनुभव और परम्परा, इनके अभाव से उन पर अच्छे संस्कार पड़ते नहीं। इसलिये जीवन में एक प्रकार की अस्थिरता आ जाती है। वहाँ शहरी जीवन और कृत्रिम जगमगाहट का असर पड़ता है और असामाजिक प्रवृत्तियों की तरफ वे खिंच जाते हैं और उसमें शहरी वातावरण का कुप्रभाव पड़ जाता है जिसकी वजह से अनेक प्रकार की खराबियाँ, बेहिमाबी, बेदरकार और लापरवाही की प्रवृत्ति पैदा हो जाती है।

उपसभापति महोदय, आखिर में मैं यह कहूँगा कि इस बिल का उद्देश्य तब तक पूरा नहीं होगा जब तक उसका अच्छी तरह से इम्प्लीमेंटेशन नहीं किया जायेगा। हमारा यह अनुभव है कि इस तरह के सामाजिक बिल अच्छी तरह से इम्प्लीमेंट नहीं किये जाते हैं। आप जानते हैं कि अस्पृश्यता को मिटाने के लिये कई तरह के बिल सरकार द्वारा बनाये गये हैं लेकिन देहातों में अभी तक यह बीमारी दूर नहीं हो सकी। इसके साथ ही साथ शारदा ऐक्ट पास हो चुका है लेकिन जिस ढंग से उस पर अमल किया जाता है उससे तो ऐसा ही मालूम होता है कि इस बिल का भी वही हाल होने वाला है जो और सामाजिक बिलों का हुआ है।

मैं माननीय मंत्री जी से यह प्रार्थना करना चाहता हूँ कि चाइल्ड केयर के विषय पर विश्वविद्यालयों में तथा महिलाओं के कालिजों में अधिक ध्यान दिया जाना चाहिये। उनको स्कालरशिप देकर ट्रेनिंग के लिये भेजा जाना चाहिये ताकि वे बच्चों की ओर विशेषतः अपराधी प्रवृत्ति के बच्चों को मनोवैज्ञानिक दृष्टिकोण से ट्रीटमेंट करें। दूसरी बात, इम्प्लीमेंट करने की है। अगर बचपन से ही बच्चों के अच्छे संस्कार होंगे तो यह समस्या जल्दी हल हो जायेगी। इसलिये यह आवश्यक है कि स्कूलों और कालिजों में नैतिक और

आध्यात्मिक शिक्षा शुरू की जानी चाहिये । जैसा कि हमारी बहिन श्रीमती अरंडेल ने इस बिल के संबंध में कहा, वह बहुत ही अच्छी बात थी । इस संबंध में श्री प्रकाश कमेटी नियुक्त की गई थी और उसने जो सिफारिशें की हैं उन पर अभी तक अमल नहीं किया गया ।

उपसभापति महोदय, तीसरी बात मैं यह कहना चाहता हूं कि बच्चों को स्कूल में मुफ्त खाना मिलना चाहिये । इसका नतीजा यह होगा कि उनका ध्यान असामाजिक प्रवृत्ति की तरफ नहीं जायेगा और वे अपना समय स्कूल में पढ़ाई में व्यतीत करेंगे और ज्यादा संख्या में बच्चे पढ़ने के लिये आयेंगे ।

चौथी बात, मैं बैंगरी के संबंध में कहना चाहता हूं । सदन में कई माननीय सदस्यों ने इस संबंध में बहुत सी बातें कहीं । मैं इस संबंध में केवल इतना ही कहना चाहता हूं कि जब तक आप कानूनन इस चीज को बन्द नहीं करेंगे तब तक यह बैंगरी की समस्या दूर होने वाली नहीं है और न ही इस बिल को आप अच्छी तरह से क्रियान्वित कर सकते हैं । हमने जब सोशललिस्टिक पेटर्न आफ सोसाइटी का ध्येय अपना लिया है तो यह हमारा फर्ज हो जाता है कि जो बच्चे हमारी राष्ट्र की सम्पत्ति हैं उनकी रक्षा करने के लिये, उनको आगे बढ़ाने के लिये सरकार को ज्यादा से ज्यादा कोशिश करनी चाहिये ।

उपसभापति महोदय, यह बिल बहुत देर से लाया गया है, जल्दी लाया जाना चाहिये था । हमारे देश को स्वतंत्रता तो मिल चुकी है, लेकिन सामाजिक स्वतंत्रता मिलना अब भी बाकी है । सामाजिक सुधार के लिये हमारी सरकार को और जनता को ज्यादा से ज्यादा कोशिश करनी चाहिये तब ही यह चीज प्राप्त हो सकती है ।

दिल्ली शहर में हरिजन और आदि-वासियों की बस्तियां बहुत ज्यादा हैं । हमारे हरिजन भाई इन गन्दी बस्तियों में

रहते हैं, जिनको देखने से दुःख होता है । स्लम क्लिरियेंस की बात होती है, मगर उसको अच्छी तरह से पूरा नहीं किया जाता है । वहां पर जो लोग रहते हैं उनके आमपास मच्छर, डांस और दूसरे कीड़े मंडराने रहते हैं । हमारे कम्युनिस्ट भाई समाजवादी राज्य की बात कहते हैं, नारा लगाते हैं लेकिन इन बातों की तरफ उनकी नजर नहीं जाती । वे लोग हरिजन भाइयों के पास नहीं जाते हैं और न ही उनकी सामाजिक हालत सुधारने के लिए कोई कोशिश करते हैं । हमारे देश में जो सामाजिक संस्थाएं हैं, जो भलाई के कार्यों में लगी हुई हैं उनको इंकरेज किया जाना चाहिये जो लोग बंगलों में रहते हैं, उन्हें गरीब आदिवासी और हरिजनों की बस्तियों को देखना चाहिये और उनकी हालत सुधारने के लिए हर तरह के उपाय करने चाहिये । उपसभापति महोदय, इस बिल में जो बोर्ड और कमेटी बनाने का प्रस्ताव है, उसको मंजूर किया जाना चाहिये । पुलिस को अधिकार देने से जनता को सुलभ न्याय नहीं मिलेगा । जिन बस्तियों में जुल्म होते हैं वहां जब पुलिस अधिकारी जायेगा तो उनके दिल में एक तरह डर की भावना फैल जायेगी और डर की वजह से कोई गवाह भी नहीं मिलता है । इसलिये मेरी आपसे यह प्रार्थना है कि बच्चे हमारे राष्ट्र की सम्पत्ति हैं और पार्लियामेंट में भाषण देने से उनकी समस्या हल होने वाली नहीं है । जो लोग यहां पर भाषण करते हैं वे गरीब लोगों के घर कभी नहीं जाते और न उनकी हालत को सुधारने का कभी कोई प्रयत्न ही करते हैं । मेरी प्रार्थना यह है कि गरीब लोगों को रहने के लिए स्वच्छ मकान मिलने चाहिये, पहिनने के लिए कपड़ा मिलना चाहिये और खाने के लिए सस्ता अनाज मिलना चाहिये । इसके साथ ही साथ उनकी शिक्षा के लिए भी उचित प्रबन्ध किया जाना चाहिये ताकि वे मुफ्त शिक्षा प्राप्त

[श्री पा० ना० राजभोज]

कर सकें। अगर हमने इन बातों की व्यवस्था कर दी तब ही उनकी सामाजिक और आर्थिक हालत सुधर सकती है।

मैं ने आपके सामने जो सुझाव रखे हैं उनसे गरीब लोगों की और बैकवर्ड क्लास के लोगों की हालत सुधारी जायेगी और उनको आगे बढ़ाने की कोशिश की जायेगी। जैसा कि अभी हमारी बहिन श्री अरुंडेल ने कहा कि:

"Hatred is never ended by hatred but by love."

तो मेरी प्रार्थना है कि भगवान् बुद्ध ने जो शिक्षा हमको दी है, जो बात हमको जतलाई है, उसी पर अमल कर के हम क्रिमिनल को भी सुधार सकते हैं और यही बुद्धा फिलामफी है। हमारे एक जर्मन विद्वान Paul Reiwald ने भी यह बात कही है:

"सबसे सत्ता सुखी होन्तु,
सबसे होन्तु च खेमिनो।
सबसे भद्राणि पस्सन्तु
मा किञ्चि दुक्खमागया ॥"

इस दृष्टिकोण को सामने रखकर हमें अपना कार्य करना चाहिये और देश में जिस समाजवादी समाज की रचना हम करना चाहते हैं उसके लिए इस ध्येय को अमल में लाना चाहिये। हमारे प्रधान मंत्री श्री जवाहरलाल नेहरू जी हर वक्त यह कहा करते हैं कि गरीब लोगों को आगे बढ़ाना चाहिये।

MR. DEPUTY CHAIRMAN: That is a separate matter.

श्री पा० ना० राजभोज : मैं अंत में यही कहना चाहता हूँ कि मैं ने जो सुझाव दिये हैं उन पर सरकार अवश्य अमल करेगी। मैं इस बिल का हार्दिक समर्थन करता हूँ।

SHRI J. H. JOSHI (Gujarat): Mr. Deputy Chairman, Sir, I welcome this

Bill as it has emerged in the form of the Report of the Joint Select Committee. Sir, the objects of this Bill are laudable. They are to save the lives of those children who are being ruined on account of the indifference or the negligence of their parents, or on account of broken hearths and homes. This Bill, Sir, proclaims with all the emphasis at its command one principle, that childhood is sacred and also that Government is the guardian of those who have no guardians; it is the guardian of those children who are destitute, who are orphaned or those who though having parents are not properly looked after by the parents.

I have seen some of these observation homes or schools run by the State Governments. I have found that the children receive protection, they get maintenance, good food, better clothing, good atmosphere, etc. They receive training and education. There is an attempt to rehabilitate them but one thing is missing and that is the warmth of the mother or the tender feelings of the home life. I have found some of the children in tears when they were reminded of their homes. This Bill is a laudable one and it provides for protection, maintenance, welfare or rehabilitation of children who are neglected or delinquent. Who can provide or supply this deficiency of tender feelings? I suppose lady workers should be appointed in large numbers and it is only they who can supply or make up for this deficiency in these homes. Now it has been suggested by many friends that proper training also should be imparted. Proper training is very necessary. This Bill provides for the establishment of children's homes, observation homes, special schools and after-care organisations. Clauses 9 to 12 make provision for the establishment of such institutions. It is good. This is the way the Government is discharging its duties towards orphan children. Sub-clause (2) of clause 9 states:

"Where the Administrator is of opinion that any institution other

than an institution established under sub-section (1) is fit for the reception of the neglected children to be sent there under this Act, he may certify such institution as a children's home for the purposes of this Act."

Similarly in clauses 10, 11 and 12 also there is some mention of similar institutions being certified for receiving the delinquent or neglected children. As has been said by some friends before, such institutions should not be communal, or I may say in positive terms, that such institutions should be run on secular lines and the children should find the same atmosphere or the customs or moral teachings in which he is born or brought up—the traditional atmosphere or customs of the child's family. I would make it clear that certain institutions which indulge in changing the religion of these children, taking advantage, undue advantage, of the poverty, ignorance, the childhood and other circumstances of the children or their parents, should not be allowed to take such undue advantage on the score or on the ground that they are fit institutions to receive the children. Sometimes children are employed by notorious gangs. Such children are given training as to how to commit petty thefts and the children become clever in that art. I have seen that the children are taught to use the daggers or knives and sometimes they have committed murders. Of course, it very rarely happens but it has happened. These people, these proclaimed offenders, employ these children and make use of them and derive all the benefits that come out of the offences of these children. I feel that as soon as this is traced out, those employers should be given very harsh punishment, because they know that the children will not get any punishment or any conviction because of the liberal social legislation on the part of this Government.

Then if a child is delinquent, I feel that delinquency is partly due to the neglect or the indifference of his

parents. The father or the guardian should be held responsible for the acts or offences of the delinquent children. Clause 50 imposes some burden on the father. I may read it out. It says:

"The competent authority which makes an order for sending a neglected child or a delinquent child to a children's home or a special school or placing the child under the care of a fit person may make an order requiring the parent or other person liable to maintain the child, to contribute to his maintenance, if able to do so, in the prescribed manner."

If a child is fit to be sent to a children's home or school, the burden of the contribution for the child's maintenance has to be borne by the parent if he is in a position financially to do so. I may say that if a child is delinquent and commits some offence, say, thefts or burns some houses, then the father should be made responsible and he should be made to pay in a way to compensate for the loss suffered by the other person. If that is done, those who remain indifferent to their children, those on whom there is a responsibility thrown by nature to take proper care of them and who do not discharge their duties well, they would be made to understand their duties and discharge those duties properly. Therefore, I suggest that some burden, some fine, should be imposed on those parents in order that they may know and they may learn to discharge their duties.

MR. DEPUTY CHAIRMAN: Are you likely to take more time, Mr. Joshi?

SHRI J. H. JOSHI: About ten more minutes, Sir.

MR. DEPUTY CHAIRMAN: Then you may continue tomorrow. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Thursday, the 8th December, 1960.