

SHRI BHUPESH GUPTA: That is quite correct. The Chair can give the consent. But when the mover has moved a motion, I have the right to support or oppose it. Since the mover has said that she relies on the Government, I want to know whether she is putting reliance on the Government or whether she herself will consult others and bring about the changes.

DIWAN CHAMAN LALL: Let us rely upon the commonsense of Mr. Bhupesh Gupta.

DR. SHRIMATI SEETA PARNAND: I would like to correct the hon. Member. What I said was that as there was so much of difference of opinion among hon. Members, on certain valid grounds now, I said there was no use making a law or pressing a measure which, even while we were making it, we were doubtful about. Naturally even Government is in the hands of the House. We all know that.

SHRI B. N. DATAR: My hon. friend's advice has fallen flat, Sir.

THE VICE-CHAIRMAN (PANDIT S. S. N. TANKHA): Now I shall put to the House the motion of Mr. Bhargava and the House may express its opinion by giving its vote on that motion. The question is:

"That the debate on the Bill be adjourned."

The motion was adopted.

THE ORPHANAGES AND OTHER CHARITABLE HOMES (SUPERVISION AND CONTROL) BILL, 1959

THE VICE-CHAIRMAN (PANDIT S. S. N. TANKHA): We now proceed to the next item on the agenda.

SHRI KAILASH BIHARI LALL (Bihar): Mr. Vice-Chairman, I beg to move:

"That the Bill to provide for the supervision and control of orphanages, homes for neglected women or

children and other like institutions and for matters connected therewith, as reported by the Joint Committee of the Houses, be taken into consideration."

Sir, while commending the consideration of the Bill and the Report of the Joint Select Committee on it, I have first of all to thank the hon. Law Minister and also the hon. Deputy Law Minister without whose whole-hearted help it would not have been possible for this non-official piece of legislation to get to the stage to which it has so far come and I do hope that with their help this non-official piece of legislation will steer clear through both the Houses. I must also thank the hon. Members of both the Houses who have responded so well and shown keen interest to get this social legislation through.

I would have liked to deal with this Bill clause by clause as reported by the Select Committee and shown what the Bill aimed at. But as I think there is very little time to get the Bill through today, I will cut short my remarks and I will only briefly explain what the main features of this Bill are.

SHRI BHUPESH GUPTA (West Bengal): Sir, this being a very exhaustive Bill, I would like to have elucidation of the general principles and some of the important clauses of the Bill dealt with.

SHRI KAILASH BIHARI LALL: When the Bill was being referred to the Joint Select Committee, I had dealt with some of the important clauses of the Bill. I can deal with it clause by clause now, if my hon. friends are sincere about it. I can understand the meaning behind the request. If we want to delay its passage, then we can afford to go clause by clause. Of course, it has been reported on by the Joint Select Committee and the Bill and the Report have been with hon. Members for a long time. Actually this consideration has been postponed by a few

days in this very session, I think. So there is nothing that needs to be elucidated here by me. They must have all read the Bill which contains some 31 clauses only and so I would only place the salient features of the Bill before the House now.

The salient feature of this Bill is that it purports to have a board of control to supervise the orphanages and other charitable homes that are thousands in number, spread over this country. Even though large sums of money are given by the governments and the Social Welfare Board, nobody feels the responsibility of seeing to their proper functioning. I came to know this morning that certain institutions are given aid by the Government but the aid comes after six months. These six-monthly contributions or grants are given to colleges but there are institutions which cannot afford to wait for such a long period; for every meal money is required. So, even though governments help such institutions, the help comes after a long time and there is no provision for seeing to the proper functioning of these homes and orphanages.

At the time of the reference of the Bill to a Joint Select Committee, Rajkumari Amrit Kaur opposed this Bill and even in the Joint Select Committee, a Member, Mr. Samuel, opposed it. Both of them opposed this vehemently and their reason was that control on orphanages would naturally dry up the springs of charity and that no private individuals or parties would give support to such philanthropic institutions like orphanages, homes, etc. Those arguments have been appended to the Report and I may read out the opinion of Mr. Samuel. It is as follows:

"I should like to apply two tests to this Bill, and if the answers are satisfactory, my observations will be void—(1) will it encourage charity and humanitarianism; (2) will it conduce to multiply charitable homes."

Then he says,—

"My answer is that this Bill will deter and destroy both charity and charitable homes."

Later on he says further,—

"They will introduce extraneous influences, perhaps even political influences, into the working of charitable homes. They will retard initiative and service. Instead of multiplying such homes, they will reduce the number."

These are apprehensions and I cannot accuse people for having these apprehensions but then I should also like to read out the opinion of the Bishop of Delhi. There are so many things but the opinion of the Bishop of Delhi is something which deserves consideration.

"This Bill is designed to regulate and control the conduct of such homes and orphanages as are or may become ill-conducted or ill-controlled; and for this purpose its provisions seem admirably designed. They are capable of amendment in the light of experience."

He adds further on—

".....Nor does it seek to dry up the well-springs of charity, or to discourage the spirit of selfless service."

There is some apprehension because people feel that some sort of control is going to be imposed upon such institutions. This is a reasonable measure and even the Bishop of Delhi has spoken in that way. Of course, he has said that there may be some cases in which it may not be necessary to have control, as contemplated in this Bill. Clause 28 covers the cases mentioned by the Bishop of Delhi. In such cases, the State Governments can give exemption.

As I said earlier, Rajkumari Amrit Kaur opposed this Bill and there are two Minutes of Dissent, one from Mr. Samuel and the other from

[Shri Kailash Bihari Lall.]

Shrimati Renuka Ray. She has said that there is no necessity for such a control board and that the Central Social Welfare Board and the State Boards should be enough to cope with this problem. In this connection, I should like to quote from the Evaluation Report of the working of the Welfare Extension Projects of the Central Social Welfare Board. The Report says that for some reason or the other the State Boards have not been functioning properly. The more serious case mentioned there is the one relating to the State of Bihar. The Committee visited the projects at Ranchi, Hazaribagh and Arrah and at that time it was told that not a single Village Level Worker, Chief Accountant or the Jeep car driver was paid anything for a period of six months. So, this thing goes on this way. Shrimati Renuka Ray has said that since the State Boards are there, there is no need to have these control boards and that they would merely exist as duplicate boards. As I have shown earlier, this argument has been met by the Report of the Evaluation Committee appointed by Government. If you want, I will read out from the reply of the Bharat Sevak Samaj because the Bharat Sewak Samaj and the Central Social Welfare Board were specially requested by the Joint Select Committee to give their opinion. The Bharat Sevak Samaj has contradicted the remarks of the Central Social Welfare Board. The Bharat Sevak Samaj has wholeheartedly supported the provisions of this Bill. It says:

"There can be no two opinions about the necessity of an enactment providing for the supervision and control of homes for neglected women and children and for regulation and control over bodies and organisations which manage such institutions."

It says further on:

"In the opinion of the Bharat Sevak Samaj, the Boards proposed under clause 5 are necessary and

the work should not be left to the grant-giving bodies who are not expected to devote their time and attention with singleness of purpose."

The suggestion of the Central Social Welfare Board was that they being the grant-giving body, they should be entrusted with the task of supervising such bodies and organisations. This has been contradicted by the Bharat Sevak Samaj which body cannot be said to have a lesser record of service than the Social Welfare Board so far as social welfare activities are concerned. I will read only one more sentence from the note submitted by the Central Social Welfare Board:

"The Central Board agrees there is need for such a measure."

So, there is agreement on this point that such a measure is required to control and supervise the work of these institutions. From that point of view, I think, this measure is required. Had I more time, I would have gone on dealing with each clause and explaining what the clause seeks to do but I can say that this Bill has come from the Joint Select Committee in a changed form. The Select Committee has taken very good pains and they have met all points of view and all opinions from different sides. This Control Board which was to consist of members appointed by the Government has now been made into a totally elected body. There have been suggestions for elections from different bodies; for instance, there would be representatives of the managing committees, there would be representatives of legislatures of States. Then there will be six members nominated by the State Government of whom three will be ladies. In this way all sections of the people have been given representation on the Board of Control and this Board will have the power recognising and supervising the institutions. If the Board had sufficient funds, of course, the work could have gone on very well

and in the Joint Select Committee one Member from the Lok Sabha raised the question that the Government should be approached for funds and he was asked to apply for that. He applied and the Law Ministry was kind enough to forward that and the Education Ministry has also concurred in that. The matter is now pending before the Finance Ministry and it is quite possible that the Finance Ministry may also give its approval but it has not come up till today. So we can pass this with the provision as it is in clause 10 and we can go ahead with the Bill. The necessary amendment can come in even when this is before the Lok Sabha because it is only a question of more funds. Of course, funds there will be because there will be contributions and grants from the States. It is a question of more funds and more funds can come gradually. It may be taken up even in the Lok Sabha and that may serve the purpose.

I do not want to take up more time of the House and, if at all any point is raised by any hon. Member, I will meet it in my reply. Probably the least justice that can be done is to pass this measure quickly because it has been pending approval of the House for a long long time, so much so that I have become a butt of ridicule from all sides. 'What about your Bill'—that was the common question on the lips of my friends and I want that whatever time is left, we must finish with this Bill within that time. With these words I commend the Bill to the House and I hope hon. Members will give their support to the Bill.

The question was proposed.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras): Sir, this Bill that seeks "to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith" as reported by the Joint Committee of the Houses is a measure that, on the surface, has to be appreciated because the help

given for orphans and neglected women and children is help in the right direction. But before I proceed, I would like to point out that in passing this Bill and similar Bills we are really taking over to the Centre many of the rights of the various States. The States have already been carrying on work in this direction of supervision and control of such institutions directly or indirectly through various Departments and they have done that very well. There may be one or two cases of lapses here and there but that does not mean that we should bring in a Bill over the States and really too much is being taken by the Centre leading to something like a totalitarian Government. That is why I am not in agreement with this Bill.

Secondly, the chief feature of the Bill, as my friend has said, is the creation of a Board of Control. I have gone through the various clauses relating to that Board and I would like to know if this Board is to be an honorary Board or if the members are to be paid. And it is said that funds for such homes are to come partly through public endowments, donations etc. and State subsidy. Now, we are creating a big Board and if the members of the Board are to be paid or given allowances, you are really taking away the funds that are meant for the orphans and neglected women and children. Before proceeding further, I should like to eliminate the term 'orphan'. Once they are taken under the shelter of a home, the whole idea of their being parentless must go. So in the South we have changed the names of 'orphanages' to 'homes for children'. We should not carry on that stigma. A child becomes parentless for no fault of its own and it should feel that the management of the home and all that the home stands for are in the place of parents, more than parents in many ways and therefore I would like that term to be eliminated altogether.

THE MINISTER OF LAW (SHRI A. K. SEN): In Kalimpong the term 'orphanage' has been taken away.

SHRIMATI T. NALLAMUTHU RAMA-MURTI: I am very happy.

SHRI A. K. SEN: That is a famous home, as you know, started by Father Grahams. It is one of the most reputed homes in the whole world run on the lines of St. Bernard Homes in London.

SHRIMATI T. NALLAMUTHU RAMA-MURTI: About this Board of Control it is said here:

"The Board shall consist of the following members, namely:—

(a) three members of the State Legislature to be elected by the members thereof: provided that where the State Legislature consists of two Houses, two members shall be elected by the members of the Legislative Assembly from among themselves and one member shall be elected by the members of the Legislative Council from among themselves."

Later on, in sub-clause (d) it is said:

"six members to be nominated by the State Government, of whom not more than one shall be a member of Parliament from the State and not less than three members shall be women."

And in this way there are other clauses relating to this Control Board. Now, I ask, in the running of charitable homes for those that are needy, whether they be children or women, where is the need for Members of Parliament, politicians, to be represented on this Board? The moment you introduce an element of politics in such homes, the whole idea of independence and supervision of those homes on lines that will be conducive to all that is necessary for the promotion of the well-being of children and women, goes out. I am sorry to say that, but it is a fact that the influence of politics will corrode the very vitals of institutions that are of the category of charitable homes. I ask further the question: In what way is the Central Board of Management going to be a sacrosanct body, above

the philanthropic managements of homes that are already there? I would ask if any home could be conducted on better lines than the Shri Ramakrishna Mission Homes, if any home could be conducted on better lines than the Avvai Home in Adayar in Madras, and many more Seva Sadans and homes run by charitable and humanitarian people, who have dedicated their lives to the cause and who have gone on yatra and begging for collecting funds and who have managed these homes with the assistance of experienced men and women?

[MR. DEPUTY CHAIRMAN in the Chair]

Sir, I am conversant only with many homes that are run by women who bring to bear their experienced contribution on the care and protection of the young educationally and on all that pertains to health and morals, on all that would promote the education of these children and adults, to enable them to eke out a proper livelihood by training them for various vocations, etc. I would like to know in what way this Control Board is going to be a superior body to the managements that have already been there, that have done very good work. Those homes that were first in the field, in order to do charity and in order to render help to the needy, were religious homes. The Ramakrishna Home is a religious home. Almost, I might say, the first in the field were Christian Mission homes and afterwards followed Hindus, Muslims and others who started charitable homes. The State gives a grant of Rs. 8 per child, which is not at all enough, whereas to a child in the certified homes the State is giving Rs. 25. In spite of this, these managements, these persons, who are fired with zeal for the cause of the uplift of the inmates of such homes, have gone on doing that service in a spirit of dedication to serve God in various ways. I would like to know whether this Control Board is not going to infringe upon all that is best in these homes. I know that some homes are to be exempted, but then who draws the line for such exemptions?

DR. W. S. BARLINGAY (Bombay): There is no presumption against this Board. She need not make any presumptions against this Board.

SHRIMATI T. NALLAMUTHU RAMAMURTI: Well, I am against the Board and that is very plain. I am against the creation of a super-board to control charitable homes, because in my opinion the homes are being managed very well by various managements. Where there might be defects there are already in the States—in every State it is bound to be there—departments of education where inspectors and supervisors are sent to deal with all that concerns the education of these children in the orphanages. The health department is there. Other advisory boards are created from among the leading people and the public who have a heart for such work and who are promoting the well-being of such children and neglected women. It is all there and it has done very well. Where there are defects, the State can easily, through its departments and through the creation of even additional staff in the departments of education, health and welfare, carry out its duties and see that all the homes are run on proper lines. Why create this special Board and why bring this Bill for work that has already been done well in many ways?

Then, reference was made to the Central Social Welfare Board and the State Social Welfare Boards. We are really duplicating supervision and control in many directions. The Central Social Welfare Board, as far as I know, has done its work to a great extent to the best of its ability, in a field which has been very difficult, in a field that had not been traversed before for many years. It has gone to the rural areas and has roused women to come forward as voluntary agencies to undertake this very noble cause of helping the children who are needy and women who are destitute and who have been neglected. As such the Central Social Welfare Board which makes the grants, which gives

the money, it is said, should not check. I am hearing a new principle enunciated. I thought that he who pays the piper will call the tune and has every right to call the tune. And the tune here is a tune that the whole people had agreed to. Therefore the Social Welfare Board has every right to check and control the way in which such institutions are being run. The State Advisory Boards also co-operate and in that way I would say there are already organisations in this field to cope with this subject. Why create another Board of Control, which is an additional body, which will be very expensive? I do not agree with the composition of it because the introduction of politicians there would be tolling the death knell of all charitable homes and will bring in all kinds of problems that are springing up among the young today of indiscipline and party politics, in an enterprise that is very holy, one of the holiest of the holies. Therefore, I am very much against the creation of the Control Board.

Again it is said that we should see that in an institution for girls, it must be only for one sex. We have had homes where especially for the lower ages of children, boys and girls have been kept there, up to a certain age, and after that age they were sent to other institutions. It is natural, you do not know. Very often a mother comes who is a destitute, and she has children, boys and girls. It is our intention in many of these homes to see that mothers bear their responsibility towards their children by doing part-time work, by receiving part-time education and getting promotion as trainees. That would bring them a livelihood. At the same time she could give what she earns to a certain extent for the promotion of the education of her own children.

In some of these opinions that are expressed in the Report one person has mentioned that the clause with regard to sexes should go. In the lower

[Shrimati T. Nallamuthu Ramamurti].

ages children are children and we can have boys and girls in the same institution. It is said that opinions have been expressed and that they are in agreement with this Bill. I can quote many other opinions that are expressed also here that are against this Bill. They say that it is not necessary. I do not want to take up much of your time by reading certain passages from some of the opinions that are given here. It is said, *vide* page 15 of the Joint Committee Report: "The definition of 'home' is extremely vague. The vagueness works in two ways. On the one hand it might be argued that a hostel run by us for working girls in Madras to which they each pay their share of expense comes within the Act. We do not think this is really intended. Such an extension of the meaning would cover even the Y.M.C.A. hostels. The clear exclusion of such hostels is desirable. On the other hand an unscrupulous person by reason of the vagueness might evade coming within the literal meaning of the Act". Another representation is by a religious body *vide* page 21 of the Report of Joint Committee. It says: "A large number of orphanages and other charitable homes in the South are run by religious bodies. There the evils and abuses sometimes attributed to charitable houses are absent". Another representation says, *vide* page 27, para 4 of the Report: "We think that the Bill as proposed oversteps what is desirable in the relationship between a home run by private enterprise and the State which has the right to inspect and report".

I would like to say more, but time does not permit me to do that. I would ask the hon. Minister to consider the feasibility of sending this Bill back and trying to get an assessment from the State authorities as to what measures are being taken in each State in order to give protection to children and neglected women in the various homes, and to leave the matter to the States absolutely.

SHRI A. K. SEN: Sir, may I, with your permission point out to the hon. Members certain facts which might assist them in their discourse? And it is the Education Ministry which wants me to point them out. They are these. The Central Act called the Women and Children Institutions (Licensing) Act of 1956, Act CV of 1956, which contains similar provisions and which enables the different States to enforce it in their own areas, has now been enforced in the States of Bombay, West Bengal, Kerala, Madras and U.P.—in U.P. they have their own Act which is on similar lines. In view of the fact that these States contain the largest number of institutions for women and children, it is now difficult to see what prospect this new Bill has. Though we try to help Mr. Kailash Bihari Lall in drafting and various other things, it becomes highly doubtful how far the passing of this Act will help us, since most of the important States have already enforced the Act containing similar provisions or have their own Act containing similar provisions. Complications will be created because they are of a conflicting nature, because this Act will seek to repeal all the other Acts.

PROF. A. R. WADIA (Nominated): Mr. Deputy Chairman, I personally welcome this Bill. If there is any overlapping, it is for the Government to see that the overlapping is prevented.

SHRI A. K. SEN: Being a Concurrent Subject, the States have their own Act, like Bombay, U.P., Madras, West Bengal, etc. Apart from that, the Central Act has been enforced in most of the States, and it becomes rather a difficult matter. It may be a case for introducing fresh provisions in the Central Act for the States to enforce, but for a new Act altogether it now becomes difficult.

DR. W. S. BARLINGAY: There are other States where there are no such provisions.

SHRIMATI T. NALLAMUTHU RAMA-MURTI: Why should we take upon ourselves all that . .

MR. DEPUTY CHAIRMAN: Prof. Wadia.

PROF. A. R. WADIA: Sir, I am personally very much in favour of this Bill. I have read with some attention the minute of dissent of Mr. Samuel, but I am rather surprised at the tone of it. He feels that there is absolutely no need for a Bill like this. He even feels that it will stop the flow of charity, and I am afraid my friend, Mrs. Ramamurti, has pleaded in the same tone. I personally feel that if a person wants to do good work, he or she need not be deterred in that work merely because there is an Act. On the other hand there are plenty of institutions which have been really extremely bad, and that was very well brought out by the devastating report of the Committee over which Mrs. Dhanwantri Rama Rau presided some years ago.

AN HON. MEMBER: Where?

PROF. A. R. WADIA: In Bombay. I think they toured all over India and found that a number of the so-called widows' homes and orphanages were really exploited by the managers, and it is for that reason that an Act like this is really needed. Even assuming that, I am perfectly prepared to support Mrs. Ramamurti in all the praise that she has showered on the institutions conducted by the Ramakrishna Mission or by the Convents. The good institutions will not be prevented from doing good work by this Act and the bad institutions will certainly be prevented from doing the evil work that they have been doing so far. It is for this reason that I support this Bill.

Now about the second dissenting minute by Mrs. Renuka Ray, I think there is a certain amount of confusion. I speak subject to correction, but so far as I know the Central Social Welfare Board has abso-

lutely no control over orphanages or other institutions which are in existence. If they give money, they can control, but suppose there is a management which wants to manage in its own evil way and therefore avoids getting any grant from the Central Social Welfare Board or any other agency, how to prevent that management from exploiting the situation? So the existence of the Central Social Welfare Board really does not minimise the good effects of this Act. I do sympathise with what she has said in the last paragraph of her minute. She complains that there is no specific provision that the managers of homes for women should invariably be women nor does it provide that in the case of homes for women the Committee of Management should consist of a majority of women. I think there is considerable force in this criticism, and I do hope that when the managing boards are constituted, these ideas will be borne in mind.

Well, Sir, I particularly welcome this Bill for the following reasons. I think the establishment of a Board of Control in each State is a move in the right direction. Whether it should contain any Member of Parliament or not, it is a matter of difference of opinion. I personally do not feel that the Board of Control will be any the better if a Member of Parliament is not there, but if he is there, I do not think it will be necessarily worse because of that, or at least as a Member of Parliament, I feel like that. If there is a Board of Control in each State which is ultimately going to control all such institutions, orphanages and other charitable homes, it will work for the better, because it means that no spurious institution will be allowed to exist and that in itself is an extremely good thing.

I am also glad that under the proviso to clause 9, it makes it clear that—

"no such member or officer shall enter any home or part thereof, where there are females, except in

[Prof. A. R. Wadia.]

the presence of two respectable women of the locality."

I think that is a very good proviso which will go to maintain higher standards.

Now, there are many institutions existing, and if they are run on right lines, there is no reason why recognition will not be given to them. In fact, sufficient provision has been made for that recognition. And I am perfectly certain that recognition will be easily forthcoming in all such cases. Furthermore, if for any reason a home is recognised but recognition is taken away, there is also sufficient safeguard to prevent any injustice being done to any institution. We find that in the proviso to sub-clause (c) of clause 17 which says—

"Provided that no order of revocation shall be made under this sub-section until an opportunity is given to the person to show cause why the certificate should not be revoked;"

Care is also taken about the marriage of a girl, and that is provided for in clause 22(2).

I think all these safeguards make it very clear that the existence of an institution will not be exploited for any evil purpose by evil-minded people.

There is one clause which is not very clear to me. Clause 20(1) provides that a member of the managing committee is to be the manager. I wonder if it is meant to be a paid post or it is an honorary post. If an institution is sufficiently big, I am afraid an honorary manager will not be able to look after his work. It will have to be a paid job. And if it is going to be a paid job, it is desirable that that person should not be a member of the managing committee. I do not know; perhaps, the mover of the Bill or the Chairman of the Select

Committee will explain to me whether the manager is going to be paid for his work or he is not going to be paid.

DR. W. S. BARLINGAY: There is nothing to prevent the manager being paid.

PROF. A. R. WADIA: But should he not be paid in view of the importance of the organisation? Such institutions are not going to be small ones. They will consist of a number of people. Therefore it is desirable that he should be paid.

So far as the fear that was expressed by Mr. Samuel and also repeated by Mrs. Ramamurti today that good institutions will be under the control of this Board of Control is concerned, I find that the Select Committee has introduced a new clause—clause 28—which gives power to Government to exempt such homes. Well, I think this power should satisfy both Mr. Samuel and Mrs. Ramamurti. But I personally feel that there is no need for giving this power to Government. Why should any home be exempted? If it is run on right lines, why should any respectable management fight shy of the Board of Control? Personally, I do not like this clause, but if it allays the fears that some people have in mind, well, they are welcome to it.

Sir, I repeat again that the report of Mrs. Dhanwantri Rama Rau absolutely leaves no room for any doubt that there are many institutions in our country which should not exist, which are a positive shame and a scandal, and it is to control such institutions that this Bill is needed. That is why, Sir, I congratulate the mover of the Bill, Shri Kailash Bihari Lall, who, I know, has taken a great deal of interest in this work and who has also been working a good deal behind the scenes in order to get the support of the Government and of as many people as possible. I heartily congratulate him on the work that he has done.

श्रीमती कृष्णा कुमारी (मध्य प्रदेश) :
उपाध्यक्ष महोदय, जो बिल हमारे माननीय
सदस्य श्री कैलाश बिहारी लाल ने रखा है,
उस पर मैं अपने कुछ सुझाव और अनुभव
उपस्थित करना चाहती हूँ। भारतवर्ष जब
से आजाद हुआ है, तब से वह विकास और
उन्नति की ओर बढ़ रहा है, इसमें दो रायें
नहीं हो सकती हैं। पर हमें यह ध्यान
रखना आवश्यक है कि हम आगे तो बढ़ते
ही चले जायें परन्तु कहीं अपने दाएं
बाएं और पीछे की ओर देखना न भूल जायें,
क्योंकि कभी कभी ऐसा हो जाता है कि जब
हम भागदौड़ करते हैं तो हमारे बगल और
पीछे जो कूड़ा करकट पड़ा रहता है उससे
टकरा जाने का डर रहता है। जब भारतवर्ष
आजाद नहीं हुआ था, जब हम लोग गुलामी
की जंजीरों में जकड़े हुए थे उस समय हमें
कुछ करने और बोलने का अधिकार नहीं
था। आज हमारा देश आजाद हो गया
है, इसलिये हमें हर पहलू की ओर देखना
जरूरी है।

आज हमारे सदन में जो विधेयक उपेक्षित
स्त्रियों और बालकों के संरक्षण के विषय में
पेश किया गया है वह बहुत महत्व रखता है।
अनाथ बच्चे हमारे ही समाज के एक अंग
हैं और उन्हें भी उतना ही अधिकार है
जितना हम सब लोगों को है। ये अनाथ
बच्चे क्या हैं? जो सब से दुःखी होते हैं,
जिनका कोई नहीं होता है, वे ही अनाथ
माने और कहे जाते हैं। पर इन बच्चों की
मां भारत जननी और पिता भारत सरकार है
और इनके होते हुए भी इनकी दुर्दशा, दयनीय
दशा, नहीं देखी जा सकती है। इसका कारण
यह है कि हम विकास कार्यों की ओर आगे बढ़ते
ही चले जा रहे हैं और इस ओर तनिक भी
ध्यान नहीं दे रहे हैं। सरकार अपना कर्तव्य
इतना ही समझती है कि वह चंदा या दान के
रूप में माहवारी कुछ दे दे। लेकिन मेरा
सरकार से यह कहना कि वह इस तरह की

संस्थाओं को जो भी चंदा या दान देती है,
क्या उसने कभी यह भी देखा कि ये संस्थाएं
किस तरह से काम कर रही हैं और वहां पर
बच्चों की शिक्षा-दीक्षा और रहन-सहन का
प्रबन्ध किस तरह का है? मुझे इस तरह
की संस्थाओं को निकट से देखने का अवसर
मिला और मैं अक्सर इन संस्थाओं में काम
करती रहती हूँ और उनकी दशा को देखती
रहती हूँ। मैंने यह देखा है कि पांच पांच
माह गुजर जाते हैं सरकार की ओर से चंदा
नहीं मिलता है। इस चंदे को प्राप्त करने
के लिये काफी दौड़ धूप और भाग दौड़ करनी
पड़ती है। कभी कभी तो मिनिस्ट्रों तक
के पास माहवारी चंदे के लिये जाना
पड़ता है और दिन भर दिन भर उनके
पास रहने पर भी काम नहीं होता।

4 P.M.

यह एक प्रकार की उनके साथ उपेक्षा
होती है। इन अनाथालयों में कोई भी ऐसी
जगह नहीं होती है जिसमें उन्हें रक्षा मिल
सके। अगर एक दो बालक कही पर होते हैं तो
उनका भरणपोषण हो जाता है। पर जहां पर
४०, ५० लड़के, लड़कियां और महिलाएं रहती
हैं उनके भरणपोषण का एक विशेष सवाल
उत्पन्न हो जाता है। रीवां में एक उज्जैन
महाराणी मार्बजनिक अनाथालय है। वह
सन् १९२८ के करीब से चल रहा है। एक
सदस्य के रूप में मैंने उसे देखा है और इस
समय प्रेसिडेंट के रूप में मैं उसे देख रही हूँ।
मुझे यह कहते दुःख होता है कि छः महीने तक
उसे एड ही नहीं मिलती। अब यह आप
ही सोच सकते हैं कि ४०, ४० बच्चों की
पढ़ाई, स्वास्थ्य, कपड़े और किताबों आदि
का प्रबन्ध करने में कितनी कठिनाइयां
पड़ती होंगी। कही पर उनके लिए हम
कर्ज लेने जाते हैं तो वह भी नहीं मिलता है।
चन्दे से इतनी पूर्ति नहीं हो सकती कि ६०
आदमी रोजाना खाना पा सकें। इसलिये मेरा
यह कहना है कि सब से पहला हमारा यह
कर्तव्य होना चाहिये कि हम इस बात की
देखरेख करें कि उन्हें क्या शिक्षा दी जाती है,

[श्रीमती कृष्णा कुमारी]

क्या टेकनिकल शिक्षा भी दी जाती है ? हमारे भारतवर्ष में जो बेकारी बढ़ रही है वह इस कारण से बढ़ रही है कि लोग साधारण विषय ही पढ़ते चले जाते हैं। जब तक उनको औद्योगिक या टेकनिकल शिक्षा न दी जाय, वे आगे नहीं बढ़ सकते। ये जो अनाथ बालक हैं, इनको यदि अच्छे नागरिक के रूप में बनना है, अच्छे नागरिक के रूप में अपने जीवन का निर्वाह करना है, तो इनकी शिक्षा की ओर, इनके स्वास्थ्य की ओर विशेष रूप से ध्यान देने की जरूरत है और यह सरकार पर अवलम्बित है। यदि सरकार ने इनकी ओर विशेष ध्यान नहीं दिया तो कहीं ऐसा न हो कि आगे चल कर ये हमारी टांग पकड़ पर पीछे घसीट लें। यह देख कर हमें दुःख होता है कि ये बच्चे जो आगे चल कर हमारे देश के नागरिक बनने वाले हैं और हमारे देश के भविष्य को सुधारने वाले हैं, उनकी ऐसी दयनीय दशा है। हर एक जगह ऐसी संस्थाएं चल रही हैं, पर उनकी क्या दशा है, यह मैं नहीं कह सकती। एक ही चावल से पूरी हांडी के चावल टटोले जा सकते हैं। इसलिये उनकी शिक्षा दीक्षा की ओर, उनके खाने कपड़े की ओर उनके रहन सहन के स्तर को ऊंचा करने की ओर सरकार का निगाह रखना बहुत ही आवश्यक और जरूरी है।

मैं अपनी बीती अब बता रही हूं। हमने यह सोचा था कि जो हमारे यहां अनाथाश्रम है उसके अन्दर ही एक पुस्तक भवन बनवा दिया जाये जिसमें गांधी जी से ले कर जो और दूसरे बड़े बड़े नेता हुए हैं और जिन्होंने आजादी की लड़ाई में भाग लिया है, उनके जीवन-चरित्र से सम्बन्धित पुस्तकें रख दी जायें और उन पुस्तकों को छोटी अवस्था से ही बच्चों को सुनाया जाये; क्योंकि हमारा यह विचार था कि ऐसी पुस्तकें सुनाने से उनके दिमाग में जो तरह तरह की खामियां रहती हैं वे निकल जाती हैं और उन्हें आगे बढ़ने के लिये

एक प्रकार का प्रोत्साहन मिलता है। पर मुझे दुःख के साथ यह कहना पड़ता है कि वहां के गरीब अनाथ बच्चों ने किसी ढंग से, इधर उधर बाजा बजा कर, कुछ पैसा इकट्ठा किया और उससे उस भवन का निर्माण किया गया, किन्तु दो साल से वगैर छाये ही वह भवन पड़ा हुआ है, पुस्तकें रखना तो दूसरी बात है। इस बीच में ऐसी बात हो गई कि पांच महीना मुझे उन्हें खाना देना दूभर हो गया। इधर स्कूल भी खुल गये थे और उनके पास कपड़े नहीं थे, उनके पास पुस्तकें नहीं थीं। मैं रीवां से भूपाल और भूपाल से रीवां मारी मारी फिरती रही और मेरा यह कार्यक्रम एक माह तक चलता रहा। बड़ी मुश्किल से पांचवें महीने किसी ढंग से एंड मिली। ऐसी परिस्थिति में जब कि सरकार एंड देने में इतनी देर करती है, कैसे अनाथ बच्चों का आगे का काम चल सकता है और उनकी शिक्षा दीक्षा हो सकती है? स्वास्थ्य के लिये कुछ गनीमत रहती है। अगर पास में कोई औपघालय हो तो वहां से काम चल सकता है। पर वह जो सीमित रकम मिलती है और जो थोड़ा बहुत चन्दे में आ जाता है या कुछ ऐसे अनाथालय हैं जहां पर बच्चे कभी कभी शादी आदि के मौकों पर बँड बजा कर कुछ पैसा पैदा कर लेते हैं, उसी से उन्हें पूरे वर्ष निर्वाह करना पड़ता है। उसमें से यदि हर एक मद में पैसा काटा जाये तो उन्हें शिक्षा देने के लिये, उन्हें सिलाई, बढ़ईगिरी और दूसरी चीजें सिखाने के लिये बहुत कम रुपये बच पाते हैं, किस ढंग से वे काम चला पाते हैं, यह मेरी समझ में नहीं आता है। इसलिये मेरा यह कहना है कि सरकार को चाहिये कि जो एंड वह देती है, उसको वह समय पर दे, और ऐसी संस्थाओं का बराबर निरीक्षण करती रहे। यह नहीं होना चाहिये कि एंड दे दिया, जाने दो, अब हम बरी हो गये। सरकार को चाहिये कि वह बराबर इस ओर ध्यान रखे और देखे कि ये जो भावी नागरिक बनने वाले हैं उनकी शिक्षा दीक्षा कैसी हो रही है और वे आगे कैसे बढ़ रहे हैं।

मेरे भाई बैठे हुए हैं और वे मुझे संकेत कर रहे हैं। मुझे इस विषय में कहना तो बहुत कुछ था, किन्तु अब मैं केवल एक मुख्य प्रश्न पर ही कुछ कहूंगी, जिसे मैं भूल गई थी। अभी तक मैं बालकों के सम्बन्ध में ही कहती रही; क्योंकि एक मां का हृदय पहले बालकों की तरफ ही जाता है। अब मैं दो मिनट महिलाओं के बारे में भी कहना चाहूंगी। जैसे छोटी भेड़ी को मकान के अन्दर कर दिया जाता है, उसी ढंग से महिलाओं को मकान के अन्दर कर दिया जाता है। वहाँ सारी व्यवस्था संस्था के नाम पर चलती है और बाहर से कोई ऐसा अंकुश नहीं होता है जिससे वह संस्था पूर्ण विस्तृत रूप से चल सके। स्त्रियों को अगर सिलाई सिखा दी जाये, बुनाई सिखा दी जाये, उनकी शिक्षा-पढ़ाई हो जाये, तो वे अपने जीवन के निर्वाह के लिये स्वयं रास्ता निकाल लेती हैं। अभी जब वे वहाँ जाती हैं तो यह होता है कि उन्हें एक मकान में रखा जाता है, कुछ थोड़ी बहुत सुविधायें दे दी जाती हैं और फिर अगर कहीं किसी जाति का कोई आदमी मिल जाता है तो उसके साथ शादी कर दी जाती है। तो जब तक हमारी उपेक्षित स्त्रियों और इन अनाथ बालक और बालिकाओं का सुधार न हो जाये, तब तक कोई भी उन्नति पूर्णतया हमारे भारतवर्ष में हो सकेगी, इसमें थोड़ा सा मुझे सन्देह है; क्योंकि पूरा कुनबा हमारे साथ चलता है और उसको हम कितने दिन तक पीछे रखेंगे? उसे तो हमें साथ ले कर चलना होगा। इसलिये सरकार से मेरी यह विनय है कि वह इस ओर विशेष ध्यान दे और ऐसी महिलाओं और बच्चों की शिक्षा दीक्षा का पूरा ध्यान रखे।

अन्त में मैं फिर इस बिल को सपोर्ट करती हूँ। धन्यवाद।

SHRI N. C. SEKHAR (Kerala): Sir, I rise to commend this Bill to the House for unanimous acceptance for I feel that it would be the greatest charity which the House could show to the poor people who are shut up in the so-called charitable houses.

Sir, I heard one of the previous speakers expressing high praise for the missionaries and for institutions run by the so-called charitable people. Here charity demands that the State should take such measures which would be conducive to the interests of the inmates of such institutions as would enable them to live and lead a life just like our Indian society outside. That is why I support staunchly this measure which is already overdue. Our Law Minister has stated that there is a Central measure and also measures in the States—for example, Uttar Pradesh—and has asked what the effect of this would be on these measures in the States, how it would be effective if we accept this Bill. Sir, as for me, it is already overdue so far as our Government is concerned. Such institutions should have been taken over by the Government to see that these people—the young boys and the so-called widows—who are huddled in certain institutions are brought up properly, as any other members of our Indian society. Would any society live, for the sake of charity, on certain charity of certain people? Certainly not. Charity certainly depends on Government; the Government should be charitable.

In his dissenting minute, a Member stated that the State was impersonal. I say it is not impersonal. Our State is an embodiment of our society which is growing and developing. We know that no State can be impersonal. A State is always personal in the sense that it is the embodiment of the society. Sir, if this House feels that these charitable institutions should continue, it is the duty of the Government to see that these so-called charitable institutions are run by the Government of India, its members being the members of our Indian society. We are no longer under the British Raj or British imperialism to convert our people into slaves or our institutions into slave institutions. That is why we support such measures.

Moreover, why are our Government planning to develop our economy;

[Shri N. C. Sekhar.]

why are they taking certain progressive social measures; why are they introducing democracy here? It is all with a view to seeing that Indian society develops properly, proper work and adequate income is provided to the people, proper culture is provided to the society so that it rises to the stature of the most advanced societies in the world.

Similarly, it is the duty of the Congress Central Government as well as the State Governments to see that every member of the society, irrespective of his faith, helps in the development of the society. Since the Government is not in a position to take all the institutions under its scope, it would not be at all uncharitable to support this measure introduced here by a private Member. I know what pains, troubles and turmoils this Bill had to pass through at different stages before coming to this House. I know how after so many daily joint sittings it has come here before this House. So, since this Bill is a very good Bill, as our Prof. Wadia said, this House should, without any division, accept this Bill and pass it and allow it to become an Act for the benefit of our people, for the inmates of the so-called orphanages and charitable institutions.

I commend the Bill to the House.

DIWAN CHAMAN LALL (Punjab): Sir, I rise to give my fullest support to this measure. In doing so, may I take this opportunity to congratulate the mover, Mr. Kailash Bihari Lall, for having brought a measure which will redound not only to his own personal credit but to the credit of this House in so far as it is a private Member's Bill which is of very great importance for the development of the charitable institutions in India?

At the same time I would like to pay my tribute to my friend, Dr. Barlingay, who presided over the Select Committee in which there were, I notice, 30 Members—10 from this House and 20 from the other House.

They have undoubtedly done an excellent job of work.

I quite agree that there is the difficulty which has been pointed out by the hon. Law Minister in so far as a measure already exists on the Statute Book, a measure which was passed, I believe, in the year 1956, the Women's and Children's Institutions (Licensing) Act, 1956. There is no doubt that this is on similar lines with that measure, but in my opinion it goes very much farther than the original Act which will now be repealed if this Bill is passed.

My friend on my right said to me a minute ago that in comparing the two measures one must look at the positive and the negative aspects of this problem. The measure on the Statute Book is of a negative nature. This measure, now before you, comes in a positive form. The difference lies in this that whereas in the penultimate or the ultimate clause of the original Bill, there is provision for the making of rules to provide for the looking after of these institutions, here we have laid down, under the law, certain provisions whereby a control machinery will be instituted. Now, I am not unaware of the fact that two of my friends—one from the Lok Sabha and one from the Rajya Sabha—have presented minutes of dissent. But if you examine these minutes of dissent, you will find that they do not really go to the substance of the matter. For instance, my valued friend, Mr. Samuel, in his minute of dissent says:

"True, the object of the sponsor of the Bill is to check malpractices in some such institutions, I am in sympathy with it."

Being in sympathy with it and realising that we have to put an end to the malpractices undoubtedly existing in these institutions, my friend should not hesitate to give his support to this measure. He has by becoming a member of the Select Committee obviously accepted the principle of this

measure. Having accepted the principle of this measure, his objection runs to one aspect of it only, that is, what the effect of this measure will be, whether it will restrict the area of charitable institutions or the charitable-minded persons who wish to set up these institutions. Now, I suggest that no person who is willing to give charity for such institutions would be prevented from doing so merely by the fact that there is a control machinery instituted under the present Act. As a matter of fact, he would welcome the fact that his money, which is being invested for a charitable purpose, is being utilised for a good purpose and not being wasted. Therefore, the argument that my friend has raised is an argument in favour of this measure and not against it.

The second minute of dissent is by Mrs. Renuka Ray. Her main objections seem to be:

- (i) that this particular measure, the control measure, should be in the hands of the States Social Welfare Advisory Boards.

I think the Social Welfare Advisory Boards are doing a good deal of work which needs to be done in this country. But I do not think that we should add to the burdens already being borne by these Boards. We should have independent Control Boards as suggested under this measure.

- (ii) that there is difficulty of duplication in regard to this particular measure.

That argument I have already dealt with. There can be no duplication. With the passing of this measure by the Central legislature, naturally the legislation which we pass has priority over all other State legislations, and since we are, at the present moment, doing away with all other legislations on this subject by virtue of this measure, there should be no difficulty, no question about duplication at all.

Now, Sir, it is a very necessary and a very important measure. It is a very simple measure. It gives you the method of management of these institutions, the method of control of these institutions and prescribes certain penalties if they do not conform to the rules that are laid down for their management and control. That is what it contemplates. It is very essential to avoid all those terrible abuses that have crept in in such voluntary institutions. It is very necessary, therefore, that this measure should obtain the consent of this House. I see the difficulty of my friend, the Law Minister, in this matter. He is fully aware of the fact that we have already got a legislation. But I suggest that after eight meetings of the Select Committee—I was not a member of the Select Committee—at which the Law Ministry was fully represented, after having come to almost a unanimous report, barring two members, I do not think that this is now the time to go back and say that this legislation shall not go forward. I appeal to my learned friend, the Law Minister, to let the House judge the merits of this measure, and having judged the merits of this measure, if the House is in agreement that it should be adopted, let it be adopted. Let the Government take a neutral attitude and even a positive attitude in support of this measure. Therefore, I commend this measure to the House.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Mr. Deputy Chairman, I would not like to take the time of the House because I am anxious that within the short time that is available to this Bill, it should be passed. I would like only to say one or two things with regard to the utility of this Bill.

I for one know a large number of institutions in different States which are run so badly that it is necessary to have some such measure for regulating their administration. Similarly, Sir, though some States may have some legislation for this purpose, it

[Dr. Shrimati Seeta Parmanand.]

would be better to have a uniform legislation. Just like any other Central measures like the Divorce or Monogamy Acts this Act can be enforced in the States by adding a clause that all other Acts would be superseded. As far as Central legislation here is concerned, the last clause makes it clear that until the clauses of this Bill come into operation, their present Acts shall continue.

Lastly, I would like to reiterate what Diwan Chaman Lall said, that as the Select Committee has more or less unanimously commended this—and there were so many sittings of the Committee and the Law Minister was also there—it is necessary, in order not to encourage in the future also any waste of expenditure by referring Bills to Select Committees and then not passing them, to accept the measure as it has come in this form. I therefore commend this Bill to the House and in such cases, in the case of measures of Private Members which specially govern institutions for the benefit of the society and for its proper conduct, it is necessary for the Government to give in to the wishes of the House.

With these words, I commend the Bill.

SHRI HARIHAR PATEL (Orissa): Sir, I rise to support this Bill and naturally I will not take much time. I would say something regarding the observations made by Mr. Samuel. He has said:

“Charitable, philanthropic and humanitarian work has religious impulses for its inspiration.”

But I feel that he has used the expression ‘religious impulses’ in the sense of religion itself and religion in the general sense, as it is understood. As such I do not think this generalisation is correct. All sorts of institutions should not be allowed to be affected or swayed over by religious impulses. Those which are rightly brought into existence and sustained

by religious impulses should be classified and may be extended the benefit of clause 28. Hon. Prof. Wadia has felt the inclusion of this provision unnecessary but I feel that it may be found to be a useful provision in course of time and also may help to minimise and simplify the work of the Control Board. The Bharat Sevak Samaj, in its memorandum, has rightly pointed out:

“The directive principle in our constitution that the State shall direct its policy towards securing that childhood and youth are protected against exploitation and against moral and material abandonment badly requires translation into action . . .”

It is quite correct and this Bill, I feel, is most necessary.

Some hon. Members have said that this Bill seeks to interfere with the freedom of management of institutions. But it only seeks to interfere with the freedom to mismanage. Therefore, I support this Bill.

DR. W. S. BARLINGAY: Mr. Deputy Chairman, as it is not necessary to waste the time of the House, I should not like to say so much, so far as the Bill is concerned. I think most of the points which have been raised in the debate on this Bill have already been answered, and very ably answered, by my friend, Prof. Wadia, and I have really nothing to add. The only point that I should perhaps like to mention is that there was already a Bill which, according to the Government, virtually covered the objects of this Bill also. That was in the year 1956. We examined that matter at some length and we gave the whole thing due consideration in the Select Committee and I am in a position to say—at any rate, I took it that way—that the objection on this score was virtually withdrawn by those who represented the Government in the Select Committee. Personally I think the objects of the old Bill and the present Bill, though superficially the same, are

in reality different. The object of the old Bill was of a negative nature; that is, it only created a certain machinery for preventing abuse of power or preventing certain malpractices that might go on in the various orphanages, etc. The object of the present Bill is of a more positive character. It aims at not only preventing the abuses that may go on in the various institutions concerned but it aims at laying down proper standards according to which the various institutions ought to be run. That has been very clearly stated in the several provisions of the Bill. I do not want to take more time of the House in commending this Bill to the House. As I said, most of the things have already been said by Prof. Wadia and I commend this Bill once more to the House.

SHRI A. K. SEN: Mr. Deputy Chairman, as I said when the Motion for reference to the Joint Select Committee was moved, I personally was quite convinced that many of the orphanages, so-called orphanages, and homes for women required control for their improvement and that many of them were run by persons to whom scruples were possibly not of that much value which we ordinarily observed and that many of these institutions have been running much to the disadvantage of the poor and helpless women who were brought therein. I think I did refer to certain criminal cases of a gross nature which had been judicially noticed by even the Supreme Court of India, but my object in pointing out here the fact that many of the States have since enforced the old Act was only to point out to this House that the States were really the implementing agencies. We, from here cannot implement any law for control of orphanages or homes for women, unless the States fully co-operate. Even this Bill will depend, for its implementation, on the States. If they choose to enforce some other Acts, the value of this Act, to that extent, to a large extent, is lessened. That was the whole object of my pointing out to this House the

facts which have since come to our notice. Not only that. Two of the major States have enforced their own Acts. That is another fact which is worthy of notice. So, however laudable and however worthy the objects may be, I personally feel that in its implementation it is likely to face a good deal of difficulty unless the States themselves co-operate. In fact, I pointed out to Mr. Lall at the very beginning that the States were more or less not agreeable to this measure in its original form when he sought to impose a financial liability on the States in the form in which the original Bill was shaped. Of course, the House will see how those provisions have been taken away and the financial provision only provides for such funds as might be available to the institutions and there is no compulsory allotment. That is another difficulty. No Act can run unless there are certain levies to support the running of the Act, or for the execution of the purposes of the Act. These are the difficulties in regard to the Bill.

So far as the Government is concerned, it can neither take nor impose any obligation on behalf of the States. In fact, this Parliament will not also impose any burden on the States unless they willingly shoulder them nor can they do so because that will automatically involve very serious considerations. The Central Government would really like to be of the utmost assistance to those people who are anxious to improve the running of these homes for children and for women. I personally think, therefore, that the whole attention of the House and of those who are devoted to this cause, should be directed towards convincing the States that they should implement the provisions of this Bill, if the House accepts this Bill. The Government had made its position quite clear in the beginning and it does so even now. It neither opposes this Bill nor does it support it wholeheartedly in the sense that it accepts it as a model one, having regard to

[Shri A. K. Sen.]

the various difficulties in the working of this measure which are inherent because it has to be administered by the different States. Sir, I do not wish to add anything further. I do support the suggestion made here that the word "orphanages" should be deleted. I personally think that it does carry an odium which is not very desirable for those unfortunate children who are brought to these homes and many of the good homes do not have the appellation 'orphanage' and we might have a suitable amendment which may be suggested by the lady Member. This is not at all a controversial matter. It does not go to the substance of it.

SHRI V. C. KESAVA RAO (Andhra Pradesh): Mr. Deputy Chairman, I have got my own doubts as to how this Bill will work if it is passed by this House. First of all, I have got my doubts as to how the Board of Control will discharge its functions, for as the hon. Law Minister has stated, there are separate Acts in force in the States for the control of these institutions in their respective States. As far as my State is concerned, I may point out that there are a number of institutions, these orphanages and other institutions, attached to high schools and colleges and they have got a system of administration. Either the Social Welfare Director or at the district level, the District Welfare Officer, will be controlling these institutions. In addition to these, there are a large number of officers inspecting these institutions now and then. When this Bill is passed, I think the Board of Control has to over-ride the powers of the Social Welfare Department of the State. The Board of Control must be given some powers to control these institutions. Now the question is whether the Director of Social Welfare or some other officer under him will be the officer to control these institutions or whether the Board of Control will get the power

to control these institutions. I am afraid this double system of control will fail. As I have already stated, in my State every district has got more than a hundred institutions and as education spreads more and more, almost every big village has got high schools and secondary schools. Therefore, in order to run these institutions, they have started some orphanages with the help of the money given by the philanthropists of the village. If there is control by this Board of Control and if these people feel that there is some interference by this Board, I do not think anyone would come forward to give money for these institutions. In such cases people will keep away, instead of helping the institutions. In one way the running of the orphanages is to help the high schools and colleges in the locality. If this double control comes, then I doubt if any money will come forward.

Moreover, Sir, we know there are so many foreign missionaries helping these institutions and orphanages to a large extent and practically there is no control over those institutions except by the Director of Public Instruction who has got some control over those institutions, which receive government grants. Some orphanages run by these missionary bodies also get some grant from the Government. So to that extent the Education Department of the State has got some control over them. Now, over the Education Department or the Social Welfare Department, we are putting this Board of Control. Therefore, I doubt, even if passed, whether this measure will work at all.

Another thing I want to point out is that the States have got their own Acts to control these institutions and orphanages and that being so, I do not know how we can impose a Board of Control from here. Education as well as social welfare are part and parcel of the State administration. Of course, we have got the Central Social Welfare Board here, but that is

only to help the institutions. On the one side the State Governments are giving some grants to these institutions and to those institutions that are not able to maintain themselves with the State aid, the Social Welfare Board gives some grant. The Social Welfare Board also has got some kind of control and some inspectors from here go to the States to see these institutions and some auditors go there from here. When the Board of Control is formed under this Bill, how will the Central Social Welfare Board have control over the financial help they are giving to these various institutions? The Central Social Welfare Board feel that they should control these institutions and also the State Government wants to control them, because they are all giving some grants to them. Then there will be clash between the State Government and the Central Social Welfare Board. Over and above all that, this Bill is brought with the intention of controlling these institutions. It is said that the malpractices in these institutions should be removed. I do not think this Bill is needed for that. There are already managing committees registered under the Societies Act. There are registered bodies for controlling them. These registered bodies have to be controlled by the Registrar-General or some other officer controlling such registered societies. If we pass this Bill, then what will happen to those registered bodies which run these institutions? Who will take interest in the management of these institutions? Will the Board of Control take interest in the institutions or the management? Those in the management, those who are running these institutions, have got some philanthropy in their minds and so they come forward to help the poor people. But if we impose certain rules from the Board of Control, I doubt whether anybody will be able to do any work at all. Under these circumstances, I think this Board of Control is not a body which can control these institutions. When the control is a double control, then it will fail

So the very purpose of this Bill will be defeated and, therefore, I completely oppose this measure, especially in view of the fact that the State Governments have their own administration and their own rules to control these institutions. We have to leave it to the public and to those bodies that are running these orphanages and other institution.

SHRI KAILASH BIHARI LALL: Sir, first of all, I thank the hon. Members belonging to all sides who have given their support to this Bill. I would now like to say a few words to meet the arguments raised by some hon. Members. First of all, Shrimati Ramamurti said that we are taking away the powers of the State Governments. She said that they have their own boards and that we should not impose this board. I have been hearing that the States are very touchy and that their power should not be taken. I met this argument even at the beginning when Rajkumari Amrit Kaur raised this point. It should not be thought that we are taking away the powers of the State Governments. When we say that we should have integration, we should have one nation; we should not use these degrading terms that the States should be given the liberty to legislate in their own way. That way, each State may say that it will have its own legislation; for instance, Bihar may have a Bihar Penal Code, Bengal may have a Bengal Penal Code and a Bengal Criminal Procedure Code and so on. We have had similar laws on a one-country basis. This sort of laws will lead to integration of our nation on a sound basis. It is not that we are going to impose a law from the Centre. She wanted to know whether the Control Board members would be honorary or would be paid workers. Well, it all depends upon the State Governments and their method of working out these things because after all the working of this Act is going to be done by the State Governments. There was another argument that

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this would introduce politics but there is no introduction of politics at all. It is only imagination.

SHRIMATI T. NALLAMUTHU RAMA-MURTI: There will be so many Members of Parliament and Members of State Legislatures.

SHRI KAILASH BIHARI LALL: I do not understand how the putting in of Members of Parliament on the boards is going to mean the introduction of politics.

SHRIMATI T. NALLAMUTHU RAMA-MURTI: This will, especially the entry, of party-politics, vitiate the progress of these homes.

SHRI KAILASH BIHARI LALL: There are not many points that require reply from me. I thank the Law Minister for having left it to the discretion of the House to pass this Bill.

SHRI V. C. KESAVA RAO: I want to know whether the members of the Boards will work in an honorary capacity or whether the Boards will be run as a government department?

SHRI KAILASH BIHARI LALL: It all depends upon the attitude of the State Governments.

SHRIMATI T. NALLAMUTHU RAMA-MURTI: The whole thing is vague. Even matters relating to the Control Boards are vague.

SHRI KAILASH BIHARI LALL: At one stage the hon. Member was very touchy and said that we should not impinge upon the powers of the State Governments and now she says that we should not be vague at all, we should be so much imposing as to say as to how much money is to be spent on the Board and so on. I think these two are rather contradictory.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith, as reported by the Joint Committee of the Houses, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 21 were added to the Bill.

Clause 22—Discharge of inmates of home

SHRI KAILASH BIHARI LALL: Sir, I move:—

"That at page 8,—

(i) in line 11, for the word 'manager' the words 'managing committee' be substituted; and

(i) in line 13, for the word 'he' the words 'the manager' be substituted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clauses 23 to 31 were added to the Bill.

Clause 1—Short title, extent and commencement

SHRI ALLASH BIHARI LALL: Sir, I move:

"That at page 1 line 6, for the figure 1959 the figure 1960 be substituted".

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI KAILASH BIHARI LALL: Sir, I move:

"That at page 1, line 1, for the words 'Tenth year' the words 'Eleventh Year' be substituted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended was added to the Bill.

The Title was added to the Bill.

SHRI KAILASH BIHARI LALL: Sir, I move:

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

The question was put and the motion was adopted.

THE INDIAN MARINE INSURANCE Bill, 1959

SHRI M. P. BHARGAVA (Uttar Pradesh): Sir, as the House is aware, my Bill, the Indian Marine Insurance Bill, 1959, was sent for eliciting public opinion. Only this morning we have got the paper in which the opinions of ten States and four Union Territories have been expressed. There are still four States to send their opinion. Therefore I do not propose to move my motion for reference to the Select Committee during this session. I will do so at a later stage

MR. DEPUTY CHAIRMAN: All right; we postpone that.

THE COLOURING OF VANASPATI BILL, 1959

श्री जुगल किशोर (पंजाब) : माननीय उपाध्यक्ष महोदय , मैं यह बिल वनस्पति में रंग देने के मुताल्लिक हाउस के रूबरू पेश करना चाहता हूँ .

"That the Bill to provide for and to regulate the colouring of vanaspati so as to prevent it from being used as an adulterant of ghee be taken into consideration".

यह बिल जो आज मैंने हाउस के रूबरू रखा है यह एक ऐसा बिल है जिसकी मुद्त से जरूरत महसूस की जा रही थी और जरूरत ही नहीं महसूस की जा रही थी बल्कि पब्लिक यह महसूस करती थी कि सरकार वनस्पति घी में रंग देने में देर कर रही है, इसको जल्द रंग दिया जाना चाहिये था । किन वज्हात की बिना पर मैं यह बिल आज हाउस के रूबरू रख रहा हूँ, उसके लिये सब से बड़ी बात यह है कि इस वनस्पति घी में रंग न देने की वजह से भ्रष्टाचार बहुत बढ़ रहा है । हम आए दिन भ्रष्टाचार को बुरा कहते हैं और कहते हैं कि भारतवर्ष में भ्रष्टाचार