

[Shri Morarji R. Desai.]

case did not think it necessary to have a Bill on the Statute Book because the legal remedies now available are considered adequate for the purpose. And what the hon. Member said also exactly comes in the way of the Government bringing in a Bill. If that becomes something which is different from the law which is already there and which we are now following, then the Bill will create more disturbance for marine insurers than may be there just now. That is why the Government have also to be careful and they will, therefore, be very careful and have the expression of public opinion on this matter. Therefore, Sir, I welcome this proposition.

MR. CHAIRMAN: The question is.

"That the Bill to codify the law relating to marine insurance be circulated for eliciting opinion thereon by the 30th November, 1959."

The motion was adopted.

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

SHRI KAILASH BIHARI LALL (Bihar): Mr. Chairman, Sir, 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 be referred to a Joint Committee of the Houses consisting of 30 members; 10 members from this House, namely:—

1. Dr. W. S. Barlingay,
2. Shri Deokinandan Narayap,
3. Shrimati Savitry Devi Nigam,
4. Shri Ram Sahai,
5. Shri M. H. Samuël,
6. Shri D. A. Mirza,
7. Shri N. C. Sekhar,

8. Shri Kamta Singh,
9. Shri V. Venkataramana, and
10. Shri Kailash Bihari Lall (the mover); and

20 members from the Lok Sabha."

MR. CHAIRMAN: Have you taken the permission of Shrimati Savitry Devi Nigam?

SHRI KAILASH BIHARI LALL: Yes, Sir. Our Party Whip said she has consented.

SHRI ABHIMANYU RATH (Orissa): Probably he has given it on her behalf.

DR. R. B. GOUR (Andhra Pradesh): Implied consent.

SHRI KAILASH BIHARI LALL:

"that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

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

that the Committee shall make a report to this House by the first day of the next session; and

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

Sir, I do not want to make a long speech because this Bill is not a new one before this House. It has a long history and it has been there since 1954. On one occasion I was rather forced to withdraw my Bill. That was one Bill. The second one I again introduced in the year 1956 and that I have withdrawn only an hour before. And now, by the force of circumstances this Bill which has been

thought to be acceptable to all people. including the Government, I introduce and I am now moving for reference of the Bill to a select committee. Therefore, I need not say much on this Bill, since most of the salient features are the same as those in the previous ones. There is very little change from the previous one except that the previous Bill referred to the opening of orphanages where there were none and that was thought to entail expenditure on the part of the State Governments and therefore, the present Bill has been so amended as to see that no such expenditure is entailed on the States. But for that, this Bill is the same as the previous one and has the same purpose in view. On the previous Bill there was a debate in this House for a whole day and it received a good response and it was welcomed by all sides of the House.

Today I will not commit the mistake that I did on the last occasion when I said that most of the Members might not have read that Bill and then there was a hue and cry over that, that I had mis-judged the intention of hon. Members. Therefore, I take it for granted that the Bill has been read. Due to my bad health also I cannot make a long speech. I take it that hon. Members will remember that debate, that they have really read the Bill and that therefore they will support this motion for reference to the Select Committee.

SHRI P. N. SAPRU (Uttar Pradesh): Please explain to us the provisions of the Bill.

SHRI KAILASH BIHARI LALL: Am I to go through them again? I suppose the Bill has been already circulated to hon. Members and I suppose they have read it, because as I said, I will not commit the mistake that I committed last time of saying that hon. Members have not read it. I have already taken it for granted that they have read it.

This measure seeks to promote social welfare and a salient feature of the Bill is that it provides for supervision and control by the States over these institutions. There has been some legislation by the States and by the Centre also, but all of them were made from the superficial point of view, remembering that children are misutilised, that girls and women are sold and so on. But none of these legislations paid the necessary positive attention to the neglected children and the neglected women who require such attention which would entail some duty upon the 12 Noon State. I have for that purpose suggested that there should be a control board established in every State so that there could be regular inspection of these institutions. There is provision in the Bill for the making of rules and regulations in regard to the running of these institutions, in regard to the part to be played by the managers and so on. The various State Governments do help financially these institutions but they are not mindful of how these institutions are being carried on. At present there are schools and colleges run by many parties. Government gives grant to these schools and colleges but there are definite and specific rules as to how much accommodation each student should have, what should be the dimension of a class room and so on. In the case of the orphanages, nobody bothers to see how the children are kept, whether they are given good accommodation or whether they are packed like sardines in one small room. Nobody has the responsibility to see to these things. It is for this purpose, this Bill has been brought forward.

SHRI P. N. SAPRU: Are we competent to legislate in matters like this? This may be a State subject.

SHRI KAILASH BIHARI LALL: This point was raised last time. I suppose the hon. Member was present

[Shri Kailash Bihari Lall.]

then. This point was debated upon very much and it was said that this subject found a place both in the State List and in the Union List. It was also said that if this subject was not covered by the two lists, then the Centre can legislate. Anyway, the Chair at that time ruled that it was in order and this measure was taken into consideration. The measure was debated for an entire day. This matter was then referred for eliciting public opinion. Opinion was also received from the public. The public welcomed this measure excepting, of course, the Christian community of Kerala and Madras. They perhaps mistook this to mean an encroachment upon their exclusive right or monopoly. I never aimed at such a thing. In the previous Bill, there was mention that the Government should take a secular view of these matters and that Government should only help those institutions which are run on secular lines, not on communal lines. They mistook this particular thing and they agitated. In the present Bill, that thing also has been removed and there is mention of only supervision and control of all the orphanages that exist in the land.

I hope the Members who have made a study of this measure will give their opinions and if necessity arises, I may reply at the end.

MR. CHAIRMAN: Motion moved:

"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 be referred to a Joint Committee of the Houses consisting of 30 members; 10 members from this House namely:—

1. Dr. W. S. Barlingay,
2. Shri Deokinandan Narayan,
3. Shrimati Savitry Devi Nigam,
4. Shri Ram Sahai,
5. Shri M. H. Samuel,
6. Shri D. A. Mirza,

7. Shri N. C. Sekhar,
8. Shri Kamta Singh,
9. Shri V. Venkataramana and
10. Shri Kailash Bihari Lall (the mover); and

20 members from the Lok Sabha.

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

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

that the Committee shall make a report to this House by the first day of the next session; and

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

[MR. DEPUTY CHAIRMAN in the Chair.]

شری متی انیس قدوائی ( اتر

پرویدیہ ) : جناب قیدی چیرمین صاحب - مجھے خوشی ہے کہ کیلاش بہاری جی ایک ایسا بل لائے ہیں جو وقت کی بہت بڑی ضرورت پوری کرتا ہے۔ اس وقت ہندوستان میں تین سو سے اوپر وندھوا آشرم اور یتیم خانے چل رہے ہیں۔ ان میں سے کچھ لوگوں نے چھوٹی چھوٹی کمیٹیاں بنا کر کھول رکھے ہیں۔ کچھ ہندو اور مسلم وقف کے ماتحت چل رہے ہیں، کچھ کو مختلف انستی ٹیوشن چلا رہی ہیں۔

سوشل ویلفیئر بورڈ نے جب سے کام شروع کیا ہے پچھلے چند سالوں میں اور بھی زیادہ آرفلیمج، بلائڈ اسکول اور ودھوا آشرم قائم ہو گئے۔ لیکن ان دو برسوں میں جب سے سوشل ویلفیئر بورڈ کی یہ پالیسی ہو گئی کہ بورڈ خود آفٹر کیئر ہوم - شیڈر ہوم اور ڈسٹریبیوٹ ہوم کھولے اور گورنمنٹ نے پورے ہاؤس وغیرہ پر توجہ دینی شروع کر دی تو ان لوگوں کی بہت کچھ ہمت شکنی ہوئی ہے جو ایسے ہوم کھولکر پیسہ کمانے کی بات سوچتے تھے یا اس کو بزنس کا ذریعہ بنا رکھا تھا۔ لیکن سوشل ویلفیئر بورڈ کی مدد کرنے والی پالیسی نے نادانستہ ایسے ودھوا آشرم کی مدد بھی کی جہاں عورتیں بکنی تھیں۔ ایسے آرفلیمج اور یتیم خانوں کو بھی پیسہ دیدیا جہاں لڑکوں کو تعلیم و تربیت کے بجائے بھیک مانگنا اور بری حرکتیں کرنا سکھایا جاتا تھا۔ سوشل ایڈڈ مارل ہانڈیبن کمیٹی کی رپورٹ کے بعد سوشل ویلفیئر بورڈ کے کان کھڑے ہوئے اور انہوں نے تحقیقات کے بعد ایسی درخواستوں کو ریجیکٹ کرنا شروع کر دیا۔ بہر حال اب ضرورت ہے کہ گورنمنٹ ان سفارشوں کو منظور کرے اور اس بل کو منظور کر کے ان برائیوں کو دور کرے جو ہمارے یتیم خانہ اور ودھوا آشرم کو بدنامی اور بربادی کا ذریعہ بنائے ہوئے ہیں۔

ایسے یتیم خانے بھی اس ملک میں موجود ہیں جن کے لڑکے ہر صبح باجا بجا کر دروازہ دروازہ بھیک مانگتے پھرتے ہیں۔ ایسے اناتھ آلیہ بھی ہیں جہاں بچے چٹکی چٹکی آٹا اکٹھا کرتے پھرتے ہیں۔ ایسے آرفلیمج ہیں جن میں بچوں کو ہر طرح کی بری حرکتیں سکھلا کر پورا غلڈہ بنا کر نکال دیا جاتا ہے۔ جہاں غلطیوں پر استاد بچوں کو تہہ خانوں میں بلند کر دیتے ہیں بیلٹوں سے مار پڑتی ہے اور کھانا بند کر دیا جاتا ہے۔ چھوٹے بچے بڑے بڑے داسوں پر پونجی پتھوں کے ہاتھ بیچے جاتے ہیں۔ ایسے ودھوا آشرم بھی ہیں جہاں عورتیں دو دو اور تین تین بار شادی کر کے واپس آ جایا کرتی ہیں۔ ایک جگہ پیسہ لیکر شادی کی جاتی ہے اور وہ چلد دن بعد بھاگ آتی ہیں۔ دوبارہ دوسری جگہ اور تیسری بار تیسری جگہ پیسہ لے کر شادی کر دی جاتی ہے۔ عورتیں منتظمین کی تفریح کا ذریعہ بنتی ہیں۔

بہر حال اس صورت حال میں ہمیں گورنمنٹ کی مدد لینے کی ضرورت پڑتی ہے۔ اور یہ بڑی اچھی تجویز ہے کہ ہر اسٹیٹ میں ایک بورڈ بنایا جائے جو ایسے تمام اداروں پر کنٹرول رکھے۔ بلکہ میں تو کہتی ہوں کہ ان کی آمدنی خرچ اور دھنڈے والوں کی تعداد، داخلہ اور روانگی

[شریمتی انیس قدوائی]

سب پر کنٹرول ہو - صورت یہ ہے کہ رجسٹریشن کی جو تجویز اس وقت ہے اور اس بل کے ذریعہ جس جس طرح کا کنٹرول کیا جائیگا ان سب چیزوں سے مجھے پورا اتفاق ہے - میں یہ سمجھتی ہوں کہ یہ ٹھیک رہیگا کہ ہر سٹیٹ ایبل یہاں جتنے بھی ودھوا آشرم اور یتیم خانے ہیں ان پر اس طرح کا کنٹرول کرے تاکہ ان میں جو آمدنی، خرچ اور داخلہ ہوتا ہے کہ کتنے لوگوں کو وہاں داخلہ دیا گیا اور اور کتنے لوگ وہاں سے نکلے ان سب چیزوں کا باقاعدہ ریکارڈ رکھا جا سکے - جب اس طرح کا باقاعدہ ریکارڈ رکھا جائیگا تب ہی ہم اندازہ لگا سکیں گے کہ اس چیز سے ملک کو کتنا زیادہ فائدہ ہوتا ہے اور کتنی دقتیں اور پریشانیاں لوگوں کو اس سلسلہ میں پیش آتی ہیں -

بہر حال میں اس بل کو اس خیال سے سپورٹ کرنا چاہتی ہوں کہ گورنمنٹ کوئی ایسا قانون ضرور بنائے اور ان سفارشوں کو منظور کرے تاکہ آئینہ کے لئے جو برائی ہو وہ دور جائے -

ایک بات مجھے اور کہنی ہے کہ بہت سے ایسے یتیم خانے اور ودھوا آشرم ہیں جو کسی وقف کے ماتحت چل رہے ہیں مثلاً کوئی مندر کا وقف ہے کوئی مسجد کا وقف ہے کوئی درگاہ کا وقف ہے - سنی وقف بورڈ،

شیعہ وقف بورڈ اور بہت سے ایسے وقف ہیں جن کے ماتحت وہ چل رہے ہیں - اگر گورنمنٹ ان تمام آرگنائزیشنز کو اکٹھا کر سکتی تو زیادہ اچھا ہوتا لیکن اس طرح گورنمنٹ پر بڑا بوجھ پڑ جائیگا - اس لئے میں یہ کہہ سکتی ہوں کہ جو جس طرح سے چل رہے ہیں ان کو اسی طرح سے چلنے دیا جائے - لیکن ان کے انتظام پر، ان کی آمدنی پر اور ان کی تمام ایکٹیویٹیز پر پورا کنٹرول ہو - یہ دیکھا جائے کہ وہ ٹھیک تعلیم دیتے ہیں یا نہیں - کچھ کرتے ہیں یا نہیں - اگر ان تمام چیزوں پر کنٹرول ہو گیا تو وہ خود سدھر جائیں گے اور گورنمنٹ کے ہاتھ میں بہت کچھ ان کے اختیارات آجائیں گے - اس طرح سے گورنمنٹ کے اوپر زیادہ بوجھ بھی نہیں پڑیگا اور ہم کوئی پالیسی بنانے سے بھی بچ جائیں گے - آج صورت یہ ہے کہ ان کے جو رولس ہیں، جو قاعدے ہیں ان میں کوئی خاص برائی نہیں ہے لیکن جس طریقہ سے ان میں کام ہوتا ہے اور ان قاعدوں پر جس طرح سے عمل کیا جاتا ہے وہ غلط ہیں - اگر گورنمنٹ ان تمام چیزوں کو دیکھے اور وہ بورڈ ان کی نگرانی کرے تو سب چیزیں ٹھیک ہو جائیں گی -

اس لئے ان چند الفاظ کے ساتھ میں اس بل کو سپورٹ کرتی ہوں اور گورنمنٹ سے درخواست کرتی ہوں

کہ گورنمنٹ ہسپتال قانون ضرور بنائے تاکہ  
ہر صوبہ اپنی اپنی جگہ ان تمام  
اداروں کو ٹھیک کر سکے -

†[श्रीमती अनस किदवई(उत्तर प्रदेश):  
जनाब, डिप्टी चेयरमैन साहब, मुझे खुशी  
है कि कैलाश बिहारी जी एक ऐसा बिल  
लाये हैं जो वक्त की बहुत बड़ी जरूरत  
पूरा करता है। इस वक्त हिन्दुस्तान में  
३०० से ऊपर विधवाश्रम और यतीमखाने  
चल रहे हैं। उनमें से कुछ लोगों ने छोटी  
छोटी कमेटियां बना कर खोल रखे हैं।  
कुछ हिन्दू और मुस्लिम वक्फ के मातहत  
चल रहे हैं। कुछ को मुस्लिम इन्स्टीट्यूशन  
चला रही है।

सोशल वेलफेयर बोर्ड ने जब से काम  
शुरू किया है पिछले चन्द सालों में और भी  
ज्यादा आरफनेज, ब्लाइन्ड स्कूल और  
विधवाश्रम कायम हो गये। लेकिन इन दो  
वर्षों में जब से सोशल वेलफेयर बोर्ड की  
यह पालिसी हो गई कि बोर्ड खुद आफ्टर  
केयर होम, शेल्टर होम और डेस्टीच्यूट  
होम खोले और गवर्नमेंट ने पुअर हाउस  
वगैरा पर तबज्जा देनी शुरू कर दी तो उन  
लोगों की बहुत कुछ हिम्मत शिकनी हुई है  
जो ऐसे होम खोल कर पैसा कमाने की  
बात सोचते थे या जिन्होंने इसको बिजनेस  
का जरिया बना रखा था। लेकिन सोशल  
वेलफेयर बोर्ड की मदद करने वाली पालिसी  
ने नादानिस्ता ऐसे विधवाश्रम की मदद भी  
की जहां औरतें विकती थीं। ऐसे आरफनेज  
और यतीमखानों को भी पैसा दे दिया जहां  
लड़कों को तालीम व तरबियत के बजाय  
भीख मांगना और बुरी हरकतें करना सिखाया  
जाता था। सोशल एंड मॉरल हाइजीन  
कमेटी की रिपोर्ट के बाद सोशल वेलफेयर  
बोर्ड के कान खड़े हुये और उन्होंने तहकी-  
कात के बाद ऐसी दरखास्तों को रिजेक्ट  
करना शुरू कर दिया। बहर हाल अब  
जरूरत है कि गवर्नमेंट इन सिफारिशों को  
मंजूर करे और इस बिल को मंजूर करके

उन बुराइयों को दूर करे जो हमारे  
यतीमखानों और विधवाश्रम को बदनामी  
और बरबादी का जरिया बनाये हुये हैं।

ऐसे यतीमखाने भी इस मुल्क में मौजूद हैं  
जिनके लड़के हर सुबह बाजा बजाकर  
दरवाजा दरवाजा भीख मांगते फिरते हैं।  
ऐसे अनाथालय भी हैं जहां बच्चे चुटकी  
चुटकी आटा इकट्ठा करते फिरते हैं। ऐसे  
आरफनेज हैं जिनमें दच्चों को हर तरह की  
बुरी हरकतें सिखला कर पूरा गुंडा बना कर  
निकाल दिया जाता है। जहां गलतियों पर  
उस्ताद बच्चों को तहखानों में बन्द कर देते  
हैं, बेंतों से मार पड़ती है और खाना बन्द  
कर दिया जाता है। छोटे बच्चे बड़े बड़े दामों  
पर पूजीपतियों के हाथ बेचे जाते हैं। ऐसे  
विधवाश्रम भी हैं जहां औरतें दो दो और  
तीन तीन बार शादी करके वापस आ जाया  
करती हैं। एक जगह पैसा ले कर शादी की  
जाती है और वह चन्द दिन बाद भाग आती  
है। दुबारा दूसरी जगह और तीसरी बार  
तीसरी जगह पैसा ले कर शादी कर दी  
जाती है। औरतें मुन्तजमीन की तफरीह  
का जरिया बनती हैं।

बहरहाल इस सूरतहाल में हमें गवर्नमेंट  
की मदद लेने की जरूरत पड़ती है। और  
यह बड़ी अच्छी तजवीज है कि हर स्टेट में  
एक बोर्ड बनाया जाय जो ऐसे तमाम अदार्थों  
पर कन्ट्रोल रखे। बल्कि मैं तो कहती हूं कि  
उनकी आमदनी, खर्च और रहने वालों की  
तादाद, दाखिला और रवानगी सब पर  
कन्ट्रोल हो। सूरत यह है कि रजिस्ट्रेशन की  
जो तजवीज इस वक्त है और इस बिल के  
जरिये जिस जिस तरह का कन्ट्रोल किया  
जायेगा उन सब चीजों से मुझे पूरा इत्फाक  
है। मैं यह समझती हूं कि यह ठीक रहेगा  
कि हर स्टेट अपने यहां जितने भी विधवाश्रम  
और यतीमखाने हैं उन पर इस तरह का  
कन्ट्रोल करे ताकि उनमें जो आमदनी, खर्च  
और दाखिला होता है— कि कितने लोगों  
को वहां दाखिला दिया गया और कितने

[श्रीमती अनीस किदवई]

लोग वहां से निकले इन सब चीजों का बाकायदा रिकार्ड रखा जा सके । जब इस तरह का बाकायदा रिकार्ड रखा जायेगा तब ही हम अन्दाजा लगा सकेंगे कि इस चीज से मुल्क को कितना ज्यादा फायदा होता है और कितनी दिक्कतें और परेशानियां लोगों को इस सिलसिले में पेश आती हैं ।

बहरहाल मैं इस बिल को इस ख्याल से सपोर्ट करना चाहती हूं कि गवर्नमेंट कोई ऐसा कानून जरूर बनाये और इन सिफारिशों को मंजूर करे ताकि आइन्दा के लिये जो बरवाई हो वह दूर हो जाये ।

एक बात मुझे और कहनी है कि बहुत से ऐसे यतीमखाने और विधवाश्रम हैं जो किसी वक्फ के मातहत चल रहे हैं । मसलन कोई मन्दिर का वक्फ है कोई मस्जिद का वक्फ है कोई दरगाह का वक्फ है । सुन्नी वक्फ बोर्ड, शिया वक्फ बोर्ड और बहुत से ऐसे वक्फ हैं जिनके मातहत वह चल रहे हैं । अगर गवर्नमेंट इन तमाम औरफनेज को इकट्ठा कर सकती तो ज्यादा अच्छा होता । लेकिन इस तरह गवर्नमेंट पर बड़ा बोझ पड़ जायेगा । इसलिये मैं यह कहूंगी कि जो जिस तरह से चल रहे हैं उनको उसी तरह से चलने दिया जाये । लेकिन उनके इन्तजाम पर उनकी आमदनी पर और उनकी तमाम एक्टिविटीज पर पूरा कंट्रोल हो । यह देखा जाय कि वह ठीक तालीम देते हैं या नहीं । कुछ करते हैं या नहीं । अगर इन तमाम चीजों पर कंट्रोल हो गया तो वह खुद सुधर जायेंगे और गवर्नमेंट के हाथ में बहुत कुछ उनके अख्तियारात आ जायेंगे । इस तरह से गवर्नमेंट के ऊपर ज्यादा बोझ भी नहीं पड़ेगा और हम कोई पोलिसी बनाने से भी बच जायेंगे । आज सूरत यह है कि इनके जो रूलज हैं, जो कायदे हैं उनमें कोई खास बुराई नहीं है लेकिन जिस तरीके से इनमें काम होता है और उन कायदों पर जिस तरह से अमल किया जाता

है वह गलत है । अगर गवर्नमेंट इन तमाम चीजों को देखे और वह बोर्ड इनकी निगरानी करे तो सब चीजें ठीक हो जायेंगी ।

इसलिये इन चन्द अलफाज के साथ मैं इस बिल को सपोर्ट करती हूं और गवर्नमेंट से दरखास्त करती हूं कि गवर्नमेंट ऐसा कानून जरूर बनाये ताकि हर सूबा अपनी अपनी जगह इन तमाम अदारों को ठीक कर सके ।]

SHRI AKBAR ALI KHAN (Andhra Pradesh): Sir, I have also great pleasure in supporting this measure. Those who have had the privilege of visiting such institutions outside our country and those who have visited such institutions in our own country will feel greatly depressed. There is a tremendous difference. The way in which those institutions are run, the way in which these boys or girls are looked after, the standard in which they are maintained, etc. is so different to those that we see in our country. We regret that at least in some cases the managers or the persons running these institutions make it a means of their own livelihood. That is very objectionable. In view of all these, it is highly imperative that there should be some law which would establish control and supervision over all these institutions and it is much better, and I feel it will carry greater weight if it is an Act of the Union, because, it will be a uniform supervision and uniform policy rather than leave it to the different States. It is on these two grounds that I commend this Bill for approval.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras): Mr. Deputy Chairman, I want to congratulate Shri Kailash Bihari Lall on the tremendous interest he has taken on this question of orphans and neglected children and for the amount of trouble he has taken during the past so many sessions to frame this Bill. Personally I wish to say that while I am in sympathy

with all that he might feel for the cause of the orphans, this Bill is absolutely out of date. There are States where orphanages are run and managed either by voluntary agencies or under indirect supervision of the departments of Government and they have so far justified their existence and produced results that are admirable. I feel that when opinions of States were asked recently, the States had also expressed their opinion with regard to financial difficulty. In very many States women's organisations have pleaded for the establishment of a home for neglected children and orphans in every district. So, the move is on for such institutions to come up as normally and spontaneously as possible.

Looking at this Bill—it refers to a Central Board of Management. I do not see the qualifications for such members of the Board and their experience and in what way they are going to better the lot of orphans and neglected children by way of supervision and control. It is a State subject and this kind of legislation would infringe upon the rights of the States to manage their own homes and their own concerns.

There is a clause in this Bill, namely, the Orphanages and other Charitable Homes (Supervision and Control) Bill, 1959—I am referring to clause 8—which says:—

“Any member of the Board, or any officer of the Board authorised in writing by it in this behalf, by general or special order, may enter at all reasonable times any home for the purpose of ascertaining whether the provisions of this Act or of any rules or orders made thereunder are being complied with and may require the production, for his inspection, of any document, book, register or record kept therein and ask for any information relating to the working of the home.”

This, I think, is an inroad into the integrity of homes run by philanthropists, voluntary organisations

who have been in the field and who have done very good work in this direction.

Then, I come to the definition of children. They fix the age here under clause 2(c):—

“‘Child’ means a boy or girl who has not completed the age of eighteen years;”

In the Children's Act, Madras, it is said, one who has not completed the age of 16 years. There are so many differences. Again, if a home does not comply with the rules of the certificate that is granted and the certificate is revoked then the inmates have to be dispersed and that clause is very funny. It says, the inmate shall be:—

“(a) restored to the custody of her or his parent, husband or lawful guardian, as the case may be, or

(b) transferred to another recognised home,” etc.

This is line 35 onwards on page 5 of this Bill. The whole thing is vague and unsatisfactory.

Then in Chapter V, it says:—

24. “Any person who contravenes any of the provisions of this Act or of any rule or order made thereunder or any of the conditions of a certificate shall be punishable in the case of a first offence with imprisonment which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both . . .”

All this is a reflection on the goodwill shown by voluntary agencies and organisations who have undertaken this work in a spirit of service. All homes for young children get registered and then after that they are not only homes for orphans but also educational institutions. They have to see to their education and maintain proper standards of health. In one way or another they come under the vigilance of certain departments



[Shrimati T. Nallamuthu Ramamurti]

in the State—Health, Education, etc. Under those conditions there is already this vigilance and this supervision. Besides that, we have got this great organisation, the Social Welfare Board, which is coming into contact with all kinds of social welfare work done for women and children in various fields. Now this kind of Central legislation is redundant and absolutely unnecessary in this field where work has already been done and done satisfactorily. There may be exceptions in some places in some States where managements might be unsatisfactory and homes might be run in questionable ways. But it is for the State Government to undertake investigations into these homes and to rectify matters. How is this Central legislation going to help in cases where the State and State organisations have greater chances for contact, for first-hand knowledge and information and for doing the needful for problems relating to local conditions and environments?

In these days we are trying to legislate from the Centre for almost everything. This is a matter where society has to step in a great deal and social conditions and adjustments are to be studied very intensely and often on the spot, and therefore it is the State that should be made responsible, the organisations within the State that should be made responsible and they are responsible. They do not require any dictation from the Centre on this point and as such, Sir, I do not find my way to support this Bill, as it would be a dangerous infringement on the rights of the States to organise and conduct homes for orphans and neglected children which many States are already doing and which they are doing very well. Where those States are not doing, they are trying to come up. After all they are part and parcel of the Union and it is up to them to maintain the standard, and I cannot see how the States can be dictated to by the Centre as the States are also

responsible parts of the Union. I feel it is a reflection upon the States, I feel it is an infringement upon their rights, and therefore I oppose this Bill.

SHRI N. M. LINGAM (Madras): Mr. Deputy Chairman, I agree with the previous speaker that there is an increasing tendency on the part of the Centre to legislate on subjects which come predominantly in the sphere of State legislation. It is true, Sir, that these subjects are also found in the Concurrent List . . .

THE DEPUTY MINISTER OF LAW (SHRI R. M. HAJARNAVIS): Which items is the hon. Member referring to?

SHRI N. M. LINGAM: I shall mention the items presently, but if there is any doubt as to whether the Centre or the State should legislate on a Concurrent subject, I think it would be wise to leave the matter to be legislated upon by the State.

Now, Sir, the hon. Minister wanted to know the Concurrent subjects on which the Centre is legislating. Only the other day the Government brought forward a Bill relating to the prevention of cruelty to animals. Then subjects like Co-operation are coming more and more within the purview of Central legislation. I could mention others by looking a little more into what the Government have been doing during the last two or three years, but I have a horror, Sir, of this tendency towards centralisation.

Then, coming to the Bill before the House, it is a Bill which like most Bills has very good intentions. But I do not know how far this attempt to control and regulate institutions of this kind will be conducive to their growth or for the matter of that for the springing up of similar institutions in the country, because as hon. Members will be aware, private initiative and control by the State in these matters go ill together. People who are endowed with the good things of the world and who are inclined to

start such charitable institutions shrink at the prospect of such institutions being controlled at every stage by governmental authority."

Then, Sir, we do not know and it would have facilitated discussion if this House knew the number of orphanages and charitable homes in the States in India. That would have given us precise data on which to decide whether legislation is necessary on a subject like this.

Then I come to one or two provisions of the Bill which do not seem to have been drafted precisely. The most important provisions are in Chapter II, and they relate to the Board of Control and its constitution. Clause 5(1) says: "The State Government may, by notification in the Official Gazette, establish a Board of Control for the control and supervision of homes in the State." But the clause does not lay down either the number or the qualifications of members for a Board of this nature. I mention this because it is necessary in a matter like this that persons associated with social service and individuals who are noted for their attainments in general culture and their standing in the community are appointed as members of the Control Board. If it is to be a routine Board consisting of officials or other members of society, then the Board will not be able to discharge its functions properly. On the other hand the effect of having such a Board will be the reverse of what the Bill envisages.

Then, Sir, with regard to the functions of the Board also the provisions are not clear. It only says that it shall be the duty of the Board generally to supervise and control all matters relating to the management of the homes. Sir, this is an omnibus provision. There is no point in saying that the Board shall supervise and control all matters, which is tantamount to interference in the day-to-day activities of any charitable home or institution. That is a thing which is not desirable. I hope the Select Com-

mittee would go into greater detail on this clause 6 which deals with the functions of the Board. My own feeling is that the Board should have the least power for interference, should have the least to do with the management of such institutions. It would suffice if the Board lays down the broad lines, lays down certain principles to be followed by the institutions. Otherwise it would be—for the Board—overstepping the limits envisaged by the mover of the Bill.

Then there is clause 9 which relates to the funds of the Board. It says:

"The funds of the Board shall consist of such sums as may be paid to it by any person or authority by way of grants, donations, subscriptions and the like."

So, the Board itself is another charitable institution. So, the Government does not come into the picture at all. Probably, the governmental grant for this Board has been omitted to obviate the need to get the President's sanction for the Bill. Whatever that be, I feel that a board of this kind will be absolutely ineffective. The Board, to function effectively, must have sufficient funds, to be made available to it by the State Government itself. If the States have agreed to this measure just to satisfy the wishes of the Centre, then there is no use proceeding with this Bill. Sir, either we should have a good scheme for toning up—if there is need to tone up—these institutions in the country or we should leave them as they are. If I am to give my experience of the state of working of these institutions, I think, by and large, they work satisfactorily. I confess, I do not know how these institutions work in some other States of the country. But I think, Sir, the balance of advantage lies in leaving these institutions as they are, because they are already subject to supervision and control by bodies like the Central Social Welfare Board who look into their state of affairs before making grants.

SHRI SHEEL BHADRA YAJEE (Bihar): They are not controlled.

SHRI N. M. LINGAM: They are not controlling these institutions, but they satisfy themselves . . .

SHRI SHEEL BHADRA YAJEE: They do not have the power of supervision.

SHRI N. M. LINGAM: They do not have the power to supervise. But these institutions, in order to earn the grants paid by the Central Social Welfare Board and other agencies of the Government, have to run properly. And we forget the cardinal fact that the prime motive behind these institutions is the desire of the donors or the person or persons who start such homes that they are run properly and are organised well. They do not look forward to any patronage either from the Government or from any controlling authority. So, the object of the Bill goes counter to the very purpose with which these institutions are started. I can understand if institutions come up purely for mercenary reasons. They stand on a different footing. I suppose we are dealing with institutions which have come up as a result of endowments and charities and started by individuals or groups with a desire to do social service earnestly.

I made a few remarks on the functions of the Board. So, this Board itself seems to have a jellyfish existence in the scheme of things.

I now come to clause 19 with regard to the managing committee. According to this clause,

"There shall be a managing committee in charge of the management of every recognised home and the members of the managing committee shall be deemed to be the managers of that institution for the purposes of this Act."

I do not know if it is necessary to make it mandatory on the part of every institution to have a managing

committee. If there is a managing committee, then it brings in all manner of complications in the administration of these institutions. Sometimes, politics is imported into the working of these homes. Some large institutions may perhaps require representation from the interests concerned, but to make it a general rule that every institution shall have a managing committee may not be desirable. I think, Sir, that discretion should be given to the Board of Control to specify the institutions which need managing committees so that no hard and fast rule may be applied to all institutions.

Clause 21 relates to the duty of the manager. It says:

"It shall be the duty of every manager to teach, train, lodge, clothe and feed every woman or child admitted into the recognised home until the woman is rehabilitated or the child completes the age of eighteen years or until the certificate ceases to have effect."

Sir, this again is a redundant provision when the objects of an institution are clear, and when a certificate is issued that a certain institution is duly recognised, it is not necessary to retain in the body of the Bill itself that the manager shall do certain functions. Sir, after all, the Control Board has enough power to see to the proper working of the institutions under its jurisdiction and it is this general power that will enable the healthy growth of these institutions. It is undesirable to define the duties of the manager and other members attached to these institutions and enumerate them.

Clause 28 relates to the power of State Governments to make rules, which is a normal feature in every piece of legislation. Clause 29 is regarding the power of the Board to make regulations. Sir, I see that the rules made by the State Government are to be placed before the State Legislature. I think Parliament need not be bothered about the rules being

placed on the Table of this House because they concern only the State Governments.

Sir, as I said at the beginning, the objects are very good. But the scheme of the Bill is not very clear; and there is the feeling that throughout the Bill, there is a conflict between governmental interference and private initiative in the starting and management of these institutions. I would only suggest that the Select Committee go into the provisions of this measure most carefully so that the growth and administration of such institutions in our country may not be hampered in any way.

Thank you.

RAJKUMARI AMRIT KAUR (Punjab): Mr. Deputy Chairman, Sir, I am glad you have given me a chance to say something about this measure. I have read and re-read this Bill and I confess that I am not in favour of this measure at all. I agree with the two speakers who spoke before me, that this is a matter primarily for the States to consider. I do not think it is right for the Centre to ask the State Governments to appoint Boards which, I am quite sure, they themselves are at liberty to appoint should they feel that such institutions as cater to the needs of women and children in their domain are not being properly run. Why do we want State control—State control over everything? I have been a social worker all my life. I know how much good has accrued to women and children through the efforts made by persons devoted to social service, who had taken up these questions. There are Children's Acts in every State, which can cater to the needs of children, which can at once come down like a ton of bricks on any institution that is exploiting children. The same applies to women.

Social conscience has to be aroused in these matters, but I would like to reiterate with all the emphasis at my command an aphorism—if I may call it—that that State is best governed which is least governed. But here the Government of India, I am sorry to

say, wants to bring in legislation after legislation and thereby kill initiative. The social workers and the women's conferences, they are the people who should be primarily concerned to see how much exploitation of women and children there is in the country. Have the State Governments been consulted as to whether they want Boards of this nature, I would like to know, before we want to pass Central legislation for States to have such Boards, and I think the States will definitely resist the encroachment on their rights, and I think they will be right in doing so. I do not for one moment doubt the *bona fides* of the gentleman who has brought forward this measure, but several clauses of the Bill have already been referred to which, in my opinion, will make confusion worse confounded if this measure is resorted to. Here we are asking that—

“it shall be the duty of every manager to teach, train, lodge, clothe and feed every woman or child admitted into the recognised home . . .”

Well, there are the societies that are registered under the Societies Registration Act and it is incumbent on them to do all this. Why then do we, from the Centre, want to interfere in this kind of thing? I do not know how many homes for children and how many homes for women in this country are being badly run. Have we got any data at all in our possession? I know of hundreds that are extremely well run. I know it for a fact because I happen to be a member on the governing bodies of some of these homes, and I resent interference by the State, because the managers will be dictated to as to what is to be done and what is not to be done. Then the Statement of Objects and Reasons says:

“So far as the constructive side is concerned, no existing orphanage or charitable home is to be disturbed, but only its management is sought to be regularised through a managing committee to be elected as described.”

[Rajkumari Amrit Kaur.]

Now, if a home is working well, its management is naturally good. Why do you want to regularise it? What right have you to regularise it? After all, for these institutions it is the public that donates.

SHRI AKBAR ALI KHAN: There are some institutions which require supervision and control.

RAJKUMARI AMRIT KAUR: May be, I do not know, but the moment you get these Boards, that are supposed to look into this, that and the other, they will gradually interfere with everything, and it is bad; it is bad to kill private initiative; it is altogether bad, to have State control over everything. Leave it to the women's organisations, the voluntary organisations, to put their house in order; appeal to them to do it; bring the facts which you have in your possession to the notice of these organisations, to the notice of the States, if necessary, but do not pass enactments like this. What is the point of wasting money on Select Committees to go into this kind of Bill? Literally it is waste of money, waste of time, it is interference with private endeavour which, in my opinion, is something that India today can be proud of. We can raise our head high in the international world and say that our women, in particular, are devoting their attention to social service. No country in the world perhaps has got a Social Welfare Board at the Centre, which looks after this type of homes, which, if any is badly run, can at once say that no more grants can be given to it. The Central Social Welfare Board has got its branch boards in the States. They can go to the States concerned and say: This organisation or this particular home is being badly run, the inmates are being exploited; please see to it that you take action against it at once. It is within the power of the State to do this. Why then do we want legislation of this kind? I am wholly opposed to this kind of legislation being brought in or sought to be brought in, which infringes on the rights of the States and gives a

very bad name to private endeavour in this country. I venture to submit that private endeavour, voluntary endeavour in this country, has got a proud record of service. If there are some institutions that are badly run, well, it is the duty of the Social Welfare Board to bring it to the notice of the State concerned, to the notice of the authorities concerned, and they should be penalised, and there is enough legislation in the States today, for every State to be able to take action against homes and institutions that are being badly run. There is no reason why this kind of Bill should be brought in and therefore there is no reason for it to be recommended to a Select Committee. I oppose the motion.

श्री नवाब सिंह चौहान (उत्तर प्रदेश) :

उप सभापति महोदय, सदन के सामने जो बिल श्री कैलाश बिहारी लाल ने पेश किया है उसका मैं स्वागत करता हूँ। अभी मैंने आदरणीया राजकुमारी जी का भाषण सुना। उनके भाषण का लब्धिलुबाब यह था कि यह जो बिल लाया जा रहा है उससे हम राज्य सरकारों के अधिकार को छीनते हैं। यह कहना एक अजीब बात है कि हम राज्य सरकारों की पावर्स पर इन्कोचमेंट करते हैं। इस तरह की बातें हमें नहीं करनी चाहियें। यही एक दलील उनके भाषण की थी जो मुझे मालूम पड़ी। हम इस तरह से राज्य सरकारों की मदद करते हैं और जो सोये हुए हैं उन्हें एक तरह से सचेत करते हैं। अगर इस तरह की चीज को इंटरफीयरेंस समझा जाता है तो शूगर और फूड वर्ग के मामलों में जो हम राज्य सरकारों की मदद के लिये कार्यवाही करते हैं, तो क्या वह भी इंटरफीयरेंस समझा जायेगा?

SHRI AKBAR ALI KHAN: Is there anything on record to show that the States have objected to this measure?

क्या यह स्टेट सब्जेक्ट है और क्या उनकी राय मांगी गई थी?

श्री नवाबसिंह चौहान : पहले जिस बिल में बिल था उस रूप में राय मांगी गई थी। राय जानने के लिये यह बिल चारों तरफ भेजा गया। लेकिन राज्य सरकारों ने इस तरह का अपना शुब्हा जाहिर नहीं किया। किन्तु मैं तो राजकुमारी के भाषण में जो शंका प्रकट की गई और जो शंकाये उन्हें हैं, उन्हीं के ऊपर अपनी बात कह रहा हूँ।

इस चीज को इस तरह से समझना एक गलत सी बात होगी। यह कहना कि इसके ऊपर अमल ठीक तरह से नहीं हो सकेगा गलत बात है। केन्द्रीय सरकार बहुत से कानून बनाती है और बहुत से सुझाव रोजाना राज्य सरकारों को देती है और उन्हें भी इंटरफीयरेंस समझा गया तो उनके ऊपर कभी भी अमल नहीं हो सकेगा। अगर राज्य सरकारें इसी तरह से सोचने समझने लगे तो कभी भी नये कानून नहीं बनाये जा सकेंगे, जो कि एक बड़ी गलत बात होगी। आज कानून है कि ब्लैक-मार्केटिंग न हो लेकिन ब्लैकमार्केटिंग होती है, चोरी के विरुद्ध कानून है लेकिन चोरिया होती हैं, और बहुत सी ऐसी चीजें हैं जिनके लिये कानून बने हुये हैं लेकिन फिर भी उन पर अमल नहीं होता है। तो ऐसे बहुत से कानून मौजूद हैं और अगर उनमें से किसी कानून की मीयाद खत्म हो जाती है तो हम फिर दूसरा कानून लाकर उसकी मीयाद बढ़ा देते हैं। ऐसी हालत में ऐसा कानून, जिसकी मंशा बहुत ऊंची है, उसके बारे में महज एक टेकनिकल बात के ऊपर, केवल एक शुब्हा के ऊपर कि राज्य सरकारें ऐसा कह सकती हैं— हालांकि राज्य सरकारों की रायें यहां मौजूद हैं— यह कह दें कि यह यहां न आये, यह बड़ी गलत चीज है। मैं समझता हूँ कि जिनके नाम से यह बिल है, लाल साहब, वे बर्बाद के पात्र हैं। मैं कहता हूँ कि वे बेवाओं और यतीमों के लिये मसीहा के रूप में सिद्ध हुये हैं। मुझे मालूम है कि इस बिल के लाने में उनको कितनी कठिनाइयाँ और परेशानियाँ

का सामना करना पड़ा। उसके बावजूद यह बिल सदन के सामने है, यह बड़ी खुशी की बात है। यह बड़े दुर्भाग्य की बात है कि हम अपने देश में अपनी इज्जत से खेल खेलते हैं। हमारे बच्चे और हमारी बेवायें हमारी इज्जत की निशानी हैं। अगर उन्हीं के साथ हम दुर्व्यवहार करेंगे, उनको बेचेंगे, बदकारिया करेंगे, तो आप सोच सकते हैं कि उससे हमारे देश की नैतिकता का कितना पतन हो जायेगा। दुर्भाग्य से मैं ऐसे प्रान्त और ऐसे जिले का रहने वाला हूँ जहां राज्य सरकार के द्वारा बनाये गये कानून के बावजूद ऐसे गैंग काम करते हैं जो इस तरह के बुरे काम करते रहते हैं। राजकुमारी जी ने कहा कि इस चीज को राज्य सरकारें देखें, लेकिन मैं कहता हूँ कि इसके लिये केन्द्रीय कानून होना चाहिये। इस कानून से राज्य सरकारों में बोर्ड बनाये जायेंगे, लेकिन केन्द्र में भी एक बोर्ड होना चाहिये। बहुत से ऐसे गैंग हैं जो कई प्रदेशों में बदमाशियां कर रहे हैं।

श्री प्रभुबयाल हिम्मतसिंहका (पश्चिमी बंगाल) : कानून से गैंग्स की बदमाशी कैसे बंद होगी ?

श्री नवाबसिंह चौहान : हिम्मतसिंहका साहब वकीलों के नजरिये से हमेशा छेड़-छाड़ करते रहते हैं। मैंने पहले ही अर्ज कर दिया है कि जिस तरह से कानून से चोरियां बन्द होती हैं, कत्ल बन्द होते हैं और दूसरे बुरे काम बन्द होते हैं, उसी तरह से यह भी बन्द होगा। मैं यह अर्ज कर रहा था कि ऐसे गैंग्स इंटर-प्रॉविशियल गैंग्स हुआ करते हैं, इसलिये केन्द्र के जरिये उनकी रोकथाम होनी चाहिये। हमारे यहां अलीगढ़ में ऐसा गैंग था जिसका केन्द्र नागपुर में था, मद्रास में था। कोई देखना चाहे तो ऐसे आर्गनेजेशन या आश्रम जो गैरकानूनी और नाजायज तरीके से चल रहे हैं उनमें दूसरे प्राविसेज के लड़के लड़कियां भी मिलेंगे। कहीं कोई लड़की आदिवासियों की उड़ीसा

## [श्री नवार्बसिंह चौहान]

से लाई गई होगी, कहीं कोई लड़की नागपुर से लाई गई होगी। एक दफा नागपुर की एक कांसपिरेसी में हमारे यहां के और दूसरी जगह के लोगों को सजायें हुई थीं। यह कहना कि यह स्टेट्स का सवाल है, इसलिए इसे स्टेट्स की मर्जी पर रहने दिया जाय, बड़ा गलत है। इस बिल के उद्देश्य में इस समस्या की कांस्ट्रिक्टिव साइड ली गई है और मैं समझता हूं कि कांस्ट्रिक्टिव साइड को लेना बहुत जरूरी है। इस सम्बन्ध में जो कानून बने हुए हैं उनके अनुसार जिस तरीके से देख भाल होती है वह हम अच्छी तरह से जानते हैं। जो चालाक किस्म के लोग हैं उन्होंने नाजायज तरीके से ऐसे होम्स बना रखे हैं और वे यह कहते हैं कि यह अनाथालय है, महिलाश्रम है। उनके मैनेजमेंट में वे बड़े अच्छे अच्छे आदमियों को धोखे से शरीक कर लेते हैं। हमारे यहां एक ऐसे ही होम के मेम्बर एक जज साहब थे और फिर उसी होम के ऊपर नागपुर में कांसपिरेसी चली जिसमें बहुत से पुलिस आफिसर भी बर्खास्त हुए। ऐसे लोग बहुत ही चालाक और होशियार हुआ करते हैं। उनके हर जगह एजेंट्स मुर्कर रहते हैं जो स्त्रियों को बहका करके लाते हैं और फिर उन स्त्रियों की शादियां होती हैं। आप यह समझिये कि एक एक स्त्री की पचास पचास दफा शादी हो जाती है। उसकी जहां शादी होती है वहां वह कुछ दिन रहती है और फिर जेवर वगैरह लेकर रात में चली आती है। इसी तरीके से वे छोटे छोटे बच्चों को बहका कर लाते हैं। उनके पास कुछ ऐसे ट्रेन्ड लड़के होते हैं जो उन छोटे छोटे बच्चों को डराते हैं कि अगर तुमने किसी से कहा तो हम तुम्हारे छुरा भार देंगे, तुमको कत्ल कर देंगे। इस तरह उनको धीरे धीरे ट्रेनिंग दी जाती है और उनसे भीख मंगवाया जाता है। फिर जो कुछ वे मांग कर लाते हैं वह सब अनाथालय का मैनेजर खा जाता है। और वह केवल थोड़ा सा खाना उन बच्चों को दे देता है। मैंने खुद बहुत से ऐसे मांगने वाले खड़कों को पकड़ा और जब उनको थोड़ा मारा

और यह पूछा कि तुम कहां से आये हो तब यह मालूम हुआ कि वे बड़े भले आदमियों के खानदान के हैं। ऐसे लड़के पहले डर की वजह से कुछ नहीं बतलाते हैं लेकिन अगर उनको पकड़ कर पूछ लाया जाये तो पता चल जाता है कि किम तरह से उनको भगाया गया। किसी तरह से अपने मां बाप से नाराज होकर लड़के स्टेशन पर आ गये और फिर उनको ऐसे गैंग्स के जो एजेंट होते हैं वे बहका कर ले आते हैं और फिर उनसे भीख मांगने का काम लिया जाता है। मैं आपको बतलाऊं कि जब मैंने अपने यहां के आफर्नेज के मैनेजर के खिलाफ केस चलावाया तो उसके लिए भले भले आदमियों की सिफारिशें मेरे पास आईं। वह आदमी भले भले आदमियों से कनेक्टेड था। अक्सर ऐसा होता है कि कुछ लोग ऐसे आदमियों के बारे में यह समझते हैं कि वे बड़ा उपकार का काम कर रहे हैं, अनाथों की परवरिश कर रहे हैं। जब मैंने उन लोगों से उस आदमी की करतूतें बयान कीं तो उन्होंने कहा कि हम ऐसे आदमी की कभी सिफारिश नहीं करेंगे। आज इस तरीके से चीजें हमारे देश में चल रही हैं और मैं यह समझता हूं कि ऐसी चीजों की गति को ही हमें मंद नहीं करना है बल्कि सफे हस्ती से बिलकुल खत्म कर देना है। मैं यह मानता हूं कि केवल कानून बना देने से कोई काम नहीं हो सकता जब तक हमारे समाज की आत्मा ऊंची न हो जाये, जब तक समाज तैयार न हो जाये, तब तक कोई बुरी चीज खत्म नहीं हो सकती है। यही वजह है कि कानून होते हुए भी कत्ल होते हैं, डकैतियां होती हैं, चोरियां होती हैं और बुरे से बुरे काम होते हैं। अभी हमारे समाज का जमीर जग नहीं पाया है और उसे जगाना है। लेकिन महज इस कानून के लिए यह कह देना गलत होगा कि अभी समाज का जमीर नहीं जगा है, इसलिए इसे केन्द्र में पास न किया जाय। अगर केवल इसी कानून के लिए आप यह सिद्धान्त लगाते हैं तो मैं यह कहूंगा कि आप सब कानून वापस ले लीजिये, बेकानून का समाज रहने दीजिये, मैं भी क्रोपाटिकन का शिष्य बन जाऊंगा।

लेकिन यह चीज तब हो सकती है जब हम में डिसिप्लिन हो। जब हम नियंत्रित हो जायें, तब कानून की आवश्यकता नहीं होगी। यह ठीक है कि अगर कानूनों पर ठीक ढंग से अमल न हो, तो कानून नहीं बनने चाहियें। लेकिन जब बड़े बड़े कानून बन रहे हैं तब इस छोटे से समाज सुधार के कानून को रोकना ठीक नहीं है।

राजकुमारी जी ने एक चीज यह कही कि यह काम सोशल वेलफेयर बोर्ड के सुपुर्द करना चाहिये। मेरा यह विचार है कि यह कानून सोशल वेलफेयर बोर्ड के विरुद्ध नहीं है बल्कि उसके काम का पूरक है। इससे सोशल वेलफेयर बोर्ड को सहायता मिलेगी और सोशल वेलफेयर बोर्ड से इसको सहायता मिलेगी। इसलिये इसको इंटरफियरेंस न कह कर सहायता कहना चाहिये।

**श्री प्रकाश नारायण सप्रू :** मगर बोर्ड कंट्रोल कैसे करेगा ?

**श्री नवाबसिंह चौहान :** रुल्स बना करके। जिस तरह से और चांज सुपरवाइज को जा रही हैं, उसी तरह से यह चांज भी सुपरवाइज को जायेगी। इतनी ऐंफिशिएंस होते हुए, इतनी पुलिस और सी० आई० डी० होता हुए जिस तरह से आप चोरियां, डकैतियां और कत्ल सुपरवाइज कर रहे हैं, उसी तरह से इसको सुपरवाइज कर लीजियेगा। जब इतने बड़े बड़े काम हो रहे हैं तो क्या यह छोटा सा काम नहीं होगा। मैं समझता हूं कि यह काम जरूर होगा और इस काम में हर तरीके से चारों ओर से मदद मिलेगी।

**MR. DEPUTY CHAIRMAN:** You want more time?

**श्री नवाबसिंह चौहान :** मैं जल्दी ही खत्म कर रहा हूं।

**एक माननीय सदस्य :** एक बज रहा है।

**MR. DEPUTY CHAIRMAN:** You may continue after lunch. There is an announcement by the Minister of Parliamentary Affairs.

# ANNOUNCEMENT RE GOVERNMENT BUSINESS FOR THE WEEK COMMENCING 24TH AUGUST, 1959

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI SATYA NARAYAN SINHA):** With your permission, Sir, I rise to announce that Government Business in this House for the week commencing 24th August, 1959 will consist of—

1. Discussion on the Resolution approving the Proclamation issued by the President under Clause (i) of Article 356 of the Constitution in relation to the State of Kerala.
2. Consideration and return of the International Monetary Fund and Bank (Amendment) Bill, 1959, as passed by Lok Sabha.
3. Consideration of any item of Government Business carried over from today's Order Paper.
4. Discussion on Food Situation in the country on a motion to be moved by Shri Bhupesh Gupta on Thursday, 27th August, after the question hour.

**MR. DEPUTY CHAIRMAN:** The House stands adjourned till 2-30 P.M.

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

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

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

**श्री नवाबसिंह चौहान :** श्रीमन्, जो आज-कल अनायालयों के नाम से बहुत सी संस्थाएँ—जिनको संस्था कहना कोई उचित नहीं