

[P. S. Rajagopal Naidu.] included it in the election expenses, then it is for the courts to excuse him and he may be allowed to contest a seat in the coming bye-election or in the general election. Actually what happened was that in this particular case there was a bye-election but he was not able to stand. Some other man had stood and had come in and now the seat for that constituency is filled up.

I feel I have sufficiently explained the reasons why I am bringing in this amending Bill and I shall leave it to the Government to accept my Bill. With these words, Sir, I move.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

THE MINISTER IN THE MINISTRY OF LAW (SHRI H. V. PATASKAR): Sir, I would like at this stage to intervene and tell the hon. Member that, as he probably knows, there was already one Bill introduced last year for amending the Representation of the People Act, but it was found that it did not go far enough and that some comprehensive amendments would be necessary in the light of the experience which we have had of the working of the Act over the last five years, because there have been so many Tribunals, so many decisions and so many matters which have been raised. I think it was only last month or so that I replied to a question in this or the other House saying that the Government are as a matter of fact thinking of introducing a comprehensive measure taking into consideration all these factors and amending the law. I may assure the hon. Member that at that time all the questions raised by the hon. Member will be taken into account. He would recall that the other Bill was referred to a Select Committee, their report even had been submitted but we could not proceed with it because we felt that it was not going far enough and

that something more was necessary. I would therefore appeal to the hon. Member not to press this at this moment. It would be better if we deal with all these things at the time we introduce a new Bill either in this House or the other.

SHRI S. N. DWIVEDY: Can the hon. Minister assure us that the comprehensive amending Bill to which he has referred will be brought forward in this session?

SHRI H. V. PATASKAR: Before the end of this session we propose to introduce it.

SHRI P. S. RAJAGOPAL NAIDU: Sir, in view of the assurance given by the hon. Minister, I have nothing more to say except that I hope that the promise that he is making now will be an accomplished fact before the end of this session. Sir, I withdraw the motion.

The motion was, by leave, withdrawn.

THE ORPHANAGES AND WIDOWS' HOMES BILL, 1955

SHRI KAILASH BIHARI LALL (Bihar): Sir, I move:

"That the Bill to provide for the better control and supervision of orphanages and widows' homes in India be referred to a Select Committee consisting of the following Members:

1. Dr. Shrimati Seeta Parmanand
2. Shri Mahesh Saran
3. Shri R. C. Gupta
4. Shri H. C. Dasappa
5. Shri P. T. Leuva
6. Shrimati K. Bharathi
7. Shri D. Narayan
8. Shri B. M. Gupte
9. Shrimati Parvathi Krishnan
10. Shri R. U. Agnibhoj, and
11. The mover."

I would very much like to include the name of the hon. the Law Minister also in this but I do not know what will be his reaction and what will be his attitude. So, I am in a fix whether to include his name or not. Sir, even as I stand here, the dark cloud of despondency hangs over my head as to what will be the fate of my Bill. I am confused and I have got even the impression that many of my hon. friends here on the Government benches have not even turned up the pages of this Bill. It is not their fault. It is the general stage of affairs here. I am going to make the point as to who is actually responsible for bringing about this state of affairs. Although as a matter of form or convention a few days are allotted to non-official Bills and motions, of course, we know the fate of such non-official motions here. I do not know what effect this has on the Government, but I am glad that, since the advent of our new Home Minister, who has had good training in the Congress camp for long, there has been some change. He was democratic enough to accept one of the non-official Resolutions here. Some of our hon. friends here were even in advance of the hon. Minister and wanted to oppose it, but they were thrown off their feet when the hon. Minister got up and said, "I am going to accept this Resolution moved by Mr. Ghose in respect of enfranchising displaced persons." That was a new thing here with the arrival of our popular Home Minister, Pandit Pant. I hope new light will dawn upon the official benches now, so far as my Bill is concerned. I want to read out to you a passage from a letter from our revered leader, Pandit Jawaharlal Nehru, which he has recently circulated to all Members of the Congress Party. You take away the word 'Congress' and substitute the word 'Government'.

"Numbers count. But what counts infinitely more is the quality of our work and all Congressmen have, therefore, to shake themselves up, get out of the ruts they are in and

make this organisation a living and dynamic symbol of the urges of the Indian people."

MR. CHAIRMAN: Are you placing the letter before the House?

SHRI KAILASH BIHARI LALL: That is not a secret thing.

THE MINISTER IN THE MINISTRY OF LAW (SHRI H. V. PATASKAR): The hon. Member was saying that he had an impression that the Government does not care to look into the Bills or Resolutions moved by non-official Members. If that is the impression of the hon. Member, I would like to clear it. I have read through the whole of this Bill very carefully, and I think that he will in fairness admit that he also discussed the matter with me. I may not agree with him entirely, but that is a different matter. He should not make the charge that Government does not look into the Bills or Resolutions moved by non-official Members. I think that is not fair.

MR. CHAIRMAN: What he meant was the official benches—that is the whole Congress Party.

SHRI H. P. SAKSENA (Uttar Pradesh): The hon. mover of the Bill complained at the very outset that he was confused by interruptions from somebody but I assure you that his speech has confused me considerably and I have not yet been able to understand what he is talking about.

SHRI KAILASH BIHARI LALL: I will first.....

MR. CHAIRMAN: Please speak about the Bill.

SHRI KAILASH BIHARI LALL: Because it is relevant here to the subject. I may say that he is in the habit of being confused. Perhaps I did not mention his name but he has shown his confusion and he wants me to drag in his name. He was the person who opposed that Bill of Mr. Ghose.

MR. CHAIRMAN: Speak about the Bill.

SHRI KAILASH BIHARI LALL: As regards the Law Minister far from my understanding that he has not read my Bill, he surely reads the Bills and I had surely discussed it with him and he reads all the Bills that he has to oppose or on which he has at least to say that he is bringing a comprehensive Bill. I can never be so dull as to think that he has not read the Bill which he prefers to oppose. I say that so many of the other friends have not—I am saying honestly that only a few might have even turned over the pages. Most of them have not read the Bill. I want the hon. Members to say that they have read it. It is a fact that they don't read it. I seldom say anything that is exaggerated and is not a fact.

SHRI P. S. RAJAGOPAL NAIDU (Madras): It is a reflection on the Members of the House.

PANDIT S. S. N. TANKHA (Uttar Pradesh): May I assure my hon. friend that many of us have read the Bill carefully?

SHRI KAILASH BIHARI LALL: It is not a reflection. I think you will be doing justice to yourself and to the House if you speak the right thing. Mr. Tankha says that many of the Members have read it. I still make bold to say that many of us have not read it. If it is to be challenged, let them stand up and speak.

MR. CHAIRMAN: You are not talking on the Bill and you are going about arguing about other things.

SHRI KAILASH BIHARI LALL: When I say challenge, then I must meet their arguments.

MR. CHAIRMAN: By your way of speaking, you don't improve the chances of your Bill.

SHRI KAILASH BIHARI LALL: Because I have foreseen it. I feel that there is no chance of it at all. If at

all there is any chance, it can be by the method that I am pursuing. So far, I can anticipate the arguments that can be brought against my Bill. The most favoured or the most hackneyed argument is that there must be a comprehensive Bill brought by the Government. The other is about the constitutional matter. These are the various arguments in the armoury of the Government. I have thought therefore of anticipating some of them and meeting them as far as possible. I have already said that one argument is that a comprehensive Bill might be brought. I heard that a similar Bill was brought in the other House and perhaps a similar argument was advanced that a comprehensive Bill may be brought by the Government but so far as the comprehensive Bill to be brought is concerned I can only ask most respectfully: What will be the harm if this Bill is referred to the Select Committee and then all the comprehensiveness can be brought into it? Of course, time would be taken by the Government and it may not be in this session. If at all Government want to take time to bring up a comprehensive Bill and if they want time to collect the facts and figures and materials for this, the convening of the Select Committee may be postponed. That is my point of view. Then so far as the constitutional hurdle is concerned, when I first thought of giving notice of this Bill I was confronted by this argument that it does not come under any of the three Lists provided by the Constitution. I went through them and I found that so far as the Lists were concerned, the word 'orphanage' does not occur anywhere, nor the word 'widows'. Of course, I know that the States are legislating and so there must be some provision under which they must be legislating. So I found that there is in the State List item No. 4 which provides for 'Prisons, reformatories, Borstal institutions and other institutions of a like nature and persons detained therein; arrangements with other States for the use of prisons and other institutions'. So if they stretch the point, they can bring

orphanages also under any of these heads—reformatories and institutions of a like nature.

Then there is item No. 28 of the Concurrent List—Charities and charitable institutions, charitable and religious endowments and religious institutions. So orphanages and widows' homes can be taken under these charitable institutions and accommodated here but even if this does not satisfy because the word 'orphanage' does not appear and so is ruled out, then there is, I find, item 97 in the Union List which provides for any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists. It may come under this. So I wrote to the authorities and they were good enough to accept my view point that it came under one of the Lists. At least it found its way so far as the introduction stage was concerned and it was introduced. Till then nothing was said about any objection to it. The only hurdle that could be found out was that there is provision in my Bill for spending money out of the Consolidated Fund of India. I introduced it once before and the history perhaps is known to hon. Members; I had to withdraw that because I could not get the recommendation of the President for that proposal. Well, I thought to myself, if that was the law, I must bow to it. Later on, I again enquired and found out that if the portion relating to Part C States is taken out, because that involves expenditure from out of the Consolidated Fund of India, then there may be some scope for my Bill. So when I re-introduced it this year, that is to say, in 1955, I took out the portion dealing with Part C States. It may be that Part C States may also be concerned, but I thought it better to take the chance of being able to introduce my Bill once, rather than flounder at the very first hurdle, namely that of requiring the President's sanction. So I took out the part relating to Part C States and I introduced the Bill again.

Another point that can be anticipated is that this measure may involve

expenditure out of the funds of the States and therefore it is not proper for us to burden the States with any suggestions for expenditure by legislating here in this Parliament. This is indeed a good argument and I appreciate it. But we have to take into account what can be the feelings of the States and what are our duties also in this matter. What are we doing at present? May I remind hon. Members that only recently we passed a Bill into Act—the Children's Bill? Of course that Bill was somewhat different from my Bill. If there was no difference where was the necessity for me to bring in another Bill like this? When the Children's Bill was under discussion, I felt and it was also pointed out, that that was something like a "policing" thing. It was for policing everything connected with children. That Bill took into account the delinquency of children, the faults of the parents, the powers of the police, those of the magistrates, the magistrate's court and so on. You know, a tiger which has tasted human blood once never forgets it. Similarly, they think there can be no peaceful atmosphere anywhere. Even when going to take care of the orphans and other children, they never forget authority, the police force, the magistracy and things of that sort. All the same, that measure did not cover the large number of institutions existing in the country, existing in the name of orphans and widows, and styled orphanages and widows' homes. That was the reason why I have brought forward this Bill of mine.

And now, Sir, let me point out to hon. Members the main provisions of this Bill. I hope they will excuse me for bothering them with the provisions contained here. I may point out that incidentally that will save them the hardship that will be entailed in going through the individual provisions.

Sir, as we all know, a large number of orphanages and widows' homes have been existing in this country. They are mostly maintained by missionaries and other religious sects. They are communal, in a way, and they have been

[Shri Kailash Bihari Lall.]

flourishing for a long time, because the British rulers felt it better to leave them to manage those orphans' and widows' homes than for the State to take up the work. The State then was for helping Christianity and they also thought that this afforded them a good scope for helping their religion—Christianity—and so a large number of Christian missionaries in the country founded and ran these orphanages all over the country and they maintained them and also propagated their religion through those institutions. The British Government had good excuse for remaining neutral and they remained neutral in this matter and allowed all persons to found such communal institutions.

However, the present is a changed atmosphere and we have a changed set-up and we cannot shut our eyes to what is going around in the land, we cannot allow communal ideas to be implanted in the minds of our children and in the minds of these orphans, and watch them, in the name of religion, poison the mind of the coming generation, through such institutions. So I thought that orphans should be brought under the charge of the State and the orphanages should be converted into secular institutions. Of course, there should be moral teaching, but that should be without any taint of communal preachings.

Sir, there are different categories of orphanages.

First of all, there are orphans who are, if I may say so, clean slates to be written upon. These orphans do not think of any caste or community, because such children were not brought under the guidance of such parents, parents who want to bring them up under certain communal teachings or communal ways of thinking. So these children can very well be used as very good material for evolving a non-communal and consolidated nation. Moreover, these orphanages afford a good opportunity or outlet for charitably-minded persons to spend their money on a good

object and for national uplift. Today, if we help these orphanages that are being run by communal-minded persons, we would be helping communalism, though at the same time, incidentally, we might be saving some lives. Saving lives is a good thing, but at the same time, under cover of doing something benevolent, we would be helping communalism in the land. So my Bill proposes to deal with the different categories of orphanages.

In the Children's Bill, there were provisions for taking out licences. That is because people with shallow ideas on these things think that people run these institutions for the sake of some gain. Sometimes in the widows' homes—why sometimes? I might say, mostly—in the widows' homes and orphanages, they trade in human beings and they earn money. All these evils are prevalent in the country. Therefore, several persons run away with the shallow idea that these institutions are nothing but places of business where human trade is being carried on and people make money. Therefore in official and non-official Bills also, conditions are being imposed for the taking out of licences for running such institutions. But to my mind this looks abhorrent. If you think the thing is bad, then you should suppress it and do it with all the might at your command. Do not allow them to carry on their nefarious trade under any licence. I cannot imagine the grant of licence to such institutions. Anyway, this was the prevalent idea when framing other Bills. So far as I can see all those Bills presupposed the system of licensing and so they have come out with the idea of allowing these institutions to be run on licences.

My Bill provides that there is no need for a licence. These institutions can be run just as so many schools and educational institutions are run. These are recognised by the Government. After the old Bill was thrown out, I had a discussion with the Law Minister and I was helped very much by him. It was pointed out during those discussions that there should be power

for the Government to ban those institutions which may not possess the formal certificate of recognition from Government. To meet that objection, I have provided that no institution can be run if it is not recognised by Government. Thus, there is power vested on the part of the Government to ban institutions which are not recognised.

I have provided for three categories of orphanages; one is Government managed, the other is Government recognised and the third is privately managed. As regards the third category, I have provided that they may have religious teaching but they will not get any aid from Government; they cannot hope to get any State aid. If those institutions have got sufficient funds, they can have religious denominational teaching. The first and second category of orphanages will not teach religion of any denomination but they will have moral teaching on the basis of Mahatma Gandhi's prayers. This is the provision with regard to the classification.

I have provided certain conditions on which recognition may be withdrawn if they are not run properly. I have provided for a Board of Control to be maintained at the capital of every State. That Board of Control should consist of representatives from each district or orphanage and the Chairman of the Board should be an executive officer of the Government and should be an officer with a high status. To meet the objection that may be raised that we are imposing something on the States, I may say that it is open to the Select Committee to change the word "shall" into "may" so as to make it permissive and so that it cannot be construed to be an imposition on the States. By providing that every State shall have and maintain one orphanage in every district, I do not mean that the State should organise such orphanages financed out of its funds. There are orphanages existing in almost every district—perhaps there may be very few districts in which there are no orphanages—and the State should regulate them. They may be of any one of the

three categories that I have mentioned. The intention is not to burden the State with the responsibility of opening an orphanage. There may be very few districts in the whole of India in which there may not be any orphanages of any of the three categories that I have provided for in this Bill. It does not, therefore, entail a large amount of expenditure on the State. There may be scope for this as time goes on and if the Government considers it necessary to open more and more of orphanages because they have to look to this great human material and if Government has to utilise them for nation-building purposes. The Government may open more and more of orphanages later on but what I want to impress is that they cannot shut their eyes to the responsibility of saving these people and for utilising the manpower for the building up of our nation. It is criminal that they have not, up till now, looked to these orphanages from where we could have moulded very fine elements for our society. It is a dereliction of duty that we have not so far done anything about this problem and for the future I hope and pray that the Government will see it in that light. It is not as if such suggestions coming from non-official Members should be brushed aside with the usual stock reply that a comprehensive Bill was being brought forward. If we are not passing this Bill and are waiting, we are only failing in our duty towards a noble task. Of course, we are doing so many good things and we may do this thing also but the foreigners took good care of the orphans and they have founded so many orphanages throughout the country but the pity of it was that they prepared religious community. This is a matter which brooks of no delay.

There is nothing much beyond that in the Bill excepting the rule making power of the Board of Control, the mode of running these orphanages and so on. These have been put in detail. I don't think there can be any objection with regard to such an innocent piece of social legislation.

[Shri Kailash Bihari Lall.]

I am not casting any aspersions on the Government because after all it is our Government; if I speak harsh words or if I speak strongly, it is not that I consider them apart from us; they are part and parcel of our own self and they deserve all our help and sympathy and the best we can command to be laid at their feet for the building up of the country. In the same spirit and in the spirit in which our leader has appealed, I will tell them to extricate themselves from the rut that they are in and to see that if any good measure is brought out by even a humble Member, they do not come forward with the same argument which has been trotted out for a long time whenever a non-official Bill is brought forward, that the Government is considering the question of bringing forward a comprehensive Bill. Why should there be this argument? What is the harm if a non-official Member brings up a measure and gets it passed into law? The other day, the previous Home Minister said that the High Courts have made the remark that a plethora of laws are being enacted by our Legislatures. I wish to ask, "who is responsible for the bringing forward of Bills to be enacted into a plethora of Acts?"

So far as we are concerned, not even a single non-official Bill has been passed. If at all, you mean to encourage us to function properly and make ourselves active in our own sphere, you should not say that each one of us only likes to be a full-fledged legislator by enacting one law each.

SHRI H. V. PATASKAR: All the laws passed here are passed by you.

SHRI KAILASH BIHARI LALL: Perhaps the hon. Minister is not aware. This particular remark was made by the previous Home Minister. He said that each legislator here wanted to have one law passed to his credit. That was the remark. But we need not take that seriously into account. We are all one; there is no doubt that we are all one. Everything

done is to our credit but such remarks smack of the old spirit of the British days which we at least, in a sense, do not appreciate. And I think perhaps the Law Minister also would appreciate that such things would not redound to their credit. I am not arguing for my Bill and I think even without this Bill the world would go on and our country would go on and we can exist and the people will exist even if this Bill is thrown away. There is no doubt about that. But it is for my Government that I am insisting. It is to save my Government here if I have got the right to say 'my Government'. 'My Government' is used only by the President, but every one of us has got the pride and privilege to feel that this is 'my Government' and I say in that spirit that it is for the lasting credit and the name of the Government that I have proposed this. It is not to save this Bill, not to save this piece of legislation but to save themselves and the name the Government is going to acquire by always following the same old line and throwing away all the pieces of legislation brought forward by any Member, good, bad or indifferent, whatever it may be. I think that not all the Bills are good enough and it is right that they should be thrown out and if my Bill is not good enough, it will be thrown out but so far I have gathered that the Law Minister also has said that there is no objection to the principle of the Bill and from that point of view it is all right, but there is the difficulty that the Union and the State Governments will be saddled with the expenditure arising out of this Bill. I ask what expenditure would they be saddled with, how many lakhs, for saving the lives of the orphans and taking charge of the orphans of this country? How many lakhs will it be? Does it not look like a lame excuse? Should it lie in our mouth to say that we are not in a position to spend a few lakhs for saving the orphans? If at all the provisions of the Bill are good, if at all you agree with the provisions of the Bill and the principles of the Bill, then

what is the argument for not accepting it? Is it an argument to say that you are not in a position to accept it because the Governments of the States will be saddled with expenditure and because it involves in the first instance recommendation of the President? I understand the latter but I know the President has to abide by any recommendation that the department makes. Things are enacted in the name of the President but the President can do no harm; that is my belief. The President is.....

MR. CHAIRMAN: Let us not talk about that.

SHRI KAILASH BIHARI LALL: So in that way this is thought to be ruled out. I can only pray and I can only request the hon. Minister to see his way to accept my motion and to improve it, if necessary, if at all they want to save the fair name of their Government, not my Bill. It is sure, as I have said in the beginning, that there is no hope for this Bill but I will see what arguments he places, if at all he agrees with the principle of the Bill and the good features of the Bill, except the usual ones that Government would bring forward a comprehensive measure later on and they will be saddled with an amount of money if this Bill were accepted, for which the recommendation of the President would be required. I hope they will brush aside those arguments and let this Bill go to the Select Committee where it can be improved and made comprehensive as far as possible.

With these words I commend my motion to the House.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the better control and supervision of orphanages and widows' homes in India be referred to a Select Committee consisting of the following Members:—

1. Dr. Shrimati Seeta Parmanand

2. Shri Mahesh Saran
3. Shri R. C. Gupta
4. Shri H. C. Dasappa
5. Shri P. T. Leuva
6. Shrimati K. Bharathi
7. Shri D. Narayan
8. Shri B. M. Gupte
9. Shrimati Parvathi Krishnan
10. Shri R. U. Agnibhoj and
11. The mover (Shri Kailash Bihari Lall).

There is an amendment by Sumat Prasad.

SHRI SUMAT PRASAD (Uttar Pradesh): I beg to move:

"That the Bill circulated for the purpose of eliciting opinion thereon by the 31st July 1955."

MR. CHAIRMAN: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1955."

In place of the reference to the Select Committee he wishes it to be circulated for public opinion.

The motion and the amendment are before the House.

[MR. DEPUTY CHAIRMAN in the Chair.]

SHRI H. P. SAKSENA: Sir, I wholeheartedly support the Bill so ably, so lustily, so ambitiously, so excitingly moved by my very dear and honourable friend, Shri Kailash Bihari Lall. I do not of course support the halting pauses, the stammering interpolations and the wastage of 85 per cent. of his time in moving the Bill. Shorn of that, I wholeheartedly support it. I feel my honourable friend will give me a vote of thanks for supporting him in his motion although he was cruel and uncharitable enough not even to include me in his Select Committee although I was very wishfully thinking that my friend, no matter whom

[Shri H. P. Saksena.]

he forgets and ignores, will at any rate not forget me. But then to my great surprise I found that my name was not included in the list.

Sir, my friend has done a piece of work which did not even enter the imagination of any one of the Members of this hon. House up till now. It was left to him to think of those widows and those orphans and to have widows' homes for the widows and orphanages for the orphans, destitute orphans, parentless orphans for whom he has a soft corner in his heart and for whom he wants our Government also to have a soft heart. As a matter of fact he has woken the Government to take care of the orphans and the widows who are lying neglected and are being exploited, spoiled and ruined by interested persons.

So far as the object of the Bill is concerned, none of us, I hope, can have any quarrel and dispute about it. It is a very laudable object and I only wish that the mover of the motion were someone else because you know, Sir, if you give very good material in the hands of an inefficient workman he spoils the whole thing and no good comes out of it. Had this Bill been in the hands of my friend Mr. Dasappa or my friend Mr. Akbar Ali Khan, I am quite sure that it would have had a very large percentage of chance of its acceptance, but, as it is, it is destined only to one fate and I know that all the efforts of the mover as well as mine will be ruined and spoiled.

I remember, Sir, having once seconded a motion which was going to fall for want of a seconder. I know that if nobody seconded it, the motion would not be debated and discussed. In order to give an opportunity to that friend of mine who was very sorry for not getting a seconder to that motion, although I was entirely opposed to it, I seconded the motion and I stood up and pointed out its defects also and said that I had seconded the motion simply because it might not fall

down for want of a seconder, and that since I was opposed to it, I was giving my reasons for not being in its favour. Similarly, so far as this motion of my very illustrious friend, Shri Kailash Bihari Lall, is concerned, I hope that the Government will scrutinise it, will go through it and that the Law Minister will give a very cogent and conclusive reply. I also hope that the mover will be asked to withdraw it and this House also will be asked whether he has the permission of the House to withdraw it and that the House will not give him the permission so that the Bill will be rejected. This is with regard to the nature of the Bill.

So far as his reference to the missionaries is concerned, I have got to say a few words. It so happened that I was all along, till the University classes, taught in Mission Schools and Colleges run by Missionaries. So far as proselytism is concerned no one can deny it. They had a mission to perform. In their hospital, in their educational institutions and everywhere else they swore by the Saviour, by Jesus Christ, and wanted that the entire world should become Christian. That was their zeal; that was their mission. No one can have any complaint on that account. But then it was for us to see that our children, Hindus and Muslims, were not led away by their teachings. It is for this reason that there is a very extensive school of thought even today led by hon. Members of this House like my very eminent friend, Shrimati Rukmini Devi, who says that moral education should not be given the go-by. Our children should be taught in the morals of our own religions. Nothing is to be imposed; nothing is to be forced down the throat of any child. But then it is up to us to see that we do not in future neglect the moral side of our existence.

Sir, the mover had also something to say about orphanages. He went to the length of saying that every district in our country has got an orphan-

age and a widows' home. I may point out to him that it is only in very, very few big and important cities that he will find orphanages known as Dayanand Anathalaya or a Muslim orphanage or a widows' home. Now, the widows' homes have fallen on very bad days and it is time that the Government took some active steps in putting them on right lines. This is all that I have got to say to my friend Shri Kailash Bihari Lall. I sympathise with him.

I know that the fate that he has anticipated for his Bill is reaching its fruition and but for me it would have by this time collapsed. With these words, I support the Motion.

سردار بدھ سنگھ (جموں اور کشمیر):

مذاب دیتی چیرمین صاحب -
 ہمارے معزز دوست کیلاش بہاری لال نے جو یہ بل پیش کیا ہے وہ ایک درد بھرے دل، انسانی ہمدردی اور قوت رحم سے تعلق رکھتا ہے۔ لیکن انہوں نے اس بل کو جس طرح سے پیش کیا ہے اس سے ان کے دل میں ایک طرح کی مایوسی اور ناامیدی دکھائی دیتی ہے۔ انہیں اس بل کو جو کہ انسانیت سے تعلق رکھتا ہے اور جو انسان کا فرض اسے بنانا ہے آشا اور امید کے ساتھ پیش کرنا چاہئے تھا اس پر صدقہا سے غور ہونا چاہئے یہ مذاق نہیں ہے۔ میں عرض کرنا چاہتا ہوں کہ اس دنیا میں جو بھی انسان پیدا ہوا وہ جینے کے لئے کام کرنے کے لئے اور طبعی عمر گزارنے کیلئے اور ہر طرح کے آرام و آسائش کے سامان حاصل کرنے کے لئے اور درد دل کے لئے پیدا ہوا ہے۔ اسکی

خواہش ہوتی ہے کہ عمر بھر با عزت اور با حیثیت زندہ رہے۔ انسان کے تین سہارے ہوتے ہیں۔ ایک تو ماں باپ ہوتے ہیں اور عورت کا خاوند سہارا ہوتا ہے اگر ان میں کوئی نہ ہو تو پھر سوسائٹی ہوتی ہے۔ وہ سوسائٹی جسکے اندر انسان کیلئے درد ہوتا ہے انسانیت ہوتی ہے اور رحم کا مادہ ہوتا ہے وہ اپنا فرض ادا کرتی ہے۔ ہموگ خدائے پرمانما کی مندروں اور مسجدوں، گوردواروں اور دوسری جگہ عبادت اور پاتھ کرتے ہیں اور رحم کو درخواست کرتے ہیں۔ پرمانما یا خدا کو کسی نے دیکھا نہیں ہے لیکن وہ ایک درد مند دل اور انسانیت اور ہمدردی رکھنے والے کے باک دل میں ہوتا ہے۔ دنیا میں جو بھی انسان پیدا ہوتا ہے اس کا یہ فرض ہو جانا ہے کہ وہ سب انسانوں بلکہ جانداروں کے ساتھ رحم، ہمدردی اور انسانیت کا برتاؤ کرے۔ جب انسان خود غرضی اور لالچ میں پھنس جاتا ہے تو اس طرح سے سوسائٹی خراب ہو جاتی ہے تو پھر گورنمنٹ کا فرض ہو جاتا ہے کہ وہ اس ذمہ داری کو سنبھالے۔ ہماری سرکار ایک سیکورسٹیٹ ہے اور اس نے سوشلسٹک نظام کی طرف قدم بڑھا لیا ہے اور اسے ساری دنیا میں مشہور کر رکھی ہے۔ اس لئے اسے اس طرح کا سوال سب سے پہلے اپنے ہاتھ میں لینا چاہئے۔

[سردار بدھ سنگھ]

ہمارے معزز بھائی تے بل پیش کرتے ہوئے جس کمزوری اور مایوسی کا اظہار کیا اسکی کبھی ضرورت نہ تھی۔ آج نو ہماری اپنی گورنمنٹ ہے کوئی بیگانہ گورنمنٹ نہیں ہے۔ سر اسو معاملہ کو سوچتی اور دیکھتی ہے وہ اسکا یہ فرض ہے کہ وہ دیکھے کہ کہاں کہاں ہمدردی اور انسانیت کی عملی ضرورت ہے۔ کون سی حد اس وقت ملک کے لئے اشد ضروری و فائدہ مند ہوگی اور کون سی نہیں ہوگی۔ اسے عوام کی نبض پر ہاتھ رکھنا چاہئے۔ جب پارلیمنٹ کے سب ممبران یہ محسوس کریں گے اور اپنی رائے دینگے کہ اس طرح کا بل لانا بہت ضروری ہے تو ہماری سرکار بھی اس طرح کے بل لانے میں کوئی کریز نہیں کریگی۔

آج ہمارے ملک میں لاکھوں بدقسمت لوگ تقسیم کی وجہ سے پاکستان سے ہندوستان آئے ہیں۔ ان میں بہت سے بیوہ اور یتیم ہیں۔ پرہیزگار یا خدا نے ان لوگوں کو زبردستی اس طرح کی حالت میں نہیں پہنچایا بلکہ انسان کے ظلم اور تشدد اور بے انصافی نے یہ کسی کی بے رحمی کی وجہ سے یہ لوگ بھاگ بھاگ کر یہاں آئے اور اس طرح کی درد بھری حالت کے شکار ہوئے۔ لیکن ابھی تک سرکار نے ان مصیبت زدہ لوگوں کی حالتوں کو اپنے فرض کو اپنی ذمہ داری کو اور حق و انصاف

کو محسوس کرتے ہوئے بھی پوری طرح درست نہیں کیا۔ یہ سرکار کا فرض ہے کہ وہ اپنے ملک میں اس طرح کے لوگوں کی زندگی ہمدردانہ طریقہ سے مدد کرے اور اس بات کا خیال رکھے کہ کسی بھی گٹھ یا تھکھیل میں کوئی بھی بیوہ یا یتیم بے بہارا و دکھی نہ رہنے پاوے۔ اس لئے سرکار کو اس طرح کا انتظام کرنا چاہئے کہ ملک میں اس طرح کے مصیبت زدہ لوگ آرام سے زندہ رہ سکیں۔ یہ اتنا بڑا کام ہے کہ اس کام کو پورا کرنے کے لئے سرکار اور سوسائٹیوں دونوں کو ملکر کام کرنا چاہئے۔ پہلے تو سوسائٹی کا یہ فرض ہے کہ وہ اس طرح کے نیک کاموں کو اپنے ہاتھ میں لے۔ مگر آج ہم دیکھتے ہیں کہ اکثر سوسائٹی میں خود غرضی اور لالچ بہت بڑھ گئی ہے۔ سب اپنے ہی منصب اور فائدے کے لئے زندہ رہنا چاہتے ہیں۔ آج دیکھنے میں یہ آتا ہے کہ اگر کسی قاتل، خونی و قصاب کے بچہ کو کٹھا لگتا ہے تو وہ چیختا ہے اور دیکھ محسوس کرتا ہے لیکن دوسرے کے بچے کو جو تپ رہا ہے اس کے لئے اس کے دل میں تر کچا عام انسانوں کے دل میں کوئی درد یا رحم پیدا نہیں ہوتا۔ جب اپنے بیٹے کو کوئی تکلیف ہوتی ہے تو سب کچھ کھا جاتا ہے۔ آج ہم لوگوں نے اپنی اپنی انسانی ہمدردی بھائی چارہ کی روایت کو اکثر چھوڑ دیا

ہے اور بہت سے خودفرض اور لالچی بن گئے ہیں۔ آج ایسے لالچی لوگوں کے دلوں میں کسی طرح کی ہمدردی نہیں ہے۔ حالانکہ ہم دنیا کو یہ سناتے ہیں :

دیا دھرم کا مول ہے پاپ مول ابھیمان۔
تلسی دیا نہ چھوڑے جب لگ گھٹ
میں پران۔

تلسی داس جی نے یہ کہاوت اس ملک کے بشلدوں کے لئے لکھی تھی کہ جب تک تمہارے جسم میں جان ہے تب تک رحم و ہمدردی کا جذبہ نہ چھوڑنا۔ آج ہم دیکھتے ہیں کہ مسلمان جو گھر یا مسجد میں دن میں پانچ مرتبہ نماز پڑھتا ہے۔ اس طرح ہندو سکھ عیسائی سب اپنے دھرموں کے طریقہ کے مطابق خدا اور پرماٹما سے دعا کرتے ہیں اور اپنے لئے رحم کی درخواست کرتے ہیں۔ لیکن خود دوسروں پر رحم نہیں کرتے اور خود رحم نہیں بگتے۔

میں اپنے معزز دوست کیلاش بھاری لال کے اس بل کی اہمیت اور اصولوں سے اتفاق کرتا ہوں۔ لیکن جہاں تک اس بل کے مضمون کا تعلق ہے انہوں نے اسے اسی طرح بدلا دیا ہے جیسا کہ وہ اکثر تقریر کرتے ہیں۔ دراصل اس بل کو قانونی شکل دیکر درست کیا جانا تھا انہیں پہلے سے اس بات کا خیال نہیں کرنا

چاہئے تھا کہ یہ بل ناس ہی نہیں ہوگا۔ یا کسی کو اس سے اتفاق نہیں ہوگا وغیرہ۔ اب تو سرکاری یا غیرسرکاری کا کوئی سوال ہی نہیں رہا۔ یہ ساری دنیا جانتی ہے کہ یہاں انسانی ہمدردی کے بارے میں کسی طرح کے پرویشن کا سوال نہیں ہے فرقہ داری کا سوال نہیں ہے۔ کسی پارٹی کا سوال نہیں ہے۔ یہ سب کھلئے ایک جیسا مسئلہ ہے۔

سوال انسانیت کا ہے انسانی ہمدردی کا ہے اور انصاف کا۔ اور سیکولر سٹیٹ کا یہ فرض ہے ذمہ دار افسران کا ایمان ہے دھرم ہے کہ وہ دیکھیں کہ ہندوستان کے اندر ایک بچہ بھی یتیم بے سہارا نہ رہے ایک بچہ بھی بھوکا نہ لگا اور تڑپتا ہو نہ رہے۔ ایک بچہ بھی دکھی نہ رہے مصیبت میں نہ رہے بیمار نہ رہے اور کمزور نہ رہے۔ بیماری اور کمزوری تو ایک الگ چیز ہے جس کا علاج بھی ضروری ہے۔ مگر یہ بیچارے تو تندرست اور اکثر خوبصورت یتیم بچے ہیں جو کہ افلاس کی وجہ سے سہارا نہ ملنے کی وجہ سے اور روٹی نہ ملنے کی وجہ سے یتیم ہو گئے ہیں۔ اسی طرح سے اکثر اونچے معیار والی اکثر شریف گھرانوں کی سلجھی ہوئی ہماری بہنیں جو بیوہ ہو جاتی ہیں اور ان کی دنیا اندھیری ہو جاتی ہے ان کے لئے کوئی اسکوپ ہونا چاہیئے ذریعہ ہونا چاہئے اور گورنمنٹ کا

[سردار بدھ سنگھ]

سہکولر سٹیٹ کا یہ فرض ہے کہ ان کو باعزت رکھنے کا سامان فراہم کرے۔ جس طرح ہم اپنے بچوں اپنی ماؤں اور بہنوں کی دیکھ بھال و خدمت کرتے ہیں اور قدر و عزت کرتے ہیں اسی طرح سے ان کی بھی خدمت اور عزت کرنی چاہیئے۔ یہ معاملہ دل کے ساتھ اور قوتِ رحم کے ساتھ تعلق رکھتا ہے۔ عام طور پر یہ دیکھا جاتا ہے کہ کچھ یتیموں کو اکٹھا کیا اور ایک باجہ آیا اور دو چار آدمیوں نے مل کر روپیہ کمانے کے لئے یہ کہہ کر کہ یتیم خانہ کھول دیا ہے چلدہ اکٹھا کرنا شروع کیا۔ یہ اس طرح سے روزگار کا ایک ذریعہ بن گیا ہے جو کہ بہت ہی غلط طریقہ ہے۔ اس کے اوپر کنٹرول ہونا چاہیئے روک ہونی چاہیئے۔ اور پھر ان لوگوں کی طرف سے ایسے مجبور و تنگ کئے ہوئے ان انسانوں کے دل و دماغ پر قبضہ کر کے ان کے مذہب کو تبدیل کر دینا تو اور بھی بے جا بات ہے۔ جو فرقہ وارانہ مذہبی انستیتیوشنس ہیں محض ان کے رحم پر ان کو نہیں رکھنا چاہیئے۔ سیکولر سٹیٹ میں گورنمنٹ کا یہ فرض ہو جاتا ہے کہ وہ ہر جگہ پر سرکاری طور پر اچھے قومی ادارے یتیموں و بدوگان کے لئے کھولے جس میں ان کو تبدیلیی مذہب و عقیدے کے بارے میں نہ تو کوئی جبر ہو اور نہ کوئی دباؤ ہو۔ میں ایک دفعہ خود ایک

مشی ہسپتال میں دوڑائی لیئے گیا میں بیمار تھا۔ تو سب سے پہلے سب بیماروں کو گرجا کے طور پر بلے ہوئے ایک ہال میں لے جایا گیا وہاں سب کو کھڑا کیا گیا اور اپنی بائبل کے صفحات کو پڑھایا گیا اور دعا کرائی گئی یہ دوائیاں دیں۔ دعا کرنا اچھا ہے مگر یہ طریقہ دھرم نہیں ادھرم ہے پاپ ہے۔ آپ غریبوں کے جسم اور جان کو جہاں روٹی اور کھڑے دے کر بچانا چاہتے ہیں وہاں آپ کا یہ بھی فرض ہے کہ ان کے ایمان اور ضمیر کی بھی رکشا کریں۔ ان کے کانٹنس کو کل نہ کرنے دیں۔ اس طرح سے غریبوں کی غربت کا مظلومی کا مفلسی کا اور بے بسی و کمزوری کا فائدہ اٹھا کر اس کے مذہب یا دھرم کو کوئی تبدیل کرنے پر مجبور کر دے یا ادھر ادھر لے جائے تو یہ انسانی ہمدردی نہیں ہوگی بلکہ یہ دھوکا اور فریب ہوگا۔ میں گورنمنٹ کے نوٹس میں ان رفیوجیز کی جو کمپس میں ہیں حالت کو بھی لانا چاہتا ہوں۔ میں بڑے ادب سے عرض کروں گا کہ ان کو پورا معاوضہ دینا مناسب زمیں کی تقسیم کرنا یا مکان دینا اور آباد کرنا تو بہت دور کی بات ہے ابھی تک ان کو روٹی کھڑے اور ضروریات زندگی بھی مہیا نہیں ہو سکی ہیں۔ وہ اچھی طرح آرام سے سانس بھی نہیں لے سکتے ہیں۔ ان کو مکان نہیں مل

سکا ہے اکثر باہر پڑے ہیں - مناسب اور پوری روٹی نہیں مل سکی ہے چنانچہ جموں اور کشمیر کے ریفریوجیٹ کی حالت کو ہی دیکھئے ایک پیسہ معاوضہ نہیں دیا گیا کسی کا گھر نہیں بنایا گیا - وہاں کوئی اس بات کو نہیں سوچتا ہے - جہاں بڑے بڑے لا بڈانے والے بیٹھے ہیں - دل و دماغ والے بیٹھے ہیں - لیکن کوئی نہیں پوچھتا کہ کہوں دو لاکھ آدمیوں میں سے ایک کا بھی گھر باصحت اور پختہ ابھی تک نہیں بن پایا ہے - افسران متعلقہ کہتے ہیں کہ معاوضہ اس لئے نہیں ملتا کیونکہ جو ملک کا حصہ ادھر چلا گیا ہے اس کا جب فیصلہ ہوگا تب دیکھا جائیگا - کب فیصلہ ہوگا - یہ ہمیں معلوم نہیں - ہر چہ چہ چہ مہینے کے بعد بات چیت کرنے کا سلسلہ جاری ہے - چہ سات سال سے کچھ فیصلہ ہونے کو نہیں آتا - آپ بات چیت تو کرتے جائیں جیسی آپ کی پالیسی ہے لیکن جو لوگ بے گھر بار بیٹھے ہوئے ہیں اور پریشان و دکھی ہیں ان کو کم سے کم کھانے کو تو پوری خوراک دیں - کام دیں، ان کے لئے مکان تو بنوادیں - جب چہ سات سال ہو گئے ہیں کچھ نہیں بنا تو اور دس سال تک بات کرتے جائیے - آخر کسی بات کی حد ہوتی ہے ایک دفعہ نہیں دس دفعہ بات

چھت کریں - کون روکتا ہے مگر وہ آزمودہ را آزمودن آگے کیا کہوں مناسب نہیں ہے - لیکن جو یتیم دکھی حالت میں سر رہے ہیں اور جو بھوائیں دکھ اٹھا رہی ہیں - جن کا پالنے والا کوئی نہیں ہے - اور پھر جن کے لئے سارے ہندوستان میں اور استھیتس میں باقاعدہ طور پر کوئی قومی ادارے و ہوم قائم نہیں کئے گئے ہیں - حسب ضرورت انسٹیٹیوشنس قائم نہیں کئے گئے ہیں اور وہ لاوارث ادھر ادھر پریشان حالت میں گھوم رہے ہیں ان کے لئے کھا ہمارا کہنی فرض نہیں ہے - کیا ہمارا یہ دھرم اور ہماری یہ انسانیت ہے کہ ہم کھائیں پئیں اور لاکھوں روپیہوں کے اور کروڑوں روپیہوں کے عالیشان عمارات و مکان تو بناتے چلے جائیں اور ان بے کسوں کو یوں ہی چھوڑ دیں - یہ لوگ تو ایک زندہ ایک جیتے جاگتے مندر مسجد یا گودوارے ہیں جن کے اندر خدا ہے، پر ماتما ہے - وہ مرتے جائیں یتیم ہوتے جائیں چلاتے جائیں ان کی عزت دھرم اور ضمیر ختم ہوتا جائے اور ہم تماشہ دیکھتے رہیں - میں نہیں سمجھتا کہ یہ سیکوارزم ہے انسانیت ہے - میں نہیں سمجھتا کہ کیا یہی سوشل ریفارم ہے - گورنمنٹ کا فرض ہے کہ وہ خود اس کی طرف دیکھے اس میں بڑے بڑے لایر ہیں قابل منسلک ہیں - گورنمنٹ

[سردار بدیعہ سلنگھ]

میں بڑے بڑے متحکمے ہیں ہزاروں کلرک ہیں - کروڑوں روپیہ خرچ ہوتا ہے تو ان کا فرض ہے کہ وہ ملک کے ایک ایک یتیم و غریب بچے اور ایک ایک بیوہ و غریب عورت کو دیکھیں - ہر علاقے میں دوریں اور دیکھیں کہ ان کی کیا حالت ہے - نیز مزدوروں کی کیا حالت ہے - کسانوں کی کیا حالت ہے - مزدوروں اور کسانوں کی حالت کی تو الگ بات ہے کیونکہ ان کے پاس کم از کم کچھ کھانے کو تو ہے کچھ دھننے کو چھوڑنا ہے - لیکن جو یتیم ہیں اور بیوائیں ہیں ان کے پاس تو کچھ نہیں ہے - ان کا کوئی سہارا نہیں ہے اس لئے گورنمنٹ کا یہ فرض ہے کہ اس سلسلہ میں فوراً ایک فہرست بنائی جائے تاکہ معلوم ہو سکے کہ ایسے لوگوں کی تعداد کتنی ہے - دونوں لاءسٹرز صاحب بیٹھے ہوئے ہیں - وہ دل والے ہیں، دماغ والے ہیں - میں ان سے اپیل کروں گا کہ آپ فوراً ہی ایک جامع اور مکمل قانون بنائیں جس سے کہ اس قسم کے ہوم و ادارے جگہ جگہ کھولے جائیں اور جہاں کچھ موجود ہیں وہاں یتیموں اور بیواؤں کی دیکھ بھال اور کام کی نگرانی کی پوری ذمہ داری گورنمنٹ پر ہو - اس کے لئے روپیہ حسب ضرورت خرچ کرنے میں کسی قسم کا دریغ نہیں ہونا چاہئے - اس سے بڑھ کر اچھی و نیک و

پاک بات دنیا میں ہو نہیں سکتی کہ ہم ان یتیموں اور بیواؤں کی مدد کر کے انسانی دھرم یا فرض پورا کریں - ہمیں ان بچوں، ماؤں اور بہنوں کو سہارا دینا اور پالنا چاہئے اور زندہ رکھنا چاہئے ورنہ وہ مرنے کے لئے خودکشی کرنے کے لئے مجبور ہیں - نہایت دکھی اور مصیبت زدہ انسان آتم ہتیا کرنے کے لئے بھی تیار ہو جاتا ہے - آتم ہتیا پاپ ہے - اگر وہ ایسا کرتے پائے جاتے ہیں تو آپ ان کو پکڑ کر جیل میں ڈال دیں گے اور مقدمہ چلائیں گے - ایسی دکھی اور مصیبت کی حالت کی بجائے اگر ایک بیمار یا دکھی اور قطعاً بے سہارا و کمزور مر جائے ختم ہو جائے تو اس کی جان تو دکھ سے آزاد ہو جاتی ہے - موت سے کوئی نہ گھبرائے اگر وہ یہ سمجھے کہ یہ دنیا کے بکھیروں سے چھوڑا دیتی ہے - ”لیکن وہ بیچارے نہ زندہ نہ مردہ توپ توپ کر دھلے کے لئے ہیں - رحم و انسانی ہمدردی سے خالی لوگوں کا مندروں اور مسجدوں میں جانے سے کیا فائدہ ہوتا ہے - ہم دیکھتے ہیں کہ اکثر غریب محتاج مندروں کے سامنے مسجدوں کے سامنے گدواڑوں کے سامنے گرجا گھروں کے سامنے ”ہائے ہائے“ کرتے ”ایک پیسہ دیدو“ کہہ کے مانگتے ہیں - لیکن ان کے سامنے بڑے بڑے عالم و فاضل و دھرم ے تھیکیدار لکھ پتی اور کروڑپتی

نکل جاتے ہیں۔ وہ غریب لاجپار لوگ چلاتے ہیں کہ ”رام کے واسطے کرشن نے واسطے رحیم کے واسطے کرونانک کے واسطے محمد کے واسطے عیسیٰ کے واسطے انسانیت کے واسطے جوانی نے واسطے کچھ دیدو“ مگر جب کوئی نہیں سنتا تو وہ یہی سمجھتے ہیں کہ جیسے جانور گزر گئے ویسے ہی یہ چھوٹے بڑے آدمی گزر گئے۔ وہ کہیں گے کہ یہ اندھے ہیں دیکھتے نہیں یا ان میں درد بھرا دل نہیں کہ یہ سمجھیں کہ ان غریب محتاجوں کو روتی چاہئے، کپڑا چاہئے اور مکان چاہئے۔ اس لئے جب تک ضروریات زندگی مہیا نہیں ہونگی اور جب تک ان کے ساتھ یتیم و معصیت کا سلوک نہیں ہوگا تب تک وہ نہیں سمجھیں گے کہ وہ انسان ہے چاہے وہ کتنا بڑا ہو ان کے لئے دراصل وہی نیک اور درد مند انسان ہے جو ان یتیموں کی امداد کے لئے تیار ہو جاتا ہے۔ یہ تو ایک بڑی غلط بات ہے اس لئے میری عرض ہے کہ اس پر پوری سلسلہ بندی صدقہ کی سے غور کرنا چاہئے اور اس بل کو فلی سہورٹ کرنا چاہئے۔ میں سمجھتا ہوں کہ وید ہاسٹر میں باری میں کلام میں بائبل میں یہ کہا گیا ہے کہ یتیم و غریب کی مدد کرو۔ بانٹ کر کھاؤ ورنہ جو غریب کی آہ ہے جو غریب کے دکھ بھرے دل کی فریاد ہے اس سے بڑے بڑے

ملک و قومیں تباہ ہو جاتے ہیں ختم ہو جاتے ہیں۔ ہم کو انکی درد بھری آغوش کا خیال کرنا اور احساس کرنا چاہئے۔ ان کی روزمرہ کی تکلیف اور درد کا خیال کرنا چاہئے۔ اگر ہم تھوڑا سا اپنا خرچ کم کر دیں کم از کم ایک لقمہ کھانا کم کر دیں گے تو بھی یہ سب کے سب غریب زندہ رہ جائیں گے۔ اگر ہم آج دس کمروں کے مکان میں رہتے ہیں تو اس میں سے ایک کمرہ کم کر دیں تو یہ سب بس جائیں گے ہم بڑے بڑے مکانوں میں رہتے ہیں۔ کمرے زیادہ بناتے ہیں جن میں جانور رہتے ہیں پوندے رہتے ہیں۔ بندر پھرتے رہتے ہیں۔ لیکن ان بے گھر غریبوں کو ایک کمرہ بھی نہیں ملتا ہے۔ یہیں باہر جاکر آپ دیکھئے کہ مزدور و غریب لڑک چھوٹیڑوں میں رہتے ہیں اور اگر آگ لگ گئی تو سارے کے سارے جل جھریں۔ انکو پانی نہیں ملتا ہے جو پانی گھاس میں دیا جاتا ہے وہ ان کو پیلے کو ملتا ہے۔ ان کے لئے کوئی سایا نہیں ہے کوئی تکی نہیں ہے بجلی نہیں ہے کوئی روشنی نہیں ہے۔ ان کے لئے کبھی اچھی اور مناسب کھانے کی چیز نہیں ہے۔ فرضیکہ آسائش کا سامان کچھ نہیں ہے۔ فرضیکہ غریب اور بے بس دی حالت کو دور کرنے کا وقت آ گیا ہے اور جہاں بیکاری کو

[سردار بدھ سنگھ]

دور کرنا ہے وہاں یہ بھی کرنا ہے کہ جو بیچارے غریب ہیں یتیم ہیں بے سہارا بیوائیں ہیں ان کی بھی تکلیف دور ہو اور انکی مصیبتیں ختم کی جائیں - میں زیادہ نہیں کہوں گا - میں صرف یہی عرض کروں گا کہ اس بل کو فلی سپورٹ کرنا چاہئے اور مسٹر صاحب - امید ہے کہ جیسا ان کا فرض ہے اور ہر انسان کا ایمان ہے دھرم ہے کہ وہ غریبوں کی امداد کرے اسلئے وہ اس کو جس فارم میں لانا چاہیں لائیں - لیکن اس کی سپورٹ اور اس کے اصول سے پورا پورا اتفاق کریں گے -

میں آپ سے عرض کروں گا کہ ملک کی حالت کو دیکھتے ہوئے لازمی طور پر مکمل اور معقول بل کو بہت جلد لایا جائے اور جب یہ لایا جائے گا اور عملاً سوشل نظام قائم ہوگا تب ہی صحیح معنوں میں یہ ملک ایک سیکولر ملک بنے گا - اتنا ہی کہہ کر میں تقریر ختم کرتا ہوں -

†[سرکار بھو सिंह (जम्मू एण्ड कश्मीर): जनाब डिप्टी चेंबरमैन साहब, हमारा मुअज्जज ब्रिम्न कैलाश बिहारी लाल ने जो यह बिल पेश किया है वह एक दर्द भरं दिल इन्सानी हमदर्दी और कवते रहम से ताल्लुक रखता है। लेकिन उन्होंने ने इस बिल को जिस तरह से पेश किया है उस से उनके दिल में एक तरह की मायूसी और नाउम्मीदी दिखाई देती है। उन्होंने ने इस बिल को, जो कि इन्सानियत से ताल्लुक रखता है और जो इन्सान का फर्ज उसे बतलाता है, आशा और उम्मीद के साथ पेश

करना चाहिये था। इस पर सिद्धक दिली से गौर होना चाहिये, यह मजाक नहीं है। मैं जर्ज करना चाहता हूं कि इस दुनिया में जो इन्सान भी पैदा हुआ वह जीने के लिये, काम करने के लिये और उम् तबई गुजारने के लिये और हर तरह के आराम व आसाइश के सामान हासिल करने के लिए और दर्ददिल के लिए पैदा हुआ है। उसकी स्वाहिश होती है कि उम् भर वा इज्जत और वा हैसियत जिंदा रहे। इन्सान के तीन सहार होते हैं। एक तो मां बाप होते हैं और औरत का स्वाविद सहारा होता है। अगर इनमें से कोई न हुआ तो फिर सुसाइटी होती है। वह सुसाइटी जिसके अन्दर इन्सान के लिये दर्द होता है, इन्सानियत होती है और रहम का माददा होता है, वह अपना फर्ज अदा करती है। हम लोग खुदा-परमात्मा की मांदरों, मसजिदों, गुरुद्वारों और दूसरी जगह इबादत और पाठ करते हैं और रहम की दरखास्त करते हैं। परमात्मा या खुदा को किसी ने दखा नहीं है, लेकिन वह एक दर्दमन्द दिल और इन्सानियत और हमदर्दी रखने वाले के पाक दिल में होता है। दुनिया में जो भी इन्सान पैदा होता है उसका यह फर्ज हो जाता है कि वह सब इन्सानों बल्कि जानदारों के साथ रहम, हमदर्दी और इन्सानियत का बरताव करे। जब इन्सान खुदगर्जी और लालच में फंस जाता है तो इस तरह से सुसाइटी खराब हो जाती है। तो फिर गवर्नमेंट का फर्ज हो जाता है कि वह इस जिम्मेदारी को संभाले। हमारी सरकार एक सेकुलर स्टेट है और इस लिये सोशियलिस्टिक निजाम की तरफ कदम बढ़ा लिया है और उसे सारी दुनिया में मशहूर कर रही है। इस लिये इस तरह का सवाल अब से पहले अपने हाथ में लेना चाहिये।

हमारे मुअज्जज भाई ने बिल पेश करते हुये जिन कमजोरी और मायूसी का इजहार किया इसकी कोई जरूरत न थी। आज तो हमारी अपनी गवर्नमेंट है, कोई बंगाना गवर्नमेंट नहीं है। सरकार हर मामले को सोचती और देखती है और उसका यह फर्ज है कि वह देख ले कि कहां कहां हमदर्दी और इन्सानियत

की अमली जरूरत हैं। कौन सी चीज इस बक्त मुल्क के लिये अशुद्ध जरूरी व फायदमन्द होगी और कौन सी नहीं होगी। उसे आवाम की नजर पर हाथ रखना चाहिये। जब पार्लियामेन्ट के सब मेम्बरान यह महसूस करेंगे और अपनी राय देंगे कि इस तरह का बिल लाना बहुत जरूरी है तो हमारी सरकार भी इस तरह के बिल लाने में कोई गुरंज नहीं करेगी।

आज हमारे मुल्क में लाखों बंद किसमत लोग तकसीम की वजह से पाकिस्तान से हिन्दुस्तान आये हैं। उनमें बहुत से बेवा और यतीम हैं। परमात्मा या खुदा ने उन लोगों को जबरदस्ती इस तरह की हालत में नहीं पहुंचाया बल्कि इन्सान के जुल्म और तशद्दुद और बेइन्साफी ने या किसी की बेरहमी की वजह से यह लोग भाग भाग कर यहां आये और इस तरह की दर्द भरी हालत के शिकार हुये। लेकिन अभी तक सरकार ने उन मुसीबतजदा लोगों की हालतों को अपने फर्ज को, अपनी जिम्मेदारी को और हक व इन्साफ को महसूस करते हुये भी पूरी तरह दुरुस्त नहीं किया। यह सरकार का फर्ज है कि वह अपने मुल्क में इस तरह के लोगों की मजिद इमददगीन तरीके से मदद करे और इस बात का ख्याल रखे कि किसी भी गांव या तहसील में कोई भी बेवा या यतीम बे सहारा और दुखी न रहने पावे। इस लिये सरकार को इस तरह का इन्तजाम करना चाहिये कि मुल्क में इस तरह के मुसीबतजदा लोग आराम से जिनदा रह सकें। यह इतना बड़ा काम है कि इस काम को पूरा करने के लिये सरकार और मुसाइटीयों दोनों को मिलकर काम करना चाहिये। पहले तो मुसाइटी का यह फर्ज है कि वह इस तरह के नुक कामों को अपने हाथ में ले। मगर आज हम देखते हैं कि अक्सर मुसाइटी में खुदगर्जी और लालच बहुत बढ़ गई है। सब अपने ही मतलब और फायदे के लिये जिनदा रहना चाहते हैं। देखने में यह आता है कि अगर किसी डाक, कातिल, खूनी व कत्साब के भी बच्चे को कांटा लगता है तो वह चीखता

है और दुख महसूस करता है लेकिन दूसरे के बच्चे को जो तड़प रहा है उसके लिये उसके दिल में तो कुछा आम इन्सानों के दिल में भी कोई दर्द या रहम पैदा नहीं होता। जब अपने बेटे को कोई तकलीफ होती है तो सब कुछ किया जाता है। आज हम लोगों ने अपनी पुरानी इन्सानी इमददी भाई चार की रवायत को अक्सर छोड़ दिया है और बहुत से खुदगर्ज और लालची बन गये हैं। आज ऐसे लालची लोगों के दिलों में किसी तरह की इमददी नहीं है, हालांकि हम दुनिया को यह सुनाते हैं :

“दया धर्म का मूल है पाप मूल अभिमान,
तुलसी दया न छोड़िये जब लग घट में प्रान।”

तुलसीदास जी ने यह कहावत इस मुल्क के बाशिन्दों के लिये लिखी थी कि जब तक तुम्हारे जिस्म में जान है तब तक रहम व इमददी का जजबा न छोड़ना। आज हम देखते हैं कि मुसलमान जो घर या मसजिद में दिन में पांच मरतबा नमाज पढ़ता है, इसी तरह हिन्दू, सिख, इसाई सब अपने धर्मों के तरीके के मुताबिक खुदा और परमात्मा से दूआ करते हैं और अपने लिए रहम की दरख्वास्त करते हैं, लेकिन खुद दूसरों पर रहम नहीं करते और खुद रहीम नहीं बनते, प्रेम मुजिस्सिम नहीं बनते।

मैं अपने मुजीज्जज दोस्त कैलाश बिहारी लाल के इस बिल की अहमियत और उसूलों से इत्फाक करता हूं। लेकिन जहां तक इस बिल के मजमून का ताल्लुक है उन्हां ने उसे उसी तरह बना दिया है जैसा कि वह अक्सर तकरीर करते हैं। दरअसल इस बिल को कानूनी शकल दे कर दुरुस्त किया जाना था। उन्हां पहले से इस बात का ख्याल नहीं करना चाहिये था कि यह बिल पास ही नहीं होगा या किसी को इससे इत्फाक नहीं होगा क्योंकि जब तो सरकारी या गैर सरकारी का

[सरदार बुध सिंह]

कोई सवाल ही नहीं रहा। यह सारी दुनिया जानती है कि यहां इन्सानी हमदर्दी के बारे में किसी तरह के अपोजीशन का सवाल नहीं है, फिरकावारी का सवाल नहीं है, किसी पार्टी का सवाल नहीं है यह सब के लिये एक जैसा मसला है। सवाल इन्सानियत का है। इन्सानी हमदर्दी का है और इन्साफ का। और सेकुलर स्टेट का यह फर्ज है, जिम्मेदार अफसरों का ईमान है, धर्म है कि वह देखें कि हिन्दुस्तान के अन्दर एक बच्चा भी यतीम व बे सहारा न रहे। एक बच्चा भी भूखा, नंगा और तड़पता हुआ न रहे। एक बच्चा भी दुखी न रहे, मुसीबत में न रहे, बीमार न रहे और कमजोर न रहे। बीमारी और कमजोरी तो एक अलग चीज है जिसका इलाज भी जरूरी है, मगर यह बेचार तो तंदुरुस्त और अक्सर खूबसूरत यतीम बच्चे हैं जो कि अफलास की वजह से, सहारा न मिलने की वजह से, मकान न मिलने की वजह से और रोटी न मिलने की वजह से यतीम हो गये हैं। उसी तरह से अक्सर ऊंचे म्यार वाली, अक्सर शरीफ घरानों की सुलभी हुई हमारी बहनें जो बेवा हो जाती हैं और उनकी दुनिया अंधेरी हो जाती है उनके लिये कोई स्कोप होना चाहिये, जरिया होना चाहिये और गवर्नमेंट का, सेकुलर स्टेट का यह फर्ज है कि उनको बा इज्जत जिन्दा रखने का सामान फराहम करें। जिस तरह हम अपने बच्चों, अपनी माओं और बहनों की देख भाल व खिदमत करते हैं और क्लर व इज्जत करते हैं उसी तरह से उनके भी खिदमत और इज्जत करनी चाहिये। यह मानव गैडल के साथ और क्वते रहम के साथ ताल्लुक रखता है। आम तौर पर यह देखा जाता है कि कुछ यतीमों को इकट्ठा किया और एक बाजा लिया और दो चार आदीमियों ने मिल कर रुपया कमाने के लिये थूक कह कर कि यतीमखाना खोला दिया है, चन्दा इकट्ठा करना शुरू किया। यह इस तरह से एक रोजगार का जरिया बन गया है जो कि बहुत

ही गलत तरीका है। इसके ऊपर कंट्रोल होना चाहिये, रोक होनी चाहिये और फिर उन लोगों की तरफ से, ऐसे मजबूत व तंग आये हुये उन इन्सानों के दिल व दिमाग पर कब्जा करके उनके मजहब को तबदील कर देना तो और भी बेजा बात है। जो फिरकावाराणा मजहबी इन्स्टीट्यूशन्स हैं महज उनके रहम पर उनको नहीं रखना चाहिये। सेकुलर स्टेट में गवर्नमेंट का यह फर्ज हो जाता है कि वह हर जगह पर सरकारी तौर पर अपने कामों में इतने यतीमों व बेवगान के लिये खोले जिसमें उनको तबदीली मजहब व अकीदा के बारे में न तो कोई जबर हो और न कोई दबाव हो। मैं एक दफा खुद एक मिशन अस्पताल में दवाई लेने गया, मैं बीमार था। तो सब से पहले सब बीमारों को गिरजा के तौर पर बने हुए एक हाल में ले जाया गया, वहां सब को खड़ा किया गया और अपनी बाइबिल के सफहों को पढ़ाया गया और दुआ कराई गई, फिर दवाईयां दीं। दुआ करना अच्छा है मगर यह तरीका धर्म नहीं अंधर्म है, पाप है। आप गरीबों के लिए जिस्म और जान को जहां रोटी और कपड़े देकर बचाना चाहते हैं वहां आपका यह भी फर्ज है कि उनके ईमान और जमीर की भी रक्षा करें। उनके कांशेस को किल न करने दें। इस तरह से गरीबों की गुरबत का, मजलूमों का, मुफीलसी का और बेबसी व कमजोरी का फायदा उठा कर उसके मजहब या धर्म को कोई तब्दील करने पर मजबूर कर दें या इस उधर ले जाय तो यह इंसानी हमदर्दी नहीं होगी बल्कि यह धोखा और फर्ब होगा। मैं गवर्नमेंट के नोटिस में उन रफ्यूजीज की, जो कैम्प में हैं, हालत को भी लाना चाहता हूं। मैं बड़े अदब से अर्ज करूंगा कि उनको पूरा मुआविजा देना, मुनासिब जमीन की तदसीम करना या मकान देना और आबाद करना तो बहुत दूर की बात है अभी तक उनको रोटी, कपड़े और जरूरियात जिन्दगी भी मुहैया नहीं हो सकी है। वह अच्छी तरह आराम से सांस भी

नहीं ले सकते हैं। उनको मकान नहीं मिल सका है। अक्सर बाहर पड़े हैं, मुनासिब और पूरी रोंटी नहीं मिल सकी है। चुनाचें जम्मू और काश्मीर के रफयूजीज की हालत को ही देखिये। एक पैसा मुआविजा नहीं दिया गया, किसी का घर नहीं बनाया गया। वहां कोई नहीं इस बात को सोचता है। यहां बड़े बड़े ला बनाने वाले बैठे हैं, दिल व दिमाग वाले बैठे हैं। लेकिन कोई नहीं पूछता कि क्यों दो लाख आदिमियों में से एक का भी घर बासंहेत और पुस्ता अभी तक नहीं बन पाया है। अफसरान मुताल्लिका कहते हैं कि मुआविजा इस लिये नहीं मिलता क्योंकि जो मुल्क का हिस्सा उधर चला गया है उस का जब फँसला होगा तब देखा जायगा। जब फँसला होगा यह हमें मालूम नहीं। हर छँ छँ महीने के बाद बातचीत करने का सिलसिला जारी है। छँसात साल से कुछ फँसला होने को नहीं आता। आप बातचीत तो करते जायें जैसी आप की पालिसी है लेकिन जो लोग बे घरबार बैठे हुये हैं और परेशान व दुखी हैं उनको कम से कम खाने को तो पूरी खुराक दे दें, काम दें, उनके लिए मकान तो बनवा दें। जब छँसात साल हो गये हैं कुछ नहीं बना तो और दस साल तक बात करते जाइये, आखिर किसी बात की हद होती है। एक दफा नहीं दस दफा बात चीत करें, कौन रोकता है मगर “आजमुदा रा आजमुदन” आगे क्या कहें मुनासिब नहीं है। लेकिन जो यतीम दुखी हालत में मर रहे हैं और जो बेवाएं मर रही हैं जिनका पालने वाला कोई नहीं है और फिर जिनके लिये सारं हिन्दुस्तान में और स्टेट्स में बाकायदा तौर पर कोई कौमी अदरार व होम कायम नहीं किये गये हैं, हस्ब जरूरत इन्स्टीट्यूशन कायम नहीं किये गये हैं और वह लावारिस इधर उधर परेशान हालत में घूम रहे हैं उनके लिये क्या हमारा कोई फर्ज नहीं है। क्या हमारा यह धर्म और हमारी यह इंसानियत है कि हम

खायें, पियें और लाखों रुपयों के और करोड़ों रुपयों के आलीशान इमारत व मकान तो बनाते चले जायें और उन बेकसों को यों ही छोड़ दें। यह लोग तो एक जिन्दा और जीते जागते मंदिर व मस्जिद या गुरुद्वार हैं जिन के अन्दर खुदा हैं, परमात्मा हैं। वह मरते जायें, यतीम होते जायें, चिल्लाते जायें, उनकी इज्जत, धर्म और जमीर खत्म होता जाय और हम तमाशा देखते रहें। मैं नहीं समझता कि यह सेक्युलैरिज्म है इंसानियत है। मैं नहीं समझता कि क्या यही सोशल रीफार्म है। गवर्नमेंट का फर्ज है कि वह खुद इसकी तरफ देखे। इसमें बड़े बड़े लाइवर हैं, काबिल मिनिस्टर हैं, गवर्नमेंट में बड़े बड़े मुहकमे हैं, हजारों क्लर्क हैं, करोड़ों रुपया खर्च होता है तो उनका फर्ज है कि वह मुल्क के एक एक यतीम व गरीब बच्चे और एक एक बेवा और गरीब औरत को देखें। हर इलाके में दौड़ें और देखें कि उनकी क्या हालत है, नीज मजदूरों की क्या हालत है, किसानों की क्या हालत है। मजदूरों और किसानों की हालत की तो अलग बात है क्योंकि उन के पास कम अब कम कुछ खाने को तो है, कुछ रहने को भांपड़ा है। लेकिन जो यतीम हैं और बेवाएं हैं उनके पास तो कुछ नहीं है, उनका कोई सहारा नहीं है। इस लिये गवर्नमेंट का यह फर्ज है कि इस सिलसिले में फॉरेन एक फेहेरिस्त बनाई जाय ताकि मालूम हो सके कि ऐसे लोगों का ज़रूत कितनी है। दोनों ला मिनिस्टर साहब बैठे हुये हैं। वह दिल वाले हैं, दिमाग वाले हैं। मैं उनसे अपील करूंगा कि आप फॉरेन ही एक जामा और मुकम्मल कानून बनाएं जिस से कि इस किस्म के होम व अदरार जगह जगह खोले जायें और जहरं कुछ मौजूद हैं वहां यतीमों और बेवाओं की देखभाल और काम की निगरानी की पूरी जिम्मेदारी गवर्नमेंट पर हो। इससे लिये रुपया हस्ब जरूरत खर्च करने में किसी किस्म का दरंग नहीं होना चाहिए। इससे

[सरदार बुधसिंह]

बढ़ कर अच्छी व नक व पाक बात दुनिया में कोई हो नहीं सकती कि इम इन यतीमों और बेवाओं की मदद करके इंसानी धर्म, फर्ज पूरा करें। हमें इन बच्चों, मांओं और बहनों को सशारा देना और पालना चाहिये और जिन्दा रखना चाहिये वरना वह मरने के लिये खुदकुशी करने के लिये मजबूर हैं। निहायत दुखी और मुसीबतग्रस्त इंसान आत्महत्या करने के लिये भी तैयार हो जाता है। आत्महत्या पाप है। अगर वह ऐसा करते पाये जाते हैं तो आप उनको पकड़ कर जेल में डाल देंगे और मुकदमा चलायेंगे। ऐसी दुखी और मुसीबत की हालत के बजाय अगर एक बीमार या दुखी और कतअन बेसहारा व कमजोर मर जाय, खत्म हो जाय तो उसकी जान तो दुख से आजाद हो जाती है। "माँत से कोई न घबराये अगर यह समझे कि यह दुनिया के बखेड़ों से लुझा देती है।" लेकिन वह बेचार न जिन्दा, न मुर्दा, तड़प तड़प कर रहने लिये हैं। रहम व इंसानी हमदर्दी से खाली लोगों का मींदरों और मस्जिदों में जाने से क्या फायदा होता है। हम देखते हैं कि अक्सर गरीब मोहताज मींदरों के सामने, मस्जिदों के सामने, गुरुद्वारों के सामने, गिरजा घरों के सामने "हाय-हाय" करके "एक पैसा दे दो" कहके मांगते हैं। लेकिन उनके सामने बड़े बड़े आलिम व फाजिल व धर्म के ठकंदार लखपती और करोड़पती निकल जाते हैं, वह गरीब लाचार लोग चिल्लाते हैं कि "राम के वास्ते, कृष्ण के वास्ते, रहीम के वास्ते, गुरु नानक के वास्ते, मुहम्मद के वास्ते, ईसा के वास्ते। इंसानियत के वास्ते, जवानी के वास्ते कुछ दे दो।" मगर जब कोई नहीं सुनता तो वह यही समझते हैं कि जैसे जानवर गुजर गये वैसे ही यह छोटें बड़े आदमी गुजर गये। वह कहेंगे कि यह अन्धे हैं, देखते नहीं, या इनमें दर्द भरा दिल नहीं कि यह समझें कि इन गरीब मोहताजों को रोटी चाहिये, कपड़ा चाहिये और मकान चाहिये। इस

लिये जब तक जरूरियात जिन्दगी मुहैया नहीं होगी और जब तक उनके साथ प्रेम व मुहब्बत का सलूक नहीं होगा तब तक वह नहीं समझेंगे कि वह इन्सान हैं, चाहे वह कितना बड़ा हो। इनके लिये दरअसल वही नक और दर्दमन्द इन्सान हैं जो इन गरीबों की इमदाद के लिए तैयार हो जाता है। इस लिये मेरी अर्ज है कि इस पर पूरी सिसयोरिटी सडूक दिल्ली से गौर करना चाहिए और इस बिल को फुली सपोर्ट करना चाहिये। मैं समझता हूँ कि वेद-शास्त्र में, बानी में, कलाम में, बाइबिल में यह कहा गया है कि यतीम व गरीब की मदद करो, बांट खाओ वरना जो गरीब की आह है, जो गरीब के दुख भर दिल की फीरयाद है, उससे बड़ बड़ मुल्क व काँमें तबाह हो जाती हैं, खत्म हो जाती हैं। हमको उनकी दर्द भरी आहों का खयाल करना और अहसास करना चाहिये। उनकी रोजमर्रा की तकलीफ और दर्द का खयाल करना चाहिये। अगर हम थोड़ा सा अपना खर्च कम कर दें, कम अज कम एक लुकमा खाना कम कर दें तो भी ये सब के सब गरीब जिन्दा रह जाएंगे। अगर हम आज दस कमरों के मकान में रहते हैं तो उसमें से एक कमरा कम कर दें तो यह सब बस जायेंगे। हम बड़े बड़े मकानों में रहते हैं। कमर ज्यादा बना लिये हैं जिन में जानवर रहते हैं, परिन्द रहते हैं, बन्दर फिरते हैं। लेकिन उन बेघर गरीबों को एक कमरा भी नहीं मिलता है। यहीं बाहर जाकर आप देखिये कि मजदूर गरीब लोग झोंपड़ों में रहते हैं और अगर आग लग गई तो सार के सार जल मरें। उनको पानी नहीं मिलता है। जो पानी घास में दिया जाता है वह उनको पीने को मिलता है। उनके लिये कोई साया नहीं है, कोई टट्टी नहीं है, बिजली नहीं है, कोई रोशनी नहीं है। उनके लिये कोई अच्छी और मुनासिब खाने की चीज नहीं है, गजैक आसायश का सामान कुछ नहीं है। गजैक गरीब और बेकसी की हालत को दूर करने का वक्त आ गया है और जहां बेकारी को दूर करना है वहां यह भी करना है कि जो बेचार गरीब हैं, यतीम हैं, बेसहारा बेवाएं हैं उनकी

भी तकलीफ़ दूर हो और उनकी मुसीबतें ख़त्म की जायें। मैं ज्यादा नहीं कहूंगा। मैं सिर्फ़ यही अर्ज करूंगा कि इस बिल को फ़ुली सपोर्ट करना चाहिये और मुझे ला मिनिस्टर साहब से उम्मीद है कि जैसा उनका फ़र्ज है और हर इन्सान का इम्मान है, धर्म है कि वह गरीबों की इमदाद करे, इस लिये वह इस को जिस फार्म में लाना चाहें लायें। लेकिन इसकी स्पष्ट और इसके उसूल से पूरा पूरा इतिफाक करेंगे। मैं आपसे अर्ज करूंगा कि मुल्क की हालत को देखते हुये लाजिमी तौर पर मुकम्मल और माकूल बिल को बहुत जल्द लाया जाय और जब यह लाया जायगा और अमलन सोशल निजाम कायम होगा तब ही सही मानों मैं यह मुल्क एक सेक्यूलर मुल्क बनेगा। इतना ही कह कर मैं तकरीर ख़त्म करता हूँ।]

SHRI SUMAT PRASAD: Mr. Deputy Chairman, I commend the principle underlying the Bill. My friend, Mr. Kailash Bihari Lall, has extended the scope of the meaning usually attached to the word 'orphan'. In the word 'orphan' he has included all those boys and girls who are neglected and whom their parents do not find their way to give proper education and proper maintenance; and in the category of 'widows' he has included all those women who stand in need of support and who have been neglected by their husbands.

Sir, this matter is very urgent and of great importance. It can be viewed from various aspects. The first one is that charity is being misused. There are institutions, orphanages and widows' homes which are not properly looked after, and their expenses are not scrutinised or audited. Although the money comes from charity, still, it is the responsibility of the State to see that that money is properly utilised. This is one view that can be taken. The other view is that everywhere, in trains, on stations, and on the *patris* of bazars, one comes across boys of various ages who have taken to beggary. The boys who could be

developed into useful citizens, sometimes take to beggary, because they cannot support themselves. It often happens that their parents induce them to take to begging, so that this begging may be a source of income to their parents.

Similarly, Sir, in the case of women, in every city, it is seen that some of them lead a life of shame and degradation. At times they have to do that, because they cannot support themselves. But this evil has got to be removed. Both these evils, the evil of beggary and the evil of prostitution, have got to be eliminated from our society. This is not possible, unless proper institutions are started where children, who are in need of support, or who are going the wrong way, are properly educated and looked after and turned into useful citizens. Similarly, all those sisters who stand in need of help or who have fallen into evil ways should be properly maintained. If such institutions are started, then proper arrangements for their education etc. can be made, and something can be taught to them whereby they can earn their livelihood. So, Sir, this problem demands a very careful attention of the Government.

The Bill needs amendment and modification. And if the Government agrees that this thing is important and this problem has got to be tackled, then certain ways and means can be found to improve the Bill. It is not necessary that a widows' home or an orphanage may be started in every town. If the funds do not permit, the State can be divided into various divisions, and one such institution can be provided in every division. Then on further examination, it is possible that it may not be necessary to establish a Board of Control. It may be the direct responsibility of some of the State Ministers, and at the departmental level the thing can be managed. There is much room for improvement in the Bill, but the question requires a very sympathetic consideration. In a socialistic pattern of society, it

[Shri Sumat Prasad.]
 is the responsibility of the State to see that every citizen is provided with shelter, food, clothing and education. We cannot afford to neglect these homeless children or the children who are neglected by their parents. It may be for any reason. It may be for the simple reason that they cannot maintain themselves; it may be for the reason that they find this profession of beggary more paying. But it certainly degrades humanity. Similarly, in the case of our womenfolk, those fallen sisters require some attention from the Government. It is a shame upon the society if they are allowed to continue in that deplorable condition. The idea is there. If the Government likes, it may bring forward another Bill, or it may improve upon this Bill, or it may circulate this Bill for eliciting public opinion. The opinions of various States may be invited, and in the light of those suggestions, the provisions of this Bill may be sympathetically considered. It would have been better if there had been some clause in this Bill saying that the provisions of this Bill will apply to orphans, widows, and the neglected children or the neglected persons. Even the title of the Bill can undergo some change so as to fulfil the object underlying the Bill.

With these few words, Sir, I commend the principle of the Bill, and I suggest that it may be circulated for public opinion, and in the light of that opinion, or any other material that may be available to the Government, the Government should try to see that these evils of beggary and prostitution are completely rooted out. These have got to be removed, and there is no other way for this except the establishment of such houses where they can be reclaimed and where they can be turned into useful citizens.

SHRI KISHEN CHAND (Hyderabad): Mr. Deputy Chairman, this is a very good Bill, and the speeches so far made have welcomed it. The

pattern of our society is changing. The hon. Minister, when he was replying to the debate on the Hindu Succession Bill, said that the unit was being changed from the family to the individual. In the Hindu society, because there was the joint family system, there was never any question of any orphanage or widows' home. The joint family used to provide for the orphans and the widows. But according to the hon. Minister, when the pattern of society is changing, then somebody must step into the gap created by the breaking up of the joint family system, and somebody must take care of these orphans and widows. Sir, in foreign countries, there are very good organisations for looking after these orphans. Of course, the question of widows does not arise in those countries, because women are economically independent. It does not matter if they become widows. A widow can look after her children and herself very well, because she need not be dependent on anybody. In the totalitarian countries, the State looks after all children. Even when the parents are alive, they can entrust their child to the State and the State will look after it. We imitate the foreign countries in so many things, but do not imitate the good things we find in them. Here the State does not pay the slightest attention to orphanages and widows' homes. I am glad that an hon. Member has brought in a private Member's Bill but I am afraid it may not have the same fate as has overtaken the other Bills brought in by private Members. Either pressure is brought to bear upon them to withdraw the Bill because they belong to the Congress Party or some technical flaw is found to reject the Bill. I do hope that the hon. Member will not withdraw this Bill and that the Bill will run its normal course. As pointed out by the mover, the hon. the Law Minister may find some technical difficulty here because in this Bill some expenditure may be involved and the President's sanction has to be obtained before such a Bill is introduced here. Leaving aside all

that, as I was saying, there is a special need for having orphanages and widows' homes in the country. There are a large number of orphanages and widows' homes in the country run by private parties; in some cases the private parties run them from a profit motive. In other cases, they run them out of a true motive of service; among them being a large number of orphanages and widows' homes run by missionary societies and other religious bodies. Sir, this Bill is not asking the Government to open new orphanages or widows' homes. The Bill only wants some minimum co-ordination, some sort of supervision, some sort of standards to be maintained in these orphanages and widows' homes. This is the true purpose of this Bill. If you allow the management of these orphanages and widows' homes to remain in private hands, naturally some persons who are not suited for this type of work may abuse their privileges and run these institutions not in a proper manner, thereby ruining our future generations. Sir, already there is a great increase in delinquency in the country because of lack of proper environment in the homes, lack of proper education, lack of proper moral training, lack of proper food and lack of opportunity for physical relaxation. All this is happening in normal homes, because the parents are poor and they cannot afford to maintain their children. And so what will happen in the case of orphans who have none to care for them, can easily be imagined. These orphans are often collected by unscrupulous people and kept under conditions which are revolting. Apart from the poor quality of the food given, there is low type of environment. They are often asked to go about the city and beg for the orphanage. Of course that begging is given a respectable colour by giving them a band. I think there is nothing more degrading for a child than to go about begging whether for any institution or in his individual capacity. If we build up a sense of self-respect in the child, he will become

a good citizen of our country. Therefore we must have well-run orphanages and these orphanages must be looked after properly. There must be State authority to co-ordinate these institutions. Further there has been an influx of population in our country from West and East Pakistan, and at least in the case of the refugees coming from West Pakistan, a large number of children have come and are being kept in camps run by the Government. The Government is spending lots of money on maintaining these children in camps and also on maintaining widows in camps and training them in some craft. Would it not be better if there are orphanages, if there are widows' homes, where these children and these widows could be sent and where they could find a suitable environment? Therefore it is but right that the Government should take immediate steps to at least help and encourage these orphanages and homes by grants by supervision, by co-ordination. Sir, ours is a secular State, and it is but right that in State-aided schools, no sectarian religion is taught. But in the case of orphanages and widows' homes, these institutions are their homes, where they can get home environment, where they can get their religious training, their religious education. Therefore it is very necessary and essential that these orphanages and widows' homes should give proper religious education. These children and widows should be brought up in a moral and religious atmosphere so that they can become better citizens. No objection should therefore be taken if in this Bill provision is made that religious education should be imparted. Sir, it will be better if the Government establish a number of orphanages and widows' homes. On a very rough calculation, it is estimated that the number of widows all over the country requiring help will be something like 15 to 20 lakhs, and that the number of children who will have to be kept in orphanages will be a like number. Therefore you can imagine that not only one orphanage or widows' home will be required per district but three or four

[Shri Kishen Chand.]

orphanages and widows' homes per district if we want to give proper training to these people. In our country there is urgent need for old men's homes, for poor homes, for these orphanages and these widows' homes but the Government is not doing anything and often the excuse of lack of funds is offered. Well, that is an excuse which covers up all the deficiencies of our Government. I admit that management by the Government is expensive. So when people come forward to establish orphanages on a private basis, will it not be better if Government comes forward and as in the case of schools, gives aid to these orphanages and widows' homes? There should be a set of rules and I think at least 50 per cent. of the expenses should be borne by the Government. Whether this Bill can recommend such a thing or not, I think it is a little doubtful but the hon. Minister should come forward with a more comprehensive Bill or suggest certain alterations when the Bill is referred to the Select Committee. This is only possible if the hon. Minister becomes a Member of the Select Committee and there offers his advice and suggests ways of improving this Bill so that there is direct supervision by the State Governments either through a Board, or some other method. The State must make at least 50 per cent. contribution for the maintenance of these orphanages and widows' homes. These children are going to be the future citizens of this country and it is but right that the Government give some help in their bringing up so that we have less number of delinquents and less number of prostitutes. It is lack of widows' homes that is really creating the problem of prostitution in our country and therefore I wholeheartedly support this Bill and I would press the Minister of Law not to find any fault with it but to join the Select Committee and improve it.

MR. DEPUTY CHAIRMAN: Dr
Variava

SHRI H. V. PATASKAR: Sir, may I intervene at this stage? The main point in fact which was anticipated by the hon. mover of the motion was that this Bill relates to children's and widows' homes. About widows' homes I will not say anything now. About children's homes let me say, first of all that in this House we have passed the Children Bill which deals with delinquent children and with neglected children and we have also in that Bill suggested what should be done about them and I will not refer in details because that is a Bill which has been passed by the House.

SHRI H. P. SAKSENA: For Part C States.

SHRI H. V. PATASKAR: That was made applicable to Part C States for the simple reason that this House—or the Parliament here—has got the right to legislate only for Part C States. But the difficulty which the mover of the Bill probably did not comprehend was that even a Bill which is to be made applicable to Part C States, special sanction was required. Failing to get that sanction he removed the reference to Part C States from his Bill probably under the feeling that if Part C States are excluded, then we have the power to legislate in this matter in Parliament as a Central subject. Even at the time of the introduction of the measure, I could have pointed out to him this feature and objected to it but I did not in deference to the convention which we have established that at the stage of introduction we don't raise any objection which will negative the motion being considered—and I admit that this is a healthy idea that in the introduction stage we don't object to the introduction of the Bill—but the fact remains that what we are trying to do must be a thing which can be constitutionally done. When the hon. mover saw me I told him even before I referred to the constitutional aspect. I will say as to what the Government's idea in this matter is. It is not as if Government is not cognisant of the problem or they don't want to do anything in the matter. As a matter of

fact I find that the difficulty is that Government finds that the Constitution, as we all know, is a federal one and it is only the State Government which can legislate. I had pointed out the items in these Lists and the non-mover had referred to them. It is true and we cannot take shelter under that clause in the Union List which is called a residuary clause and say that we shall throw this burden on the States. Because after all, after the discussion that has taken place, supposing we pass this Bill here, who is going to administer this Act? One of the hon. Members himself referred to that. It is the State Governments naturally. It is not the Central Government that is going to administer them. The States will have to spend for it and if we legislate because we say that we have the residuary powers, then that is not correct.

SHRI KISHEN CHAND: May I point out that there is an item in the Concurrent List which deals with charitable institutions, and orphanages and charitable institutions come under that definition?

SHRI H. V. PATASKAR: Charitable institutions? If the hon. Member refers to.....

SHRI KISHEN CHAND: He may refer to the Concurrent List.

SHRI H. V. PATASKAR: I know about charitable institutions but as soon as you want to deal with that....

SHRI KISHEN CHAND: The State is only going to supervise. It is not going to run or man the orphanages.

SHRI H. V. PATASKAR: Even for charitable institutions in the Concurrent List, whenever you want to throw any burden so far as the States are concerned, the administration is carried on by them. It is difficult and apart from that we have to consider it. Therefore I will first of all say what the Government has been doing in this matter. There is the Children Bill which they brought forward which is applicable only to Part C States. That Bill has been passed by

this House. As regards women and children, similar Bills were also introduced in the other House—so many of them—and they are being discussed and I even then pointed out that so far as women are concerned, the Home Ministry has already brought forward a Bill which is called the Bill for Suppression of Immoral Traffic in Women and Girls. Now that refers not only to widows but to women generally and also to young girls and that Bill has already been brought by Government. I may be asked as to how it is that that was brought in Parliament? It was done on the basis that there was an international agreement with respect to women to which we were a party and under the Constitution, with respect to such matters, when we have got some sort of an agreement or a problem which is wider than a national one, we can legislate on it. So on that basis we have brought forward a Bill which will cover all girls if it is passed. So it rules out only boys and girls are covered by it. Regarding comprehensive law, even the hon. mover said what we propose to do. These must be taken care of by the State. I agree with the hon. member who just preceded me when he said that the solution of this should not be left to depend merely on charities. Whatever must be done must be done by the State. Therefore when we realized these difficulties and there was a feeling that something should be done in the changed circumstances of the State, we approached all the State Governments in India when that Bill was brought here and most of the State Governments have agreed to introduce the Bill—some of them have already introduced them, some have passed them and I think hon. Members will realize that there is no question about the solution of this problem. On that point we are all agreed. The question is how to solve it. Shall we solve it at the State level which is the proper place, because after all it is the States which have to administer these or take care of these orphanages? It cannot be done on an all-India basis. And I can assure the hon. Members of this

[Shri H. V. Pataskar.]

House that the Government approached all the States; many of them have already introduced this, some have agreed to it and there is no State Government which says that it is not prepared to undertake this, and that is the right solution of this problem of children. So far as women and girls are concerned, I have already dealt with it. What is now left? After all the Bill for the Suppression of Immoral Traffic in Women and Girls will apply to all women including widows and to all girls. Then what remains is only the boys. With respect to boys, the delinquent boys are covered by the Children's Bill and now remain only the neglected boys. Of course, that Bill referred only to Part C States. Anyway, we cannot do all this work merely by means of charity. And Government want to take action to see that all orphanages are properly run; otherwise, if they are all left to charity, many evils will follow. Therefore, Government are anxious to take all possible steps in this matter and they have already, as I have explained, taken some measures in this direction. It is not as if nobody is looking into this problem. There is that Bill with respect to women and girls. Then there is a small section of boys. In regard to them, we are approaching the State Governments and many of them have introduced a Bill bearing on this problem. So it is clear that this problem is not being neglected, but measures are being taken to solve it in the right and proper manner.

DR. D. H. VARIAVA (Saurashtra): May I point out to the hon. Minister that the Central Government has given a grant of Rs. 3 crores for social welfare and this part of the work comes under social welfare? So the Central Government can introduce a Bill here and the States can manage the institutions.

SHRI H. V. PATASKAR: I am afraid I do not seem to have made myself as clear as I should have. As a matter of fact, this is not a question

of general words. We have to see whether this matter comes within one of the items in the Lists. Prisons and Borstal institutions come in the State List. Similarly Education also comes in the State List. In the Concurrent List only charitable institutions come in and nothing beyond that. And so.....

MR. DEPUTY CHAIRMAN: Shall we continue at 2.30 P.M.? I think you will take some more time.

SHRI H. V. PATASKAR: Not much, but I would be taking a little more time.

MR. DEPUTY CHAIRMAN: Then we shall continue after lunch. The House stands adjourned till 2.30 P.M.

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

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

SHRI H. V. PATASKAR: As I was just saying, Sir, when we dispersed for lunch, so far as the objects of Mr. Kailash Bihari Lall's Bill are concerned, I have to inform him that Government is in entire sympathy with them. As regards the Constitutional difficulty I do not want so much as to rule it out but I want to point out to him the difficulties that Government experience in a matter of this kind because it is not merely through the charitable institutions that this work can be carried on. We have to understand the real situation. He also drew Government's attention to the fact that if there was no specific mention in any of these Lists, we may take advantage of the residuary powers that are left with the Centre for purposes of having a legislation of this kind. You, Sir, are probably aware that at the time of the Constituent Assembly this question of residuary powers was debated hotly and it was thought that in a Federal Constitution these residuary powers ought to be with the units

rather than with the Centre. Apart from that, in a matter of this kind on which the States are in agreement with the objectives which we have got—he has already said that there are such laws in some of the States—we have to go forward cautiously. The other States which we approached have already agreed to do it. Even in the State from which the mover comes, I am informed that the Bihar Government has introduced a Bill for this purpose; I am not quite sure whether it has been passed by both the Houses or one House but it is being considered. As I said earlier, there is unanimity among the State Governments that they will undertake this task. This is, after all, a matter on which there should be no difference of opinion. In view of this and in view of the fact that there is already a Bill, (particularly clause 19) which deals with some of these persons, women and girls, I do not think it is desirable to pursue this. I am reluctant to use the other word as I would otherwise get the same compliment as was paid to the *ex-Home Minister*, but I was thinking whether, in this state of things, we should take advantage of the residuary powers. After all, it is the States who have to work this out. As some of the States have passed similar legislation we should not, I think, resort to these residuary powers. I can understand the residuary powers being used in a matter where the States probably are reluctant to do something which they ought to do but in view of all the circumstances, the residuary powers should be resorted to as a last resort to enact any piece of legislation, whether it is a Government Bill or whether it is a non-official Member's Bill. I will, therefore, from the point of constitutional propriety, from the point of view that Government already have a Bill which does provide in clause 19 for women and girls, appeal to the hon. mover. Even as regards that Bill, the Central Government does not say that they are having resort to the residuary powers for that purpose but they say that there is an international

agreement for which there is specific provision in the Constitution and on which we are bound to legislate. When we enter into some agreements with some other countries about certain matters, that matter should not be left to the States but should be dealt with by the Centre. That Bill covers most of the parts in this Bill. Therefore, it has fallen to my unfortunate lot, in spite of all the sympathy for the objectives of the mover, to oppose this measure. The hon. mover seems to be under the impression that the Government have somehow or other fallen into some rut and that I am also likely to fall into it by saying that no private Member's Bill shall be passed. It is far from the truth. If some convention could be established by which some of the measures that Government has to bring forward are to be brought forward by Private Members, I would welcome it personally. We have got so many divisions, women and men, children and grown-ups, this and that and it is not right to have this official and non-official also. Why should we perpetuate all this official and non-official business. Any Bill has to be passed with the vote and with the co-operation of all the Members of this House. Therefore, let him not be under any such wrong impression that this Government has fallen into any rut. I would not have liked to oppose this measure and get the same credit as the *ex-Home Minister* got but, with all my sympathy for the objectives, I think it is not desirable either that there should be piece-meal legislation of this type or that the Centre should undertake legislation for things which are going to be administered by the States. Ultimately, there is no doubt that we cannot administer this from the Centre. It is only on these grounds, not on the ground that this Bill has been brought forward by a Private Member, that I am appealing to my hon. friend. It is not as if we are somehow or other determined that no Private Member's Bill shall be placed on the Statute Book. There is nothing of that kind. We have also a kind heart as he has, but we feel that this piece-meal legislation is no good. Some States have got enact-

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ments; we have also the Children Bill though it would apply only to the Part C States. Under the circumstances, I would appeal to the hon. mover to withdraw his Bill. If he is not prepared to do so, so far as the Government is concerned, I am sorry I shall not be able to accept it. That is the position.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): I have one question to ask. When this is the attitude of Government with regard to Bills, why does not Government tell before hand, when the Bills are sent for scrutiny, that they would not be able to allow a particular Bill to be brought forward? That will save time, money and trouble.

MR. DEPUTY CHAIRMAN: Yes, Dr. Variava.

DR. D. H. VARIAVA: Mr. Deputy Chairman, I rise to support this Bill which I think is a very necessary Bill.

DR. SHRIMATI SEETA PARMANAND: May I expect a reply, Sir? The Minister was going to give a reply to my question.

SHRI H. V. PATASKAR: Let him finish.

DR. D. H. VARIAVA: I congratulate my hon. friend Mr. Kallash Bihari Lal for moving such a comprehensive and considerate Bill.

Before I go further, I must speak about the objections that have been taken by the hon. Minister. He says that this is a State subject. We all know that social welfare is the aim both of the Centre and of the States. The very fact that the Centre has allocated a sum of Rs. 4 crores for social welfare shows the anxiety of the Centre in this aspect of reform and we know that widows' homes and orphanages are subjects of social reforms. Not only that but these homes are already receiving grants from this fund which is audited by the Central auditors. In Saurashtra and in many other places, grants have been made out of

the Rs. 4 crores. I can say that the Centre has some authority in this respect.

The second aspect is the prevention of prostitution which is supposed to be world-wide legislation. There is one clause in that Bill—I think it is clause 19—which definitely lays down that women and children—in this definition widows are also included—shall be protected. If the Central Government has the right to intervene in the matter of prostitution even in the States, I see no reason why this legislation cannot be passed by the Centre to be administered by the States. If the Centre says that this Bill cannot be passed because it is a State subject, I would suggest one thing: that this clause 19 should be enforced and through that clause these widows' homes and orphanages should be brought under the control of the Centre. I do not say that the States are not willing to do good for the widows and orphans. I must say that I have seen many institutions in many States which are run on very good lines. It is far from me to say that all these orphanages or these widows' homes are run on bad lines.

Some of these institutions are very good and they are a great credit to the philanthropic spirit of India as a whole.

Now the third argument about this is that in national planning I think we are going to raise the standard of the people of India and these widows and orphans are also the people of India. There is no distinction between them and the other inhabitants of India. So from that point of view too I think it is our duty to raise their standard during the period of planning and this legislation would be a help to these unfortunate people.

Now I was saying that this is a very necessary piece of legislation because we know that there are thousands and thousands of orphanages and widows' homes in India. Some of them are run on very good lines indeed. Some are run on indifferent lines, not with an intention but because of lack of funds. That is why it is the duty of the States and the Centre that monetary help

should be given to such institutions. But there are certain institutions of this kind, specially the widows' homes which are run by certain black sheep not for the protection of the widows but for their own benefit and for the purposes of prostitution. But most of the orphanages are run on very good lines and it is to their credit and it is in line with the spirit of India that they are running them. But there are certain orphanages where the anti-social elements in our community get an advantage out of these immature youths and lead them not to a better life but to a worse life, and these are some of the most grim reasons why this legislation should be passed.

Now there are many types of homes, as I have told you, and in this Bill my friend Shri Kailash Bihari Lall has shown that by introducing this Bill we don't scare away charitable people who are helping and I think they are giving 90 per cent. of the money that is used for the maintenance of these widows' homes and orphanages, and to ensure this he has made certain provisions that no penal measures should be taken against these institutions but that only a Board should be established which just controls them with the minimum of interference. He has already said that these institutions should not be banned unless it is found after proper enquiry that they are not run on proper lines.

Now it is necessary that, when this legislation is introduced, the primary minimum standards should be adjusted for a better life for these inmates. Food should be properly prescribed and to see that the food is properly prescribed, one criterion is necessary that the weight of the inmates both of widows and children should be taken because that is one criterion whereby we can see whether proper food is given and whether the money spent on it is really utilised for that purpose. It is done in jails and it is for this purpose that the weight is to be taken. Then only the people who are running these institutions will take proper care of the inmates.

Then we must supply proper shelter, I mean good buildings for this purpose and not hovels. I think some of the institutions are very good and well run, but there are others housed in the most filthy surroundings, which should be improved. Clothing should be of the proper type. Then about education. Now in this Bill there is a proviso that the Board or the Managing Committee can start educational institutions, but I say that will be rather a very expensive thing and at the same time, if the education is given in separate institutions, these inmates will feel the stigma of inferiority, what is called separatism. So the existing institutions near the home should be induced to take these inmates and educate them and they must freely mix with the other people and other children of the locality so that this stigma may not remain.

Now I come to recreation. As regards recreation also they should just go to places, to what are called common recreation grounds for community centres where they may mix freely with other people and where they may acquire a proper atmosphere and they may regard themselves as good citizens of India.

As regards health it is not necessary to have separate health centres; small dispensaries may meet their requirements, but if the existing institutions around such orphanages and widows' homes should be utilised, I am sure that many private practitioners are not averse to give their free services to such institutions. I am sure that if this measure is taken many of the defects will be taken away. I do not impute that these institutions are necessarily run purposely on bad lines except of course in some cases and it is only but fair to those who paid for and ran the good ones that we must not interfere with them and I think that is provided for in the Bill. Otherwise, if there is much interference, then I am sure that private charity or private money will go underground and they might be afraid that even in doing these good things they might be caught in the

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clutches of law and so they might not pay money for such purposes.

Another thing that I would suggest is to make a survey of all the orphanages by a combined committee of both the Houses of Parliament, of legislatures in the States and officials and non-officials from each State and that will give a proper idea of what types of institutions are existing, what institutions should be suppressed and what should be encouraged and helped.

Now there is one thing which is mentioned in the Bill that those private institutions which are run on religious lines should not be given any aid. I must say that I have seen some of the institutions run on religious lines—and they are run on the best lines possible—and for that purpose I think it is not right that we should stop all aid to these institutions. On the contrary, I think that some aid should be given because after all religion is a part of moral teaching and all religions are one and suppose there is an institution which gives its own religion, I do not think there is anything wrong.

Then it is mentioned that the Board of Management should employ some inspectors and executive officers. Now when you employ these executive officers I suggest that they should be trained social workers, properly trained in this line and it is very necessary, and if we employ this type of social workers then I think our work will be very much facilitated and much of waste will be avoided. If we appoint inspectors they should be trained social workers, both men and women, and I must say that when we are dealing with widows' homes I think many trained women social workers should be employed.

Now I understood from the hon. Minister that in spite of all his good intentions he is not able to accept this Bill.

And in the last place I suggest that at least he should try to implement and

enforce clause 19 of the Suppression of Immoral Traffic Bill for this purpose and see that the States carry this out not only about girls and women and widows outside such institutions but in these institutions also.

Now, another thing that has to be seen is that we must first find out how they are working. There are some very bad institutions of this type which should be suppressed and if this Bill is not passed, they should be suppressed under clause 19 of the Suppression of Immoral Traffic Bill. This is a great scandal and every day we read in the newspapers of inmates being improperly treated, of inmates committing suicide and so on. I think even today there is a report that a girl tried to commit suicide and the reason given does not seem to be the right one. She might have been so harassed that she ultimately tried to end her life. In regard to boys too, there are certain institutions where they are badly trained, trained for pilfering and such other things. So I feel such homes should be suppressed. With these words, I strongly support the Bill but if the Minister cannot see his way to accept it, then the suggestions that I have made may be considered. Sir, I support the Bill.

SHRI N. C. SEKHAR (Travancore-Cochin): Sir, after hearing the Law Minister I felt strongly that I should express myself on this Bill in support of the underlying principle of the Bill, namely, that the Central Government should undertake the responsibility to aid and control and if necessary to take over certain institutions like orphanages and widows' homes to see that they are run on sound lines so that the unfortunates who happen to be in such institutions are brought up in a proper way to enable themselves to be fitted in our democratic society which our Constitution visualises to establish. The hon. Minister was emphasizing that if the House wanted to impose additional burden upon the Central Government, it could do so, but in actual fact the burden is to be on the State Governments because it is the duty of the State Governments to look after such institutions. But the

subject being in the Concurrent List, as hon. Members have pointed out, it is also the duty of the Central Government to look after such institutions. So both the Central Government and the State Governments have a concurrent responsibility in this matter. So it is not a question of additional burden; it is a question of duty of the Central Government to discharge its responsibility to those unfortunate people who abound in numbers—not a few—but hundreds of thousands of them, young boys and girls and widows who are roaming about the land in search of a secure life. That is why this House, particularly those who are in support of the Bill, would appeal to the Government to take necessary steps to discharge their duty to the society. Since the Government has already been spending crores of rupees—as some hon. Members pointed out, three to four crores—on social service the Government should bring this also within the purview of that social service. What is the situation in the country today? Under the peculiar economic and social conditions prevailing in the country there are a number of helpless women who are badly in need of help not only from society but from the public exchequer. There are a number of such orphanages and widows' homes. In Travancore-Cochin and Malabar there are three types of such institutions, one run by the public, another run by social service bodies like the Servants of India Society and the third by the Church. Each of these is run in a different way. I will also illustrate how certain types of women are turned into widows overnight and how children are brought up and treated in certain orphanages. The public believe that these institutions are good and have even been applauded by the public as model institutions which take care of helpless women and children and put them on their own feet to enable them to become good and honest citizens of the country. The D.M.R.T. is such an institution which has long years of service. Here I am going to give you one

other example of an orphanage that is being run in Calicut town. That is supervised and controlled by a public committee in which certain Congressmen of long standing are also there but at the same time there is a certain number of unscrupulous people on it. These public committees have become a jumble of scrupulous as well as unscrupulous people. Unfortunately the affairs of this committee fell into the hands of these unscrupulous people. In 1953 there was a strong agitation among the Calicut public against the affairs prevalent in that institution. That orphanage receives a huge amount as donation from the public, particularly from the wealthy persons, and they periodically publish the contributions that are received and simultaneously they also publish their accounts showing how much money they have expended on the vocational education and feasts for these helpless unfortunates. When one happens to read all these, he is likely to be much impressed and would even feel that even their parents if they had been alive would not have been able to do for these unfortunate people that which the orphanage had done for them. I am not mentioning any name because it is not proper for me to do so since he is not here to answer me. What I am going to say has appeared in the Press. And we have also appealed to the State Government to institute some enquiry into the affairs of that institution. So far we cannot say that any attention was paid to that institution by the Government. In fact, there was a scandalous allegation that that orphanage was being utilised as a brothel. Even certain of the inmates, i.e., the women inmates of the ages of 18, 19 and 20 have repeatedly complained to certain visitors of that orphanage that they were forced to submit themselves to certain other types of visitors' whims. And thus many are reported to have become pregnant and abortions took place in that institution which is run by public money under the supervision of a public committee, the affairs of which unfortunately fell into the hands of

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a few unscrupulous people. They were brought to the notice of the District Collector and news to that effect also appeared in the Press. Then in the year 1952 or so another appalling news appeared in the Press. A woman was found dead on the first floor of a bungalow in the city of Calicut, with gun shot wounds. Immediately the Police investigated into the case and it was found that that young woman had committed suicide. It was said that she had snatched the hunting gun of the owner of that house and shot herself. It also transpired that she was pregnant. I do not want to mention names because as I said it is not proper for me to do so here. Later it was found out that that young woman belonged to this orphanage. This is the sort of thing that is going on in such institutions and that is why—and here I am expressing the sentiments of the people of Calicut because I am quite acquainted with the Calicut public—I want that the Government should take over such institutions and see that the unfortunate inmates there are brought up properly and helped to become good and honest citizens.

3 P.M.

Sir, I have already said that I have no complaint to make against D.M.R.T. because that has been run on proper lines. In 1943 when there was an outbreak of cholera in the town, this institution collected some five thousand orphan children, looked after them and sent them out as good young men able to fit themselves into society. I have no complaint to make against that institution. Such institutions must be encouraged by the Government. I do not know how far the Government is lending support to such institutions.

Then there is another type of orphanages run by the Roman Catholic Church and Missionaries. Some of the missionaries collect our poor children, parentless children, in certain buildings, take their photographs and send the photographs to America in order to get money. And

these institutions run by the missionaries get a big amount of money from certain American institutions on the plea that the money is needed to run these orphanages. That is going on.

Another institution is going on in Alwaye. It is a big orphanage run by the Church. There I happened to meet a certain number of people who came out of that orphanage after attaining eighteen years. They told me that they were being poorly fed; they were being collected to look after the pigs owned by the Church, the cows owned by the Church; and, also, the children had to till the fallow land owned by the Church—there the land is called as Church settlement. It is often the case that, not fifty or sixty children, but more than two hundred to three hundred children are there and they are being used for this purpose. As provided in the Bill, these institutions must be taken over. The Government must take the responsibility and see that these orphanages are run properly; also, the children should be given education in such a way that they acquire some technical knowledge to work in a workshop, when they come out of the institutions, in order to eke out a living.

Sir, I forgot to state one important point, that is, how women are made widows. I will cite one example. I cite this for the Home Minister of the Central Government to make an enquiry into such affairs in the orphanages run all over the land; to find out what is actually going on inside the orphanages; which are actually honest institutions run with a humanitarian outlook and which really merit support. This has to be looked into. The Government can appoint a committee to enquire into this, or ask the Intelligence Service to find out what is going on there. They can collect immense material there—in every taluk, in every district headquarters, in every village. This Intelligence Service is very active, they could trace the American agents there. Similarly, they can find out how these unscrupulous people have their grip over these useful institutions. That the Government

has to see. Sir, one Christian peasant of Vaikom taluk in Travancore-Cochin had a wife. He quarrelled with her and migrated to Malabar, to Kurumbanad taluk. There he leased a certain plot of land, cultivated it and remained there for a number of years. There he married a woman and had two children. After some years the relatives of the first wife found that this peasant, this husband had become rich suddenly. The relatives approached the peasant, through the Church, to take his first wife with him. The Church called him and of course they have their usual methods. Then, through the Church that peasant was influenced to divorce the second wife, not only divorce that wife—we were told by the relatives of the second wife that the Church advised the peasant to pay one thousand rupees to the Calicut orphanage in order to admit this wife with her two children as a widow. She was actually admitted in that orphanage as a widow with her children. Then, we sent one of our friends to ascertain whether it was a fact. That friend went to the orphanage. He approached her. She was actually in tears with her hair spread over her shoulders, crying and crying—with her children folded under her two arms: "This is my fate. I served him for the last ten years and now he has had us sent to this widows' home, as if I am a widow. This is my fate. I have no other relatives to rid me of this unfortunate situation." This was being done through the influence of the Church. This is how in certain parts poor women are being made widows. Such things are going on. In order that such institutions are not run improperly, the Government must take certain steps as suggested in the Bill. I cannot support all the clauses that the hon. mover has adumbrated in the Bill as it is, but the main idea of the Bill is very, very good and it ought to be implemented by the Central Government. Now, it is understood that the Minister has already rejected it. He is not going to accept the Bill. Anyway, the Government cannot absolve themselves of their responsibility.

It has to see that these thousands of widows' homes which look after thousands of unfortunate members of our society are run well. This responsibility should be undertaken centrally too. Don't put the responsibility on the State Governments and absolve yourself of all the responsibility for it. We know how the State Governments are run. I am not making any criticism of the State Government because it is not proper for me to do it here, but at the same time it is the duty of the Central Government, it is the urge of the unfortunate ones that the Central Government should take necessary steps, not at a later stage, but as soon as possible when protection is given, these institutions should be given facilities to run on proper lines. And moreover it is my plea, my individual plea that Government must take over the orphanages and widows' homes run by the missionaries. Churches should not be allowed to run orphanages. So, also the religious institutions should not be allowed to run orphanages. Government might argue—because they have been arguing in favour of imposing contract labour upon the Indian people—hence they may argue, to save money, in order to save labour, 'let the private institutions take up the work.' All right, I have no objection to an institution like the D.M.R.T. run by the Servants of India Society taking over the institutions. I have no objection also to honest social service bodies taking over such institutions. Let the Government give them aid and support. But I must point out that there are certain social welfare bodies dominated by the wives of Ministers, and wives of big officers. Did any one of these ladies do useful service to the people who are badly in need of it? Social service bodies must be run particularly by women, who are a useful body, who have some love for the people, for the children. Such institutions run by honest women on humanitarian grounds should be helped. But the institutions run by the Churches and such public bodies, so far as the affairs fall into the hands of unscrupulous people they should

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not be allowed to run these institutions. This is my appeal to the Government, particularly to the Law Minister, to see that these orphanages are run as the Bill wants it. With these few words I conclude.

MR. DEPUTY CHAIRMAN: Is it necessary to have any further speeches?

SHRI J. S. BISHT (Uttar Pradesh): I just wish to request my friend about something, if you will permit me, so that it will shorten the whole debate.

MR. DEPUTY CHAIRMAN: Be brief.

SHRI J. S. BISHT: Mr. Deputy Chairman, I thank you for giving me this opportunity.

Sir, I have very great respect for the motives of the mover of this Bill. And I can assure him that there is nobody, either inside or outside this House, who has not the fullest sympathy for the objects in view. Nobody wants that the orphans and the widows should be without shelter, without food and without clothing. But we must be clear in our mind about one thing, and that is this.

In framing our Constitution we have deliberately divided the functions and the powers of the States into different categories. There are some categories that are the exclusive province of the States; there are others that are of the local authorities, municipal corporations, district boards, village panchayats, and so on and so forth. And, Sir, there are other functions which belong to the Central Government. And this is a matter which is purely of local importance. It may be that in some particular area the problem of orphans and widows is acute. But it is for that particular locality, or the local authority, or those who are interested in social well-being there, or those who form themselves into a society, to

devise ways and means for the running of such an institution. It may be that in many other areas there is no such condition, or such need. After all, these widows are looked after by the families of their parents or of their husbands. The same is the case with regard to orphans. It is only a small portion, a very small portion, that is really left without any protecting hand over them. It is for every local area, be it a municipality or a district board or a taluka board or a village panchayat, if there is such a problem, to handle it at the spot, and to seek such support as they can get from their State Government. And I think the local State Government ought to help them in that way. But to ask the Central Government to run a whole department for a vast sub-continent from Kashmir to Cape Comorin and to look after the widows and the orphans throughout India, is merely defeating the whole purpose in view. After all, what is the number of the widows and the orphans? Then to create a whole bureaucratic department with Superintendents of Orphanages and with Inspectors over them, and with probably D.I.Gs. over them, will be a very costly thing, and will entail a very heavy expenditure. If, however anything is required, the Central Government may give some grant-in-aid to the small States, like Himachal Pradesh, Ajmer, Coorg, provided a justifiable demand is there; of course such small States haven't got sufficient finances and there would be no harm if the Central Government gives them some grants-in-aid. Otherwise there is no reason why States like Bombay, Madras, Uttar Pradesh, Bengal and Bihar should not be able to finance these things.

And secondly, Sir, I would appeal to my friend, Mr. Kailash Bihari Lall, to promote some Bill on the lines of the Shiromani Gurdwara Prabandhak Committee, that all the Hindu temples are taken charge of, and all the earnings that are today going into the private pockets of *pujaris* and *pandas* can be utilised for this social welfare

work. I think that would be better rather than come to the Government of India at this time when the Government of India needs every pie for the advancement of industrialisation and all this planning. After all, money is not going to drop from heaven, and mere printing of notes in the Nasik Press will not do the trick. It is we, the people of this India, who will have to find the money. Even in the matter of planning, there are priorities, and first things must come first. The first thing is that you must heavily industrialise this country, and every penny that you can spare must help the industrialisation of this country. Otherwise, you cannot rid this country of poverty and hunger.

Therefore, I would appeal to my friend that in view of what the hon. Minister for Law has already said, he will graciously withdraw this Bill.

PANDIT S. S. N. TANKHA: Mr. Deputy Chairman, I rise to support the Bill before the House. As you know, Sir, at this stage the motion only is that the matter may be referred to a Select Committee. And I do not see any reason why this should be denied to the mover.

As you are aware, Sir, there are very many orphanages and widows homes in our country. Many of these I admit are managed and looked after most efficiently, and are doing very valuable work. They have taken upon themselves a good part of the burden of the State for the maintenance of those widows or orphans, otherwise it was the duty of the respective State or the Centre to maintain them, to educate them, and to bring them up on right lines. At the same time Sir, it has to be admitted most regrettably that there are quite a large number of such institutions which are being run on wholly wrong lines. The so-called widows' homes are no better than brothels in which the managements do trading in women and profit by those transactions. The orphanages

are no better than begging houses in which the children are taught to beg, to steal, and to pick the pockets of the public. Therefore, Sir, it is very necessary that such institutions which are not doing work on proper lines should be brought under control and should be made to manage things properly, if those institutions are to exist. But if they can not be made to improve, then they had better close down in the public interest and in the interest of the inmates of those institutions.

Therefore, Sir I feel that my hon. friend, Shri Kailash Bihari Lall, has done a real service in bringing forward this Bill and it has been thought of by him on very proper lines. His first demand is that these institutions should be recognised by the Government, and only those institutions that have been recognised should be allowed to exist. No other institutions to whom this recognition is denied should be allowed to function. That is provided for under clause 3, and I think it is a very salutary rule, and it will go a long way in curing the evils of these homes.

Then, Sir the Bill, in clause 11, has provided that there should be a Board of Control for the management of these institutions. This too is a very proper and salutary rule. Regarding control on the working of these institutions he has provided that a Board of Control should control and supervise their working. He has further provided that there shall be a Chairman of the Board of Control elected by the members of the Board subject to the approval of the State Government. This also, I think is a very good rule. Unfortunately however my learned friend has provided that the Chairman should be a paid officer. I think this is absolutely unnecessary, and I am definitely of the view that instead of casting the burden of this expense either on the State in which the Boards exist, or on the Centre, it would be well to have an honorary man, either a lady or a gentleman as

[Pandit S. S. N. Tankha.]

Chairman of the Board, who can devote her, or his time and take a keen and active interest in this philanthropic and humane work. Then, Sir, the hon. mover has further provided in clause 15 that this Board shall also have an Executive Officer who will be a paid officer. That, I think, is not an objectionable provision and may be accepted by us.

Another most salutary provision in the Bill is regarding the inspection of these orphanages and widows' homes by inspectors. If the States or the Centre provide for the appointment of these inspectors and they go about and see things for themselves how these institutions are being run, I have no doubt that not only will these institutions benefit but the upbringing of the orphans and widows will also greatly improve. I have therefore, Sir, no doubt in my mind that the objects of this Bill are very laudable, and the Bill deserves the sympathy and support of everyone of us in the House.

The next point is about Parliament not being in a position to do anything in the matter since the subject is said to be a State subject. In this connection, Sir, I would say that even if this Bill cannot be carried forward in this House because of certain legal difficulties then too I have no doubt that the effect of a discussion on this subject in this House will be that this subject will be brought before the States in a prominent manner and they will realise that it is their duty, as has been voiced by their representatives in the Parliament, to bring this Bill or another on similar lines on their Statute Book, but if they fail to do so, or if they fail to make adequate arrangements in this regard, I have no doubt that the Parliament will under its residuary powers see its way to bring forward this legislation even though at a later date. As you know, Sir, for a Government which is doing so much for the welfare of its people, it is its bounden duty to see that its

men and women and particularly its children, on whom the future of our country rests and who are the future leaders of our country, are brought up and educated on the right lines, and as such it is not only essential but our bounden duty that something must be done in this regard; whether it is done by the Centre or by the States is not my concern. I am glad, Sir, that the hon. the Law Minister realises the importance of this subject and has full sympathies with the object of the Bill brought forward by the learned mover, and therefore, Sir, I have no doubt that the hon. Law Minister will give his best attention to this matter of supreme importance to the country and a section of its people who are unfortunately placed.

SHRI KAILASH BIHARI LALL: Sir, I really confess that I am overwhelmed with the feeling of satisfaction that this House has been afforded an opportunity to ventilate their feeling on a subject for which the country stands so much in need. To begin with the last speaker, I really owe him an apology, because when I was speaking while moving my motion, he interrupted me and said that many Members had read the Bill and I said—and I still adhere to it—that most of the Members had not even read it. But so far as he is concerned, I really apologise to him because he has read it and he has done full justice to it. With regard to the others also, it is really a matter of satisfaction that the principles of this Bill had received approbation from all sections of the House including the Government. I was really convinced about the extreme sincerity of the Law Minister when he said that he never meant to oppose it for the sake of opposing only but that there was really a ground for opposition so far as the constitutionality of the position was concerned. I really pay him a compliment for that. In order that he may give me an opportunity of still being more convinced about his sincerity—just as I have had an occasion to com-

pliment the Home Minister, I may have an opportunity to compliment him also—I would request him that, if he is so well convinced of the principles of this Bill, as is evidenced from the opinions expressed from all sides of the House, and the only difficulty is the constitutional difficulty that this subject is in the domain of the States and not of the Central Government, instead of shelving it for all time, the Bill might be postponed and the opinions of the State Governments ascertained in the meantime as to how they feel about this Bill, whether they want the Centre to take up this work or not. My feeling is that they will welcome it. I have got the opinions of the Bombay Presidency Women's Council in my hand. They have also wholeheartedly supported it. I will read a passage from their letter:

"The Bombay Presidency Women's Council wholeheartedly supports the above mentioned Bill and is of the opinion that these measures if enacted will have far-reaching effects in the matter of shelter and protection for women and children in need of the same. We hope therefore that the Bill will be passed at the earliest opportunity and that the country will soon see the establishment of such institutions in every district as well as the Board of Control envisaged in the Bill."

Then they make some suggestions for improving the Bill. This shows that this Bill is well-received even outside this House in the States. Also the opinions expressed in this House show that this is a very well-wanted measure and that it would be welcomed in the States also. The only objection is that it should not look as though you are imposing something on the States against their will. So I am agreeable to making it a permissive measure for the States to adopt. If at all there is any fear, for the time being I will be satisfied if, instead of making it permissive and sending it to the Select Committee, the Bill is

held over and postponed for some time and then in the meantime to find out how the States feel about this. I am sure that the States would welcome this because, just as my Doctor friend from Saurashtra pointed out, several crores of rupees are being spent by the Centre for such purposes. I know for myself that in my State, this subject of orphanages comes under Education (social), because I know that my institution—an orphanage—which is being run for the last thirty years is getting help from the Bihar Government. I think the amount that is granted by the Central Government for social welfare is given to such social institutions under the head 'Education Department'. So I think there is no harm and there should be no hard and fast rule or relation between the Federal Government and the State Governments because we are all students of politics and we all know that the British wanted to create parochial feeling and division of States in the country and whenever any question was raised in the name of the whole country, I know there were several occasions for me to point out and they said, "Oh! our States are very much touchy", although it was a unitary form of Government that was being run by the British and Delhi used to control the country but in order to show that they had given so much independence to the component parts that they don't want to interfere with them, they used to say that. Should we go on like that even now? We want that our country should be governed by one Central Government and if there is any occasion for the sake of administrative convenience, then let there be division of States. Many arguments were advanced when there were regional divisions of the Railway Zones and there were certain occasions when we advanced this argument because none of us feel that we should maintain all these parochial divisions or State-wise. The sooner it is done away with, it is better for us but as it exists. I don't say wipe it off by any haphazard Ordinance by Government

[Shri Kailash Bihari Lall.]

That is far from my intention. I know it is not possible and we have to go along with the States and all that which comprise a State and we have to abide by that. But then there should be one policy with regard to this. The more the States come under one influence and under one policy, the more the institutions, customs, manners, ways of thinking and living are governed by one Central Act and the more we may become one and the angularities and differences will be removed otherwise the fear and bitterness will one day engulf the whole country. Communalism on religious basis was not so dangerous a thing as this division on territorial basis.

SHRI M. GOVINDA REDDY (My-sore): Shall we start it with Bihar?

SHRI KAILASH BIHARI LALL: Yes. Bihar is a cosmopolitan province. We have nothing to fear. We have even sent 2 or 3 persons from outside as our representatives to Parliament. Can anyone say that they have sent? U.P. and Bihar are very cosmopolitan.

MR. DEPUTY CHAIRMAN: Let us know what you have to say about this Bill.

SHRI KAILASH BIHARI LALL: You may be merciful to me. So many questions were raised and I have to give them replies. You need not be afraid of Bihar—Bihar and U.P. are more cosmopolitan than others. That does not mean that I cast any aspersion on any State because things as they obtain are like that. I only wish that such angularities should be rubbed off gradually and we may not have that thing. It also should not be made an excuse that it will be an imposition on the States. Even though such institutions like the orphanages become the concern of the Union Government even if the orphanages all over the country are regulated and controlled by one common law—of course when it is left to the States they will do that—but if it is done in one common way, that will be more helpful in bringing a unification of the

country also. But Mr. J. S. Bisht had raised a point that it will not be proper that the Central Government should take in hand the looking after of such things which is the domain of the States and it will be a botheration for the Central Government. Perhaps he said that my Bill proposes like that. I may assure him that the Bill nowhere says that the Central Government should take charge of them. Nowhere is there any provision that the Central Government should take charge of the administration of these orphanages.

SHRI J. S. BISHT: The State Government should do it at their own expense but orders will be yours?

SHRI KAILASH BIHARI LALL: Yes. The State Government would do and you will lay down the policy just as you have made the Indian Penal Code or the Criminal Procedure Code and you are not supplying them the Police—there are Central laws which govern the whole country but the administration is done by the State and the expenses are met by the State. Similarly if you give them only lead on such common things for the whole country and if they administer the institutions under such common laws, that will be one bond of unity provided to the whole country. You are enacting this Hindu Succession Bill and it will concern the whole country. You are not going to provide courts for the administration of the Hindu Succession Act. It is only providing an occasion for a feeling of oneness throughout the whole country. There is no burden cast on the Central Government by enacting such common laws for the whole country. That is so far as Mr. Bisht's question is concerned. His another question was that instead of labouring hard with such Bills, I should give my attention to Hindu Temple Bills like the Gurudwara Act. It is far from my intentions. I have always thought that I am not even prepared to touch such things with a pair of tongs. You know what havoc has the Gurudwara Act caused in Punjab today and

only politicians can understand what it is doing and you come and say that there should be one like that for the Hindu Temples. It is far from me and I will say that if it remains hidden, or if it is not spoken of even now, that will be better for our country. That is not worth even attempting. Of course the States are doing that in their jurisdiction. The Hindu Religious Endowments Act etc. have been passed in the States. In my State of Bihar the Hindu Religious Endowments Act has been passed and they are administering that. That is quite different. This kind of suggestion from Mr. Bisht will not be solving the problem that I am putting before this House in connection with this Bill.

SHRI H. V. PATASKAR: The Bihar Bill relates to children and orphans—does it not?

SHRI KAILASH BIHARI LALL: Yes—just as I told you there is a Bill that was passed by the Bihar Legislative Council but that was based on a shallow idea after which people run. There have been several Bills here also and even, with all respect for the Government Bills also. I may say that they are more dealing with police affairs and with the negative side of things. You are prepared always to punish people for breaking this and taking under control this or that but you are not going to propose how so many orphans will be taken care of.

SHRI H. D. RAJAH (Madras): So you say that it is a Penal State and not a Welfare State?

MR. DEPUTY CHAIRMAN: Let me know what you are going to do with this Bill now.

SHRI KAILASH BIHARI LALL: I am still appealing. I will, with folded hands request you to give me full opportunity to appeal to our Law Minister to accept my proposal. I will tell him that if he is not prepared to accept that, then let him do something

else but I must be given an opportunity to.....

MR. DEPUTY CHAIRMAN: Yes..

SHRI KAILASH BIHARI LALL: I think even on the non-official day if we are to be stopped, then of course my friend the whip was just now whispering that there is no quorum; and I told him, "Then provide that the quorum for a non-official day will be 5 Members only." That is the state of affairs that you are bringing about.....

MR. DEPUTY CHAIRMAN: There is no question of quorum now.

SHRI KAILASH BIHARI LALL: If we are not given full opportunity then it may come to this that the quorum will be only 5 Members. We are descending to that.

SHRI J. S. BISHT: The hon. Law Minister has to reply to the Hindu Succession Bill discussion.

SHRI KAILASH BIHARI LALL: That is not the thing. Perhaps you don't know that today is a non-official day? I hope my hon. friend is not taking up the cause and reply on behalf of the Law Minister. As for the Hindu Succession Bill, if there is time the Law Minister will reply. Or if I am asked to sit down, I will abide by that ruling and sit down.

MR. DEPUTY CHAIRMAN: Then What about this Bill?

SHRI KAILASH BIHARI LALL: Sir, I am interrupted by hon. Members. Yes, in the law courts, people resort to such devices. They put some questions to the witness and the witness gets confused and.....

MR. DEPUTY CHAIRMAN: Please do not be interrupted by them.

SHRI KAILASH BIHARI LALL: But Sir, I am under your protection and I am interrupted by them. You may ask my friends not to interrupt me, for I am under your protection, Sir, I am not under their protection.

MR. DEPUTY CHAIRMAN. Please go on with the Bill

SHRI KAILASH BIHARI LALL: Sir, as I have already said, so far as the burden on the States is concerned it is there. What I was going to suggest is that the Central Government also has a burden in this respect. As my doctor friend from Saurashtra was saying some time back, the Central Government is giving funds to the States for social welfare purposes and the States administer them. Similarly where is the harm if for such a laudable purpose as the cause of the orphans and widows, the Central Government brings about uniform legislation for the whole country with allotments to the States which they may administer properly? I feel it is a duty incumbent on the Central Government to do this. The Centre is contributing money for social welfare work for social education, and for so many other things. Similarly in this sphere also, it is incumbent upon the Central Government to see that the States get the money and that the money is well spent, that these institutions are well looked after according to a common uniform set of laws made by the Central Government. I don't see how there can be any objection from the States when the State Governments take aid from the Central Government. When they receive aid for the administration of similar institutions, where is the harm in the Central Government making a uniform law and giving the States directions and the scope to control them, so that those institutions may not degenerate and develop the evils that were referred to which they are apt to, if there is no proper control? My hon. friend Shri Seikhar just now quoted several instances to show us what all things happen in so many institutions. It is really the incumbent duty of the Central Government to see that these institutions do not degenerate to that low condition.

With reference to the argument of the Law Minister that there is already a Bill for the suppression of immoral

traffic, which provides for a particular class of women and girls; for the protection of such women and girls, I have to say again that that also is something of a different nature. That is a sort of a negative thing. Perhaps you want to help those who are prostitutes, who are being utilised or led away in a wrong path and you want to take care of them and.....

SHRI H. V. PATASKAR: The hon. Member should read that Bill.

SHRI KAILASH BIHARI LALL: I confess I have not read it, but I have been enlightened by the hon. Minister and others as to what it contains. There you have provisions for policing, for catching the persons, for removing them and so on. So that is a different thing for a different set of persons. I am here referring to pure orphans and pure helpless ladies, those who deserve your utmost consideration. For them there is nothing positive on your record to show that you are taking care of them. For those who have gone into wrong ways, for those women and boys, you have the police, they are there, the magistracy is there, to bring them under control, to correct them, with different kinds of schools, to put them on the right path. But so far as these helpless orphans, those who are not yet on the wrong path, those helpless women who have nobody to look after them, there is nothing on the positive side today, nothing to show that they are being taken care of. That is the very purpose of my Bill.

Therefore, I submit, Sir, that there will be no harm in my Bill being agreed to and if you have the mind to do a good thing in good time, then it will not look like imposing anything upon the State Government. In the higher interests of the country, I do not think, the States will object to it. I do not think that the States will be so touchy. Even now there are so many common laws all over the country which the States are administering. There are still more such common laws which the Government is con-

templating and these also the States will administer. Why should they feel so touchy if you make a law here on this subject alone?

AN HON. MEMBER: Actually some of the States are, I understand, enacting laws on these lines.

DR. RADHA KUMUD MOOKERJI (Nominated): There is a section about 'national interest' and you can take your stand on that.

MR. DEPUTY CHAIRMAN: No promptings at this stage, Dr. Mookerji.

SHRI KAILASH BIHARI LALL: So far as that point is concerned, I think that in most of the States they have no legislation up till now. Even in Bihar about which I informed the Law Minister, even there, they have not yet enacted the Bill. It has only been passed by the Legislative Council and there is no knowing when it will be passed by the Legislative Assembly and in what form. But there is no reason why the Bihar Government should object to any comprehensive common law that Parliament is able to evolve and pass here. So that ground, I think, does not hold good. I will still request the Law Minister that when the Constitution provides for these charitable institutions coming under the Union List he should see no objection to making a permissive sort of law here, to be adopted by the State Governments. I do not think the State Governments would be so touchy about this matter. There is no reason why they should be touchy, if they have the common interest of all in their heart. Therefore, from the constitutional point of view I am still convinced that there is scope for the Law Minister to think over this matter and if the State Governments do not object—and I am sure they will not—then in the higher interests of the country in the interest of our common nationality, the Central Government should give common directions to the whole country on a subject like this. So I suggest, instead of my being

asked to withdraw my Bill it may be held in abeyance till the opinions of the State Governments are received by the Law Minister with regard to their.....

MR. DEPUTY CHAIRMAN: So in effect, you accept the amendment of Shri Sumat Prasad?

SHRI KAILASH BIHARI LALL: Yes, if that be the decision of the Government, I may.....

MR. DEPUTY CHAIRMAN: Leave alone the Government. It is for the Government to decide. So you are prepared to accept Shri Sumat Prasad's amendment?

SHRI KAILASH BIHARI LALL: Yes, I have no objection to his amendment if it is accepted.

MR. DEPUTY CHAIRMAN: If the Government does not accept it, what is your position?

SHRI KAILASH BIHARI LALL: If the Government says that, then.....

MR. DEPUTY CHAIRMAN: You will press your Bill to vote?

SHRI KAILASH BIHARI LALL: Sir, I am still making my appeal and I believe still that the hon. Minister has an open mind. He may change his mind.

With regard to some of the suggestions of my hon. friend from Saurashtra I am saying.....

MR. DEPUTY CHAIRMAN: All that will be considered in the Select Committee.

SHRI KAILASH BIHARI LALL: Yes, Sir, but I think you and I know very well what will happen.

(Interruption.)

Why should I not go on?

MR. DEPUTY CHAIRMAN: Order, order. Let him go on.

SHRI KAILASH BIHARI LALL: I will take only a few minutes, Sir. The more I am disturbed, the more I forget my points. My friend Mr. Har Prasad Saxena spoke and said.....

MR. DEPUTY CHAIRMAN: He is not here. Don't worry.

SHRI KAILASH BIHARI LALL: He is not in his seat but I think perhaps he would like to hear that I was also in the same profession in which he was and it is said that a teacher, when he continues in the schools for a long period, is totally unfit for politics. I can only say about myself that I was not in the schools for long. I was there only for a year or two.

SHRI M. GOVINDA REDDY: We can very well understand that.

SHRI KAILASH BIHARI LALL: My friend Mr. Har Prasad Saxena was there, I do not know for what time as teacher and he is still called as Master Sahib.

SHRI H. D. RAJAH: He continued to be a teacher till he became a Member of Parliament.

SHRI KAILASH BIHARI LALL: He is not here, otherwise he would probably have liked the compliment that is being paid to him. His school memories still persist with him which even prevent him from acting as a good politician. Anyhow, I did not follow what he spoke; I am told he spoke something confused.

DR. D. H. VARIAVA: He is not here to defend himself.

SHRI KAILASH BIHARI LALL: What can he defend himself?

The hon. Minister mentioned about the residuary powers of the Central Government as envisaged in entry 97 of the Union List. I never meant that that power should be used. When we feel the necessity, we even change the

Constitution for the benefit of the community. It is far from my intention to have resort to the residuary powers to force the States. I may humbly point out to the hon. Minister that it was only with a view to point out to him that this matter comes under the Constitution that I mentioned those powers. If it is the suggestion that these things do not come under the charitable institutions, then they can come under the last item. That is all that I wanted to emphasise. If we are so minded, if the will is there, then, I said, there was scope for enacting this measure into law. Of course, if the will is not there, there may be hundred enactments and excuses to be quoted against. It is far from my intention to suggest that the residuary powers should be resorted to in order to foist something on the unwilling heads of the States.

I was going to say something about education and all that; of course, I am thankful to the Chair also in that the Chair has pointed out that these things could be considered by the Select Committee. If that had been done, it would have been a great help. I need not go into details.

I only think that the objections with regard to the Constitutional aspect may still be reconsidered by the hon. Minister. I think the grounds that I have urged are still more appealing for the acceptance of my request. If the Minister is not in a position to accept the position that this Bill should go to a Select Committee at once, then I am prepared to have this Bill held over till the views of the States are known. I was very much impressed by the way in which he spoke. I hope that he will give consideration to the suggestion that I have made that this Bill be held over till the views of the States are known. This will make the position of the Government of India also clear with regard to the doubts that we have. I think we have got this doubt that there is a race amongst the Legislators

to bring forward such legislations. In order that this impression may be removed, I appeal to the hon. Minister to accept my suggestion. If he rejects my suggestion, what do I lose? I have lost it already but it will be in the best interests of the Government for him to give thought to the principles of my Bill. I realise that the hon. Minister really believes in the grounds offered by me, otherwise there was no reason for him to talk like that. But I will submit to him that if at all it is true, then let it be tested so that all of us may be convinced. If he is going to reject it outright, then you can understand what would be the repercussions. After hearing the reactions of the hon. Minister I will either withdraw or abide by the decision.

MR. DEPUTY CHAIRMAN: If he does not accept it? If he does not accept Mr. Sumat Prasad's amendment?

SHRI KAILASH BIHARI LALL: Why force the issue, Sir? I do not understand it.

MR. DEPUTY CHAIRMAN: Before I ask him, I want to know your position.

SHRI KAILASH BIHARI LALL: My position will be known after I hear the hon. Minister.

MR. DEPUTY CHAIRMAN. What is your attitude, Mr. Pataskar?

SHRI H. V. PATASKAR: I am not going to accept it, Sir. Shall I say a few words, Sir?

MR. DEPUTY CHAIRMAN: You have already replied.

SHRI H. V. PATASKAR: I will only say, Sir, that after hearing the hon. mover, it has become very difficult for me to accept it, for the simple reason that in the Bill it is nowhere mentioned as to where the money is going to come from for the Chairman, the Inspectors and all that. Unfortunately for him, he made the position a little worse by saying that it must come out of the State exchequers. If the remuneration of the Chairman, etc. is to come from out of the State exchequers, I think it would be difficult to say that this Bill should be accepted because it will fall under article 117(1) and (3) of the Constitution. I am sure he will not be satisfied but that is my difficulty. Therefore, Sir, with all my sympathy for the cause and greater sympathy for the enthusiasm of the honourable mover, I am not in a position to accept it.

DR. SHRIMATI SEETA PARMANAND: Apart from that, the financial memorandum is not there.

SHRI KAILASH BIHARI LALL: I suggest that it may be kept pending.

MR. DEPUTY CHAIRMAN: He is not prepared to accept it.

SHRI KAILASH BIHARI LALL: What is the harm if it is kept pending?

MR. DEPUTY CHAIRMAN: You cannot carry on conversation across the bench like that.

SHRI KAILASH BIHARI LALL: What is the harm if it is kept pending, Sir?

MR. DEPUTY CHAIRMAN. He is not prepared to accept it. I want to know whether you want me to put the Bill to vote or whether you are prepared to withdraw it?

DR. SHRIMATI SEETA PARMANAND: This Bill can be kept pending, Sir. After all, Bills in the other House, like the Women's and Children's Bill etc., have been pending. What Government does with its own Bills has to be seen, till then, they can pend here also.

MR. DEPUTY CHAIRMAN: No interference, Madam. I want to know your attitude, Mr. Kailash Bihari Lall.

SHRI KAILASH BIHARI LALL: I was only saying that I wish you were also a little more sympathetic.

MR. DEPUTY CHAIRMAN: You have appealed for more than three-

[Mr. Deputy Chairman.]
quarters of an hour in reply and the hon. Minister has also replied. He is not prepared to accept it.

SHRI KAILASH BIHARI LALL: With all respect that I have got for the Chair, I feel that you are forcing the issue.

MR. DEPUTY CHAIRMAN: All my sympathies may be with you but the hon. Minister is not prepared to accept it.

4 P.M.

SHRI KAILASH BIHARI LALL: I appeal to the Law Minister.

MR. DEPUTY CHAIRMAN: All my sympathies may be with you but it will not be of any avail in view of the attitude of the Law Minister.

SHRI KAILASH BIHARI LALL: Just as Shrimati Parmarand was saying.....

MR. DEPUTY CHAIRMAN: Let us not waste any further time, there is further business. I want to know your attitude.

SHRI KAILASH BIHARI LALL: If it is kept pending—there are so many Bills pending.....

MR. DEPUTY CHAIRMAN: He is not prepared to accept that position, he has made that clear.

SHRI KAILASH BIHARI LALL: Is he prepared for circulation?

MR. DEPUTY CHAIRMAN: He has said that he is not prepared. We have reached the stage when the Bill should be either withdrawn or the motion put to vote.

SHRI KAILASH BIHARI LALL: Then I withdraw.

MR. DEPUTY CHAIRMAN. Has he the leave of the House to withdraw?

SHRI P. S. RAJAGOPAL NAIDU: No.

MR. DEPUTY CHAIRMAN: Even if there is a single 'No' I have to put it to the vote. So first the amendment.

SHRI P. S. RAJAGOPAL NAIDU: My 'No' may be treated as 'Yes'.

MR. DEPUTY CHAIRMAN: I take it that the House gives him leave to withdraw.

The motion was, by leave, withdrawn.

THE HINDU SUCCESSION BILL, 1954 —continued—

MR. DEPUTY CHAIRMAN: Mr. Pataskar.

THE MINISTER IN THE MINISTRY OF LAW (SHRI H. V. PATASKAR): Sir, yesterday I replied to the two important points which had been raised during the discussion on this Bill, firstly, as to why those joint families governed by the Mitakshara law have been excluded so far as this Bill is concerned. I also explained as to why and under what circumstances we mentioned that the daughter should get half of the son's share and added that it was open to the House to decide what they like. Now before I proceed to the other points, the hon. Member, Dr. Radha Kumud Mookerji, put me a question and the day before yesterday he had also given me a copy of his Bill relating to childless widows' right to property. I have very carefully gone through the Bill of the hon. Member by which he wanted to give childless widows the right of inheriting their property as an absolute estate. I think that was the only clause which is contained in that Bill and that was with the object that wherever a childless widow inherited in Bengal according to the Dayabhaga or I think even according to others then she should get an absolute right in that property, which is not so now. At the time when the Bill was discussed I find also that my colleague the hon. Mr. Biswas said—I think it was in reply to Dr. Seeta Parmarand who was speaking on the motion—"I might assure her that Government still adhere to that view. So, when the promised legislation regarding succession is brought forward,