

RAJYA SABHA

Friday, 3rd September 1954

The House met at a quarter past eight of the clock, MR. CHAIRMAN in the Chair.

LEAVE OF ABSENCE TO SHRI R. THANHLIRA

MR. CHAIRMAN: I have to inform the hon. Members that the following letter has been received from Shri R. Thanhlira:

"Owing to heavy engagements in public affairs in my locality and also due to the necessity for me to attend meetings of the (District Council (a local tribal legislature) to be held very soon, I shall not be able to attend the present session of the House.

I, therefore, request the House, through you, very kindly to grant me leave of absence from all the meetings of the current session."

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

(No hon. Member dissented.)

MR. CHAIRMAN: Permission to remain absent is granted.

PAPER LAID ON THE TABLE

STATEMENT REGARDING FLOODS IN INDIA.

THE MINISTER FOR PLANNING AND IRRIGATION AND POWER (SHRI GULZARILAL NANDA): Sir, I beg to lay on the Table a copy of the statement regarding floods in India. [Placed in the Library. See No. S-286/54.]

SHRI S. MAHANTY (Orissa): What about the Code of Criminal Procedure?

48 RSD.

Bill, 1954

MR. CHAIRMAN: At 9-15 it will be laid after the Question Hour in the other House.

THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL, 1954

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Sir, I beg to move that the Bill to regulate and license institutions caring for women and children be referred to a Select Committee consisting of the following Members:

Shrimati Violet Alva
Shrimati Parvathi Krishnan
Shri V. K. Dhage
Shri Rajendra Pratap Sinha
Shrimati Mona Hensman
Shri K. B. Lall
Sari Kishen Chand
Shrimati Bedavati Buragohain
Dr. K. L. Shrimali
Shri B. N. Datar
Shri J. S. Bisht
Pandit S. S. N. Tankha
Shrimati Savitry Nigam
Shrimati Chandravati Lakhanpal
and
the Mover

with instructions to report on the last day of the current session.

MR. CHAIRMAN: So, seven lady Members?

DR. SHRIMATI SEETA PARMANAND: Yes, seven ladies. I wanted two more, i.e., nine ladies, but I thought a charge of partiality might be levelled against me.

DR. RAGHUBIR SINH (Madhya Bharat): Have all the Members named in this list agreed to serve on the Committee?

DR. SHRIMATI SEETA PARMANAND: Yes.

PROF G RANGA (Andhra): I would like to suggest Mr. Rajagopal Naidu's name

MR CHAIRMAN: He is not here

PROF G RANGA: What of that? I am going to give consent on his behalf

SHRI H P SAKSENA (Uttar Pradesh): Is there any scope for another name being added, like mine?

DR SHRIMATI SEETA PARNAND Sir, this Bill is, in fact, overdue, and, for some reason or other, it has been shelved for almost a year and a half. How anxious women have been, and the institutions in the country and the social workers, to have some legislation in this respect, can be realised by the fact that this Bill has been moved in both the Houses, in the hope that it will get priority in one or the other, and, as a result, the people will get early benefit of it.

This Bill is the result of a detailed study, for about 18 years, by the Association for Moral Hygiene, now working under Shrimati Rameshwari Nehru. And it can safely be taken that the Bill has been made as comprehensive as possible. And, as such, I would have really liked to move that the Bill be taken into consideration at once, so that no further time is lost, but, not knowing exactly the Government's attitude in the matter—how far the Government would be willing to allow a Private Member's Bill to be taken into consideration at once on the floor of the House—I had again to change the motion and agree to referring the Bill to a Select Committee. In a way, nothing would be lost because the views of so many Members of Parliament from different States, and particularly of those people who have worked for such institutions, would be available, and some further additions would be made. Even now I do not know the attitude that the Government is going to adopt towards giving permission to refer this Bill to the Select Committee. So, I think, anticipating some possible objections,

I would like to mention that the Government should have no objection now to refer this Bill to the Select Committee.

The objects of this Bill are mentioned very clearly in the Statement of Objects and Reasons. But, in order to focus attention on some of the important points, I would like to mention here that all of us are aware of the scandal that usually is prevalent in our country, which is associated with institutions for women and children, ostensibly run for charitable purposes, out of philanthropic motives, and often by collecting funds from the public, but often misused for the benefit of the people running those institutions. There is no rule which makes it obligatory that such institutions should be under the management of some authoritative body, maybe of the State or of the municipal authorities or the local authorities. And as such, we know, how children are used as slave labour, how their education is neglected, how there are no standards for their health and nutrition, how sanitation of these institutions is not cared for, and how, in the case of institutions for women, all kinds of evil practices creep in. It is hardly necessary for me to say anything in addition to this at this stage—in addition to these evil practices that are current in connection with such institutions. The very fact that Members of this House have, time and again, requested the Government to proceed with this Bill shows that the whole House is fully in sympathy with the objects of this Bill.

As a matter of fact, to begin with, this Bill was to apply to the whole of India, but at that time the Home Ministry objected to it by saying that it could only apply to Part C States. The point was not clear, and even after discussion later—it was a discussion not with the Home Ministry but with other authorities concerned—it was felt that the Government would not allow the Bill to apply to the whole of India. At this stage, I have changed it to make it applicable to Part C States, leaving it to other States to

take up this legislation in conformity with the Government's Children Bill, which also has been enacted for Part C States.

In this connection, I would refer the House to item 28 of the Concurrent List in our Constitution which refers to:

"Charities and charitable institutions, charitable and religious endowments and religious institutions."

I am sorry I noticed this item 28 a little late. Otherwise, I would have surely insisted that this Bill should apply to the whole of India. But I did not know what other objection Government would have, and so, to be on the safe side, and to give this Bill a chance to come before the House, I have kept that aspect of the question aside. But I would like to ask the Government as to why this item 28 of the Concurrent List should not be made applicable to Bills of this kind and legislation of this type, which should really be uniform for the whole of India.

There are States like Bombay and Madras—very progressive States—which have certain rules and regulations which are applicable to such institutions, but all the same, even there a good deal remains to be done.

Having said this, as I am dealing with a Private Member's Bill—and this is the only Bill which, I think though I am not sure of even that, will have a chance of going through all the stages here and of being enacted finally—I have to refer to some points in connection with Private Members' Bills here generally. As you are aware, there was another Bill in my name, *viz.*, the one for the suppression of immoral traffic in women and children. That Bill was made to apply to the whole country. Whatever the provisions in the Constitution to debar Governments from undertaking legislation for the whole country; under international agreement, with regard to the freedom of human per-

son, Governments do have the power to legislate for the whole country. That was referred to the Home Ministry. Apparently the Home Ministry referred the matter to the Law Ministry—I do not know—but I have got a letter to say that the Law Ministry does not consider that that Bill can be allowed under the authority I had given. Then, there was another argument also put forward by Dr. Katju in this House that the Government intended to bring in comprehensive legislation on the subject, *viz.*, the suppression of immoral traffic in women and children, but even today we do not know what the Government have done about it. That is the usual argument, Government put forward when any Private Member's Bill is brought in. I would like to take this opportunity to ask as to why Government put forward this argument at all. There are so many fragments, shreds of Bills, like shredded wheat I should say, which the Government propose on its own behalf, which could easily come under a comprehensive legislation. I would give some examples: The Railway Stores (Unlawful Possession) Bill or the Telegraph Wires Bill. Bills of that nature could very easily come under the Government's plan of bringing in comprehensive legislation for the revision of the Penal Code. When Government take so much time for its own legislation which is often piecemeal, why should not Government give some time to Private Members' Bills? They may not be considered as comprehensive as the Government might wish them to be, but their substance can later on be incorporated in Government's own comprehensive Bills. This attitude of the Government, certainly, discourages Private Members from bringing in any Bills, and that is the reason why no Member has given a notice of any Private Member's Bill, excepting this. One might as well scrap this day allotted to Private Members' Bills and thus save the time of the House. Government's policy has all along been to train people in public administration through various methods like the appointment of Parliamentary Secretaries through institutions like municipal committees

[Dr. Shrimati Seeta Parmanand.]
etc. If the Government are interested in training Members in administration, I think this is one of the ways to make Members take interest in framing Bills and take interest in legislation which, from the point of view of the public, comes more easily to their notice than to that of the Government. With these remarks, I would request the Government not to take this attitude in the matter and not to take any objection to the reference of this Bill to a Select Committee. I would like to bring to their notice that this legislation is greatly needed, and every section of society all over the country feels that it should be enacted as soon as possible, if the abuses against women and children practised through these institutions and the hardships to which they are put, are to be stopped.

One more word, Sir. When Government asked me to withdraw my last time Bill, they said that a comprehensive Bill would be brought forward, viz., the Children Bill which has now been passed by this House. They said that the provisions of my Bill would be incorporated in their Bill. Fortunately, I was on the Select Committee, and I requested that Committee that they should incorporate at least one clause with regard to children, viz., for the compulsory licensing of the institutions where children were kept or boarded; but after consideration that Committee decided that it would widen the scope of the Bill if they were to insist on the licensing of all institutions, meant for children which were not necessarily meant for delinquent and neglected children for which that Bill was meant. I think this kind of objection is put forward by the Government only just to induce private Members to withdraw their Bills. I would like to bring to the notice of the House that, when the Government said that the provisions of my Bill could be incorporated in the Children's Bill, they had forgotten that this Bill provided for the licensing of all institutions for women and children and that under no circumstances institutions for women alone could come in

there. Even today it is not known which Ministry would be really competent to deal with this Bill, whether it will be the Home Ministry because licensing is involved or whether it will be the Education Ministry because it is a Bill for children, or whether it will be decided that the most convenient Ministry will be the Law Ministry because it is in charge of drafting Bills. I would submit in all humility that for the Law Ministry to deal with this subject would be rather difficult, because it is not used to dealing with the contents of Bills of this kind. I would, therefore, request that it should be the Home Ministry that should give us co-operation in the Select Committee, and for that reason, I have put down the name of Mr. Datar, Deputy Minister for Home Affairs, as a member of the Select Committee, and also the name of Dr. Shrimali, to get the benefit of the presence of the Chairman of the last Select Committee, i.e., on the Children's Bill. With these few words, I would again request that this Bill be referred to a Select Committee consisting of the Members whose names I have given.

MR. CHAIRMAN: Motion moved:

"That the Bill to regulate and license institutions caring for women and children be referred to a Select Committee consisting of the following Members:

Shrimati Violet Alva
Shrimati Parvathi Krishnam
Shri V. K. Dhage.
Shri Rajendra Pratap Sinha
Shrimati Mona Hensman
Shri K. B. Lall
Shri Kishen Chand
Shrimati Bedavati Buragohain
Dr. K. L. Shrimali
Shri B. N. Datar
Shri J. S. Bisht
Pandit S. S. N. Tankha
Shrimati Savitry Nigam

Shrimati Chandravati Lakshmanpal and the Mover

With instructions to report on the last day of the current session.

डा० डब्लू० एस० बालिंगे (मध्य प्रदेश): अध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। इस विधेयक में जो क्लोजेज हैं, उनमें कितने दोष हैं, कितने गुण हैं, इस सम्बन्ध में मैं आज कुछ नहीं कहूंगा। उसका कारण यह है कि अगर यह प्रस्ताव पास हो गया तो गुण दोषों का विवेचन हो जायगा। इसलिए इस विधेयक के जो उद्देश्य हैं, केवल उस सम्बन्ध में ही दो चार बातें आपके सामने रखना चाहूंगा। यह आम बात है—और श्रीमती परमानन्द जी ने जो कुछ कहा उसको मैं दुहरा रहा हूँ—कि जितनी संस्थाएँ इस देश में हैं और जिन संस्थाओं का उद्देश्य स्त्रियों की भलाई करना है—कम से कम ऐसा बताया जाता है—उनके बारे में ऐसी बात नहीं है कि वे इस उद्देश्य की हमेशा पूर्ति करती ही हैं। मैं किसी खास संस्था को नहीं लूंगा, लेकिन जो कुछ थोड़ा सा तजुर्बा मुझे ऐसी संस्थाओं के बारे में हुआ है उसके आधार पर मुझे दुख के साथ कहना पड़ता है कि खासकर जो स्त्रियों की संस्थाएँ होती हैं उनमें कुछ न कुछ पंचायतें हमेशा हुआ करती हैं।

श्री टी० पांडे (उत्तर प्रदेश): पंचायत से आपका क्या मतलब है, क्या इसका मतलब झगड़े से है ?

डा० डब्लू० एस० बालिंगे : आप तो समझ सकते हैं कि पंचायत के क्या मतलब हैं ?

श्री टी० पांडे : मैं तो समझता हूँ कि यहां आपका मतलब झगड़े से है।

डा० डब्लू० एस० बालिंगे : खैर, मैं तो हिन्दी ठीक नहीं जानता। अगर पंचायत शब्द आपको मंजूर नहीं है तो आप दूसरा शब्द इस्तेमाल कर सकते हैं।

तो ये जो झगड़े, फसाद या पंचायतें अक्सर ऐसी संस्थाओं में हुआ करती हैं, वे किन किस्मों की होती हैं इस सम्बन्ध में मुझे ज्यादा कहने की कोई खास आवश्यकता नहीं मालूम होती। लेकिन ऐसे झगड़े, ऐसी पंचायतें हुआ करती हैं इसमें मुझे तनिक भी संशय नहीं है। हां, मैं यह भी नहीं कहना चाहता हूँ कि हर एक संस्था में यह चीज होती ही है। इस विधेयक का जो उद्देश्य है वह यह है कि अगर ऐसी संस्थाओं के ऊपर स्टेट का, राष्ट्र का, या सरकार का कोई कंट्रोल करना हो और उन पर नियमन करना हो तो उसकी शक्ति दी जाय। इसमें लाभ ही होगा नुकसान नहीं होने वाला है। इस दृष्टि से अगर देखा जाय तो यह बिल, जो कि श्रीमती परमानन्द जी लाई हैं, बहुत ही उपयुक्त साबित होगा। ऐसा मेरा खुद का निदान है।

इस सम्बन्ध में एक दो बातें मैं आपके सामने और रखना चाहता हूँ। जो सरकार की नीति है वह अगर ठीक ढंग से चलाई जाय,—और मुझे तो विश्वास है कि वह ठीक ढंग से जरूर चलाई जायगी, क्योंकि मेरा तो इस सरकार पर पूरा विश्वास है—तो इस विधेयक से एक बड़े भारी प्रश्न, जो कि आज हिन्दुस्तान के सामने है, कि हल होने की एक संभावना पैदा हो जायगी।

भिखारियों का जो सवाल है वह मैं आपके सामने रखना चाहता हूँ। आप जानते हैं कि आज वही भी जाय—

[डा० डब्लू एम० बालिंगे]

देहातों में जाय या बड़े बड़े शहरों में जाय—हर जगह आपको यह चीज मिलेगी। कुछ लोग तो बड़े बड़े हाथियों के ऊपर, मोटरों में और न जाने किन-किन चीजों में घूमते हैं।

श्री आर० पी० एन० सिंह (बिहार): अब नहीं घूमते हैं।

डा० डब्लू एम० बालिंगे : अगर नहीं घूमते हैं तो अच्छी बात है, और मैं तो यह कहूँगा कि अगर घूमते हैं तो भी कोई बुरी बात नहीं है। जो लोग आज उनमें नहीं घूमते हैं उनको कोई पूछता नहीं है, उनके सुख दुख के बारे में किसी को फिक्र नहीं है। ऐसे लोग देहातों में और शहरों में घूमा करते हैं। उनके प्रश्न को शुरू से हल किया जाय, जब वह पैदा होते हैं तब से हल किया जाय। जो भिखारी हैं उनमें से कुछ ऐसे जरूर होंगे कि जब वे पैदा हुए थे तो न उनके कोई पिता थे और न कोई उनकी माता थी तो अगर इस प्रश्न को मूलतः हल किया जाय, जब से बच्चा पैदा होता है तब से उनके पीछे कोई शक्ति हो—सार्वजनिक संस्थाओं की शक्ति हो, स्टेट की शक्ति हो, राज्य की शक्ति हो, सरकार की शक्ति हो, कोई ऐसी शक्ति उनके पीछे हो—तो मैं समझता हूँ कि इस सवाल के धीरे-धीरे हल होने में काफी सहायत्व मिलेगी। अपना जो राष्ट्र है वह “वेलफेयर स्टेट” है। इसका प्रिंसिपल “लेस्सि फेयर” नहीं है, यानी जगत में दुख है, संसार में दुख पैदा होता है, समाज में दुखी और दीन होते हैं इसलिये उनको वैसा ही रहने दें और उनके पीछे कोई शक्ति न लायें। अब ऐसी बात तो इस स्टेट में होनी नहीं है। इसलिये मैं समझता हूँ कि अगर सरकार कि शक्ति इस ओर दौड़ती है, इसके पीछे

जाती है और उससे लाभ भी होने वाला है, नुकसान नहीं होने वाला है।

इस सम्बन्ध में आपके सामने मैं एक बात और रखना चाहता हूँ। मैं यह नहीं कहता कि यह जो सरकार है उसकी नीति निगेटिव है; लेकिन अक्सर मैं देखता हूँ कि केवल सरकार की ही नहीं, बल्कि जो स्थानिक संस्थाएँ होती हैं, जो स्थानिक शासन होता है, जब वे लाइसेंसिंग अथारिटीज के रूप में होती हैं, तो उनकी नीति कुछ निगेटिव सी होती है। मानिये कि हमको एक कालेज चलाना है। मैंने भी अपने जमाने में कुछ कालेज और इंस्टीट्यूशंस चलाने की कोशिश की। जब जब हम अथारिटीज के पास गये, सरकार के पास गये, स्थानिक शासन के पास गये तो उन्होंने हमारे सामने एक बात रखी कि देखिये जनाब, आप संस्था चलाना चाहते हैं, स्कूल चलाना चाहते हैं, कालेज चलाना चाहते हैं य. अस्पताल चलाना चाहते हैं, सो ठीक है, लेकिन उसके वास्ते ये-ये शर्तें हैं, एक, दो, तीन, चार, पांच। आपके पास कितना पैसा है, दो लाख रुपया है, दो करोड़ रुपया है या कितना है? अगर इतना पैसा नहीं होगा तो आप यह संस्था नहीं चला सकेंगे। अगर आपके पास एक बड़ी भारी लाइब्रेरी नहीं होगी तो आप एक कालेज नहीं चला सकेंगे, या जो शिक्षक है, उनको इतनी माह्वारी नहीं देंगे तो यह संस्था आप नहीं चला सकेंगे। ये जो शर्तें हैं ये बुरी रहती हैं, ऐसा मेरा कहना नहीं है। ये बहुत आवश्यक चीजें हैं, क्योंकि उनके बिना तो शायद ऐसी संस्था नहीं चलेगी, यह भी मैं मानता हूँ। लेकिन सामान्यतः इन शर्तों को जो स्थानिक शासन लगाता है या सरकार ब

युनिवर्सिटी आदि लगाते हैं वे इसलिये नहीं लगाते हैं कि ऐसी संस्थाएं बड़ें बल्कि इस वास्ते करते हैं कि उनके मार्ग में रोड़े आवें ।

आज यह जो पंच-वर्षीय योजना है, और उसके सम्बन्ध में लोकल वर्क्स या दूसरी चीजें जो हैं, उनके सम्बन्ध में मैं बहुत बोलना नहीं चाहूंगा । लेकिन मैं आपसे इतना तो कहना चाहता हूं कि उदाहरणार्थ लोकल वर्क्स के बारे में शासन ने १५ करोड़ की योजना बनाई है । योजना होती बढ़िया है । उस सम्बन्ध में से किसी की शिकायत नहीं होनी चाहिये । लेकिन जिस तरीके से, जिस ढांचे में से एक रूप लेकर के वह संसार में आती है, उसे देखिये । मैं हमेशा यह देखा करता हूं कि ये जो शर्तें हैं इनसे बजाय इसके कि ठीक तरीके से, ठीक ढंग से, सब योजनाएं चलाई जायें और कामयाब हो, ये शर्तें मार्ग में रोड़ा अटकाने का कारण होती हैं । तो इस विधेयक का समर्थन करते हुये, और बड़े जोरों से समर्थन करते हुये, मैं यह कहूंगा कि सरकार की नीति इस सम्बन्ध में जो होनी चाहिये वह सचमुच नहीं है । सरकार की नीति निगेटिव नहीं होनी चाहिये, पाजिटिव होनी चाहिये ।

मैंने डाक्टर श्रीमाली के पास एक एप्लिकेशन भेजी । डाक्टर श्रीमाली के बारे में मुझे कोई शिकायत नहीं है । वे कितने अच्छे सज्जन हैं, यह मैं अच्छी तरह से जानता हूं । लेकिन न उनका कोई अपराध है, न मेरा कोई अपराध है और न जिस इंस्टिट्यूशन ने एप्लिकेशन दी उनका कोई अपराध है, बल्कि यह अपराध इस सिस्टम का है, इस पद्धति का है, जिसके बारे में मैंने बड़ी जबरदस्त शिकायत है । मैंने एक एप्लिकेशन दी । अब उसमें डाक्टर

श्रीमाली ने क्या किया, क्या नहीं किया, इस सम्बन्ध में मैं कुछ नहीं कहूंगा । लेकिन शुरू में यही डिस्कशन हुआ कि बट में जो एक्सपेंडीचर का एलोकेशन होता है, उसमें ये जो कुछ मांग करी है, वह इस आइटम के अन्दर आती है या उस आइटम के अन्दर आती है, या किस आइटम के अन्दर आती है । चूंकि वह आइटम मेंशन नहीं किया गया था, इसलिये ऊपर से नीचे तक और नीचे से ऊपर तक ५० दफा वह फाइल दौड़ी । मैं यह कहना चाहता हूं कि यह जो प्रोसीजर है, यह जो पद्धति है, इसके ऊपर अब सरकार को खास कर ध्यान देना चाहिये और जितनी जल्दी हो सके उतनी जल्दी इस पद्धति को बदलना चाहिये ।

कुछ लोग यह कहते हैं कि रेड टेप बहुत बुरी बात है । रेड टेप बहुत बुरी बात है, यह कुछ हद तक तो ठीक है, लेकिन कुछ हद तक, मैं आपसे यह निवेदन करना चाहता हूं कि रेड टेप की लेंथ कितनी हो यह दूसरी बात है । रेड टेप के बगैर सरकार का काम चल नहीं सकता । जो सरकार के कर्मचारी हैं या जो जानते हैं कि सरकार का काम-धाम कैसे चलता है, वे इसको ठीक तरीके से जान सकते हैं । लेकिन साथ ही साथ एक काम जरूर होना चाहिये कि रेड टेप की जो लेंथ है, वह जितनी कम की जा सके, उतनी कम कर दी जाय । अगर यह रेड टेप न हो, फाइनेंशल कंट्रोल ठीक न हो, तो अपने देश की हालत बहुत बुरी हो जायगी और जो कुछ पैसा आज सरकार के पास बचता है वह लोग खा जायेंगे । ये सब बातें जानते हुये भी मैं यह कहूंगा कि सरकार की नीति रेड-टेप के बारे में यह होनी चाहिये कि

[श्री डब्लू. एस. बालिगे]

इसकी लैंग कम से कम हो । दूसरी बात यह है कि यह पद्धत निगेटिव नहीं होनी चाहिये, नकारात्मक नहीं होनी चाहिये बल्कि पोजिटिव होनी चाहिये, हेल्पफुल होनी चाहिये, सहायता करने वाली होनी चाहिये । अगर यह सब चीज हों, तो मैं समझता हूँ कि यह जो विधेयक आप के सामने है यह आखिर में बहुत ही उपकारी सिद्ध होने वाला है । इन शब्दों के साथ मैं इसका समर्थन करता हूँ ।

MR. CHAIRMAN: Where is the hon. Home Minister? Are you going to answer?

(The Minister for Law and Minority Affairs, Shri C. C. Biswas, stood up.)

MR. CHAIRMAN: All right. Mr. Biswas.

THE MINISTER FOR LAW AND MINORITY AFFAIRS (SHRI C. C. BISWAS): Sir, the Law Ministry, whatever the legal position may be, has undertaken to sponsor this Bill.

MR. CHAIRMAN: Have they undertaken?

SHRI C. C. BISWAS: And, therefore, I think, I am quite justified in submitting here what I have got to submit to the House.

Dr. Shrimati Seeta Parmanand, whom I don't find here now....

MR. CHAIRMAN: They are having a conference outside.

SHRI C. C. BISWAS: Yes, with Dr. Katju, who would have spoken on behalf of Government. I appeal to Dr. Shrimati Seeta Parmanand to withdraw this Bill. As a matter of fact, although the present view of the Law Ministry is that this is a matter which is in the Concurrent List, and so it is open both to Parliament and the State Legislatures to enact a law of this kind, still Government

would suggest that the matter should be left in the hands of the States.

I shall just state the action which has been taken or is proposed to be taken by some of the States. After all, these institutions will be located in the States. The licensing will be granted by the State Governments. They will be in a better position to.....

DR. SHRIMATI SEETA PARMANAND: But this Bill applies only to the Part C States.

SHRI C. C. BISWAS: It applies.....

DR. SHRIMATI SEETA PARMANAND: And the Centre has the entire power to apply it to the Part C States.

MR. CHAIRMAN: Dr. Parmanand, you were not here at the right moment.

DR. SHRIMATI SEETA PARMANAND: I am sorry, you did not send for me, Sir.

SHRI C. C. BISWAS: Now that she is here, I would once again appeal to her to withdraw this Bill.

DR. SHRIMATI SEETA PARMANAND: But on what grounds? There should be reasonable grounds for that.

SHRI C. C. BISWAS: That is what I am trying to explain. I say this is, after all, a matter which has got to be undertaken by the State Governments, whether it is mere licensing, or it is the establishing, or it is the certifying of such institutions.

[MR. DEPUTY CHAIRMAN in the Chair.]

Dr. Seeta Parmanand has referred to the fact that she had proposed an amendment to the Children Bill, when it was before the Select Committee. I have here a copy of the Bill as it was passed by this House, and in clause 7, it says:

"The State Government may establish and maintain as many children's homes as may be necessary for

the reception of neglected children who may be sent there under this Act."

DR. SHRIMATI SEETA PARMANAND: It says 'may' and not 'shall'.

SHRI C. C. BISWAS: Also it says:

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

My hon. friend wanted to go further. She wanted that any individual who wanted to start such a home should have to obtain a licence before he could do so, that is to say, it should be made compulsory for any intending founder of such a home to apply for and obtain a licence, otherwise the home would be an illegal institution.

DR. SHRIMATI SEETA PARMANAND: On a point of order. May I point out that this is not going a step further? The State Government may or may not have its own homes—it is 'may', not 'shall', but in the Bill it is said, "the State Government shall"

SHRI C. C. BISWAS: I have yet to know that if we take the power to grant licences, at once any number of homes will spring up.

DR. SHRIMATI SEETA PARMANAND: That would be very good.

SHRI C. C. BISWAS: After all, if we have got to run a home, it is a question of finance; it is a question of proper management and so on. These homes are charitable institutions, and if a person charitably disposed wants to found a home, it is expected that it would be run on proper lines whether he obtains a licence or not. My hon. friend may say that there are very many homes scattered over different parts of the country, which are run on

very unsound lines, and there are also reports in the newspapers about this thing. All sorts of disagreeable and unsavoury matters are brought to light. That may be so; every institution is liable to be misused, open to corruption and so on, but that does not mean that by merely granting a licence we will achieve the object we have in view. The object is to have as many institutions for the protection of children and women as possible.

DR. SHRIMATI SEETA PARMANAND: Question.

SHRI C. C. BISWAS: I do not know, what is meant by this 'question'.

DR. SHRIMATI SEETA PARMANAND: May I know

MR. DEPUTY CHAIRMAN: Order, order. You will have an opportunity to answer.

SHRI C. C. BISWAS: It may not be her objective but it should be the objective of all of us. If we find children going about neglected, not cared for and exposed to all sorts of moral dangers; or women being exploited; it is our duty, the nation's duty, to found some places for their protection. That is what I say. I do suggest that Mrs. Parmanand's Bill would not achieve that objective. That is the weakness of her Bill. She does not propose to achieve that objective by this measure.

SHRI S. N. DWIVEDY (Orissa): Do not get excited, please.

SHRI C. C. BISWAS: All that will satisfy her is that we should say that if any particular person wants to found a home, he should obtain a licence. Well and good.

Kazi KARIMUDDIN (Madhya Pradesh): No excitement.

SHRI C. C. BISWAS: What are the terms of the licence? Nothing is mentioned about that in the Bill. We are all anxious that protection should be given. There may be institutions of this character, whether founded by the State, or certified by the State, or

[Shri C. C. Biswas.]
founded by individuals. We want that all such institutions should be run on proper lines, and it should be the duty of the Government to take proper action whenever they find that any institution is going the wrong way. In fact, such action has been taken in many States; I cannot refer to matters which are *sub judice*, but I can tell you, in West Bengal—I cannot speak of other States—whenever any irregularity or something worse than irregularity comes to the notice of the Government, they at once take action. That will be done. Mere granting of a licence will not save these institutions from being run the wrong way.

I suggest with all humility that Dr. Shrimati Seeta Parmanand may not press this Bill but leave it to the Government. As the Government are responsible for children and women, it is their duty to make every possible endeavour and take every possible step for the protection of women and children. My hon. friend referred to some international convention and so on.

DR. SHRIMATI SEETA PARMANAND: That was with regard to another Bill.

9 A.M.

SHRI C. C. BISWAS: She referred to some Bill and I say the Bill to which she referred was in relation to that international convention. As a matter of fact, that matter was examined in the Law Ministry and article 14 could not apply. That opinion was given. I am pointing this out to show that this question has not escaped the attention of the Government. There is also an international convention for the suppression of immoral traffic, but there is a Bill now pending consideration in the Home Ministry on that very subject. When that Bill is placed before the House and if that is passed, that will provide for all that need be provided for the Union of India. I would again suggest to my hon. friend that she might withdraw the Bill.

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU): Sir, I had intended to intervene but then I had to go out.

SHRI GOVINDA REDDY (Mysore): For a conference.

DR. K. N. KATJU: I wanted to draw the attention of the House to one particular aspect to which many Chief Justices, including the Chief Justice of India, have recently drawn attention. While I appreciate very keenly the desire of every Member of Parliament to promote legislation on a variety of subjects so that the nation may prosper, at the same time the Judges have drawn attention to the fact that there has been a plethora of legislation in recent times, and they say that they are simply snowed under by Acts which come out everywhere, every day.

DR. SHRIMATI SEETA PARMANAND: How many Private Members' Bills have been passed so far in this Parliament?

DR. K. N. KATJU: I have had once an opportunity of exchanging compliments with the hon. Member on the floor of the House and I do not want to be dragged into that performance again.

SHRI C. C. BISWAS: The last one was the Muslim Wakfs Bill, a Private Member's Bill, which was enacted into law and which now forms part of the Statute Book.

DR. K. N. KATJU: Therefore, it is desirable that we should pass legislation after due consideration and make it as comprehensive as it should be. Throughout the world, private Members suffer from a great disadvantage; they draw up a Bill but then they have insufficient time given under the Parliamentary rules for its consideration and then somehow or other it does not receive that vetting which a Bill ought to get.

Secondly, I should say that all the Part C States are profoundly grateful to the hon. Mover of the Bill for

the consideration and the affection which she has for these Part C States. If you take the area of these States, you will find that they are very small ones; Delhi, Ajmer, Bhopal, Vindhya Pradesh—a hilly tract, Himachal Pradesh—another hilly tract, Coorg, Tripura and Manipur—these are all small areas. The real big problem is presented by the Part A States and the Part B States. Here the Bill does not relate to them because Parliament cannot legislate without the concurrence of these States. They have got to be consulted. What I wish to put before the House is that on this matter of social welfare, it is essential and it is extremely desirable that legislation should be on an all-India basis. The States are being consulted; opinions have been received and whatever can be done in regard to children can be done in the Children Bill which is already before the Parliament. The Rajya Sabha has passed it and it is now pending before the Lok Sabha and I imagine that the Minister in charge—if some good change can be suggested—can move the insertion of a clause or two and finish with it.

So far as women are concerned, in another connection, speaking on another Bill, I said—I think during the last session—that the Government was going to consider that matter and I want to inform the House that after receiving opinions, we have now drafted a Bill. I expect that before Parliament adjourns, we may be able to publish that Bill in the *Gazette of India*, without formally introducing it in Parliament so that it may be before the public of India as a whole and everybody may send his opinion before the Bill is formally introduced here. I shall look into this matter; and if the object which the hon. Mover wants to achieve by this separate Bill can be achieved, we will put a clause into that because the Bill is very big, the object is very small, namely, that you cannot found an institution without licensing. Now, I do not want to go into the history. It looks very simple, but it is liable to

grave abuses; registers, this, that and the other and so on and so forth.

My submission is that the hon. Mover seems to have a suspicion that this Government has entered into a sort of an unholy conspiracy to prevent private Members from becoming legislators. On the other hand, I welcome that idea. But if I were a private Member—I may be so in the next session or in 1957—no one knows—, let me put forth my ideas and suggestions—my ambition will be satisfied if my idea and my objective find a place in any Bill, whether that Bill is promoted by Government or whether that Bill is promoted by another private Member. It is not that my Bill should go through and nobody else's Bill should go through, that is, I do not.....

DR. SHRIMATI SEETA PARNAND: That seems to be Government's attitude. If I may submit, that is Government's attitude. The boot is on the other leg.

DR. K. N. KATJU: I am making very impersonal remarks; that is my nature—a sort of philosophical remarks. Therefore, I humbly beseech my hon. friend to take this assurance that has been given, namely, that her object will be realised, if it is worthy of being realised, by a Bill that Government may bring forward. I have nothing more to add.

DR. SHRIMATI SEETA PARNAND: Mr. Deputy Chairman, I really think it is a matter for deep regret that the Bill and its object should be treated with such lightness, as has been done by the hon. the Home Minister; and with such scant care, as has been done—I am very sorry to say—by the Law Minister; and it is also significant that not only one Ministry but two Ministries should be required to put a spoke in the further progress of the Bill.

I would like to deal with some of the objections put forward by the hon. the Law Minister. While listening to only half of his speech, I could not help feeling that he had not the time,

[Dr. Shrimati Seeta Parmanand.] really, to study the Bill well, and to do full justice to the entire scope of the Bill, because he contradicted himself in two sentences. I would like to show how the Bill was not fully comprehended by the Minister in the time he had. First he said that the object of the Bill was to found as many institutions as possible. That is not the object at all. If anything, the object of the Bill is to allow only such institutions, as are run in the real interests of women and children, to run, by putting the restriction of licensing. If the object, which he put in so many words, is to provide as many homes for so many poor children, etc., in this poor country, the Government have taken care to do that by bringing the Children Bill, which is meant for providing homes for neglected and delinquent children. Perhaps the Law Minister is not aware of the Bill which the Education Ministry introduced, and which was passed in the House, and so I feel he had not the time to study that Bill.

MR. DEPUTY CHAIRMAN: Well, the Home Minister referred to it.

DR. SHRIMATI SEETA PARMANAND: The Home Minister referred to it, but I am just now dealing with the remarks of the Law Minister. I want to show that if the Law Minister—the Law Minister is not here, but I cannot help making the remarks; he should have been here to listen to my reply—really wanted to take objection to the further progress of the Bill, it should have been done by taking the scope of the Bill into full consideration; but, as could be seen—I am sure, as could be seen by every hon. Member in this House—he had not given full time to the study of the Bill. He also asked that how it would be possible to see that so many institutions, etc., run with licence. If he had the real interests of the children—particularly he referred to children; I think he had forgotten that the institutions for women also were to be included—he would have seen that it is no use running institutions, that it is no good having umpteen in-

stitutions, as he wanted them to be, unless they are run on proper lines. He said that merely increasing the homes was not, therefore, the object of the Bill, which should be the object. That means, in a few words I would say, that his opposition to the Bill which is based on not-appreciating the real scope of the Bill—I won't use the word 'ignorance' of the Bill, I would say not taking into consideration the full scope of the Bill—should not hold ground.

Now Dr. Katju's, the Home Minister's objections—I do not see how two Ministers should be required to object to the Bill—also....

MR. DEPUTY CHAIRMAN: They feel that you are so formidable.

DR. SHRIMATI SEETA PARMANAND: Thank you so much for the compliment. I thought that the rules required that no personal remarks or anything like them could be made, but I do not think they are observed; but I would not give much time to it here. As the hon. the Home Minister has already referred last time, he thought that perhaps there would be a repetition. So I won't go into that any further. I would only request that he should not think that this is my Bill. When he was absent I made it quite clear that this Bill had come here as a result of study and the needs felt by the Society for Social and Moral Hygiene, which has been functioning for 17 years under Miss Shepherd and of which Mrs. Rameshwari Nehru now is the President. They have really persuaded Members of Parliament to take up this Bill. So this is not one Member's Bill; he can rest assured of it. If Government were very anxious to see that this type of legislation should have been brought, they would have brought it long ago.

With regard to the other remark, about this plethora of legislation and the Judges, of course, taking objection to them, I am sure all Members here would agree that hardly any Private Members' Bills have passed from Parliament except the Muslim Wakfs

Bill, 1952, which is quite a comprehensive and big Bill. They could not call it fragmented legislation. I am very very sorry to say that the Judges' remarks must apply to Government's Bills, and that has been our objection here. I have mentioned several times that instead of taking the time of the legislature by bringing shreds of legislation—I just now, while the hon. Home Minister was not here, referred to two pieces of legislation, namely, the Telegraph Wires Bill and the Railway Stores (Unlawful Possession) Bill, we have passed the other day, which have come as shreds of legislation—the hon. the Home Minister, being in charge of revision of the Criminal Procedure Code and the Indian Penal Code, would appreciate himself, should better have brought a comprehensive piece of suggestion for extra legislation with some, perhaps, exceptional clauses to cater for the needs not only of the Railway stores or of the Posts and Telegraphs stores, but also of P.W.D. stores, Defence stores and all other Government stores which are liable to be pilfered. If—it is my opinion and I am sure it is the opinion of many Members of the House also—that remark of the Judges is to apply to anything, it must apply not to any legislation passed by this Parliament as Private Members' Bills but—I am sure the hon. Members would agree with me—to Government legislation, which is very often coming as a sort of piecemeal legislation, when it should have come as a comprehensive legislation. The hon. the Home Minister said that there were one or two clauses here which should come under the legislation with regard to immoral traffic in women, with regard to which he says he is bringing a comprehensive Bill. So the clauses with regard to women's institutions could go under that and the clauses with regard to children's institutions could go under the Children Bill in the other House by way of an additional clause. But just think of what these two things would mean independently. As far as the women's institutions are concerned, it might perhaps in all propriety go there, but you must remember that those insti-

tutions are really meant for prevention of immoral traffic in women and these institutions ostensibly are meant for education of women, as industrial centres for women and where otherwise they would be misused.

So I think any woman would not like to be classed along with women whose ostensible profession is immoral ways, rather I would say, whose profession is immoral trade. That is one objection.

With regard to children's institutions I made it clear that I had asked the Select Committee on Children Bill to incorporate one or two clauses by which the existing institutions of a private nature could be licensed. I wanted this to be done in the Children Bill which cater to the neglected children and delinquents. We would leave aside the word 'delinquent' now.

MR. DEPUTY CHAIRMAN: You will please wait for a minute. A Joint Select Committee Report has to be presented at 9.15.

PAPER LAID ON THE TABLE

REPORT OF THE JOINT COMMITTEE ON THE BILL TO AMEND THE CODE OF CRIMINAL PROCEDURE, 1898

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU): Sir, I beg to lay on the Table a copy of the Report of the Joint Committee on the Bill further to amend the Code of Criminal Procedure, 1898.

THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL, 1954—continued

DR. SHRIMATI SEETA PARMANAND: Sir, as I was saying, the hon. Minister had said that one or two clauses could be put in there. When the Law Ministry's representative, that is, the Additional Draftsman, was there, when the Education Ministry's