

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

[Dr. Shrimati Seeta Parmanand.] representative was also there, it was told that it could not be suitably incorporated now? Also I would like to ask whether the objection to this Bill is on the ground that it might take so much time for examination and other things. Now, if such a clause were to be incorporated there it would take more time and the Bill would again have to come to this House for consideration and it will have to pass through its various stages. From that point of view I think it is not right to suggest that the provisions of this Bill could be incorporated in the other Bill because I think that that stage has now passed.

Now, that remark that private Members are anxious to play the role of legislators, which he made, may cause a little amusement but I think it should not be taken by the Members of the House in a spirit of amusement because the remark reflects not only on one single Member, but on every Member of this House. What is the point in allotting a day for Private Members' Bills in such a case? I have been told that some Ministers feel no necessity for it and say, "All right, scrap it. Perhaps, private Members want to play the role of legislators." I think it is a novel idea that has been put forward. After all, they are legislators. Where is the question of their wanting to play the role of legislators? It is a question of their being responsible for bringing forward certain Bills. I, personally, think that it is their legitimate duty, as representatives of the people, to bring such Bills which the Government take a long time to bring forward, and which the societies and associations that exist for doing something for the people have pressed for. Therefore, this remark, I am very sorry to say, is discourteous to Members as a whole. It is not a question of a single Member being concerned with this. If you have a Private Members' Bill day, it is the duty of Private Members to bring forward such Bills, and it is not for the Government to say that this need not be done, and that they can

send in their suggestions here and there and they should be satisfied with that. That would hardly serve the purpose because Members, then, cannot be sure that all the provisions that they would like to see in the Bills would be incorporated. Private Members' Bill day is especially allotted for them to bring forward legislation. As far as this Bill is concerned, it is open to Government to incorporate these provisions in the other Bill when that Bill sees the light of the day. When that will see the light of the day, I do not know, because the hon. Minister just now said that the Bill that was being drafted would be circulated for public opinion; and I am told the procedure is this that after it comes back from circulation for public opinion, then it will be redrafted and then introduced. At this rate, in view of the heavy programme before Parliament, I, really, have my doubts whether the Bill which the hon. Minister promises, particularly after the tremendously big Companies Bill and the lengthy Bill amending the Criminal Procedure Code, would ever be brought before Parliament and whether it will ever see the light of the day during the lifetime of this Parliament. It is always open for the Government when that Bill is passed to insert a clause of repeal and have this Bill repealed. That will give more satisfaction to the people and better serve the needs of the people.

Having said this, I need not add anything more except to say a word or two about the remark which the hon. the Law Minister made with regard to article 14 of the International Convention not being applicable. Unfortunately, he has left the House but I would like him—if you give the opportunity and if there is time—to put that article before the House. I would like him to have a small committee of the House to go into the matter and to see whether that article does apply or not. He says, it does not. The article is this: "Any legislation with regard to the freedom of human person and human rights which the Centre may undertake will be within the competence of the

Centre to enact for the whole country irrespective of any clause that may be in the Constitution to the contrary." That means that a Bill dealing with a particular matter would apply to the whole country, in respect of which ordinarily the Centre has no right to legislate except for certain Part C States. So article 14 of the International Convention does apply. I am really surprised how this interpretation has been given, because this Bill was drafted by a committee of legal experts who are at the disposal of the Society for Social and Moral Hygiene. They have gone into the clauses very carefully.

I think this is the last Private Members' Bill on the agenda out of the six or seven that were brought forward during the two years and the fate of every Bill has been Government's request to withdraw. Particularly, in the case of this Bill it is really a matter of surprise, when nothing very much would have been lost by taking the Bill straightway into consideration, in order to accommodate Government's wishes—I won't say Government's wishes; I would change the word and would say, to meet Government's possible objection of the Bill not receiving proper care of drafting if it were to be taken into consideration straightway and passed—when I have taken care to refer it to a Select Committee, that Government should have come and objected to it in this way. I think this is a matter to which all Private Members must really give proper thought. They should not treat this very lightly but decide upon the action they should take in making a representation to the Government about the attitude that the Government take towards Private Members' Bills. Thank you, Sir.

MR. DEPUTY CHAIRMAN: What are you going to do? Are you going to withdraw?

DR. SHRIMATI SEETA PARMANAND: I would request the Home Minister to let me proceed with this in the light of what I have said now.

MR. DEPUTY CHAIRMAN: He has had his say. Now, you have to decide whether you withdraw or not.

DR. SHRIMATI SEETA PARMANAND: But can't I request him to let me proceed in.....

MR. DEPUTY CHAIRMAN: He has asked you to withdraw.

DR. SHRIMATI SEETA PARMANAND:the light of what I have said. He was not here when I spoke first. I am sure he would be generous enough to.....

MR. DEPUTY CHAIRMAN: She is making another request to you.

DR. SHRIMATI SEETA PARMANAND: .. accommodate the wishes of Private Members and allow us to proceed with the Bill. It will not cause any hardship to Government.

SHRI K. B. LALL (Bihar): May I seek a clarification from the hon. the Home Minister because I am also responsible for giving notice of a Bill of this nature? He has made a remark about the plethora of legislation coming from Members on all sides of the House. Sir, this House has not had the good luck of passing any Private Member's Bill up till now. If there is a plethora of legislation on the subject, I want to know who is responsible for it.

MR. DEPUTY CHAIRMAN: You wanted some information. Please do not make a speech.

SHRI K. B. LALL: I am only seeking a clarification. In view of the fact that there has not been a single Private Member's Bill passed in this House—I do not know of the other House—I should like to know whether the remarks which the Home Minister has made just now are called for.....

MR. DEPUTY CHAIRMAN: That is a different matter.

SHRI K. B. LALL:whether he would like to discourage any Bill

[Shri K. B. Lall.]
coming from the private Members. If it is his intention to discourage every Bill, then it should be said so openly that there should be no Private Members' Bills, that no Bill should be introduced by a private Member.

MR. DEPUTY CHAIRMAN: Order, order. Only the facts may be clarified. Please resume your seat.

SHRI K. B. LALL: We want to know how we stand and where we stand.

SHRI B. GUPTA (West Bengal): Sir, without going into the merits or demerits of the Bill, the remarks that have been made with regard to the Private Members' Bills and their initiative are absolutely unwarranted and are in a manner derogatory to this House. Does he want the House to be turned into a talking shop? Does he want us to sign on the dotted lines?

MR. DEPUTY CHAIRMAN: Mr. Gupta, order, order, please.

PROF. G. RANGA: Sir, the Home Minister goes out of his way to invite all these comments. Certain remarks have fallen from his lips to which we should take objection as Members of this House.

MR. DEPUTY CHAIRMAN: What are those remarks to which you take objection?

PROF. G. RANGA: Two statements he has made. He referred to a statement by the Chief Justice of India in regard to legislation that there should be comprehensive Bills and not piecemeal legislation; he endorsed it; and then made it as an exhortation to this House. We take objection to that. My hon. friend has already replied to the second point, in respect of piecemeal legislation.....

DR. K. N. KATJU: On a point of order, Sir. We are all delighted to hear Mr. Ranga when he speaks, but there must be some occasion for it.

PROF. G. RANGA: Therefore, Sir, I take objection. It is not fair on his part anyhow.....

MR. DEPUTY CHAIRMAN: I do not see that he has said anything objectionable.

DR. K. N. KATJU: Sir, ignoring, for the time being, what has been said by my hon. friend there and Mr. Ranga here, I am always very, very keen to be persuaded by my hon. friend, the Mover of this Bill. Had it been a personal matter concerning me, she might have taken my agreement for granted; but this is a matter of some public importance.

I did not intend to make, nor have I the slightest intention of making any remark, any observation, any reflection, or any insinuation, directly or indirectly, on the right of private Members to introduce Bills. They are welcome to do so. But I only suggested that if there is an impending legislation, or if the Government itself is bringing any comprehensive Bill, then we should not have multiplicity of legislation on that subject. The time of this House is valuable and we do not want it to discuss a matter over and over again. If you have a comprehensive Bill, then you can consider the problem as a whole. I do not, therefore, want to enter into the merits of this Bill.

My hon. friend said eloquently that so far as the women's home was concerned, they would be given vocational training and they would be given all sorts of other training. But, not a word is there in this Bill about vocational training, education, industry, sewing, cooking, etc. (*Interruption.*) For God's sake let me go on. What is stated here is that no women's organisation, no women's home can be established without a licence and the licence-giving authority has got the right to inspect, has the right to see the registers and all sorts of things and revoke the licence if deemed necessary. We had a discussion last year. As I said, the Government has the whole of this problem before it.

This is a matter of importance to the whole of India—not only to Part C States. We have got this Bill, it has been drafted, it is going to be published in the *Gazette of India* soon. I can introduce it, but I want to publish it, so, I cannot take it up this session. We will take it up in the next session. I want to utilise the two months' period to make the draft Bill public property, so that any one can make suggestions, just as we did in the case of the Code of Criminal Procedure. I shall examine the possibility if, as suggested by my hon. friend, this Bill can be inserted in the proposed comprehensive Bill.

So far as the children's homes are concerned that is a matter to be provided for in the Children Bill. The Children Bill is there. You can insert a provision there, and that matter becomes law.

So, when she said that I should act generously, that is all misplaced eloquence. Really it is not necessary.

MR. DEPUTY CHAIRMAN: Please let me know whether you want to proceed with or withdraw the Bill.

DR. K. N. KATJU: I should say my humble suggestion is that she had better withdraw it and devote her energy to bringing another Bill on which the Government is not doing anything at present.

MR. DEPUTY CHAIRMAN: Dr. Parmanand, I cannot allow any more speech. Please let me know whether you withdraw the Bill or not.

DR. SHRIMATI SEETA PARMANAND: Sir, I would like to withdraw the Bill with a few remarks.

MR. DEPUTY CHAIRMAN: You have already made a speech. Another speech is not necessary. Please let me know whether you want to press it to a vote or not. Dr. Katju has only repeated what he said earlier.

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DR. SHRIMATI SEETA PARMANAND: Sir, on the floor of the House I would only like to clarify one point. I will withdraw the Bill, but I would like to withdraw it on reasonable ground. The Children Bill was to apply only to Part C States and even when so many things have to be done, Government did not think there was any need. For the reason that Government is taking objection, I withdraw the Bill.

The motion was, by leave, withdrawn.

RESOLUTION RE LAND REFORM LEGISLATION IN STATES— *continued.*

SHRI P. SUNDARAYYA (Andhra): Mr. Deputy Chairman, this Resolution is brought before this House to draw the attention of the Government and the public to the most unsatisfactory situation in our villages as regards land reforms. Seven years have passed since India achieved its independence; three and a half years have passed since the First Five Year Plan was introduced. But in spite of all these, what is the picture of the agrarian situation in our country? The Government again and again boasts—Sir, which Ministry is taking note of this subject? The Food and Agriculture Ministry representative is not here.

MR. DEPUTY CHAIRMAN: Dr. Katju will represent for the present.

SHRI P. SUNDARAYYA: The Government, again and again, come forward and say that they have been able to achieve so much, pass so many Acts abolishing the *zemindari* and *jagirdari*.

Let us see what is the picture in regard to the so-called abolition of *jagirdari* and *zemindari*. Even these things, in a few States, have not yet been carried out. For instance, in Rajasthan, it is still going on. Apart from that, what is it that these Acts propose to do? These *zemindars* or