

**THE INDIAN SUPPRESSION OF
IMMORAL TRAFFIC AND BROTHELS
BILL, 1953**

DR. SHRIMATI SEETA PARMA-NAND
(Madhya Pradesh): Sir, I beg to move:

"That the Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels be referred to a Select Committee....."

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU) : Mr. Deputy Chairman, may I just mention one thing that inasmuch as the Bill contains some provisions which may involve financial responsibilities, the President's recommendation will be necessary. The hon. mover of the Bill, recognising this, applied for the President's recommendation which was I think towards the end of March.

DR. SHRIMATI SEETA PARMA-NAND:
On the 22nd of March exactly a month ago.

DR. K. N. KATJU: 22nd of March. Now it was dealt with in the Home Ministry, and the Home Ministry, having no legal adviser except the Law Ministry, sent it there. It came to the Law Ministry, and that Ministry expressed its opinion.....

DR. SHRIMATI SEETA PARMA-NAND:..... on the financial aspect or on the Bill?

DR. K. N. KATJU: On that particular point whether recommendation should or should not be given and also whether it raised financial matters or not. That opinion was received in a manner which is not favourable to the hon. Member. It was received on the 17th of April. Today is 23rd. As soon as it was received in the Home Ministry—within a day or two—it was communicated to the President's Secretariat. That may be yesterday or the day before yesterday. The President is not here. And the

ordinary procedure, I understand, is that the President's Secretariat communicates the President's decision, one way or the other, to the Secretary of the Council. Therefore, I take it that it is agreed that the recommendation of the President is necessary. And the President's recommendation must be before the Council before the Bill is taken into consideration. The President's recommendation has not yet been received.

Therefore I suggest that this matter might stand over till that recommendation is received, so that we may know what the President's orders are going to be. If the President's recommendation is received, well and good; the matter can be discussed. But if the President withholds his assents, there is an end of the matter. That is, so far as the point of order is concerned, I gather from my hon. friend that she has a complaint against the Home Ministry for having sat over this.

DR. SHRIMATI SEETA PARMA-NAND:
That I should like to refer to myself, if you will allow me.

DR. K. N. KATJU: Sometimes it is useful to anticipate.

DR. SHRIMATI SEETA PARMA-NAND: He is taking advantage of his prior knowledge, because I had a long talk with him just now in the lobby. May I take the trouble of making that complaint myself?

DR. K. N. KATJU: She may complain as much as she likes.

DR. SHRIMATI SEETA PARMA-NAND: Is it customary to plead guilty before the charge is actually made?

DR. K. N. KATJU: I am accustomed to arguing in courts. It is useful to anticipate objections and give a short reply. The position is this: Whatever may be the shortcomings of the Home Ministry, the President's assent has not yet come. Therefore, on the point of order, this Bill cannot be taken into consideration. Now, you

[Dr. K. N. Katju.] may crucify the Home Ministry or crucify me as much as you like.

DR. SHRIMATI SEETA PARMA-NAND: The facts are these: I wrote the letter on the 22nd March. Even this letter shows that the President's recommendation is necessary for spending Rs. 80,000 for a home, because in clause 11 of the Bill, as it stands, it has been stated that if such an Act is passed, it is necessary that every State should maintain one home at least. It is no use trying to rescue these people without there being any provision to house them. It is quite clear, and I do not know why the Home Minister says that it had to be referred to the Law Ministry. It seems to me that the Law Ministry has nothing to do with it.

Now, Sir, what happened is this: Yesterday afternoon, I had a talk with the Deputy Home Minister on the phone and asked him to make sure that the President's recommendation was obtained. What he told me was that very probably Government would ask me to withdraw the Bill on the ground that the Government itself was thinking of bringing in a comprehensive legislation—the usual reply that is given to see that a private Member's Bill is not proceeded with. I asked the Deputy Minister to go into the matter and make enquiries. Then it seems the Home Ministry woke up and after my telephone at half past three, sent my letter to the President at 11 or 10 at night. I want to mention here that I have had it from a reliable authority that the Bill reached the President's Secretariat only at quarter past eleven this morning. How does the Home Minister think it is possible to get the President's recommendation? Is it physically possible to get it in time? I would like to ask why such scant regard is paid to private Members' Bills. As it is, the time allotted to private Members' Bills is very limited, and if the Secretariats, whichever they may be,—whether it is the Home Ministry or the Law Ministry or our own Secretariat—are going to sit over

these Bills in this manner, it is going to be very difficult indeed. Why not make arrangements in time and see that the requisite recommendation is obtained? If this is the attitude of the Government with regard to private Members' Bills—it was the same with regard to a Bill of the same nature; only there it was not referred

to Select Committee but simply to be taken into consideration—that private Members' Bill 1 should be withdrawn because Government would bring in comprehensive pieces of legislation, I would respectfully make the suggestion that this private Members' Bill day should be called Government's comprehensive Bill day, and that will be the best way in which to proceed in the matter. Sir, why should Government every time come forward with the plea that they would bring in a comprehensive piece of legislation if not to see that private Members' Bills are not proceeded with? As it is, Government does not find enough time even for its own legislation and hence should they take on this additional burden of bringing in comprehensive legislation on every subject? You know, Sir, there was recently a scandal reported in the newspapers about a brothel in Agra. When such scandals are going on, it is necessary to give the people concerned relief as quickly as possible and every day's delay means some hardship to these unfortunates. Just as he has used the information I have given him, I think I have every right to make use of the information he has given me. He told me that Government has sent out already a Bill of a similar nature; he called it of wider nature. I would remind the House that I was told when moving my Bill about Women's and Children's Institutions to withdraw it on the ground that it could apply only to Part C States and that that Bill would not be necessary because Government intended to bring in a comprehensive legislation. At that time I agreed and I was fortunate to be put on the Select Committee of the Children's Bill, but when I wanted, as I have written in my minute of dissent, to

have a few clauses in that Bill for the licensing of institutions, I was told that it would unduly widen the scope of that most comprehensive piece of legislation.

Dn. K. N. KATJU: You are referring to the Children's Bill.

DR. SHRIMATI SEETA PARMANAND: Yes. This is an example I am giving of what happens to Government's pious intentions. The hon. the Home Minister has said—I do not know how he is justified—that this could be postponed and taken up on the next non-official day. I understand that he said in the other House a few hours ago to the Member in charge of the Bill—Shrimati Maniben Patel—to withdraw the Bill. I feel that I would like to tie down the hon. the Home Minister to his promise made here that later the Bill will be allowed to proceed and that I will not be asked to withdraw the Bill, for in the morning only—I would like to take the House into my confidence here—I was told by the party regional Whip concerned that I would have to withdraw the Bill after it was introduced on the ground that Government would bring in a comprehensive legislation on the subject. As it is, we have already lost one valuable day allotted to non-official business, and so it would be only proper that Government should give us some extra time out of its time for Government business and not the usual non-official day to make amends for the mistake of not allowing this Bill to go to Select Committee today.

MR. DEPUTY CHAIRMAN: May I take it then that you are not opposed to postponement?

DR. SHRIMATI SEETA PARMANAND: I am certainly opposed to postponement. But then you will point out that we cannot go on with this because of the constitutional provision. The requirement is there and I have to bow down to it. But if you are prepared to ignore it, I would certainly like to

go ahead with it and give the names of the Members of the Select Committee.

DIWAN CHAM AN LALL (Punjab): May I say one word?

MR. DEPUTY CHAIRMAN: Mr. Naidu.

SHRI RAJAGOPAL NAIDU (Madras): Mr. Deputy Chairman, I am really sorry that the hon. mover of this Bill had sought the permission of the President in this matter because I find that absolutely.....

DR. SHRIMATI SEETA PARMANAND: Sir,.....

MR. DEPUTY CHAIRMAN: It is profitable to hear him.

SHRI RAJAGOPAL NAIDU: I don't find why it involves any expenditure on the Consolidated Fund of India. It may be that a certain amount of expenditure is involved on the Consolidated Funds of the States and when such is the case I cannot understand why the mover of this Bill has referred this matter to the President for his consent.

Secondly with regard to the point of order raised by the Home Minister, I find there is absolutely no substance in his point of order because article 117(3) only says:

•'A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.'

Now we can go on with the deliberations with regard to this Bill till such time as we reach the stage of passing of this Bill. Sir, short of passing this Bill, we can certainly proceed with other stages with regard to this Bill. So I request the Chair to give a ruling on this point that we can consider this Bill at this stage and it is only that we cannot pass the Bill without

[Shri Rajagopal Naidu.] the j pense which would be required and the expense was—Special care Rs. 15,000, Probation and After-care Rs. 15,000, Observation and Rehabilitation House Rs. 50,000

MR. DEPUTY CHAIRMAN: Do you wish to say anything, Mr. Chaman Lall?

DIWAN CHAMAN LALL: I was going to say the same thing.

MR. DEPUTY CHAIRMAN: Has the Home Minister anything to say about this? Why does it require President's assent?

DR. K. N. KATJU: Mr. Deputy Chairman, I find that the hon. mover of this Bill wrote a letter which she has addressed to the President on the 22nd March.

SHRI V. K. DHAGE (Hyderabad): The question now is whether the point of order raised is proper or not. We are very sorry to learn that the hon. Member wrote a month ago and it was known that the Bill was coming up today and it is only this morning that the President has been informed that consent is sought knowing full well that three or four days ago the President had left Delhi. The programme of the President was within the knowledge of the whole country and the consent could have been got earlier. This is highly undesirable.

SHRI B. GUPTA (West Bengal): It only shows domestic mismanagement in the Congress Party.

DR. K. N. KATJU: My hon. Mends are only saying—and that in a very meek language—what my hon. friend "the lady Member has said about the Ministry and this is what I have to submit. I am only trying to answer your points. On the 22nd March the hon. mover of this Bill wrote a letter in which she said, 'If you would kindly grant me recommendation as required by article 117, I agree to move for reference of the Bill to the Select Committee' and what she sent was a Financial memorandum as to the ex

SHRI B. GUPTA: On a point of I order.

DR. K. N. KATJU: How many points of order?

SHRI B. GUPTA: We cannot take any cognizance of that letter or what she has stated. It does not form part of the Bill or the schedule.

MR. DEPUTY CHAIRMAN: It is quite relevant.

DR. K. N. KATJU: I can only state in answer to the point whether this Bill requires the sanction at all, which I am making, by saying that the hon. mover herself recognises that the Bill requires the recommendation of the President.

SHRI RAJAGOPAL NAIDU: By mistake she has done it.

DR. SHRIMATI SEETA PARMA-NAND: Sir, you have had.....

MR. DEPUTY CHAIRMAN: You cannot speak a second time

DR. SHRIMATI SEETA PARMA-NAND: Reference has been made to my letter now. To that I have to reply.

MR. DEPUTY CHAIRMAN: Order, order, you cannot go on.

SHRI B. C. GHOSE (West Bengal): Mr. Naidu's points have not been answered.

DR. K. N. KATJU: The hon. Members should understand and that every intervention means 3 or 4 or 5 minutes' time.

SHRI V. K. DHAGE: We are prepared to sit for more time.

DR. K. N. KATJU: I was saying that his was the financial memorandum

sent which recognized that the Bill, according to the understanding of the mover of the Bill, raised financial implications and required consent. If she now says that she was mistaken and that she had sent this letter under some mistaken impression, that is a different matter but we were proceeding on the assumption that it did require it.

MR. DEPUTY CHAIRMAN: Does it really require sanction?

DR. K. N. KATJU: That is what the Law Minister thinks.

MR. DEPUTY CHAIRMAN: I want to know from the Home Minister whether this Bill comes under the operation of article 117(3).

DR. K. N. KATJU: So far as I can understand from the Law Minister, it does. May I suggest this? Now there are only 2 minutes left. Let this debate be adjourned and let the Law Minister say whether the President's recommendation is necessary or not. If the recommendation is not necessary, very well, we can go on and we will discuss it further. If the recommendation is necessary, then the President's view is final. As to whether a particular Bill does or does not require the sanction of the President, I am unable to say. I have not studied it. I don't know whether it is open to this House to say that or whether it is open for me to say it.

MR. DEPUTY CHAIRMAN: I have to give a ruling. So I want your elucidation.

DR. K. N. KATJU: I very cordially second what the hon. mover has said in this letter, viz., that it requires sanction. She has said it. Would you kindly let this matter stand for 2 or 3 minutes? It will be taken up on the next day.

SHRI RAJAGOPAL NAIDU: We want a ruling from the Chair.

DR. K. N. KATJU: If it is necessary. What is the time at which the House adjourns?

MR. DEPUTY CHAIRMAN: 1-15.

DR. K. N. KATJU: It is now 1-12. I can speak for 3 or 4 minutes.

SHRI RAJAGOPAL NAIDU: We want the Chairman's ruling on the point.

DR. K. N. KATJU: For the Chair to give the ruling, I must be allowed to have my say.

MR. DEPUTY CHAIRMAN: Let there be no disturbance.

SHRI K. S. HEGDE (Madras): I don't think the hon. Minister is right in reading the letter of the hon. lady Member and treating it as estoppel. It is a matter for you to decide.

DR. K. N. KATJU: Now I was all along under the impression that it was an agreed point that the Bill required recommendation but now the point is raised by the hon. Lady Member herself and by my other friends that it does not require recommendation. Would you be pleased to give me 2 or 3 minutes just to read the Bill to see whether it does require the recommendation or not?

DR. SHRIMATI SEETA PARMA-NAND: Sir, with your permission, I can introduce the other Bill.

MR. DEPUTY CHAIRMAN: Let the hon. Member introduce the other Bill. This will be held over. He is studying the point.

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

DR. SHRIMATI SEETA PARMA NAND
(Pradesh): Sir, I move:

"That leave be granted to introduce a Bill to regulate and license