

THE INDIAN SUPPRESSION OF
IMMORAL TRAFFIC AND BRO-
THELS 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 sup-
pression of immoral traffic in wo-
men and brothels be referred to a
Select Committee....."

THE MINISTER FOR HOME AF-
FAIRS 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 responsi-
bilities, the President's recommenda-
tion will be necessary. The hon.
mover of the Bill, recognising this, ap-
plied for the President's recommenda-
tion which was I think towards the
end of March.

DR. SHRIMATI SEETA PARMA-
NAND: On the 22nd of March ex-
actly 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 Minis-
try expressed its opinion.....

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

DR. K. N. KATJU: On that parti-
cular point whether recommendation
should or should not be given and
also whether it raised financial mat-
ters 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 Presi-
dent's Secretariat. That may be yes-
terday or the day before yesterday.
The President is not here. And the

ordinary procedure, I understand, is
that the President's Secretariat com-
municates 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 recommenda-
tion 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 re-
ceived, 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 com-
plain 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 accus-
tomed 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, be-
cause 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 recommenda-
tion 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 Presi-
dent 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 Secre-
tariat only at quarter past eleven this
morning. How does the Home Minis-
ter 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 pri-
vate Members' Bills—it was the same
with regard to a Bill of the same na-
ture; only there it was not refer-
1 P.M. ence to Select Committee but
simply to be taken into consid-
eration—that private Members' Bills
should be withdrawn because Gov-
ernment would bring in compre-
hensive pieces of legislation, I
would respectfully make the sugges-
tion 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 Gov-
ernment every time come forward
with the plea that they would bring
in a comprehensive piece of legisla-
tion if not to see that private Mem-
bers' Bills are not proceeded with?
As it is, Government does not find
enough time even for its own legis-
lation 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 con-
cerned 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 Govern-
ment 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 Insti-
tutions 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 comprehen-
sive 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.

DR. 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.

DRWAN CHAMAN 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 recommendation of the President even if it is that the President's consent is necessary for this Bill.

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. friends 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-

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.....

SHRI B. GUPTA: On a point of 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 PARMANAND: Sir, you have had.....

MR. DEPUTY CHAIRMAN: You cannot speak a second time

DR. SHRIMATI SEETA PARMANAND: 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 this 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 PARMANAND: 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 PARMANAND (Madhya Pradesh): Sir, I move:

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