

SHRI D. P. KARMARKAR: I think, Sir, it is dangerous logic to argue like that, and mis-applied to this case. Obviously, this is in the national interest, and I am quite sure that on reconsideration he will agree with this. I am grateful to the hon. Members for readily accepting this.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, as passed by the House of the People, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We now take up clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI D. P. KARMARKAR: Sir, I beg to move:

"That the Bill be passed."

MAJ.-GENERAL S. S. SOKHEY (Nominated): Sir, I am not standing to oppose the Bill. I would like an opportunity to draw the attention of the House and the Government to the fact ...

MR. DEPUTY CHAIRMAN: Another Bill is already introduced. You will have ample opportunities to talk on that Bill.

MAJ.-GENERAL S. S. SOKHEY: I will talk on the wider basis. I want to suggest to the Government to apply their mind seriously to the fact that we have no patent law at all ...

MR. DEPUTY CHAIRMAN: It would be relevant when the other Bill is taken up.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE CHILDREN BILL, 1953

THE MINISTER FOR EDUCATION
AND NATURAL RESOURCES AND
SCIENTIFIC RESEARCH (MAULANA
ABUL KALAM AZAD):

مولانا ابوالکلام آزاد: حجاب! میں

تصدیق کرنا ہوں کہ جو بل لاوارث اور

آوارہ بچوں کی دیکھ بھال کیلئے پیش

کیا گیا ہے وہ ہاؤس کی ایک سلیکٹ

کمیٹی کے سپرد کیا جائے - اس بل

کا مقصد اتنا کھلا اور صاف ہے کہ میں

نہیں سمجھتا ہوں کہ اس بارے میں

زیادہ بحث اور تفصیل کی ضرورت ہے -

SHRI V. K. DHAGE (Hyderabad): Sir, may I raise a point of order?

MR. DEPUTY CHAIRMAN: No. That stage is gone. You may speak for the rejection of the Bill.

SHRI C. G. K. REDDY (Mysore): Sir, he thinks that there is a point of order. The Bill has been introduced. Its further consideration can be objected to.

SHRI V. K. DHAGE: Sir, this is a very important point.

MR. DEPUTY CHAIRMAN: What is that?

SHRI V. K. DHAGE: Sir, the Bill has been moved for consideration. I wanted to say something with regard to the question whether it can be taken into consideration or not. Sir, in the Statement of Objects and Reasons it has been stated that an Expert Committee that was appointed has gone into this question and that Expert Committee has made certain recommendations in its report. Now, Sir, we haven't got that report at our disposal. That report forms the basis of this Bill and that basis of the Bill has not been given to us for consideration. I, therefore, feel, Sir, that unless that report, which is the basis of this Bill, is placed before us, it will be difficult for us to proceed with the Bill.

MR. DEPUTY CHAIRMAN: It is not a point of order, Mr. Dhage. You can move for the rejection of the Bill. That is a different thing.

SHRI H. N. KUNZRU (Uttar Pradesh): Sir, I do not know whether what has been stated by Mr. Dhage is factually correct or not, but if it is, I think we can certainly object to any further proceedings being taken in connection with the Bill.

MR. DEPUTY CHAIRMAN: The Bill has been before the House for a long time. The hon. Members could have got the information from the Ministry of Education.

SHRI H. N. KUNZRU: That is not our responsibility. It is the responsibility of the Government to send the thing. That responsibility cannot be cast on us. The Government cannot say "You could have got this information from us whenever you wanted". It is their business to see that the information is sent to the House.

MR. DEPUTY CHAIRMAN: Anyway, that cannot be a point of order.

SHRI RAJENDRA PRATAP SINHA (Bihar): I want to say for your information, Sir, that I made enquiries from the Ministry and I was told that we could not have that report because that was a confidential and private report.

MR. DEPUTY CHAIRMAN: I have already given my ruling that that is not a point of order. Let the hon. Minister proceed.

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد: میں نہیں سمجھ سکتا کہ ہمارے ان دوستوں نے اس وقت یہ سوال کیوں اٹھایا ہے؟ ایکسپرت کمیٹی اس لئے بٹھائی گئی تھی کہ وہ اس معاملہ پر غور کرے اور اسکے بعد ایک رپورٹ تیار کرے۔

چنانچہ اس نے اپنی رپورٹ تین برس پہلے پیش کی تھی۔ اسکے بعد ایجوکیشن منسٹری نے اس پر غور کیا اور لا منسٹری سے مشورہ کیا گیا۔ اور پھر ایک بل تیار کیا گیا جو اسوقت ہاؤس کے سامنے ہے۔ اگر سلیکٹ کمیٹی کے ممبر چاہیں گے کہ جو رپورٹ آج سے تین برس پہلے ایکسپرت کمیٹی نے پیش کی تھی وہ رپورٹ بھی ان کے سامنے رکھی جائے تو منسٹری اسے خوشی سے رکھ دیگی۔ لیکن میں یہ بات تسلیم نہیں کرتا کہ چونکہ وہ رپورٹ ہر آنریبل ممبر کی کون میں نہیں رکھ دی گئی ہے اسلئے یہ بل.....

SHRI V. K. DHAGE:

श्री वी० के० ढागे : हमारे गोद में रखने की जरूरत नहीं है। टेबल पर रखिए।

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد: آپکو ضرورت نہیں ہے مگر اور آنریبل ممبروں کو ضرورت ہے۔ اگر سلیکٹ کمیٹی میں سوال اٹھایا گیا تو وہ رپورٹ منسٹری خوشی سے سب کے سامنے رکھ دیگی۔ اکثر بل اسی طریقہ سے تیار کئے جاتے ہیں۔ پہلے مشورہ کیا جاتا ہے، پھر تحقیق بنتی ہے اور وہ کمیٹی اپنی رپورٹ پیش کرتی ہے اور اس رپورٹ کی روشنی میں بل تیار کیا جاتا ہے۔ یہ ضروری نہیں ہوتا کہ اس رپورٹ کو بھی بل کے ساتھ پیش کیا جائے۔

SHRI V. K. DHAGE:

श्री वी० के० ढागे : मसला यह है कि यह जो बिल आपने पेश किया है वह उस रिपोर्ट पर मुनहसिर है ।

Sir, may I say a word?

MR. DEPUTY CHAIRMAN: Please don't disturb him.

SHRI V. K. DHAGE: He has yielded.

MR. DEPUTY CHAIRMAN: Let there be no interruption in the middle of the speech.

SHRI V. K. DHAGE: I have got the right to know as to what that report is and as to whether that report will be placed on the Table of the House. Why has that report not been placed on the Table of the House when that report had been submitted three years ago?

MR. DEPUTY CHAIRMAN: You can raise your objection in your speech.

SHRI RAJAGOPAL NAIDU (Madras): Sir, it is not a question of objection. It is a question of our effectively taking part in this debate. The Chair should help this House in seeing that the document is available. Otherwise how can we take part in the debate without knowing what it is?

SHRI C. G. K. REDDY: How can we discuss the Bill, Sir? If it was a secret document, he should not have mentioned it in the Statement of Objects and Reasons. How do we know that the Bill has been drafted entirely according to the recommendations of that Committee unless we have that report?

SHRI RAMA RAO (Andhra): The Bill that has been brought before this House is sufficiently self-explanatory. In fact there is no sense in saying that the report is not here.

SHRI V. K. DHAGE: Would you remove the words "Expert Committee" from the Statement of Objects and Reasons on the basis of what you have said now?

MR. DEPUTY CHAIRMAN: Mr. Dhage, order, order. The hon. Minister may proceed.

SHRI H. N. KUNZRU: Sir, it is well understood; Maulana Saheb may be perfectly correct. I am not against the Bill. But you will allow us to raise this point again and it will be raised, Sir, if you do not allow us to raise it now, we shall raise it on Monday. It is an important point, and I am sorry to say that you are attaching no importance to it. It concerns the rights and privileges of the Members of this House. I do not want to prevent Maulana Saheb from moving the Bill, but I take strong exception to the Maulana Saheb's remark that the Government is not bound to place the report on the Table. After having referred to it in the Statement of Objects and Reasons, they are bound and in duty bound to supply the information before asking us to consider this Bill.

SHRI AKHTAR HUSAIN (Uttar Pradesh): May I know under which rule of the Rules of Procedure of the Council of States my hon. friend is claiming this as of right?

SHRI H. N. KUNZRU: My hon. friend has been here long enough to understand what is meant by the words 'rights and privileges of this House'.

(Shri Akhtar Husain rose.)

MR. DEPUTY CHAIRMAN: Order, order. Dr. Kunzru has not resumed his seat. Two hon. Members cannot speak at the same time.

SHRI H. N. KUNZRU: Sir, it is not merely a question of rule. And perhaps there is rule 211. But it is a question of the rights and privileges of the Members which are not defined in any rule. My hon. friend must have read the Constitution of India, and he must have known, before he rose to make his objection, that it provides that the rights and privileges of

the Members of the Indian Parliament will be the same as those of the British Parliament.

MR. DEPUTY CHAIRMAN: I am afraid rule 211 does not apply.

SHRI H. N. KUNZRU: Rule 211 may or may not apply. But there is the Constitution of India and there is the unwritten law relating to the duty of the Government.

MR. DEPUTY CHAIRMAN: What is the provision of the Constitution under which we can compel the Minister in charge to place the report on the Table of the House?

SHRI H. N. KUNZRU: We have every moral right to see that report.

MR. DEPUTY CHAIRMAN: I fully concede that point. But what is the provision of the Constitution?

SHRI H. N. KUNZRU: If I may say so, instead of casting your moral weight on the side of the Government, if you were to cast it on our side, I am sure that Maulana Saheb would then yield and the report would be placed immediately on the Table of the House.

MR. DEPUTY CHAIRMAN: Under what provision? May I know from the hon. Minister whether he can place the report on the Table of the House?

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : ضرور دکھی جائیگی - لیکن جو سوال یہاں اٹھایا گیا ہے کہ یہ بل پیش نہیں کیا جا سکتا - جب تک ایکسپرت کمیٹی کی رپورٹ ممبروں کے سامنے نہیں دکھی جاتی -

SHRI C. G. K. REDDY: I would explain that point if the hon. Minister would listen to me for a few minutes without getting impatient. Sir, you have asked: under what provision of the Constitution this can be done? Sir,

so far as the Council is concerned, the general procedure is to follow the House of Commons procedure where our rules are silent. Now, Sir, can the hon. Minister quote even one instance where in the Statement of Objects and Reasons it has been mentioned that the Bill has been drafted on the basis of a Committee's report and they have not placed that report before the House? Such a thing cannot happen. No Minister could survive in the House of Commons if he did so. Sir, we are following the procedure of the House of Commons. Where our rules are silent, we must go to the conventions of the House of Commons. Is there a single instance where a Bill has been introduced or placed for consideration on the basis of a report which has not been placed before the House?

SHRI V. K. DHAGE: I may also say, Sir, that a similar question arose in the other House with regard, I think, to the Banking Companies Bill that was before the House, and the Speaker held that unless and until that Expert Committee Report or even the letters which the hon. Deputy Minister exchanged with the Chief Justice of Hyderabad were placed before the House, the Bill could not be proceeded with. An objection was taken and the Bill was not proceeded with till those papers were given to the Members.

MR. DEPUTY CHAIRMAN: Let us not talk under supposition. You show me a ruling

SHRI KISHEN CHAND: (Hyderabad):

श्री किशन चन्द (हैदराबाद) : मेरा यह कहना था कि जिस तर्ज और लहजे में मौलाना साहब ने यह कहा "गोद में रख दिया जायेगा मمبرों के" यह अनपार्लियामेन्टरी (unparliamentary) है।

SHRI H. P. SAKSENA (Uttar Pradesh):

श्री एच० पी० सक्सेना (उत्तर प्रदेश) : आगोश में कहिये।

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : مسدودیت کا یہی لہجہ ہے -

MR. DEPUTY CHAIRMAN: Please speak in English. I cannot follow.

SHRI C. G. K. REDDY: He said that it would be put in the lap of the Members

SHRI KISHEN CHAND: The hon. Minister said: "The report will be placed in your lap "God men rakhi jaigee (गोद में रखी जायेगी). That, in my opinion, is unparliamentary.

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : یہ سمجھ لیا جانا چاہیئے کہ ایجوکیشن منسٹری نے اس معاملہ پر غور کرنے کے لئے ایک کانفرنس بلائی ہے - کانفرنس نے ایک ایکسپورت کمیٹی بنائی جس سے یہ درخواست کی گئی کہ وہ معاملہ پر ور کرنے کے بعد اپنی رپورٹ پیش کرے جسکی روشنی میں ہم آگے بڑھ سکیں - چنانچہ کمیٹی نے رپورٹ پیش کی اور اس کی رپورٹ کے مطابق یہ بل تیار کیا گیا ہے - پہلی مرتبہ جو بل تیار کیا گیا تھا وہ بہت کچھ رجڈ (rigid) اور ٹھوس تھا - اس لئے کوشش کی گئی کہ اسکو زیادہ سہل (simple) کیا جائے - چنانچہ لاسٹری نے اس میں بہت کچھ کٹ چھانٹ کی - اگ ہاؤس یہ چاہتا کہ تین برس پہلے ایکسپورت کمیٹی نے جو رپورٹ تیار کی تھی ، وہ سلیکٹ کمیٹی کے سامنے رکھدی جائے تو وہ خوشی سے رکھ دی جائیگی - لیکن جس طریقہ سے یہ سوال اٹھایا گیا ہے اس کا مطلب یہ ہے کہ بل یہاں پیش نہیں کیا جا سکتا جب تک کمیٹی کی رپورٹ ہاؤس کے سامنے نہ آئے ، میں اسے

ایک لمحہ کے لئے بھی ماننے کیلئے تیار نہیں ہوں - جب بل تیار ہوتے ہیں تو انہیں مختلف اسٹیجوز سے گزرنا پڑتا ہے - پہلے صلاح اور مشورہ ہوتا ہے ، کانفرنس ہوتی ہے ، پھر کمیٹی بتھائی جاتی ہے ، وہ اپنی رپورٹ پیش کرتی ہے - اس طرح بہت سی کمیٹیوں سے گزرنے کے بعد ایک بل تیار ہوتا ہے اور یہ ضروری نہیں ہوتا کہ یہ تمام کڑیاں ہاؤس کے سامنے رکھی جائیں -

SHRI C. G. K. REDDY:

श्री सी० जी० के० रेड्डी : कभी नहीं !

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : اگر ہاؤس کی یہ خواہش ہے کہ ایکسپورت کمیٹی کی رپورٹ سلیکٹ کمیٹی کے سامنے رکھی جائے تو وہ نہایت خوشی سے رکھ دی جائیگی - اس سے مجھے اختلاف نہیں ہے - جس چیز سے میں نے اختلاف کیا وہ صرف یہ تھا کہ یہ پوزیشن میں تسلیم نہیں کرتا کہ چونکہ ایکسپورت کمیٹی کی رپورٹ ہاؤس کے ٹیبل پر نہیں رکھی ہے اس لئے یہ بل پیش نہیں کیا جا سکتا -

SHRI H. N. KUNZRU:

श्री एच० एन० कुंज्रू : मैं मीलाना साहब के गौर करने के लिये दो बातें पेश करना चाहता हूं। एक तो यह कि जो कान्फ्रेंस एजुकेशन मिनिस्ट्री की हुई थी उसकी सिफारिश यह थी कि गवर्नमेंट आफ इंडिया एक चिल्ड्रेंस ऐक्ट ऐसा बनाये कि जो थ्रोर स्टेड्स के लिये भी सुफीद हो, यानी जो कि बतौर नमूने के उनके सामने पेश की जा सके थ्रोर जिसको अगर वे चाहें तो चरुत के मुताबिक

तरमीम कर लें। यह बिल सिर्फ आपके "सी" स्टेड्स के लिये नहीं है, बल्कि जैसा कि मैं स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स (Statement of Objects and Reasons) की इबारत से समझा हूँ, यह बिल सिर्फ पार्ट "सी" स्टेड्स के लिये नहीं बनाया गया है बल्कि इस गरज से भी बनाया गया है कि और भी जो स्टेड्स हैं वे भी इस मसले पर गौर करें और इस बिल के मुताबिक कुछ तरमीम करके.....

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : اپنا بل بنائے

SHRI H. N. KUNZRU:

श्री एच० एन० कुंजरू : अपने बिल बनायें। दूसरी बात यह है कि स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स में लिखा हुआ है कि

"The present Bill is based generally on the recommendations of the Expert Committee."

अगर यह बिल एक्सपर्ट कमेटी की सिफारिशों के ऊपर बना है और इसकी गरज यह है कि और स्टेड्स भी ऐसा ही बिल पेश करें तो यह नहीं कहा जा सकता कि जो एक्सपर्ट्स (experts) मुकर्रर हुये थे या कोई डिपार्टमेंटल कमेटी बनी थी उनका गवर्नमेंट ने अपने स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स में बेकार जिक्र कर दिया। यह कमेटी अगर बनाई जाय तो इसकी अहमियत को देखते हुये गवर्नमेंट के लिये यह लाजिम है कि इसकी रिपोर्ट को पेश करे। गवर्नमेंट ने कुछ मुद्दत हुये, कम्पनीज ला (Companies Law) में तरमीम के लिये एक कमेटी मुकर्रर की थी, उसकी रिपोर्ट छप गई और उस पर लोगों की राय लेने के बाद एक नया बिल लाने की कोशिश की गई। क्या चेयर से मैं यह दर्शाया कर सकता हूँ कि अगर इस कम्पनीज ला कमेटी की रिपोर्ट पेश न की

जाती तो कोई हाउस नये बिल के ऊपर गौर करने के लिये एक लमहे के लिये भी तैयार होता ?

SYED MAZHAR IMAM (Bihar):

سید مظہر امام (بہار) : میں یہ

کہنا چاہتا ہوں کہ اس طرح کا کنونشن اگر ہاؤس کر دے.....

Shri V. K. DHAGE:

श्री बी० के० ढागे : अंगरेजी में बोलिये।

SYED MAZHAR IMAM:

سید مظہر امام : تو اسکا نتیجہ

یہ ہوگا کہ آئندہ تمام چیزوں کی رپورٹ گورنمنٹ کو ہاؤس کے سامنے پیش کرنی ہوگی - اسلئے اگر ایسا کلیمیشن ہو جائیگا.....

(Interruptions.)

MR. DEPUTY CHAIRMAN: It is not a Parliamentary Committee or a Committee of the House. The Government may print it for distribution and sale. I think there is no rule by which I can compel the Government to place it before the House.

SHRI H. N. KUNZRU: You may not be able to compel the Government to do so, but.....

MR. DEPUTY CHAIRMAN: The hon. Minister has promised that it will be supplied to Members.

SHRI H. N. KUNZRU: May I respectfully submit that you can tell the Government that in future, such documents should be supplied to the House before any question relating to them is discussed? That is the real point at issue.

MR. DEPUTY CHAIRMAN: It will be helpful to Members, I agree, but it cannot be a point of order. I cannot compel the Government. I can only say that it will be helpful to Members.

SHRI H. N. KUNZRU: Before now discussions have been stopped on this very ground. It is for you to decide.

MR. DEPUTY CHAIRMAN: So far as I know, there have been no precedents.

SHRI V. K. DHAGE: I quoted a precedent only a week old in the House of the People

MR. DEPUTY CHAIRMAN: You give me the ruling in any House of Parliament.

SHRI S. BANERJEE (West Bengal): You create a precedent.

MR. DEPUTY CHAIRMAN: I do not want to.

SHRI RAMA RAO: If there is to be any ruling, it must be in favour of the Bill being considered.

SHRI S. N. MAZUMDAR (West Bengal): We are not expressing ourselves against the Bill.

MR. DEPUTY CHAIRMAN: So far as the point of order is concerned, I have held that there is no point of order, the hon. Minister may continue.

SHRI B. M. GUPTA: May I point out

MR. DEPUTY CHAIRMAN: It is not necessary, Mr. Gupta

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد: ممبر نے کہا کہ کمیٹی کی رپورٹ ایک پوشیدہ چیز تھی - مجھے معلوم نہیں کہ یہ بات انہوں نے کس طرح معلوم کی -

SHRI S. N. MAZUMDAR:

श्री एस० एन० मजूमदार: आपके दफ्तर से आया है।

SHRI H. N. KUNZRU:

श्री एच० एन० कुंज्रु: यह तो खुद आपने ही फरमाया कि हम रिपोर्ट को पेश नहीं करेंगे। आपने यह नहीं कहा, लेकिन जब आपके डिपार्टमेंट से पूछा गया तो उन्होंने कहा कि रिपोर्ट कंफीडेंशल है। अब आप कहते हैं कि अगर सेलेक्ट कमेटी चाहेगी तो वह रिपोर्ट पेश की जायगी। आपके ऐसा कहने से जरूर ही इस खयाल की ताईद हुई कि वह रिपोर्ट पोसीदा है। अगर आप समझते हैं कि रिपोर्ट पोसीदा नहीं है तो यह सवाल कभी पैदा ही नहीं होता।

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد: آنریبل ممبر کے کہنے کا مقصد یہ ہے — یہ کہنے سے کہ کمیٹی کی رپورٹ سہلیکٹ کمیٹی کے سامنے رکھ دی جائیگی یہ ثابت ہو گیا کہ کمیٹی کی رپورٹ ایک پوشیدہ چیز تھی - اگر یہی انکی لاجک (logic) ہے تو میں تسلیم کرتا ہوں کہ میں اس بارے میں کچھ نہیں کہہ سکتا -

SHRI H. N. KUNZRU:

श्री एच० एन० कुंज्रु: सवाल यह है कि आप हाउस को इस वक्त रिपोर्ट नहीं देना चाहते थे।

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد: میں یہ بات صاف طور پر واضح کر دیتا چاہتا ہوں کہ گورنمنٹ یہ بات کسی حال میں بھی تسلیم نہیں کر سکتی کہ ایک بل کے تیار کرنے کے لئے اسے جن کارروائیوں کے انجام دینے کی ضرورت

[Maulana Abul Kalam Azad.]

پہلے اُنہی ہے وہ سب اسے ہاؤس کے سامنے رکھنی چاہئیں - اگر وہ ہاؤس کے سامنے نہیں رکھی گئیں تو وہ بل بھی پیش نہیں کر سکتی - گورنمنٹ کو پورا اختیار ہے کہ جس کاغذ کو چاہے ہاؤس کے سامنے رکھے اور جس کے رکھنے کی ضرورت نہ ہو نہ رکھے - یہ بات گورنمنٹ کے دھم و گمان میں بھی نہیں اُنہی نہیں کہ اس کمیٹی کی رپورٹ کو ہاؤس کے انریبل ممبر دیکھنا ضروری سمجھیں گے - یہ کمیٹی ہاؤس نے مقرر نہیں کی تھی - گورنمنٹ نے مقرر کی تھی - لیکن بہرحال چونکہ اس رپورٹ میں کئی بات ایسی نہیں ہے جسے گورنمنٹ پوشیدہ رکھنا چاہے اسلئے گورنمنٹ تیار ہے کہ اگر سلیمت کمیٹی نے اس کے دیکھنے کی خواہش کی تو اس کے سامنے رکھ دی جائے گی -

SHRI C. G. K. REDDY:

श्री सी० जी० के० रेड्डी: दफ्तर से तो कहा गया है।

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد: بہرحال میں یہ سمجھتا ہوں کہ جہاننگ بل کے مقصد کا تعلق ہے - وہ اتنا صاف ہے کہ اس بارے میں کسی لمبی چوڑی بحث کی ضرورت نہیں ہے - آج کل دنیا کے تمام مہذب ملکوں کی گورنمنٹوں (Governments) نے یہ بات تسلیم کر لی ہے کہ سوسائٹی (society) میں

جو لاوارث بچے ہوں یا ایسے بچے ہوں جن کا خاندان انکی دیکھ بھال کی فکر نہیں کرتا ہو - گورنمنٹ کو ان کی تعلیم و تربیت کا انتظام کرنا چاہئے اور گورنمنٹ اس کے لئے ذمہ وار ہے - ساتھ ہی یہ بات بھی عام طور پر تسلیم کر لی گئی ہے کہ اگر بچوں سے کوئی جرم سرزد ہو جائے تو ان کے ساتھ اس دھنگ سے سلوک نہیں ہونا چاہئے جیسا کہ عام عدالتوں کا دھنگ ہے کیونکہ جونہی ایک بچے کو قانون کی عام سزائوں میں سے کوئی سزا دی جاتی ہے ہمیشہ کے لئے اسکی اخلاقی زندگی برباد ہو جاتی ہے - انکے لئے نلیبہ اور نگرانی کا دوسرا طریقہ اختیار کرنا چاہئے - چنانچہ تمام مہذب ملکوں میں اس کا خاص انتظام کیا گیا ہے - لیکن افسوس ہے کہ اس بارے میں ہمارا ملک ابھی بہت پیچھے ہے -

سنہ ۱۹۴۷ء میں جب میں نے ایجوکیشن منسٹری (Education Ministry) کا چارج (charge) لیا تو اسوقت جو چلند اہم کام میرے سامنے خاص طور پر آئے تھے ان میں ایک کام یہ ہی تھا - میں نے پہلے یہ معلوم کرنا چاہا تھا کہ جہاننگ اس معاملہ کا تعلق ہے مختلف صوبوں کا کیا حال ہے - معلوم ہوا ہے کہ چلند صوبوں میں اگر کوئی قدم اٹھایا گیا ہے تو صرف ایک بات کے لئے اٹھایا گیا ہے یعنی اسکی کوشش کی گئی ہے کہ کم عمر کے مجرموں کے لئے الگ

[Maulana Abul Kalam Azad.]

قیدخانے بنائے جائیں اور وہاں تعلیم کا بھی انتظام کیا جائے - مگر یہ انتظام بھی تمام صوبوں میں نہیں ہے - چند کلمے ہوئے صوبوں میں ہے - ان میں بمبئی کے صوبہ نے سب سے زیادہ اس کام میں دلچسپی لی ہے لیکن وہاں بھی یہ کام ایک خاص حد سے آگے نہیں بڑھا ہے - جب یہ معلومات ایجوکیشن منسٹری کے سامنے آگئیں تو خیال کیا گیا کہ بہتر یہ ہوگا کہ تمام صوبوں کے ایجوکیشن منسٹروں کی ایک کانفرنس (conference) بلائی جائے اور وہ پوری طرح غور و فکر کر کے ایک فیصلہ کرے اور اسکے مطابق قدم اٹھایا جائے - چنانچہ اگست سنہ ۱۹۴۹ء میں یہ کانفرنس بلائی گئی - کانفرنس نے بالاتفاق یہ فیصلہ کیا کہ سنٹرل گورنمنٹ (Central Government) کو اس بارے میں قدم اٹھانا چاہیئے اور ایک ایسا بل تیار کرنا چاہیئے جو تمام صوبوں کی گورنمنٹوں کے لئے (کیونکہ اس وقت ملک صوبوں میں بٹا ہوا تھا اسٹیٹ (State) نام کی گورنمنٹیں نہیں تھیں) نمونے کا کام دے اور اپنے اپنے صوبوں کے لئے اس قسم کا بل وہ اپنی اسمبلیوں (Assemblies) میں منظور کرائیں - کانفرنس نے ایجوکیشن منسٹر (Education Minister) سے درخواست کی کہ وہ ایک ایکسپرٹس کمیٹی (Experts Committee) اس غرض سے مقرر کر دیں کہ وہ اس معاملہ کے تمام پہلوؤں پر غور و فکر

کر کے ایک بل کا مسودہ تیار کر دے - ایجوکیشن منسٹری اس مسودہ پر درکریگی اور پھر پارلیمنٹ (Parliament) میں پیش کرنے کے لئے ایک موزوں اور مناسب بل تیار ہو جائے گا - چنانچہ ایکسپرٹ کمیٹی مقرر کر دی گئی اور اس نے فوراً کام شروع کر دیا - کمیٹی کا پہلا کام یہ تھا کہ دوسرے ملکوں میں اس سلسلہ میں جو کچھ ہوا ہے اسے پوری طرح معلوم کرے اور پھر ملک کی حالت سامنے رکھتے ہوئے اپنی تجویزوں کا نقشہ تیار کرے - کمیٹی نے اپنا کام پورا کرنے کے بعد اپنی رپورٹ مرتب کر کے پیش کی اور اس طرح ایک بل کا مسودہ تیار ہوا - یہ بل بہت لمبا چوڑا تھا - اس میں کوشش کی گئی تھی کہ ہر طرح کی تفصیلی باتوں کو طے کر دیا جائے - جو انسٹیٹیوشن (institution) قائم کئے جائیں گے انکے ضابطے اور قاعدے کھانا ہونگے - وہ کس طرح کام کریں گے - ان سب باتوں کو بل میں بیان کیا گیا تھا - لیکن جب گورنمنٹ نے اس پر غور کیا تو یہ رائے قائم کی کہ اس بل میں اس طرح کی تفصیلات تک جانا ضروری نہیں ہے - بل کا مقصد یہ ہے کہ اسٹیٹ گورنمنٹوں (State Governments) کے لئے نمونے کا کام دے - اس لئے اس میں صرف موتی موتی اور بلہاد کی باتوں کو لکھا چاہیئے - نیچے کی تفصیلات کو چھوڑ دینا چاہیئے کہ

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اسٹیمٹ کی گورنمنٹیں اپنی اپنی حالات کے مطابق جس طرح چاہیں انہیں طے کریں۔ مثلاً اگر ہم ضروری سمجھتے ہیں کہ بچوں کے لئے ایک لا کورٹ (Law Court) ہو تو ہمیں لا کورٹ کا ذکر کر دینا چاہیئے اور جو اس کی موتی موتی باتیں ہیں انہیں بل میں واضح کر دینا چاہیئے۔ اب یہ بات کہ وہ لا کورٹ جو بنے گا اس کے قاعدے کیا ہونگے اور اس میں کام کس طرح ہوگا۔ تو ان باتوں میں ہمیں جانے کی ضرورت نہیں۔ اسے چھوڑ دینا چاہیئے کہ ہر اسٹیمٹ اپنی حالت اور ضرورت کے مطابق اسکے رولس اور قاعدے بنائے۔ چنانچہ اس چیز کو سامنے رکھ کر کوشش کی گئی کہ یہ بل جتنا سیدھا سادہ اور سہل (simple) کیا جا سکتا ہے کیا جائے۔ چنانچہ اب جو بل آپ کے سامنے ہے اس میں آپ دیکھ رہے ہیں کہ صرف ۶ چپٹرس (chapters) ہیں اور ۵۲ کلازیز (clauses) ہیں۔ ۶ چپٹرس میں سے پہلا چپٹر ٹائٹل (title) وغیرہ کے بارے میں ہے۔ گویا ۵ چپٹرس اصلی بل کے ہیں۔ بنیادی طور پر ۵ انسٹی ٹیوشنس ہیں جن پر زور دیا گیا ہے۔ پہلا انسٹی ٹیوشن وہ ہے جس کی نسبت کہا گیا ہے "After-care-organisation" یعنی کوئی جگہ ایسی ہونی چاہئے جہاں وہ لڑکا جسکو پولیس (police) نے دیکھا ہو کہ آوارہ پھر رہا ہے اسے پکڑنے

کے بعد رکھا جاسکے اور اسکے بعد اسکے حالات کی انکوائری (enquiry) کی جائے۔ جب تک انکوائری جاری رہے گی وہ وہیں رکھا جائیگا۔ چنانچہ پہلی بات یہ ہے۔

اس کے بعد دوسرا انسٹی ٹیوشن ہمارے سامنے آتا ہے۔ بچوں کا ایک گھر ہونا چاہئے جہاں ان بچوں کو رکھا جاسکے جو لاوارث مان لئے جائیں۔ سانہ ہی ان کے لئے ایک خاص قسم کا اسکول (school) بھی ہونا چاہئے۔ ظاہر ہے کہ جو عام اسکول موجود ہیں ان کے لئے موزوں نہیں ہونگے۔ ان کے لئے ایک خاص اسکول ہونا چاہئے۔

تیسرا انسٹی ٹیوشن وہ ہے جسے آبزرویشن ہوم (Observation Home) کا نام دیا گیا ہے۔ یعنی دیکھ بھال کا گھر۔ یہ ان لوگوں کے لئے ہوگا جن کے لئے عدالت کوئی فیصلہ کر دیگی۔ گویا انہیں سزا دی گئی ہے۔ لیکن یہ فید کی سزا نہیں ہوگی صرف نگرانی ہوگی اور نگرانی کا مقصد ان کی اصلاح ہوگا۔

چوتھا انسٹی ٹیوشن چیلڈرن کورٹس (Children's Courts) ہے۔ ان کے لئے ایک خاص قسم کی عدالت ہوگی۔ کہونکہ جو عام عدالتیں موجود ہیں وہ ان کے لئے موزوں نہیں ہو سکتیں۔ انکی خاص حالت ہے ان کی خاص ذہنیت ہے اور خاص سائیکالوجی

[Maulana Abul Kalam Azad.]

(psychology) ہے - انکے لئے خاص عدالتیں ہونی چاہئیں اور خاص مجسٹریٹ - یورپ اور امریکہ میں یہ مجسٹریٹ عموماً عورتیں ہوتی ہیں کیونکہ وہی بچوں کی حالت کو، ان کے دماغ کو، طور طریقے کو بہتر طریقہ پر سمجھ سکتی ہیں - یہ بلوائی چیزیں ہیں جن پر کہ بل میں زور دیا گیا ہے ان آرگنائزیشنس (organizations) کو کیسے قائم کیا جائے - ان د رولس (rules) اور قاعدے کیا کیا ہوں - یہ ہر اسٹیٹ کو اپنی حالت اور ضرورت کے مطابق بدلانے ہونگے - اس بل نے انہیں چھوڑ دیا ہے - اگر ہم ان باتوں میں جاتے تو یہ بل ایک ایسا تھوس اور رجنڈ (rigid) ہو جاتا کہ اسٹیٹوں کے لئے کوئی راستہ اسکے سوا نہیں رہ جاتا کہ یا تو وہ اسے پوری طرح لے لیں یا پورا کا پورا چھوڑ دیں - ہم چاہتے ہیں کہ ایسا نہ ہو -

دوسری اہم بات جو سامنے رکھی گئی ہے وہ یہ ہے کہ اس معاملہ کا اہم پہلو خرچ کا ہے - اسٹیٹ گورنمنٹوں کو یہ بات دیکھنی ہوگی کہ وہ روپیہ کہاں تک نکال سکتے ہیں اور کس طرح نکال سکتے ہیں - اسلئے بل اس طرح کا ہونا چاہئے کہ اگر خرچ کی مشکلات کی وجہ سے پورے اسٹیٹ میں یہ قانون نافذ نہ کیا جا سکے تو اسکے ایک حصہ میں نافذ کیا جاسکے اور یہ کام

شروع کرنے کے لئے کم سے کم خرچ کی ضرورت ہو - مطلب یہ ہے کہ اگر کوئی اسٹیٹ ایک ہی مرتبہ میں پورا قانون نافذ نہیں کر سکتا تو بتدریج نافذ کرے - چنانچہ بل میں اس بات کی پوری گنجائش رکھی گئی ہے - آپ نے یہ بل منظور کیا تو فوراً اس کا نفاذ پارت سی اسٹیٹس (Part C States) میں ہو جائیگا پارت اے اور بی اسٹیٹس (Part A and B States) میں یہ نمونہ کا کام دیتا - جو اسٹیٹ چاہے اس طرح کا بل اپنے یہاں منظور کرا کے عمل میں لائے گا -

جو انسٹی ٹیوشن اس بل میں قرار دئے گئے ہیں اگر وہ ابتدا میں پورے اسٹیٹ کے لئے نہ بنائے جائیں صرف ایک ضلع اور ایک خاص حصے کے لئے بنائے جائیں تو ایسا کیا جا سکتا ہے - اور اسکی پوری گنجائش اس بل میں رکھی گئی ہے - مثلاً اگر ایک اسٹیٹ ابتدا میں صرف کسی ایک حلقہ میں یہ کام شروع کرنا چاہے تو اسکے لئے ضروری ہوگا کہ یہ پانچوں انسٹی ٹیوشن اس حلقہ میں قائم کر دے اور پھر بتدریج دوسرے حلقوں میں کام پھیلانے - ان پانچ انسٹی ٹیوشنوں کے خرچ کا اندازہ ۶۲ ہزار روپیہ سالانہ کیا گیا ہے - گویا ایک اسٹیٹ اگر سرفہست زیادہ روپیہ نہیں نکل سکتا تو صرف ۶۲ ہزار سالانہ کی

قلیل رقم خرچ کر کے یہ کام شروع کر سکتا ہے ۔

ایک اہم سوال یہ ہے کہ بچوں کی تعریف کیا ہو یعنی انکی عمر کی قید کیا معین ہونا چاہئے ۔ دوسرے ملکوں میں جو کچھ کیا گیا ہے اسکو سامنے رکھ کر یہ فیصلہ کیا گیا ہے کہ ۱۶ برس کی عمر رکھی جائے ۔ چنانچہ اس بل کا جہاں تک تعاقب ہے بچوں کا اطلاق ایسے لڑکوں پر ہوگا جو ۱۶ برس کی عمر کے اندر ہوں ۔ ۱۶ برس کی عمر کے بعد کے لڑکے اس بل کی تعریف کے اندر نہیں آئیں گے ۔ بہرحال میں یہ تحذیر آپ کے سامنے پیش کرتا ہوں کہ یہ بل ہاؤس کی ایک سلیکٹ کمیٹی کے سپرد کر دیا جائے ۔ سلیکٹ کمیٹی اپنی رپورٹ ہاؤس کے سامنے رکھے گی ۔ چنانچہ سلیکٹ کمیٹی کے ممبروں کے نام یہ ہیں :

Shrimati Rukmini Arundale,
Dr. Shrimati Seeta Parmanand,
Shrimati Violet Alva,
Kunwarani Vijaya Raje,
Shri Onkar Nath,
Shri Lavji Lakhamshi,
Shri J. N. Kaushal,
Shri T. R. Deogirikar,
Shri Rahmath-Ullah,
Moulana M. Faruqi,
Shri Indra Vidyavachaspati,
Shri S. D. Misra,
Dr. K. L. Shrimali.
Shri Kishori Ram.
Shri H. C. Mathur,
Shri Kishen Chand,
Shri S. N. Mazumdar,
Shri Abdul Razak,
Shri Amolakh Chand,
Shri K. D. Malaviya, and
The Mover.

یہ بل جونہی منظور ہوگا اسکا نفاذ تمام سی کلاس اسٹیٹوں میں ہو جائے گا ۔ لیکن اے اور بی کلاس کی ریاستوں کے لئے یہ نمونہ کا کام دے گا ۔

میں یہ بات نوٹ کر لیتا ہوں کہ ایکسپرت کمیٹی کی رپورٹ سلیکٹ کمیٹی کے سامنے رکھ دی جائیگی ۔

[For English translation, see Appendix VI, Annexure No. 125.]

SHRI H. P. SAKSENA:

श्री एच० पी० सक्सेना : मैं आनरेबल मिनिस्टर साहब से यह जानना चाहता हूँ कि इसमें क्या राज मछफी है कि इस कानून को सरदेस्त पार्ट "सी" स्टेट में ही चालू किया गया है ?

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : پارٹ اے اور بی اسٹیٹوں میں کانستٹی ٹیوشن (Constitution) اسکی اجازت نہیں دیتا اس میں کوئی راز کا سوال نہیں ہے

MR. DEPUTY CHAIRMAN: Let me put the motion first.

SHRI H. P. SAKSENA: Sir, just a point of clarification.....

MR. DEPUTY CHAIRMAN: Yes, but let me put the motion to the House first.

Motion moved:

"That the Bill to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected children and juvenile delinquents in Part C States be referred to a Select Committee

†English translation.

[Mr. Deputy Chairman.]
consisting of the following members:—

Shrimati Rukmini Arundale,
Dr. Shrimati Seeta Parmanand,
Shrimati Violet Alva,
Kunwarani Vijaya Raje,
Shri Onkar Nath,
Shri Lavji Lakhamshi,
Shri J. N. Kaushal,
Shri T. R. Deogirikar,
Shri Rahmath-Ullah,
Moulana M Faruqi,
Shri Indra Vidyavachaspati,
Shri S. D. Misra,
Dr. K. L. Shrimali,
Shri Kishori Ram,
Shri H. C. Mathur,
Shri Kishen Chand,
Shri S. N. Mazumdar,
Shri Abdul Razak,
Shri Amolakh Chand,
Shri K. D. Malaviya, and
The Mover."

SHRI V. K. DHAGE: Sir, in view of the discussion that has taken place here on the point that I had raised, it is felt that without the report of the Committee being placed before us and without it being in our hands, it will not be possible for us to effectively participate in the debate upon this Bill. Therefore, on our side, we shall not be able to take part in the discussion at all without the report being placed in our hands.

SHRI C. G. K. REDDY: Sir, I should like to associate myself with Mr. Dhage's remarks and say that it should not be mistaken that so far as we are concerned, we are opposed to this Bill. In fact, we wish that it could have been possible for us to enact it in all the States together. We should not, therefore, be mistaken and our non-

participation does not mean that we have nothing to say about it; certainly we have not anything to say against it. Therefore, I endorse fully all the remarks of my hon. friend Shri Dhage. I very much deprecate the attitude that has been taken up by the Government, because I can recall no instance where the report has been first denied to us. From the Ministry it was stated that it is confidential. We are not aware whether suddenly the confidential aspect of it has been lifted since the point was raised. With the best of efforts we tried to get the report. It was refused to us. And I do not know how the hon Minister can think that he can introduce a motion for reference to a Select Committee without our being able to know what the recommendations of the previous Committee were on which the Bill is based. For aught we know, the recommendations of that Committee may have gone beyond or may have fallen far short of the measure that he is now adopting through this Bill. Therefore, we have to register this protest and we hope that in future at least, the Government will not think of bringing forward a Bill which, according to their own Statement of Objects and Reasons, is based on the report of a Committee which was appointed by them, without that report being circulated for the benefit of the Members.

SHRI S. N. MAZUMDAR: While associating myself with the remarks made just now by Shri Dhage and Shri Reddy, I would also like to make it clear that my non-participation in the discussions at this stage does not mean that we are opposed to this Bill. On the other hand, I do feel that the Bill is a very important one and the subject of the treatment of children that is involved here is a very important one and demands serious consideration. But for that it is absolutely necessary that the report of the Expert Committee should be with us and only after going through the report of that Committee shall we be able to make some contribution to this debate.

That is why, Sir, as a mark of protest against this attitude of Government I am not participating in the discussions at this stage.

SYED MAZHAR IMAM: Sir, I think this is a protest against the decision of the Chairman.

MR. DEPUTY CHAIRMAN: They are free to do as they like. I cannot compel them.

MAULANA ABUL KALAM AZAD:

مولانا ابوالکلام آزاد : ہاؤس کے ہر
ایک ممبر کو اختیار ہے کہ وہ اپنے
خیالات پیش کر سکتا ہے -

MR. DEPUTY CHAIRMAN: I cannot compel them to participate in the debate.

SHRI RAJAGOPAL NAIDU: Mr. Deputy Chairman, Sir, I also join along with other Members of the House in lodging a protest against the Government not taking into confidence all the Members of the House and not supplying the documents. I am not here questioning the ruling of the hon. Deputy Chairman but what rule 211 says is this: "If a Minister quotes in the Council a despatch or other State Paper which has not been presented to the Council he shall lay the relevant paper on the Table."

MR. DEPUTY CHAIRMAN: What is the rule?

SHRI RAJAGOPAL NAIDU: Rule 211. So, Sir, as this has been quoted in the Statement of Objects and Reasons.....

MR. DEPUTY CHAIRMAN: He has not quoted it. Mr. Naidu, that is the difficulty.

SHRI RAJAGOPAL NAIDU: He has quoted, Sir.

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SHRI C. G. K. REDDY: He has quoted in the speech.

MR. DEPUTY CHAIRMAN: He has not quoted it. If he had, then I would certainly compel him to lay it on the Table.

SHRI RAJAGOPAL NAIDU: May I read it once again, Sir?

MR. DEPUTY CHAIRMAN: If he has quoted it or anything else, I would certainly compel him to place it on the Table. He said that 'an Expert Committee went into this question and made a report and on their recommendations we have brought forward this Bill'.

SHRI RAJAGOPAL NAIDU: Now, Sir, that itself is a quotation.

MR. DEPUTY CHAIRMAN: Government appoint so many expert committees who go into these cases. In fact, there is a ruling which I will read for you: "A Select Committee of this House cannot have greater powers than what the House itself enjoys under the Constitution. Under the existing Constitution this House has not got the right to compel either the Government or any other person to produce documents and papers or to compel persons to appear as witnesses." It follows, therefore, that the Government have the right to place before the Select Committee only such papers, records, as they are prepared to place. I have no power to compel them. It will certainly help the Members and the House if the Report is supplied. The hon. Minister has said in his speech that it will be placed before the Select Committee and that it will also be supplied to the Members of the House. It is really unfortunate if the Members now choose not to participate in the debate. I cannot compel them to participate.

SHRI C. G. K. REDDY: May I respectfully ask you, Sir, how the Chair expects the Members to take part in a debate on the motion for reference to Select Committee?

[Maulana ABUL KALAM AZAD: Every hon. Member of this House has the right to

MR. DEPUTY CHAIRMAN: This is the ruling.

SHRI C. G. K. REDDY: Quite right; I agree that you cannot compel them and even if you ask them the hon. Minister can say that he refuses to place it because it is against public interest.

MR. DEPUTY CHAIRMAN: He has said that he will supply it.

SHRI C. G. K. REDDY: But, Sir, our protest is why they did not do it before.

MR. DEPUTY CHAIRMAN: I cannot compel you if you choose not to take part.

SHRI RAJAGOPAL NAIDU: I had not concluded my speech, Sir.

I have no other option in these circumstances but to lodge my protest against the way in which this Bill is being moved. Probably it is the intention of the hon. Mover that there should not be an effective participation of the Members in this debate and so, in these circumstances, I would also wish to join the other Members from the Opposition in not participating in the debate.

MAULANA ABUL KALAM AZAD: Thank you.

SHRIMATI MONA HENSMAN (Madras): Mr. Deputy Chairman, I rise to congratulate the Government on introducing this Bill which has been, in part, already passed in my State. In Madras, the juvenile courts started in 1932, and I would have you know, Sir, that many of us women have been serving on those courts since that date. In speaking on this Bill I may say that there are many points that have been raised in it which provide for neglected children and those children who have not had a fair chance are going to be given special treatment by the State, special education in a congenial environment, to be given the right of citizenship in our Republic. We have, Sir, in our Constitution provided the rights of citizenship for all but, Sir, when we have allowed begging

and crime and neglected members among the youth of our nation, there cannot be effective participation in this citizenship. Therefore, Sir, I welcome this Bill but I would like to point out a few things that would, from my experience, make it a little difficult to implement this Bill in this form. Sir, I am well aware that at the first reading, we do not usually refer to clauses, nor should we speak on the clauses but, with your permission, Sir, I would point to a few particular facts that I wish to place before the House with reference to certain clauses but I will not speak on them. I think you will agree, Sir, that it would make matters much more plain if I point out to the Members of the House exactly where our observations will occur.

Sir, in the first part regarding the children's courts, I cannot understand why only one Magistrate may be appointed. I feel that there should be an insistence or a Government order providing for the fact, when this Bill is being implemented, that there should be a Board. I feel that as a human family is composed of a father and a mother, there should be a Board consisting of at least one man and at least one woman because otherwise the defective points to be brought out from the parents, to be brought out from the children, to be brought out from the juvenile court will not be properly or effectively complemented and supplemented. If there is only one person, whether a man or a woman, a great deal of proper material can be overlooked. So, I would plead, Sir, that in the implementing of this Bill, there should definitely be a provision for the constitution of a Board where a woman and a man shall sit together— whoever has the senior powers does not matter—and there should be both points of view put forward in each case. There is a clause which says that there should be special knowledge of dealing with juvenile delinquency in the Magistrates selected. So far, in the Part C States, there have not been efficient, sufficient or perhaps any juvenile courts. So, how

would there be men and women who have already had experience in this branch of law in those parts of the country? I would point out to the hon. Minister for Education that he should see that definite instructions, to those lacking sufficient experience, are given to those who are presiding in the courts for the first time. Otherwise many things would slip past them and the child might suffer. I feel, Sir, that when there is a District Magistrate presiding in a court, special care should be taken to see that the very principles of a children's court are observed; that is for instance, that the police should not be in uniform, that the forms that are used should not hold a child guilty, that the child should not be called an accused but a juvenile offender. All these points, Sir, will, I am sure, be implemented. When it is a District Magistrate's court, the District Magistrate must make himself into two parts, as it were, one the District Magistrate judging and one the non-official trying the case of a child. I am quite sure that in several parts of the country they will not be able to have any one else to appoint and, therefore, the District Magistrate would be the safest person for this duty.

Then, Sir, I have no knowledge about these Observation Homes, except it be that Government means thereby the Remand Homes, where temporary reception is given to a child before and during the time the trial is going on. Then the custody of the child matters a great deal when brought to the Court from its own place, whether outside the quarters where the court is held or within the precincts of that city or town. These children, Sir, should never be kept in a police thana or in any police official's house for even an hour or two, let alone for a day or a night, or anywhere but in a Remand Home. Although, in my State, this has been made very clear, it sometimes occurs that, for the sake of convenience they seem to think it is for the welfare of the child to be kept in a safe place

where the law obtains rather than in a safer place where human values are preserved as well as the law. Especially in the case of girl juveniles, we should guard against any outside influence whether from the police or from others. There should be Remand Homes within a reasonable distance of the juvenile courts wherein these girls and boys could be kept safely under the charge of people specially appointed by the law to look after these cases. For them there should be a special procedure. It is a matter of observation that these enquiries and the contacts of children and their guardians should be made solely through the Probation Officers. The police may enquire as to the address of a child or as to the occupation of a parent but the Probation Officer should investigate the conditions of the home of the child. The court will certainly enquire personally and otherwise as to the position of the child in his home, and as to the security, neglect, etc., of the child in general.

But the complete investigation for the purpose of report should be in the hands of the Probation Officers who are independent of the court, but who are definitely Government servants appointed and trained for this confidential business.

Now as regards the class called uncontrollable children. Owing to their economic conditions many parents would like their children to be brought up, to be cared for, to be educated by the State, but it is not possible for the State to look after every child and to give them a proper education. Although our schools are somewhat on a compulsory basis, yet there is not enough room for every child and if the compulsion were made really compulsory, many parents, to my knowledge and experience, would immediately come forward to declare that their children are beyond their control, and they would do so because of the feeling that their children would then get good food, healthy surroundings, good influences and an education which otherwise, they as parents could not

[Shrimati Mona Hensman.]

give them. It is the Probation Officer, Sir, who can recommend and who can investigate such cases, but I feel that the word 'uncontrollable' has got to be very carefully used in regard to children, because, otherwise it will be abused by those who wish to saddle their family responsibility on the State and the State of course will not be able to obtain enough funds to carry this burden

About the payment of a fine by the child, Sir, even when a child is earning, say, 8 annas or 11 annas or even one rupee a day, these earnings do not accrue to the child. It is always the guardian or the parent who takes most of the money and the child is given only say, two annas a week, the balance going for the maintenance of the family used by the guardian or by the parent. No child can look upon its earnings as its own. In such circumstances, if a child is made to pay a fine it would be made ridiculously low. Now it has got to be made a deterrent fine made upon a parent, not so much on the child for the parent gains by the child's delinquency. In the case of 'Prohibition' such as we have in Madras and wherever rationing of rice obtains, very often children are employed to carry illicit liquor or to carry illicit rations to and fro, and Sir, there is a regular agency about this. The agent comes to the juvenile court and he pays the fine, Sir, whether it is Rs. 10, Rs. 15 or Rs. 20. These agents are running a little racket whereby the children, the boys, and girls are given 8 annas or one rupee each time and the agents get all the profits from the illicit distillation of liquor or illegal carriage of rations. Therefore, Sir, when it comes to be a case of a fine for the child I would plead that Government should give instructions that this provision be used as little as possible and a further clause provided whereby the fine is realisable from the parent whether the child is earning or not, and it should be a deterrent fine in the case of those parents who can bear it, or in case of the repetition of the offence.

The next point I would raise is about the very striking order at the bottom of page 7 where it says: "No juvenile delinquent shall be sentenced in default of payment of fine" and in the proviso it goes on to say that in a very serious case the juvenile may be imprisoned because he may not be fit company for the others in the certified school or in the State school. Well, Sir, I would plead: Let there be senior certified schools such as we have in our State in Chingleput where children between the ages of 14 and 16 years can be put. There is a little more restriction there. There is more physical and stricter kind of training. There is some correctional treatment on the lines of the Borstal School but there is no imprisonment. The same facilities will not be available if the child is imprisoned, and the child of 14-16 is very susceptible to bad influences of evil men in a prison.

Then, Sir, clause 23 is a very fine clause which provides "No child shall be charged with, or tried for, any offence together with an adult". The two cases are separable. We have not got this provision in our State. I would congratulate the Government on making such a provision in this Bill which deals with Part 'C' States. The hon. Minister can easily urge our own State to adopt this because very often there are cases where the man and the child have committed the same offence. The case of the adult gets adjourned and adjourned, his case sometimes drags on for months through difficulties that he cannot foresee and sometimes through various wilful acts such as non-appearance, etc. and the child naturally has to be kept for these two or three months together in a certified school or in an Observation Home. I am specially grateful for this clause whereby the two cases are separable in the interests of the child as the Bill certainly puts before us the interests of the child whereby unnecessary detention is considered undesirable.

Then the next point I would speak about is on page 10 where it says: "No

order of a competent court shall be invalidated merely by any subsequent proof" etc. Now we have to think of those cases where, especially, in the case of girls who have been brought forward, and have been declared as juveniles under sixteen years of age by our doctors who appear before the juvenile courts, and the competent court orders that the girl should not be restored to the guardian or agent—not the parents usually, I do not think just now of those cases where the girls are restored to their parents because in such cases it is usually the alleged guardian or agent who is brought to justice—because the Probation Officer has said that the girl has been used for evil purposes while the girl had been in the custody of the alleged guardian or agent. Then, Sir, the matter has been taken up to the High Court from the lower court by this guardian or agent—where another doctor over-rules the previous order and says that the girl who was said to be 14 or 15 years by another doctor is now 16, though it is very difficult to say exactly that a girl is 16. It may be six months or one year this way or that way and a girl may be 15 according to one doctor and she may be 16 according to another doctor. This sort of appeal on the ground of age is preferred to the High Court and the High Court, according to the evidence it has before it, happens to declare a girl as 16 and thus the decision of the lower court is affected and reversed. But it must be remembered this sort of appeal is usually made by the alleged guardian or agent who has been using the girl and will use the girl for immoral purposes. I would plead that if the juvenile court declares a boy or a girl as a juvenile according to the medical evidence produced before it, this should be taken as final, and no appeal should be allowed on the ground of age. On any other ground, of course, an appeal should be permissible because nobody can deny the right of appeal to any free citizen of our country who has the right of appeal from one trial court to another. But even some parents do not know the exact date of birth of their

children. So I feel there is real danger especially for the girls who may be used for immoral purposes if the decision of the juvenile court that she was a juvenile when brought there was reversed on an appeal on the ground of age only.

Finally I would point out a slight printing error in clause 30 where the word 'persuasion' has been printed as 'pursuation'. According to the dictionary we know the word as 'persuasion' and I point this out so that it might be corrected, for it is not seemly that wrong spellings should be passed in a Bill put before this House.

Finally I commend this Bill to the House. I feel that it has behind the real backing of the country for the noble purposes for which it has been drawn up.

[THE VICE-CHAIRMAN (SHRIMATI VIOLET ALVA) in the Chair.]

SHRIMATI SAVITRY NIGAM (Uttar Pradesh):

श्रीमती सावित्री निगम (उत्तर प्रदेश) :

उपाध्यक्ष महोदया, मैं इस बिल का हार्दिक समर्थन करने के लिये खड़ी हुई हूँ। ऐसा प्रतीत होता है कि देश के लाखों भूखे शिशुओं का करुण क्रंदन और वात्सल्यमयी नारियों के हृदय की पुकार सुन कर माननीय शिक्षा मंत्री ने यह बिल लाकर सरकारी रक्षा के द्वार प्रथम बार अरक्षित बच्चों के लिये खोले हैं।

शायद देश के सभी नरनारी और राजनीतिक दल इस बिल का हार्दिक समर्थन करेंगे, क्योंकि इस बिल के द्वारा एक ऐसी कमी पूरी होने जा रही है जिसके कारण देश के लाखों बच्चे तरह तरह के कष्टों, तकलीफों, मुसीबतों और शोषण को बरदाश्त करते हुये देश के ऐसे असामाजिक तत्व, ऐसे व्यक्ति, बनते थे जो कि स्वयं अपने हा अपना जीवन नष्ट कर देते थे और दूसरों के लिये कष्टकारी

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और दुःखद बन जाते थे। महोदया, बच्चों के रक्षण का प्रश्न देश के सुख और सौभाग्य का प्रश्न है। यद्यपि यह विधेयक इस देश में कोई इतना अधिक महत्व नहीं रखता जैसा कि इस प्रश्न को सुलझाने के लिये उसे रखना चाहिये, किन्तु फिर भी यह विधेयक उन सब तमाम सरकारी प्रयत्नों का श्रीगणेश है जो कि आगे चल कर इस बिल के पास हो जाने के बाद सरकार के द्वारा हमारी संतान के संरक्षण के लिये किये जायेंगे।

महोदया, अरक्षित बच्चों में केवल वही अभागे और अनाथ बच्चे नहीं होते, जिनको दुर्भाग्य ने उनकी मां-बाप की छत्रछाया से वंचित कर दिया है, बल्कि अनेक संख्या में वह बच्चे भी आते हैं जो आर्थिक परिस्थितियों-वश माता-पिता तथा परिवार वालों की दुश्चरित्रता के शिकार होकर घर से बाहर निकल जाते हैं और उन्हें घर से न किसी प्रकार का सहारा और न संरक्षण ही प्राप्त होता है और न उनकी निगरानी होती है। आगे चल कर यही बच्चे जेबकट, डाकू और लुटेरों के गिरोहों में शामिल हो जाते हैं और देश के लिये ही नहीं, मानवता के लिये भी अभिशाप प्रमाणित होते हैं। महोदया, यह बच्चे बड़े होने पर जिस प्रकार देश के लिये अहित करने वाले साबित होते हैं उसका तो सब को भली भांति पता है, किन्तु बचपन में भी ऐसे बच्चे मोहल्ले के तमाम बच्चों को चोरी, जुवा, गाली और सिगरेट पीने आदि गंदी आदतों के सिखाने में सहायक होते हैं। वास्तविकता यह है कि बच्चे कभी बिगड़ते नहीं, वे बिगाड़े जाते हैं। स्वभावतः बच्चों के दिल बहुत ही कोमल और पवित्र होते हैं और उनके हृदय में सदैव सब कुछ सीखने और सब कुछ ग्रहण करने की और समझने की इच्छा प्रकृति द्वारा उन्हें मिली है। किन्तु अपने आसपास के

वातावरण से मां-बाप तथा परिवार वालों की लापरवाही से यह बच्चे गंदी आदतों का अनुकरण भी करते रहते हैं और साथ ही जब घर से उनकी ठीक से निगरानी नहीं होने पाती और उन्हें बाहर जाना पड़ता है तो बाहर के आवारा बच्चे भी उन्हें अपने गिरोह में शामिल कर लेते हैं और इस प्रकार धीरे धीरे वे उनकी ओर झुकते जाते हैं। एक बार गलती करने के बाद जब उनकी कोई रोकथाम नहीं होती, तो फिर उनकी आंखों की शर्म मर जाती है और दिन प्रति दिन उनका झुकाव पतन की ओर होता जाता है। किन्तु जब ऐसे बच्चे मां-बाप, परिवार वालों के लिये एक बड़ी विकट समस्या बन जाते हैं और वे उनको किसी प्रकार काबू में नहीं ला पाते तो फिर उनका ध्यान उन तमाम संस्थाओं की ओर जाता है, जो कि बच्चों के नाम पर चलाये जाते हैं और उन बेकाबू बच्चों को वहां भेजने के लिये सभी लोग सुझाव देने लगते हैं। किन्तु, महोदया, बच्चों की संस्थायें, जो आज दया-धर्म के नाम पर जगह जगह चल रही हैं, हर शहर में बड़े बड़े लम्बे-चौड़े साइनबोर्ड और पोस्टर इन संस्थाओं द्वारा लगाये गये हैं और बांटे जाते हैं—नाम भी उनके इतने आकर्षक होते हैं, और रिपोर्टें भी इनकी इतनी हृदयग्राही होती हैं—कि लोग उन पर विश्वास कर लेते हैं और इनसे आकर्षित होकर अनाथ और बेकाबू बच्चों को, परिवार और रिस्तेदारों के होते हुये भी, संरक्षण के लिये वहां भज देते हैं। परन्तु जिन्हें असली नकशा मालूम है, वे जानते हैं कि ये संस्थायें संगठित रूप से शोषण करने वाली संस्थायें हैं और बच्चों पर जिस प्रकार के जुल्म, ज्यादतियां और अत्याचार यहां होते हैं, उनका कहीं ठिकाना नहीं है। इन बच्चों से गाकर भीख मंगवाने और बंड बजवाने और तरह तरह के चन्दे मांगने का काम

निकाल कर पैसा कमाया जाता है। जो लम्बी लम्बी रकमों चन्दों में मिलती है उसे संस्थाओं के संयोजक अपने उपयोग में लाते हैं और बच्चों को केवल सूखी रोटी, आधा पेट भोजन और कुछ चीथड़ों में ही गुजर करनी पड़ती है। जो लोग चार्ल्स डिकेन्स के नोवल (novel) में इस तरह के “फौन्डलिंग होम्स” (fondling homes) का जिक्र पढ़ चुके हैं, उसी का सजीव चित्र इन शिशु-रक्षा गृहों में बड़ी आसानी से देखने को मिल सकता है।

महोदया, इन अनाथाश्रमों में जो स्कूल होते हैं उनमें भी बिल्कुल यही हालत रहती है। न वहाँ कोई शिक्षा-दीक्षा दी जाती है, न कोई उद्योग-धंधे ही सिखाये जाते हैं। शिक्षक के नाम पर वहाँ एक अयोग्य व्यक्ति बैठा कर सौ-पचास बच्चों को लेकर उन्हें पीटने और उठुक-बैठक कराने के अतिरिक्त और कोई प्रोग्राम नहीं चलाया जाता। इसका नतीजा यह होता है कि ये बच्चे जब बड़े होकर बाहर निकलते हैं तो वे इतने अयोग्य, स्वास्थ्यहीन और बुरी आदतों के हो जाते हैं कि उन्हें सिवाय फरी लगाने, जेबकटी करने या भीख मागने के अतिरिक्त और कोई उपाय नजर नहीं आता। इसलिये सरकार ने जहाँ इस ओर ध्यान दिया है कि इस प्रकार के शिक्षा-गृह, बल्कि रक्षा-गृह, खोलने जा रही है वहाँ ऐसे शिशु-गृहों और बाल-रक्षा-गृहों को भी, जो पहले से चल रहे हैं, उसे अपने हाथ में लेने की आवश्यकता है, क्योंकि जो सरकारी रक्षालय खोले जा रहे हैं, उनमें बड़ी संख्या में ऐसे बच्चे रख जायेंगे, जिन्हें अपराधियों की कोटि में रखा जाता है या जिन्हें बेकाबू बच्चों की कोटि में रखा जाता है। हमें उन अनाथ बच्चों के लिये, जो कि लाखों की संख्या में हिन्दुस्तान में मौजूद हैं, व्यवस्था अवश्य करनी चाहिये और नियम बना कर

सरकारी निगरानी के अन्दर उन अनाथाश्रमों को भी रखना चाहिये जो गैर सरकारी रूप से चल रहे हैं। उनका भी संयोजन, संचालन और निरीक्षण करने का प्रबन्ध अवश्य होना चाहिये।

जिस दिशा में सरकार प्रयत्न कर रही है और बच्चों के लिये आब्जरवेशन होम्स (observation homes), चिल्ड्रेन होम्स (children's homes) आदि खोल कर उन सभी बच्चों को, जिन्हें कि परिस्थितियों ने और हमारे वर्तमान आर्थिक सकटों ने इतना गिरा दिया है, संरक्षण दे रही है, उससे लाखों भावी नागरिकों का जीवन तो सुधर ही जायगा, साथ ही अन्य बच्चों और अन्य व्यक्तियों के चरित्र और स्वभाव पर और जीवन पर इसका बड़ा ही अच्छा असर पड़ने वाला है। सरकार को इस बात के लिये सतर्कता से प्रयत्न करना चाहिये कि वह उन तमाम बुराइयों को जो वर्तमान संस्थाओं में छाई हुई हैं और जिनके कारण ये संस्थाएँ बिल्कुल अनुपयोगी, बल्कि समाज के लिये घातक और हानिकारक सिद्ध होती हैं, दूर कर सके और उनसे इन सरकारी रक्षा-घरों को बराबर बचा सके। महोदया, यह जो चिल्ड्रेन कोर्ट (children's court) बन रहे हैं उनमें दो तीन बातें बहुत ही ध्यान रखने योग्य हैं। पहली बात तो यह है कि बच्चों को, जैसा कि मेरी पूर्व-वक्ता बहन ने कहा, कभी अपराधी की भाँति न लिखा जाय। साथ ही पुलिस के जो हथकण्डे अपराधियों द्वारा कन्फेस (confess) कराने के लिये होते हैं उनसे तो बच्चों को बिल्कुल बचाये रखना चाहिये, क्योंकि जिस प्रकार सभी अमानवीय ढंग से पुलिस अपराधों को कन्फेस कराती है, वह बच्चों को अपराधी बनाने में बड़ा हाथ रखता है। जिस क्रूरता का व्यवहार उनके साथ किया जाता है वह उनके समस्त जीवन को नष्ट करने वाला

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होता है और उनके कोमल हृदय पर ऐसा धक्का पहुंचाता है कि फिर उनका सुधार होना ही असम्भव हो जाता है। तीसरी बात ध्यान रखने की यह है कि उन बच्चों को कभी अपराधियों के सम्पर्क में न लाया जाय हालांकि अभी मौजूदा हालत में वे सब बच्चे बड़े अपराधियों के साथ ही रह सकते हैं।

एक तीसरी बात बहुत ध्यान देने योग्य यह है कि जहां तक हो सके इन बच्चों के मामलों का निर्णय करने के लिये महिला मैजिस्ट्रेट ही रखी जायें और इन बच्चों के मुकद्दमों की पैरवी के लिये महिला एडवोकेट्स (advocates) हों, क्योंकि वही सहानुभूतिपूर्ण ढंग से इन बच्चों की त्रुटियों को समझ सकेंगी और इन बच्चों के अपराध करने के कारणों का पता लगा सकेंगी। आज ऐसे व्यक्तियों की बहुत कमी है जो कि मनोवैज्ञानिक ढंग से बच्चों के साथ व्यवहार कर सकें और उनके मनोविज्ञान को समझ सकें। इसलिये इस बात की बड़ी आवश्यकता है कि शिक्षा-मंत्रालय की ओर से कोई ट्रेनिंग सेंटर (training centre) ऐसा खोला जाय जिसमें कि ऐसे लोगों को ट्रेनिंग दी जा सके जो कि चिल्ड्रेंस होम में काम करेंगे या चिल्ड्रेंस कोर्ट्स में काम करेंगे या आन्वर्षेशन होम्स में रह कर बच्चों का आन्वर्षेशन करेंगे। निरीक्षण गृहों का काम बड़ी जिम्मेदारी का और महत्वपूर्ण है इसलिये निरीक्षण गृहों की व्यवस्था इस प्रकार होनी चाहिये कि उसमें बच्चों को यह कभी महसूस न होने पावे कि उनको किसी अपराध के कारण समाज से बाहर वहां लाया गया है। वहां का वातावरण बिल्कुल आश्रम के रूप में होना चाहिये। वहां का आपसी सम्पर्क ऐसा हो कि वहां के बच्चों को यह अनुभव हो कि वे अपने घर में ही रह रहे हैं। उनके सुख-दुःख का पूरा ख्याल रखा जाय और इसके साथ ही साथ

उनकी शिक्षा-दीक्षा और उनके रहन-सहन का तथा उनकी कोमल भावनाओं की रक्षा का हर प्रकार से प्रबन्ध होना चाहिये। इसके साथ ही वहां का वातावरण ऐसा होना चाहिये कि बच्चे स्वयं अपने अपराधों को और अपनी गलतियों को मान लें और फिर अपने में सुधार भी ला सकें।

महोदया, शिशु-गृहों की योजनायें बहुत सुन्दर बनाई जाती हैं परन्तु अक्सर ऐसा होता है कि देश की वर्तमान परिस्थितियों और आर्थिक कठिनाइयों के कारण वह केवल कोरे कागजों में ही रह जाती हैं। जब तक कि शिशु-गृह में एक मनोवैज्ञानिक विश्लेषण-शाला नहीं होगी, तब तक वह कभी भी सफल सिद्ध नहीं हो सकती क्योंकि बच्चे ऐसी बुरी परिस्थितियों का सामना कर चुके होते हैं, ऐसे बुरे दिन देख चुके होते हैं कि उनके दृष्टिकोणों, उनके मनोभावों को बदलने के लिये उनका मनोवैज्ञानिक विश्लेषण करना भी अत्यन्त आवश्यक है। इसलिये शिशु-गृहों में एक मनोवैज्ञानिक विश्लेषणशाला अवश्य ही होनी चाहिये। अक्सर देखा गया है कि वे बच्चे जो कि कुशिक्षा और कुपंगति के प्रभावों के कारण बिगड़ चुके होते हैं उनको यदि ललितकलाओं, नृत्य, गायन तथा पेंटिंग आदि में लगाया जाय और उनकी दिल-चस्पी बढ़ाई जाय, तो उनमें आश्चर्यजनक परिवर्तन और सुधार आ जाता है। इसलिये जो भी शिशु-गृहों में स्कूल खोले जाय उनमें इन चीजों को प्राथमिकता दी जाय, बच्चों को छोटे-छोटे घरेलू उद्योगधंधों की शिक्षा देने के अतिरिक्त ललितकलाओं और अन्य कलाओं का उचित रूप से ज्ञान कराया जाय। अक्सर ऐसा भी होता है कि उत्साह और जल्दबाजी के कारण बड़े बड़े शिशु-गृहों की स्कीमें चालू कर दी जाती हैं लेकिन उनकी पूरी व्यवस्था पहले से नहीं की जाती, और न उसमें मकानों तथा मनोरंजन का, खेल-कूद आदि

का ही कोई प्रबन्ध किया जाता है। इसलिये जो भी शिशु-गृह सरकार की ओर से बनाये जाय उनमें बच्चों के खेलने के लिये पार्क आदि की पूरी व्यवस्था होनी चाहिये तथा तमाम बच्चों के मनोरंजन का पूरा प्रबन्ध होना चाहिये ताकि बच्चे ऊब कर भागने की चेष्टा न करे। इसके अतिरिक्त इन शिशु-गृहों में अधिकतर ऐसी समाजसेवी बहनों का और ऐसी शिक्षिकाओं का सहयोग लिया जाना बहुत जरूरी है जो कि सचमुच एक सच्ची मा का रूप धारण कर सकें तथा बच्चों के चारित्रिक उत्थान में और उनका उचित मानसिक विकास कराने में पूरा सहयोग दे सकें।

इस विधेयक में जो आफ्टर केयर इंस्टीट्यूशन (after care institution) की बात कही गई है और जिस धारा के द्वारा ऐस इंस्टीट्यूशन खोलने का जिक्र किया गया है वह अत्यन्त प्रशंसनीय है क्योंकि अक्सर ऐसा होता है कि इन शिशु-गृहों में रह कर जो बच्चे अच्छी आदतों वाले हो जाते हैं तथा सुयोग्य बच्चे प्रमाणित हो जाते हैं और जो कि उचित रूप से विकास-मार्ग पर चलने लगते हैं तथा जिनकी रिपोर्ट भी अच्छी हो जाती है, वे जब फिर पुराने संस्कारों में लाये जाते हैं तो पुरानी परिस्थितियाँ ऐसा उन्हें मजबूर कर देती हैं कि वे पतन की ओर उन्मुख होने लगते हैं और पुरानी आदतें बढ़ने लगती हैं। इसलिये अगर आफ्टर केयर इंस्टीट्यूशन खोला गया और इसमें सच्ची समाज-सेविकाओं और निरीक्षिकाओं को उचित रूप से लिया गया, तो बच्चों के लिये समुचित वातावरण की सृष्टि हम उन घरों में ही कर सकेंगे और उनको तमाम दिक्कतों और परेशानियों से बचा सकेंगे, जिनका सामना उन्हें अक्सर घर जाने पर करना पड़ता है। अक्सर ऐसा होता है कि बच्चे शिशु-गृह में रहने के कारण बदनाम हो जाते हैं और लोग उनके साथ संदेह का व्यवहार करते हैं

और उनके साथ इतनी उपेक्षा और अवहेलना प्रदर्शित करते हैं कि बच्चे अपने को ऊार उठाने का कोई मौका ही नहीं पाते। यदि समाज-सेविकायें और निरीक्षिकायें ऐसे इंस्टीट्यूशन से सम्बन्धित होंगी तो वे उचित रूप से उन बच्चों की सहायता कर सकेंगी और उनको मारल सपोर्ट (moral support) दे सकेंगी और इसमें संदेह नहीं है कि उन बच्चों का जीवन सुधारने में बड़ी आसानी हो जायेगी।

महोदया, सरकार को इस दिशा में भी बहुत शीघ्र ही प्रयत्न करना चाहिये कि जिन स्टेड्स में यह बिल लागू नहीं हो रहा है वहां की सरकारों को इस के लिये प्रेरित किया जाय या एक गाइडेंस (guidance) भेज कर मजबूर किया जाय कि वे भी अपने यहां इसी प्रकार का कोई न कोई कानून लाकर इस तरह के बच्चों के लिये ला कोर्ट्स, आब्जरवेशन होम्स, चिल्ड्रेंस होम्स आदि खोलें।

THE VICE-CHAIRMAN (SHRIMATI VIOLET ALVA): How much more time will you take, Mrs. Nigam?

SHRIMATI SAVITRY NIGAM: Only one minute.

श्रीमती सावित्री निगम : यदि सरकार ने इस बिल पर उचित रूप से काम किया तो वह न केवल इन नई संस्थाओं को वर्तमान संस्थाओं की खराबी से बचाते हुये इस दिशा में सफल होकर देश में तेजी से शिशु-गृह खोल सकेंगी तथा लाखों बच्चों को शोषण से बचा लेगी वरन् देश के भावी नागरिकों के द्वारा एक नये समाज की रचना में सफल भी हो सकेंगी।

महोदया, इन शब्दों के साथ मैं एक बार फिर शिक्षा मंत्री जी को हार्दिक धन्यवाद देते हुये इस बिल का समर्थन करती हूँ।

[For English translation, see Appendix VI, Annexure No. 126]

SYED MAZHAR IMAM (Bihar):

سینڈ مظہر امام (بہار) : مستحکمہ!

میں حکومت کو اس بات کیلئے
مبارکباد دینا چاہتا ہوں کہ وہ ایک
ایسا بل (Bill) ہاؤس (House) کے
سامنے لائی ہے - میں ہاؤس کو یاد
دلانا چاہتا ہوں کہ دو دفعہ بجٹ
سیشن (Budget Session) کے موقع
پر میں نے حکومت کی توجہ اس طرف
دلائی تھی کہ وہ ایسے بچوں کا خیال
کرے جن کا دیکھنے والا ملک میں کوئی
نہیں ہے اور ان کے لئے ایک ایسا ہم
(home) بنائے - مجھے اس بات کی
بیحد خوشی ہے کہ حکومت نے اس
بات پر دھیان دیا اور ایک اسکیم
(scheme) بنا کر بل کی شکل میں
ہمارے سامنے لائی ہے -

آج میں مناسب نہیں سمجھتا
کہ اس کے متعلق تفصیل میں کوئی
بحث کروں کیونکہ یہ بل سلہکت
کمیٹی (Select Committee) میں
جا رہا ہے اور جو اس میں ہمارے
دوست ممبر (Member) منتخب
ہوئے ہیں ان کا یہ فرض ہوگا کہ اس
بل کو غور سے دیکھیں اور بتائیں کہ
ان میں کن کن چیزوں کی کمی رہ
گئی ہے - لیکن مجھے اس موقع پر
افسوس کے ساتھ کہنا پڑتا ہے کہ ایسے
بل کے وقت پر اپوزیشن (Opposition)
کے ممبر اس ہاؤس سے ہٹ گئے
اور انہوں نے ہٹ جانا مناسب
سمجھا -

میں کہہ سکتا ہوں کہ آزادی کے
بعد یہی ایک بل ہے جو کہ حکومت
صحیح معاون میں لائی ہے - حالانکہ
یہ چھوٹا سا ہی بل ہے لیکن بہت
ہی اہم ہے - دوسرے ملکوں میں
بچوں کی سکیورٹی (security)
حکومت پر ہے - میں نے اکثر حکومت
کے سامنے اس ہاؤس میں عرض کیا
ہے کہ بڑھی ضرورتوں، بیواؤں اور ایسے
بچے جو کہ لاوارث ہیں ان کی
سکیورٹی کی ذمہ داری گورنمنٹ
(Government) کو لینا چاہیئے
اور کم سے کم ان کی دیکھ بھال کیلئے
کوئی انتظام ضرور کرنا چاہیئے -
جب تک کہ ہمارے یہاں کوئی ایسا
پروویژن (provision) نہیں ہو جاتا کہ
تمام بیکاروں کی ہم دیکھ بھال کر سکیں
تب تک کم سے کم ان لوگوں کی دیکھ
بھال تو کرنی ہی چاہیئے -

حکومت نے یہ کام بچوں سے شروع
کیا - حقیقت میں یہ ایک بڑا قدم
ہے اور گورنمنٹ اس کے لئے بہت ہی
قابل مبارکباد ہے - مجھے اس کا
نہایت ہی افسوس ہے کہ ایسے اہم
بل کو پاس کرنے کے وقت ایک معمولی
سی چیز پر ہمارے اپوزیشن پارٹی
(Opposition Party) کے ممبر
اس بل سے الگ ہیں اور انہوں نے
ایسا کوئی مشورہ اس بارے میں
دینا قبول نہیں کیا ہے -
مجھے نہایت افسوس ہے کہ ہمارے
اپوزیشن کے دوست نے اس طرح کے اہم

بل پر حصہ نہ لینے کا فیصلہ کیا ہے -
 مگر ان کا نام سلیکٹ کمیٹی میں ہے -
 اگر انہوں نے اسے بھی نامعلوم کر دیا تو
 ہاؤس میں جو بحث ہوگی اور آئیے
 جو بحث ہوگی تو اس طرح سلیکٹ
 کمیٹی کیسے کام کریگی - ہمارے
 آنریبل منسٹر (Hon. Minister)
 تو نہیں ہیں مگر پارلیمنٹری سیکریٹری
 صاحب (Parliamentary Secretary)
 جو موجود ہیں اس بات پر غور کریں -
 میں پھر اپنے اپوزیشن کے دوستوں سے عرض
 کروں کہ وہ اس اہم بل پر ضرور
 حصہ لیں - اس میں کسی طرح
 کی پارٹی (party) کا سوال نہیں
 ہے -

جیسا کہ میں نے پہلے عرض کیا
 کہ یہ ایک ایسا بل ہے کہ جس کے
 ماتحت گورنمنٹ ایک طبقہ کی
 سکیوریتی کا بہار اپنے اوپر لے رہی ہے
 چاہے وہ بچوں ہی کا کیوں نہ ہو -
 حقیقت یہ ہے کہ یہ ایک بہت ہی
 اہم کام ہے جو ہماری حکومت نے پہلے
 پہل اپنے ہاتھ میں لیا ہے اور اس کے لئے
 حکومت قابل مبارکباد ہے - ہمیں
 امید ہے کہ اس کے بعد عورتیں اور
 مرد اور دوسری طرح کے لوگ جو
 ہمارے ملک میں بیکار مجبور پڑے
 ہیں ان کی بھی سکیورٹی کا بہار ہماری
 گورنمنٹ اپنے اوپر لے لیگی -

جہاں تک بل کا تعلق ہے اس میں
 کوئی شک نہیں ہے کہ اسکو پوری
 پوری حمایت سب طرف سے ملے گی

چاہیئے - مگر میں تو اس خیال کا
 آدمی ہوں کہ اس کو سلیکٹ کمیٹی
 میں بھی بھیجئے کی ضرورت نہیں
 تھی - جو کچھ بھی ضروری ملڈمنٹ
 (amendments) اس میں کئے جانے
 ضروری تھے ان کو یہیں پر کر لیا جاتا -
 اگر حکومت یہ چاہتی ہے کہ اسکو
 سلیکٹ کمیٹی ہی میں بھیجا جائے
 تو پھر کوئی چارہ ہی نہیں ہے -

دیکھ کا ہر شخص، ہر بچہ اس
 بل کا خیر مقدم کریگا - بچوں کی
 ذمہ داری سرکار اپنے اوپر لے رہی ہے -
 یہ ایک مبارک قدم ہے - جیسا کہ
 آنریبل محترم صدر نے عرض کیا تھا
 کہ اگر دیکھ کے بچوں کی دیکھ بھال
 نہیں کی گئی تو وہ ہمارے ملک اور
 سوسائٹی (society) کے لئے ایک
 کوس (curse) ہو جائیں گے - آج
 ہمارے ملک میں بہت سے ایسے بچے
 ہیں جنکو کھانے کو نہیں ملتا پہلے
 کو کپڑا نہیں ملتا - اور ان بچوں
 کی دیکھ بھال سرکار اپنے اوپر لیتی ہے
 تو اس سے مبارک قدم اور کیا ہو سکتا
 ہے - مجھے یہ دیکھ کر شرم آتی ہے
 کہ ہمارے اپوزیشن والے ان معصوم
 بچوں کا بھی خیال نہیں کر رہے ہیں
 جو اس ملک کی گلیوں میں مارے
 مارے پھرتے ہیں اور جنگی بہتری کے
 لئے یہ بل لایا جا رہا ہے - کم سے کم
 اپوزیشن والوں کو ایک چھوٹی سی
 بات پر اپنے کو علیحدہ نہیں رکھنا
 چاہیئے - وہ اس بل پر اپنی رائے

[Syed Mazhar Imam.]

نہیں دے رہے ہیں اسکا مجھے نہایت افسوس ہے -

مجھے افسوس اس بات کا بھی ہے کہ یہ بل پہلے نہیں لایا گیا اور اس کو اب بھی جلدی سے جلدی پاس نہیں کیا جا رہا ہے - آنریبل منسٹر صاحب نے بتلایا کہ یہ قانون صرف پارٹ سی اسٹیٹس (Part C States) ہی میں لاگو ہوگا پارٹ اے اور بی اسٹیٹس (Part A and B States) میں نہیں لاگو ہوگا - اسکا سبب یہ ہے کہ وہ اس قانون کو قانونی مجبوری کی وجہ سے لاگو نہیں کر سکتی ہے - مگر میں آنریبل منسٹر صاحب سے عرض کروں گا کہ وہ اس بل کو ساری اسٹیٹس (States) میں لاگو کرنے کے لئے اپنا اور اپنی پارٹی کے اثر سے کام لیں اور اس بات کی کوشش کریں کہ اس طرح کا قانون سارے پراونسوں (provinces) میں جلد سے جلد پاس ہو جائے اور وہ قانون کی شکل لے لے - یہ تو کسی ایک سٹیٹ کے بچوں کا سوال نہیں ہے بلکہ یہ سارے ملک کے بچوں کا سوال ہے - میں سمجھتا ہوں کہ جناب صدر اسٹیٹس کو خود اس طرح کا قانون بنانا پڑیگا - یہ قانون ہمارے ملک کے لئے ایک اہم قانون ہے - اس لئے میں پھر آنریبل پارلیمنٹری سیکریٹری صاحب سے عرض کرنا چاہتا ہوں کہ وہ حکومت کے سامنے یہ بات رکھیں کہ بچوں کی پرورش کے ساتھ ہی ساتھ سرکار کو اس ملک میں جو بھوہ

اور وڈوز (widows) ہیں ان کا بھی خیال کرنا چاہیئے اور ان کے لئے بھی اسی طرح کا قانون بنایا جانا چاہیئے - ہمارے ملک میں بہت سی بیواہیں آج کھانے کپڑے کے بغیر گلیوں میں ادھر ادھر ماری ماری پھرتی ہیں - اور انکو ساج سے طرح طرح کی مشکلات کا سامنا کرنا پڑتا ہے - وہ بھی ہماری سوسائٹی کے لئے ایک بھار ہے جسکو ہمیں دور کرنا چاہیئے - مجھے پوری امید ہے کہ سرکار مہری اس تجویز پر ضرور غور فرمائے گی -

حقیقت یہ ہے کہ ایک شخص جو اپنی دیکھ بھال کیلئے مجبور ہے چاہے وہ بچہ ہو، مرد ہو، یا عورت ہو کوئی بھی ہو اگر ہم اسکے لئے قانون نہیں بناتے ہیں تو ہمارے لئے یہ ایک شرمناک بات ہے - اور انسانیت کی توہین ہے - اسکی حقیقت یہ ہے کہ آج ہماری حکومت جو بل لا رہی ہے وہ اس ملک کی آزادی کے بعد پہلا ایسا قدم ہے جسکے لئے وہ قابل مبارکباد ہے - یہ ایک ایسا اہم بل ہے جسکے لئے دیہات کا ہر شخص گورنمنٹ کی پوری پوری مدد کریگا - جیسا کہ آنریبل منسٹر صاحب نے اپنی تقریر میں فرمایا ہے کہ فنڈ (fund) کی کمی کی وجہ سے یہ کام جلدی نہیں ہو پا رہا ہے - مگر میں امید کرتا ہوں کہ اس ملک کے لوگ اس کام کے لئے سرکار کی ہر طرح سے امداد کریں گے اور جہانتک ہو سکے گا وہ کچھ نہ کچھ

سبسکریپشن (subscription) دیلئے چاہے وہ مرد کے لئے ہو چاہے عورت کیلئے ہو یا بچے کے لئے ہو - یہ تو ملک کے ہر آدمی کا اولین فرض ہے کہ وہ اپنے سے گھرے ہوئے آدمی کو آگے بڑھائے اور ہر مصیبت زدہ کی امداد کرے - اگر ہمارے ملک کے لوگوں نے اپنا یہ فرض سمجھا اور ہر طرح کی امداد کی تو ان بدقسمت لوگوں کی پرورش اور تعلیم و دوسری ضروری چیزوں کا بندوبست ہو سکے گا -

ایک سنجیشن (suggestion) میں آپکے سامنے اور رکھنا چاہتا ہوں اور وہ یہ ہے کہ جتنے بھی بچے سرکار اپنے اختیار میں لیگی انکے لئے ملٹری (military) کی تعلیم کمپلسری (compulsory) کر دیں چاہیئے - ایسے بچے جنکا دنیا میں کوئی بھی نہیں ہے، جنکو گھر سے کسی طرح کا سروکار نہیں ہے وہ ملک کے اچھے سولجر (soldiers) ہو سکتے ہیں - اگر اس طرح کے بچے ہیں جو ملٹری کی تعلیم پانے کے قابل نہیں ہیں تو انکو دوسرے کاموں میں لگایا جا سکتا ہے - اس لئے میرا سنجیشن آپ سے یہ ہے کہ ان بچوں کی پڑھائی کی جو بھی آپ اسکیم (scheme) بنائیں اس میں ملٹری تعلیم ضرور رکھیں - اگر آپ نے میرا یہ سنجیشن مان لیا تو آپکو دیکھیں کیلئے ایک اچھے اور بہترین نوجوانوں کی فورس مل جائیگی - اگر کوئی لوکا فزیکلی فٹ (physically fit) نہیں ہے تو اسکو دوسرے کام میں لگایا

جا سکتا ہے - مجھے پوری امید ہے کہ سرکار ملٹری اسی تجویز پر غور کریگی اور اسکو عملی صورت بھی دیگی -

ان الفاظ کے ساتھ میں اس بل کو لانے کیلئے پھر حکومت کو مبارکباد دیتا ہوں اور تہ دل سے اس بل کی تائید تا ہوں -

[For English translation, see Appendix VI, Annexure No. 127.]

[MR. DEPUTY CHAIRMAN in the Chair.]

SHRIMATI SHARDA BHARGAVA
(Rajasthan):

श्रीमती शारदा भार्गव : (जस्थान):
उपाध्यक्ष महोदय, यह जो विधेयक हमारे सामने आया है, उसके लिये मैं सरकार को और शिक्षा विभाग को बधाई देना चाहती हूँ। मगर साथ ही यह भी कहना चाहती हूँ कि यह बिल जो कि बहुत ही उपयोगी है, बहुत देर से प्रस्तुत किया गया है। उसकी उपयोगिता को दृष्टि में रखते हुए इसे बहुत पहिले प्रस्तुत किया जाना चाहिये था और जितनी जल्दी यह पास हो जाता उनना ही अच्छा होता। मेरा तो सुझाव यह था कि अगर इसको सलेक्ट कमेटी को न सौंपा जाता तो अच्छा होता। जो कुछ भी इसमें संशोधन की आवश्यकता थी उसको यहां पर ही कर दिया जाता।

इस प्रस्ताव का हमारे विरोधी पक्ष के भाइयों ने जो विरोध किया, उसके लिय मुझे बड़ा दुःख हुआ। किन कारणों से उन्होंने इसका विरोध किया है, यह बात मेरी समझ में नहीं आई। उनका कहना है कि उन्होंने शिक्षा विभाग से कुछ बातें पूछी थीं, उनके जवाब में उनसे यह कहा गया कि चूंकि ये

[Shrimati Sharda Bhargava.]

बातें सीक्रेट (secret) हैं, गोपनीय हैं, उनको नहीं बतलाया जा सकता है। मगर हमारे विरोधी भाइयों ने यह बात नहीं बतलाई कि उन्होंने किसको इस विषय में पत्र भेजा था और किससे उनको उत्तर प्राप्त हुआ और क्या प्राप्त हुआ। अगर वे शिक्षा मंत्री जी के सामने इन बातों को रखते तो उनका विरोध करने का मतलब भी समझ में आ सकता था। मगर जब शिक्षा मंत्री जी बारंबार यह कह रहे हैं कि यह चीज गोपनीय नहीं है, तो विरोधी पक्ष के भाइयों का विरोध करना उचित नहीं मालूम पड़ता है। यह कितना उपयोगी बिल है इसको तो वे मानते हैं, मगर वे यह विचार नहीं करते कि एक थोड़ी सी बात के लिये इस तरह के उपयोगी बिल का विरोध करना क्या इस सदन के सदस्यों को शोभा देता है। वे यहाँ पर विरोधी बेंचों पर चुप होकर बैठे हुये हैं जो कि उनके लिये शोभनीय नहीं है।

इस बिल के चेप्टर २ में क्लॉज ४ के सब सैक्शन २ में, जहाँ पर मैजिस्ट्रेटों के सम्बन्ध में कहा गया है कि एक मैजिस्ट्रेट भी हो सकता है और मैजिस्ट्रेट्स की बेंच भी हो सकती है और बेंच के अन्दर एक महिला होनी चाहिये। इस विषय में मेरा सुझाव यह है कि इसके बदले में यह हो जाय कि "चाहे एक मैजिस्ट्रेट हो या बेंच हो, उसमें एक महिला होना आवश्यक है"। इसका कारण मैं यह बतलाना चाहती हूँ कि जितना बच्चों के मनोविज्ञान के बारे में एक स्त्री समझ सकती है उतना पुरुष नहीं जान सकता है। महिला ही बच्चे के लालन और पालन के बारे में अच्छी तरह से जानती है। उसने यह बुरा काम किया है तो उसको क्या सजा मिलनी चाहिये, उसको क्या शिक्षा मिलनी चाहिये, किस

तरह की शिक्षा से उसका भविष्य उज्ज्वल हो सकता है, ये सब बातें महिला ही अधिक अच्छी तरह से जानती है। इसलिये मेरा कहना है कि चाहे एक मैजिस्ट्रेट हो, चाहे बेंच हो, उसमें एक महिला तो अवश्य ही होनी चाहिये। इसके अतिरिक्त अगर बेंच में दो मैजिस्ट्रेट होते हैं तो उसमें एक पुरुष को भी लिया जा सकता है। शायद यह भी प्रश्न आ सकता है कि महिलायें किसी किसी स्टेट में मैजिस्ट्रेट होने योग्य न मिले। प्रथम तो मेरा यह मानना है कि आजकल महिलायें काफी शिक्षित हो गई हैं और यह समझने लगी हैं कि मैजिस्ट्रेट किस तरह काम करते हैं और उन्हें क्या क्या करना होता है। और अगर किसी स्टेट में योग्य महिलायें न भी मिलें तो पास-पड़ोस की स्टेट्स से उन्हें लाया जा सकता है, क्योंकि मनोविज्ञान एक ही है और सभी महिलायें उसे समझती हैं। इसलिये मेरा संशोधन है कि बच्चों के कोर्ट (court) में एक महिला मैजिस्ट्रेट जरूर होनी चाहिये ताकि अगर कोई पुरुष बच्चों के मनोविज्ञान को न समझ सके तो वह उसे समझने का प्रयत्न करे।

इसमें एक जगह यह दिया गया है कि बच्चों के मां-बाप अगर यह समझते हैं कि बच्चा कोई कसूर करने का आदी है और उनसे सुधर नहीं सकता तो उनके खबर करने पर उसे बच्चों का जो गृह बनाया जायेगा उसमें लिया जा सकता है। मगर यथार्थ में बच्चों के मां-बाप, चाहे उनके बच्चे कितना भी ऊधम करें या कसूर करें, कभी जाकर शिकायत नहीं करेंगे और न यह चाहेंगे कि उनको अपने बच्चों से अलग होना पड़े क्योंकि मां-बाप का मनोविज्ञान ही कुछ इस प्रकार का है कि वे बच्चों को अपने से दूर नहीं कर सकते, भले ही वह उन्हें धमकी देंगे, मारेगे पीटेंगे। इसलिये इस जगह भी कोई इस तरह के संशोधन की आवश्यकता है कि अगर बच्चों की ऐसी आदत पड़ गई है कि वे मां-

बाप से नहीं सुधर सकते हैं, और पास-पड़ोस का वातावरण भी अशुद्ध करते हैं तो उनके पड़ोसियों को भी यह अधिकार होना चाहिये कि वे भी यह खबर कर दें कि यह बच्चा अगर वहाँ सुधारा जा सकता है, तो उसको वहाँ लिया जाना चाहिये। यदि हम जो चिल्ड्रेन होम बना रहे हैं वह सचमुच में बच्चों को सुधारने के लायक होंगे तो उसमें अगर हम मां-बाप की इच्छा न होते हुये भी यह समझें कि उनके बच्चे सुधर सकते हैं, तो में नहीं मान सकती कि कोई पड़ोसी जाकर शिकायत न करेगा कि वह बच्चा कोई गलती या अपराध करता है जिसके लिये उसे हमें चिल्ड्रेन होम में ले लेना चाहिये। यहाँ पर यह संशोधन हो जाना चाहिये।

फिर जो कि स्कूल खोले जाने की बात है वह बहुत आवश्यक है। सब लोग यह कहते हैं कि आज की जो शिक्षा है वह अपूर्ण है और आज के वातावरण के लिये ठीक नहीं है। शिक्षा को यहाँ समझाया नहीं गया है कि किस प्रकार की शिक्षा दी जायेगी। इसमें जरूरी था कि आप यहाँ कहते कि उनको तीन प्रकार की शिक्षा मिलनी बहुत आवश्यक है। पहली तो मोरल (moral) शिक्षा, क्योंकि यह निश्चित है कि बच्चों का वातावरण या उनके घर की जो सीख है वह गंदी है या ठीक नहीं है जिसकी वजह से बच्चे खराब काम करते हैं। इसलिये उनके मनोविज्ञान को समझ करके उनके साथ वैसा ही व्यवहार करना पड़ेगा जिससे वह ठीक हो सकें। इसलिये उन्हें मोरल शिक्षा देने की बहुत आवश्यकता है।

दूसरी चीज है उनमें अक्षर ज्ञान का होना। पढ़ना-लिखना आ जाना भी बहुत जरूरी है। मगर उस प्रकार नहीं जिस प्रकार कि आज हमारा रवैया है कि पांचवें, छठवें, सातवें या हाई स्कूल पढ़कर किसी नौकरी

के पीछे दौड़ते हैं। अब तक जो एजुकेशन (education) का ढंग चल रहा है उसको तो हम जानते हैं कि उसको ठीक मार्ग पर लाने के लिये कुछ समय लगेगा। जहाँ हम नये स्कूल खोलते हैं, नई विचारधारायें लाते हैं, वहाँ हम कोई नई स्कीम को ही क्यों न रखें जिससे वह सब चीजें हट जायें जो कि अनइम्प्लायमेंट (unemployment) को बढ़ाने वाली हैं। इसलिये वहाँ पर बेसिक एजुकेशन (basic education) रखना भी आवश्यक है और वह भी बच्चों के मनोविज्ञान को देखकर उसके अनुसार उसको दी जाय, ताकि उनका मन उसमें पूर्णतः लग जाय और उन्हें बुरे कामों के लिये समय ही न मिले। इस तरह की शिक्षा से बच्चे अपने आप ही बुरी प्रवृत्ति को छोड़ेंगे और चिल्ड्रेन होम में रहने का लाभ उठाकर भविष्य में अच्छे नागरिक बन सकेंगे। इसलिये आवश्यक है कि वहाँ के एजुकेशन को हम नये ढांचे में लाने का प्रयत्न करें, यह नहीं कि चाहे जिस अध्यापक को रख दें। ऐसे मामूली दरजे के अध्यापक जो छठे, सातवें, आठवें या दसवें तक पढ़ें होंगे, योग्य अध्यापक सिद्ध नहीं हो सकते। में यह सुझाव देना चाहती हूँ कि बच्चों के मनोविज्ञान को समझने वाले अध्यापक को रखना चाहिये जो उनकी आदतों को समझ सकते हैं और उन्हें अच्छे ढांचे में ढालने का प्रयत्न कर सकते हैं। इसलिये इस बात का अधिक से अधिक प्रयत्न किया जाय कि बड़ी उम्र की महिलायें जो बच्चों के मनोविज्ञान को समझती हों उनको अध्यापिकायें नियुक्त किया जाये।

तीसरी बात यह है कि इस कानून के मातहत यह रखा गया है कि हम ऐसे बच्चों को कसूरवार मानेंगे और पकड़कर चिल्ड्रेन होम में ला सकते हैं, जो गाकर या किसी और प्रकार से भीख मांगते हैं। इसमें मुझे एक बात

[Shrimati Sharda Bhargava.]

की कमी मालूम पड़ती है। आप लोगों ने अक्सर देखा होगा कि बहुत मे अंधे आदमी भीख मांगते हुये घूमते हैं, जो गाते हुए चलते हैं, हाथ में उनके कटोरा या बर्तन होता है, साथ में उनके छोटे छोटे बच्चे होते हैं जो सिर्फ उनके हाथ पकड़े हुये रहते हैं। क्या इस कानून के अन्दर ऐसे बच्चों को भी शामिल किया जायगा यह मेरी समझ में नहीं आया। अगर ऐसे बच्चों को छोड़ दिया जायगा तो वे आगे चलकर मंगते ही बनेंगे।

एक चीज और बड़ी हानिकारक है। मैं एक लेख पढ़ रही थी जिसमें यह लिखा हुआ था कि बहुत से मंगते जो रोग दिखाते फिरते हैं, वास्तव में उस रोग में पीड़ित नहीं होते, बल्कि बहुत से रोग बनावटी बना देते हैं। वे इस प्रकार के रंगों का इस्तेमाल करते हैं जिससे कि मानूम पड़ता है, उनके घाव हो रहा है, कोढ़ या और कोई घृणित बीमारी हो रही हो। बहुत से भले चंगे लोग गूगे और बहरे बनकर अपने को अवाहिज दिखाते हैं। ऐसे लोग बच्चों को साथ लेकर भीख मांगने के लिये घूमते हैं। अगर इन बच्चों को इस कानून की मातहत नहीं लाया जाता है तो इन पर क्या असर पड़ेगा? वे झूठ बोलेंगे और आगे चलकर इसी तरह से झूठ तथा फरेब करके भीख मांगेंगे। यहां ऐसे बच्चों का इस कानून में जिक्र नहीं आता है और इसलिये उसको बिल में लाना बहुत जरूरी है। इस प्रकार ये मेरे चार पांच सुझाव हैं जिन पर मैं चाहती हूं कि सेलेक्ट कमेटी विचार करे और इन सब चीजों को कानून में बड़ा दे। मैं फिर एक बार एजुकेशन मिनिस्ट्री (Education Ministry) को धन्यवाद देना चाहती हू कि वह एक बहुत ही स्वस्थ और उपयोगी बिल हमारे सामने

लाई है। इन शब्दों के साथ मैं इस बिल का समर्थन करती हू।

[For English translation, see Appendix VI, Annexure No. 128.]

SHRIMATI CHANDRAVATI LAKHANPAL (Uttar Pradesh):

श्रीमती चन्द्रावती लखनपाल (उत्तर प्रदेश): उपाध्यक्ष महोदय, लावारिस, अनाथ, उपेक्षित, हैन्डिकैप्ड (handicapped) बच्चों की समस्या जितने भयंकर रूप में आज हमारे सामने उपस्थित है वैसी पह कभी नहीं हुई। देश के अन्दर बढ़ती हुई जनसंख्या और उससे भी तेजी की रफ्तार से बढ़ती हुई बेकारी ने इस समस्या को बहुत ही भीषण रूप दे दिया है। देश के विभाजन के बाद तो सचमुच ही यह समस्या हमारे सामने नग्न रूप में उपस्थित हो गई है। हम चाहे जहां भी जायें, बड़े बड़े नगरों के अन्दर विशेष रूप से—कहीं भी चले जायें, गली में, मोहल्लों में, बाजारों में, बस स्टैंड पर, मेले-तमाशों पर—हमें फटे चीथड़े कपड़े पहने हुये भीख मांगते हुये ये अनाथ बच्चे दिखलाई देंगे और यह दुर्दशा कोई एक या दो नगरों में नहीं है, सभापति महोदय, सभी बड़े और छोटे नगरों में अपने देश में यह दृश्य देखने को मिलेंगे। यह छोटे छोटे बच्चे भीख मांगते हैं, लेकिन केवल भीख मांगने तक ही इनकी गतिविधि, इनके कार्य समाप्त नहीं होते। जब कतरने, चोरी करने और भी तरह तरह के अनाचारपूर्ण काम करना उनका एक स्वभाव सा होता है। यह बच्चे जब बड़े हो जाते हैं तो अपने समाज विरोधी कार्यों द्वारा समाज की सुरक्षा को ही एक प्रकार से खतरों में डाल देते हैं और अपने अनाचारपूर्ण कृत्यों के द्वारा समाज के नैतिक वातावरण को दूषित करते हैं। वास्तव में इन बच्चों की उपेक्षा करना समाज के सर्वोत्तम हितों की उपेक्षा करना है। कोई भी सरकार अनाथ

और लावारिस बच्चों की समस्या को उपेक्षा की दृष्टि से अधिक देर तक नहीं देख सकती परन्तु हमारे देश में इस प्रश्न की ओर कोई ध्यान नहीं दिया गया है। आज शिक्षा मंत्री जी जो इस सम्बन्ध में एक बिल लाये हैं वह वास्तव में हमारे लिये बड़े सौभाग्य की बात है और मैं सब बन्धुओं और बहनों के साथ में जिन्होंने आज शिक्षा मंत्री जी को इस विषय पर बधाई दी है, आना भी स्वर मिलाती हूँ और उनको इसके लिये हार्दिक बन्धुवाद देनी हूँ।

जैसा कि शिक्षा मंत्री जी ने कहा है, यह बिल बहुत ही मोच और विचार के बाद और विशेषज्ञों के अध्ययन के बाद यहां पर लाया गया है। इसमें संदेह नहीं कि यह बड़ा सुन्दर, व्यापक और सम्प्रेर्णमिव बिल है लेकिन मुझे यह बात समझ में नहीं आई कि जब यह समस्या किसी एक नगर विशेष की समस्या नहीं है, सारे देश की समस्या है, सभी भातों और मूर्बों की समस्या है तो केवल पार्ट सी स्टेट्स में ही यह बिल क्यों लागू किया जा रहा है। यह कहा जा सकता है कि दूसरी स्टेटों में चिल्ड्रेन्स एक्ट (Children's Act) बने हुये हैं। मैं कहना चाहती हूँ कि अब तो सारे स्टेट्स में यह बिल पास हुआ नहीं और यदि किन्ही स्टेट्स में पास हुआ भी हो तो उन पर कोई अमल नहीं हो रहा है और उनका होना न होने के बराबर है। तो इस दृष्टि से कितना अच्छा होता जो यह व्यापक बिल सदन में लाया जा रहा है वह सारे देश के लिये, सारे स्टेट्स के लिये होता। अभी शिक्षा मंत्री जी ने इस सम्बन्ध में कहा था कि यह वैधानिक नहीं होता अतः यदि इस प्रकार की वैधानिक कठिनाई है तो मैं शिक्षा मंत्री जी से यह प्रार्थना अवश्य करूंगी कि वह यह देखें कि जिस प्रकार का बिल वह पार्ट सी स्टेट्स के लिये लाये हैं उसी नमूने का, उसी तरह

का व्यापक और सुन्दर बिल हर स्टेट्स में लाया जाय। मैं यह कहना चाहती हूँ कि उत्तर प्रदेश में चिल्ड्रेन्स बिल पास हो चुका है लेकिन बहुत थोड़े लोग हैं जो उसके बारे में जानते हैं। उसका कारण यह है कि वह अभी तक केवल कागज पर ही है। दो तीन महीने पूर्व देहरादून में इस सम्बन्ध के एक आफिसर से मेरी भेंट हुई और मैंने उनके सम्बन्ध में पूछा तो जो कुछ उन्होंने बताया वह अत्यंत निराशाजनक था। यह बात केवल उत्तर प्रदेश की ही नहीं है बल्कि सभी स्टेट्स में यही हालत है। बम्बई और मद्रास की बात को छोड़ दीजिये, ये स्टेट्स आगे बढ़ी हुई हैं, प्रगतिशील हैं और वहां कुछ अमल हो रहा है, कुछ चिल्ड्रेन होम्स हैं परन्तु जहां पांच हजार अनाथ और लावारिस बच्चे हैं, वहां सौ, दो सौ बच्चों के लिये एक आध घर सरकार की तरफ से खोले जाने से तो समस्या हल होती नहीं। इसलिये यह मानना ही पड़ेगा कि यह समस्या केवल सरकार द्वारा स्वतंत्र रूप से हल नहीं की जा सकती। थोड़ी सी गैरसरकारी संस्थाओं द्वारा तो काम होना ही रहेगा, आज भी हो रहा है और सरकार से ज्यादा हो रहा है लेकिन इस तरह काम चल नहीं सकता। मैंने देहली स्टेट के बारे में पता लगाया है। यहां पर कोई १४ या १५ बच्चों के लिये होम्स हैं जो कि लगभग सभी स्वतंत्र रूप से चलाये जा रहे हैं। मैं इस सम्बन्ध में आपका ध्यान विशेष रूप से प्राइवेट रूप से चलाये जाने वाले होम्स की तरफ आकर्षित करना चाहती हूँ। ये अपने कुप्रबंध के लिये विख्यात हैं। ये अच्छे उद्देश्य को लेकर चलाये गये हैं, इसमें शक नहीं है, लेकिन जो सलूक वहां के बच्चों के साथ आज हो रहा है उस पर वास्तव में हमें विचार करना चाहिये। कुप्रबंध का एक विशेष कारण यह भी है कि इन संस्थाओं के पास न तो कोई ज्यादा फंड है, न कोई

[Shrimati Chandravati Lakhanpal.]

शिक्षा की सुविधा है, न मनोरंजन की और न उचित देखभाल की सुविधा है और एक कारण यह भी है कि आज इनके ऊपर कोई नियंत्रण नहीं है। नियंत्रण न होने के कारण बजाय इसके कि होम्स के बच्चों को उत्तम व्यक्ति बनायें, उनका चरित्र निर्माण करें, उन्हें समाज के लिये उपयोगी बनाये, वहाँ के प्रबन्धक उनको अपनी ही स्वार्थ-सिद्धि के लिये काम में लाते हैं और जैसा कि अभी बहन सावित्री ने कहा था, उनसे पीछा मंगगते हैं। उनको एक्सप्लायट (exploit) करते हैं। इसलिये मैं चाहती हूँ कि जब आज इस समस्या पर विचार हो रहा है तो इस पर भी विचार होना चाहिये कि ये जो प्राइवेट होम्स चल रहे हैं उनको किस प्रकार से नियंत्रण में रखा जाय जिससे कि वे बच्चों को एक्सप्लायट न कर सकें और बच्चे उत्तम नागरिक बन सकें।

दूसरी बात जो मुझे कहनी है वह डेलिक्वेंट चिल्ड्रेन (delinquent children) के बारे में है। ये अपराधी बच्चे ऐसे हैं जिनकी समस्या बहुत जटिल है और इसको हर कोई समझ भी नहीं सकता। ये वे बच्चे होते हैं, जो असाधारण रूप से अपराध करने की ओर रहते हैं, जिनकी मनोवृत्ति दूषित और मारबिड टाइप (morbid type) की होती है, जो कि साधारण बच्चों से भिन्न होती है। इन बच्चों को उत्तम नागरिक बनाना एक कठिन परन्तु बहुत ही आवश्यक समस्या है। इस बिल के द्वारा इस समस्या का हल करने का मनोवैज्ञानिक ढंग से प्रयत्न किया गया है। वह वास्तव में एक प्रशंसनीय प्रयास है और उसके लिये मैं फिर शिक्षा मंत्री जी को बधाई देती हूँ।

साथ ही साथ आज इस अवसर पर शिक्षा मंत्री जी का ध्यान एक और विषय

की ओर भी आकर्षित करना चाहती हूँ और वह है जुवेनाइल डेलिक्वेंट्स (juvenile delinquents) की समस्या। वह केवल नगरों तक ही सीमित नहीं है। जो स्कूल के टीचर्स हैं उनके लिये यह एक विशेष समस्या है। जो अपराधी बच्चे हैं वे शिक्षक के लिये एक बड़ा भारी सिरदर्द है, वे उनके लिये एक बड़ा भारी हेडके (headache) बने हुये हैं और वे समझ नहीं पाते हैं कि उसका क्या हल निकाला जाय। ये अपराधी बच्चे सारे वातावरण को दूषित करने में बहुत अधिक भाग लेते हैं और जब इन बच्चों को दूसरे साधारण बच्चों के साथ स्कूल में पढ़ने के लिये भेज दिया जाता है, तो जो साधारण बच्चे हैं उनकी बहुत ज्यादा हानि होने की सम्भावना होती है क्योंकि उनकी जो दूषित मनोवृत्ति है, उसका प्रभाव साधारण बच्चों पर पड़े बिना नहीं रहता। इसलिये मैं शिक्षा मंत्री जी से अनुरोध करूंगी कि स्कूलों में जो डेलिक्वेंट चिल्ड्रेन हैं उनकी ओर भी ध्यान दें और उनके लिये विशेष स्कूलों को खोलने की भी व्यवस्था करें।

इन शब्दों के साथ मैं एक बार फिर शिक्षा मंत्री को और शिक्षा मंत्रालय को हार्दिक बधाई देती हूँ।

[For English translation, see Appendix VI, Annexure No. 129.]

5 P.M.

Dr. S. K. BHUYAN (Assam): Mr. Deputy Chairman, I rise to give my wholehearted support to this measure. The present Government of India has enacted several laws for the social and economic uplift of the country. But it appears to me that of all those measures, this present piece of legislation, the Children Bill, is the noblest and the most humanitarian enactment

which is going to be put on the statute book. Perhaps its companion measure will be the Bill for the removal of untouchability which we are told, will be coming before Parliament soon.

In every place and mostly in towns and factory areas, there are large numbers of riff-raff children who are destitute and neglected, mainly because their parents are too uneducated and too poor. Many have perhaps no proper parents, nor elders or guardians to look after them, and in many cases they are orphans having none to supervise their conduct and career. These young children are employed by unscrupulous men for the purpose of joining pick-pocket gangs. They are given regular training for this trade and.....

SHRI RAJENDRA PRATAP SINHA: Sir, do we have a quorum?

DR. S. K. BHUYAN: May I speak, Sir?

MR. DEPUTY CHAIRMAN: Yes.

DR. S. K. BHUYAN: And these boys are given regular training in the use of scissors for cutting open pockets, and to watch for careless passengers and visitors in important thoroughfares. They are also taught how to enter into rooms at night by squeezing themselves through iron bars of windows. Unfortunately enough some of these children are also employed to play the part of pimps.

I, therefore, feel that it has been a very good thing that the Government of India has been able to bring forward a Bill like this and to take steps for bringing up these destitute children by giving them proper education, and proper training so that they may become useful citizens of this country.

Similar measures were taken several decades ago by a poor Roman Catholic priest whose heart bled at the sight of these hapless children. He felt for them and he worked incessantly for their reclamation. He erected homes and schools in several places where these unfortunate boys were brought up and

looked after on proper lines. They were given regular training in several vocations, such as printing, carpentry, smithy, etc. Such homes gradually sprang up everywhere. At present, there are more than 300 such homes all over the world, with their headquarters at Turin in Italy. This man was Saint Don Bosco, who founded the Salesian order. And when he died he was canonized by the Roman Catholic Church. Similarly, I am quite sure our Education Minister, Maulana Abul Kalam Azad, the father of this Bill and the present Government will be held in great respect by posterity, and they will hereafter be called "Garibonka Ma-Bap."

Sir, this is a good measure and I hope the whole country will extend its support in the working of it. This public co-operation is most essential for the successful and effective working of this measure. The officers will, of course, be there to find out and look after delinquent and neglected children. But unless the public also co-operate with this work in a wholehearted manner, by tracing them out, by giving proper training and by establishing proper schools under this scheme, this measure will not be a success. In the first instance, the Bill is meant only for Part C States. But if the scheme is found to work successfully there, I am sure other States will also introduce similar measures in their respective areas.

Sir, I wish this measure every success and I give it all my support, and I express the gratitude of the country to the Government for taking such a wholesome step and for bringing forward this legislation.

SHRI T. S. PATTABIRAMAN (Madras): Mr. Deputy Chairman, the Education Minister of the Government of India deserves our heartiest congratulations for bringing forward this Bill. Sir, the motion has been moved for reference of this Bill to a Select Committee. Sir, the object and reasons for bringing forward this Bill have been clearly put in the Bill itself and also in

[Shri T S Pattabiraman]

the speech of the learned Education Minister

The Bill is a very good one. One complaint is that it is too good. The Bill contains certain very good provisions, but I am afraid it will not at all be possible to work it out successfully. And why I say so I shall explain. There are two aspects to this question. We are going to deal with certain types of children and the entire Bill covers all sections of these children. It would have been better if the Bill had been confined to only, what may be called the social side of the whole picture, rather than the political and the economic sides of it. The various provisions of the Bill are clearly for giving a certain preferential treatment to these children and there can be no doubt that such treatment is necessary. Nobody will be against that. But the question is whether the Bill will be able to solve the problems that will arise or that are arising. Are they going to solve the problem of the neglected children and the delinquent children? Or is it only an attempt to deal with the external side of the problem? If one goes through the provisions of this Bill one will find that the children are to be classified as "neglected children", "uncontrollable children" and the "juvenile delinquents". With regard to the neglected children and also the uncontrolled children, whether we will be able to successfully solve the problem presented by them by this Bill becoming an Act is doubtful. The problem is not a social one. I would say it is an economic problem. And if you are not going to deal with the economic situation of the children, the Bill will be a failure. For example, here we have said that if a child is neglected, the child will be taken to the court and the court may order that he should be kept in an observation home or in a children's home for a period till he attains the age of sixteen. But after he attains the age of sixteen what is to happen to him? That has not been provided for in this Bill. After attaining the age of sixteen, or when he attains the

age of eighteen, he is to be left to the mercy of nature and again he becomes a vagabond. So I say, this measure does not go far enough to solve the problem of the child much less of the youth.

It may not be possible for the State to act up to this Bill even if it is passed by the House. Parliament is able to legislate only for Part C States and even Part C States are not likely to give effect to it immediately. Later on it may turn out that some Part C States may be able to implement it. But it is left to the other States either to enact this Bill *in toto* or with any modification that is necessary. I wonder whether the Government has given serious consideration to the question whether the implementation of this Bill *in toto* by the State Governments will be possible in the near future. An estimate of cost of one such institution has been given at the end of the Bill and in the financial memorandum it has been mentioned that one such institution will cost Rs 62,000 per year and I am sure, Sir, that every tehsil will have to have one such institution. If every tehsil has to have such an institution how many tehsils are in a State and the point is whether the State will be at all able to have such institutions with its crumbling finances. I am sure, Sir, that with the best of intentions of this Government this Bill will not see the light of a day nor will it be enforced in any of the States in the manner that we want. The provisions that have been made are rather very excessive. I am sure the select committee will go into the question and find out whether such provisions are necessary at all. Sir, even at the Select Committee stage, it will be better if a distinction is made between two sets of questions. One is the case of the juvenile delinquent. He must be treated separately. The provisions that are contained in this Bill with regard to neglected children or uncontrollable children, are very good. I am sure the provisions relating to the delinquent children should be treated on a separate level. There is

one objectionable feature of this Bill and I have very many misgivings about it and that is that it tries to completely overhaul or completely change or completely ignore the existing Criminal Procedure Code in many sections. Sir, the Criminal Procedure Code is sought to be ousted from the jurisdiction of the operation of this Bill. Whether it will be desirable or whether it is necessary will have to be deeply gone into by the select committee. Sir, clause 23 of the Bill deals with that. It says that there should be no joint trial of an adult and a child. After this Bill becomes law, no joint trial can be there when a child and an adult are co-charged in the same case. Sir, whether this may be possible or practicable is a point to be considered. Even now there are certain provisions whereby if an adult and a child are co-charged, both of them are tried by special Magistrates who have been empowered to try children. Sir, if that is so, the Bill now says that there must be separate trial, does the Bill contemplate that there must be two separate trials, evidence to be separately tendered in each trial? What will be the fate of the other trial? For example, there are two courts which will have to go into this one case. Would not the finding of one court prejudice that of the other? Will it not be said in the other court that already the case has been decided in one case and is this not certainly likely to prejudice the other case? This will be creating complications and it will also be undesirable and I do not know whether it will stand the test of law.

I come to clause 21 which deals with adjournment *sine die*. "Notwithstanding anything contained in this Act or any other law, the competent court may adjourn *sine die* any inquiry regarding a child alleged to have committed an offence and may, on additional grounds or materials being placed before it, re-open the inquiry at the stage at which it was left when adjourned." Sir, this is a very serious clause and I am sure the Select Committee will go into the question

There are already complaints in the courts and in Parliament also that criminal justice is being unnecessarily delayed and that criminal justice should be speeded up. In these cases adjournment *sine die* is sought to be given and I do not know whether this is right or whether it is proper or whether it is reasonable at all to say that criminal proceedings will remain in cold storage.

Sir, these are certain clauses, which appear, to my mind, not necessary. I wonder whether the Government should really have a separate legislation for many of the clauses are already existing. I wonder whether for separate courts a separate Bill at all is necessary. In Madras there are certain Special Magistrates, First Class Magistrates, who are empowered to try children who commit offences. These children get sympathetic consideration at the hands of the court. The Criminal Procedure Code can be amended to the same effect that any child brought up for an offence under the Criminal Procedure Code should be tried in the presence of two assessors, one being a Probation Officer and the other being a competent social worker who is on a panel for each district. That will be making justice also cheaper and that will be making justice easier. If instead of having separate courts you empower First Class Magistrates to try children with the help of two assessors, one a Probation Officer and the other a social worker, that will carry out the spirit of the legislation and will also minimise delays to a great extent. So, I would like the Select Committee to consider whether it is not desirable to amend the Criminal Procedure Code in a very simple manner and still get the effect of the provisions that are being sought to be included in this Bill with regard to the delinquent children.

Thirdly, there are certain provisions in this Bill which, I am sure, are greatly objectionable and I do not know whether they will be able to stand the test of the law, for example

[Shri T. S. Pattabiraman.]

clause 29(2) which reads as follows: "No order of a competent court shall be invalidated merely by any subsequent proof that the person in respect of whom the order has been made is not a child, and the age presumed or declared by the competent court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person." Sir, this Bill, if it becomes law, will give power to the court to proceed under this law only when the child is 16 years of age while it is below 16 years of age, but if it is proved that the child is above 16 years of age even then a mistake of fact will not nullify the decision. This will be going against the spirit and quite contradictory to the Act and I also doubt whether it will stand the test of the judicial courts. This also goes against and is contradictory and I am sure that it may not be quite legal. I am only submitting it for the consideration of the select committee.

Similar is the case with clause 33 which prohibits the publication of names of children involved in any proceedings in this case. It says, "No report in any newspaper, magazine or news sheet of any inquiry regarding a child under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the child, nor shall any picture of any such child be published". Sir, this is a serious violation of the liberty that has been granted to the press under the Fundamental Rights. The Press, under the Fundamental Rights, has a right to publish the correct proceedings, authorised proceedings of the court. So, this clause will come in the way of the Fundamental Right that has been guaranteed to the Press and this clause also deserves serious consideration as to whether it is absolutely necessary or whether it is absolutely legal and whether the Government has the right to include any such clause in this Bill.

Going through the various clauses of the Bill it is clear that the authors of

the Bill have very good intentions but it may not be possible for them to carry them out. For example, with regard to a neglected child clause 42 provides for the contributions to be made by parents. Under section 488 of the Criminal Procedure Code there is already provision existing for the maintenance of a child if it is proved that it has been neglected by a parent. I wonder why a separate clause is necessary. If a careful scrutiny of the Criminal Procedure Code is made it will be found that many existing sections are applicable to children. The only thing is to enforce them. It is also possible that such an enactment can be made applicable at once throughout the country, not only in Part C States. By amending certain sections of the Criminal Procedure Code it may be possible to fit in many of the provisions of this Bill and it can be done easily also.

The other day the Home Minister said that there is going to be a revision of the Criminal Procedure Code which is going to be done very soon. It will be rather beneficial to us and it will also be good for us to refer this matter to the body which would revise the Criminal Procedure Code and find out whether certain changes in the Criminal Procedure Code will be beneficial and they could also be made applicable to children throughout the country.

Finally, Sir, the Bill has a very laudable object and there can be no doubt about it. The States are to maintain the neglected children, children who have been ill-treated by the parents. There is no doubt about that but whether it is possible for the States to undertake this is a point. The problem is an economic one in the first instance, for a neglected child means, a child who—

(i) is found in any street or place of public resort begging or receiving alms, or for the purpose of so begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise;***" and it goes on enumerating in four

sub-clauses. Sir, it is known now that due to poverty and due to the economic problems there are a large number of people in the whole of the country-side and throughout the country whose children are not being maintained properly. Sir, if the children have not been fed properly, if the children have not been maintained properly and have been neglected it is not due to unwillingness on the part of the parents but the incapacity of the parents to provide them sufficient food and shelter. Are you going to penalise the parents because they are not able to support their children and bring them up comfortably for want of money? No parent will neglect his child. The mother will not and the father will not unless they are by circumstances forced to neglect their children. This point should be taken into consideration. When this Bill becomes law you will be bringing a hornets' nest about your ears. I know in Madras that thousands are begging in the streets; they are under-nourished and ill-clad. Is it possible for the State Government and have they enough funds to bring into existence a sufficient number of children's homes? If that could be done certainly we would have achieved a laudable object. Can you take these children to the villages and give them employment? It is certainly a very good idea. Of course the State is bound to do it. But in the present circumstances with their poor finances can the States do it? No doubt the Bill has been introduced by the Government of India with good intentions but the Government of India must also find the finances for it. For example the Centre will have to pay at least four or five crores of rupees to Madras alone and if the Centre can find the money it is very good, it will be excellent, it is a welcome Bill and I am for it.

SHRI H. P. SAKSENA: This Bill is meant for the Part 'C' States.

SHRI T. S. PATTABIRAMAN: I know this is intended for Part 'C' States but you have a very pious hope that the other States will also follow it and

pass a Bill in toto or with modifications. With all the good intentions, for all I know of the financial condition of the Madras State, the Madras State and other similarly placed States will not pass such a Bill for centuries to come. What is the fun of passing such legislation if it cannot be implemented in practice? It is a pious hope and it will remain a pious hope. It is no use throwing the responsibility on the State Governments and no use blaming the State Governments. The International Children's Convention has suggested this and so the Government of India thinks that it has followed it and has done its duty by introducing this Bill. The State Governments cannot pass such a Bill because they will not be able to implement it and the bottleneck is finance. My appeal to the Ministry of Education who is piloting this Bill is to see that it becomes operative not only in Part 'C' States but throughout the country by providing the funds for it. Sir, the problem is more economic and unless you are going to solve the economic problems of the country this Bill may never become a reality though I wish it becomes a reality. If the economic condition of the country improves, if unemployment is relieved there will be no necessity for these homes and schools. So, Sir, while supporting this Bill I should tell the Government that it should not think that its duty is over by merely passing this Bill and I appeal to them to find the necessary financial resources for the States so that they might pass like Bills in their legislatures and implement the objects of the Bill in letter and spirit.

SHRI P. T. LEUVA (Bombay): After listening to the speech of Shri T. S. Pattabiraman I was rather provoked. It appears that he has not read the Bill at all. He does not know what are the provisions in the Bill. He must know that this Bill is primarily meant not for the punishment of children but this Bill is designed to re-educate the children who, by force of circumstances, have become delinquents, or are neglected by their parents or guardians.

[Shri P. T. Leuva.]

Now, Sir, these cases used to be dealt with by the ordinary criminal courts. There are cases in English history that even children of even 10 or 11 years used to be sentenced to death merely for committing a petty offence of theft. There are cases also that children have spent their lives for about ten years in penal servitude. But, as time passed on, it was found necessary to take the view that the problem of a child is quite different from the problem of an adult criminal, because the adult criminal commits the offence after knowing the full consequences of it. But a child, by mere force of circumstances, sometimes commits an offence and therefore, Sir, it was decided practically in each and every country that the treatment of a juvenile should be different from that of an adult criminal.

Now my hon. friend Shri T. S. Pattabiraman has referred to various things regarding the Criminal Procedure Code. The main principle of this Bill is that the child is not to be treated as a criminal but he is to be treated as a person who requires to be re-educated. He should be kept away from evil influences and evil surroundings. That is the main reason for which this Bill has been designed, also that there shall be a special court for the trial of offences in which a child is involved. What is the reason? A child may become a delinquent because of social factors or he might be under the influence of parents who may themselves have criminal propensities. He may be living in an association where there might be such influence which may lead to a juvenile committing an offence. There are certain cases in which a child commits an offence because he is of a particular mental make-up. He may commit an offence under a temporary temptation. Now if you have such children tried before a regular criminal court of law, you are not going to improve him but you are.....

SHRI T. S. PATTABIRAMAN: Even when tried by a criminal court, the criminal children are sent only to reformatory schools.

SHRI P. T. LEUVA: I know what reformatory schools are. I will come to it later. My hon. friend does not know what reformatory schools are. There are children who for having committed an offence have to be brought to the court. There are certain Acts under which they are brought to court and tried. Under the Municipal Act especially a child who is selling without a licence is also criminally liable because the Municipal Act provides it. Such a child though tried by an ordinary criminal court is sent to the reformatory school. It is a question of how you are going to treat this whole problem. The greatest advance that we have made in this direction is that we have removed this particular subject from the purview of the Home Department. Ordinarily the treatment of any criminals would come under the Home Department. There is a welcome departure and it is this that the Government of India has realised that in the case of children it is not a question of 'criminal' but it is a question of education and rehabilitation of the children who are neglected and who commit offences because they are under evil influences. That is the reason why this law is being passed and it is a very healthy principle.

Now, Sir this Bill has been more or less designed on the recommendations contained in several international conferences. As far back as 1937, Sir, the League of Nations prepared a model Bill and in that model Bill they suggested various things and this Bill, in my opinion, more or less follows all the recommendations of that Bill.

Now, Sir, coming to the Bill itself, the Bill has made a distinction between two things. Those children who commit any contravention of any law have been classified as juvenile delinquents. There is a special reason for that also and I will come to that later on. The other class is those children who do not commit any contravention of the law but—merely because of the poor circumstances of their parents they are not looked after or even neglected—are living under the influence of certain bad associations or bad

characters and are becoming morally bad. These are the two categories, but most of them will come under the category of juvenile delinquents.

Now, Sir, the problem of the neglected child and the problem of juvenile delinquency are quite distinct. The juvenile delinquent requires a different type of treatment from that of a neglected child. For that very reason a provision has been made in the Bill that for juvenile delinquents there shall be, what they have called, special schools and for the neglected children they have made provision for children's homes. The treatment that you require for a juvenile delinquent is quite different from that required for a neglected child. The juvenile delinquent has already shown signs of criminal intentions, while the neglected child does not show that propensity. If you have had only one type of treatment for these categories of children, then the likelihood is that the neglected child might later on become a juvenile delinquent. Therefore it is necessary that there should be two different types of institutions. Even in juvenile delinquency there are stages of criminality. A juvenile delinquent might have committed an offence for the first time. It might be due to circumstances, it might be due to association. There might be certain juvenile delinquents who might have committed repeated offences and they might have become hardened criminals. Now it would be very unwise to put both these classes of juvenile delinquents in one and the same school, because if they remained together the hardened type of criminal juvenile might by association train the first-comer who comes for the first time into the home and he might also likely be the victim of the influence of the hardened criminal juveniles. Therefore the main principle is that for every child you have to think individually, you have to decide what type of treatment the child requires. Therefore these two separate institutions have been designed in this Bill.

Now, Sir, I will come to the next question regarding the trial of the

offences in which children might be involved. Now in this Bill there is a provision that there shall be special courts. They are known as competent courts. It is absolutely essential that in the trial of these cases you should not have a person to try such offences unless and until that person has knowledge about juvenile delinquency, otherwise the purpose for which this Bill is designed would be frustrated. A person who deals with a juvenile delinquent must have special knowledge about the problems which give rise to juvenile delinquency, because then and then only will he be in a position to find out what type of treatment is necessary for each particular child. Now, we have got criminal courts and those magistrates who are concerned with criminal cases might be quite competent to decide those questions but when a juvenile delinquent or a neglected child is brought before a court, different considerations apply. Therefore, Sir, in this Bill itself a provision has been made that the person who is presiding over this particular type of court must be a person who has got special knowledge and training about juvenile delinquency and child welfare. It is a difficult problem to be solved. It is not very easy to find competent persons to look after this type of work. This was visualised by the framers of the Bill and that is the reason why they have made a provision that there might be a Bench of magistrates who might deal with such cases. But in that also they have made a very healthy provision that one of the judges should have special knowledge about juvenile delinquency and child welfare. From this Bill you will find, Sir, that greater emphasis has been laid on the educative principle in the treatment of children. It is not a question of punishing a child. That is why a special court has been provided. My hon. friend, Shri Pattabraman, has referred to the question of finance. It is no doubt true that finance is the most important factor in this. But if the States have a will they can do it. In Bombay, Sir, I am intimately connected with this particular type of courts. In the Bombay City itself, the Bombay Government spends Rs 8 lakhs.

[Shri P. T. Leuva.]

per year on the juvenile delinquents. It is not that they cannot spend more money, it is the question of will. Therefore, so far as I am concerned, I feel that this Bill is capable of being properly implemented. But the question is that there must be a law to do it; there must be the obligation also on the Government to do it.

This Bill applies only to Part C States. There is the constitutional difficulty and so Parliament could not legislate so far as other States are concerned. In most of the States, so far as I know, Bombay, Madras, United Provinces and West Bengal and also Madhya Pradesh, the same type of legislation has been in existence.

Sir, the next question is regarding the children's after-care-organisation. The delinquents are committed to the courts and if they satisfy the requirements of the case the courts commit them to a particular Home. After the child has attained a certain age, say 16 or 18, after the period of custody is over, what is to happen? If the hon. Members have taken pains to read the clause they would see that in these particular after-care-organisations a particular type of education is given, industrial education, to the juvenile delinquents. They are given industrial training. The main point is that after he leaves the Home or the Institution, the juvenile delinquent should be able to obtain his livelihood by himself. That is why the juvenile delinquent is put in a special school and is given a special kind of training. Therefore, the fear entertained by my hon. friend Shri Pattabiraman is not of particular value.

The other thing is that these juvenile delinquents are to be brought before a court. There must be some machinery whereby juvenile delinquents can be prevented from coming under the influence of such courts. There might be very petty offences and if you bring such a child before a court, there is likely to be an emotional disturbance. He is likely to have a fear in his mind

regarding the formality of courts. Therefore, Sir, in certain countries—and especially in Scotland, there is a particular type of system where a Public Prosecutor is appointed specially for this work. If he finds from the materials before him, if he comes to the conclusion that the child should not be sent to the court, he has the right to decide that; and then the child would not be brought before the court. Similarly, Sir, I would suggest that this is a system worthy of consideration, because there are many many petty types of offences in which a child should not be made to undergo the formal trial of the court. In Bombay City, we have started very recently a separate section of the Police Department. This section is called the 'Juvenile Section of the Police Department'. This is specially designed to see that the children are looked after properly. They try to find out the nature of the cases in which children are tried before a court. I would also suggest that such a type of machinery as there is in Scotland should be designed so that children may not be unnecessarily brought before the courts, and in this way this problem could be lightened.

Now, Sir, there are one or two points regarding this Bill to which I would like to make a reference. Now there is one point that the court has got the power to amend or alter an order passed by itself at any time. That is clause 37 which reads as follows:

"Without prejudice to the provisions for appeal and revision under this Act, any competent court may, either on its own motion or on an application received in this behalf, amend any order as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act."

Now this power has been given to the court for various reasons. The court may hand over the child to any person. But a similar power has been given to the State Government. My

own fear is that there might be a conflict between the Government and the court itself, because in clause 37 there is no limitation placed upon the court and the court can pass this order at any time. Supposing in the meantime the State Government has also passed an order transferring the child from one institution to another, then what happens? The power of the court is still in existence. Then the question would arise whether the court has still got the power to amend the order passed by the Government. I would, therefore, submit, Sir, that this is an important point which should be considered by the Select Committee and they should try to find out whether there can be any suitable reconciliation so that there may not be any conflict between the power exercisable by the court and the State Government.

Now, Sir, there is another clause which is there. That is clause 39. It says

"Where it appears to the State Government that any child kept in a special school or children's home in pursuance of this Act is a leper or of unsound mind, the State Government may order his removal to a leper asylum or mental hospital or other place of safe custody for being kept there for the remainder of the term for which he has to be kept in custody under the orders of the competent court or for such further period as may be certified by a medical officer to be necessary for the proper treatment of the child."

Now, Sir, under the provisions of this Bill the court has only got the jurisdiction to keep a child in custody till he attains the age of 15. The power of the court is limited to that extent and the State Government also cannot possibly extend that power regarding custody. But if you read, Sir, the provisions of this clause—clause 39—you will find that there is no limitation provided at all. The moment a child has been sent by the State Government to a mental hospital or a leper asylum, the power becomes unlimited unless and until there is a

specific mention that the State Government also cannot keep a child in custody beyond 18 years of age. But unfortunately, Sir, the State Government has been given an unlimited power. According to me, Sir, unless and until this clause is amended, it is likely that the State Government might interpret it in a way so as to give them the unlimited power of confining a child in a mental hospital or a leper asylum for an unlimited period of time.

Now, Sir, my hon friend, Shri Pattabiraman, referred to section 488 of the Criminal Procedure Code. Now under that section, Sir, the criminal courts have a right to pass a maintenance order for an illegitimate child. Now there is no question of suppression of that power conferred by the Criminal Procedure Code. This section only refers to the contribution which is to be paid to the juvenile court for the purpose of maintaining a child. So the question of awarding maintenance by a juvenile court does not arise under the Bill.

Now, for this purpose, I would read the clause

"Provided that where the child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898 (Act V of 1898), the competent court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the competent court and such sum shall be paid by him towards the maintenance of the child."

The question of the order being passed by the juvenile court does not arise at all. It is only a question of asking for a contribution from the amount which has been already ordered to be paid by a criminal court. My hon friend, Mr Pattabiraman, said that these juvenile courts have been given the power of passing such an order. I think that he may not have read this particular provision.

SHRI T. S. PATTABIRAMAN: On a point of explanation. I said that under the existing provisions of section 488 a parent is compelled to pay for maintenance.

SHRI P. T. LEUVA: These courts have only got jurisdiction to ask for contribution from that amount which has already been passed by an order. So, there is no question of any additional amount.

SHRI T. S. PATTABIRAMAN: There is a provision already in the Criminal Procedure Code, whereby a parent can be forced to contribute wherever the child may be. So, I thought that this might not be necessary, in view of the existing law.

SHRI P. T. LEUVA: So far as I know the law, under section 488, generally these orders are made at the instance of the mother. The mother is the applicant, and she has the right to receive that amount from the court, and not the child. The child cannot claim that contribution from the court. Therefore, for that reason, there cannot be any increased liability on the parent.

SHRI T. S. PATTABIRAMAN: Section 488 says:

"If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, a District Magistrate, a Presidency Magistrate may pass an order....."

So, the section is clear. My friend may not have read it.

SHRI P. T. LEUVA: What I was saying is that they can ask for a contribution only from the amount which has already been ordered to be paid. The order has already been passed by the criminal court. Let the juvenile court take that money from that court. Why should the parent be unnecessarily asked to pay a double amount? The mother would still be taking the money from the court which has already passed the order. Why should the parent again contribute for the main-

tenance of the child? It is only for the purpose of avoiding this, this provision has been incorporated.

Sir, I have got one more difficulty in this particular provision. It says:

"The person liable to maintain a child shall, for the purposes of subsection (1), include, in the case of illegitimacy, his putative father:"

Now, Sir, if you read this section, it provides in effect that the juvenile court will have jurisdiction to revise an order passed by another court. Section 488 empowers an ordinary criminal court to determine which particular person is the putative father and pass an order against that person. Now there may be a case where an ordinary criminal court might have passed an order deciding that a particular person is not the putative father. But if subsequently such an illegitimate child is brought before the Juvenile Court, then according to this section the Juvenile Court has got power to decide who is the illegitimate father. Now this might lead to great conflicts. It may be that the matter might have gone to the High Court and the High Court might have given a decision and if you give the Juvenile Court power to revise the order which has been already passed, I think it would go against the basic principles of criminal jurisprudence that once a decision has been given by a criminal court, the court of coordinate jurisdiction should not be allowed to revise that order. I would therefore submit that it is necessary that this provision also should be reconsidered and suitable amendments must be made; otherwise there is a likelihood that conflicts might arise. So far as the other provisions are concerned, the question of after-care is a very important problem. After-care organisations are generally voluntary in character but after-care organisations will not be able to do their duty properly and adequately unless and until they are provided with sufficient finances. Now the question of finance will vary from State to State but that does not mean that the State should not take up such type of legislation. Now in

other countries they make a distinction between a child who has attained the age of sixteen and a child who is in a children's home or certified school between the ages of sixteen and eighteen. There the treatment is slightly different. In order that the child might become independent and might get used to the new surroundings, they have got the system of hostels. Now in these hostels the children are kept between the ages of sixteen and eighteen and they are encouraged to go out of the hostels and earn their livelihood. But there is only one condition that after their work is finished, they should return to the hostels. There the provision has been made for shelter and food. I would also like the Government to think on those lines so that after the children come out of such institutions, they are in a position to earn their own livelihood. Another question which I wanted to refer to was regarding the child delinquency. Those cases don't refer to juvenile cases but those cases are more or less individual in character. In early life a child might show signs of delinquency but he may not be actually delinquent; but if proper steps are taken, if proper treatment is given to the child, then such cases can be avoided and a potential juvenile delinquent ceases to be a juvenile delinquent. Therefore, in Bombay City I think the Tata Institute of Social Science runs some child guide clinics and officers attend to such clinics and examine children who show signs which are likely to lead to delinquent life. Before they embark on their careers, the children are psycho-analysed. The family is given proper direction and I know of an instance of a very bright girl who suddenly became indifferent to her studies and the question arose as to how she became indifferent. She was sent to a child clinic and it was discovered that the mother was making a discrimination between the daughter and the son and that led to an emotional disturbance in her mind and labouring under that particular type of injustice, she became indifferent. But when proper treatment was given to her, she became quite normal. Therefore in order to prevent

the spread of juvenile delinquents, the most essential thing is prevention rather than cure. No treatment can ever be adequate to solve any problem. The problem of Juvenile delinquency cannot be completely solved by any Government. It has not been possible in any part of the world. We are only making a beginning but the beginning which we are making is on the right lines and that is the reason why I want to congratulate the Education Ministry for taking up this particular type of Bill in their jurisdiction because they have realized that this problem is a problem relating to the education of children. Now this problem is of such a complicated character that we cannot successfully solve it unless and until we have got the proper type of machinery. In this problem we have to find out proper and suitable magistrates who know not only to find out whether an offence has been committed but they will have to find out the circumstances under which the offence was committed and then they will have to deal with the child with sympathy and understanding. Therefore largely the question will depend upon the type of magistrates that we are able to recruit. Then there is the question of separate institution. The success of an institution will largely depend upon the persons who are in charge of it. The question of children is a delicate one. The children have to be treated with understanding and sympathy. Unless and until we get those persons who are in charge of such institutions, unless and until we get enthusiastic persons who will look upon this work as a matter of public service and unless and until they work in a missionary spirit, this problem cannot be solved at all. Sir, it is not a question of money alone. Money might be forthcoming but the main problem is for us to find out proper persons to look after this question who will solve the problems relating to juvenile delinquency. Then the larger question is that it is much better to have prevention rather than cure and what is the cure? The cure is that we have to create conditions in this country so that the children may

[Shri P. T. Leuva.]

not have the necessity or the compulsion to take recourse to criminal activities. As we progress this problem would lose its importance. Because if the economic conditions are improved, then largely the problem of neglected children and of juvenile delinquents would diminish. Therefore with the passage of time, I have great hope that this problem will diminish gradually. This problem is not in the rural areas. This problem is generally concentrated only in urban cities and mostly in industrialised cities. Therefore the question of finance would not be of very great importance in view of the fact that these problems would be located in certain areas only and therefore the question of finance should not frighten the Government. With these words, Sir, I support this Bill.

MR. DEPUTY CHAIRMAN: Dr. Shrimali.

SHRI K. B. LALL (Bihar): May I not speak?

MR. DEPUTY CHAIRMAN: I have called Dr. Shrimali to reply. We have got two more Bills. This is coming up again after the Select Committee. Then you can have your full say.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR EDUCATION (DR. K. L. SHRIMALI): Mr. Deputy Chairman. I do not like to take much time of the hon. Members now because the Bill is going to be referred to the Select Committee and I am quite sure that the Select Committee will give full consideration to the valuable suggestions which have been made by hon. Members. There is only one point to which I wish to refer. During the last few years, there has been a good deal of research in the matter of juvenile delinquency.

6 P.M.

It is high time that we introduced some kind of legislation in our own country to reclaim the large number of juvenile delinquents who have become delinquents not because of any inherent defect but because of social conditions. All the researches in

recent times indicate that one of the major factors for juvenile delinquency is the environmental condition. A broken home or poverty or ill health, —these are some of the conditions which lead to all kinds of emotional difficulties and emotional disturbances which ultimately lead to delinquency. If such children are put in proper environmental conditions or placed in an educative atmosphere they change their outlook and all those anti-social characteristics disappear. In all civilised countries, there are legislations for reclaiming such children at an early age and I think, Sir, that it is high time that we also introduced this legislation in our own country.

I, therefore, move that the motion which has been moved by the hon. Education Minister to refer the Children Bill to a select committee might be passed.

SHRI K. B. LALL: Sir, on a point of order

MR. DEPUTY CHAIRMAN: There is no point of order, Mr. Lall.

SHRI K. B. LALL: I am standing on a point of order, Sir.

MR. DEPUTY CHAIRMAN: There is no point of order, Mr. Lall. I am putting the question to the House.

SHRI K. B. LALL: Sir, this is a Money Bill and I want to know whether we have got the right to initiate it here. That was the point I was going to make.

MR. DEPUTY CHAIRMAN: There is no point of order, Mr. Lall. Order, order. You have to resume your seat, Mr. Lall. Both of us cannot stand together.

SHRI K. B. LALL: I know, Sir; I was raising a point of order. You may rule that it is not a point of order but....

MR. DEPUTY CHAIRMAN: Order, order. Will the hon. Member resume his seat?

SHRI K. B. LALL:.....you must at least hear me first.

MR. DEPUTY CHAIRMAN: I want you to resume your seat, Mr. Lall. Both of us cannot be standing in this House. Please resume your seat.

SHRI K. B. LALL: I am resuming my seat, Sir, but I want to know whether I am going to be heard.

MR. DEPUTY CHAIRMAN: All that was required was the President's recommendation and it has been obtained. Please look at the last page. There is no point of order.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected children and juvenile delinquents in Part C States be referred to a Select Committee consisting of the following members:—

Shrimati Rukmini Arundale,
Dr. Shrimati Seeta Parmanand,
Shrimati Violet Alva,
Kunwarani Vijaya Raje,
Shri Onkar Nath,
Shri Lavji Lakhamshi,
Shri J. N. Kaushal,
Shri T. R. Deogirikar,
Shri Rahmath-Ullah,
Moulana M. Faruqi,
Shri Indra Vidyavachaspati,
Shri S. D. Misra,
Dr. K. L. Shrimali,
Shri Kishori Ram,
Shri H. C. Mathur,
Shri Kishen Chand,
Shri S. N. Mazumdar,
Shri Abdul Razak,
Shri Amolakh Chand,
Shri K. D. Malaviya, and
The Mover."

The motion was adopted.

SHRI RAJENDRA PRATAP SINHA: Sir, I would like to make a statement.

MR. DEPUTY CHAIRMAN: Not at this stage.

SHRI RAJENDRA PRATAP SINHA: A certain clarification I would like to make.

MR. DEPUTY CHAIRMAN: What is it about? We have got other business to go through.

SHRI RAJENDRA PRATAP SINHA: I will take hardly two minutes, with your permission.

MR. DEPUTY CHAIRMAN: What is it about, I want to know first.

SHRI RAJENDRA PRATAP SINHA: It is regarding the allegation made by the other side, Sir, that the Opposition has been inconsistent with regard to...

MR. DEPUTY CHAIRMAN: All that is not necessary, Mr. Sinha.

SHRI RAJENDRA PRATAP SINHA: They have said that we are participating in the Select Committee but we are not participating in the debate, Sir. There is nothing inconsistent about it, inasmuch as we are in full agreement with the principle of the Bill.

MR. DEPUTY CHAIRMAN: You have said that. The motion is over.

SHRI RAJENDRA PRATAP SINHA: I want to make it clear, Sir.

MR. DEPUTY CHAIRMAN: Not at this stage. Even before you have made that statement for not participating in the debate, which is enough.

THE CANTONMENTS (AMENDMENT BILL, 1952

THE DEPUTY MINISTER FOR DEFENCE (SARDAR S. S. MAJITHIA): Sir, I beg to move:

"That the following amendment made by the House of the People in the Bill further to amend the