

LOK SABHA

---

**THE WOMEN'S AND CHILDREN'S  
INSTITUTIONS LICENSING  
BILL, 1953**

*By*

*Rajmata Kamlendu Mati Shah*

**(Report of the Select Committee)**

PRESENTED ON THE 30TH NOVEMBER, 1956



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

*November, 1956*







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THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING  
BILL, 1953

**Composition of the Select Committee**

1. Pandit Thakur Das Bhargava—*Chairman.*
2. Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Uma Nehru
5. Shri B. Ramachandra Reddi
6. Shrimati Tarkeshwari Sinha
7. Shri Nikunja Behari Chowdhury
8. Shrimati Ammu Swaminadhan
9. Shri A. M. Thomas
10. Shri Jaipal Singh
11. Sardar Amar Singh Saigal
12. Shri Upendranath Barman
13. Shri Fulsinhji B. Dabhi.
14. Shrimati Anusayabai Bhaorao Borkar
15. Shrimati Minimata
16. Shri Diwan Chand Sharma
17. Pandit Chatur Narain Malviya
18. Shri Mukund Lal Agrawal
19. Shri Mohan Lal Saksena
20. Shri Hari Vinayak Pataskar
21. Shrimati Shivrajvati Nehru
22. Shrimati Sushama Sen
23. Shri Radha Raman
24. Shri Raghubir Sahai
25. Shri Bhakt Darshan
26. Shri B. N. Datar
27. Dr. Mono Mohon Das
28. Shri Amjad Ali
29. Shrimati Renu Chakravartty.

**DRAFTSMAN**

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of  
Law.*

**SECRETARIAT**

Shri N. N. Mallya, *Deputy Secretary.*  
Shri A. L. Rai, *Under Secretary.*  
Shri P. K. Patnaik, *Under Secretary.*



## Report of the Select Committee

I, the Chairman of the Select Committee to which the \*Bill, by Rajmata Kamlendu Mati Shah, to regulate and license institutions caring for women and children was referred, having been authorised to submit the report on their behalf, present their report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 26th February, 1954.

3. The motion for consideration of the Bill was moved in the House by Rajmata Kamlendu Mati Shah on the 10th August, 1956. An amendment to the motion for reference of the Bill to a Select Committee was moved by Pandit Thakur Das Bhargava on the 24th August, 1956 and adopted on the same day—(*Vide Appendix I*).

A further motion for addition of two more members to the Select Committee and for change of date of presentation of the Report was moved on the 25th August, 1956, and adopted on the same day—(*Vide Appendix II*).

4. The report of the Committee was to be presented by the last day of the first week of the Fourteenth Session, i.e. the 16th November, 1956. The Committee were granted an extension of time on the 16th November, 1956 upto the 30th November, 1956.

5. The Committee held six sittings in all.

6. The first sitting of the Select Committee was held on the 7th September, 1956 to draw up a programme of work.

7. The Committee felt that it would be desirable to redraft the Bill. A Sub-Committee was accordingly appointed on the 8th November, 1956 for the purpose of redrafting the Bill.

8. The Sub-Committee submitted their report, with the Bill as redrafted by them, to the Select Committee on the 24th November, 1956—(*Vide Appendix III*).

9. The Committee considered the report of the Sub-Committee and the Bill as redrafted by them at their sitting held on the 24th November, 1956.

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\*Published in Part II—Section 2 of the Gazette of India Extraordinary dated the 26th February, 1954.



10. The Committee considered and adopted the report on the 27th November, 1956.

11. The observations of the Committee with regard to the Bill as redrafted are detailed in the succeeding paragraphs.

12. The Committee consider that the present Bill should be confined to private institutions for women and children and that similar Government institutions should be excluded from its purview. The Bill has been redrafted accordingly.

13. *Clause 1.*—This clause corresponds to clause 1 of the original Bill.

The Committee consider that it would be proper to leave it to the State Governments to bring this legislation into force in their respective States from such date as they may desire. Provision has been made in sub-clause (3) accordingly.

14. *Clause 2.*—In this clause, which corresponds to clause 2 of the original Bill, the definitions of words “manager”, “person” and “year” occurring in the original Bill have been omitted as being unnecessary, and the remaining definitions have been revised and new ones added.

15. *Clause 3.*—The provision contained in sub-clause (1) of clause 3 of the original Bill has been incorporated in this clause with certain drafting changes.

16. *Clauses 4 and 5.*—These clauses, which relate to matters dealt with in sub-clauses (2) to (5) of clause 3 and clause 4 of the original Bill, lay down the procedure for applying for a licence and the issue thereof.

The Committee have increased the period before which an application for renewal of a licence should be made to sixty days so that the licensing authority may have sufficient time for making necessary enquiries, if any, before renewing the licence. Provision has also been made for condoning delay if sufficient cause is shown. The Committee have further provided that renewal of a licence should be for such period as the licensing authority may deem proper.

The Committee are of the view that no fee should be charged for the grant of a licence under this Act. Sub-clause (5) to clause 5 has been inserted to make this clear.

17. *Clause 6.*—Clause 5 of the original Bill as slightly amended has been reproduced in this clause.



18. *Clause 7.*—This clause is based on clauses 16 and 18 of the original Bill.

The clause provides for the revocation of a licence for the breach of any of the conditions of its issue or the provisions of this Act or the rules made thereunder or where the licensing authority is not satisfied with the general conditions of management or superintendence of the institution, after giving an opportunity to the licensee to show cause why it should not be so revoked.

In the event of revocation of a licence, provision has also been made for the transfer of the inmates of the institution to another institution or their restoration to the custody of the parents, husband or other lawful guardian.

19. *Clause 8.*—A new provision has been added for an appeal to the State Government on refusal or revocation of a licence by the licensing authority, where the licensing authority is not the State Government itself.

20. *Clause 9.*—This clause, corresponding to clause 12 of the original Bill, prescribes the penalty for contravention of the provisions of the Act or the rules made thereunder.

21. *Clause 10.*—This new clause provides that this Act will not apply to hostels and boarding houses attached to, or controlled or recognised by, educational institutions and to protective homes established under the provisions of the Suppression of Immoral Traffic in Women and Girls Act, 1956.

22. *Clause 11.*—This clause confers rule-making powers on the State Governments, as contemplated by clause 19 of the original Bill.

In sub-clause (2), matters referred to in clauses 7 to 11, 13 to 15 and 20 of the original Bill have also been provided for.

23. *Clause 12.*—This clause makes the usual provision for repeal of corresponding State legislation and the savings in respect of anything done or any action taken under the repealed measures.

24. The Select Committee recommend that the Bill as amended be passed.

NEW DELHI;  
The 27th November, 1956.

THAKUR DAS BHARGAVA,  
Chairman,  
Select Committee.



**Bill No. 31A of 1953.**

## **THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL, 1953**

**(AS AMENDED BY THE SELECT COMMITTEE)**

*(Portions side-lined indicate the amendments suggested by the Committee).*

**A**

**BILL**

*to provide for the licensing of institutions for women and children  
and for matters incidental thereto.*

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Women's and Children's Institutions (Licensing) Act, 1956.

Short title,  
extent and  
commence-  
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) "child" means a boy or girl who has not completed the age of eighteen years;

(b) "institution" means an institution established and maintained for the reception, care, protection and welfare of women or children;



(c) "licensing authority" means the State Government or such officer or authority as may be prescribed;

(d) "prescribed" means prescribed by rules made by the State Government under this Act;

(e) 'woman' means a female who has completed the age of 18 years.

Licensing of Institutions.

3. After the commencement of this Act, no person shall establish or maintain an institution except under and in accordance with the conditions of a licence granted under this Act.

Application for licence.

4. Every person desiring to establish an institution shall make an application to the licensing authority in such form and containing such particulars as may be prescribed: 10

Provided that a person maintaining an institution at the commencement of this Act shall be allowed a period of three months from such commencement to make an application for a licence. 15

Grant of licence.

5. (1) On receipt of an application under section 4, the licensing authority, after making such inquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant it.

(2) Where a licence is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner. 20

(3) A licence, unless sooner revoked, shall remain in force for such period as may be specified in the licence and may, on application made in this behalf sixty days before the date of its expiration, be renewed for such period as the licensing authority may deem proper: 25

Provided that a licence may be renewed on an application made within sixty days before the date of its expiration if the licensing authority is satisfied that there was sufficient cause for not making the application earlier.

(4) Every licence granted under this Act shall be in the prescribed form and shall be subject to such conditions as may be prescribed: 30

Provided that any such condition may require that the management of an institution shall, wherever practicable, be entrusted to women.

(5) No fee shall be charged for the grant of a licence under this Act. 35

Licence not transferable.

6. A licence granted under this Act shall not be transferable.



7. (1) Where any person to whom a licence has been granted under this Act, or any agent or servant of such person commits a breach of any of the conditions thereof, or any of the provisions of this Act, or any of the rules made thereunder, or where the licensing authority is not satisfied with the condition, management or superintendence of an institution, the licensing authority may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, revoke the licence by order in writing:

Revocation  
of licence.

10 Provided that no such order shall be made until an opportunity is given to the holder of the licence to show cause why the licence should not be revoked.

(2) Where a licence in respect of an institution has been revoked under the foregoing sub-section, such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 8 against the order of revocation, such institution shall cease to function—

20 (a) where no such appeal has been preferred, immediately on the expiration of the period prescribed for the filing of such appeal;

(b) where such appeal has been preferred but the order of revocation has been upheld, from the date of the appellate order.

(3) On the revocation of a licence in respect of an institution, the licensing authority may direct that any woman or child who is an inmate of such institution on the date of such revocation shall be—

(a) restored to the custody of her or his parent, husband or lawful guardian, as the case may be; or

(b) transferred to another institution.

8. (1) Where the licensing authority is other than the State Government, any person aggrieved by an order of the licensing authority refusing to grant a licence or revoking a licence, may within such period as may be prescribed, prefer an appeal to the State Government against such refusal or revocation.

State Appeals.

35 (2) The order of the State Government on such appeal and subject only to such order, the order of the licensing authority shall be final.

9. Any person who contravenes any of the provisions of this Act or of any rule made thereunder, or any of the conditions of a licence shall be punishable with imprisonment for a term which may ex-

Penalty.



tend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

Act not to  
apply to cer-  
tain institu-  
tions.

10. Nothing in this Act shall apply to—

(a) hostels, or boarding houses attached to, or controlled or recognised by educational institutions; or 5

(b) any protective home established under the Suppression of Immoral Traffic in Women and Girls Act, 1956.

Power to  
make rules.

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of 10 the foregoing power, such rules may provide for—

(a) the form of application for licence and the particulars to be contained therein;

(b) the form of licence and the conditions subject to which such licence may be granted; 15

(c) the management of institutions;

(d) the reception, care, protection and welfare of women and children in institutions, including all matters relating to their diet, clothing, accommodation, training and general con- 20 duct;

(e) the inspection of institutions;

(f) the maintenance of registers and account and submission of returns and audit of such accounts;

(g) the discharge from institutions of women and children and their transfer from one institution to another; 25

(h) the manner of filing appeals under this Act and the time within which such appeals shall be filed;

(i) the manner of service of orders and notices under this Act;

(j) any other matter which is to be or may be prescribed. 30

Repeal and  
savings.

12. (1) As from the date of commencement in any State of this Act, any State Act corresponding to this Act in force in that State immediately before such commencement shall stand repealed.

(2) Notwithstanding the repeal by this Act of any State Act referred to in sub-section (1), anything done or any action taken 35 (including any direction given, any register, rule or other made



or any restriction imposed) under the provisions of such State Act shall in so far as such thing or action is not inconsistent with the provisions of this Act be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

*Explanation.*—In this section, the expression "State Act" includes a "Provincial Act".



## APPENDIX I

(Vide para 3 of the Report)

### Motion in the Lok Sabha

“That the Bill be referred to a Select Committee consisting of:—

1. Rajmata Kamlendu Mati Shah
2. Shrimati Jayashri Raiji
3. Shrimati Uma Nehru
4. Shri B. Ramachandra Reddi
5. Shrimati Tarkeshwari Sinha
6. Shri Nikunja Behari Chowdhury
7. Shrimati Ammu Swaminadhan
8. Shri A. M. Thomas
9. Shri Jaipal Singh
10. Sardar Amar Singh Saigal
11. Shri Upendranath Barman
12. Shri Fulsinhji B. Dabhi
13. Shrimati Anusayabai Bhaorao Borkar
14. Shrimati Minimata
15. Shri Diwan Chand Sharma
16. Pandit Chatur Narain Malviya
17. Shri Mukund Lal Agrawal
18. Shri Mohan Lal Saksena
19. Shri Hari Vinayak Pataskar
20. Shrimati Shivrajvati Nehru
21. Shrimati Sushama Sen
22. Shri Radha Raman
23. Shri Raghubir Sahai
24. Shri Bhakt Darshan
25. Pandit Thakur Das Bhargava
26. Shri B. N. Datar
27. Dr. Mono Mohon Das

with instructions to report by the 10th September, 1956.”



## APPENDIX II

(Vide para 3 of the Report)

### **Motion for addition of Members to Select Committee and change of date of presentation of Report**

"That in the motion for reference of the Bill to a Select Committee moved by Pandit Thakur Das Bhargava and adopted by the House on the 24th August, 1956—

(i) after Serial No. 26, insert—

'27. Shri Amjad Ali

28. Shrimati Renu Chakravartty';

(ii) for '27' substitute '29' and

(iii) for 'with instructions to report by the 10th September, 1956'

substitute—'with instructions to report by the last day of the first week of the next session'."



### APPENDIX III

(Vide para 8 of the Report)

**Report of the Sub-Committee of the Select Committee on the Women's and Children's Institutions Licensing Bill, 1953 by Rajmata Kamlendu Mati Shah, M.P.**

I, the Chairman of the Sub-Committee of the Select Committee on the Women's and Children's Institutions Licensing Bill, 1953 by Her Highness Rajmata Kamlendu Mati Shah, M.P., having been authorised by the Sub-Committee to submit Report on their behalf, present this their Report.

2. The Sub-Committee was appointed by the Select Committee at their Third Sitting held on the 8th November, 1956 to re-draft the Women's and Children's Institutions Licensing Bill in the light of the observations made in the Committee (Vide para 26 of the minutes of the Select Committee, dated the 8th November, 1956—Annexure A).

3. The Sub-Committee held three sittings in all.

4. The Sub-Committee consider that the Bill should be limited to private institutions for women and children and that Government Institutions should be excluded from its purview.

The Sub-Committee have accordingly re-drafted the Bill, as appended hereto (Appendix A).

5. Extension of time for presentation of the Report of the Sub-Committee upto 23rd November, 1956 was sought at the sitting of the Select Committee held on the 16th November, 1956 and granted. A further extension of time upto the 24th November, 1956 was granted on the 23rd November, 1956.

6. The Sub-Committee recommend that the Bill as re-drafted by them be accepted by the Select Committee.

NEW DELHI;  
The 24th November, 1956

H. V. PATASKAR,  
Chairman,  
Sub-Committee of the Select Committee.



## ANNEXURE A

(Vide para 2 of Appendix III)

### MINUTES OF THE 3RD SITTING OF THE SELECT COMMITTEE ON THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL, 1953, BY RAJMATA KAMLENDU MATI SHAH.

\* \* \* \* \*

26. The Committee appointed a Sub-Committee consisting of the following members to re-draft the Women's and Children's Institutions Licensing Bill, 1953 in the light of the observations made in the Committee:—

1. Shri Hari Vinayak Pataskar—*Chairman*.
2. Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Ammu Swaminadhan
5. Pandit Chatur Narain Malviya
6. Shrimati Shivrajvati Nehru
7. Shri B. N. Datar
8. Shrimati Renu Chakravartty.

The Sub-Committee were directed to submit their report by the 16th November, 1956.



## ANNEXURE B

### MINUTES OF THE SITTINGS OF THE SUB-COMMITTEE OF THE SELECT COMMITTEE ON THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL, 1953 BY RAJMATA KAMLENDU MATI SHAH, M.P.

#### I

#### First Sitting

The Sub-Committee met from 3 P.M. to 3-45 P.M. on Friday, the 16th November, 1956.

#### PRESENT

Shri Hari Vinayak Pataskar—*Chairman.*

#### MEMBERS

2. Rajmata Kamlendu Mati Shah
3. Shrimati Ammu Swaminadhan
4. Pandit Chatur Narain Malviya
5. Shrimati Shivrajvati Nehru
6. Shri B. N. Datar
7. Shrimati Renu Chakravartty.

#### DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

#### SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Chairman explained the legal and constitutional positions as to the competence of Parliament to enact the Bill.

3. It was decided that the Bill should be limited to private institutions for women and children and that Government institutions should be excluded from the purview of the Bill.

4. The Draftsman was directed to re-draft the Bill and have copies of the same circulated to the members of the Sub-Committee before the next sitting.

5. The Sub-Committee decided to ask for extension of time upto the 23rd November, 1956 for the presentation of their report.

6. The Sub-Committee then adjourned to meet again at 5 P.M. on Thursday, the 22nd November, 1956.



## II

### Second Sitting

The Sub-Committee met from 5 P.M. to 5-15 P.M. on Thursday, the 22nd November, 1956.

#### PRESENT

Shri H. V. Pataskar—*Chairman.*

#### MEMBERS

Her Highness Rajmata Kamlendu Mati Shah

Shrimati Jayashri Raiji

Shrimati Shivrajvati Nehru.

#### DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

#### SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Sub-Committee held a general discussion on the provisions of the Bill as re-drafted by the Draftsman (Appendix A).

3. The Sub-Committee then adjourned to meet again at 4 P.M. on Friday, the 23rd November, 1956.



### III

#### Third Sitting

The Sub-Committee met from 11-30 A.M. to 11-45 A.M. on Saturday, the 24th November, 1956.

#### PRESENT

Shri Hari Vinayak Pataskar—*Chairman.*

#### MEMBERS

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Shivrajvati Nehru.

#### DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

#### SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Sub-Committee considered clause by clause the Women's and Children's Institutions Bill, as re-drafted by the Draftsman (Appendix A) and approved the same.

3. The Sub-Committee thereafter adopted the draft Report.

The Chairman was authorised to present the report of the Sub-Committee to the Select Committee.

4. The Sub-Committee then adjourned.



## APPENDIX IV

### MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE WOMEN'S AND CHILDREN'S INSTITUTIONS LICENS- ING BILL, 1953 BY HER HIGHNESS RAJMATA KAMLENDU MATI SHAH, M.P.

#### I

#### First Sitting

The Committee met from 10 A.M. to 10-25 A.M. on Friday, the 7th September, 1956.

#### PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

#### MEMBERS

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Uma Nehru
4. Shri B. Ramachandra Reddi
5. Shri A. M. Thomas
6. Shri Jaipal Singh
7. Sardar Amar Singh Saigal
8. Shri Upendranath Barman
9. Shri Fulsinhji B. Dabhi
10. Shrimati Anusayabai Bhaorao Borkar
11. Shrimati Minimata
12. Shri Diwan Chand Sharma
13. Pandit Chatur Narain Malviya
14. Shri Mukund Lal Agrawal
15. Shrimati Shivrajvati Nehru
16. Shri Raghubir Sahai
17. Shri B. N. Datar
18. Dr. Mono Mohon Das
19. Shri Amjad Ali
20. Shrimati Renu Chakravartty.

Shri C. C. Biswas, *Minister of Law and Minority Affairs* was also present.



## DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

## REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri J. N. Dhamija, *Deputy Secretary, Ministry of Home Affairs.*

## SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them.

3. The Committee decided to hold their next sitting on the 5th November, 1956 and to sit from day to day till the completion of their work.

4. The Committee considered whether any evidence would be taken by them. It was decided that Associations or Public Bodies which express any desire of submitting their suggestions or views before the Committee in respect of the Bills should be asked to send written memoranda thereon to the Lok Sabha Secretariat.

5. The Committee desired that copies of the following documents should be circulated to members:

- (i) All State Acts on the subject matter of the three Bills before the Committee.
- (ii) Reports of the State Governments on the working of the Acts in their States.
- (iii) Opinion of the State Governments on the three Bills before the Committee.
- (iv) Reports of Committees appointed by Central/State Governments on matters relative to the subject matter of the three Bills.
- (v) Convention relating to the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, signed at New York on the 9th May, 1950, by the Government of India and the Governments of other Powers and States.
- (vi) Report of the Advisory Committee on Social and Moral Hygiene appointed by the Central Social Welfare Board.

It was decided that the Ministry of Home Affairs might be requested to collect necessary materials and supply documents mentioned in items (i) to (v) above and the Central Social Welfare



Board might be requested to supply copies of the document mentioned in item (vi).

6. The Committee decided to take up the three Bills in the following order:—

- (i) The Suppression of Immoral Traffic in Women and Girls Bill, 1954.
- (ii) The Children Bill, 1954 as passed by Rajya Sabha.
- (iii) The Women's and Children's Institutions Licensing Bill, 1953 by Her Highness Rajmata Kamlendu Mati Shah, M.P.

7. The Chairman suggested that notice of amendments to the clauses of the Bills that the members intended to move should be sent well in advance to the Lok Sabha Secretariat for circulation to the members of the Committee.

8. The Committee then adjourned to meet again at 11 A.M. on Monday, the 5th November, 1956.



### III

#### \*Third Sitting

The Committee met from 10 A.M. to 1 P.M. and 3 P.M. to 6-30 P.M. on Thursday, the 8th November, 1956.

#### PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

#### MEMBERS

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Uma Nehru
5. Shri B. Ramachandra Reddi
6. Shri Nikunja Behari Chowdhury
7. Shrimati Ammu Swaminadhan
8. Shri A. M. Thomas
9. Shri Jaipal Singh
10. Shri Upendranath Barman
11. Shri Fulsinhji B. Dabhi
12. Shrimati Anusayabai Bhaorao Borkar
13. Shrimati Minimata
14. Pandit Chatur Narain Malviya
15. Shri Mukund Lal Agrawal
16. Shri Mohan Lal Saksena
17. Shri Hari Vinayak Pataskar
18. Shrimati Shivrajvati Nehru
19. Shri Radha Raman
20. Shri Raghubir Sahai
21. Shri B. N. Datar
22. Shri Amjad Ali
23. Shrimati Renu Chakravartty.

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\*Minutes of the 2nd sitting and paras 2 to 24 of this Minutes which deal with the Suppression of Immoral Traffic in Women and Girls Bill, 1954, have not been included in this Appendix.



## DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

## REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri J. N. Dhamija, *Deputy Secretary, Ministry of Home Affairs.*

## SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

\* \* \* \* \*

25. The Committee decided to ask for extension of time for presentation of the Reports on the following Bills upto the 30th November, 1956:—

(1) The Women's and Children's Institutions Licensing Bill, 1953 by Her Highness Rajmata Kamlendu Mati Shah, M.P.

(2) The Children Bill, 1954.

Chairman was authorised to move the necessary motions in the House.

26. The Committee appointed a sub-committee consisting of the following members to re-draft the Women's and Children's Institutions Licensing Bill, 1953 in the light of the observations made in the Committee:—

1. Shri Hari Vinayak Pataskar—*Chairman.*
2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Ammu Swaminadhan
5. Pandit Chatur Narain Malviya
6. Shrimati Shivrajvati Nehru
7. Shri B. N. Datar
8. Shrimati Renu Chakravartty.

The sub-committee were directed to submit their report by the 16th November, 1956.

27. The Committee then adjourned to meet again at 10-45 A.M. on Friday, the 16th November, 1956.



## IV

### \*Fourth Sitting

The Committee met from 10-45 A.M. to 10-55 A.M. and from 5 P.M. to 5-30 P.M. on Friday the 16th November, 1956.

#### PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

#### MEMBERS

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Uma Nehru
4. Shri B. Ramachandra Reddi
5. Shrimati Ammu Swaminadhan
6. Shri A. M. Thomas
7. Shri Upendranath Barman
8. Shrimati Anusayabai Bhaorao Borkar
9. Shrimati Minimata
10. Shri Diwan Chand Sharma
11. Pandit Chatur Narain Malviya
12. Shri Mukund Lal Agrawal
13. Shri Hari Vinayak Pataskar
14. Shrimati Shivrajvati Nehru
15. Shrimati Sushama Sen
16. Shri Raghubir Sahai
17. Shri Bhakt Darshan
18. Shri B. N. Datar.

#### DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

#### REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri J. N. Dhamija, *Deputy Secretary, Ministry of Home Affairs.*

#### SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

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\*Paras 2 to 4 and 6 to 8, which deal with the Suppression of Immoral Traffic in Women and Girls Bill, 1954, have not been included in this Minutes.



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5. *Extension of time for presentation of Report by Sub-Committee:*—The Committee granted extension of time upto the 23rd November, 1956 for the presentation of the Report of the Sub-Committee on the Women's and Children's Institutions Licensing Bill.

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9. The Committee then adjourned at 5-30 P.M.

MINUTES

1. Mr. J. J. Shrinani, Deputy Minister of Education was present.
2. Mr. J. J. Shrinani, Deputy Minister of Education was present.
3. Mr. J. J. Shrinani, Deputy Minister of Education was present.
4. Mr. J. J. Shrinani, Deputy Minister of Education was present.
5. Mr. J. J. Shrinani, Deputy Minister of Education was present.
6. Mr. J. J. Shrinani, Deputy Minister of Education was present.
7. Mr. J. J. Shrinani, Deputy Minister of Education was present.
8. Mr. J. J. Shrinani, Deputy Minister of Education was present.
9. Mr. J. J. Shrinani, Deputy Minister of Education was present.
10. Mr. J. J. Shrinani, Deputy Minister of Education was present.

3. Extension of time for presentation of Report by Sub-Committee:—The Committee granted extension of time upto the 23rd November, 1956 for the presentation of the Report of the Sub-Committee on the Women's and Children's Institutions Licensing Bill for the presentation of their report.



V

**Fifth Sitting**

The Committee met from 5-5 P.M. to 5-15 P.M. on Friday, the 23rd November, 1956.

**PRESENT**

Pandit Thakur Das Bhargava—*Chairman.*

**MEMBERS**

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Uma Nehru
5. Shri B. Ramachandra Reddi
6. Shri A. M. Thomas
7. Shri Upendranath Barman
8. Shri Hari Vinayak Pataskar
9. Shrimati Shivrajvati Nehru
10. Shri Raghubir Sahai.

Dr. K. L. Shrimali, *Deputy Minister of Education* was also present.

2. *Extension of the time for presentation of Report by Sub-Committee:*—Extension of time upto the 24th November, 1956 was granted to the sub-Committee on the Women's and Children's Institutions Licensing Bill for the presentation of their Report.

3. The Committee then adjourned to meet again at 11-30 A.M. on Saturday, the 24th November, 1956.



## VI

### **\*Sixth Sitting**

The Committee met from 11-45 A.M. to 1-50 P.M. on Saturday, the 24th November, 1956.

#### PRESENT

Pandit Thakur Das Bhargava—*Chairman.*

#### MEMBERS

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Uma Nehru
5. Shri B. Ramachandra Reddi
6. Shri A. M. Thomas
7. Shri Upendranath Barman
8. Shri Mukund Lal Agrawal
9. Shri Hari Vinayak Pataskar
10. Shrimati Shivrajvati Nehru
11. Shrimati Sushama Sen
12. Shri Radha Raman
13. Shri Raghubir Sahai
14. Dr. Mono Mohan Das.

#### DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

#### SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Report of the Sub-Committee on the Women's and Children's Institutions Licensing Bill was presented to the Select Committee.

3. The Committee took up clause by clause consideration of the Women's and Children's Institutions Licensing Bill, as reported by the Sub-Committee (Appendix A).

4. *Clauses 2, 3 and 4.*—These clauses were adopted without any amendment.

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\*Paras 12 and 13, which relate to the Children Bill, 1954, as passed by Rajya Sabha, have not been included in this Minutes.



5. *Clause 5.*—The following amendments were accepted:—

(i) In sub-clause (3),—

(a) for “thirty days” substitute “sixty days”; and

(b) for the words “for a like period” substitute “for such period as the licensing authority may deem proper”; and

(ii) In sub-clause (4),—

Omit the second proviso.

The clause as amended was adopted.

6. *Clauses 6 to 8.*—These clauses were adopted without any amendment.

7. *Clause 9.*—The clause was adopted without any amendment.

The Draftsman was, however, directed to examine whether the penalty of fine could not be appropriately mentioned before the punishment of imprisonment in the clause, and if so considered, to amend the clause accordingly.

8. *Clause 10.*—Part (1) was omitted. The Committee felt that it should be made clear that this Act will not be applicable to boarding houses or hostels attached to, or controlled by educational institutions.

The Draftsman was asked to include under this clause the necessary provision.

Subject to the above, the clause was adopted.

9. *Clause 11.*—The Committee decided that among the matters upon which the State Government may make rules, enumerated under sub-clause (2), ‘inspection of institutions’ should also be mentioned. The Draftsman was directed to provide for this suitably.

Subject to above, the clause was adopted.

10. *Clause 12.*—The clause was adopted without any amendment.

11. *Clause 1.*—The clause was adopted without any amendment.

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14. The Committee decided to consider the draft reports on the Women’s and Children’s Institutions (Licensing) Bill and the Children Bill as passed by Rajya Sabha, at their next sitting.

15. The Committee then adjourned to meet again at 10-30 A.M. on Tuesday, the 27th November, 1956.



## VII

### \*Seventh Sitting

The Committee met from 10-45 A.M. to 11-30 A.M. on Tuesday, the 27th November, 1956.

#### PRESENT

Pandit Thakur Das Bhargava—*Chairman*.

#### MEMBERS

2. Her Highness Rajmata Kamlendu Mati Shah
3. Shrimati Jayashri Raiji
4. Shrimati Uma Nehru
5. Shri B. Ramachandra Reddi
6. Shrimati Ammu Swaminadhan
7. Shri Jaipal Singh
8. Sardar Amar Singh Saigal
9. Shri Upendranath Barman
10. Pandit Chatur Narain Malviya
11. Shri Mohan Lal Saksena
12. Shrimati Shivrajvati Nehru
13. Shrimati Sushama Sen.

#### DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

#### SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Committee adopted the Women's and Children's Institutions Licensing Bill as amended, with the following further amendments: —

#### Clause 5

(i) In Clause 5, sub-clause (3), —

(a) *omit* the words "at least"; and

(b) *insert* the following proviso, namely:—

"Provided that a licence may be renewed on an application made within sixty days before the date of its expiration if the licensing authority is satisfied that there

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\*Para 4, which relates to the Children Bill, 1954 as passed by Rajya Sabha, has not been included in this Minutes.



was sufficient cause for not making the application earlier."

*Clause 10*

- (ii) In Clause 10, part (a),—  
after the word "controlled" insert the words "or recognised"

*Clause 11*

- (iii) In Clause 11, sub-clause (2),—  
(a) In part (d),—  
after the word "diet" insert the word "clothing,"  
(b) in part (f),—  
omit the words "by managers of institutions"

3. The Committee then considered the draft Report on the Bill and adopted the same with certain verbal changes.

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5. As the Chairman was not expected to be available for presentation of the Reports, the Committee authorised Shri B. Ramachandra Reddi and in his absence Her Highness Rajmata Kamlendu Mati Shah to present the two Reports on their behalf.

6. The Committee decided that Minutes of Dissent, if any, should be sent so as to reach the Lok Sabha Secretariat by 5 P.M. on Thursday, the 29th November, 1956.

7. The Chairman announced that the Reports would be presented to the House on Friday, the 30th November, 1956.

8. The Committee then adjourned at 11-30 A.M.



## APPENDIX A

### The Women's and Children's Institutions Licensing Bill, 1953 (as re-drafted by the Sub-Committee).

A

#### BILL

to provide for the licensing of institutions for women and children and for matters incidental thereto.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Women's and Children's Institutions (Licensing) Act, 1956. Short title, extent and commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'child' means a boy or girl who has not completed the age of eighteen years;

(b) 'institution' means an institution established and maintained for the reception, care, protection and welfare of women or children;

(c) 'licensing authority' means the State Government or such officer or authority as may be prescribed;

(d) 'prescribed' means prescribed by rules made by the State Government under this Act;

(e) 'woman' means a female who has completed the age of eighteen years.

3. After the commencement of this Act, no person shall establish or maintain an institution except under and in accordance with the conditions of a licence granted under this Act. Licensing of institutions.

4. Every person desiring to establish an institution shall make an application to the licensing authority in such form and containing such particulars as may be prescribed: Application for licence.

Provided that a person maintaining an institution at the commencement of this Act shall be allowed a period of three months from such commencement to make an application for a licence.



Grant of  
licence.

5. (1) On receipt of an application under section 4, the licensing authority, after making such inquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant it.

(2) Where a licence is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner.

(3) A licence, unless sooner revoked, shall remain in force for such period as may be specified in the licence and may, on application made in this behalf at least thirty days before the date of its expiration, be renewed for a like period.

(4) Every licence granted under this Act, shall be in the prescribed form and shall be subject to such conditions as may be prescribed:

Provided that any such condition may require that the management of an institution shall, wherever practicable, be entrusted to women:

Provided further that it shall be a condition of every licence for an institution open to children of both sexes, whether in addition to women or not, that sleeping accommodation shall be provided separately for boys who have completed the age of twelve years.

5. No fee shall be charged for the grant of a licence under this Act.

Licence not  
transferable.

6. A licence granted under this Act shall not be transferable.

Revocation  
of licence.

7. (1) Where any person to whom a licence has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or any of the provisions of this Act, or any of the rules made thereunder, or where the licensing authority is not satisfied with the condition management or superintendence of an institution, the licensing authority may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, revoke the licence by order in writing:

Provided that no such order shall be made until an opportunity is given to the holder of the licence to show cause why the licence shall not be revoked.

(2) Where a licence in respect of an institution has been revoked under the foregoing sub-section, such institution shall cease to function from the date of such revocation.

(3) On the revocation of a licence in respect of an institution, the licensing authority may direct that any woman or child who is an inmate of such institution on the date of such revocation shall be—



(a) restored to the custody of her or his parent, husband or lawful guardian, as the case may be; or

(b) transferred to another institution.

8. (1) Where the licensing authority is other than the State Government, any person aggrieved by an order of the licensing authority refusing to grant a licence or revoking a licence, may within such period as may be prescribed, prefer an appeal to the State Government against such refusal or revocation. Appeals.

(2) The order of the State Government on such appeal and subject only to such order, the order of the licensing authority shall be final.

9. Any person who contravenes any of the provisions of this Act or of any rule made thereunder, or any of the conditions of a licence shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both. Penalty.

10. Nothing in this Act shall apply to—

(1) any institution established by the Government, or

(2) any protective home established under the suppression of Immoral Traffic in Women and Girls Act, 1956.

Act not to apply to certain institutions.

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form of application for licence and the particulars to be contained therein;

(b) the form of licence and the conditions subject to which such licence may be granted;

(c) the management of institution;

(d) the reception, care, protection and welfare of women and children in institutions, including all matters relating to their diet, accommodation, training and general conduct;

(e) the maintenance of registers and account and submission of returns by managers of institutions;

(f) the discharge from institutions of women and children and their transfer from one institution to another;

(g) the manner of filing appeals under this Act and the time within which such appeals shall be filed;



(h) the manner of service of orders and notices under this Act:

(i) any other matter which is to be or may be prescribed.

Repeal and  
savings.

12. (1) As from the date of commencement in any State of this Act, any State Act corresponding to this Act in force in that State immediately before such commencement shall stand repealed.

(2) Notwithstanding the repeal by this Act of any State Act referred to in sub-section (1), anything done or any action taken (including any direction given, any register, rule or order made, any restriction imposed) under the provisions of such State Act shall in so far as such thing or action is not inconsistent with the provisions of this Act be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by any thing done or any action taken under this Act.

Explanation.—In this section, the expression 'State Act' includes a 'Provincial Act'.