

MR. DEPUTY SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill...

SHRI H. M. PATEL: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.30 hrs.

CHILDREN (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: Now, we take up the Children (Amendment) Bill. Dr. Pratap Chandra Chunder.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): Mr. Deputy-Speaker, Sir, this is a very important piece of social legislation for the purpose of amendment of Children Act, 1960. I am happy to inform you that the Rajya Sabha has passed this Bill, and as passed by Rajya Sabha, it is now before this House.

As you are aware, children form the most vulnerable group in society and they need the greatest protection and social care. With that end in view, the framers of our Constitution have inserted a special provision in the Directive Principles of State Policy; under article 39, it is provided:

"The State shall, in particular, direct its policy towards securing—

that children are given opportunities and facilities to develop in a healthy

manner and in conditions of freedom and dignity;

and that childhood and youth are protected against exploitation and against moral and material abandonment."

Pursuant to this duty imposed by the Directive Principles, the Parliament, in 1960, passed the Children Act for the purpose of providing for safety and welfare of children in Union Territories. But in acting on the Children Act, it was found that there were certain lacunae. In the main, these lacunae concern the following items:

(1) Rigid classification of children as either neglected or delinquent overlooking the fact that more often than not, delinquency is the result of neglect and has, therefore, to be treated as such.

(ii) the absence of adequate stipulation regarding the maintenance of proper standards of service in Homes meant for correctional treatment of children;

(iii) the absence of a comprehensive after-care service for children who leave the institution after undergoing a period of correctional treatment.

Now, Mr. Deputy Speaker, to meet these lacunae, discussions took place with major voluntary social-welfare organisations and, as a result of such discussions, this Bill had been brought in the Rajya Sabha and, I may tell you Sir, that it has been unanimously passed by the Rajya Sabha.

In brief, these are the major provisions of the Bill. In the definition of 'neglected children' the condition of parents has been mentioned and, formerly, it was confined only to those 'unfit' to exercise a proper care and control over children: but now it has been provided that it is not only those 'unfit' but also those who are not able to exercise proper care and control over children will be brought in.

[Dr. Pratap Chandra Chunder]

Similarly, in regard to observation Homes, formerly no provision was made for taking into consideration voluntary welfare organisations. We often find that it is voluntary welfare organisations which can provide good surroundings for children undergoing certain proceedings either before a Welfare Board or before a Children's Court. Now it is intended to bring in voluntary organisations also

Thirdly, in connection with proceedings before a court, the court can now be advised by two qualified social workers out of whom at least one should be a woman. The purpose is that, according to the modern concept, in Children's Courts they should have proper assistance in correction and not really punishment as such. The presence of qualified voluntary social welfare workers will certainly give some human touch apart from expert advice to the officers in the court.

Again, when a child was brought either before a Welfare Board or a Children's Court and if it was found that it was a case of delinquency or a case of neglect, as the case may be there was no mobility, which means the child could not be sent to the other competent authority. Now it is provided that there should be such mobility and certain provisions have been included for enabling mutual transfer of cases between the Child Welfare Board and the Children's Court and in cases of different of opinion between these authorities some other authority has been mentioned who will finally decide the question.

Then again, with regard to Children's Homes or Special Schools, the real objectives of these institutions have not been spelt out. Now it is proposed to spell out these objectives—that is, to ensure all-round growth and development and personality of the child. Similarly, the standards to be followed by these institutions have been provided for these were not indicated earlier.

Then, the after-care service was also not indicated. We are now trying to introduce provisions for after-care. This will be entrusted not only to organisations but also to philanthropic individuals who can take up this task after the officers concerned have approved of their competence.

In this way, we have some other provisions but I will mention only two more important provisions. One is that, formerly, legal practitioners were barred from appearing before a Welfare Board or a Children's Court without permission. But from some decision of a court of law it was found that under Art. 22 (1) of the Constitution we cannot put a blanket ban on the appearance of legal practitioners. So now a provision has been made that legal practitioners may appear before a court to take up the case of the children or the parents as the case may be.

Finally, a consequential change about reference to the Code of Criminal Procedure, 1898 has been mentioned. As you know, a new Code has come into force and, therefore, consequential changes have been introduced.

These are, in brief, the major objects of the Bill.

I now beg to move:

"That the Bill to amend the Children Act, 1960, as passed by the Rajya Sabha, be taken into consideration".

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to amend the Children Act, 1960 as passed by the Rajya Sabha, be taken into consideration."

SHRI VAYALAR RAVI (Chirayinkil): Mr. Deputy-Speaker, Sir, I have listened very carefully to the hon. Minister and he was good enough to read out the relevant clause from the Directive Principles, Article 39 of the Constitution. He also indicated his

enthusiasm to implement what is mentioned there to the extent possible. I welcome the spirit.

The hon. Minister also mentioned that this Bill is intended to plug certain loopholes as also to give more protection to the children and pay more attention in order to take care of their interest. That is the main purpose of the Bill, as he put it, and there is no controversy about it.

The Bill in question contains a provision for the association of two social workers with every children's court, of whom at least one shall be a woman, and they would be appointed by the Administrator. When you give this power, that is to nominate social workers, to the administrators, and you see the attitude of such social workers today, it raises certain suspicion in our minds. It has now become a fashion that the social work organizations or the Social Welfare Boards provide a parttime job to Mrs. so and so. It has become a fashion to associate Mrs. so and so with such organizations. These ladies do not have much of a work or a social status; and they get into these bodies just to have a parttime job. If you examine the various social organizations right from the Social Welfare Boards downwards you will find that, more or less, these organizations are filled with these kinds of people. This has been there for the last thirty years not today. That is the unfortunate thing. Now, when you are going to give this executive authority to the administrator to nominate people to such bodies, you must take care to see that the vested interests are not brought into such organizations. These social organizations are responsible for running a number of institutions and you must be very careful.

The other provisions of the Bill do not have anything which would invite much of objections.

The hon. Minister has quoted certain Directive Principles from the Consti-

tution in his speech. I would like to draw his attention to the plight of the children in our country today. As I have said on a number of occasions earlier, the children are the wealth of the nation. However, because of our social, economic or political system in our country, the children are the wealth of the family; they are the responsibility of the family. The family has to look after their education, their food, nutrition etc. Everything rests on the shoulders of the family. If the family is poor, the children would be weak and cannot have proper development. Now a time has come after thirty years of independence to think in concrete terms for the welfare of the children. We have to think of them as a whole. I think, we as a nation can afford and we must afford; this nation must consider the children as the wealth of the nation and take the responsibility to build up their career and their all round development. That should be the responsibility of the State. I know, it is not an easy proposition for the State to declare tomorrow that they would look after the entire children, but we must make a start in that direction and have a programme for that.

Today, basically the main question is the health of the children. If you have a survey, you will find that more than eighty per cent of the children in our country are affected by pulmonary complications. It is a very serious disease which sometimes develops into tuberculosis later on or may affect the brain. Government have been having campaigns of vaccination, triple antigen etc. but that is defferent. This happens because of the lack of nutrition. In Kerala there is a scheme for providing noon meals or supply of milk for the children.

But now we can try. You cannot leave it as a State subject. The Government can take initiative to give, if not nutritive food, at least tablets in schools upto the secondary stage or the primary stage. There is no such programme before the government to look after their health and look after

[Shri Vayalar Ravi]

their education. There are many schools and colleges. But who will pay them for going to the schools? How can they afford to pay? Now, to-day every family considers the children as their wealth because they think that in their old age, the children will look after them. That is the only consideration. Then look at the two kinds of society we have today. It has been built up over the last 30 years. I admit, but it is because there is the public school system. The hon. Minister of Education is a Professor and he knows. The education that is given in the public schools to-day is definitely creating a different strata of society. A survey has revealed in India that of those who are coming into the All India services, more than 70 per cent come from the public schools. The public schools give a better education from the first standard onwards. Those who can afford huge amounts as fees and charges in the public schools can send their children there but what about the millions of poor people and millions of poor families who cannot afford to send their children even to the primary schools?

Now, the spirit behind the Directive Principles is to look after the children as the wealth of the country, to consider them as the national wealth and build them up. For that there should be some programme and I wish that the hon. Education Minister has the courage to stand up and declare that the country will look after the children as the national wealth. And for that there should be some programmes placed before us. So I wish this social programme should be taken up by the Government considering children as our national wealth.

This Bill, I support, because, it is a non-controversial Bill and I am also glad that an attempt has been made to plug the loopholes.

With these words, I conclude.

श्री शम्भूनाथ चतुर्वेदी (आगरा):
उपाध्यक्ष महोदय, सदन के सामने जो बिल आया है उसका मैं समर्थन करता हूँ और स्वागत करता हूँ क्योंकि जो चिल्ड्रेन ऐक्ट 1960 में पास हुआ था उसमें जो खामियां नजर आईं उनको इसमें दूर करने का प्रयास किया गया है। किन्तु इस के साथ ही साथ यह समस्या बहुत ही गम्भीर है। इस देश में डेलिक्वीट और नेग्लेक्टेड चिल्ड्रेन की संख्या करोड़ों में है। जिस कारण से डेलिक्वीसी नेग्लेक्ट होती है उसको हम अभी इस बिल के जरिये से नहीं, कुछ और चीजों के जरिए से स्पष्ट ही कर पाये हैं। मैं समझता हूँ पहली बात तो यह है कि चिल्ड्रेन्स के लिए यह जो कुछ ऐक्ट्स बगैरह बने हुए हैं उनका अधिकांश कार्य-क्षेत्र शहरों तक ही सीमित है और वह भी बड़े बड़े शहरों तक सीमित है। विभिन्न स्टेट्स में इस के बारे में क्या हो रहा है उस सम्बन्ध में हमारे सामने अभी कोई ठीक तस्वीर नहीं है। जेलों में बच्चों को भी हार्डेन्ड क्रिमिनल्स के साथ रखा जाता है। यह किसी एक जगह की बात नहीं है बल्कि अधिकांश जगहों पर ऐसा है। इसी प्रकार से कहाँ कहाँ पर चिल्ड्रेन्स कोर्ट्स काम कर रही हैं, कितने आब्जर्वेशन होम्स हैं या चिल्ड्रेन होम्स हैं, उन की किस तरह की वकिंग है—इसकी कोई ठीक तस्वीर हमारे सामने नहीं है। हालांकि स्टेट्स के जरिए से ही सब कुछ हो रहा है और यह जो बिल है वह सीमित है, केवल यूनियन टेरिट्रीज के लिए है लेकिन एक बात जाहिर है कि इसके तीन मुख्य कारण हैं—एनवायरनमेंट, एकोनामिक कंडीशन और एजुकेशन। मैं समझता हूँ कि इन तीनों मामलों में हम बच्चों के प्रति अपनी जिम्मेदारी को नहीं निभा पा रहे हैं। आज हमारे देश में 50-60 प्रतिशत लोग ऐसे हैं जो पावर्टी लाइन के नीचे रह रहे हैं, उन के बच्चों की आज क्या दशा है—उन को दो वक्त

का पूरा अन्न भी नसीब नहीं होता है, जो भूखे सो जाते हैं, जिन के बदन पर कपड़े के बजाय चीथड़ा लदा रहता है, सर्दियों में ठिठुरते रहते हैं, उन के अन्दर अगर इस तरह की प्रवृत्ति पैदा हो जाय कि वे जुर्म की तरफ चले जाय, तो यह कोई ताज्जुब की बात नहीं है। उन के जो पैरेंट्स हैं, वे खुद भी शिक्षित नहीं हैं, उन्हें यह भी मालूम नहीं है कि उन की उन बच्चों के प्रति क्या जिम्मेदारी है। अधिकांश गरीब लोगों के बच्चे इस लिये नहीं पढ़ पाते कि उन को काम में लगाने की जरूरत पड़ती है। आप किसी भी शहर में चले जाइये, आप ने चाइल्ड-लेबर भले ही निषेध कर दी हो, फिर भी 14 और 16 साल की उम्र से नीचे के बच्चे बहुत बड़ी संख्या में काम करते हैं और किस तरह से उन के साथ दुर्व्यवहार किया जाता है, किस तरह से उनको एक्सप्लॉएट किया जाता है, यह कोई छिपी हुई बात नहीं है।

दूसरी बात जो मैं कहना चाहता हूँ—वह एन्वायरनमेन्ट की है। आज हमारे यहां जो वातावरण बन रहा है, उस में सब से पहले सिनेमा का नम्बर आता है। आप गरीब आदमियों के बच्चों को छोड़ दीजिये, शहरों में जो अच्छे घरानों के लड़के हैं, उन के अन्दर क्राइम और डिलिक्वैसी की आदतें ज्यादा बढ़ रही हैं। हम उसी मार्ग का अनुसरण कर रहे हैं जो हमें पश्चिमी देशों ने दिखलाया है और जो स्वयं चाइल्ड-डिलिक्वैसी के रोग से पीड़ित हैं। वही सब चीजें आज हमारे यहां भी चल रही हैं, जिन में सिनेमा और टेलीविजन भी शामिल हैं। मैं जानता हूँ—जब टेलीविजन सैट मैंने अपने यहां ला कर रखा तो दो दिन बाद ही मुझे ऐसा महसूस हुआ कि मैंने बहुत बड़ी गलती की है। मेरे घर में भी एक बच्चा है। मैंने यह देखा कि उस में जो फिल्म आती हैं, वे ऐसी नहीं हैं कि जिन को हम बच्चों के

साथ घर में बैठ कर देख सकें। आंख थोड़ी शर्म से झुक जाती है और उस के बाद तो वह शर्म-व-हया दोनों खत्म हो जाती हैं। वही “लव” या “क्राइम”—इन्हीं चीजों की फिल्में देखने को मिलती हैं, जिन से बच्चों पर बहुत बड़ा दुष्प्रभाव पड़ता है।

एक माननीय सदस्य : भाल राउण्ड ट्रेनिंग हो जायगी।

श्री शम्भूनाथ चतुर्वेदी : जी हां, भाल-राउण्ड ट्रेनिंग हो रही है और उसी का यह नतीजा है कि स्टूडेंट्स में क्राइम की प्रवृत्ति बढ़ रही है। पश्चिमी देशों की तरह हमारे बच्चे भी ड्रग्स के आदी होते जा रहे हैं। यह सवाल भी पैदा होता है कि इन के लिये हम ने कितने कोर्ट्स और होम्ज प्रोवाइड किये हैं, किस परसेन्टेज तक हम इस समस्या को डील कर सकेंगे। यह तो ऐसी समस्या है जिस में करोड़ों का सवाल है। आज भी हमारे यहां जो इन्स्टीचूशन्स या ओरफनेज चल रहे हैं, उन की हालत हम अच्छी तरह से जानते हैं। हम एक जगह खाना ले कर गये, तो हम से कहा गया कि अभी छुट्टी नहीं हुई है, आप खाना छोड़ जाइये। वहां पर बच्चे सहमे हुए थे, वह खाना उन्होंने बड़ी रुचि से खाया, लेकिन जो उन के मीनेजमेंट में थे, उन का यही आशय था कि खाना छोड़ दिया जाय, उस के बाद बच्चों को जितना देना होगा, देंगे, बाकी हम खुद उपयोग करेंगे। इन ओरफनेजेज या ऐसे होम्ज में बच्चों का किस तरह से एक्सप्लॉय-टेशन होता है, उन से कुकर्म भी कराये जाते हैं—ये सब समस्याएँ हमारे सामने हैं।

इस लिये यद्यपि मैं इस बिल का स्वागत करता हूँ, क्योंकि इस में जो लूप-होल्स थे, उन को दूर करने की चेष्टा की गई है, इस से कुछ न कुछ सुधार ही होगा, लेकिन

[श्री शम्भूनाथ चतुर्वेदी]

इस के साथ-साथ मैं यह भी कहना चाहता हूँ कि यह बहुत बृहत् समस्या है, जिस के लिये हमें सोचना चाहिये। देहातों को हम कब तक नेग्लेक्ट करते रहेंगे, उन के लिये भी हम को इस में प्रबन्ध करना चाहिये, उन के लिये इस में कोई प्रावीजन नहीं है। अगर पुलिस स्टेशन ने विसो बच्चे को लिख कर भेज दिया तो... क्या उस से व्यवहार होता है, किस तरह से उससे सहानुभूति दिखाई जाती है, इसका हमें कहीं भी प्रमाण नहीं मिलता है। मैं माननीय मंत्री जी को यह बिल लाने के लिए बधाई देता हूँ और उन से चाहता हूँ कि वे इस समस्या को सुलझाने के लिए एक ऐसी चीज खड़ी करें जिस से कि यह जो इतनी बड़ी बीमारी है उस का इलाज हो सके।

दूसरी बात मैं यह कहना चाहता हूँ कि कि यह जो बोर्ड आप बनायें उन को बनाते समय आप उन में ऐसे लोगों को लें जिन में यह कार्य करने की क्षमता हो और लगन भी हो। ऐसे लोगों को लें जो यह देखें कि बच्चे की जो क्राइम की ओर प्रवृत्ति हुई है वह क्या प्राकृतिक कारणों से हुई है या किन्हीं और कारणों से हुई है। इस बात का पता लगने पर बच्चों का सुधार हो सकेगा। बोर्डों में अक्सर बहुत से अवांछनीय लोग घुस जाते हैं जिन की न कोई योग्यता होती है और न जिन को कोई इस बात में इन्ट्रेस्ट होता है। हमें यह देखना होगा कि हम बोर्डों में ऐसे लोगों को रखें जिनका इस काम में फील्ड अनुभव हो। यह न हो कि महज डिग्री के आधार पर लोगों को इन में रख लिया जाए, चाहे उन की इस कार्य में प्रवृत्ति हो या न हो। बोर्ड में नियुक्ति करते समय यह देखा जाए कि उसका पास्ट रिकार्ड क्या है, उस के मन में समाज-सेवा की कितनी भावना है। खाली डिग्री के बल पर ही

लोगों को न लिया जाए। जब लोगों को उनके फील्ड अनुभव के आधार पर इस में रखा जाएगा तभी उनकी उपयोगिता होगी।

इन्हीं शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

SHRI SHYAMAPRASANNA BHATTACHARYYA (Uluberia): Mr. Deputy-Speaker, Sir, I support this Bill. Sir, because the Criminal Procedure Code is changed in 1973, so, this Bill must have changed. Our Education Minister has made some amendments to better this Bill. But the scope of this Bill is mainly in the interest of the neglected and delinquent children,—not for all the children. That is the problem. For, we cannot go much beyond the legal interpretation of who is neglected. As far as our experience goes, I may tell you one thing. When boys are sent to the primary schools, in the first year, 60 per cent of the boys go out of the schools. Only 40 per cent remain. Why? There is a reason behind it. The father and mother of the poor children are themselves very poor. They want their children to earn something. They want them to collect firewood or cowdung or work in some rich person's or rich Zamindar's House and earn something. They have some cattle to rear and thereby they add something to their own source of income.

I went to Bundelkhand and I met some poor peasants. They all told me that children were the only assets for them. We have not got enough money to bring up children. And so, we have to allow the children to do some work with a view to maintaining our family. This is the real situation in this country. How can we eradicate poverty from this country if this is the position? Unless and until we develop all the children for maintaining better living standards in this country, this problem cannot be solved.

Father and mother always depend upon themselves to maintain their families. Unless and untill they have sufficient money they won't be able to send their children for school education. I may tell you that there are some countries in the world. Take for example North Korea. This is a small country whereas ours is a vast country and so we have a vast problem. In North Korea, the State Government takes full responsibility for the children. They remain in the best houses Government give them clothing and education. In the evening they allow them to go to their parents. There too the father and mother work. When that could be done there, how is it that it is not possible to do that in this vast country of ours which still remains far behind. We are thinking of improving the living conditions of the poor peasants living in the interior corners of this country. Father and mother are conscious about maintaining their children. In this process, of course, a few of them might be neglected. I think we must do our best for the children. It is the duty of our Parliament, it is the duty of the Legislators as also the duty of all the parties to solve this problem so that all of them can be benefited and they are able to build the future of this country.

14.57 hrs.

[Mr Speaker in the Chair]

With these few words, I support this Bill.

14.58 hrs.

MOTION RE INCIDENT AT VARANASI AFTER UNVEILING OF DR. SAMPURNANAND'S STATUE BY SHRI JAGJIVAN RAM.

MR. SPEAKER: Now, we shall take up the Motion of Shri R. L. Kureel. Before you start, I should tell you that I am allowing each Member only ten minutes and I am allowing twenty minutes for the Minister. And then, you will have your right to reply.

श्री मनी राम बागड़ी (मथुरा): हमें कुछ ज्यादा वक्त दिया जाना चाहिये क्योंकि यह बहुत गम्भीर मामला है। यह मामूली बात नहीं है। हिन्दुस्तान का बहुत बड़ा जहर है। इस जहर को आप हम नस्तर लगाने दें।

MR. SPEAKER: The Business Advisory Committee has only allowed three hours. Let Mr. Kureel go on.

श्री आर० एस० कुरील (मोहनलालगंज): अध्यक्ष महोदय, मैं यह प्रस्ताव रखता हूँ: "कि यह सभा 24 जनवरी 1978 को वाराणसी में हुई घटना पर, जिसमें माननीय रक्षा मंत्री (श्री जगजीवनराम) द्वारा डा० सम्पूर्णानन्द की मूर्ति का अनावरण किए जाने के बाद उसे कुछ व्यक्तियों द्वारा गंगा जल से धोया गया जिससे राष्ट्रीय नेता तथा समुदाय का अपमान हुआ, गहरी चिन्ता व्यक्त करती है तथा सरकार से अनुरोध करती है कि नागरिक अधिकार सुरक्षा अधिनियम 1955 के अधीन कार्यवाही की जाए"।

15.00 hrs.

अध्यक्ष महोदय, यह समाज में बहुत समय से चला आ रहा है। हजारों साल से इस वर्ग के लोगों को, शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लोगों को इन्सान नहीं समझा गया। इस के लिये कौन जिम्मेदार है? यह देखने वाली बात है। पिछली सरकार ने 30 सालों से इस के लिये प्रयास किये। लेकिन वह प्रयास केवल कागजों में और अखबारों में ही सीमित रहे। उनकी उन्नति के लिये, मानवीय अधिकार दिलाने के लिये, समाज में समानता का अधिकार दिलाने के लिये प्रयास किये, लेकिन वह नहीं के बराबर थे। और जो प्रयास किये भी, जो नीति और नीयत रही उन दोनों में बहुत ही अन्तर था। नीयत खराब थी, नीति भले ही अच्छी रही हो। इसी वजह से