

**Shri M. C. Shah:** From clauses 234 to 322, and thereafter 323 to 377.

**Mr. Deputy-Speaker:** Tomorrow we have 3½ hours upto 3-30 P.M.

**Shri M. C. Shah:** Thereafter, we will have 1½ hours.

**Mr. Deputy-Speaker:** The matter will come up whether today or tomorrow. Hon. Members will kindly consider and see whether those clauses can be split up into convenient groups—two or three—and inform the House tomorrow.

#### PUNISHMENT FOR ADULTERATION OF FOODSTUFFS BILL

**Shri Jhunjhunwala (Bhagalpur Central):** I beg to move for leave to withdraw the Bill to provide for punishment of those found guilty of adulteration of foodstuffs, in view of the fact that a Bill has already been brought before the House and passed.

**Mr. Deputy-Speaker:** The question is:

"That leave be granted to withdraw the Bill to provide for punishment of those found guilty of adulteration of foodstuffs".

*The motion was adopted.*

#### MOTOR TRANSPORT LABOUR BILL

**Shri A. K. Gopalan (Cannanore):** I beg to move for leave to introduce a Bill to regulate the conditions of motor transport workers.

**Mr. Deputy-Speaker:** The question is:

"That leave be granted to introduce a Bill to regulate the conditions of motor transport workers".

*The motion was adopted.*

**Shri A. K. Gopalan:** I introduce the Bill.

#### PREVENTION OF JUVENILE VAGRANCY AND BEGGING BILL

**Mr. Deputy-Speaker:** The House will now resume further consideration of the following motion moved by Shri M. L. Dwivedi on the 19th August 1955:

"That the Bill to make provision for the prevention of juvenile vagrancy and begging, be taken into consideration".

Out of 1½ hours allotted for the discussion of the Bill, 31 minutes were taken on the 19th August, leaving a balance of 59 minutes for its further consideration. Dr. Rama Rao may now continue his speech

We have started about quarter to three and we go up to quarter to four. The hon. Member in charge of the Bill would like to have 15 minutes for his reply. Then, we have three-quarters of an hour. Hon. Members would kindly have an idea of the time and restrict their speeches.

**Dr. Rama Rao (Kakinada):** On the last occasion I was referring to the responsibility of the State with regard to children, particularly orphans. Unfortunately, in spite of the socialistic pattern being our idea, we are neglecting our children to a very great extent which is shown by the fact that with the exception of one or two States, none of the States have a state-owned or state-managed orphanage institutions which are government aided. I was referring to the fact that the care of orphans in particular and children in general as the first responsibility of the State—almost a first charge on the State. Unfortunately, in spite of our sympathy for children we are doing very little for the care of orphans. Something is being done for juvenile offenders; something is being done for the handicapped, the dumb and other children—all this ought to be done—something is being done even for wild life and as long as children do not become wild it looks as though we do not care for them. So, I appeal to the Government to start orphanages of their own in areas where there is central responsi-

[Dr. Rama Rao]

bility and to give directions to the States to start at least one orphanage in every State this year.

Coming to the Bill itself, it seems as if Shri Dwivedi wants to close his eyes to the problem. He sees only the symptoms and not the cause of the disease. He reminds me of Siddharta. Whenever he went the King had ruled that there should be no beggar on the street, there should be no old man on the street, no dead body should be carried through the streets and all that. It is just closing your eyes. The problem of poverty and unemployment and the indifference of the State towards the care of the children in general and orphans in particular is responsible for this.

I cannot support this Bill because it is very vague, very indefinite. As far as it places the problem before Parliament, it is welcome. 'Vagrancy' is defined as remaining idle. What do you expect of these children who have no schooling, no occupational training, no care except to be idle? If they remain idle I should be satisfied. Remaining idle is made an offence by Shri Dwivedi. Asking for charity is an offence.

Coming to clause 3, if a person below the age of eighteen either of whose parents or any guardian, or any other person giving protection to such a person is alive, is found to be wandering about or begging on trains, in public places, say the Connaught Circus, then his parents or guardian or protector will be imprisoned. Of course, the intention is good; but, I think, the words are much beyond the intention.

A very small group of families are there in which the parents or guardians utilise the children for begging and that is an undesirable situation. Such parents and guardians should come under Shri Dwivedi's Bill. The Bill itself is very vague and I think he will withdraw it at the end. I am glad that he has anyhow brought this

problem before this House. Care of children and particularly orphans is necessary and I hope the Deputy Home Minister would pass on this request to every State to start at least one orphanage this year. I cannot support this Bill.

**Shrimati Jayashri (Bombay—Suburban):** I rise to support the principle underlying this Bill, though I must say that it is a very defective Bill. In view of the fact that we have got the Children's Bill before the House, which is a more comprehensive one, I would request the hon. Member to withdraw this Bill.

I would draw the attention of the House to clause 4 which says:

"Any person who commits offence under section 3 shall be punishable with rigorous imprisonment....."

When we talk of children, I am surprised that the hon. Member should suggest this remedy. I would like to suggest that children should not be considered as offenders but only as persons towards whom the society has offended. We all know that in big cities where there is overcrowding this problem of beggary and juvenile vagrancy is there to a large extent. I would read out a small passage from the report of the meeting of the United Nations in Geneva, about crime among children. They say:

"The first World Congress on the prevention of crime and treatment of offenders may not find it easy to suggest remedies as crime appears to be a by-product of civilisation. At least, that seems to be true where juvenile delinquency is concerned."

This is a sad thing. We talk of social welfare State and, I think, we should give priority to this human problem. At present, we give more importance to economic activities but this problem is a necessary corollary to economic development and it must have a higher priority in a national

plan. We all know that due to poverty, due to ignorance and due to lack of opportunities the beggar problem arises. We have to suggest remedies for this instead of suggesting punishment of the poor children who are sinned against by the society.

I would like to draw the attention of the House to a few methods by which we can deal with this problem. First, we have to have proper legislation by which we can find out the homes and people who are exploiting the children. You are aware that in big cities like Bombay there is actually professional beggary in which sometimes the children are maimed and crippled and then they are made to beg, so that people feel pity for the children and give alms to them. So, we must have a legislation to stop this sort of begging and also provide proper homes for children. At present, we have also in a Private Member's Bill, suggested the licensing of children's homes and women's homes. As you are aware, there is lot of traffic in children and women and there are bogus homes which, instead of taking care of the children, are exploiting them. The most important remedy that I would suggest is to pass a legislation in order to register children's homes and to do away with the problem of bogus homes.

3 P.M.

Another remedy is having a sort of legislation and I have already moved one relating to adoption of children. In other countries like U.K. and United States there are adoption laws by which orphaned children are taken care of by foster parents. Instead of having to open homes there are many families who are willing to take care of children, but we must also safeguard the rights of the children as well as the rights of the foster parents. For this I have moved one Bill. We have adoption laws amongst Hindus, but I would request that the House should consider this in view of the problem of children of all communities. At present children are

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adopted for the sake of performing spiritual rites and daughters are not adopted according to the Hindu Law. Therefore, I would request that if we have a proper adoption law, these children can be taken care of by foster parents.

The third thing I would suggest is about the surveying of children's problems. I am sorry to say that our last census report does not say anything about the children as to how many are delinquent, how many orphans and so on; it does not say anything about their sex. I would request the hon. Minister that in our next census we should take care to see that all these things are mentioned so that we can easily find out their problems in our society.

The last thing is about agencies for welfare work. As I said I would suggest the foster parents and institutions also. We must have proper institutions to look after children. Without these homes and without proper care taken of children, I am afraid that this measure will not serve any purpose. That is the reason why I would request the hon. Member to withdraw his Bill and allow some measure like the Children's Bill, which is before the House and which is more comprehensive, to be passed into law with his support.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ—मध्य) : यह तो बिल्कुल सच्ची बात है कि जो हमारा देश के बच्चे हैं वे देश का धन हैं और उनकी जितनी देखभाल की जाय वह बहुत वाजिब है।

[PANDIT THAKUR DAS BHARGAVA in the Chair]

जब यह जड़ मजबूत होगी तभी हमारी यह संतान बढ़कर और बड़ा पैड़ बन कर हमारी सेवा करेगी और देश को सुख और शान्ति देने योग्य बन सकेगी।

लीकिन, जैसा कि अभी हमारी बहिन जी ने कहा है, इस सम्बन्ध में सरकार पहले से ही बहुत कुछ कर रही है और वह इस सम्बन्ध में

(श्रीमती शिवराजवती नेहरो)

पूर्ण रूप से जागृत हैं। आज लड़कों की अच्छी तरह से देखभाल करने के लिए, उनकी आदतों को सुधारने के लिए और उनमें योग्यता पैदा करने के लिए तथा उनमें से बुरी आदतों निकालने के लिए चिल्ड्रन्स होम बनाये जा रहे हैं, लाइब्रेरियाँ और स्कूल खोले जा रहे हैं और उनके लिए हर तरह का प्रबन्ध किया जा रहा है। जो बिल हमारा माननीय सदस्य लाये हैं इसमें सरकार द्वारा जितनी सहायता दी जाय वह ठीक है। लेकिन यह काम अधिकतर सोशल वर्कर्स के करने का है। आज आवश्यकता इस बात की है कि सोशल वर्कर्स देश में जनापालय बनायें, बालकों के लिए बेंगस होम बनायें और जब उनका उचित प्रबन्ध होगा तो सरकार भी उनको सहायता दे सकती है। सरकार यह मारा कार्य अपने हाथ में नहीं ले सकती। इसमें जनता को सहयोग देना चाहिए ताकि बेंगरी को दूर किया जा सके। इसका बहुत कुछ कारण हमारा देश की गरीबी भी है। इसके लिए हमारा देश के धनी लोगों को सहायता करनी चाहिए और ऐसे चिल्ड्रन्स होम बनाने चाहिए जहाँ पर उन लड़कों का पालन पोषण किया जाय जो कि जनाथ हैं और जिनका पालन पोषण करने वाला कोई नहीं है। अगर जनता इस कार्य को करेगी तो सरकार भी उसमें सहायता देगी और इससे हमारे बच्चों को भी लाभ होगा और सरकार के कार्य का बोझ भी हलका हो जायगा।

चिल्ड्रन्स के लिए एक चाइल्ड वेलफेयर बोर्ड भी बना है और उसका काम गांव गांव में हो रहा है। उसकी ओर से भी इस काम में बहुत सहायता मिल सकती है।

इन चन्द शब्दों के साथ मैं यह कहना चाहती हूँ कि सरकार के ऊपर यह बोझ न डालकर आननीय सदस्य अपने इस बिल को वापस ले लें और इस कार्य को करने के लिए सोशल वर्कर्स के साथ मिल कर काम करें और फिर इसके लिए सरकार से भी सहायता लेने का प्रबन्ध करें।

**Shrimati Sushama Sen (Bhagalpur—South):** I do not want to take much

time of the House. I support the principle of the Bill because children are not being given proper consideration and protection. I had moved a Private Member's Bill called the Children's Protection Bill, but I do not know how it has been shelved for so many months, and why it has not come up yet.

**Shri K. K. Basu:** That is the fate of all good Bills.

**Shrimati Sushama Sen:** Children should be taken care of so that they are not led to this sort of begging life which we find in the streets and on the platforms. In fact, children's homes are very necessary and for this purpose we had thought that the Central Social Welfare Board would come forward and help in the formation of more children's homes. In fact, some applications have been put forward before the Central Social Welfare Board, but I do not know why the grants are never given. For this reason, I support the principle of the Bill, but at the same time I would request the Minister in charge to look after these children so that they are properly brought up and not addicted to begging and going about without home and proper protection.

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** The measure which is before the House now is intended to serve a very laudable purpose. I am highly thankful to my hon. friend, Shri Dwivedi, the Mover of the Bill, for attracting the attention of the Government about the urgency and need of a measure like this. In the Objects and Reasons of the Bill we find that the Bill has been calculated to abolish juvenile vagrancy and begging in this country. So far as the principle of the Bill is concerned, I have got every sympathy, support and goodwill for my hon. friend, Shri Dwivedi.

But, with all my respect to my hon. friend, I must submit that the provisions of this Bill are so inadequate and ineffective that the Bill will not serve the purpose for which it is intended. The scope of the Bill is

very limited. The Bill wants to abolish juvenile vagrancy from this country. It does not deal with the question of vagrancy in its entirety; neither does the Bill propose to deal with the question of juvenile delinquency in this country in its entirety. These two problems have today assumed enormous proportions and the Governments in the Centre and the States are trying to grapple with these problems. But the present Bill touches only the fringe of these problems. The measure wants to abolish juvenile vagrancy. If any boy or girl is found begging in some public place he or she will be taken charge by the police. Not only the boy or the girl but also their parents will be punished. This is the provision in the Bill. There is no provision for a children's home, for probation officers and for after-care organisations where they could be imparted education and training whereby they could be converted into useful members of society. I therefore say that this Bill miserably fails even in achieving the limited purpose for which it is intended.

A reference has been made to a Bill that has been pending before this House—the Children's Bill. This Bill was introduced by the Minister of Education in the Rajya Sabha and it has been passed by the Rajya Sabha; it is now pending before this House.

**Shrimati Sushama Sen:** It is only for Part C States and not for all States.

**Dr. M. M. Das:** To satisfy the hon. lady Member I have to discuss the constitutional position of the Children's Bill. The question of delinquent children is not in the Union List; it is in item 4 of List II that is State List, if I remember right. That being so this Legislature has no constitutional authority to pass any legislation upon delinquent children or vagrant children so far as Part A and B States are concerned. So the Children's Bill now before this House is meant to serve only two purposes, namely to serve as a model Act to the States which have not framed such a Bill

and to be applicable to Part C States. Many States in the country have already passed such a Bill and are trying to implement them according to their financial capacities. All of them are much more comprehensive than the present Bill. Madras was the first to pass the Madras Children's Act in the year 1920. Bombay, Madhya Pradesh, West Bengal, Hyderabad, Madhya Bharat, Mysore, Travancore-Cochin have also passed legislation. The Bombay Act has also been extended to Ajmer and Delhi. After the Children's Bill pending before this House is passed by this House, it will be applicable to all Part C States. We hope the remaining States will also pass similar Acts. I think my time is up.

The Bill has been brought on the strength of item 15 of the Concurrent List which includes vagrancy along with other items.....

**Shri M. L. Dwivedi (Hamirpur Distt.):** May I ask a question? The Constitution has provided that all persons shall be given equal opportunity. But my friend says that legislation cannot be made. I agree with him that the Centre has got to depend upon the States to enforce this but the Centre should see that suitable legislation is enacted in their respective legislatures in this country because all children and all persons should get equal rights and duties. Even in the UNO's book, it is mentioned here that children deprived of normal home life should have the same rights as other children in the matter of food, shelter, health, education, recreation, social service. It is in the Universal Declaration of Human Rights and in the United Nations Declaration of the Rights of the Children.

**Mr. Chairman:** The hon. Member has not put any question. He is reading out from something. If the hon. Member takes so much time in questioning, it will have to be deducted from his time of reply. Time is very short and he has also got a right to reply if he so desires. I think he

[Mr. Chairman]

has already started replying by putting questions.

**Dr. M. M. Das:** I may remind him that the implementation of the provisions made in the Constitution does not rest upon this Legislature alone. Most probably in article 12, State means both the Union and the State Governments.

Coming to the question of vagrancy, it is in item 15 of the Concurrent List. The Union Parliament is quite competent to make any legislation. But it must be admitted on all hands that nothing effective can be done without the active participation of the State Governments. The Central Government have got no machinery at their disposal that it can depute to this work nor can the Central Government set it up without unnecessarily incurring heavy expenditure. Moreover, States like West Bengal and U.P. have already taken up this question. A Vagrancy Act has already been passed in West Bengal. In the month of May a few hundreds of beggars were taken charge of by the police and sent to Vagrant Homes, where training is given to them to make them useful citizens. So far as U.P. is concerned, the other day I read in the newspaper a report that Shri Acharya Jugal Kishore, Uttar Pradesh Minister for Social Welfare has said at Allahabad that the State Government proposed shortly to enact a law penalising beggary. The idea was to put up beggars in 'beggar homes'. Homes would be opened at places where such homes did not exist, he said. The Minister was replying to an address of welcome presented at the Navin Sevashram, a beggars' home at Allahabad. He appealed to the people, the report says, to extend their full support in liquidating beggary. The U.P. State which is the home State of the hon. Mover of this Bill, it will be seen, has already taken steps and within a short time they will pass a Bill providing for beggary, vagrancy, etc. So, my appeal to him would be to withdraw this Bill.

So far as delinquent children are concerned, this Legislature has no constitutional authority to pass any Bill which will be applicable to Part A and B States and so far as Part C States are concerned I ask my hon. friend to be a little more patient so that the Children's Bill may be passed by this House.

**Mr. Chairman:** I am afraid I will not be able to accommodate all the hon. Members who are standing. Ten minutes will be taken up by the hon. Deputy Minister for Home Affairs and then the hon. Mover of the Bill will be called to reply. By the time you will finish it will be 3-45 p.m. So, I am sorry I cannot call on any hon. Member to speak.

**The Deputy Minister of Home Affairs (Shri Datar):** While it is possible to sympathise with the good intentions of the Bill I should like to point out to my hon. friend that there are a number of difficulties in the way of the acceptance of this Bill by the Central Government. There are also certain other difficulties so far as the provisions of this Bill are concerned.

My hon. friend Dr. M. M. Das raised the constitutional question. I should like to clarify the position here so far as begging and vagrancy are concerned. Vagrancy, you will find, is included in article 15 of the Concurrent List. In respect of subjects enumerated in the Concurrent List though it is open to the States as well as to the Central Government to legislate, naturally, it would be found that a practice has been developed by the Central Government that no legislation covering the subjects mentioned in the Concurrent List will be undertaken by the Central Government unless it has a very large measure of support from the State Governments. That, you will find, is essential because, ultimately all such Acts have to be administered and the provisions implemented by the various State Governments.

Now, so far as begging is concerned, it is entirely a State subject and

all provisions either of a penal nature or welfare nature have naturally to be dealt with by the State legislatures. In this connection I would point out to my hon. friend that, so far as part A States are concerned, almost all the part A States except Assam and Orissa have got legislations in this respect. Andhra, Bihar, Bombay and Madras have got social legislation and Madhya Pradesh has dealt with the penal aspect of such legislation under the District Police Act. We have also certain municipal Acts in Punjab and Uttar Pradesh. In respect of part B States also, Hyderabad, Mysore and Travancore-Cochin have got social legislations about beggary and vagrancy; in PEP&U we have got a municipal Act and in Saurashtra we have got a District Police Act dealing with the penal aspect of vagrancy and beggary. In respect of part C States, Bhopal, Kutch, Delhi and Pondicherry have got certain social legislations or pieces of penal legislation.

**Shrimati Sushama Sen:** May I ask: are these Acts being implemented? If they are being implemented, why do we see so many children going about begging? Why can't the Central Government do something to help in this matter?

**Shri Datar:** That is exactly what I am pointing out. So far as the Central Government is concerned, we are not in a position to pass any legislation so far as beggary is concerned. So far as vagrancy is concerned, the Central Government can pass a legislation with the consent of the various State Governments. That is the reason why when one private Member of this House or the other House had brought a legislation.....

**Shri Veeraswamy (Mayuram—Reserved—Sch. Castes):** Why not the Central Government advise the States to abolish beggary and rehabilitate the beggars?

**Shri Datar:** So far as the advisory part is concerned I shall deal with it.

When a Children's Bill had been brought forward by an hon. Member of this House or the other House, the whole question was considered and the Education Ministry ultimately confined the provisions of the Children's Bill only to part C States; because, over part C States the Parliament has supreme authority—even in cases where there are popular governments.

So far as beggary is concerned, this Bill purports only to deal with juvenile beggary. In this respect we have certain legislation in the State Governments and I would assure the hon. Member and this House that the substance of the points raised in this House—because we had a very fruitful discussion and very good suggestions have been made—will be brought to the notice of the State Governments and they will be requested to undertake legislation in respect of beggary so far as both the aspects of this question—penal aspect as also welfare aspect—are concerned.

So far as vagrancy is concerned, you will find that the hon. Member has dealt with it in either a very vague way or in a very wide way. Take for example the definition of the expression 'vagrancy'. It is said:

"Vagrancy shall include wandering, remaining idle or disorderly".

Thus you will find that all these three provisions are not joint provisions; they are disjointed provisions so that, if, for example, a man is wandering then that man will be caught hold of and put into the jail.

**Shri M. L. Dwivedi:** This is meant for juveniles only.

**Shri Datar:** In the case of juveniles also; suppose a boy is wandering—we have to take into account the plain meaning and especially in respect of penal provisions we have to be extremely careful, otherwise innocent people are likely to be harassed—he will be caught and put in jail.

Then we come to "remaining idle". You will find that in a poor country

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like India where there is so much unemployment, "remaining idle" is a term which would apply even to most of us—sometimes we are idle in the course of the day.

Mr. Chairman: It may apply in a greater degree to the hon. Home Minister in the sense that he is guilty of not providing employment to all the people in the country.

Shri Gidwani (Thana): What about the Members who are sitting in the Central Hall?

Shri Datar: Sometimes in the interest of health it is better to be idle for sometime because thereby you would relax.

Mr. Chairman: Supposing a person is arrested for remaining idle because he has no employment then the hon. Home Minister will be found guilty of abetment of unemployment.

Shri Datar: So, you will find that the only word the hon. Member has used very correctly is "disorderly". So far as "disorderly wandering" is concerned, when it becomes a law and order problem certain action has to be taken and in most of the State Police Acts we have a provision.

Then, Sir, in addition to this he also includes the parents. There is what we call "vicarious punishments" so far as parents or even persons who give only temporary shelter are concerned. For that purpose I cannot resist reading some portion from this Bill:

"If a person below the age of eighteen either of whose parents or any guardian, or any other person giving protection....."

With the best of intentions or with sympathy or human feeling suppose I give protection and suppose the man escapes from my protection and wanders in the streets, within the meaning of the expression that the hon. Member has used, I shall have to be punished for the fault or sin of protecting him.

Shri Alga Rai Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): You need not fear the police is not so active.

Shri M. L. Dwivedi: While protecting you should not let loose children for stealing or begging or wandering about. Then you are guilty, otherwise not.

Shri Datar: All these things have to be inferred.

Shri M. L. Dwivedi: You read the whole Bill and then you will find.

Shri Datar: I have read the whole Bill about ten times, my hon. friend will kindly see; because I am very particular that before we place such a penal law on the statute-book we have to be extremely careful and we have only to give powers in a proper case where the wording is absolutely fool-proof. We cannot allow magistrates or courts to take action in respect of some wandering, in respect of some remaining idle or in respect of some disorderly behaviour. Suppose, for example, this Bill is accepted and suppose it becomes a penal measure, then the punishment that is to be awarded is three months and some fine. What will happen if these children are sent to the prisons. Now, the atmosphere in the prisons, so far as children are concerned, is far from satisfactory. In fact, it would encourage further progress towards criminal tendencies and, if, for example.....

Shri M. L. Dwivedi: If the prisons are not places where children could improve, whose fault is it? Is it the fault of the people or the Government?

Shri Datar: Unless we have got a sufficiently large number of children's homes as visualised in the Children's Acts, it is very difficult to take all this into account. So far as beggary is concerned, the beggars in India are not so large as is generally supposed. On 15th March, 1955, an hon. Member of this House asked a ques-

tion and then I gave figures so far as the beggars are concerned. Now, the population has decreased. Formerly, the population of beggars was 2½ millions. That was between the years 1931 and 1941. Now, under the 1951 census, the population has come down to half a million and it would be of interest to know.....

**Shri M. L. Dwivedi:** The report showing the population as 2½ millions was published only in 1954. Either this is incorrect or what the other report says is incorrect.

**Shri Datar:** Will you kindly hear me and not interrupt me? Why are you in a hurry? I am explaining the whole position. So far as the figure for self-supporting beggars is concerned,—incidentally, they have evolved a new theory in beggary and there is such a thing as self-supporting beggars—the figure under the 1951 census was 4,87,000.

**Shri M. L. Dwivedi:** Wherefrom have you taken these figures?

**Shri Datar:** Will you kindly wait? Why are you in a hurry? If there are four persons, say, who depend upon one man, it is likely that this figure may be three times as much. If vagrants are also be taken into account, then it would come to about 50 lakhs. If only self-supporting vagrants are taken into account, they are about 5 lakhs. These are the figures in respect of beggars and vagrants. Government have to do whatever is possible, because, as I said.....

श्री एम० एल० द्विवेदी : मैं माननीय मंत्री जी से पूछना चाहता हूँ कि यह जो आंकड़ें दिये गये हैं वह उन्होंने कहां से लिये हैं ?

**Mr. Chairman:** He should not interrupt. The hon. Member has also got the right of reply.

**Shri Datar:** My hon. friend is so impatient. I have placed these figures in the form of an answer to question No. 1003 on the Table of the House, and a statement showing the statistics of beggars and vagrant

population in India State-wise, as per census of 1951, is placed on the Table of the House. These are the figures which have been taken from the 1951 census. Now, there is no need to dispute these figures at all, because they have been taken only from the census figures. What I want to point out is this. The question of beggary has to be solved, but ultimately it has to be solved by the State Governments.

So far as the Bill that has been passed in the other House, namely, the Children's Bill which was piloted by the Education Minister, is concerned.....

**Dr. Rama Rao:** Can the Deputy Minister give at least a rough estimate of the number of orphans?

**Shri Datar:** I am sorry I cannot give it. We are dealing with vagrants and not with orphans. There might be certain persons belonging to some families, good families, also, who would have parents or guardians, but still they would take to the life of vagrancy, but I have not got those figures.

**Shri U. M. Trivedi:** (Chittor): May I just put a question to the Deputy Minister? Will it be possible for him to give the figures of vagrants between the ages of 12 and 18, because, you cannot sentence a person who is below the age of 12.

**Shri Datar:** No, Sir: it is very difficult to supply the figures. I want to point out to the hon. Member that the statement that was placed on the Table of the House is in respect of vagrants. So far as the juvenile vagrants are concerned, the figure is likely to be roughly one-third of the total. I am putting it very broadly and roughly. Therefore, the problem is not so bad as it appears. Let us assume that it is bad, because, after all....

**Shri Algu Rai Shastri:** It is very bad. Really, it is very bad and very sorrowful.

**Shri Datar:** If children are spoiled, then the future generation is spoiled. I would assure the hon. Member that the substance of this very fruitful discussion will be brought to the notice of all the State Governments and they would be requested either to legislate or to amend their legislation, as the case may be, so as to make the Children's Acts positive as also penal where penal law is necessary.

In the Children's Bill, they dealt with juvenile delinquents, and so far as the penal provision is concerned, it has already been dealt with in the Children's Bill which was passed in the other House on the 7th May, 1954. It is now pending consideration before this House. In the light of this discussion, I would request the hon. Member not to press this particular Bill, because Government are fully aware of their obligations so far as vagrancy and beggary are concerned, and all this would be brought to the notice of the various State Governments.

**श्री एम० एल० द्विवेदी :** अभी माननीय मंत्री जी ने यह बतलाया कि आबारा बच्चों की, भीख मांगने वाले बच्चों की जो समस्या है वह इतनी खराब नहीं है जितनी कि लोग समझते हैं। जहाँ तक मैंने अध्ययन किया है और इस समस्या के बारे में मैंने मरदम शुमारी के दो प्रतिलेखों को देखा है, दो रिपोर्टों को देखा है उसके अनुसार मैं यह कह सकता हूँ कि यह एक बहुत गम्भीर समस्या है। सन् १९३९ की गणना के मुताबिक हमारे देश में २० लाख के करीब भीख मांगने वाले थे। उसके बाद अब सन् १९५९ में इन भीख मांगने वालों की संख्या और आबारा फिरने वालों की संख्या बहुत बढ़ गई है। जिस प्रकार से हमारी आबादी बढ़ रही है, जिस प्रकार से बेकारी बढ़ती जा रही है उसी प्रकार से भीख मांगने वालों की संख्या भी बहुत बढ़ती जा रही है। इस प्रकार यह कह देना कि साहब यह समस्या इतनी विकट नहीं है, इतनी खराब नहीं है, ठीक बात नहीं है। मंरा कहना यह है

कि मंत्री महोदय ने अच्छी तरह से अध्ययन नहीं किया है। अगर इस समस्या के बारे में मरदम शुमारी के कागजात से और स्टेट गवर्नमेंट्स से वह पूरी पूरी जानकारी मांगें तो उन को यह पता चलेंगा कि यह समस्या अधिक विकराल होती चली जा रही है। मैंने इस सदन का बच्चों की तरफ खास ध्यान दिलाया है। ऐसे बच्चों की संख्या दिन-प्रति-दिन बढ़ती चली जा रही है। ऐसे बच्चों को दुरुस्त करना आसान काम नहीं है। लेकिन जो बुनियाद है हमारी सभ्यता की और जिन्हें भावी नागरिक बनना है अगर उनकी तरफ कोई ध्यान नहीं दिया गया तो जो दशा हमारे देश की हो सकती है उसका अंदाजा आप खुद लगा सकते हैं। अभी आप ने देखा कि मानसिंह डाकू को पकड़ने के लिए लाखों रुपया खर्च करना पड़ा और इस काम में कितनी परेशानी उठानी पड़ी। यह डाकू कहां से आते हैं, कहां से यह लोग पैदा होते हैं। देवी सिंह डाकू कहां से पैदा हुआ। बड़े होकर यही लोग डाके डालने लगते हैं.....

**एक माननीय सप्लाय :** मानसिंह तो एक जमींदार था।

**श्री एम० एल० द्विवेदी :** यही बच्चे जो आबारा फिरते हैं, भीख मांगते हैं बाद में जा कर खराब हो जाते हैं और चौरियां और डाके डालने लगते हैं। मैंने बहुत से बालरदन को देखा है, जब वे सांग अपने बच्चों का पालन पोषण नहीं कर सकते, उन को खिना-पिला नहीं सकते, उन को अपनी इस गरीबी के कारण भीख मांगने के लिए छोड़ देते हैं। इसी तरह से उन बच्चों के संरक्षक जिन के कि माता पिता मर जाते हैं, उन की जायदाद उन के चाचा या दूसरे संरक्षक खुद हज्म कर जाते हैं और उन बच्चों को आबारा गर्दी करने के लिए छोड़ देते हैं। इसका नतीजा यह होता है कि तमाम खराबियां पैदा हो जाती हैं। इसी चीज को देखते हुए मैंने पीनल क्लॉज रखी है उन बालरदन के लिए या उनके संरक्षकों के लिए जिन के संरक्षण में वे बच्चे हैं या जिन के खुद के बच्चे हैं, वह बर्बाद हो जाए, आबारा हो जाए, इस को रोकने का यही एक तरीका है।

में रा कहना यह है कि यही एक बिल नहीं है जो कि मैं ने रखा है। मैं ने इस किस्म के बहुत से बिल रखे हैं और यह उनमें से एक है। मैं ने एक अनाथालय बिल रखा था और आषारा गद्दी का बिल भी मैं ने ही रखा है। यह एक श्रृंखला थी इन विधेयकों की जिस के द्वारा मैं सरकार द्वारा इन बच्चों की समस्या को हल करवाना चाहता था। जब मैं ने अनाथालय बिल इस सदन में रखा था उस वक्त मंत्री महोदय ने मुझे आवासन दिया था कि शीघ्र ही एक बिल जाएगा जिस में बच्चों की तमाम समस्याओं को हल करने का प्रयत्न किया जाएगा और उसका जल्दी जमल मैं भी लाया जाएगा। यह सन् १९५२ की बात है। आज इस चीज को चार वर्ष हो गए हैं। वह बिल राज्य सभा में पास तो हो गया है, वह बात ठीक है लेकिन मैं कहता हूँ कि उस बिल में बहुत सी खामियां हैं, बहुत सी कमियां हैं। वह बिल पब्लिक ऑपिनियन जानने के लिए प्रचारित नहीं किया गया है, उस बिल के बारे में जो बड़े बड़े बच्चों के विशेषज्ञ हैं उन की राय जानने के लिए उस बिल को उनके पास नहीं भेजा गया है.....

**Dr. M. M. Das:** It is wrong to think that the opinions of experts are not taken. It is wrong, and it has absolutely no foundation.

श्री एम० एल० द्विवेदी : लेकिन जहां तक मैं ने दूखा है उसमें मैंने बहुत सी कमियां मालूम पड़ी हैं और मैं ने पिछली बार भी रिपोर्टों के आधार पर यह बताया था और वह रिपोर्टों अब भी मेरे पास मौजूद हैं और मैं उन में से पढ़कर भी सुना सकता हूँ कि यह कितनी गम्भीर समस्या है।

श्री अलग् राय शास्त्री : जरूर सुनाइये।

श्री एम० एल० द्विवेदी : यह जो किताब ए० एन० की तरफ से निकाली गई है, 'Children deprived of normal life' इस के आखिर में लिखा है :

"When the children's parents are unable to exercise the guard-

ianship, the legal guardianship should be provided by Government. It is important that every Government should recognise its responsibilities for children deprived of normal home life. Such responsibilities should be made effective through appropriate legislation and adequate machinery to implement the legislation, including provision for licences, etc., and the non-Government organisations concerned with the care for these children. There is urgent need for development and improvement of the need of children deprived of normal home life. Government should give consideration to their own basic social service to meet the needs of such children and are reminded of the existing United Nations facilities for technical assistance to promote and develop these services."

**Dr. Suresh Chandra (Aurangabad):** It is for the children of the developed countries and not for those of undeveloped countries.

श्री एम० एल० द्विवेदी : मैं इस प्रकार की बहुत सी चीजें आपको पढ़कर सुना सकता हूँ। यह जो मैं ने अभी पढ़कर सुनाया है यह ए० एन० ने अपनी हाल की किताब में ही लिखा है, यह कोई बहुत पुरानी बात नहीं है। बच्चों की भलाई के मुताबिक जो बिल है उसको कितने ही साल हो गए हैं इस सदन में आए लेकिन अभी तक वह पास नहीं हो पाया है। मैं कहता हूँ कि यह कम्पनीज बिल जो है यह इतना जरूरी बिल नहीं था जितना जरूरी बिल बच्चों के बारे में था और उस को पहले पास करवाया जाना चाहिये था।

श्री अलग् राय शास्त्री : यह बात सही है।

श्री एम० एल० द्विवेदी : आप जितने भी मेजरज यहां पर लाते हैं, उन सब से जरूरी यह काम है कि आप अपने दूरा के होनहार बच्चों की समस्याओं को हल करने के लिए कुछ करें। आप बड़े बड़े पोथे यहां पर ले जाते हैं। आप इस-

(श्री एम० एल० शिवकुंभर)

बिल पर विचार करने हैं कि मैनीचिंग एजेंसी सिस्टम को स्वल्प कर्म न करे। आप यह सांचते हैं कि ट्रेंजरज और सेक्रेटरीज को और ज्यादा सुनाफ दे या न दें। मैं कहना चाहता हूँ कि आप उन को छोड़िए और दीखिए कि हमारा देश के बच्चे बरबाद हो रहे हैं और कोई भी उनकी निगमहबाली नहीं कर रहा है। जब सरकार ही उन का ख्याल न रखेगी, तो फिर कौन रखेगा ?

अस्य कहते हैं कि जो बिल मैं ने पेश किया है, वह नाकामी है। यह ठीक हो सकता है, लेकिन मैं ने इस गरज से इस बिल को पेश किया है कि इस अवसर पर आप को सदा किस्मतों कि आप ने जो वादा किया हुआ है, उसको आप ने पूरा नहीं किया है और अफस को उभरे पूरा करना चाहिए। अगर आप अपना वादा पूरा करने के लिए बँपार हैं, तो फिर मुझे कोई शॉक नहीं है कि मैं अपने बिल को इसी रूप में पास कराऊँ। इससे बहुत अच्छा और काम्रप्रहोनीसव बिल तैयार कर के इस सदन में रखा जा सकता है। सरकार की ड्राफ्ट्समैनशिप और कार्बोलयत पर मुझे पूरा विश्वास है। मेरा यह भी विचार है कि एक्सपर्ट्स की राय ले कर जो बिल बनाया जायगा, वह अवश्य अच्छा होगा। लेकिन मेरा कहना यह है कि आप इस को टालें नहीं—इस बारे में गौर करें और जल्दी ही कोई कदम उठाएँ।

आप का कहना है कि हम ने जो इंफोनीसन्ब लिस्ती हैं, वे ठीक नहीं हैं और बंग हैं। मैं मानता हूँ कि सम्भव है कि वे ठीक न हों और बंग हों। लेकिन एक बात आप साँचिए और वह यह है कि "बीगिंग" तो स्टेट सबजेक्ट है और "वान्डरिंग" एक सेंट्रल सबजेक्ट है—जहाँ तक कान्ट्रीड्यूसनल पायंट का सम्बन्ध है, वह सही है—, लेकिन जहाँ पर "बीगिंग" और "वान्डरिंग" का "वैशरन्सी" कम्बाइन्ड हो, वहाँ क्या रिश्तीत होगी ? बच्चे उसी समय भीख मांगते हैं, जब कि वे जावरा हो जाते हैं। जावरा

होना पहली बात है और भीख मांगना दूसरी बात है। अगर वे जावरा हैं, तो भीख भी मांगेंगे और अगर भीख मांगेंगे तो फिर अवातराई तो होंगे ही। मैंने कहने का मतलब यह है कि अवातराई और भीख मांगना साथ साथ चलते हैं। इस लिए मेरा टिप्पण यह है कि अफ इस सम्बन्ध में अपनी जिम्मेदारी को पश्चात्तिए। अफ यह सब कहीए कि वह तो स्टेट सबजेक्ट है और यह तो स्टेट सक्वर्मेंट की ड्यूटी है। अतिसर बच्चे पहले अवातराई होते हैं और फिर भीख मांगना भी शुरू कर देते हैं। ऐसी सूरत में आप अवातराई के बारे में कावून बनाइये।

और फिर दूसरी बात यह है कि इधारी स्टेट सक्वर्मेंट्स किसी दूसरे की रावर्मेंट्स जै नहीं हैं। स्टेट्स में कान्ग्रेस की ही रावर्मेंट्स सक्वर्ड हैं। अगर आप उतको दो रुन्द भी लिख देंगे, तो कोई कम्प्ले नहीं कि वे इस विषय में सँरे न करें और कोई कार्यवाही न करें—चाहे उत्तर प्रदेश सरकार हो, बम्बई की सरकार हो या मद्रास की सरकार हो, वे सब यह कार्य अपने हाथ में ले लेंगी। आप कह देते हैं कि हमारा उन पर कोई जोर नहीं है। मैं कहना चाहता हूँ कि अगर आप इस प्रकार का बिल नहीं बना सकते, तो फिर स्टेट सक्वर्मेंट्स के जरिये ही बनवाइये। मेरी मन्शा यह है, इस सदन की मन्शा यह है और देश के समस्त नागरिकों की मन्शा यह है कि आप इस विषय में कोई न कोई कार्यवाही अवश्य करें। जब अनाथालय बिल यहाँ पर अम्य था, तब भी इस सदन की निर्दिरोध राय यही थी और आज भी जहाँ तक उस्ल का सवाल है, कोई सदस्य नहीं है, जो उससे सहमत न हो। मुझे आश्चर्य होता है कि देश भर की राय को जान कर, इस संसद् के सदस्यों और भारतवर्ष के समस्त नागरिकों, देश-विदेश के लोगों और यू० एन० आं० के मत को जान कर भी इस बारे में आप इतना पिलम्ब कर देते हैं और इस महत्वपूर्ण मसले को चार चार वर्ष तक छोड़ देते हैं। इसमें कहाँ तक न्याय है ?

हमारे मंत्री महोदय ने कहा कि वह सदन में एजान नहीं कर सकते। तो मैं उनसे कहना चाहता हूँ कि अगर वह ऐसा नहीं कर सकते, तो वह इस प्रकार का कम्प्यूनिक् निकालें कि हम ने इस विषय में कौन्सेल में गौर किया है और सौध ही इस पर विचार किया जाएगा और स्टेट गवर्नमेंट्स को आदेश दिया जाएगा कि अगले दिसम्बर तक इस बिल में कायून बना दिया जाय, ताकि अगले साल एक बच्चों की कुछ व्यवस्था कर दी जाय और भील मांगना बन्द हो जाय। अगर आप ऐसा कर दें, तो मुझे कुछ संतोह हो जायगा। अगर आप वह आरवासन दें दें कि आप इस किस्म का बिल लायेंगे, तो मैं इस बिल को वापिस लेने के लिए तैयार हूँ.....

श्री सुरेश चन्द्र : क्या ?

श्री एम० एल० द्विवेदी : वना वह चलेंगा— चलता रहेगा। वह फिर कभी आयगा। अगर आप आरवासन दें हैं, तो मैं इस को वापिस लेने के लिए तैयार हूँ।

Shri Datar: The House is impressed with the earnestness with which the hon. Member has moved this Bill. I entirely agree with the arguments that the hon. Member has given, and I would promise to him that with all earnestness and urgency, we shall bring this matter to the notice of the State Governments; but we cannot give any dates in this regard.

श्री अलगू राय शास्त्री : पीरज रीखाए, कभी न कभी हो जायगा।

श्री हंडन (विजला इलाहाबाद—बहिचम) : "यमर असम के साथ"।

Mr. Chairman: In view of the assurance given by the hon. Deputy Minister, is the hon. Member withdrawing his Bill?

श्री एम० एल० द्विवेदी : मंत्री महोदय ने आरवासन तो दिया है, लेकिन उन्होंने कहा है

कि वह तैयार नहीं हो सकते। वह तैयार निश्चय न करें, लेकिन यह कार्य वह जल्दी से जल्दी करायें, वही मेरा निवेदन है।

उनके इस आरवासन को दृष्टि में रख कर मैं यह बिल वापिस लेना चाहता हूँ और इस विषय में सदन की आज्ञा चाहता हूँ।

I beg to move:

"That leave be granted to withdraw the Bill".

Mr. Chairman: The question is:

"That leave be granted to withdraw the Bill".

The motion was adopted.

#### ADVANCED AGE MARRIAGE RESTRAINT BILL

Shri D. C. Sharma (Hoshiarpur): I beg to move:

"That the Bill to restrict the advanced age marriages, be taken into consideration."

Just now in this House we have been discussing a Bill which is a challenge to the social conscience of our people. My Bill also, in its modest way, is a challenge to the social conscience of our countrymen. At the very outset, I wish to submit that when this Bill was introduced in this House, it excited a great deal of interest. There were references to this Bill in some of the papers in India and, without feeling boastful, I must say that some correspondence from other countries also came to me, trying to discuss the pros and cons of this Bill.

I wish to hold, Sir, that this Bill contemplates a social legislation of a far-reaching character, a social legislation of a pioneering kind, a social legislation whose aim is the social integrator of our society on a very firm and broad basis. I am not doing anything unusual, because in the *Encyclopedia of Social Sciences*, I have come