

Mr. Chairman: Motion moved.

"That the Bill to amend the Hindu Marriage Act, 1955, as passed by Rajya Sabha, be taken into consideration."

Does the hon. Minister want to speak?

The Minister of Legal Affairs (Shri Pataskar): Sir, I support the amendment for this reason that in the Special Marriage Act we have made a similar provision with respect to persons suffering from venereal diseases. According to the Act as it stands, as we all know, if a person is suffering from a venereal disease that is one of the grounds for separation. Now, as medical science shows, that is also a disease which is capable of being cured. Apart from that, in the Special Marriage Act we have provided that if a person has been suffering from such a disease for three years before that then only that should be regarded as a ground for action being taken. Therefore, to bring the Hindu Marriage Act in conformity with the Special Marriage Act, probably, this amendment has been made in the Rajya Sabha. I am prepared to accept it.

Mr. Chairman: The question is:

"That the Bill to amend the Hindu Marriage Act, 1955, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Cluses 1 and 2, the Enacting Formula and the Title were added to the Bill.

Shrimati Uma Nehru: Sir, I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

WOMEN'S AND CHILDREN'S
INSTITUTIONS LICENSING BILL

Shrimati Kamlendu Mati Shah
(Garhwal Dist.— West cum Tehri

Garhwal Dist. cum Bijnor Dist.—
North): Sir, I beg to move:

"That the Bill to regulate and licence institutions caring for women and children, as reported by the Select Committee, be taken into consideration."

Mr. Chairman: May I just make an announcement with regard to this Bill? Out of 1½ hours allotted to the Bill, one hour and twenty minutes have already been taken on the 24th August, 1956 when the Bill was referred to the Select Committee and only ten minutes are now available for further discussion on this Bill. At the same time I find that there are some Members who are anxious to speak on this Bill.

Shri T. S. A. Chettiar (Tiruppur):
The time was then allotted.

Mr. Chairman: Subsequently no further time has been allotted. Therefore, according to the time allotted only ten minutes remain. At the same time, I do realise that within these ten minutes the Bill is not likely to be discussed on merits as it ought to be. Therefore, the House has to find more time for it. I would request the House kindly to finish this Bill in as short time as possible, because the House already knows, and today we heard from the hon. Minister for Parliamentary Affairs, that we are very much pressed for time. Therefore, I would request the House to devote as short a time to it as possible so that we may also proceed with other matters. At the same time, I am anxious that so far as this Bill is concerned it may be properly discussed. It is a very small Bill and in considering this Bill, I should think that no speech need exceed five minutes. This Bill has also been before the House for a long time and the Select Committee has also recommended it. I would, therefore, request the Members kindly to take as short a time as possible.

Shrimati Kamlendu Mati Shah:
Sir, I beg to move that the time for consideration and passing of this Bill may be extended up to five o'clock today.

Mr. Chairman: I am guided by the sense of the House. We have also to consider that this Bill has come back from the Select Committee and it is a shorter Bill than it was when it was first introduced. Therefore, I think we are not justified in taking up all that time. But that depends upon the wishes of the House. I would like the House to finish this Bill within one hour.

The Minister of Legal Affairs (Shri Pataskar): I think one hour is quite sufficient.

Some Hon. Members: No, till five o'clock.

Mr. Chairman: Till five o'clock means one hour and 20 minutes. Other Bills are also there before the House. If the House does not want to go on with the other Bills, then it is all right. I would request the House to consider the nature of the Bill and the time for which it has been before the House. I again think that one hour is quite sufficient. May I take it that one hour will be sufficient?

Shri Raghbir Sahai (Etah Distt.-North-East cum Budaun Distt.-East): 1 hour and 20 minutes may be allowed for this Bill.

Shri A. K. Gopalan (Cannanore): I have no objection, but I may be allowed to move my Bill which is put next. It should not fall through owing to want of time. Before 5 o'clock, I may be allowed at least to move it.

Mr. Chairman: So, we will devote 1 hour and 15 minutes to the Women's and Children's Institutions Licensing Bill, and Shri Gopalan's Bill will be taken up at five minutes to 5 o'clock.

The question is:

"That 1 hour and 15 minutes be allotted for consideration and passing of the Women's and Children's Institutions Licensing Bill".

The motion was adopted.

Mr. Chairman: Now, I will place the motion moved by Rajmata Kamlendu Mati Shah.

Motion moved:

"That the Bill to regulate and license institutions caring for women and children, as reported by the Select Committee, be taken into consideration".

Shri D. C. Sharma may speak.

Shrimati Kamlendu Mati Shah
rose—

Mr. Chairman: I see that Rajmata Kamlendu Mati Shah is also rising. She has moved the consideration of the Bill already.

Shri T. B. Vittal Rao (Khammat): She wants to say a few words. Only after the motion is moved, she can speak.

Mr. Chairman: But then she can speak on any clause if she likes. The motion has been put at her instance. I thought she had finished her speech. Perhaps, in the third reading, she may speak.

Shrimati Kamlendu Mati Shah: Other Members may be allowed to speak.

Shri D. C. Sharma (Hoshiarpur): I welcome this Bill because it is going to put an end to anti-social activities which confront our children and our sisters. Children are said to be the greatest wealth of a nation. I must say that we have done something for our sisters but so far as children in India are concerned, we have not given them as much care and attention as they deserve. Things have they have not changed so much as to warrant our faith that every child will be an asset to the nation.

The purpose of this Bill is to protect women and children who are being exploited now by persons in the guise of philanthropists and in the form of humanitarianism. The Bill seeks to protect women and children from that kind of exploitation. It is also the intention of this Bill that the unfortunate, destitute women, those sisters of ours who have no support of their own, should receive support from others, and that they should be given the proper kind of maintenance and welfare. These are the objects of this Bill, and I think

every citizen of India will support these objectives.

I also congratulate Rajmata Kamalendu Mati Shah for drawing our attention to this great social need and if I am not going out of my way, I would say that I would thank you for having piloted this Bill so successfully in the Select Committee stage.

Of course, there is nothing controversial in this Bill. But there is one thing to which I want to draw the attention of the House and it is this. It has been said that a licence can be granted by a State authority, but it is also said that if a licence is refused, the right of appeal lies with the person to whom the licence has not been given. I think that in this matter of great social urgency and social importance, we should have dispensed with these legal technicalities. If a person is not granted a licence, it means that there is some doubt about his *bona fides*, but if you give the right of appeal to the person, it means that you are trying to white-wash whatever there is against his *bona fides*. It may or may not be so, but I think we are giving a right to do something which, on the face of it, does not appear to be fair, just and equitable. Therefore, I would say that the right of appeal from a person to whom a licence has been refused should be taken away. Otherwise, I think we will be landing ourselves very largely in legal technicalities and that will defeat the purpose of this Bill.

There is also another point. The imprisonment that has been prescribed in this Bill is three months or a fine which may extend to Rs. 250 or both. It is very, very lenient. I need not go into the details which have already been referred to in this House. We know in what way these Homes for children and Homes for women have been run so far. The Homes for children have been more or less Homes where the children are taught to beg and to do all kinds of anti-social things. We have seen this so many times with our own eyes. At the same time, these Homes for wo-

men are not really Homes for women. They have been put to uses which I do not want to describe on the floor of this House. Some persons have been doing all these things all these years, and it is said that if a person is found guilty of such things, he should be given a punishment of only three months or a fine up to Rs. 250 or both. Here, I think we are trying to soft-pedal the punishment which should be given. I would say that the punishment in this case should be enhanced and it should be made deterrent. It should not be possible for any person to run a Home for the exploitation of children and women.

My third point is this. Too many powers have been given to the State Government in the matter of making rules. I think almost the whole administration of this Bill has been entrusted to the authorities who are going to make the rules. Of course, those rules will come before us and we can sit in judgement upon them. But I believe that the operative clauses of the Bill are submerged under those provisions where the State Governments have been asked to frame the rules. For instance, what kind of managements these institutions should have, what kind of help should be given for the protection, care and welfare of women and children, what kind of inspection should these institutions have, what kind of registers should be kept, how should discharge be obtained for women and children who are living in these institutions, how can appeals be filed—all these are operative clauses of the Bill but they have all been given to the States for framing rules upon. (So far as these clauses are concerned, I think they are the roots of the Bill, and not the branches and the leaves. But the roots of the Bill have been entrusted to those who have to frame the rules!) I believe it is here that we have done something which may not be conducive to the effective operation of this Bill.

All the same, I welcome this Bill, and I hope that the exploiters of children and the exploiters of the rescue

[Shri D. C. Sharma]

Homes will be gone from India are long, and that they will be black-listed now. They will have no place in India. I hope that our children and our unfortunate sisters will taste the fruits of this welfare State which we would have built up by passing this Bill.

श्रीमती उमा नहरू (जिला सीतापुर ब जिला खेरी-पश्चिम) : समापति महोदय, मैं इस बिल का स्वागत करने के लिये खड़ी हुई हूँ। मैं मिनिस्टर साहब को धन्यवाद देती हूँ कि आज उन की वजह से यह बिल यहाँ पर आया और पास भी हो रहा है। इस बिल के जरिये हमारी समाज में बहुत बड़ा परिवर्तन होने जा रहा है और मुझे पूरा यकीन है कि इस बिल के पास हो जाने के बाद जब यह कानून की शकल ले लेगा और इस को ठीक तरह से लागू किया गया तो हम समाज की बहुत कुछ गन्दगी दूर कर देंगे। इस बिल पर ज्यादा समय तक, मैं समझती हूँ, बोलना बेकार है। इस में कोई शक नहीं है कि आज जब हम वेलफेयर स्टेट (कल्याणकारी राज्य) बनाने जा रहे हैं, तो सब से पहली चीज जो हमें करनी है वह यह है कि हम अपने सोशल लाज (सामाजिक विधियों) को बदल दें, अपने सोशल स्ट्रक्चर (सामाजिक ढांचे) को बदल दें और हमारी समाज में जो खराबियाँ हैं, उन को दूर करें। अब जबकि हमें राजनीतिक स्वतंत्रता प्राप्त हो गई है, यह हमारा फर्ज है कि हम सामाजिक उन्नति की ओर भी कदम बढ़ायें, और हमारी जो सामाजिक जरूरतें हैं उन को पूरा करें और समाज में जहाँ जहाँ परिवर्तन लाने की आवश्यकता है, वहाँ वहाँ परिवर्तन लायें। आज जब हम अपने देश के सामाजिक ढांचे की ओर देखते हैं तो हमें बहुत ज्यादा रंज और अप्सोस होता है। आज खास तौर से जब हम स्त्री की हालत को देखते हैं और जब हम उस को बहुत ज्यादा गिरी हुई पाते हैं तो हमें बहुत ज्यादा दुःख होता है। कहने को हम

चाहे कुछ कहें लेकिन इस बात से इन्कार नहीं किया जा सकता कि उस की हालत बहुत ज्यादा गिरी हुई है और उस की स्थिति को बदलने की जितनी आवश्यकता आज है उतनी शायद पहले न हुई हो। आज हम देश में स्त्रियों के लिये तथा बच्चों के लिये बहुत से आश्रम खुले हुए देखते हैं परन्तु वहाँ पर जिस तरह की चीजें हम देखते हैं तो हमें बहुत ज्यादा तकलीफ होती है। इस वास्ते जो बुराईयाँ पैदा हो गई हैं, उन को दूर करना हमारा फर्ज है। मुझे खुशी है कि आज सरकार ने इस बात की जिम्मेवारी ली है और वह इस बिल को पास कराने जा रही है। इस बिल के पास हो जाने पर हम सामाजिक उन्नति की ओर बढ़ेंगे और अब हमारी कोशिश यह होनी चाहिये कि इस कानून को हम सक्ती से और अच्छी तरह से लागू करें।

मैं एक बार फिर माननीय मंत्री जी को धन्यवाद देती हूँ और आशा करती हूँ कि इस बिल को बिना ज्यादा बहस के पास कर दिया जायगा। मेरा यह अपना विचार है कि इस बिल के पास हो जाने पर हमारी समाज में आज जो गन्दगी फैली हुई है वह साफ हो जायगी और जिस तरह से हमें बच्चों को रखना चाहिये, जिस तरह से स्त्रियों को रखना चाहिये, जिस तरह से उन की देखभाल करनी चाहिये, जिस तरह से उन के स्वास्थ्य की रक्षा करनी चाहिये, वह सब हम कर सकेंगे। इस के साथ ही साथ मैं यह भी आशा करती हूँ कि इस से स्त्रियों की इज्जत भी बढ़ेगी।

Shrimati Jayashri (Bombay—Suburban): Mr. Chairman, I am very happy that today we are going to pass this Bill. The Moral and Social Hygiene Association had prepared two Bills. One was for the suppression of immoral traffic and the other was for the licensing of homes for women and children. I am glad that we have already passed one Bill for the suppression of immoral traffic in women

and children. If we wanted to make the first Bill effective, the licensing of homes for women was also as essential as the first Bill and I am glad that by this Bill we are going to provide that in every State, they will have to take licences for establishing these institutions.

I am glad that the Select Committee has made many improvements on the original draft. We are going to leave it to each State to make rules for the management of these institutions. It is also very essential, I should say. The institutions might make rules which may not be very satisfactory. For example, I will quote only one instance given in the report of the Advisory Committee on Social and Moral Hygiene about an institution they visited. On page 21, they have said:

"It would perhaps be well to describe the working of a Vidhava Ashram in a State in Central India in detail, as an example of the mismanagement that can be there when a committee is not vigilant in its supervision over a paid superintendent. We were told that an ex-town congress president was the president of the society that ran the home and that the home had received a grant from the Central Social Welfare Board. This grant had been credited to the private personal account of the president, who doled out sums as they were needed by the institution."

Then, it has been mentioned how the rooms of the institutions were very near his own residential quarters and proper supervision and management by an outside body was not possible. So, it is very essential that there should be rules framed for the management of such institutions. I am glad that we have made provision for this.

We made another little change which is also very necessary. Sometimes the institutions, due to posting or other difficulties, might not apply in time. So, we have provided that

licences may be renewed on an application made within 60 days before the date of expiration, if the licensing authority is satisfied that there was sufficient cause for not making the application earlier. Also, if by mistake some genuine institution is unable to apply in time, the licensing authority will have power to condone the delay. This is a very desirable provision.

I heartily welcome this Bill and I request the House to pass it into an Act.

श्रीमती शिवराजबक्ती नेहरू (जिला लखनऊ-मध्य) : सभापति महोदय, स्त्रियों और बच्चों की जो संस्थायें हैं, उन के लिये लाइसेंस लेने के लिये यह जो बिल आज इस सदन के सम्मुख पेश किया गया है, इस का मैं स्वागत करती हूँ और मैं समझती हूँ कि आज इस तरह के बिल की बहुत ही आवश्यकता थी। बिना इस बिल को पास किये, कुछ दिन हुए हम ने जो 'संप्रेशन आफ इम्मारल ट्रेफिक इन विमन एंड चिल्डरन बिल' पास किया है, वह सम्पूर्ण और सशक्त नहीं हो सकता है। आज कल हमारे देश में बहुत से लोगों ने अपनी जीविका चलाने के लिये अपने निजी आश्रम और अनाथालय खोल रखे हैं जहाँ पर घर्म के नाम पर पर्दे के पीछे पाप और व्यभिचार होता है। इन आश्रमों को चलाने वालों ने लोगों के ऊपर प्रभाव डालने के लिये, इन के नाम हमारे देश के बड़े बड़े धार्मिक नेताओं और समाज सुधारकों के नामों के ऊपर रखे हैं जैसे विवेकानन्द आश्रम, ब्रह्मानन्द अनाथालय, स्वामी दयानन्द विषवा आश्रम आदि। ऐसे नामों को पक़्क़र लोगों के दिलों में यह भावना उत्पन्न हो जाती है कि जिन लोगों ने ये आश्रम खोल रखे हैं वे बहुत ही धार्मिक लोग हैं और ये लोग बिना आश्रम के स्त्रियों को और अनाथ बच्चों को यहाँ पर इसलिये शरण देते हैं कि इन को उन के ऊपर दया आती है, उन के जो कष्ट हैं वे इन से देखे नहीं जति हैं और उन की सहायता करने के लिये

[श्रीमती शिवराजवती नेहरू]

ये लोग निःस्वार्थ भाव से सेवा करना चाहते हैं। लेकिन सभापति महोदय, बात बिल्कुल इस के विपरीत है। ये लोग धर्म के नाम पर और समाज सेवा की ओट में धन कमाने के लिये इन संस्थाओं को व्यभिचार का एक झंडा बना रहे हैं। कहने को तो ये लोग कहते हैं कि वे स्त्रियों की रक्षा करने के लिये उन को यहां पर शरण देते हैं लेकिन असल में यहां पर स्त्रियों को बेचा जाता है और दूसरे घृणित पापकर्म किये जाते हैं। इन आश्रमों में आश्रय लेने के लिये जो स्त्रियां आती हैं, उन में से एक ही स्त्री की पांच पांच, सात सात बार शादी की जाती है। उन को ऐसी शिक्षा दी जाती है कि वे घोखा देने में बड़ी उस्ताद और मक्कारी में बड़ी निपुण बन जाती हैं। उन को यह सिखाया जाता है कि शादी के बाद पति की विश्वासपात्र बन कर उस का सारा धन बटोर कर भाग कर फिर आश्रम को लौट आयें और कई दुखियारी स्त्रियां मजबूर हो कर ऐसा करती भी हैं। इस प्रकार अनेक घरों और अनेक मनुष्यों को नष्ट कर के वे फिर अपने आश्रमों में वापिस चली जाती हैं, जहां किसी दूसरे आदमी को उल्लू बना कर उस के साथ शादी करने का प्रबन्ध किया जाता है।

इन निजी अनाथालयों में संगीत जैसी उत्तम कला बालकों को भी मंगवाने के लिये सिखाई जाती है। इन सब अनर्थों को रोकने के लिये यह आवश्यक था कि सरकार इस दिशा में कोई कदम उठाये, जिस से अनाथालयों और आश्रमों के संचालक मनमानी न कर सकें और उन को मैनेजिंग कमेटियों (प्रबन्ध समितियों) पर सरकारी नियंत्रण रहे। ऐसी अवस्था में यह बिल्कुल न्याययुक्त और उचित था कि इस प्रकार की व्यवस्था की जाय कि हमारे देश में जितनी भी ऐसी निजी संस्थायें हैं, वे बिना लाइसेन्स के न रहने पायें।

इस बिल के सैक्शन ५(४) में लिखा है कि जहां तक सम्भव हो, ऐसी संस्थाओं का संचालन स्त्रियों के हाथ में दिये जाने की व्यवस्था की जायगी। इस में मैं यह बढ़ाना चाहती हूँ कि इन संस्थाओं का संचालन हमेशा ऐसे पुरुषों के हाथ में दिया जाय, जिन की आयु पचास वर्ष से अधिक हो और जो विवाहित हों और जिन की स्त्री जीवित हो। यदि ऐसे विश्वासपात्र और सज्जन पुरुष रखे जायेंगे, तो वे इन संस्थाओं को सुचारु रूप से चला सकेंगे। यह व्यवस्था की जाय कि जिन संस्थाओं में इस प्रकार के पुरुष न हों, उन को लाइसेन्स न दिया जाय।

श्री रघुबीर सहाय : पुरुष इस के लिये आप के बड़े आभारी होंगे।

श्रीमती शिवराजवती नेहरू : इन संस्थाओं को लाइसेन्स देने और उन का निरीक्षण करने के लिये जो कमेटी या जो लोग नियुक्त किये जायें, उन में स्त्रियां अवश्य रखी जायें, और इस काम के लिये जो स्त्रियां मुकर्रर हों, वे या तो शिक्षा विभाग की उच्च पदाधिकारी हों, या सोशल वेलफेयर बोर्ड (समाज कल्याण बोर्ड) की सदस्या हों। यदि ऐसी स्त्रियां निरीक्षण करने के लिये नियुक्त की जायेंगी, तो वे इन संस्थाओं में रहने वाले बालकों और स्त्रियों के सम्बन्ध में पूर्ण और अच्छी जानकारी प्राप्त कर सकेंगी और अच्छी और विश्वसनीय रिपोर्ट भी दे सकेंगी।

मेरा यह भी सुझाव है कि जो निरीक्षक लोग हों, वे इन संस्थाओं में जा कर यह भी देख लें कि इन में बालकों और स्त्रियों की संख्या क्या है और उस के बाद ही उन को लाइसेन्स दिया जाय। आज-कल यह देखने में आता है कि पांच पांच, सात सात बालकों या स्त्रियों को ले कर लोगों ने आश्रम खोल रखे हैं और एक ही उद्देश्य को ले कर एक ही नगर में पांच पांच, सात सात आश्रम खोले हुए हैं। मेरा निवेदन यह है कि इन

छोटे मोटे आश्रमों और संस्थाओं—घरमं करने वाले इन आश्रमों—से देश को कोई लाभ नहीं होता है, बल्कि ये तो देश में कई प्रकार की सामाजिक बुराइयों को स्थापित किये हुए हैं, इन से बालकों और स्त्रियों के हित के बजाय अहित होता है। इन संस्थाओं को न तो दान ही प्राप्त होता है और न ही सरकार इतनी संस्थाओं को ग्रांट (अनुदान) ही दे सकती है। नतीजा यह है कि इन सभी आश्रमों का बुरा हाल रहता है। इसलिये मेरा सुझाव यह है कि इन सब छोटे-मोटे आश्रमों इत्यादि को बन्द कर के, इन को लाइसेन्स न दे कर, राज्यों में डिस्ट्रिक्ट (जिलों) में एक बड़ा आश्रम—जोकि महिला आश्रम और अनायालय हो—खोला जाये, जोकि बहुत बढ़िया हो और बहुत बड़े पैमाने पर काम करे और जो एक आदर्शसंस्था कहलाने के योग्य हो। ऐसे आश्रम हमारे देश और समाज दोनों के लिये उपयोगी सिद्ध होंगे।

हमारे देश में ऐसी जितनी संस्थाएँ, महिला आश्रम, अनायालय इत्यादि हैं, इन सब का सुधार हो, यह हमारे देश की मांग थी और इस बिल से, जोकि आज हमारे सामने आया है, वह मांग पूरी होती है, इसलिये मैं इस का हृदय से समर्थन करती हूँ।

Shrimati Sushama Sen (Bhagalpur South): Mr. Chairman, I welcome this Bill. It is indeed a very necessary legislation, because, there are abuses in these institutions. But, I do not quite agree with the previous speaker who said just now that all ashrams and institutions have abuses, because I do think that there are some institutions which are doing very good work. It is very necessary to have this licensing.

My only suggestion is, as I said in the Select Committee also, that these institutions should be managed by woman. I think that is a very important thing. Of course, it has been said, 'as far as possible' by women. I do not see why we can't get competent women to take charge of these

institutions. I have seen some of these institutions especially in Bihar which are managed by men. Really speaking, they are most—what shall I say—they should be put an end to because there are so many abuses that one is really shocked to hear the things going on. I think it is very necessary from this point of view that women should as far as possible be in charge of these institutions for women and children.

Shri B. D. Pande (Almora Distt—North-East): The internal management should be in the hands of women?

Shrimati Sushama Sen: Yes, certainly in the hands of women. In fact, the whole management should be in charge of women. I think they would manage them much better than men. I welcome this Bill.

Shri Chattopadhyaya: Why say as far as possible?

Shrimati Sushama Sen: Not as far as possible; I suggest it should be.

Shri Raghunir Sabai: Sir, I would like to offer my congratulations to the hon. Lady Member, the Mover of this Bill, Shrimati Kamalendu Mati Shah. As you know, this Bill has had a chequered history. I would like to remind the House that, soon after when we met for the first time, when Parliament began its terms, in 1953, Shri M. L. Dwivedi brought forward a Bill of a like nature known as the Orphanages Bill. After a full dress debate on that Bill, on the assurance given by the Law Minister that a suitable Bill will be sponsored by the Government, that Bill was withdrawn. Later, next year, Shrimati Maniben Patel brought forward a Bill in this House of indentically the same nature. Again, after a full dress debate, it was also withdrawn when an assurance had been given by the Law Minister. It was towards the end of 1955 that Shrimati Kamalendu Mati Shah brought forward this Bill. When, last time, it came up before the House, it was perhaps at your instance that this Private Member's Bill was referred

[Shri Raghbir Sahai]
to a Select Committee. Government was kind enough to accept that the Suppression of Immoral Traffic Bill along with the Children's Bill be referred to the same Select Committee. It was under your chairmanship that all these three Bills were discussed in the Select Committee, and as a result of those deliberations this Bill has come before us today. I hope no impediment will be put in its way either by any part of the House or by the Government because, in fact, the Bill has been fathered by the Government and so it should have an easy passage.

Everybody knows that the object of this Bill is very laudable, that these bogus institutions where orphans and widows are kept in inhuman conditions should be closed and instead good institutions should come up where these helpless people may be allowed to remain.

The matter for the first time attracted the notice of the U.P. Government in 1948. Then they constituted a committee of which I was also a humble Member, and one of my senior colleagues Pandit Badri Dutt Pande was also a Member of the Committee. We toured round the State and we saw a good many orphanages and widows' homes in U.P. and as a result of the tour we submitted our report which was incorporated in a report which was issued in the year 1949. That report has already been circulated to the Members of the Select Committee and I am glad to find that all the observations that were made in our report have been incorporated and confirmed in the latest report of the Advisory Committee on Social and Moral Hygiene. I will not weary the House with what has been written in the previous report of the U. P. Government and in the report of the Advisory Committee on Social and Moral Hygiene. Both the reports have come to the conclusion that most of these institutions are bogus, rotten and they should be closed as early as possible. I admit that there are many institutions all over the country which are doing very creditable work, but

they are few and far between. I want those institutions should not only be maintained but should be encouraged in every respect so that they may do better work.

The effect of this Bill will certainly be that all these objectionable institutions will be out a stop to it—and there is a big 'if'—the State Governments take the provisions of this Bill seriously and carry them out. It will not be the function of the Central Government to enforce this Act in the States. It will be the function of the State Governments to enforce the provisions of this Bill. I hope the State Governments will faithfully and loyally carry out the provisions of this Bill.

I quite agree with my friend Shri Sharma that this Bill could have been improved in some respects. For instance, this provision with regard to the framing of the rules—although I was myself a Member of the Select Committee—could have been improved still further because I feel that these provisions whereby the licences should be granted or revoked should have been incorporated in the body of the Bill itself rather than the powers being delegated to a rule-making authority.

With your permission I will just bring to the notice of this House the draft Bill that was prepared by the U. P. Government, and which was appended to this report in which under clause 9 they have put in:

"The District Magistrate shall not issue a license, mentioned in section 8 of this Act, unless he is satisfied—

(a) that a society has been formed to look after the Institution according to the rules and regulations framed by the Government under this Act;

(b) that such a society has been registered under the Society's Registration Act, 1860;

(c) that such society has sufficient funds at its disposal to run the institution for at least 3 years;

(d) that the manager and the office-bearers of the orphanage or widow home are persons of unimpeachable character and conduct and are of sound mind, are not declared insolvents and have never been convicted for offences involving moral turpitude;

(e) that proper arrangements have been made for giving adequate food, clothing and shelter to all orphans and widows in the orphanage or widows' home;

(f) that the premises of the orphanage or widows' home are in a healthy locality and are kept clean and sanitary;

(g) that proper arrangements have been made for imparting physical, education and vocational training to the inmates;

(h) that the inmates are kept under proper control and discipline;

(j) that the inmates are so kept as to be free from all moral danger;

(k) that proper arrangements for providing healthy recreation and leisure exist for the inmates;

(l) that accounts of the orphanage or widows' home are properly kept and duly audited yearly by a Registered Accountant;

(m) that there is some proper and permanent source of income."

All these things should have been incorporated in the Bill itself, but what we find is that all these powers have been delegated to the rule-making body. I hope when the time comes for framing these rules, what I have just mentioned will be borne in mind. Towards the fag end of this Parliament we are passing this measure of social reform. It is a very welcome piece of reform. Already in this Parliament many other pieces of legislation of social reform have been enacted, for instance the Hindu Marriage Act, the Hindu Succession Act and the

Special Marriage Act. This is also one of the measure of that kind, and I hope by the passage of this Bill this evil of the existence of objectionable institutions will come to an end finally.

I support this Bill.

Shri Tek Chand (Ambala-Simla):
I take this opportunity of offering my warm felicitations to Shrimati Kamalendu Mati Shah and also the distinguished ladies Shrimati Uma Nehru, Shrimati Jayashri and others who as early as 1953 thought that such a Bill should adorn our statute-book. It is a Bill noble, sublime and desirable. It is stated that one test of a good law is *salus populi suprema lex*, that is, the welfare of the people is the supreme law, and this Bill can, therefore, be deemed to be *suprema lex* because it deals with *salus populi* or the welfare of the people. I offer my unstinted support without any reservations, though I feel that there are certain serious flaws, certain serious shortcomings which will hinder the effective operation of the Act. I am merely indicating those flaws in the hope that after this Bill becomes law, those defects may be avoided on some future occasion by bringing an amending measure. Therefore, I wish to make it clear that whatever flaws I may point out they are by way of constructive comments in order to improve the law and not to defeat this measure. Therefore, with all its short coming and flaws I endorse this Bill.

The definition of an institution, to my mind, is perhaps not very workable.

You say:

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

The word 'care' includes mental care, moral care and physical care. Therefore, educational institutions too should be covered by this definition. But when you turn to clause 10, you are excluding hostels and boarding

[Shri Tek Chand]

houses attached to or controlled or recognised by educational institutions. Why should you do so? Either you exclude educational institutions totally, in which case you shall have to omit the word 'care', or you include them and say that hostels and boarding houses also ought to be included. So, here is a matter which deserves careful scrutiny if not now, then at some later stage.

Then, you will notice that the proviso to clause 4 regarding application for licence is peculiarly worded. You say that:

"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".

Am I to understand, as the language seems to suggest, that a first application is to be made saying 'Please allow me to make another application.' The words 'shall be allowed' ought not to have been there. They ought to have been suitably substituted by the expression that within three months, a person who desires to renew his licence to maintain an institution may make an application.

You will notice that clause 7 deals only with one aspect, namely the revocation of a licence. It assumes that a licence is existing and it may be revoked for several reasons indicated in this elaborate clause 7. But you have not put in a corresponding clause for cases where a licence has not been renewed of an institution which is functioning. In other words, you should also have put in or inserted a clause as to what is to follow not only in the case of a revocation, but also in the case of an expiration of a licence. A licence is revoked by a positive act. But it may be that an existing licence may expire at the termination of the period for which it has been given; that institution also should close its doors. If it carries on, it is functioning, then what is to follow? That

has not been provided for. There is a provision made for revocation of a licence, not for what is to happen in the event of an expiration of a licence. That seems to me to be an unfortunate omission.

Again, in sub-clause (3) of clause 7, you say that on the revocation of a licence, the wards in the institution shall be restored to the custody of their parents, husbands, lawful guardians or transferred to another institution. I think a permissive clause should have been there. Transfer to another institution should be permitted only after the permission of the lawful guardian, husband or parent is there. You have put in here a disjunctive 'or' whereby you have given discretion to the State Government or to the authority in charge to transfer the child even without obtaining such a consent.

Regarding appeals, I feel that the clause is defective, because you are permitting an appeal to the State Government. The State is an institution. Who is going to hear the appeal? You should have made some provision in this regard. Is it going to be a mere representation or just a written memorandum of appeal? The functionary or the appellate authority should have been specifically indicated.

Regarding penalty, I was rather surprised that a non-lawyer but a distinguished professor took umbrage to clause 9. He might have taken exception to it on a different ground upon which I am going to raise this matter. The provision should be to the effect that any person who knowingly contravenes any of the provisions of this Act alone can be penalised and not any person contravening. The provisions here are very wide. Clause 9 read further:

"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....".

So, the contravention can be not only of the provisions of the Act, not

only of the rules but of any such conditions as may be imposed. Suppose the condition is that every such building must have three windows and of such a size; let us assume that there are not so many then, is the man to be punished for it? Is that to be made a criminal offence? Therefore, the provision should be 'Any person who knowingly contravenes.....' And there can also be all sorts of conditions, conditions of a very serious and fundamental character, conditions perhaps not so important, and conditions of a regulatory character. But in your penal clause, where you are making it into a criminal offence, the contravention can be of every conceivable condition, regulatory, mandatory or just ordinary administrative condition. Suppose the condition is that four types of account books are to be maintained, and those types are not there; then, will you allow penalty to be imposed? Therefore, I would counsel that the word 'knowingly' ought to be there.

Normally, I would have tabled amendments or advised the consideration of the Bill only after there had been suitable amendments, but in view of the higher interests involved, despite the fact that these gaping defects are there; I support it as it is, with all its defects, hoping that once it becomes a law on the statute-book, those defects will be suitably remedied at the earliest opportunity.

श्री राजा राम शास्त्री (जिला कानपुर मध्य) : सभापति महोदय, राजमाता कमलेन्दु-मति शाह ने जो यह विधेयक सदन के सामने उपस्थित किया है मैं उस का समर्थन करता हूँ। मैं समझता हूँ कि वास्तव में हमारी सामाजिक व्यवस्था में जो आजकल दोष है उसी का यह सब परिणाम है कि हमारे बच्चे भीख मांगने निकलते हैं और हमारे लड़के और लड़कियां घरों से बाहर निकल कर के इधर उधर भीख मांगते मारे मारे फिरते हैं और तब हम यह जो बुरी सामा-

जिक व्यवस्था का परिणाम होता है उस की रोकथाम करने की चेष्टा करते हैं। यह सही है कि जो बुराई सामने आये उस की रोकथाम करने की कोशिश होनी ही चाहिये पर मेरा यह विश्वास है कि जब तक हमारी सामाजिक व्यवस्था में सुधार नहीं होता और हमारी आर्थिक स्थिति जैसी आज है वैसी ही बनी रहती है तब तक इस तरह की बुराइयां न केवल हमारे बीच में बनी ही रहेंगी बल्कि दिनीदिन बढ़ती चली जायेंगी। इसलिये हमें मूल समस्या की ओर ध्यान देना चाहिये और हमारा प्रयत्न जितनी जल्दी संभव हो सके सामाजिक व्यवस्था को सुधारने का होना चाहिये फिर भी आज जो बुराई हमारे सामने मौजूद है उस की जितनी भी रोकथाम की जा सके उस को करने की कोशिश होनी चाहिये और इसलिये मैं इस विधेयक का समर्थन करता हूँ।

आजकल इस में कोई शक नहीं कि वास्तव में लड़कों और लड़कियों के सुधार के नाम पर और उन की रक्षा करने के नाम पर ऐसे आश्रम और अनाथालय खोल दिये गये हैं जिन को कि सुधारक संस्था न कह कर एक आमदनी का जरिया ही कहा जा सकता है और छोटे छोटे बच्चों से उन की मुसोबतों से, उन की गरीबी से नाजायज फायदा उठा कर के चन्द लोग भीख मंगवाते हैं और उन से पैसा कमाते हैं। मेरी अपनी राय तो यह है कि जहां तक हो सके सरकार को यह प्रयत्न करना चाहिये कि ऐसी संस्थाओं को निजी व्यक्तियों के हाथों में न छोड़ कर वह स्वयं इस काम को अपने हाथ में ले अगर ऐसा होता है तो मेरा यह विश्वास है कि ज्यादा सुचारु रूप से उन का संचालन हो सकेगा

इस मौके पर मुझे एक घटना याद आ जाती है। मैं सोवियट रूस में घूमने गया था और वहां मैं ने बहुत सी अच्छी अच्छी चीजें देखीं तो मेरे दिल में यह स्वाहिस

[श्री राजा राम शास्त्री]

भी पैदा हुई कि इन के देश में कोई अनाथालय भी होता है कि नहीं और यदि होता है तो मैं देखू कि उन में किस तरह का प्रबन्ध होता है । मैं एक अनाथालय को देखने के लिया गया । अनाथालय वहाँ पर इस तरह के नहीं होते कि ऐसे लोग जिन का कि कोई परवरिश करने वाला न हो, जिन की दुनिया में कोई देखभाल करने वाला न हो या जो गरीबी या और किसी वजह से अनाथ हो गये हों और अनाथालयों में आ गये हों, बल्कि पिछले महायुद्ध के दौरान में हजारों आदमी रूस के मारे गये और बहुत से घराने बर्बाद हुए और बहुत से ऐसे बच्चे जो इस तरह से अनाथ हो गये थे, वे वहाँ पर थे और उन की परवरिश करने के लिये जो संस्थायें वहाँ पर बनाई गई थीं उन को देख कर के मैं आश्चर्य में पड़ गया ।

जिस वक्त मैं उस संस्था में घूम रहा था, मुझे अपना देश याद आ रहा था कि हमारे यहाँ भी अनाथालय होते हैं । किस तरह से भीख मंगवा कर उन का इंतजाम होता है । न वहाँ रहने की कोई ठीक व्यवस्था है, न शिक्षा की व्यवस्था है न कोई अन्य व्यवस्था है । इस संस्था को देख कर मेरे दिल के ऊपर यह असर पड़ा जिस सरकार की व्यवस्था को मां बाप की व्यवस्था कहा जाता है ; वह व्यवस्था का आदर्श वहाँ पर था । जिन अनाथ बच्चों का दुनिया में कोई नहीं था, उन के मां बाप के रूप में सरकार वहाँ पर थी । बच्चों के पहनने के जूते देखिये, कपड़े देखिये, शिक्षा देखिये । उन के जीवन में उन्नति करने के उन को शिक्षित बनाने के जितने तरीके हो सकते थे, वह मैं ने वहाँ देखे । मैं समझता हूँ कि वास्तव में सरकार को इस तरह ध्यान देना चाहिये कि जो संस्थायें इस प्रकार की खोली जायें उन में इस बात की कोशिश हो कि जो भी लड़के, औरतें और बच्चे उन संस्थाओं में आ जायें, उन की शिक्षा का प्रबन्ध ऐसा

हो, उन को इस प्रकार की कोई न कोई शिक्षा दी जाय, जिस से वहाँ से निकल कर वह अपने जीवन को अच्छा बना सकें । केवल इन्हीं संस्थाओं के अन्दर रह कर उन को अपना जीवन यापन न करना पड़े । कहीं ऐसा न हो कि कोई संस्था उन की तरक्की के लिये कोशिश ही न करे, जो भी संस्थायें इस तरह पर करेगी वह समाज के लिये कलंक के रूप में होंगी । इसलिये आज सारी संस्थाओं का दृष्टिकोण ऐसा होना चाहिये कि जो भी काम किया जाये वह उन के सुधार के लिये होना चाहिये ।

एक बात मेरी समझ में नहीं आती, मैं किसी के प्रति कटाक्ष कर के नहीं कहता, बल्कि इसलिये कहता हूँ कि जब भी कोई मसला सदन के सामने पेश होता है, जैसे पिछली दफा हुआ कि चूँकि औरतों पर अनैतिक व्यापार होता है, इसलिये जो संस्थायें उनके लिये खोली जायें, उन का प्रबन्ध औरतों को मिलना चाहिये । उन के अन्दर कोशिश की जाती है कि पुरुष का हाथ न रहे । मेरी समझ में यह बात नहीं आती कि यह बात कह कर, बार बार दोहरा कर, क्यों इस बात की कल्पना की जाती है कि औरतों की संस्थाओं का प्रबन्ध औरतों के हाथ में रहेगा तो इंतजाम अच्छा होगा । अगर पुरुषों को सौंप दिया जायगा तो वहाँ बदमाशी ही बदमाशी हो जायगी । मैं समझता हूँ कि स्त्री समाज में और पुरुष समाज में, दोनों ही जगह बदमाश होते हैं । क्या औरतें ऐसी नहीं हो सकतीं जो वहाँ की औरतों के लिये अड़्डे बनाने में काम करें । इसलिये इस चीज पर बार बार क्यों जोर दिया जाता है । मैं समझता हूँ कि ऐसी संस्थाओं का प्रबन्ध चाहे औरतों को दिया जाय चाहे मर्दों को दिया जाय, जो अच्छे हों, उन को देना चाहिये । अगर पुरुष अच्छे हों, तो क्यों न उन को दिया जाय ? क्या बजह है कि पुरुषों को प्रबन्ध देने से खराब हो जायगा और स्त्रियों को देने से अच्छा होगा । आज इसी

बात पर जोर दिया जाना चाहिये कि जो लोग अच्छे हों उन का इंतजाम दिया जाय। इस समय जो बिल हम यहाँ पेश करने जा रहे हैं, असली सवाल यह है उस का प्रबन्ध कैसा होता है। जो कानून लागू करने जा रहे हैं, उस में देखना यह चाहिये कि उस को अच्छे ढंग से लागू किया जाय। बुराई करने वाले लोग यह महसूस कर सकें कि वास्तव में कानून सरकार ने बनाया है और वह उस पर सख्ती से अमल करेगी। बड़े अफसोस के साथ कहना पड़ता है कि कानून तो रोज बनते चले जाते हैं, लेकिन कानून की प्रतिष्ठा जनता के अन्दर से उठती चली जाती है। कानून बनते हैं, लेकिन उन का सुचारु रूप से संचालन नहीं होता है, जो लोग कानून को तोड़ने वाले हैं, उन को उस के कारण डर नहीं पैदा होता है। जो कानून आज बन रहा है उस को इस तरह से लागू होना चाहिये कि जो लोग ऐसी संस्थाओं में रखे जायें, उन की उन्नति हो सके और जो कानून कायदों को तोड़ने वाले लोग हैं उन की सख्ती से सख्ती सजा दी जाये।

मैं इस विधेयक का हृदय से स्वागत करता हूँ।

Shri Pataskar: This is a wholesome social measure and I would like to compliment the hon. Mover of this Bill for having drawn the attention of the House and the public to a matter of such social importance. I think the Bill has been thoroughly discussed in the Select Committee. I know that some of the lacunae have been pointed out by my hon. friend, Shri Tek Chand, But I think this is not the occasion, as he himself stated, to consider them. We might do so at a later stage.

So far as we can find, it was thoroughly discussed and whatever could be done, had been done. This is, no doubt, an important social problem. We should not allow unlicensed houses ostensibly trying to

care for women and children. I think this Bill rightly tries to remove a social evil.

I know that some hon. Members would like this Bill to go further than it does. But so far as the powers of this Parliament are concerned, I think we cannot go beyond this.

I am sure that this will produce a very wholesome effect on the working of the so-called Women's and Children's institutions. The evil has already been explained by many hon. Members who have spoken and I think I need not take the time of the House or of the private Members. I should say that this is really the best use that can be made of the time allotted for Private Member's Business, when a social measure of this importance is being put through at the instance of a non-official Member. I welcome the Bill and I need not take more time of the House.

Mr. Chairman: The question is:

"That the Bill to regulate and license institutions caring for women and children, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Chairman: We will now take up the consideration clause by clause. There are no amendments. If any hon. Member wants to have any particular clause put separately to the vote of the House I shall do so. Otherwise, I shall put all the clauses together and then the Bill as amended by the Select Committee.

The question is:

"That clauses 2 to 12 stand part of the Bill."

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

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

श्रीमती कमलेन्दुमती शाह : सभापति महोदय, मैं प्रस्ताव करती हूँ कि यह विधेयक प्रवर समिति द्वारा संशोधित रूप में स्वीकार किया जाये।

[श्रीमती कमलेन्दुमती शाह]

श्रीमान्, मुझे सरकार को और सदन के सदस्यों को धन्यवाद देना है, साथ ही अपने भाइयों और बहनों को भी धन्यवाद देना है, जिन्होंने मुझे अवसर दिया कि यह बिल मैं सदन के सम्मुख लाऊँ। वास्तव में भले ही मुझे इस को लाने का श्रेय दिया गया हो, लेकिन इस का श्रेय पूरा मुझ को ही नहीं है। हमारी कई बहनों ने इस विधेयक को सन् १९५३ में रक्खा था, मैं ने स्वयं भी नोटिस दिया था, और मेरा नाम आ गया। मैं इस के लिये सरकार का भी धन्यवाद करती हूँ कि सरकार ने इस को माना है। मैं सदन से केवल इतनी ही प्रार्थना करना चाहती हूँ कि वह इस बिल को स्वीकार करे।

Mr. Chairman: Motion moved:

"That the Bill as amended be passed."

Shri L. Jogeswar Singh (Inner Manipur): Sir, I will be very brief, What I want to state is this. Government should have a supervisory organisation for these women's and children's institutions. I would like to bring the attention of Government to this point. We have so many institutions for these women and children called Orphanages etc. The conditions of these people in these institutions are very bad. They are suffering for lack of assistance financially. The purpose of the Bill would be defeated if Government does not extend any financial assistance. Social welfare work done by Government is very encouraging. But so far as private institutions are concerned, they suffer from lack of funds. I want to draw the attention of the Minister to this fact. The Government has been pleased to accept the Bill. But if these institutions do not get financial assistance they will have difficulties. This is one point.

Another point is this. The women and children taken care of by these institutions, sometimes, become beggars. Instead of doing them good,

these institutions do more harm. In order to improve the conditions of these women and children, Government should take a supervisory role. They should appoint Inspectors to see the conditions in them now and then. These are some of the points to which I want to draw the attention of the hon. Minister.

सेठे अबल सिंह (जिला आगरा—पश्चिम) : सभापति महोदय, यह जो विमन एंड चिल्डरन्स इन्स्टीट्यूशन्स लाइसेंसिंग बिल (स्त्री तथा बाल संस्था अनुज्ञापन विधेयक) इस सदन में पेश किया गया है, इस का मैं स्वागत करता हूँ। इस बिल को वक्त की मांग को देखते हुए ही उपस्थित किया गया है। आज तक ज्यादातर इस तरह की संस्थाओं को चलाने का काम आर्य समाज ने ही हाथ में लिया था। दयानन्द सरस्वती ने जब यह देखा कि बच्चे दर दर फिरते हैं और उन की देखभाल करने वाला कोई नहीं है तथा निस्सहाय स्त्रियों को शरण देने वाला कोई नहीं है तो उन्होंने ने अनाथालयों तथा विधवा आश्रमों की स्थापना की। शुरू शुरू में इन संस्थाओं में बहुत अच्छा काम होता था लेकिन ज्यों ज्यों समय गुजरता गया त्यों त्यों स्वार्थी लोग इन संस्थाओं में घुसते गये और उन्होंने ने इन का दुरुपयोग करना शुरू कर दिया। दुरुपयोग यहाँ तक शुरू हो गया कि जिन स्त्रियों को यहाँ आश्रय देने के लिये लाया जाता था उन को बेचा जाने लग गया और कई दूसरी किसम के पाप होने शुरू हो गये बच्चों को भी यहाँ बेचा जाने लगा। ऐसी स्थिति में यह जरूरत महसूस हुई कि गवर्नमेंट हस्तक्षेप करे और इन संस्थाओं पर नियंत्रण रखने के लिये तथा यह देखने के लिये कि इन संस्थाओं में काम ठीक प्रकार से होता है या नहीं, इस बिल को उपस्थित किया गया है। लेकिन मेरा अपना विचार यह है कि सरकार अपनी तरफ से आदर्श संस्थाएँ खोले और दूसरों के लिये एक आदर्श रखे। इस कारण यह आवश्यक है कि हर एक स्टेट को कम से कम एक एक अनाथालय

और एक एक विधवा आश्रम स्थापित करना चाहिये जोकि दूसरी सार्वजनिक संस्थाओं का मार्गदर्शक हों। मैं केन्द्रीय गवर्नमेंट से प्रार्थना करूंगा कि वह हर स्टेट में कम से कम एक एक आदर्श संस्था स्थापित करावे।

मैं आप को एक उदाहरण देना चाहता हूँ। पंजाब प्रदेश में अम्बाला जिले में काल्का लाइन पर पंचकूला जैन गुरुकुल है। यहाँ पर पंजाब सरकार द्वारा कोई ७०० बच्चों को शिक्षा देने का इंतजाम किया गया है। ये वे बच्चे हैं जो आवारा फिरा करते थे और बुरे कामों में फंसे हुए थे। ये वे बच्चे हैं जोकि पाकिस्तान से आये हैं। इस संस्था को ३० रुपया प्रति बच्चा स्टेट गवर्नमेंट की तरफ से मिलता है और इन का यहीं पर खाने पीने का, पढ़ने का तथा दस्तकारी सिखाने का इंतजाम है। इस संस्था को देखने का मुझे सौभाग्य प्राप्त हुआ है। मैं ने इस को देखा है और मैं ने इस संस्था के प्रिंसिपल से बात भी की है और उन्होंने ने मुझे बताया कि ये लड़के जो बुरे कामों में फंसे हुए थे, जुआरी व बदचलन थे, अब रास्ते पर आ गये हैं और ये आदर्श नागरिक बन कर इस संस्था में से निकलेंगे। तो मेरा विचार है कि अगर सरकार इस तरह की एक एक संस्था हर एक स्टेट में अपने हाथ में रखे तो बहुत कुछ हो सकता है।

बहरहाल यह जो बिल है और यह जिन संस्थाओं पर लागू होगा वहाँ पर आज जो बुराइयाँ हैं, उन को दूर करने में यह मदद करेगा। आज मैं देखता हूँ कि हमारे देश में बहुत थोड़ी संस्थायें ऐसी हैं जो आदर्श काम कर रही हैं। मैं समझता हूँ कि अगर गवर्नमेंट लाइसेंसिंग आफिसर्स (अनुज्ञापक पदाधिकारियों) ने तथा इन्स्पेक्टरों ने ठीक काम किया तो आज जो बुराइयाँ वहाँ देखने को मिलती हैं वे दिखाई नहीं देंगी और साथ ही साथ जो आज अनाथ बच्चे आवारा घूमते नजर आते हैं वे भी रास्ते पर आ जायेंगे और जब वे इन संस्थाओं से बाहर

निकलेंगे तो आदर्श नागरिक बन कर निकलेंगे। यह हमारी सरकार का कर्तव्य है कि वह अनाथ बच्चों की तथा निस्सहाय स्त्रियों की देखभाल करे ताकि वे अच्छे नागरिक साबित हों और जो पाप हो रहा है या जो बुराइयाँ हमारी समाज में घुस आई हैं उन का अन्त हो।

Shri Pataskar: A suggestion was made that the Government also should start institutions like this. There is no doubt that State Governments will hereafter consider this problem because after all, it is to be remembered that both on the ground of constitutional propriety as well as on the ground of practical considerations, it is only the State Governments who can start such homes for women and children. But so far as we are concerned here, naturally I think this is a very important step inasmuch as we will have one common law which will try to make some provisions with regard to the running of these institutions.

They will be required to be licensed hereafter. From that point of view, the Bill brought forward by the hon. lady Member has been supported by the Government.

It cannot be said that this will solve the problem of the destitute women and children. That will have to be solved at the State level by the State Governments themselves undertaking that task. In many States they try to do it. But, in the name of charity, many institutions—some of them are very good—some things are done. There may be institutions which may not be good. From that point of view, it is thought desirable that there should be a Bill like the present one. There will be some sort of a control and check over such institutions which are supported and run by some people in the name of charity. Many of us know that many institutions try to collect some children and go over the country begging from place to place and collecting funds. Naturally people who are charitably minded give them some

[Shri Pataskar]
money. I do not know how far this will serve the purpose of bringing up the children in the proper way.

Situated as we are, we know that there are women who are in need of protection. If there is no law of this nature the institutions are liable to be misused by unscrupulous people. The hon. Members have already stated that there had been instances of that kind. If it will not solve altogether the problem of the care of destitute women and children, at least it will control the existing institutions which are being run in a bad way. In India charity is very liberal and most of these institutions have been run with the money collected from people who are charitable. This measure will regulate the conduct of these houses.

So far as the financial question is concerned, I am sure that the State Governments also will give the necessary financial help. It is not possible for us to make a provision here that the State Governments shall give so much money. Considering everything, I think this is a step in the right direction which will ultimately lead to the solution of this problem. I must join with the other Members of the House in complimenting the hon. lady Member who had moved this House, and also the other lady Members who had given notice of similar motions. It can be said to the credit of the women Members here generally that they have been taking very keen interest in the solution of this problem relating to women and children. It is a social problem of great importance. I am glad at any rate that this Bill is being passed by this House and I am sure that it will go a long way in trying to set right the institutions. Many things which are wrong are done in the name of charity and that has to be prevented. I think such funds will hereafter be properly used.

Mr. Chairman: The question is:

"That the Bill as amended be passed."

The motion was adopted.

MOTOR TRANSPORT LABOUR BILL

Shri A. K. Gopalan (Cannanore):
Sir, I beg to move:

"That the Bill to regulate the conditions of motor transport workers, be taken into consideration."

The Deputy Minister of Labour (Shri Abid Ali): Sir, on a point of order, may I submit that this is a Financial Bill? I understand that the hon. Member has not applied or obtained the President's recommendation and so it cannot be considered or passed. If you so desire, it may be considered but why waste the time of the House.

Shri A. K. Gopalan: Sir, I have to say that another Bill, the Motor Vehicles Amendment Bill, 1955 which is for the substitution of section 65 of Act IV of 1939 was there. Its clauses were the same as here. I do not say that because it was not objected to then, it should not be objected to now.

I want to point out that this Motor Transport Labour Bill contains almost all the clauses in the Motor Vehicles (Amendment) Bill which sought to amend the section relating to labour. In this Bill there are sections about weekly holidays, compensation day for rest, over-time, spread-over and other things. Even the Bill was voted out, I would like to point out that when the Motor Vehicles (Amendment) Bill was under discussion certain remarks were made by the hon. Deputy Minister. He said:

"The Bill which we propose to bring forward will contain all these subjects mentioned in the Bills of these two hon. Members."

Before that he said:

"I may submit that this matter has been under consideration of Government for more than two years. In 1944 there was a question in Rajya Sabha, also and there I myself promised that we