

[Mr. Chairman.]

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

**Shri Alagesan:** Sir, I beg to move:

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

**Mr. Chairman:** The question is:

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

*The motion was adopted.*

#### SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS BILL

**The Minister in the Ministry of Home Affairs (Shri Datar):** Mr. Chairman, Sir, I beg to move:

"That the Bill to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950 for the suppression of immoral traffic in women and girls, as reported by the Select Committee, be taken into consideration."

Sir, this measure of social reform is one of great importance and, therefore, I am anxious that this Bill be considered and passed by both Houses of Parliament during this session. This matter was considered by the Select Committee. They have made certain changes and I shall briefly deal not only with the various points that have been introduced in this Bill by the Select Committee but also with the original Bill itself.

On the 9th May 1950 the Government of India ratified an International Convention for suppression of traffic in persons and of the exploitation of the prostitution of others. Now when this ratification took place further steps had to be taken by the Government of India. Ordinarily it is a matter within the jurisdiction or purview of the State Governments, but in view of the international character of the principles which have been embodied in this measure Parliament

has been seized of this Bill under Article 253 and item 14 of the Union List, because according to these provisions it is for Parliament to legislate and it is also for Parliament to see that proper provisions are introduced in such a Bill in consonance with the International Convention. Therefore, this Parliament is now entitled to pass a measure for the purpose of suppression of prostitution as also for the other attendant evils.

Now, so far as this question is concerned, I may point out that there are a number of Acts—a very large number—which have been passed by the various State Governments in this respect, but it is felt that they do not go long enough and therefore it was considered that in place of the various Acts which are about thirteen or fourteen in different States, there ought to be a Central Act which lays down a uniform procedure for the purpose of checking, if not completely eradicating, the evils associated with prostitution. After the passing of this Bill by both Houses of Parliament all these Acts would stand repealed to the extent that they are inconsistent with the provisions of this Bill. That is the reason why this Bill has been brought with the consent of the State Governments and taking into account the views of a number of institutions, especially associations of women who have dealt with this question. I might also bring to the notice of this House a report of the Advisory Committee on Social and Moral Hygiene. This Committee was appointed by the Central Social Welfare Board and their report is of great and inestimable value because it has considered the whole question of prostitution. It has also considered the main provisions of this Bill because this Bill has been before the Parliament for two years. Before that also, Government took action on the basis of a Bill which was submitted to Government by one of the outside associations. After the Bill was received, we sent it to the various State Governments.

They gave their comments and in the light of those comments we made certain changes. The Bill was presented to this House. The Bill was also published in the Government Gazette. By that time we had also the advantage of considering the report of the Advisory Committee on Social and Moral Hygiene. There are also certain suggestions made by the Chairman of this Committee. All these have been duly taken into account and introduced in the provisions of this Bill.

Thereafter a Select Committee of this House considered the whole question. They have made a number of suggestions. Thus, we have today a Bill which has received a very large measure of attention not only from the Government but also from public associations, State Governments and also from a Select Committee of this House. Therefore, I am confident that the provisions of this Bill will lend themselves to the support of this hon. House.

With these preliminary remarks I should like to point out the main provisions of this Bill, as also the background against which this Bill has been brought forward. So far as the question of prostitution is concerned, the word "prostitution" has to be understood very correctly. It has a public aspect. It has also a private aspect, in the sense that it is a complete evil which has to be eradicated though, unfortunately, it has been extant, or prevalent in one form or the other, probably in all the countries of the world and in history for a considerably long period. So far as prostitution is concerned, we have to understand what prostitution constitutes and what are the methods by which prostitution can be checked or can be eradicated.

Now, as I have stated, it is an offence, naturally, in the relation between a man and a woman. If, for example, a man and a woman out of marriage, out of wedlock, live together then, naturally, a moral

offence is created when that woman co-habits with a person who is not her husband. That is popularly known as "illicit union"; it is an act of immorality; it is an act of unchastity.

But the question is whether such an act can be provided against by law. So far as the moral law of the land is concerned, unchastity or illicit association has always been a matter of great disapprobation by the public. But there are certain matters in which the law as such cannot go on. In certain cases the law can take into account the question of illicit conduct or the question of prostitution.

As it has been very clearly pointed out in the definition, prostitution by itself may or may not be an offence under the law, though it has been highly disapproved by the law, because there are other circumstances connection with prostitution. So far as the definition of the word "prostitution" is concerned, it will be found that a prostitute is a female who offers her body for promiscuous sexual intercourse for hire, whether in money or in kind. Thus, apart from illicit associations, some further elements are necessary in order to make an act one of prostitution. As I have already stated, in the case of prostitution promiscuity is one of the important elements. If a man and a woman meet and if, for example, that union is not sanctified by law or custom, it might be an immoral act but it will not be an act of prostitution at all, because prostitution requires a number of elements and these elements have to be present there. One element is, naturally, a desire for some gain, something like a hire. A woman, when for the purpose of gain—the gain might be material gain, or the gain might be in kind—offers her person to anyone, not out of love or any particular attachment to that person, but for the purpose of hire, for her advantage and also for the advantage of certain other persons who bring about such a prostitution, then there are elements which can be checked by law. There-

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fore, the law has to step in in such cases.

This question has been considered in this Report also, and very valuable observations have been made. They have admitted the position. This was a question which was taken up before the Select Committee. A number of hon. Members, especially women hon. Members, wanted the Select Committee to consider as to whether prostitution as such can be laid hands upon and made the subject of law or legal provision for the purpose of completely preventing its use. This is a matter which has a number of complicated aspects and this Committee, as I have pointed out, has also considered this question. Their observations may be found on page 39. There they have dealt with the question of prostitution and have come to this conclusion:

"We are not however, saying that prostitution as such could be put to an end by the law, however carefully drawn and however vigilantly applied. But we should keep prostitution beyond easy access and if the average man must of necessity spend considerable time, effort and money to locate a prostitute and if there is real danger of his arrest in her company, about as much as can be done through law enforcement against prostitution would have been done. We must also have efficient enforcement of the law. We must also take account of the factor of the human personality of the officials and should ensure that a proper public policy does not become a vehicle of corruption or exploitation."

Thus, as I have stated, this is a fairly complicated matter. A question might arise whether it is open to a woman to follow it as a profession. We have got article 19(g) of the Constitution. This question also was considered by this Committee as to whether prostitution can be followed

as a profession. I can point out here, so far as its ethical aspect is concerned it cannot be followed. But we have to take into account the provisions of the law. This Committee says that there might be certain difficulties if prostitution as it is was to be prevented by another law made by Parliament, because in that case it might be considered as violating the provision of article 19(g) of the Constitution, which says that any man is entitled to follow or practice any profession, or to carry on any occupation, trade or business subject to certain exceptions. Certain exceptions have been laid down regarding the qualifications for following a particular profession, or, certain restrictions have been laid down when the Government enters into certain trade or business. Beyond these two restrictions which have been laid down in the Constitution, it is perfectly open to any citizen of India to follow any profession that he or she likes.

**Shri Shree Narayan Das (Dharbhanga Central):** Has "profession" been defined, and would you include this profession?

**Shri Datar:** "Profession" has not been defined. A profession may be an immoral profession without being an illegal profession. We have to take those circumstances into account.

**Shri Shree Narayan Das:** The question is whether prostitution is a profession or not.

**Shri Datar:** The hon. Member need not interfere. I am just developing this point. He ought to understand that there might be a profession which might be immoral without being illegal. This question has been considered by the Advisory Committee also and they found certain technical difficulties. Whether it should be called a trade or a profession at all is itself a matter of some doubt. Therefore, we are faced with this position which has to be clearly understood. However regrettable and undesirable it might be, it must be

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understood that prostitution as such has not been banned and it is very difficult to ban it. Suppose, a woman carries on prostitution in her own house. Let us take that aspect of the case. For example, there is a woman who receives visitors in her own house through some pimps or others and then she receives money and the man goes away. It is very difficult to deal with this because, after all, there are certain rights and these are the private rights of citizens which have been recognised by law. Therefore, if the law were to step in, as the Advisory Committee has rightly pointed out, it is likely to be an instrument of harassment or persecution besides being an instrument of prosecution. Therefore, these are the circumstances that have to be taken into account. There is such a thing as sanctity of one's private conduct. My friend Shri Shree Narayan Das would say that that sanctity would be there so long as good conduct is there. But the difficulty is that, after all, our machinery is—

**Shri Shree Narayan Das:** On a point of information. I would like to know from the hon. Minister whether the Government is in a position to ban this. Of course, the Government may say that it is difficult to ban this, but that is a different thing. But, for a Government to take shelter under a particular provision of the Constitution and to say that they cannot ban prostitution because prostitution may be a profession, is not good. As far as I have known, prostitution is never a profession.

**Shri Datar:** The hon. Member has thoroughly misunderstood me. I am not taking, nor are the Government taking, any shelter behind any provision. I am merely explaining the whole position. This question has been considered by a very important committee, and it has also come to the conclusion that prostitution by itself cannot be an offence. Therefore, I take strong exception to my hon. friend's suggestion that the Government is taking any shelter. The Government are extremely anxious to

go to the fullest extent. But when a body of very important and responsible ladies in public life comes to the conclusion that prostitution cannot be an offence, then, that is a matter which has to be taken into account. It is perfectly open to this House to go to any extent in legislation as it pleases, but we have to take into account the difficulties in this matter. Therefore, I am explaining the whole position so far as prostitution is concerned.

As I have stated, the Advisory Committee considered this question and found that it was difficult to make prostitution by itself an offence. As they have rightly pointed out, if prostitution cannot, as at present advised, be made an offence not only on account of its technical or constitutional difficulties but also on account of other difficulties such as those of the possibility of harassment of certain persons, then, that is an aspect which we should not forget. That is the reason why I was pointing out to this House that though, as mentioned, it is difficult to make prostitution by itself an offence or to ban it by legislation, still, it is perfectly possible to restrict its scope or to check its progress by making the machinery for prostitution come entirely within the process of law. If we contract a machinery, then it might be very difficult for the persons to carry on prostitution. That is the reason why the Advisory Committee has stated in its report:

"Therefore, as prostitution requires a machinery described above, it is hoped that by destroying this machinery, the effect on this evil profession will be to eradicate the opportunities for the exploitation of girls and women, and reduce the number who enter into this way of life".

This is the policy that we have followed so far as the provisions of this Bill are concerned.

Therefore, in connection with prostitution, the machinery is very wide. The machinery is wide in the sense

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that it brings in girls from different parts of the country and it brings in women from different parts of the country. Then there are certain places chosen by certain persons and these places are popularly known as brothels. These women are brought there. Then they are allowed to carry on the profession of prostitution. They get some money. Even so far as this money is concerned, very little of it remains with the women who unfortunately is the object of prostitution. More than half goes to the persons who are the go-betweens. Further, the woman is not treated well. Then, a number of diseases are contracted by her through her association with persons, and it becomes a source of national danger. Ultimately, they impart or carry these diseases not only to their homes here but in the homes in the rural areas as well. After all, it is a highly shameless profession, a highly secretive profession. But in some cases what happens is, that attempts are made to carry on prostitution in or around places where it ought not to be carried on. There are religious places and schools also where openly attempts are made to carry on or practise this profession. That also can be stopped. Therefore, a number of persons who are interested in the practice of the profession, except the women, can be punished, and that is the reason why the law has said that it is perfectly open in a very effective but indirect way to stop this prostitution.

Prostitution has been defined as "a female who offers her body for promiscuous sexual intercourse for hire, whether in money or in kind". The definition of the word "brothel" has also been given. Brothel is an institution which can be stopped. The law can lay its hands upon a brothel. The law can see that prostitution is not carried on here by a number of methods. One method would be to stop it altogether or to close it altogether. The second would be to punish those who are responsible for

keeping a brothel—the brothel-keepers. Then in certain other cases, attempts can be made indirectly to affect or to neutralise what a brothel is or is likely to do. "Brothel includes any house, room or place or any portion of any house, room or place, which is used for purposes of prostitution for the gain of another person or for the mutual gain of two or more prostitutes". Therefore, in order to see that there is no harassment to any person, the definition is made very clear. Merely carrying on an illegal association or an immoral association would not make the house a brothel; because, though we can take action against a brothel, though we can take action against the brothel-keepers, the question is whether the definition should be so wide as to include any home or any place where a woman is carrying on prostitution. That is the reason why it has been made clear that it is a place "which is used for purpose of prostitution for the gain of another person or for the mutual gain of two or more prostitutes". This has been brought in with a view to make it possible for the Government by law to close such institutions and also to punish the persons who are in charge of those institutions.

These are the various objectives that the Government have in view in having this particular definition and in bringing within the purview of the law a number of persons. From clause 2 onwards, a number of offences have been mentioned. I would refer briefly to some of them. In clause 3(1), brothel-keeping has been made a penal offence for which punishment has been provided. Clause 3(2) deals with letting out premises for use as brothels. Sub-clause (3) also deals with the same thing. Here we have taken into account one circumstance. Sometimes it is very difficult to lay hands upon people or to punish certain acts without necessarily punishing those who are responsible for it. For example, it would be very difficult to prevent a landlord from

letting his house to a prostitute; but, we can prevent his letting the house for prostitution, because the prostitute also is a human being and she is entitled to hire a house and occupy it. Therefore, a very thin line arises according to which a landlord can let his house or premises to a prostitute, but not for prostitution. This has been provided for in this particular provision.

There is clause 4 by which acting as a pimp, a go-between who brings in customers and who naturally receives a share of the illegitimate income and lives on it, has been made a very grave offence, because there are certain persons who live on the earnings of woman or girl. In some cases unfortunately even the parents and other relatives also live on the income of the girl. In some cases the depravity of the whole thing is such that it is considered not a dishonourable act. We have provided that if a prostitute has a minor child, that child cannot be considered an offender, because till it reaches the age of 18, the child is entitled to live with the mother. If after attaining majority, the mother, brother, father or anybody lives on the earnings of this girl or woman, that ought to be considered as an offence, because living on the earnings by prostitution has been laid down, as I have stated, as a very grave offence under this law.

Then we have got what is known as "solicitation". Solicitation is a method by which a customer is attracted. Hon. Members may or may not have seen it, but in Bombay and other places, in the windows or on the door-steps, these unfortunate sisters of ours sit there in a very gaudy dress trying to attract customers. But this attraction has to be as imperceptible as possible, because they cannot invite the customers. This subtle attraction is perhaps more dangerous than open solicitation by a woman to another person. This also has been made an offence and provided for in clause 8.

We have clause 7 which punishes prostitution when it is committed in the vicinity of certain places of public interest. This is a very important point. When such acts of prostitution are committed, then they become a public nuisance of a very degrading quality. If near a place of sanctity or place where children study—hostels, schools etc.—these acts are committed, they have a greater debasing effect, because the minds of the young people are very easily affected and polluted. By such bad acts which are not only not proper, but which are highly debasing, the sanctity of the

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place is very seriously affected. That is the reason why it is stated in clause 7(1):

"Any woman or girl who carries on prostitution, and the person with whom such prostitution is carried on, in any premises which are within a distance of two hundred yards of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or District Magistrate in the manner prescribed, shall be punishable with imprisonment for a term which may extend to three months."

Here prostitution has been made an offence, because it is not ordinary prostitution between a man and a woman. It goes beyond the man and woman relationship; it becomes a matter of nuisance; the independency is so great that it is to be considered from the point of view of public nuisance. That is why, in addition to mere prostitution, we have provided for prostitution which is being carried on in a place where it ought not to be carried on. It becomes a public nuisance and this act has been made punishable.

In clause 5, procuring or importing a woman for prostitution has been

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made an offence. If a woman or girl has been detained for prostitution against her desire, such detention by the other persons who are interested in this so-called profession, is made punishable under clause 6.

Lastly, we have provided for punishing seduction of girls who are in the custody of guardians. If, for example, a young girl is in the custody of either a natural guardian or a guardian appointed by the court or appointed under some writing and if he abuses the confidence that the law or other persons have reposed in him or if he uses her for prostitution with a view to make gains for himself, that is made punishable by this provision in clause 9.

So far as the question of punishment is concerned, there are certain unusual features which had to be taken into account with a view to check prostitution. As I have stated, prostitution is an absolute evil and has to be checked. Whenever there is a prosecution and if the offence has been proved, the maximum punishment has been laid down under the Indian Penal Code as also in other penal provisions of the laws—State laws or Union laws. The exact punishment which should fit in with the facts of a particular case has been left to the discretion of the Judge or the Magistrate, as the case may be. Inasmuch as the prevalence of this evil is very wide, it has been thought that it would be better to provide for a minimum punishment, provided the offence is proved. Naturally, the judicial discretion is not taken away, but it is desirable in the interests of the society in general to provide for a minimum punishment. It may be kindly noted that it is an act which saps the vitality and the morality of the society; it should be looked at from the social point of view. If an offence has been proved, the offender ought to be punished adequately and not nominally or lightly. That is the reason why, in some of these cases which are of a graver kind, minimum punishment has also been provided.

This punishment is in accordance with the degree of deliberation and with the degree of harm that the particular wrong is likely to cause or has caused to the person concerned in the first instance and to society in general.

Naturally, if a person persists or even after conviction repeats the offence, we have got provisions in the Penal Code under which there might be enhanced punishment in the case of some offences like theft, etc., Here also, we have made provision—our object is to make this Act complete in itself—for enhanced punishment in the case of some of these grave offences. If a man commits an offence and is convicted, if he remains behind the prison bar or pays the fine and again carries on that particular business,—a highly objectionable business—a further restriction on his movement, with a view to keep an eye upon him, has been provided by compelling him to inform about his address wherever he goes so that the authorities of law and order can have a check upon him and scrutinise whether he carries on the profession in a secret or clandestine way wherever he lives. That is the reason why provision has been made for his keeping the police officers fully informed of his address whenever he has been previously convicted.

There are other usual procedure laid down, as in the Criminal Procedure Code. For example, when it is found that a man is habitually committing this offence, then as under the security sections of the Criminal Procedure Code, preventive action can be taken by way of calling for security for good behaviour. In proper cases, under section 562, when a man has committed the offence for the first time, he can be admonished and he may be released on probation. All these provisions have been duly introduced. In respect of evidence also, certain provisions have been laid down. For example, if a certain set of acts are proved, certain presumptions can be drawn. This has

been done because the object is to punish all these people and not to allow them to get out of the clutches of the law.

There are also certain positive aspects so far as this Act is concerned. As I have said, naturally, the Act is a penal one. But, it is not sufficient that we deal with only the penal aspect. In some cases, you must have remand houses; when they are under trial, you must have shelter homes. In other cases, with a view to correct them, you should have Government-run institutions for the purpose of giving them real protection; not only protection from thirst and hunger, but protection from such bad company so that they may be completely weaned from this evil. While provision has been made under this Act for the purpose of establishing homes mainly by the Government, if private individuals come forward, they have to take our licences. Oftentimes we have received complaints that whenever there are such homes, the purpose of such homes is abused and these homes—it was complained in some cases, fortunately not many—kept by certain private individuals themselves had become brothels. Therefore, provision has been made that in all such cases, either the State Governments themselves or, in proper cases, the Central Government should open protection homes or if a private body of persons is to be recognised, licence has to be taken. These protection homes have to be properly run.

In all these cases, either in connection with the investigation of offences or in connection with the opening and maintaining of such homes, we have laid down this policy which the Bill had in view, but which has been very prominently mentioned by the Select Committee, namely, inasmuch as the help of women would be of the greatest use not only for the purpose of detecting such offences and for the purpose of weaning such unfortunate sisters from a career of sin that they

have been carrying on, there ought to be women associated with such protection homes. Later on, the House will see, we have provided for women police officers to take charge of this work or to be associated with the detection or investigation of crimes wherever that is possible. Not ordinary police officers, but very high police officers are to be designated as special officers for the purpose of detecting and investigating crimes committed under this Act. Then, there will be an Advisory body associated with such police officers for the purpose of helping them in finding out and investigating such offences. In addition to this, we have got provisions for the purpose of rescuing of girls, for the purpose of search, etc. Whenever a complaint is received that girls have been detained, orders can be taken, investigation can be made and search can be instituted for the purpose of getting these girls duly rescued. We have also made provision for making offences under this Act cognisable. Oftentimes, if an offence is non-cognisable, unless we have the orders of the magistrate, it becomes very difficult to carry on such work. Persons who live on prostitution are a set of extremely clever people and the slightest hint that the machinery of law and order is going to be set in motion is sufficient to give them the clue and immediately all attempts are made to see to it that nothing is done. About two years ago, here, for example, we had a search one day. We had to keep the greatest amount of secrecy. A very large number of police officers had to be improvised. At about midnight, a large number of police officers and constables, in all about 600 or 700 surrounded certain black spots in Delhi and ultimately we were happy to recover as many as 140 unfortunate girls who were being used as prostitutes and on whose unholy income a number of families were feeding. That is the reason why certain powers have to be given to the police. Care has to be taken to see that an advisory body of women is there. In all cases where a



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police officer wants to order search, he has to put down the grounds for his belief that an immediate search is necessary. Otherwise, a magistrate also can be approached. These are the other provisions which have been introduced in this Bill.

There is also a provision according to which it would be open to a magistrate or court to order closure of brothels because that is the breeding place of all this evil associated with prostitution. That also has been provided for. So, these are the various matters which have been provided for.

So far as the details are concerned—details as to how a licence is to be issued, how certain acts have to be carried out in consonance with the provisions of this Bill etc.—all these will be worked out, and provision has been made in one of the clauses for making rules. These rules will be naturally in consonance with the provisions of this Bill, and inasmuch as this Act is to be implemented by the State Governments mostly, these rules will be made and placed on the Tables of the legislatures in the various States. So far as the Union Territories are concerned, if the Government of India makes rules, naturally they will be placed on the Table of Parliament.

Thus it will be seen that this is one of those important pieces of legislation which have got one great object in view, namely the control, if not the complete eradication, of this great vice of prostitution. As one of the Members of the Select Committee has pointed out, this is a matter which requires immediate legislation in the light of the circumstances that are prevailing in the country, especially in the present urban conditions. Take a place like Bombay, Calcutta or Delhi. Unfortunately, agencies have been established and young girls are brought under false pretexts or promises from surrounding areas, from the hilly areas also, and then

they are made to live a life of shame. They are brought here under certain attractive promises. They are promised an easy life of ordinary human comforts, or perhaps more than ordinary human comforts, and then after they are brought here, they are deprived of the very money that they earn except a very small portion. They are not allowed to go back easily as they would like to because after coming over to such urban areas they become completely repentant, but the time is past and therefore they have to carry on most reluctantly in some cases this particular vice of prostitution. Therefore, it is a great social evil.

Some objection is likely to be taken stating that merely by law this evil or sin cannot be uprooted. I would completely agree with it. After all, the law has to be made as strong as possible, and the law will be properly and vigorously implemented. About that also let not the hon. Members have any misgivings. But ultimately we require the co-operation, very large co-operation, of the people. And unless we have got the co-operation of the people, it would be very difficult to achieve the object that the Government have in view, namely the complete suppression of the vice of prostitution.

Fortunately, we have got a number of women's associations which have come forward and which are prepared to help the Government to the fullest extent. In fact, as I have stated in the beginning, the present Bill ultimately can be traced to a model Bill which the Government received from one of these associations. It passed through various stages as described by me, and I am quite confident that we shall have the fullest support of the public so far as suppression of this evil is concerned.

This evil has been sapping the energy and vitality of our people, and therefore we must take full care to

see that it is brought immediately under control so that our men and women shall be what they ought to be, namely great citizens of India completely free from vices like this.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950 for the suppression of immoral traffic in women and girls, as reported by the Select Committee, be taken into consideration."

The total allotment of time is five hours. May I have the sense of the House as to what time it would like to spend in general discussion?

**Pandit K. C. Sharma** (Meerut Distt.—South): Four hours.

**Shri Datar:** Three and two hours respectively.

**Shri Raghbir Sahai** (Etah Distt.—North-East cum Budaun Distt.—East): Four hours for general discussion.

**Mr. Deputy-Speaker:** There are some amendments.

**Shri Raja Ram Shastri** (Kanpur Distt.—Central): Four hours.

**Mr. Deputy-Speaker:** If that is the sense, we shall have four hours for general discussion.

**Shrimati Jayashri** (Bombay-Surban): I congratulate our Minister who has taken all this trouble to bring forward this legislation which I should say has been long overdue. I remember that Shri Rajagopalachari, when he was Home Minister, had moved a resolution about this International Convention in 1951. Since then this question is before the House and after nearly five or six years this legislation has been introduced in the House. I hope it will soon be passed into an Act.

I welcome this measure which is based, as I said, on the International Convention. The relevant article of the Convention reads:

"The parties to the present Convention agree to punish any person who to gratify the passions of another procures, entices or leads away for purposes of prostitution another person, even with the consent of that person."

On the basis of this article we have framed this present legislation.

As the Minister also explained, under this article it is difficult to ban individual prostitution. Still, even if, by the help of this Act, we are able to stop the trafficking in women and girls, I would consider it a great achievement, because it is this trafficking that is really necessary to be stopped, because even if we attempt to stop individual prostitution, we cannot altogether get rid of it.

This legislation I would say can be called a hygienic reform which will tend to encourage the highest public and private standards of morality and family life. It also aims at securing recognition of an equally high standard of morality for both men and women. Till now there were different standards of morality for men and women, but I am glad to say that under this law we are trying to have one standard for both men and women. This will go a long way in eradicating this evil. As the hon. Minister had already explained in clause 7, we have laid down that "a visitor to the place also shall be punishable..." In this way, we are fulfilling the desire of the people to punish the women as well as the persons who visit the prostitutes. All this time, we used to punish only the prostitute, but the man who visits the prostitute commits as much offence as the prostitute.

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I take this opportunity to congratulate the Advisory Committee which has taken the trouble of touring the

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country and giving us valuable facts about this moral and social hygiene in our country. They have also stated in their suggestions that the society should view both the prostitute and the visitor to the prostitute with disfavour. Here in this Bill also, we are punishing the visitor.

I do not want to deal at length with the causes, because we all know that there are many causes, which bring about this evil, especially the ignorance and also the society; then there are the child marriages and dowries. Our customs force women to lead this immoral life. So it is the duty of the society to eradicate all these customs which bring about this immoral life in our society.

I would read out one or two passages from the Moral and Social Hygiene report. They also state as follows:—

"In a vast country like India with diverse races, customs, traditions, cultures and religions, investigation and research play a very important part, though it has to proceed slowly because of the difficulties inherent in investigating conditions of social vice. It is only by quiet and persevering study of local conditions, taking into consideration all the relevant facts, with regard to religious practices, marriage customs, joint family systems, child marriage and child widowhood, excess of male over female population and vice versa; methods of engaging industrial labour, the presence in towns of large floating populations separated from normal family life; the introduction of modern recreation, including films, dancing-halls and night-clubs into a culture unprepared for such innovations; the lack of education; economic distress and the consequent desire to make money quickly and easily, all these

factors have to be taken into consideration in making a survey of the local situation."

Then we shall go to the clauses. In the Bill, I am glad to find that we not only want to punish these women but we also want to rehabilitate them. We are going to provide protective homes. This is very necessary. The other day I had a talk with some of the women delegates of UNESCO. I inquired from one of the delegates, the conditions in that country, especially in Denmark. I also discussed this matter with one lady from Russia but they all told me that they have no problem about prostitution there because they provide work to women; there are homes in which work is given to women. This question is more an economic question also, and if work is provided, I do not think that women would like to lead such an immoral life. So the first thing to be done is to provide protective homes. Proper conditions will be maintained there for training these women and also trying to see that when they go out of these homes, they will be able to earn some livelihood, so that they need not again enter the same life. That is the real thing to be done. While investigating the work of after-care, these cases should be taken by the social welfare institutions, because although the law will be there, after these women are released from these homes, it is the duty of the society to see that they again do not go back to the same life. This is an important thing which the women's institutions and especially the Social Welfare Board should take up. The Social Welfare Board has done a very good work in appointing this advisory committee and after reading the report, I find that they are going to have these homes in various places, especially in big cities like Calcutta, Bombay and Delhi. I consider that there should be proper homes, where women will be protected and looked after and also they should be trained to do some work, so that they can earn their livelihood.

I am glad that uniform rules are going to be introduced for all these homes as this report also tells us there are bogus homes, which are exploiting women. Our attention has been drawn to so many *Vidhva Ashrams* and *Anathashrams*, which are practically used as brothels. I am glad to find that in this Bill we are bringing in these protective homes, so that no other authority can open homes which can be run without proper licence. That is also an important thing. Besides this, I should think that there should be proper authority to put this law into effective action and for this, I am glad that we have made provision of what I would call "social police squad". I am glad that our request has been taken into consideration by the hon. Minister. He has also made a provision for women police which I think is very important. When we have to deal with women, it is better that most of the police should be women. Further I am glad to find that when the cases are going to be heard, there will be women advisers as witnesses, because as we are told in this report, it is very difficult to get proofs in these cases. If these women advisers are there as witnesses, they will be able to find out the real facts and they would also help the magistrate. So in this way we are trying to make this law effective. We know that many States had a similar law, but all this time, it was not effective. Now we are trying to have a uniform law, which will be more effective and help in eradicating this evil.

I do not want to take up the time of the House any more. I would again say that I am glad that in this law we are going to make provision to cover a lacuna which is there in many statutes which are already ready there in the States. As the Minister has stated, we are going to have one uniform law now for the whole of India, for which I congratulate Government.

I hope that Government will see to it that this measure is effectively put into action. I hope that the other House also will be able to pass this Bill during this session, and this Bill will become an Act very soon.

Once again, I congratulate the Minister. I have got one or two amendments, which I shall move when the proper time comes.

**Shri Raghubir Sahai:** As has already been pointed out, this Bill has been brought forward in pursuance of the International Convention which was signed in New York on 9th December 1950. It has a very laudable object in view. I am really sorry that six years should have elapsed before bringing forward a Bill of this nature; perhaps, difficulties might have been placed in the way of Government in bringing forward a Bill of this kind. But, better late than never, this Bill has now, after all, come before this House.

The Minister has already drawn our attention to some of the important features of this Bill. I would not recapitulate all of them, but I would only say that the main provisions of this Bill deal with suppression of the brothels where prostitution is carried on, punishment of those persons who live on prostitution, punishment for prostitution carried on in the vicinity of public places, and lastly, we have the very important provision in regard to the setting up of protective homes. Everyone of these and others that are in the Bill is a very salutary provision. But, as has been pointed out already by the Minister, they go only to a limited extent in eradicating this evil. They do not attempt to root out the evil of prostitution as such.

Although I am in full accord with the object in view as well as with many provisions of the Bill, yet I am feeling rather hesitant to think that the expected results would come out of this Bill; I wish they could, but I fear that they may not.

[Shri Raghbir Sahai]

It is quite true, as has been pointed out in the very admirable *Report of the Advisory Committee on Social and Moral Hygiene*, that this is a very old profession. My learned friend Shri Das took objection to the use of this word by the Minister when he was speaking. But I think that although the word 'profession' may not have been defined anywhere, yet everybody understands what 'profession' means. Profession is something which is carried on for the sake of gain. According to that, this is an old profession, and it has been carried on from times immemorial.

I found in Kautilya's *Arthashastra*, a book written something like two thousand years ago, that there was a definite chapter entitled '*Ganikaadhyaiksha*' which means 'Superintendent of the Department of Prostitution.' So, it is clear that in those days, this profession was recognised, and a particular officer was appointed to regulate prostitutes and to control the profession. I am not here to dilate over the various provisions contained in that chapter, I just wish to point out that this is, no doubt, a very old profession.

**Dr. Rama Rao (Kakinada):** May I ask one question of the hon. Member? Was that department to encourage the profession or to suppress it?

**Shri Raghbir Sahai:** It was neither to encourage nor to suppress, but to regulate.

**Mr. Deputy-Speaker:** It was an old profession. As to whether the superintendent was there to regulate or to check, we need not bother.

**Dr. Rama Rao:** I just wanted to know for the sake of information.

**Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes):** Does the hon. Member say that there should be a separate Ministry for this?

**Mr. Deputy-Speaker:** I do not know what will be the fate, if that demand is put by the hon. Member. Is it a demand?

**Shri Jaipal Singh:** No. I only wanted to know whether he was recommending the setting up of a separate Ministry.

**Mr. Deputy-Speaker:** No, he was not.

**Shri Datar:** He was just giving the historical perspective.

**Shri Raghbir Sahai:** I am not recommending anything like that.

I am only saying that we should think for ourselves what the effects of this legislation are going to be. As I stated just a little while ago, I am rather doubtful about the results of this Bill; I wish that my fears may be unfounded, but I do think that as a result of the passing of this legislation, we shall be helping the profession of prostitution going underground. This is not something in the nature of a figment of imagination but my fear is borne out by the testimonies of bodies whose opinions should be considered with a certain amount of respect.

All over the world, I find that there is a tendency of this profession of prostitution taking the shape of promiscuity. It is true that in pursuance of this International Convention which was signed in 1950, legislation was passed in various countries, especially in those that were parties to this Convention. But how far they have succeeded in putting down this evil of public prostitution is very doubtful to say.

The *Report of the Advisory Committee on Social and Moral Hygiene* has often been quoted in the course of this debate. If we look at page 16 of that report, we find:

"Suppression of brothels meant that the evil of prostitution had spread all over the cities, for, the inmates of the houses, which in the old days were located in certain recognised streets, had now set up their establishments in other parts of the city. Through this diffusion a new class of prostitutes had de-

veloped—undeclared, clandestine, on whom the police authorities could have no check.”

This is not only the view of the Advisory Committee on Social and Moral Hygiene, but also this is the view which we find in the *Encyclopaedia of the Social Sciences* (vols. XI—XII, page 559):

“The city has not only concealed the supply but increased the demand. The breach of home ties and the anonymity of city life with its absence of the restraining check of neighbour's opinion, combined with low wages and loneliness, conduce to meretricious association rather than to marriage. Prostitution is not a disease of the social organisation; it is only a symptom of the disease.”

With your permission, Sir, I will make one or two more appropriate quotations from the *Encyclopaedia Britannica*. In vol. 18, page 601, we find this:

“But today prostitution is essentially an urban problem and the vast size of modern cities makes clandestine prostitution so easy that the licensed houses hold only a small proportion of the total number. What proportion it is impossible to say; the estimates freely made are mere guesses”.

Then in *Encyclopaedia America*—last but not least—we find in vol. 22, page 670:

“Is prostitution diminishing?  
Yes and no.

It is reported that the percentage of American males frequenting prostitutes after World War II is almost precisely the same as after World War I. But it is also said that the frequency of contact with prostitutes is reduced. The reduced frequency is accounted for, at least in part, by extra-marital inter-course with non-prostitutes—with ‘amateurs’.”

Lastly, this very book says:

“Some 69 per cent. of the total white male population, it is reported, ultimately has some experience with prostitutes”.

This is about America.

So my contention is that by passing this legislation—it ought to be passed; it is a very innocent form of legislation—we should not labour under the delusion that we shall be tackling the problem of public prostitution in a satisfactory way even as the hon. Minister has pointed out. I believe it is a delusion.

My hon. Lady friend, Shrimati Jayashri Raiji, in the course of her speech said that she met some of the delegates of UNESCO and when she asked them about the state of affairs in their own countries, they all said that there was nothing of prostitution. I wish things were like that. It is claimed in Czechoslovakia that prostitution has gone. It is also claimed in China that prostitution has gone. But it is very difficult to believe that prostitution has gone in those countries, as it has not gone all over the world. It has been repeatedly pointed out that prostitution cannot disappear merely by passing a piece of legislation either of this kind or of any other kind. It is a social evil and should be tackled in a proper way. Legislation is proper, but it is not tackling the whole problem. The proper way is when non-official bodies come forward to preach something of morality to our young men.

I am afraid this disease has spread all over the country as a result of Western civilisation. I may be right or wrong, but I think that it is the result of Western civilisation.

**Mr. Deputy-Speaker:** Just now the hon. Member was referring to the ‘old profession’.

**Shrimati Jayashri:** May I clear what I said? I said that trafficking was not there.

**Shri Raghbir Sahai:** It is a question of loosening of morals, and I think

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until and unless our morals are re-established, this evil cannot be extirpated root and branch. This reform of society cannot be accomplished by any legislation by this House, however great and august it may be. This is with regard to the general provisions of the Bill.

Coming to clause 12 of the Bill, I have had my differences with the Select Committee and I have also tabled an amendment in this regard. When you are enacting a legislation of this kind and when you do not want to show any kind of delicate feelings towards an offender of these provisions, meted out full punishment. Why go in half-heartedly? In clause 12, you are dealing with security for good behaviour from habitual offenders. Now, habitual offenders should be dealt with properly and strictly, but this clause leaves a number of loopholes. It says:

"When a court convicting a person of an offence under this Act finds that he has been habitually committing, or attempting to commit, or abetting the commission of that offence or any other offence under this Act.."

This portion is entirely unnecessary. I say it is difficult to prove 'habitual'. Every one who knows something about law courts—and I appeal to your experience also, Sir—knows that it is very difficult to prove 'habitual'.

**Mr. Deputy-Speaker:** Suppose I inform the hon. Member that I have absolutely no experience?

**Shri Raghbir Sahai:** Then I will fall back on the observations made in the Report. The Advisory Committee on Social and Moral Hygiene themselves feel that by making such a provision you make conviction difficult. Their Report says:

"The police maintain long and detailed records of all the types engaged in the trade, the women, the procurers and the house-keepers. But when the matter

comes to a court, it is difficult to prove that a prostitute is a prostitute or a brothel is a brothel. The words 'habitually,' 'knowingly' and 'mainly' create difficulties. To ask for evidence of promiscuity is to ask for the impossible, and if it is produced, the court will be unwilling to accept or act upon it, but its absence is invariably regarded as destructive of the 'prosecution case'".

So my humble submission is that we leave out these words and leave the discretion entirely to the court. If from the material on record the court comes to the conclusion that he is a habitual offender, let him be dealt with accordingly. But why throw the burden of proof on the prosecution that he is a 'habitual' offender? I think these words are unnecessary and they should be deleted. With these few words, I support the Bill.

श्री राजा राम शास्त्री : माननीय उपाध्यक्ष महोदय, वेश्यावृत्ति को रोकने के लिये जो बिल हमारे सामने पेश है, उस का मैं स्वागत करता हूँ। जैसा कि कहा गया है और ठीक ही कहा गया है कि इस रोग का पूर्णतया अन्त करना तो बहुत कठिन है लेकिन अधिकधिक जो कुछ भी किया जा सकता है वह इस रोग की रोकथाम करने के लिये किया जाना चाहिये। जहाँ तक मैं समझ पाया हूँ, यही इस बिल का उद्देश्य है।

संसार के करीब करीब सभी देशों में ऐसे कानून बनाये जाते हैं जिन से समाज को ज्यादा शुद्ध और पवित्र रखा जा सके। लेकिन जैसेकि इस सदन में कहा गया है आप किसी भी संसार के कोने में चले जाइये सभी जगह इस बीमारी को फैले हुए आप पायेंगे। जिस चीज को हमें देखना है वह यह है कि यह बीमारी फैलती क्यों है और इस का कौन सा मुख्य कारण है। यह मैं नहीं मानता हूँ कि यह बीमारी पश्चिमी

सम्यता की देन है। चाहे पश्चिमी सम्यता हो, चाहे पूर्वी सम्यता हो आप किसी भी मुल्क में चले जाइये सभी जगह किसी न किसी रूप में हमेशा ही यह बीमारी रही है। इस का मतलब वह नहीं है कि हमें इस को अनिवार्य मान कर चलना होगा। आज कल जितनी भी सरकारें हैं वे सभी इस बात का प्रयत्न करती हैं कि इस बीमारी से समाज की रक्षा की जाय। यही प्रयत्न इस बिल के जरिये से किया जा रहा है। मैं तो इस बात को मानता हूँ कि वास्तव में वेश्यावृत्ति का एक मुख्य कारण आर्थिक है। यह सही है कि इस के और भी कारण हैं लेकिन मैं इस कारण को मुख्य कारण मानता हूँ। जब तक समाज की मौजूदा अवस्था जो है वह कायम रहती है, देश में जो गरीबी फैली हुई है, उस का अन्त नहीं होता, माताओं तथा बहनों को अपनी उदर-पूर्ति के लिये दाने दाने के लिये भटकना नहीं पड़ता, तब तक उस स्त्री के पास और कोई चारा नहीं रह जाता सिवाय इस के कि वह अपना शरीर बेच कर अपनी उदर-पूर्ति करे। यह भी देखने की बात है कि जैसे जैसे इस बीमारी की रोकथाम करने की कोशिश की जाती है वैसे ही वैसे किसी न किसी रूप में यह अपना स्वरूप बदल कर हमारे सामने आती रहती है।

मुझे अभी हाल ही में संसार के कुछ देशों का भ्रमण करने का मौका मिला है और जो कुछ मैं ने वहाँ पर देखा है उस को मैं यदि यहाँ पर पेश करूँ तो यह अनुचित नहीं होगा और जो चीज विचाराधीन है उस पर भी काफी प्रकाश पड़ेगा। रूस और चीन की बात यहाँ पर कही गई है। मैं भी रूस और चीन में गया हूँ और वहाँ पर मैं ने इस सवाल पर वहाँ के नेताओं से बात-चीत की है और उन से पूछा है कि उन्होंने अपने यहाँ से इस वेश्यावृत्ति का कैसे अन्त किया है। गुप्त रूप से किसी रूप में यह वहाँ हो, यह मैं नहीं कह सकता। लेकिन बाजारों

में, सड़कों पर या छज्जों पर बैठी हुई मुझे एक भी वेश्या न चीन में और न ही रूस में दिखाई पड़ी है। मैंने रूस के लोगों से पूछा और उन्होंने मुझे से यह कहा कि जितने भी सुधार के काम उन्होंने किये हैं, उन सब में अगर कोई सब से कठिन काम था तो वह यही था। इस का कारण यह है कि जब वेश्याओं को इस पेशे को छोड़ने के लिये कहा गया तो उन्होंने इन्कार कर दिया क्योंकि यह मानी हुई बात है वे अपनी आमदनी को छोड़ने के लिये तैयार नहीं थीं और अगर वे छोड़तीं तो वे क्या खातीं। अगर आप केवल नैतिकता का ही उपदेश दें और कोई दूसरा प्रबन्ध न करें तो आप को कामयाबी नहीं मिल सकती है। इस वास्ते वहाँ की हकूमत ने यह किया कि अगर किसी वेश्या की आमदनी १०० रुपया महीना थी तो उस को सौ रुपया महीना दे कर ही यह कहा कि फलां जगह जाओ और वहाँ पर जा कर यह काम सीखो और यह जो पैसा दिया जा रहा है यह काम सीखने के लिये दिया जा रहा है। जब उन्होंने ने सरकार से पैसे ले लिये तो वे उस धंधे को सीखने लग गईं और यह मानो हुई बात है उन्हें जब काम सीखने के बाद सरकार ने नीकरी दे दी या किसी और काम पर लगा दिया और वे अपनी जीविका अच्छी तरह से कमाने लग गईं तो उन्होंने इस पेशे को छोड़ दिया। चीन में किस तरह से यह काम खत्म किया गया यह मैं नहीं कह सकता। लेकिन यह देखने की बात है कि जब मैं हांग-कांग में गया तो जैसेकि माननीय मंत्री जी ने भी कहा मैं ने वहाँ पर औरतों को सजी-षजी सड़कों पर खड़ी हुई देखा जिन का पेशा यह है कि वे मर्दों की तलाश में घूमती हैं। लन्दन में भी मैंने औरतों को इसी तरह घूमने फिरते और सजी-षजी हुई पाया। मेरे साथ जो एक अंग्रेज साहब थे उन से मैंने इस के बारे में पूछा और उन्होंने ने भी मुझे बताया कि यह दुःखदायी दृश्य जरूर है लेकिन ये औरतें शाम को सड़कों पर खड़ी



[श्री राजा राम शास्त्री]

होती है और मर्दों की तलाश करती है। यही चीज मुझे पेरिस में देखने को मिली। तो जिन का यह पेशा है उन को अगर आप कानून द्वारा चकलों से हटायेंगे और अगर उन की आर्थिक व्यवस्था को ठीक करने के लिये कोई कदम नहीं उठायेंगे जिस से कि वे अपनी आजीविका कमा सकें, किसी षंघे में लग सकें, तो मानी हुई बात है कि वे नाना प्रकार के रूप में हमारे सामने आयेंगे। इस वास्ते मेरा खयाल है कि जो आप ने प्रोटेक्टिव होम्स (रक्षा गृहों) की व्यवस्था की है उन में रख कर अगर आप उन को कोई न कोई काम नहीं सिखायेंगे और उन के काम सीख लेने के बाद किसी न किसी जगह पर काम पर नहीं लगायेंगे, नौकरी नहीं देंगे तो आप इस बीमारी का जड़ से खात्मा नहीं कर सकेंगे और यह बीमारी किसी न किसी रूप में आप के सामने आ खड़ी होगी।

एक बात और है जिस की ओर मैं आप का ध्यान आकर्षित करना चाहता हूँ। आज कल होता यह है कि कानून तो बहुत ज्यादा बनते जाते हैं लेकिन उन पर अमल ठीक प्रकार से नहीं होता है। बजाय इस के कि मर्ज घटे वह हर वाक आप लाइफ में बढ़ता ही जाता है। मुझे डर लगता है कि कानून अगर आप बनाते गये लेकिन उन पर ठीक तरह से अमल न किया और जितनी दृढ़ता से उन को काम में लाना चाहिये उतनी दृढ़ता से काम में नहीं लाये तो इस का नतीजा बड़ी होगा जो आज हो रहा है यानी कानून रखे रहते हैं और कानून की खिलाफ बर्जों लोग करते रहते हैं। मुझे दुख होता है इस बात को देख कर कि आज समाज में कानूनों के होते हुए भी उन के प्रति लोगों में इज्जत की भावना नहीं है। लोग समझने लग गये हैं कि कानून को तोड़ते जाने में कोई हर्ज की बात नहीं है क्योंकि कोई देखभाल करने वाला नहीं है। अगर इस कानून का

भी यही हाल हुआ तो मुझे भय है कि आप इस कानून को पास करवा कर जो सफलता प्राप्त करना चाहते हैं उसे प्राप्त नहीं कर सकेंगे।

मैं एक बात की तरफ और भी आप का ध्यान दिलाना चाहता हूँ। इस कानून में आप ने इस बात की व्यवस्था की है कि अगर आप ब्राथल्स (चकलों) में लड़कियों को पकड़ते हैं या किसी दूसरी जगह पर छपा मार कर उन को अपने कब्जे में करते हैं तो पुलिस को उन्हें जल्दी से जल्दी मैजिस्ट्रेट के सामने पेश करने की बात आप ने कही है। मैं समझता हूँ कि इस के लिये कोई टाइम लिमिट (समय की सीमा) भी कर दी जाये तो अच्छा है। आप कह सकते हैं कि इतने घंटों के अन्दर अन्दर पुलिस को उन्हें मैजिस्ट्रेट के सामने पेश करना पड़ेगा। टाइम लिमिट मैं इसलिये चाहता हूँ कि अगर यह चीज न की गई तो कहीं ऐसा न हो कि जो रक्षक हैं वे ही भ्रष्ट बन जायें। कहीं ऐसा न हो कि एक जगह से निकाल कर वे लगातार ही उन्हें अपने पास २४ घंटे या ४८ घंटे रख छोड़ें। इस चीज की भी देखभाल होनी चाहिये कि सचमुच में उन को मैजिस्ट्रेट के सामने पेश करा दिया जाय। कहीं ऐसा न हो कि मैजिस्ट्रेट के सामने पेश ही न किया जाय और खानापूरी कर दी जाये कि पेश कर दिया गया है। मैं यह इसलिये कह रहा हूँ कि पिछली बार जब मुझे गिरफ्तार किया गया (इस काम में न समझ लीजिये) मजदूर तहरीक (आंदोलन) के सिलसिले में, तो मुझे किसी मैजिस्ट्रेट के सामने ही पेश नहीं किया गया और सीधा जेलखाने में बन्द कर दिया गया। बाद में मुझे यह मालूम पड़ा कि बाकायदा खानापूरी कर दी गई है कि शास्त्रीजी को फलां मैजिस्ट्रेट के सामने फलां वक्त में पेश किया गया। यह जान कर मुझ बहुत दुख हुआ और साथ ही बहुत आश्चर्य भी। बाकायदा लिख दिया गया कि मोटर पर बिठा कर

ले गये, फलां जगह खड़ा कर दिया गया, पुलिस वाले मैजिस्ट्रेट के सामने गये और फिर अदालत में पेश कर दिया गया। तो मैं समझता हूँ कि जब मैम्बर्स पालियामेंट को इस तरह से खड़ा किया जा सकता है तो इन के साथ भी जोकि खूबसूरत वेश्यायें होंगी और जिन के हाथ में पुलिस वाले आसानी से पड़ जायेंगे इसी तरह से न हो। इस बिल का दुरुपयोग न होने पाये, इसलिये मैं यह चाहता हूँ कि कुछ टाइम लिमिट कर दी जाय कि इतने घंटे के अन्दर अन्दर पुलिस को उन्हें मैजिस्ट्रेट के सामने पेश करना पड़ेगा। साथ ही यह भी व्यवस्था कर दी जानी चाहिये कि इस कानून के खिलाफ अगर कसी भी पुलिस वाले ने कोई काम किया तो उस को भी सजा होगी।

अन्त में मैं एक बात और कहना चाहता हूँ। हालांकि यह बात सही है कि जब तक समाज की व्यवस्था सही नहीं होती, लोगों की चारों तरफ से उन्नति नहीं होती, लोगों का चरित्र ऊंचा नहीं उठता तब तक चाहे जितने कानून बनते जायें, कितना ही हम सरकार को दोषी ठहराते जायें, कुछ हो नहीं सकता। इस के बगैर सही बात यह है कि जो चीज हम चाहते हैं, वह हो नहीं सकती है। अब समय ऐसा है जब कानून की अपेक्षा सार्वजनिक कार्यकर्ता को यह भी समझना चाहिये कि मेरा भी कुछ कर्तव्य है जिसे मुझे निभाना है। एक जमाना था जब हमारा खुद का चरित्र होता था, बिना कानून का सहारा लिये हम जनता की सेवा करने जाते थे। हम अपने चरित्रबल के सहारे जनता के सामने जाते थे और बात करते थे। पर आज वैसी परिस्थिति हमारे सामने नहीं है। चाहे सरकारी पक्ष के लोग हों और चाहे विरोधी पक्ष के, आज हमारी सारी की सारी शक्ति आपस के संघर्ष में व्यय होती है। इधर के लोग सरकार पर दोषारोपण करने में अपनी सारी शक्ति को नष्ट करते हैं और उधर के लोग आपो-आप धान पाटी (विरोधी दलों) का विरोध

करने में व्यस्त रहते हैं और अपना समय और शक्ति नष्ट करते हैं। आज इस सदन के दोनों ओर बैठने वालों का यह कर्तव्य हो जाता है कि कानून का काम से कम सहारा ले कर अधिक से अधिक अपने चरित्र-बल से, अपने त्याग और कुर्बानी से समाज को सेवा करने के लिये आगे बढ़ें और इस बात का प्रचार करें कि जब तक समाज का हर एक व्यक्ति अच्छा नहीं होगा, तब तक सारा समाज अच्छा नहीं हो सकता है। मैं जानता हूँ कि इस सम्बन्ध में यह बात भी कही जायगी कि जहाँ गरीबी हो, वहाँ नैतिकता नहीं आ सकती है। लेकिन हम को अपनी प्राचीन भारतीय सभ्यता और संस्कृति को अपना मार्ग-दर्शक बनाना होगा। मैं यह नहीं कहता कि उस में इस तरह की बुराइयां नहीं थीं, परन्तु फिर भी मेरा दावा है कि सदियों तक पराधीनता और पतन की अवस्था में रहने के बावजूद और सब प्रकार की बुराइयां होने के बावजूद हमारे देश की नैतिकता संसार के किसी भी समृद्ध देश की नैतिकता से कम नहीं है और उस के कई कारण हैं। हमारे पूर्वजों ने बचपन से ही हमारे मनों में नैतिकता और चरित्र-बल का भाव भरने का प्रयत्न किया है। जिस वक्त हम स्कूलों में शिक्षा पाते थे तब ही नैतिकता के महत्व पर जोर दिया जाता था। लेकिन अफसोस है कि आज-कल के युग में ऐसी विचार-धारा फैल गई है कि हम दुनिया भर को तो सुधारना चाहते हैं, लेकिन अपने सुधार की तरफ ध्यान देने का किसी को ख्याल नहीं है। हम संसार को सुधारना चाहते हैं, लेकिन अपने नैतिक चरित्र की तरफ कोई ध्यान देने को तैयार नहीं है। अगर यह बुरी बात न समझी जाय, तो मैं कहूंगा कि हुकूमत को इस देश की शिक्षा पद्धति में सुधार की तरफ भी ध्यान देना चाहिये। उस की ओर क्षेत्रों में उन्नति के साथ ही साथ समाज में फैले हुए अनैतिक आचरण को भी दूर करने के उपाय करने चाहिये। अगर वह

[श्री राजा राम शास्त्री]

इस दिशा में भी आगे बढ़ने का प्रयत्न करेगी, तो हमारा विश्वास है कि जो कानून बनाया जा रहा है, उस को सफलता मिलेगी।

इस बिल की कुछ बातों को हम खास तौर पर पसन्द करते हैं। विमैन पुलिस (महिला पुलिस) स्थापित करने की व्यवस्था एक बड़ा अच्छा कदम है। मैजिस्ट्रेट के साथ एडवाइजरी कमेटी (सलाहकार समिति) लगाने की जो व्यवस्था की गई है, वह भी बहुत अच्छी है। इस तरह सार्वजनिक कार्य-कर्त्ताओं के लिये एक और क्षेत्र खलता है कि वे आगे आयें और समाज की सेवा करें। जिस तरह का भी यह कानून है, जितना भी हमारा कदम आगे बढ़ता है, उस को मैं बिल्कुल सही समझता हूँ और समर्थन करता हूँ। अगर दृढ़ता से इस कानून का पालन किया गया और हम ने अपने कर्तव्य का पालन किया, तो मेरे विचार में इस कानून के जरिये समाज की सेवा करने में बड़ी मदद मिलेगी।

इन शब्दों के साथ मैं इस बिल का पूर्ण रूप से समर्थन करता हूँ।

श्रीमती शिवराजबती नेहरू (जिला लखनऊ—मध्य) : माननीय उपाध्यक्ष महोदय सब से पहले मैं राजमाता को धन्यवाद देना चाहती हूँ कि उन्होंने ने इस बिल को तरफ सरकार का ध्यान दिलाया, परन्तु मुझे इस बात का खेद है कि इस आवश्यक बिल को यहां लाने में छः वर्ष लग गये हैं। मुझे इस बात का भी खेद है कि यह बिल बड़े बेमौके इस सदन में रखा गया है और आज एक बिल्कुल खाली हाउस में इस का स्वागत किया जा रहा है। ऐसे आवश्यक बिल को आज से दो वर्ष पूर्व—१९५४ में ही जबकि यह इस सदन में लाया गया था, उसी समय पास कर दिया जाना चाहिये था, क्योंकि आर्थिक उन्नति और सामाजिक उन्नति हमारे देश की उन्नति रूपी गाड़ी के दो पहिये हैं। एक की उन्नति दूसरी पर

निर्भर है। अगर इस देश की नतिक उन्नति न हो सके और उस का नैतिक स्तर गिर गया, तो इस की आर्थिक उन्नति भी बिल्कुल दुर्लभ और व्यर्थ होगी।

आज हमारे देश में अनेकों ऐसे व्यभिचारी और आचरणहीन स्त्री पुरुष हैं, जो स्त्रियों और बालिकाओं को बेचने का व्यापार करते हैं और उन को वेश्यावृत्ति में फंसा कर धन कमाते हैं। ऐसे स्त्री-पुरुष हमारे समाज और देश के लिये काले घन्बे के समान हैं और ऐसे दुष्ट और पापियों के फंदे से असमर्थ और लाचार बालिकाओं को छुड़ाना ही वास्तव में हमारा परम कर्तव्य है और इसी लक्ष्य की सामने रख कर यह बिल यहां पर लाया गया है। हमें इस बात को भी समझ लेना चाहिये कि हमारे समाज की कुरीतियां ही इन अबलाओं को पाप के गत में गिरा रही हैं। आज हमारे समाज में सैकड़ों स्त्रियां ऐसी हैं, जिन की दशा बड़ी ही दयनीय है। वे आर्थिक रूप से पराधीन हैं और बिल्कुल दासी के समान उन के साथ व्यवहार किया जाता है। चाहे लड़की हो, चाहे पत्नी हो और चाहे वृद्ध माता हो, हर एक स्थिति में उस को आजन्म अपने पिता, पति या पुत्र के अधीन रहना पड़ता है, चाहे वह कितना ही निष्ठुर और भत्याचारी क्यों न हो।

Pandit K. C. Sharma: One can divorce now.

श्रीमती शिवराजबती नेहरू : अध्यक्ष महोदय, जब तक प्रेम और आदर मिलता है, तब तक पराधीनता नहीं खलती है, लेकिन जब तिरस्कार होता है, जब घर में कलह रहता है और पति बुरा व्यवहार करता है, तो स्त्रियों का जीवन नरक के समान हो जाता है और वह अवस्था उन को पतन की ओर ले जाने में सहायक होती है और यह बुरा व्यवसाय करने वाले स्त्री-पुरुष तो ऐसे अवसरों की खोज में रहते हैं और ऐसे अवसरों से लाभ उठा कर घर वालों से पीड़ित,

असंतुष्ट स्त्रियों को घरों से बरगला कर इस कुकर्म में लगा देते हैं। हमारे समाज में स्त्रियों को समानता का अधिकार प्राप्त है और उस के अतिरिक्त अभी कई ऐसे कानून भी पास हुए हैं, जिन से स्त्रियों के हितों की रक्षा होती है और उन के लिये बड़े कल्याणकारक हैं। परन्तु यह दुःख का विषय है कि हमारा समाज उन से लाभ नहीं उठा पा रहा है और न उन के ऊपर चल पा रहा है। फिर भी मुझे पूरा विश्वास है कि समाज इस से लाभ उठाने का बहुत जल्द प्रयत्न करेगा और अपनी इस भूल को अवश्य सुधारेगा। परन्तु जब तक यह समय आये, उस समय तक प्रोटेक्टिव होम्स (रक्षा गृहों) की, जिन की इस बिल में व्यवस्था की गई है, बहुत आवश्यकता है, जहां पर इस तरह घर से पीड़ित और समाज से तिरस्कृत स्त्रियों को शरण मिले और दुष्ट पापियों के चंगुल से उन की रक्षा हो सके।

इस बिल की क्लाज २१ उपधारा १, २, ३ से मुझे बड़ा संतोष है, क्योंकि इस के अनुसार सरकार प्रोटेक्टिव होम्स स्वयं स्थापित करेगी और वह स्वयं ही उन का प्रबंध भी करेगी। उस में यह भी लिखा है कि इस कानून के पास होने के बाद यदि कोई निजी व्यक्ति अपना प्राइवेट होम, स्त्रियों की संस्था या ऐसे आश्रम बनायेंगे, तो उन के लिये सरकार से लाइसेन्स लेना अनिवार्य होगा और यदि वे उस लाइसेन्स की शर्तों का पालन नहीं करेंगे, तो वह लाइसेन्स खत्म हो जायगा। यह बात बड़ी महत्वपूर्ण है।

दूसरी बात इस में यह रखी गई है कि जहां तक सम्भव हो, ऐसे आश्रमों और संस्थाओं का प्रबन्ध केवल स्त्रियों के हाथ में रखा जाय। इस बिल की ये दो मुख्य बातें हैं, जो कि बहुत ही महत्वपूर्ण हैं और मुझे पूरी आशा है कि इस देश में से व्यभिचार दूर करने में ये बातें बहुत सहायक होंगी। हम ने कई बड़े नगरों में देखा है कि जब कभी ऐसे प्राइवेट आश्रमों से इस प्रकार की

सूचना मिली कि वहां कुछ कुव्यवस्था है और उस पर पुलिस द्वारा रेड किया गया तो यह मालूम हुआ कि आश्रम के नाम पर, अनाथालय के नाम पर वेश्यागृह कायम हैं। इसी कारण माननीय मंत्री जी ने ऐसे सभी आश्रमों और संस्थाओं की कुव्यवस्था और व्यभिचार के लूपहोल्ड (गुंजायश) को देख कर यह प्रयत्न किया है कि वे सारे लूप होल्ड बन्द कर दिये जायें। मुझे पूरी आशा है कि इस बिल के पास होने के बाद देश में जो स्त्रियों और बालिकाओं में इम्मारेल ट्रेफिक (अनैतिक पण्य) का कार्य चल रहा है, उस में एक बड़ा सुधार होगा और यदि वह बिल्कुल नहीं रुक गया, तो उस में कमी अवश्य होगी।

इस बिल का क्लाज १७(३) बहुत अच्छा है। उस में लिखा है कि मैजिस्ट्रेट पांच आदमियों का एक पैनल (तालिका) बनायेगा, जिस में तीन स्त्रियां भी होंगी जो स्त्रियां अनुभवी समाज सेविका होंगी और जिन्होंने इम्मारेल ट्रेफिक रोकने में कार्य किया होगा, उन्हीं को यथासम्भव पैनल में रखा जायगा। यह बड़ी मुनासिब बात है और समाज सेविका स्त्रियों के लिये यह बड़ा अच्छा अवसर है और एक चुनौती है कि वे सामने आयें और अपनी सेवा से अपने देश की स्त्रियों का उत्थान करें।

एक मेरा सुझाव मंत्री जी से यह है कि यह जो प्रोटेक्टिव होम बनाये जा रहे हैं ये महिलाओं के लिये केवल खाने, कपड़े के साधन बन कर ही न रह जायें बल्कि वहां स्त्रियों को ऐसी दस्तकारियों की शिक्षा दी जाये कि वे स्वावलम्बी बन सकें और उपयोगी बन सकें और वहां पर अपना जीवन व्यर्थ में न बितायें। उन्हें ऐसी शिक्षा मिलनी चाहिये कि वे उपयोगी नागरिक बन सकें। उन को ऐसा पेशा सिखाया जाना चाहिये जिस को सीख कर वे स्वयं अपना खाना कपड़ा कमा सकें और जो गन्दा पेशा है उस को छोड़ दें।

[श्रीमती शिवराजवती नेहरू]

मैं एक बार फिर माननीय मंत्री जी को यह उपयोगी विषयक लाने के लिये धन्यवाद देती हूँ किसी ने कहा है कि 'देर आयद दुस्त आयद' (जो काम देर से होता है सही होता है)।

**Pandit K. C. Sharma:** Mr. Deputy-Speaker, reading the Bill, I remember a very great saint who said that man is the animal who creates crime, creates sins, then commits the crime, makes the sin and then repents for it. No other animal does it. So, the hon. Minister in the Ministry of Home Affairs has created many new offences and some people are likely to commit them and then go to jail.

**Mr. Deputy-Speaker:** He has committed offences?

**Pandit K. C. Sharma:** He has created offences.

**Shri Feroze Gandhi** (Pratapgarh Distt.—West cum Rae Bareli Distt.—East): Pandit K. C. Sharma is a lawyer also.

**Pandit K. C. Sharma:** On strictly moral grounds, it is not good to judge human beings. But anyhow, as the world goes and as the socialist structure is established, one has to take into consideration the things around one and to show the way for better life. So, the hon. Minister has done well and his measure is welcome. But, I doubt very much whether it would be able to go a long way.

For one thing, the social conduct of a citizen has to be determined, not so much by his innate goodness or ill-nature but by the social factors that determine the course of his life. Whether a particular citizen will commit a crime or do a wrong depends not on that but on the other adjacent circumstances, other prevailing factors, other courses, professions, occupations, etc. that have a bearing on his way of life—that is, his conduct with regard to his profession, with regard to his making a living, conduct in the society. That is the determinant factor. An in-

nocent, ignorant, helpless girl who lends her body for making a living is judged as a shameless character. She has to pass as a shameless being in the streets of the city. She has no honourable place in any society. She cannot raise her head high. But, what of the man who buys the medicine and sells it in a wrong way and lets the children die and does not sell it in the proper manner. A life is lost; he is the cause of the loss of life. He causes the loss of a life; he does something which amounts to murder. Yet, with all these wrongs, a series of accumulations of wrong, he is in possession of a fine car, a fine bungalow, a fine set of friends. He passes as an honourable man. There is the same society and the same laws. Only the sphere of corruption is different. So long as that man can pass as a honourable man, no law on this earth, with whatever good intentions it is made and with whatever machinery to enforce it, can bring about the required moral conditions, binding on an innocent, ignorant, helpless girl. It permits the prostitution of the mind and the murder of the man and the corruption of the society, setting away the entire machinery and corrupting the law. It allows the man to pass as a honourable citizen as a matter of course.

I shall cite another example. Supposing there is a young, talented, beautiful girl. What courses are open to her? I have seen a grass-cutter, a woman, sturdy, beautiful and good-looking and well-meaning, talking in a good and decent way. What does she earn? She goes and cuts the grass and takes the load to the city where her honour is in danger. What does she get? Rs. 1-8-0. That very woman becomes the object of that very dishonourable person, the black-marketeer, who lives under the very nose of the Ministers and administrators in the metropolis. I have seen these very people's houses being searched in connection with the worst black-deeds and various crimes. The big-

gest persons take part and participate in their feasts. They pass as honourable men and are honoured by the highest dignitaries. Yet, you call a girl immoral, unchaste, shameless, corrupt, etc. and pass a law for her.

What will this law do? I doubt very much if this law will do anything by itself. You have to change the entire socio-economic structure, the root of your culture and the way of making a living, of providing employment. No law and no administration can reform the people unless the entire socio-economic structure is changed, unless your habits, your values of life are changed and transformed. Today, I say that, even among the Members, when an honest but poor man walks down the portals of this very august House, the salute given by the guard is different in relation to the one who alights from a fine car. Even in the House, in the portals of this House, a man in the car is valued. You have to transform the values.

Therefore, Sir, I beg to submit that it is not a simple question of creating offences and then getting some people to commit them and then punishing them. It is a question of a radical change in the entire socio-economic structure of the society. It is a question of transforming the values of life. Therefore, I beg to submit that the first question is that of providing avenues for employment, for providing employment for every citizen of India, and much more for the poor ignorant and helpless girls, particularly girls from the hill areas. They are the objects of sexual pleasures for these demoralised people who, unfortunately, pass as honourable men. Sir, in this great city of Delhi it is possible for a man to commit social misdeeds, to be guilty of the blackest deed, buy twenty educated women and then pass as an honourable gentleman. Your law does not get hold of that man. Your law cannot do it. Why? Because the very roots of our social structure are rotten. The society has lost the values of

humanity, they are just superficial. You cannot help it so long as ease and pleasure are considered better than the utility of innocent service.

I will put a straight question to you. Who does the greatest service to the people? It is the engineer, the builder, the man on the field and so on. But, who gets the most from the society? It is the cinema girl. Does the cinema girl put a brick down the edifice we are going to build? Judge your social structure from this viewpoint before you pounce upon innocent and helpless girls.

**Mr. Deputy-Speaker:** I am sure if the hon. Member addresses me, he will not be so violent.

**Pandit K. C. Sharma:** I am not violent; I am putting my case powerfully.

**Shri Datar:** And addressing my poor helpless self.

**Pandit K. C. Sharma:** You are not helpless; you are a Minister.

**Mr. Deputy-Speaker:** Even then I am prepared to suffer all those things.

**Pandit K. C. Sharma:** Sir, this question was put by Bernard Shaw. I only just transformed his analysis to Indian conditions and put the question. A cinema girl certainly does not lay a brick down the foundation of the edifice we are going to build. Analyse the values that are involved in this phenomenon. What service does a cinema girl give? She only caters to the pleasures of those who have earned enough, who have nothing else to do but go and see cinemas. The service she renders is only for a few privileged people. A good number of the privileged people in this country are corrupt and corrupting people. That cinema girl gets most from the society and the working class gets less. That is the real disease. This sort of legislation does not help to remove that. That is my fundamental objection to the way of thinking of the hon. Minister. I would not

[Pandit K. C. Sharma]

have taken pains to elaborate this and given the ultimate factors conditioning the life in society, but my hon. Minister had been gloating so much over it.

So far as the Bill is concerned, I do think that it would to some extent, though not much, help in preventing innocent girls being forced to take up prostitution if they otherwise are not willing to be subject to this sort of treatment.

As far as the problem goes, there are three factors in it. One is the economic factor which I have already dealt with, and I beg to submit that this law is no remedy for that evil. Suppose a woman is helpless otherwise and can do nothing but take to the life which we call a life of shame, the law cannot help that.

Another factor is the social, superficial habit of seemingly living a life of ease and comfort. No law can be helpful in this respect. The superficiality is always enjoyed in a superficial way. No law can stand in between and prevent this.

The third factor is, what is called, 'public' houses'. Certain people abuse the ignorance or helplessness of innocent girls, bring them from the hills or some other places and then open public houses. The hon. Minister has given details about this sort of activity. Unless they are very clever people and also resourceful, I think the police can do a lot in un-earthing this sort of ill-framed houses and preventing crime.

Sir, I again repeat my original suggestion that it is a question of changing the values, providing opportunities for employment and creating an atmosphere in which the people will feel the tension of life. They say prostitution has been eliminated in China. It is only because there is a sort of social tension. During the days of war you will find that the number of suicides is very small. People do not commit suicide then. Why? Even though commodities for consumption will not

be available and life will become harder, suicides will be less. It is a strange psychological phenomenon. It is only because there is tension. A man's average tension is five times more than. He feels the pulse of living. He does not, therefore, want to die. A man does not want to die, not because life is easier but because life is worth living though it may be harder to live. In the same way there is no prostitution in China because the tension is high there. The people are able to feel that a future is being built up. They feel that something is coming out and they are sharing in that. If you create an atmosphere in which every man or woman has to put in his or her best, he or she feels that he or she is a co-sharer in the enterprise, then, automatically prostitution will go away.

Prostitution is no pleasure for the woman. It is not a pleasure for any person to be subject to the will of another person. It is only a helpless condition. To let a helpless condition exist is no credit to any modern government. If a helpless condition exists, it means that the social structure is wrong. It means that the administration has failed. Certainly, the administration of a growing country, with growing economic and social conditions, fails, if this condition ceases to exist. The very fact that we want to plan for our future, the very fact that we want to build anew, should be a negative condition for the prevention of such things.

Therefore, my respectful submission is that the only course open to this administration or any administration to tackle this helpless condition and to prevent prostitution to the maximum extent possible is to bring in factors under which every man and woman must be forced to put in, and be asked to put in, his or her very best. If in this way our great future is build up, this sort of helpless condition will not exist, and a share for everybody to take part in that future will be available.

**Dr. Rama Rao:** All of us want the suppression of immoral traffic. But, as far as the Government is concerned, the Minister's speech is rather very pessimistic, and he has shown by his speech as well as by the title of the Bill that he has done it more as a formality than as a firm determination to put down this traffic. The Bill says:

"to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the suppression of immoral traffic in women and girls."

It is not much of a credit for a sovereign Parliament to enact a law because some international convention demands it. In our own right and as a matter of duty and of feeling, we must bring in such a measure. I do not say that the desire is lacking, but here, I should consider it as an insult to this House to have this stamp of an international convention branded on us.

In considering the suppression of immoral traffic, we must go to the very root cause and the basic factors that lead to this traffic. First, without elaborating, I would say that it is an evil of the capitalistic society. Our friends laugh at it, because they do not know.

**Mr. Deputy-Speaker:** He should not mind that.

**Dr. Rama Rao:** They do not pay sufficient attention to study.

**Mr. Deputy-Speaker:** I am all attention.

**Dr. Rama Rao:** You are all attention, but they do not pay sufficient attention to the study of the evolution of society and the history of society and the factors that shape society. If leave it there.

The inequality of women in many countries is the next important cause for this traffic. Unless we pay special attention or more attention to see that women are not dependent upon men, that they are able to stand on their

own feet, that they can also earn their own living and follow their profession and work, we cannot tackle this problem, apart from other factors.

The problem of unemployment is very grave, and it is more so for women. If we want to remove women from this traffic, as some of our friends have already pointed out, we must realise that women themselves do not get into it as a matter of choice. Circumstances beyond their control compel them to lead that life. I do not think there are many women in that profession who are very happy about it. Therefore, what are the steps we must take to prevent women from drifting themselves into this condition? The Government, as a whole, must tackle this. The Minister comes out with a half-hearted Bill just to satisfy certain conditions with so many provisions which are more of a cumbersome nature than a necessity. Anyhow, I do not mind the Bill as it is, because the whole thing depends upon how we implement it. An Act may be ideal, but if we do not implement it properly, it becomes useless.

Recently, we have seen some films produced by the Government. One was entitled "Deserted Wife" and another was called "Unmarried Mothers". All that is good. But what is the Government doing to solve this problem? How many institutions have the Government started for these deserted wives or unmarried mothers or orphans? One of the richest sources of recruitment for this horrible traffic is the group of orphans. How many orphanages have the Government established? I raised this point on the floor of this House in connection with another Bill.

**An Hon. Member:** They would never start.

**Dr. Rama Rao:** It is the primary duty of the Government to start orphanages. Orphans are the first charge on the State. Do the Government realise that?

**Shri Veeraswamy (Mayuram—Reserved-Sch. Castes):** It is not even the last charge.



**Dr. Rama Rao:** It is these orphans who fight for a morsel of food like dogs. It is they who develop into all sorts of people like pick-pockets, thieves and prostitutes and these people are kept in the brothels and other things. It is the primary duty of the State to start homes for such people to prevent immoral traffic. These orphans and other women require some shelter where they can live, learn something, some trade, by which they can earn their livelihood by honourable means and not drift into this immoral traffic.

China has been mentioned by some friends. Our friend Pandit K. C. Sharma just now said that prostitution has been abolished in China, because there is social tension. I really do not understand how prostitution can be abolished by growing social tensions. Suppose, I want to abolish immoral traffic in India, is it by growing tension that I can do it? His reading is quite wrong. But I do not go very much into the details, but I will say this much.

**Some Hon. Members:** He said "attention".

**Dr. Rama Rao:** It seems he said that the attention of society is diverted to other ways. Even then, it is not correct diagnosis. Recently, I have been to China. One factor which impressed many members of the delegation was the absence of houses of prostitution and other things. We asked many people other than Chinese friends. It is not that all women are born saints in socialist countries but as far as prostitution, as defined in this Bill—namely, carrying on of traffic for a living—is concerned, that has been either completely abolished or very much reduced in China.

In this connection, I want to mention a personal experience. I went to a medical institution which was a research institute for skin and venereal diseases. In that hospital for skin and venereal diseases, one senior medical officer told me the effect of this social change. He said that it is not social legislation that has brought a welcome

change but it is the new system that has been established there that has brought that change. So, unless we bring about a radical change, as some of our friends have pointed out, we cannot bring about the abolition of this system. We must bring about changes in the health matters and problems and we must make those changes by our social conditions. This is illustrated by an example which that medical officer gave me. In a series of 30,000 cases in that skin and venereal diseases hospital, they got only one primary case, new case, of syphilis. Medical people will understand this better. It is extraordinary and wonderful, to get only one in 30,000 cases as a syphilis case. In all other countries, we get a much higher percentage.

That officer told me of another interesting fact. It was the case of a research institute. The research scholars have to be shown the positive germ, *Spirochacta Pallida*, the germs that cause syphilis, on the microscope. But because they do not get that germ, they are cultivating it on rabbits. Therefore, a socialist change in society will have far-reaching effects and unexpected effects.

Of course, I do not say that in China venereal disease is entirely absent. It is prevalent in outlying areas of the country. But they are tackling it and they have a programme for abolishing venereal disease within seven to 12 years. The purely professional and scientific friends there told me that they have absolutely no doubt that they would succeed within a much shorter period. Therefore, how can we tackle this problem? It is not merely by passing laws. There should be a change in the approach. In China they have created a change in the outlook. They have educated their women. They have been provided with employment. Some have married. Every woman who wants to work is given work there. Therefore, employment is the most important factor which we must provide for, if we want to suppress this immoral traffic.

I will mention one or two general points about the Bill. In many clauses there is the provision that for this offence a person shall be punishable with imprisonment for not less than two years, not more than four years, and so on. While I am very severe about suppressing immoral traffic, I have very strong objection to restricting the hands of the magistracy compelling them to give a particular sentence and not less than that. This point came up in the discussion on the Prevention of Food Adulteration Bill. You give the biggest margin you like, but the magistrate must take all the facts into consideration and then give such deterrent punishment as he thinks fit. I have given some amendments in this regard and I will move them tomorrow at the appropriate time. This thing ought to be changed. It is not that I want offenders to be given less punishment, but I say that it must be the magistrate who should take the facts of the case into consideration and determine the punishment.

Under clause 18, a magistrate can take action against brothels provided they are situated within a distance of 200 yards from any public place referred to in clause 7(1). This means that if the brothel is situated elsewhere away from a school, hostel or place of worship, then the magistrate cannot take action. That is very strange. I hope the Minister will accept an amendment to that clause.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

16.23 Hrs.

As I said, the provisions of the Bill are not of primary importance. What is more important is the general approach of the Government. They must make a more genuine effort to establish a socialist pattern; not the pattern we are having today, but a real socialist pattern. Unless we bring a socialist change in this country, this problem will not be solved. In the

meanwhile it is the primary duty of the Government to establish various types of institutions where girls and women can be educated and provided with employment. Then only we can reduce this immoral traffic.

**श्रीमती सुभद्रा जोशी (करनाल) :**  
 सभापति महोदय, मैं मंत्री महोदय को बधाई देती हूँ कि आखिर इतने बरसों के बाद वह इस बिल को हमारे सामन लाये। जैसी हालत इन बहनों की है वह आज हम लोगों में से किसी से भी छिपी हुई नहीं है। पर मुझ इस बात का थोड़ा सा अफसोस हुआ कि इस बिल में प्रोस्टीट्यूशन (वेश्यावृत्ति) को बिल्कुल ही बन्द करने को कोई व्यवस्था नहीं की गई है, उस पर पूरी तरह से बैन (प्रतिबन्ध) लगाने को व्यवस्था नहीं की गई है।

जैसे कि श्रीर मेम्बर साहिबान ने कहा कि उन को इन बहनों से मिलने का अवसर प्राप्त हुआ है, मेरा भी इन मुसीबत जदा बहनों से सम्बन्ध रहा है और मुझ भी इन से मिलन का अवसर प्राप्त हुआ है। अभी हमारे आनरेबल मिनिस्टर साहब ने दिल्ली में रात के बक्त जो एक रेड किया गया था, उस का जिक्र किया जिस में कि बहुत सी बच्चियों को पकड़ा गया था। उन को निकालने के बाद मेरा वहाँ पर जाना हुआ था और उन लोगों से बात करने का अवसर मुझे प्राप्त हुआ। उन लोगों ने एक बात कही जो सच भी है और जिस को मैं आप के सामने रखना चाहती हूँ वह बात यह है कि आप ने किसी भी कानून के द्वारा इस वैश्या वृत्ति को बन्द नहीं किया। कानून में वेश्यावृत्ति की पूरी इजाजत दे रखी है। उन्होंने ने कहा कि आप हमारी बच्चियों को ले गये हैं यह समझ कर कि वे छोटी उम्र की हैं। आप उन को ले तो गये हैं लेकिन आप के पास हमारी बच्चियों के लिये कोई प्रोग्राम नहीं है। आप उन को ले गये हैं केवल इसलिये कि उन की उम्र छोटी है। अब आपने उन को आप पास रखेंगे तो सही

[श्रीमती सुभद्रा जोशी]

और खिलायें पिलायेंगे भी लेकिन आप उन को कोई काम सिखाने वाले नहीं हैं। इस के बाद जब उन की बड़ी उम्र होगी तो उन को आप वहां से छोड़ देंगे। उन्होंने यह भी कहा कि बहुत सी बच्चियां और बहुत सी औरतें इस तरह की होती हैं जो यह काम नहीं करती हैं, वे तो सिर्फ गाना गाती हैं। अपने पास रख कर जब तुम लोग उन को गाना भी नहीं सिखाओगे और बड़ी उम्र की होने पर जब छोड़ दोगे तो फिर जब वे हमारे पास आयेंगी तो सिवाय इस धंधे के और कौन सा धंधा कर सकेंगी। उन्होंने कहा कि अगर सरकार के पास कोई ऐसा प्रोग्राम हो जिससे कि वह हमारी बच्चियों को पढ़ावें, लिखायें, कुछ काम सिखायें, तब तो यह बात हमारी समझ में आ सकती है। उन्होंने कहा कि हमारी बच्चियां स्कूलों में नहीं जा सकतीं, हमारी बच्चियां किसी कालिज में नहीं जा सकतीं। अगर कोई बहादुर पुरुष इन में से किसी से शादी कर लेता है तो उस की सारी उम्र बहुत बुरी अवस्था में गुजरती है। जब समाज का और सरकार का कोई प्रोग्राम नहीं है और कानून भी आप इस चीज को बन्द नहीं करते तो सिर्फ कभी कभी आ कर छापा मार कर हमारी बच्चियों को ले जाना और फिर रिश्वत ले कर छोड़ देना, कहां तक मुनासिब है।

मैं अर्ज करना चाहती हूं कि हमारे आनरेबल होम मिनिस्टर (माननीय गृह-कार्य मंत्री) के साथ इन बहनों की एक मीटिंग में जाने का तथा उस में भाग लेने का सौभाग्य प्राप्त हुआ है। हमारे आनरेबल होम मिनिस्टर साहब ने उन को उदाहरण दिये और सीता की बात बतलाई, सावित्री की बात बतलाई, पतिव्रत धर्म की बात कही और इसी तरह की बहुत सी बातें कहीं। उस के बाद उन्होंने उन बच्चियों से कहा कि अगर आप को भी कुछ कहना है तो कह

सकती हो। उन में से एक ने कहा और बड़े दुःख भरे अलफाज में कहा और वे शब्द आज भी मेरे कानों में गूँजते हैं और मुझे इस बात की खुशी है कि आज कानून बनाते वक्त हमारे आनरेबल मिनिस्टर साहब ने उन बातों को भी ध्यान में रखा है। उस बच्ची ने कहा कि आप ने हम से यह कहा है कि हम बुरी औरतें हैं। आप ही बताइय कि हम ने कौन सा जुल्म किया है कि हम को समाज से निकाल बाहर फेंक दिया गया है। यह भी आप लोगों की कोशिश रहती है कि इन को यहां से उठाया जाये और वहां से हटाया जाये। क्या आप लोगों ने कोई कानून भी बनाया है। उस ने आगे कहा कि हम बुरी औरतें ही सही लेकिन कभी किसी झाड़ी में से बच्चा पड़ा हुआ मिलता है, कभी किसी पेड़ के नीचे से बच्चा पड़ा हुआ मिलता है, कभी सड़क पर से पड़ा हुआ मिलता है तो वे तो हमारे बच्चे नहीं होते हैं। वे तो अच्छे अच्छे और ऊंचे ऊंचे घरानों की बहनों के बच्चे होते हैं। उस ने कहा कि जो पुरुष यहां पर आते हैं वे समाज में अच्छा स्थान प्राप्त किये हुए पुरुष होते हैं और अच्छा स्थान प्राप्त भी करते हैं। यह भी उन्होंने कहा कि जो लोग यहां पर आते हैं वे हम को बहकाते हैं। कोई शादी का लालच देता है कोई रुपये पैसे का लालच देता है। हम दो टुकड़े रोटी के लिये अपनी इज्जत बेचती हैं लेकिन जो लोग यहां आते हैं उन के यहां आप दावतें खाते हैं, उन के यहां आप शादियों पर जाते हैं, अच्छे अच्छे लोग उन को जानते हैं और उन का समाज में एक मुख्य स्थान होता है। इस के विपरीत हम को आप समाज से निकाल कर हमारा अपमान करते हैं। आज ये तमाम बातें मेरे सामने हैं। मैं इन बातों में बहुत सच्चाई देखती हूं, इस वास्ते अर्ज करती हूं। ये सब चीजें हमारे सामने हमेशा रहनी चाहियें। आज जो एक मुख्य सवाल हमारे सामने है, वह एक आर्थिक सवाल है। मैं आप को

एक बात यहां पर और बतलाना चाहती हूं उस होम में एक साहब आये जोकि अपनी बहन को छड़ा कर ले जाना चाहते थे। उन्होंने इस बात की जमानत दी और कई हजार को जमानत दी और साथ ही साथ गारंटी भी दी कि वे अपनी बहन से यह काम आर्यदा नहीं करवायेंगे। जब यह सब चीज हो गई तो उन से पूछा गया कि तुम्हारी बड़ी बहन भी तो यह काम करती है, उस से भी यह काम तुम क्यों नहीं बन्द करवाते। जब तुम कहते हो कि छोटी से तुम यह काम नहीं करवाओगे तो बड़ी से क्यों करवाते हो। उस ने कहा कि हम ४० आदमी खाने वाले हैं और यह लड़की सब को कमा कर खिलाती है। इसी तरह एक दूसरी छोटी सी लड़की बेचारी उस होम में रो रही थी। वह इतना रो रही थी कि सब लोग परेशान थे। हमारी एक कार्यकर्ता ने जोकि हमारे अपर हाउस (राज्य सभा) की मँबर हैं, उस से पूछा कि आखिर इतना रोने की क्या बात है। उस लड़की ने कहा कि मेरे मां-बाप ने मुझ को पाला—जैसे सभी मां-बाप पालते हैं—और मुझ को खिला पिला कर बड़ा किया, लेकिन आज जब मैं उन को कमा कर खिलाने लायक हुई हूं, तो आप मुझे पकड़ कर यहां ले आये हैं।

कहने का अभिप्राय यह है कि यह समस्या इतनी ही नहीं है कि हमने एक कानून बना दिया और कुछ स्त्रियों को पकड़ कर बन्द कर दिया। जब तक हमारा सामाजिक और आर्थिक ढांचा नहीं बदलेगा, तब तक हम इस समस्या को पूर्ण रूप से हल नहीं कर सकते हैं। इस बिल का स्वागत करते हुए भी मुझे आनरेबल मिनिस्टर महोदय से कहना है कि जहां जहां यह बिल लागू किया जायें, जहां जहां इस कानून का असर हो, वहां इस बात की कोशिश जरूर होनी चाहिये कि किसी भी बहिन को आश्रय देने से इन्कार न किया जाये। मैं ने इस बिल में पढ़ा है कि कुछ प्रोटेक्टिव होम्स (सुरक्षा-

गृह) बनाये जायेंगे, जहां सरकार उन स्त्रियों या लड़कियों को आश्रय देगी, जोकि ब्राथल्व (वेश्याघर) से या ऐसी किसी और जगह से निकल कर वहां रहना चाहें। मेरी राय यह है कि—और आनरेबल मिनिस्टर इस बात को स्वीकार करने की कृपा करें—उन होम्स में केवल उन्हीं स्त्रियों को आश्रय न दिया जाये, जोकि ब्राथल्व से निकल कर वहां रहना चाहें, या वहां से बचा कर निकाली जायें, बल्कि जो कोई भी निराश्रित स्त्री वहां आये—चाहे वह आरफ़न (भनाथ) हो, पति द्वारा छोड़ी हुई स्त्री हो, जिस का कोई आश्रय न हो, जिस के पास खाने रहने का कोई साधन न हो, उस को भी आश्रय देने की मेहरबानी उन को करनी चाहिये। हमारे पास अनभिन्न बहिनें एसी आती हैं, जिन के पास कोई काम नहीं होता है, कड़्यों के बच्च होते हैं और कड़ियों के नहीं भी होते हैं, जिन के पास रहने का कोई ठिकाना नहीं होता है, जिन के सामने यह समस्या होती है कि एक वक्त का खाना कैसे मिले। जो कुछ हम उन के लिये कर पाते हैं, वह हम कर देते हैं, नहीं तो अपनी विवशता प्रकट कर देते हैं, लेकिन उन की तस्वीर हमारी आंखों के सामने घूमती रहती है। इतने बड़े समाज में, इतने बड़े देश में, ऐसे समाज में, जहां आज मजदूर भी इज्जत से कमा नहीं सकता है, जहां किसान भी इज्जत से कमा नहीं सकता है, जहां असंख्य ऐसे रोजगार हैं, जिन में रह कर कोई इज्जत से खाना नहीं खा सकता है, उस समाज और देश में अगर बहिनें निरुपाय और निराश्रित घूमें, तो आखिर वे कितनी देर तक ठीक और अच्छी रह सकती हैं, मान और इज्जत का जीवन व्यतीत कर सकती हैं? यह बात सोच कर हमारा दिल कांप उठता है कि ऐसी स्त्रियों की क्या दुर्दशा होती होगी और उन को क्या क्या करने को विवश होना पड़ता होगा। इसलिये मैं मिनिस्टर महोदय से दरखास्त करती हूं कि वह ऐसी व्यवस्था करें कि चा

## [श्रीमती सुभद्रा जोशी]

इस होम में—या इस प्रकार के किसी दूसरे होम में—किसी भी ऐसी स्त्री को आश्रय दिया जायेगा, जोकि निराश्रित होगी, जिस के पास खाने का इन्तज़ाम नहीं होगा, रहने का इन्तज़ाम नहीं होगा और सरकार की यह बात डिक्लेयर (घोषित) करनी चाहिये। आज हम देखते हैं कि रोज़गार नहीं मिलता है, तो लोग चोरी करते हैं, डाका मारते हैं और किस्म किस्म के बुरे काम करते हैं। आज हमारी बदस्किमती से स्त्रियों की बहुत तरक्की होने के बावजूद, उन में शिक्षा का बहुत प्रसार होने के बावजूद, हमारे सामने शादी के सिवा खाने-पीने का और कोई धन्धा नहीं है, कोई प्रोफ़ेशन (व्यवसाय) नहीं है। इसलिये अगर किसी की शादी नहीं हुई, या इतिफ़ाक से खराब हो गई, पति ने उस को छोड़ दिया, पति मर गया या पिता मर गया और उस का कोई सहारा नहीं रहा, तो उस निराश्रित बहिन को आश्रय देना सरकार का काम होना चाहिये।

समापति महोदय, मुझे यह भी कहना है कि एक बात को सुन कर मुझ बड़ा ताज़्जुब हुआ है। वह बात हमारे कुछ लोगों ने कही है और आनरेबल मिनिस्टर ने भी कही है। मैं ने उन को मिस-अंडरस्टैंड नहीं (गलत नहीं समझा) किया है। उन्होंने कानूनी दिक्कत बताई और कहा कि प्रास्टीच्यूशन (वेश्यावृत्ति) को बैन (प्रतिबन्धित) करना हमारे लिये मुश्किल है। एक आनरेबल मेम्बर की बात सुन कर तो मुझ और भी ताज़्जुब हुआ। उन्होंने पुरानी किताबों का रेफ़रेंस दे कर कहा कि प्राचीन ज़माने में यह सब कुछ था। मैं यह जानती हूँ कि कुछ लोग ऐसे भी हैं, जो कहते हैं कि किसी न किसी प्रकार की वेश्यावृत्ति रखना समाज के लिय अच्छा है। उन्होंने यह भी कहा कि हमारे कांस्टीट्यूशन (संविधान) के अनुसार कोई कुछ भी प्रोफ़ेशन (व्यवसा)

रखे, उस को कोई भी प्रोफ़ेशन रखने का अधिकार है। मुझे यह निहायत अद्ब से अज़्र करना है कि आज बक्त बदल रहा है। एक वक्त था, जबकि यह थ्योरी (सिद्धान्त) प्रचलित थी—जिस का आश्रय बड़े बड़े कैपिटलिस्ट्स (पूँजीपति) लिया करते थे—कि हर एक को बिज़नेस (व्यापार) करने का अधिकार है, कोई कारखाना चलाये, व्यापार करे, किसी पर कोई प्रतिबन्ध नहीं होना चाहिये। हम देख रहे हैं कि आज हमारी सरकार का नज़रिया (दृष्टिकोण) बदल रहा है। आज हम लोग यहां पर समाजवादी ढांचा ला रहे हैं। आज हम सारी चीज़ों को बदल रहे हैं। आज हम ब्लैक-मार्केटिंग (चोरबाजारी) को रोकने के लिये कई प्रकार के कदम उठा रहे हैं। आज हम बड़े बड़े कारखानों और व्यापारों पर प्रतिबन्ध लगा रहे हैं। आज हम हर ऐसी सब चीज़ों को ख़त्म कर रहे हैं, रोक रहे हैं, जोकि हमारे विचार में समाज और देश के लिये नुकसानदेह (हानिकर) हैं।

इसलिये मैं अज़्र करूंगी कि अगर इस प्रकार के काम को करने में कान्स्टीच्यूशन (संविधान) की कोई धारा बाधक है, हमारे रास्ते में कांस्टीच्यूशन की कोई बात रुकावट है, तो हमें कांस्टीच्यूशन को बदल देना चाहिये और इस किस्म के प्रोफ़ेशन (व्यवसाय) पर जल्दी से जल्दी प्रतिबन्ध लगा देना चाहिये, जिस से कोई अपनी इज़्जत बेचे, जिस से समाज और देश का नुकसान हो।

[Mr. DEPUTY SPEAKER in the Chair]  
16-36 Hrs.

कुछ और लोगों ने कहा कि अगर हम इस को बन्द करते हैं, तो यह अंडरप्राउंड (गुप्त रूप में) चला जाता है। यह तो बहुत पुराना बहाना है और इस की ओर ध्यान देने की कोई आवश्यकता नहीं है।

बहुत से कानून हम बनाते हैं—और उसी तरह का आज का यह कानून है—जिन का उद्देश्य लोगों के जीवन को कई प्रकार से ऊंचा, अच्छा और सुखमय बनाना होता है, लेकिन इस का यह कतई मतलब नहीं होता है कि हम समझते हैं कि सब के आचरण शुद्ध हो जायेंगे। कोई किसी का आचरण कानून से बहुत हद तक अच्छा नहीं रख सकता है, लेकिन फिर भी हमारे आपस के बिहेवियर (व्यवहार), सोशल बिहेवियर (सामाजिक व्यवहार), पड़ोसियों के बिहेवियर, घर में एक दूसरे के ताल्लुकात में कानून काफ़ी हद (पर्याप्त सीमा) तक दखल देता है। हम लोग एक दूसरे के ताल्लुकात के सम्बन्ध में बहुत से कानून बनाते हैं। आज अगर यह कहा जाय कि कानून बनाने से कोई बुरा काम ऊपर से हट कर नीचे होने लगेगा, तो वह एक बहाना मात्र है और हम को उस से बिल्कुल नहीं डरना चाहिये और इस कानून को—और इस प्रकार के दूसरे कानूनों को—जल्दी से जल्दी पास करना चाहिये। यह सोचना कि किसी बुरे काम को रोकने से वह अंडरआउंड चला जायगा, एक बात है, लेकिन हम उस में कोई बुराई नहीं देखते हैं, उस को खुल्लम-खुल्ला करते हैं, न उस के खिलाफ समाज आवाज उठाता है और न सरकार कोई कदम उठाती है और स्त्रियों को इस बात पर मजबूर (विवश) किया जाय कि वे अपनी इच्छत बेच कर कमायें और दूसरे लोग खायें, इस से ज्यादा सर्वनाश की बात किसी मुल्क के लिये नहीं हो सकती है। मुझे सचमुच इस बात का बड़ा अफसोस है कि इस बिल की इतने वर्षों के बाद हमारे सामने लाया गया है। आज मुझ को इस बात की चिन्ता हो रही है कि जब पार्लियामेंट (संसद्) खत्म होने वाली है, दूसरे चुनाव होने वाले हैं, तो इस कानून को हमारे सामने लाया गया है। खतरा यह है कि बरसों से चल रहे इस कानून को आज यहाँ पर लाया गया है, पर इस पार्लियामेंट के खत्म

होने से पहले यह पास न हो सके और फिर आगे चला जाये और उस लम्बे इतिहास को दोहराया जाय। इसलिये मैं आनरेबल मिनिस्टर से दरखास्त करूंगी कि जो हुआ, सो हुआ, अब भी यह एक मूनासिब (उपयुक्त) कदम है, जोकि सरकार ने उठाया है और जिस की तरफ हमारे समाज की तवज्जह (ध्यान) दिलाई है। मुझे उन से यही दरखास्त करनी है कि वह इस को जल्दी से जल्दी दोनों हाउसिज (सदन) से पास करवायें। साथ ही मैं यह निवेदन करूंगी कि इन होम्ब में केवल उन्हीं बहिनों को आश्रय न दिया जाय, जोकि उस घृणित काम में फंस चुकी हैं, बल्कि उन निराश्रित औरतों को इस काम में फंसने से रोकने के लिये रोजगार दिया जाय और इन होम्ब में आश्रय दिया जाय।

श्री नंद लाल शर्मा (सीकर) :

नमोऽस्तु रामाय सलक्ष्मणाय,

देव्यै च तस्यै जनकात्मजायै ।

नमोऽस्तु रुद्रेन्द्र यमानिलेभ्यो,

नमोऽस्तु चंदाकर्मरुद्गणेभ्यः ।

माननीय उपाध्यक्ष महोदय, महिलाओं और कन्याओं के अनैतिक व्यापार की रोकथाम करने के लिये यह विधेयक हमारे सामने उपस्थित है। मैं समझता हूँ कि कांग्रेस सरकार ने कुछ अच्छा काम भी किया है। यदि वह इस काम में सफल हो जाय, तो मैं उस को अवश्य बधाई दूँ। इसमें सन्देह नहीं कि शक्ति प्राप्त करने के बाद इतने वर्षों में आज हम एक ऐसा विधेयक उपस्थित कर सके हैं, जो देश के चरित्र स्तर को ऊंचा बनाने में समर्थ हो सके। यद्यपि ऐसे कितने ही काम किये गये, जिन से देश की चरित्र शक्ति को धक्का अवश्य लगता है और उस में हमारी भारत सरकार की धर्म-निरपेक्ष नीति—सैकुलर नीति—एक मुख्य कारण है। जनता में—हमारे बालक-

[श्री नंद लाल शर्मा]

बालिकाओं में—धार्मिक शिक्षा के प्रसार, आध्यात्मिक शिक्षा और अपने देश की प्राचीन संस्कृति की शिक्षा को रोक देना निश्चित ही उस में एक बड़ा भारी धक्का लगाने वाला है ।

मेरा कहना यह है कि जिस तरह से हम ने चोरी के लिये कानून बनाया हुआ है और हालांकि चोरी उस से रुकी नहीं है तो भी चोरी के कानून की आवश्यकता है, कत्ल का कानून बना है और हालांकि क्रल का अपराध रुका नहीं है तो भी क्रल के कानून की आवश्यकता है, इसी प्रकार से चरित्रहीनता का भी कानून द्वारा रोका जाना आवश्यक बात है ।

मैं इतना और निवेदन कर दूँ कि हमारे बन्धु श्री रघुबीर सहाय ने जो यह कहा था कि प्राचीन इतिहास में भी इस कुप्रथा और परम्परा का उल्लेख मिलता है और यह उस वक्त भी हमारे सामाजिक जीवन में विद्यमान थी, तो मैं उन के इस कथन का सर्वथा विरोध करता हूँ । मैं आप को बतलाना चाहता हूँ कि वैदिक काल में हमारे महर्षि लोग जिस समय कि राजा के द्वार से कभी एक कौड़ी की चीज नहीं खाते थे और वैदिक काल में इस का उल्लेख मिलता है कि महर्षि लोगों ने राजा अश्वपति का आतिथ्य लेने से इंकार कर दिया और उन्होंने ने साफ कह दिया कि वे राजा का अन्न खाने को तैयार नहीं हैं तो उस अवसर पर राजा अश्वपति की वेद में इस तरह की घोषणा मिलती है :

“नमेस्तेतो जनपदे न कदर्यो न मद्यपः  
नानाहिताग्निर्नाविद्वाप्त स्वैरी  
स्वैरिणी कुतः ।”

अर्थात् मेरे राज्य के भीतर एक भी शोर नहीं है, एक भी कंजूस और कायर नहीं है, एक भी अपठित नहीं है, मेरे राज्य

में कोई मदिरा पीने वाला नहीं है, मेरे राज्य में कोई व्यभिचारी पुरुष नहीं है और इसलिये कोई व्यभिचारी स्त्री मेरे राज्य में कभी हो ही नहीं सकती । मैं इसलिये निवेदन करता हूँ कि आज जो भारत हम देख रहे हैं उस पर पिछले डेढ़ हजार वर्ष की दासता की छाप पड़ी हुई है और प्रभाव पड़ा हुआ है और आज का भारत पुरातन भारत के वास्तविक स्वरूप को नहीं बतलाता है । भारतवर्ष के ऊपर पिछले डेढ़ हजार वर्ष से जिन विदेशियों का साम्राज्य रहा, उन्होंने ने अपनी संस्कृति के द्वारा उस की वास्तविक संस्कृति की नष्ट भ्रष्ट कर दिया और निश्चय ही उस अशुद्ध संस्कृति में हम को वास्तविक भारत के स्वरूप की झांकी नहीं देखने को मिल रही है । हमारी पुरातन संस्कृति कितनी गौरवशालिनी थी इस की साक्षी स्वयं हमारी श्री रामायण है । सीता को रावण भरी सभा में सोने की लंका का और पांच हजार रानियों के ऊपर पटरानी बना कर रखने का प्रलोभन देता हुआ यह कहता है : “पंचदास्यः सहस्राणि सदा स्थास्यन्ति सम्मुखे” । वह सीता को कहता है कि पांच हजार मेरी रानियां तेरे आगे हाथ बांध कर खड़ी रहेंगी और तेरी दासियां बन कर रहेंगी, तू केवल एक बार मेरी और आंख उठा कर देख भर ले । लेकिन सीता ने उस को तिनके के समान भी नहीं समझा और उस को कहा कि तू कुत्ता है और तेरा और राम का मुकाबला ही क्या जो सिंह समान हैं और यदि राम से तेरा सामना हो गया होता तो तेरी अस्थियों तक का पता नहीं चलता । इस सीता, सावित्री और सती अनसूया के देश में जहां कि स्त्रियों के चरित्र के सम्बन्ध में गोस्वामी तुलसीदास ने कितने सुन्दर और सस्पष्ट शब्दों में इस तरह चित्रण किया है :

“उत्तम के असबस मन माहीं,  
सपनेहु आन पुरुष जग नाहीं ।

मध्यम परपति देखहि कैसे,  
पिता, पुत्र, भ्राता निज जैसे ॥”

अर्थात् उत्तम स्त्री अपने पति को छोड़ कर दूसरे पुरुष को पुरुष नहीं मानती। मध्यम स्त्री अपने पति के अतिरिक्त बाकी पुरुषों को अपने से बड़े को पिता, अपने से बराबर को भाई और अपने से छोटे को पुत्र मानती है, ऐसी परिस्थिति में कभी भी यह नहीं कहा जा सकता कि हमारे शास्त्रों में इस वृत्ति को बतलाया गया है। हमारे वहाँ अम्सराओं का उल्लेख अवश्य मिलता है लेकिन उन का काम केवल गान विद्या और नर्तन विद्या सीखने और उस का प्रदर्शन करने तक ही सीमित रहता था। आज आप के कितने ही गुडविल मिशंस में इस गायन और नर्तन विद्या का प्रयोग हो रहा है और हमारी बहनें शुद्ध कला के भाव से प्रेरित हो कर इस को सीखती और प्रदर्शित करती हैं और मैं कम से कम उस के वास्ते अपनी बहनों को दुश्चरित्र कहने के लिये तैयार नहीं हूँ जब तक कि वे किसी दूसरे पाप कर्म की ओर प्रवृत्त न हों और न आज और न ही कभी पहले हमारे राष्ट्र ने गायन और नर्तन कला को कुदृष्टि के भाव से देखा था और इन विद्याओं के अन्दर जो हमारी बहनें विशुद्ध कला की सेवा की भावना से रहती आई हैं उन को दुश्चरित्र अथवा चरित्रहीन समझा है।

हमारे एक बन्धु डा० रामा राव ने इस कुप्रथा के लिये हमारी स्त्रियों में फैली हुई दरिद्रता को जिम्मेदार बतलाया। मैं उन के इस विचार से पूर्णतः सहमत नहीं हो सकता क्योंकि हिन्दुस्तान कोई थोड़े समय से दरिद्र तो हुआ नहीं है, वह तो काफी समय से जब से उस पर विदेशियों द्वारा आक्रमण हुए और जब से उस का घन और उस के रत्न दूसरे देशों में ले जाये गये, तब से यह देश दरिद्र बना हुआ है पर यहाँ पर सदा ऐसी स्त्रियाँ रही हैं जिन्होंने ने अपने पति के

साथ सूखे चने चाब चाब कर और दुखपूर्ण जीवन निर्वाह किया है और अपने पतिव्रत धर्म का पूरी तरह पालन किया है। पतिव्रत धर्म का पालन करने वाली स्त्रियाँ कोई राजमहलों में ही होती हैं और गरीबों की झोंपड़ियों में न मिलती हों, ऐसी बात इस हिन्दू जाति में और इस भारतवर्ष में कभी देखने को नहीं मिली। इसलिये मैं दरिद्रता को मुख्य कारण नहीं मानता हूँ यद्यपि मैं इसे एक कारण अवश्य मानने को तैयार हूँ। मेरा तो विचार है कि दूसरी संस्कृतियों का प्रभाव पड़ने से और अपने धर्म के प्रति आस्था घटने से धीरे धीरे मनुष्यों के चरित्र में जो पतन आता गया, उस के कारण यह कुवृत्ति हमारे देश और समाज में निरन्तर बढ़ती चली गई। मैं समझता हूँ कि हर कोई इस सरकार का आभारी होगा अगर वह इस तरह का कानून बना कर उसी तरह के कठोर दंड की व्यवस्था करें जैसेकि शूर्पणखा की उस की दुष्टता और चरित्रहीनता के वास्ते सजा दी गई और उस की नाक और कान काट डाले गये और दुष्ट रावण का नाश किया गया, मैं समझता हूँ कि अगर हमारा उसी तरह का कठोर दृष्टिकोण रहा तो हम अपने देश और समाज से इस कुप्रथा को मिटा सकते हैं।

यह दुर्भाग्य का विषय है कि इसी सरकार ने दूसरी ओर हिन्दू तलाक बिल को स्थान दे कर जहाँ कुमारियों के लिये पति की समस्या को हल करने की चेष्टा की है, विधवाओं के लिये पति का प्रश्न हल करने की कोशिश की है वहाँ उस ने सधवाओं के लिये भी पति की प्राप्ति के लिये आवश्यक मार्ग खोल दिया है जो वांछनीय नहीं है . . . .

उपाध्यक्ष महोदय : आज तो माननीय सदस्य इसी बिल के ऊपर रहें जिस के कि लिये वे गवर्नमेंट के आभारी हो रहे हैं।



श्री नन्द लाल शर्मा: मैं यह बतला रहा था कि उस बिल के अन्दर खराबी क्या है। जहाँ हम ने उस कानून के द्वारा यह दिखलाया है कि हम ने अपनी बहनों के वास्ते स्वर्ग के द्वार खोल दिये हैं वहाँ मैं उस बड़े छिद्र की ओर संकेत कर रहा था जिस के कि द्वारा और पाप निकलने वाला है। मैं समझता हूँ कि जब तक हम सधन्ना स्त्रियों को उन के घरों से असन्तुष्ट रहने का प्रलोभन देते हैं तब तक हम उन को पतिव्रत धर्म का पालन करने की प्रेरणा नहीं दे सकेंगे। मैं अब भी आशा करता हूँ कि भगवान समय रहते हमें ऐसी सद्बुद्धि प्रदान करें और हम फिर अपने उसी पुरातन मार्ग पर लौट कर आयें जहाँ कि तलाक शब्द का नाम भी सुनने को नहीं मिलता था और यह शब्द मैं नहीं बल्कि आप के बड़े से बड़े जूरिस्ट्स (विधि वेत्ता) कहते रहे हैं और मुझे पूर्ण विश्वास है कि यदि हम उसी पुराने मार्ग पर चले तो उस से हमारी जाति, देश और राष्ट्र का बड़ा लाभ होगा।

इसी के साथ साथ मैं चाहता हूँ कि स्कूलों और कालिजों में सैकुलर (धर्म निरपेक्ष) शिक्षा का परित्याग कर के पुनः धार्मिक शिक्षा का प्रसार किया जाय और अगर ऐसा किया गया तो मेरा विश्वास है कि उस से विशेष लाभ हमें प्राप्त हो सकेगा।

एक शब्द और कह कर मैं समाप्त करूँगा। पुलिस, राजकीय कर्मचारी और मजिस्ट्रेट (दंडाधीश) अधिकांशतः पुलष होते हैं और उन के चरित्र में पतन की सम्भावना है, इसलिये स्त्री महिला पुलिस और महिला मजिस्ट्रेट का भी इस सम्बन्ध में विधान किया जाय और उन्हीं के पास ऐसे केसेज भेजे जाने का प्रबन्ध किया जाय तो इस में विशेष लाभ होगा।

मैं इस विधेयक के विशेष विस्तार में इस समय नहीं जाता, आवश्यकता पड़ने

पर मैं उस के सम्बन्ध में अपने संशोधन उपरिधत करूँगा। इन शब्दों के साथ मैं मंत्री महोदय की इस विधेयक के लाने के लिये धन्यवाद देता हूँ।

**Dr. Jaisoorya (Medak):** I was not present in the ancient Vedic days, nor was my friend. It must have been a wonderful period, but let us look at the reality of today. The reality is that there is prostitution. The reality is that there is commercialisation of vice. I think this Bill intends to prevent or minimise the commercialisation of vice. It is not claiming that it is going to abolish prostitution. But let us begin somewhere. Let us try to work through these means, by properly applying these laws, not only through law but through social pressure and social co-operation. These laws, at least, tell you of our intention to abolish or counteract commercialised vice. That is all. If we imagine that with one blow we are going to cut off this hydro-headed monster, I am afraid that is aiming too high. But let us begin somewhere, let us go to some extent.

I think from the entire debate it will become increasingly clear that prostitution is a manifestation of a socio-economic condition. This is only a manifestation.

In this Bill, there is no provision for such a wide scheme as social reform or alteration or improvement of the socio-economic condition as a result of which prostitution becomes impossible or commercialisation of prostitution becomes less possible.

The third thing that I find is this. Although our sister, Shrimati Subhadra Joshi, said that she was not afraid of this commercialised vice going underground, our experience has been that it does go underground. You brought in prohibition, and drink went underground. If you have the money, you can get any amount of drink, and all your prohibition disappears. However, this in only one part of the process.

I have no doubt that once society has declared its intention of being drastic in its measures against, shall we say, known vice, commercialised vice, or organised vice, the people will co-operate with you in order to bring about a certain amount of decency. Obviously, as long as there are men who have money with which to buy, and as long as there are hungry women who have bodies to offer, some form of clandestine trade would take place. I do not say it will go, but I want to minimise it.

I also had the privilege of going to China, and I saw what the condition there was. And I have made a very serious study of this problem as a medical man, because this is the most prolific source of infection. You will be surprised if I tell you that the statistics of Hamburg city show that the infections are 110 per cent. You will ask me how it is 110 per cent. 110 per cent means that there are double and treble re-infections. Then, the latest news is that 11 out of every one hundred in America may have to spend some portion of their time or the other either in the hospital for venereal diseases or for mental disturbance. Now, these are all the problems that I face.

We cannot have absolute purity, as is claimed to be the case in the grand old days of the Vedas. But I remember very well that in the *Atharva Veda* there is a very classic description of the disease of syphilis. If the people had all been pure people three thousand years ago, then we would not have had the most classic description of syphilis and of how to treat it.

Therefore, let us take things as they stand today. There is vice, and there is going to be vice, but I do not want commercialisation, for, it means degradation of society. Commercialisation of vice is taking place with impunity. If it is not in the red-lantern areas of Kamatipura or Foras Road, in Bombay it is in Byculla, in Colaba and it is in Expensive Hotels, and it is in the highest areas. How-

ever, these are things which can disappear only when society will learn the use of money and people do not have unlimited sources of money, and women also are given economic independence. In fact, economic dependence is the prolific source of women being forced into prostitution.

In China, as far as I know,—and I have made enquiries,—there is the feeling that a woman is independent. She feels that she is somebody. Even the poorest woman there has been given half an acre of land, and, therefore, she begins to feel that she is an individual, and there is not so much of roaming about in China as is here, because of unemployment and the uncertainties of life. Owing to these reasons, people travel here and there, and try to live like a nomadic society, and they try to find out a wife at every port. But, in China, as far as I know, these things have disappeared, and economic independence has given women a certain amount of stability. Of course, there are women that can be bought for a pair of nylon stockings or nylon saris. But that is a different matter. That is not compulsory prostitution. What we are trying to avoid is this forcing of women through economic pressure into a life which is absolutely undesirable and unsocial. As far as that is concerned, I completely agree.

Secondly, I am glad that you are going to have a very special cadre of police. My experience has been that the police are not only the greatest protectors of this vice but also free patrons; they get free service. I may tell you of just one instance. They are the great champions of bootlegging; they are the protectors of *goondas* and *goondagiri*.

**An Hon. Member:** They also protected you!

**Dr. Jaisooriya:** I am not a salesman. Perhaps, my hon. friend was sleeping.

If you are going to have a special cadre of police, I would say that you should have a special non-official au-

[Dr. Jaisooraya]

xiliary police force for this purpose. For instance, in Bombay, there is the vigilance squad. I think my hon. friend knows about the Vigilance Society. They had been doing very good work, but I may tell you that they got no support from the police.

For eradicating this evil, you must have a social outlook, and a social organisation that will co-operate with you. If you cannot abolish it altogether, at least you can reduce it by fifty per cent; if you can show your *bona fides* and your intentions of reducing it by law, I think you would have done a great piece of work, and in the next five years, we shall know how much work has been done, and how this is to be eradicated. But a beginning has been made. That is why I congratulate you.

I support the Bill.

**Shri Raghavachari (Penukonda):** I rise to support the Bill but I also wish to say that the Bill is not expected to do the trick. However, I think that the title of the Bill is very appropriate, because it is only 'Suppression of immoral traffic in women and girls', by which it is clear that it is not even kept as an ideal that it will be completely abolished or eliminated from society; it is only suppression of the traffic. That means that the evil which is the root cause on which this Bill is based will continue, and the traffic will only be suppressed.

We know what is generally meant by the word 'suppression'. Suppression results by not allowing a particular thing to become visible everywhere to the naked eye. So, it goes underground. That is what we understand by suppression.

**Mr. Deputy-Speaker:** That cannot be the objective.

**Shri Datar:** My hon. friend is rather legalistic. Suppression means eradication.

**Shri Raghavachari:** I shall presently explain what exactly I mean. To my mind, it looks as if this entire Bill will simply result in mere suppression of this traffic and not in its removal or abolition. That is what exactly is going to be; there must be other conditions, and there must be other remedies before you can really root out this disease.

This business is based on a biological urge. No man or woman can really prevent the two coming together. That is a biological truth. So, if you want to avoid this kind of thing, that is possible only when every man or woman happens to be married, and married happily. So long as there are men without marriage, so long as there are women without marriage, the biological urge is bound to assert itself. I am not saying anything which is unreasonable. You may just contemplate how many are unmarried or married unhappily. So, this biological urge is always there. So long as human nature continues to be what it is, it is bound to be there.

**Shri N. R. Muniswamy (Wandiwash):** The hon. Member can continue tomorrow.

**Mr. Deputy-Speaker:** There is still half a minute left. Is the hon. Member likely to take some more time?

**Shri Raghavachari:** I wish to take about seven or eight minutes more.

**Mr. Deputy-Speaker:** The hon. Member can continue tomorrow. The House will now stand adjourned till 11 A.M. tomorrow.

17.00 HRS.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 30th November, 1956.*