

I, therefore, submit that my amendments may be accepted and justice done

**Mr Deputy-Speaker:** I will put amendment No 10 to the House The question is

Page 23,—

after line 28, add—

“Part III. All the villages of the Madras State which are irrigated by the Armar Project ”

*The motion was negatived*

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

“That the First Schedule stand part of the Bill ”

*The motion was adopted*

*The First Schedule was added to the Bill*

**Mr. Deputy-Speaker.** I will now put amendments Nos 11 and 12 to the Second Schedule

The question is

Pages 24 to 32,—

In Part I of the Second Schedule, omit the following Census Code Nos and the respective villages —

“10, 11, 13, 14, 15 19 21, 25, 26  
 28, 29, 50, 53, 54, 55, 58 59, 63, 64,  
 65, 66, 70, 79, 81, 83, 84, 85, 86, 87,  
 88, 89, 90, 97, 99, 100, 101, 102  
 103, 104, 109, 110, 112, 120 123  
 124, 127, 128, 135, 136, 138, 139,  
 140, 141, 142, 143, 146, 147, 149,  
 162, 163, 164, 165, 169, 175, 176,  
 178, 180, 181, 182, 183, 184, 185,  
 186, 196, 198, 200, 201, 203, 204,  
 207, 211, 212, 214, 215, 216, 221,  
 222, 226, 229, 233, 234, 235, 248,  
 249, 250, 251, 252, 255, 256, 258  
 259, 279, 282, 283, 284, 285, 289,  
 292, 300, 301, 316.”

*The motion was negatived.*

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

Pages 33 and 34,—

In Part II of the Second Schedule, omit the following Census Code Nos. and the respective villages —

“92, 130, 131, 132, 290, 306, 331.”

*The motion was negatived*

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

“That the Second Schedule stand part of the Bill ”

*The motion was adopted*

*The Second Schedule was added to the Bill*

*The Third Schedule, the Fourth Schedule, the Fifth Schedule, the Sixth Schedule, Clause 1 the Enacting Formula and the Long Title were added to the Bill*

**Shri Datar:** I beg to move.

“That the Bill, as amended, be passed ”

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

“That the Bill, as amended, be passed ”

*The motion was adopted*

15 06 hrs

#### INDIAN PENAL CODE (AMENDMENT) BILL

**The Deputy Minister of Home Affairs (Shrimati Alva):** I beg to move

“That the Bill further to amend the Indian Penal Code be taken into consideration ”

This amending Bill has become necessary because the provisions in the Indian Penal Code were not found adequate enough to eradicate effectively the evil of kidnapping of children and exploiting them for the purpose of begging, inflicting cruelty of a severe nature etc So, the Indian Penal Code

[Shrimati Alva]

is being amended by this measure. The Bill makes kidnapping or obtaining custody of a minor and the maiming of a minor for employing him for begging and making him an object of pity specific offences punishable with deterrent punishment. So, we hope that after this provision is incorporated in the Indian Penal Code, there will be a salutary effect on society.

Cruelty to children, especially by kidnappers and by those persons who make them objects of pity by maiming them, blinding them, breaking their bones, and such things have been happening in the country. So, we have been perforce compelled to resort to this measure. Many questions have been asked in Parliament about kidnapping and the gangs operating in the country and there has been a consciousness in the country as well as at the governmental level.

Therefore, a conference of Deputy-Inspectors General of Police, CID, was held in 1956 for examining this matter and for suggesting measures to be adopted and incorporated in our common law to prevent this type of exploitation of little children. It was decided that a census should be conducted through the police about the number of such children. A sub-committee was appointed consisting of a few Deputy Inspectors-General, CID. They conducted a brief census and submitted a report to the Home Ministry. The various State Governments were informed and their opinions were taken. In their opinion, they thought some kind of measure should be brought into force. So, this Bill was drafted. Members of the public, Members of Parliament, various State Governments as well as the sub-committee of Deputy Inspectors-General were of the opinion that a draft Bill should be prepared providing for deterrent punishment being meted out.

This Bill was drafted because it was found through the report of the sub-committee that a most disturbing state of affairs prevailed, with gangs of pro-

fessional kidnapers existing in many parts of the country. They steal children from the possession of parents and guardians and inflict untold cruelties on them. Some instances have come to our notice in which cruelties are so blood-curdling even to narrate, like extracting the eyes of children and making them blind for the purpose of making them objects of pity, breaking their bones, etc. A case in point is that of a gang who lifted a three-year old girl from a railway station, broke her legs and arms, blinded her by poking fingers into her eyes and thus made her an object of pity. Such inhuman atrocities committed by an adult on a young child unable to defend itself have made public opinion so strong that this measure has become absolutely necessary. This is rather late and not early. We started the investigations in 1956. And we have been able to bring this measure before this House after complete and careful investigation at every level—at the State level as well as the Central level.

There are several causes why the children are exploited and in those cases the children become victims in the hands of unscrupulous people. The causes, in some cases, are parental disharmony, poverty, absence of a proper home and family atmosphere, delinquent traits, etc. And when the children fall into the hands of these evil-doers, these cruel people who earn their living out of these children inflict untold hardship on them and maim them so that they could make a means of livelihood by carrying these children and exciting the pity of those who are prone to give alms in our streets and market places.

A deterrent punishment has been added by this measure for this offence, with which the States have concurred. Now whoever maims a child is punishable with imprisonment for a term not exceeding ten years and also a fine. This is much more than what the Indian Penal Code has provided. The Central Social Welfare Board has been consulted, and their opinion conforms

to the measure that we are now discussing here

Another salient feature of this Bill is that we have incorporated in it a provision that even a guardian who lends his child for the purpose of being exploited for the purpose of beggary is not pardoned or excused. Then, if a person, not being the lawful custodian, is using the child for begging, the onus of proof of innocence is on the accused. This is another provision that we have incorporated in the Bill by which the child is protected at every level.

I hope that this Bill will be passed in this House without any dissenting voice so that this provision is incorporated in the Indian Penal Code by which we shall be able to do something for these children. Every now and then we read cases of kidnapping. Recently it was reported in the press that some child was kidnapped, somebody saw it, the gunny bag was thrown away and the child came out of the bag. These things are happening in a country which is fast developing into a welfare State. Very quick and deterrent action is necessary to prevent all these anti-social activities. It is much more than something anti-social, it is criminal of the worst degree, and I think very deterrent punishment is necessary. Therefore, the definition of "begging" as well as the definition of "minor" are given here in detail. We have provided the ages of 16 for boys and 18 for girls.

I commend to this House the amending measure that we are bringing forward and I hope that Members will support this. Though it looks small in appearance, it has far-reaching consequences. Therefore, I commend it to the House and I hope the House will give consent to this Bill.

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

"That the Bill further to amend the Indian Penal Code be taken into consideration."

There are three amendments. There is one motion for circulation by Shri Naushir Bharucha. He is not in his seat. There is another one by Shri Naldurgkar and a third one by Shri S. M. Banerjee—one is for report by 15th December and another by 31st December. Both hon. Members can have an opportunity but we can have only one motion. Shri S. M. Banerjee also is not here. Therefore, Shri Naldurgkar will move his motion.

**Shri Naldurgkar (Osmanabad):** I beg to move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1959."

Though I welcome the introduction of this Bill, I feel that it has been rather vaguely drafted. It requires some amendment so that the purposes of the Bill may be carried out. Therefore, I have moved my amendment that the Bill be circulated to elicit opinion thereon by a certain date so that we may have the opinions of the bars of various States.

15.15 hrs.

[**SHRI BARMAN in the Chair**]

Now, kidnapping is already an offence under the Indian Penal Code. This is a specific section which makes kidnapping for the purpose of begging an offence. It reads

"Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed."

Here I want to point out one thing. Suppose a certain person who is not the lawful guardian obtains the custody of the minor from his lawful guardian. Is he to be punished for such custody? I think, this terminology is rather vague. It is the principle in the interpretation of the law, specially a penal law, that it should not be vague, because the provisions of that law are generally construed strictly.

**An Hon. Member:** How will you explain that it is vague?

**Shri Naldurgkar:** The words used are "obtain the custody of the minor". If a certain guardian gives the custody of the minor, that will be a defence to the accused. In joint family also, the *karta* or the manager of the joint family is generally considered the guardian of the minor. According to the Guardians and Wards Act, the father and mother of the minor are considered to be guardians. Therefore, it should be specifically mentioned here:

"or whoever being the lawful guardian wilfully gives or facilitates the custody of such minor to another".

These words must be added. Then the vagueness will be removed. Otherwise, he will plead before the court that as the guardian has given the custody of the minor, he is not guilty under this law. The present wording in clause 363A, "obtains the custody of the minor" is vague and it must be made more specific, and that can be done only by adding the words I have mentioned above. Then the section will read:

"Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, or whoever being the lawful guardian wilfully gives or facilitates the custody of such minor to another, in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

Then, in the Schedule appended to this Bill, the words used are:

"Kidnapping, or obtaining the custody of, a minor".

So, these words do not connote obtaining the illegal custody of the minor. Therefore, I am of the opinion that in order that "custody of the minor" should be an offence

under this new section, the section must be made more clarificatory on this matter, and even the guardian should be held liable under this Act. Therefore, unless these words are introduced and the clause amended, I am afraid, when the accused is on trial before the court, he will set up this matter on defence that he has obtained lawful custody from the lawful guardian.

Though I am welcoming this Bill, still I am of the opinion that the hon. Minister should consider this matter so that the accused will not henceforth put forward any defence which will frustrate the intention of this legislation.

**Shri C. K. Bhattacharya** (West Dinajpur): May I make a submission. In this Bill, the age of the minor has been fixed at 16. A child has been defined as a minor when he is up to the age of 16. I suggest this age limit should be raised to 18, as under this Indian Majority Act . . .

**Mr. Chairman:** The hon. Member can make this suggestion when he is speaking on that. The amendment is also before the House. Now I shall call Shri Nathwani.

**Shri Nathwani:** (Sorath): Mr. Chairman, I rise to welcome and support this Bill. An enactment like this was long over-due and it is good that at least now we are in a position to consider a Bill like this. I cannot understand the purpose of my hon. friend, Shri Naldurgkar's motion for circulating it for eliciting public opinion because public opinion has already been clamouring for a provision like this particularly in view of the widespread practice of employing or using minors for begging and the widespread ill of maiming minor children with a view to incite pity. Therefore I do not see any reason why we should postpone its consideration and passing.

There is one anomaly which strikes me in this Bill. Whereas obtaining the custody of a minor for the purpose of his employment or use for begging is made an offence—and a

serious offence—the actual commission of the offence, namely, the employment or use of a minor for the purpose of begging, itself is not made an offence. I do not understand the reason why whereas the preparatory act, namely, obtaining the custody for an illegal purpose, that of using the minor for begging, is made an offence, the actual employment or use of such a minor by that person is not made an offence at all. I do not know whether there is any other Act, Central or Provincial, under which actual employment or use of a minor for the purpose of begging is made an offence. If it is not so, why is there this omission in this Bill? I would like this thing to be explained by the hon. Minister.

**Shri Easwara Iyer (Trivandrum):** It goes along with sub-section (3).

**Shri Nathwani:** Then one suggestion was made by my hon friend, Shri Naldurgkar. He said that the provisions of sub-clause (1) were rather vague and he wanted them to be amplified by adding some particular words. Perhaps he was referring to his amendment No. 12. I do not find him here. He said that unless those words were added it might furnish a defence to an accused person. He had in mind a case where a lawful guardian hands over the custody of his minor ward to some other person for this purpose. But even in this set of circumstances I cannot agree that it would furnish a defence to an accused person, that is, even if a father or a mother might be willing to hand over the custody of a minor to some other person. They might sell the child with a view to get some benefit though they know that the person purchasing would employ or use him for the purpose of begging. Still, the accused person would be guilty and the father, the mother or the lawful guardian, who hands over the custody of the minor will also be guilty of abetment and would be liable for the same kind of punishment. Therefore I do not see

any force in my hon. friend's argument that it should be amplified.

I also find one or two amendments seeking to add the word 'natural' after the words 'lawful guardian'. Of course, I anticipate that some hon. Member might ask for the introduction of this word after the words 'lawful guardian'. But there is no justification for introducing this word. The expression 'lawful guardian' would include natural guardians and therefore the words 'lawful guardian' are appropriate.

With these words, I support the Bill

**Mr. Chairman:** Shri Bhattacharya.

**Shri Nathwani:** Sir, may I say something before my hon. friend starts? Shri Bhattacharya suggested that the age of 16 shall be raised to 18. That might involve a further anomaly because if we look to the definition of the word 'minor' in section 361 of the Indian Penal Code, we find that a minor has been defined as one who is below the age of 16 in the case of a male and in the case of a female below the age of 18.

**Shri Easwara Iyer:** There is no definition of minor excepting in section relating to kidnapping.

**Shri Nathwani:** But if you see section . . .

**Shri Easwara Iyer:** This definition is for the purpose of that section alone.

**Shri Nathwani:** But here section 360A starts by saying, "Whoever kidnaps". You are by reference incorporating that section. Therefore the definition of the word 'minor' is nothing but what is already provided in section 361, which defines kidnapping.

**Shri Easwara Iyer:** But this relates to the custody of a minor

**Shri Nathwani:** But when you refer to section 360A through section

[Shri Nathwani]

361, certainly what is provided therein is incorporated. Therefore it cannot be amended in the manner in which it is sought to be done.

Shri C. K. Bhattacharya: My hon. friend, Shri Nathwani, was quite right in reminding me about the context in which the present Bill has come. My suggestion would be to amend the whole thing beginning from the context itself. Let us not have different types of minors for different types of legislation. Let there not be one type of minor for the Indian Majority Act and the Hindu Majority Act and another type of minor for the Indian Penal Code and for prevention of kidnapping. It should be one type. There should be one age fixed at which our boys get out of minority and reach their majority. That is why I am suggesting that the age of 16 fixed for the boys here should be raised to 18. Shri Nathwani has done a service in pointing out that not only this amendment but an amendment to the other section would also be necessary in order to fix the age of a minor at 18 for the purpose of the present Bill. That would be my suggestion and I believe the hon. Minister would be able to accept the suggestion, which I made also in the case of Arms Act when the age was fixed at 16. I suggested that the age ought to have been 18 so that the age of majority might be one and uniform throughout the country for all the purposes and for all the different legislations current in this country.

Shri L. Achaw Singh (Inner Manipur): Sir, this Bill makes kidnapping, obtaining custody of a minor and employing the minor for begging a specific offence. It also prescribes a deterrent punishment for the crime. It seeks to amend section 363 of the Indian Penal Code and it is quite natural. After Independence we have amended the Indian Penal Code in several ways. We have found that this particular crime has to be put down and the Government has got

full justification for amending this section.

Formerly the section on kidnapping used to deal only with the crime in general, but here we have to make it a special offence. The crime of kidnapping and abduction is a very complex and also a complicated one. The peculiarity of this crime is that many of the crimes are not reported and even if they are reported they are not recorded, because the Police is interested in a clean record and the actual extent of this crime has not been ascertained. It is very difficult also to ascertain it and to estimate the actual extent. Many children are sold to childless mothers and girls are also sold to brothel keepers, and in the dacoit-infested areas like Rajasthan, the children are kidnapped for ransom, and the people, instead of reporting to the police, would prefer to pay the ransom. So, most of these cases go unreported. In other areas many reported kidnappings and abductions are merely elopements. Yet, the most disquieting feature of this crime is that while other crimes like theft, robbery, dacoity and murder have shown a decline since 1952, kidnappings and abduction have increased from 5,000 to 6,000 during these years. That means that it is the only crime which has been increasing.

It is reported that in Rajasthan, West Bengal and Assam as well as in Delhi, the crime has shown a continuously rising trend. This is more or less due to several causes favourable to such crimes, but the most cruel and heinous crime is the kidnapping of children for employing them for begging and for other immoral purposes.

We are told that there is no specific provision for punishing these people and hence this measure.

In big cities like Calcutta, Bombay and Delhi, these gangs operate and after kidnapping the children, they maim them, they amputate them,

they break their bones, and we are also told that they hire these amputated, maimed children for begging. I had never heard of such crimes before coming to Delhi, and the first time I saw reports of such cases in the newspapers I was very much struck with wonder. This is very inhuman and revolting and a very cruel crime. In places like Manipur and NEFA we have not got the problem of begging. It is quite unknown in those parts. The maiming of these helpless and unprotected children is a very unchivalrous act and those who commit such a crime on the helpless and unprotected children and their abettors should be given the maximum punishment.

The term of imprisonment and fine provided in this Bill I find are quite inadequate. Some heavier punishment like capital sentence should have been provided to cope with the people who commit such crimes.

In the case of abduction and kidnapping of children for other purposes we find that the term of imprisonment and fine provided in the other sections of the Penal Code have not deterred them. So, if possible, we should provide heavier punishment for these criminals.

I would like to submit something about the root causes of these crimes. If we go deep into the matter we will find that the motives and causes of these crimes lie deeper. Economic factors play the most important part in the motivation of such crimes. Public opinion has, of course, risen to the occasion, but then public opinion is also very dull in the sense that in our society there are many other anti-social elements and persons who commit cheating, embezzlement and crimes like that, but they are not very much looked down upon. For example, there are cases of big business and a number of Government officers who have been brought to book for committing acts of corruption, but they enjoy a good position in our society. So, if we go to the

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root of the matter, I submit that the act of begging should be practically banned. I have seen some countries where begging is practically banned, or at least they are very much discouraged, but here we have got a religious duty of giving alms to the people and if we ban begging altogether as well as alms-giving, this sort of crime can also be prevented. Otherwise, it will be very difficult. I submit the State should take charge of the disabled and the handicapped children, and there should be no cause for begging and alms-giving. I submit that the people who commit crimes like kidnapping are those who live on the exploitation of other people, and the sooner we eliminate them the better for the whole of our society and country.

With these words, I would like to support the Bill.

Shri Kaswara Iyer: I am happy to find that a Bill of this nature has been introduced, particularly with the intention of preventing employment of children for the purpose of begging.

As I understand the Bill it consists of two parts. It creates offences relating to kidnapping of children for the purpose of employing them for begging, and also obtaining possession of children or minors for the purpose of employing them for begging, so that it consists of two distinct offences as I understand it.

I find that various criticisms have been levelled against the Bill by my friends on the other side and also by my hon. friend Shri Nathwani though he whole-heartedly welcomes the Bill. I do not find any objections regarding the drafting of the Bill. I feel it has been carefully drafted. On a reading of the Bill, we find that the proposed section 363A reads as under:

"Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such

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minor may be employed or used for the purposes of begging.....".

So, this clause makes kidnapping for the purpose of begging an offence. It makes it a specific offence. It adds to the Indian Penal Code a particular offence.

Section 364 of the Indian Penal Code defines kidnapping for the purpose of murder an offence. Another section makes kidnapping for the purpose of procuring marriage an offence. Another section makes kidnapping for the purpose of illicit or immoral relationship an offence. All such specific offences have been related, but unfortunately the framers of the Code have left out of the Code the specific offence regarding kidnapping for the purpose of begging.

Of course, we find that this evil has been rampant in our society as the hon. Home Minister has been telling us. Children have been put to grievous hurt, not only that, but to gruesome hurt, in this respect for the purpose of exploiting them for begging. In our State we have come across an instance where a child of tender years, three or four years, having been kidnapped, or its custody having been obtained by a beggar, being subjected to inhuman treatment by crippling, and also by its eyes being put out. It was in the newspapers. It shocked the public very much and we found that the only procedure that could be adopted against the beggar was to proceed against him under the IPC for grievous hurt or some such thing since there is no specific offence for kidnapping for the purpose of employment of the child for begging. So, I would particularly welcome this Bill.

Criticism has been levelled that the use of the words "lawful guardian" is inappropriate. I would say it is not correct, because the clause refers to anybody obtaining custody of the minor, any person not being the lawful guardian, so that if any person obtains custody of a minor from

another person who is not the lawful guardian in order that the child may be employed for the purpose of begging, it would be an offence. So, it goes with the words "in order that such minor may be employed or used for the purposes of begging". So, wherever possession of a child is obtained from another person who may be the natural guardian, who may not be the lawful guardian but may be the de facto guardian, it will not be an offence unless the child is obtained from the custody of that person for the purpose of being employed as a beggar. So, the offence will take its birth only when the intention is to employ the child for begging. So, there is no question of changing the words "lawful guardian" to "natural guardian" because if any person obtains custody of a child from the natural guardian simply out of love for the purpose of adoption or bringing up the child into a fine gentleman or woman in society it is certainly not an offence, but will certainly be an offence if the child is employed for the purpose of begging.

The objection that has been raised by Shri Nathwanji is that the actual employment or the using of a child is not made a specific offence. That may not be very serious if we look at sub-section (3) of proposed section 363A which reads thus:

'Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purpose of begging, it shall be presumed.....'.

So, if any person employs a child or a minor for the purpose of begging, and if that person is not the lawful guardian, then a presumption will automatically arise, unless the contrary is proved, that that person has obtained the child for the purpose of employing that child for begging, so that the offence is committed. That is if a person is in possession of a child, or is found to be in possession of a child, and he is not able to show



that he is the lawful guardian, and he is found employing the child for the purpose of begging, then he certainly commits the offence under section 363A and is liable for a deterrent punishment of ten years.

I would personally submit for the consideration of the House and also for the acceptance of the hon. Home Minister that the punishment provided for need not be only ten years, but it should be even life imprisonment. For, when we come across instances where minors who have no volition of their own, where children of tender years are subjected to all sorts of cruelty and inhuman treatment just for the purpose of going about and cheating the public and earning a living by begging; it is certainly an inhuman treatment. I could even tolerate a murder; I do not mean to say that I would actually tolerate a murder, but I mean that we have provided for different degrees of murder such as first degree murder, second degree murder cases where murder has been committed under grave provocations, murder committed in the exercise of the right of private defence and so on; so, we could at least plead mitigation of sentence; we could also plead that the person is not liable for the murder when he has exercised his right of private defence. These are offences where we could plead all these things. But here, the offence is against the society itself, because children of tender years are subjected to such inhuman treatment for the purpose of illegal gains. Why should the punishment in this case be restricted to ten years? Why can we not make it transportation for life or life imprisonment; of course we do not find transportation for life nowadays, but at least, we can provide for life imprisonment, because it is more or less first degree murder.

Another point that I would like to bring to the notice of the Home Minister is that it is not by providing merely for deterrent punishment that

this evil could be eradicated. There must be a tightening of the administrative side of the police force, to find out who are those persons who are kidnapping children or employing them for the purpose of begging. There must be a tightening up of the police force in order that they might get hold of those offenders and prosecute them without any mercy whatsoever.

As my hon. friend on the other side said, nowadays, we find that begging has been utilised as an art. People come as *sanyasins* or as beggars or as persons exposing their children as objects of pity. And at this time, we must consider as to how far we are able to check this sort of imposing on the society. If any legislation could be brought forward whereby begging as such could be banned, and those beggars who are really in need of the comforts of society could be taken care of by our social welfare workers and be housed in proper homes, then this evil could be eradicated. Of course, we can only think today of those days when the society would have progressed to such an extent. But, I am sure, it must be in the view of any welfare State, to stop begging altogether and provide for taking care of those persons who want the comforts of society.

There is also another point in regard to sub-section (2) of proposed section 363A. It reads thus:

"Whoever maims any minor in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment for life . . ."

I find a lacuna here. It is up to the Home Minister to explain it and satisfy this House as to how this will satisfy the requirements of the section. The sub-section says 'maims'. But the word 'maim' has not been defined anywhere in the Indian Penal Code. If we accept the dictionary meaning, maiming means disfiguring, or breaking any vital parts or limbs of any person. Suppose a person does not, in fact, maim a child but only

[Shri Easwara Iyer]

goes or wounds a child and makes it an object of pity, does that come within the purview of sub-section (2)? Suppose a person merely wounds the child, it is not probably maiming; and the person may be liable for grievous hurt, of course, but he may not come within the ambit of section 363A. This is because maiming has not been correctly defined. Any disfigurement or causing any loss of any vital parts of the body should also be treated as maiming. So, the word 'maim' should be defined properly. I am not very happy about the expression used in this respect.

Any person, whether that person be a lawful guardian or a natural guardian, or a person who has obtained the custody of a child from any other person, if he maims the child, will come within the scope of this sub-section, so that, I would say that the expression 'maims' should be defined in such a way as to include cases where a child has been utilised for the purpose of begging by disfiguring him in any manner which will evoke the pity or the sympathy of the public.

Mr. Chairman: Suppose a person gets a minor maimed by some other person. Will he come within the scope of this provision?

Shri Easwara Iyer: I do not know. The wording here is 'Whoever maims'; so, the person concerned should himself maim. If any person maims and hands over the child to another person, then he does not come within the scope of this provision. That is another point to be taken care of. As it is, it would mean that whoever is in possession of a child who has been maimed may not come within the ambit of this sub-section.

Shri Narasimhan (Krishnagiri): He would come within the scope of sub-section (3).

Shri Easwara Iyer: Of course, that is a case where a person employs a child for the purpose of begging there is a presumption arising that he has

obtained the child for the purpose of such employment. But the question of maiming is different. In sub-section (3) the question is one of taking a child out of its lawful guardianship. But sub-section (2) will hit even a lawful guardian or natural guardian or any person who maims a child and employs it for the purpose of begging. So, it is necessary that the word 'maim' should be defined. It is not that in every case, the person who is arrested and prosecuted will be able to plead all these things, but when you are enacting a particular formula for an offence, it is better to be clear on that, so that the prosecution may not have to face this headache later on.

Regarding the definition of the word 'minor', my hon. friend Shri C. K. Bhattacharya has asked why this distinction should be there between male and female. Of course, we are making a law laying down a specific offence regarding kidnapping or obtaining the possession of a child for begging; we may say that for the purpose of this section, the definition of the word 'minor' would be as given under the Indian Majority Act. There should be no distinction between male and female in this regard, unless, of course, my hon friend on the other side, wants a discriminate treatment in respect of males and females. I would say that a child below eighteen years, male or female, is subject to certain disqualifications or certain disabilities, and that is what we find in our ordinary society today. When we are enacting a particular section laying down a particular offence, why not say that the word 'minor' used in this section means minor as defined under the Indian Majority Act? There is absolutely nothing wrong in such a definition, unless there is anything particularly sacred about the age of 16 for a male and the age of 18 for a female. So, my respectful submission before this House is that the definition of the word 'minor' should be enlarged so as to include a male below eighteen years also.

Shri Anrobindo Ghosal (Uluberia)  
Though I support this amending Bill, still I do not think that it is because of the absence of the deterrent punishment that this crime has been existing.

In all big cities, and especially in Calcutta, as I am aware of it, there is an under-world which is being financed by some rich persons who have adopted this as a business, because this is a good source of income for them. Some of these financiers also live in the white world and when any of the kidnapers or their accomplices are in difficulties and are brought to the courts, these financiers support them in their cases. There is a gang of persons who kidnap the youngsters and maim and mangle their bodies from their childhood. These children are not congenitally born maimed as such, because living children cannot come out in this disfigured condition from the wombs.

We have found, and it is our daily experience in Calcutta, that at dawn or in the early morning, these maimed persons are brought to the river beaches and bathing ghats and also to the important street junctions for begging in hand-pulled small four-wheeled wooden boxes, and towards the evenings, these persons are taken away to their secret centres. Here, I agree with Shri Easwara Iyer on the point whether sufficient provision is being made to bring those persons to book, who are maiming or who are the main conspirators for maiming these young children. As soon as these persons come to the secret centres, all their alms are taken away from them and appropriated by the financiers. I had the opportunity of visiting one such den in Calcutta in 1935. I also saw a room where the children were maimed. It was just like hell for torturing and maiming. There were shrill cries coming out from the maimed and mangled boys. These maiming rooms are always kept underground.

There is also another thing with regard to begging in big cities, a thing

which is very much common in our area. Several hundred female beggars are found carrying children in their arms. Once a beggar confessed before the public—and this is known to everybody—that 90 per cent of these women beggars do not carry their own children. They hire these children from the villagers for the whole day from their parents by paying Re 1 per day in cash and giving food for the day.

I will give a third example. Recently another type of practice has been unearthed in the city of Calcutta. Boys who have passed the specified age but are young are kidnapped and sold to restaurants and all those houses. They are kept and treated there just like slaves.

These are the crimes which are still continuing and which still exist in the under-world of the big cities. While I support this measure, I doubt whether the deterrent punishment provided will have any appreciable repercussion on the persons who are committing this crime, because they are hard-boiled villains. We shall have to find out the main reason why these evils still exist in our society. In that respect, I agree with Shri L. Achaw Singh, that unless the level of social consciousness is raised by spreading education among the people, this sort of evils will continue to exist whether you introduce deterrent punishment in the Indian Penal Code or not.

Begging cannot be stopped merely by law. Unless you eliminate the real cause from the society which compel people to resort to begging, this evil cannot be eradicated.

With these remarks, I support this amendment and also hope that the Home Ministry will bring forward later on a comprehensive Bill for stopping begging altogether, indicating the steps that are to be taken to remove the causes for begging which exist in society, and for allowing the persons opportunities to earn their own bread. This matter should also be considered by the Government.

**Shrimati Benka Ray (Malda):**  
Mr. Chairman, Sir, in the directive principles of our State policy, it is specifically laid down that childhood and youth should be protected. It has taken a long time, but I am glad at least this amending measure is before us now, because it certainly is very much overdue.

Many other speakers have pointed out the various lacunae in the Bill. I think on the whole, the Bill is a good one. But I certainly feel that it should lay down a minimum period of imprisonment and not only the maximum. Then I agree with the hon. Member who said that there is a great deal of vagueness remaining because the word 'maim' has not been defined. It is not easy in any case to implement a measure such as this, as we have seen in the case of other measures of a like nature. There are, as the last speaker said, many causes or reasons for which these children are maimed. It is no use going into any description because we are all aware of it. All the same, if this measure is really to be enforced the administration of this enactment should be done in a proper manner. I am sure the hon. Minister who has brought this Bill is as anxious about this as we can be and that the Home Ministry will see to it that the State Governments also make such arrangements by which this measure, once it goes through, is really implemented.

But, as I said, even while it is going through, perhaps it would be wise to bring in some kind of amendment in regard to defining the word 'maim' and also to lay down a minimum number of years of punishment and not only the maximum of ten years.

I agree with Shri C. K. Bhattacharya that there is no meaning in having the age of 16 allowed here for boys. The age of 18 is all right in the case of girls, but in the case of boys to have the age of 16 is rather out of tune with existing practice. It is not in conformity with the age of minority as laid down in other statutes. I

do not know if it can be done immediately. If it can be, it is all right. But one of the hon. Members pointed out that it is not possible to do it in the Bill as it stands. So an amending measure will have to be brought forward almost immediately. I hope the hon. Minister will take note of it and bring forward that amending Bill as soon as possible so that the thing may be in conformity with similar provision in other legislation of this type.

I do not want to take up any more time of the House. I would only say while on this subject of begging, that a good deal will have to be done before we can actually operate even this Bill or put an end to the menace of professional begging. In this connection, I think the Bombay Government has certainly taken a step in the right direction, and not only the Centre but other State Governments would do well to emulate what the Bombay Government has been doing in this matter. It is not easy to implement such a legislation always because you have to lay the basis for it; you have to see that those who are really destitute are provided for. But this menace of professional begging that is prevalent, and has been so for some time, in metropolitan cities such as Calcutta and Bombay must certainly be stopped. The example set by Bombay is one which Calcutta and Madras might easily follow. I think that there should be Central legislation in this matter; if not at least Central direction should be given. It is an allied subject. I am bringing it up under this because it is certainly of paramount importance. Here the main purpose of the Bill is to see that children who are used for begging purposes by professional beggars are not allowed to be victimised in this way, and more especially those who maim children are punished. I think that particular provision is very good. But it must be properly enforced. For that, as I have already said, the word 'maim' must be defined and a minimum

period provided for imprisonment— if the Bill is to be of any effect. I want to thank the hon. Deputy Minister for having at least brought this Bill. I hope that the points that have been made to make it a more stringent measure will be taken note of and whatever can be done now will be done immediately and the rest of it, afterwards.

16 hrs.

**Shri D. C. Sharma (Gurdaspur):** Sir, I welcome this Bill. It is an index of the social conscience of free India. The 20th century has been called the age of children. I am very happy to find that our country is also moving in that direction where the children can be benefited. This Bill does not go far enough. It is very partial and inadequate and it tackles only a part of the disease and not the whole disease. I am afraid it may give rise to some other kinds of disease and I hope that some day a Bill may be brought forward which may be fully in the interests of the welfare of the children.

I would like to make a few suggestions to make this Bill a little more workable. In clause 4(a)(i) I would like the addition of the words "in the name of religion" so that I will read: 'soliciting or receiving alms in a public place in the name of religion or otherwise....'. I believe that beggary is going on in India in all kinds of ways and forms and under all kinds of disguises. There are some professional beggars no doubt but there are some persons who go about begging in the name of religion or in the name of some supernatural power. I brought a Bill to do away with this kind of beggary but that Bill was turned down. It is not only the child which is kidnapped that goes about begging. There are also persons who will make use of persons for the purpose of begging by initiating them into some kinds of religion or some kind of denomination. Our laws must have some kind of power to prevent these persons from doing that kind of thing

and I feel that beggary should not only be tackled on the secular level but it should also be tackled on the religious level as it is much more dangerous at this level. I also want that in clause 2 another word should be added. Section 363A(2) reads: "Whoever maims any minor.....". Now, 'maims' is an omnibus word and carries many meanings. Sometimes you need not maim a person but you can do something to deform a person. I want to know whether it will be included in the word 'maim' but my own feeling is that these two things are different. Deforming a person does much more harm sometimes than maiming and so I should say 'that the word 'deform' should also be included in this clause.

We pass very good Bills but the net result is not commensurate with the good intentions of the Bill. My friend was talking about an under-world in Calcutta. There is an under-world everywhere in all these towns and cities of India and we are to guard ourselves against that under-world.

In order to be able to enforce this Bill we should have a special police for the protection of children. We are having children's cinema, Children's Film Society, children's hospitals, Children's Book Trust and so on. We are doing everything for children. We are also having, if I may say so, children's parks. These are what I may call beneficent measures for the good of children. I would say that you must have a special protective police for the children and that should be as powerful as any other police in all the big cities and towns. Unless you do that I think our police will not produce those results which the hon. Deputy Minister aims at.

The punishment is very lenient. We know what our laws is. Our law is a law meant for the noblest kind of society. The benefit of doubt goes to any person who is arrested and it is a good thing. Therefore, most of these persons can get out on account of the saving clause—the benefit of

[Shri D. C. Sharma].

doubt. The punishments given under 363(A)(1) and 363(A)(2) should be made equal. It should be imprisonment for life. I know humanity's face is blackened by many kinds of crimes but the crimes committed against women and children are the worst of their kind. We are now thinking of crimes which are perpetrated in the case of children and we should not here show any leniency to the evil-doer. I would not mind even if you punish such crimes with capital punishment because these things disfigure our national and social life.

My lawyer friends have been talking about phrases and all that. They have been making some remarks about the language of this Bill. The language of this Bill is as good as any Bill that we have passed. Taking into account the Bills that we pass I can say that the Bills are framed with the best of intentions. But there are our magistrates and judiciary and judges of various grades. They also apply their ingenuity to the interpretation of these Bills and our lawyers too apply their minds to these. Therefore, sometimes these Bills are torn out of their context. The intention of the Bill is ignored and they are made ineffective. But this will happen to any Bill that we pass in this country. So, this Bill should receive our unanimous support and we should be able to do something for these unfortunate children who are kidnapped. I can give any number of stories but I do not want to do so. It is an evil which you cannot ignore and it is growing day by day. It is not confined to any city or town; it is to be found in every village of India. It is an evil which has got to be checked and curbed. It is an evil which has got to be stamped out and which has got to be put down with the most ruthless hand. I plead that in its implementation no efforts should be spared.

One more word and I have done. I have found that the police authorities are very reluctant, I can give instances,

to register complaints of this kind. I know of some cases first-hand. They do not try to make a record of such cases. I think something should be done here about police also. If the police inspector refuses to take notice of the report which is made to him under this Bill, he must be made liable to punishment. It is from the police that our troubles start so far as kidnapping of children is concerned, and something should be done in the Bill to deal with the police also.

**श्री मूलचन्द दुबे (फर्रुखाबाद) :** श्रीमान सभापति जी, मैं इस बिल का स्वागत करता हूँ। मैं कई सालों से यह सुन रहा हूँ कि हमारे मुल्क में ऐसे लोग हैं, जो नाबालिगों को, या बालिगों को, बीमारों को, या अप्राहिजों को, जिन लोगों के हाथ-पैर वे तोड़ देते हैं, उन को अपने पास रखते हैं और सुबह के वक्त उन को तांगे बगैरह में बिठा कर किसी चौराहे या किसी दूसरी जगह बिठा देते हैं और दोपहर और शाम को उन को खाना खिला देते हैं और फिर शाम को उन को अपने घर ले जाते हैं। उन की कमाई वे अपने पास रख लेते हैं और उन लोगों को सिर्फ खाना खिलाते हैं। मैं काफी अरसे से यह महसूस कर रहा हूँ कि इस किस्म के लोगों को सजा देने के लिये ऐसे कानून की जरूरत थी और इसलिए मैं इस बिल का हृदय से स्वागत करता हूँ।

मैंने इस बिल में एकाध कमियाँ नजर आती हैं, जिन की तरफ मैं मिनिस्टर साहब का ध्यान दिलाना चाहता हूँ। अगर कोई लाफुल गार्जियन अपने वार्ड को इस काम के लिये इस्तेमाल करता है, तो उस के लिये इस बिल में कोई सजा नहीं रखी गई है। अगर कोई लाफुल गार्जियन—वह बाप हो, माँ हो, या कोई और हो—अपने नाबालिग बच्चे को भीख मांगने के लिए इस्तेमाल करता है, तो उस के लिये कोई सजा नहीं है। इस में सजा सिर्फ उन लोगों के लिए रखी गई है, जो कि

किसी भावालिय को नाजायज तरीके से उस के सम्बन्धन से हासिल करें और उस को भीष्ण माँगने बर्बर के लिये इस्तेमाल करें, लेकिन माफ़ुस गाजियन के लिए, या मनेजर बर्बर के लिये कोई सजा नहीं रखी गई है। मैं चाहता हूँ कि आन्डरबल मिनिस्टर साहब इस बात पर ध्यान दें और अगर मुनासिब समझे, तो इस में थोड़ी तब्दीली करने की कोशिश करें— इस में कुछ बढ़ाने की कोशिश करें।

श्री नरसिंहन : क्या माननीय सदस्य का कहना यह है कि गाजियन लोग बच्चों के हाथ-पैर तोड़ कर भाङ्ग नगवाते हैं ?

श्री मूलबन्ध बुबे : हाथ-पाव तोड़ने का सवाल नहीं है, लेकिन भीष्ण माँगने का सवाल जरूर है। गाजियन अपने बच्चों से भीष्ण नगवाते हैं, हाथ-पैर तो नहीं तोड़ते हैं। उनकी भी सजा होनी चाहिये।

दूसरी बात ऐतराज की यह है कि बैरिंग की इफ़ानीशन ठीक नहीं है। उसने कहा गया है—

“Beggings” means—(i) soliciting or receiving alms in a public place,”

यह तो ठीक है, लेकिन उस के आगे यह कहा गया है—

“whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;”

अगर कोई शब्द किसी लड़के को, जिसको उसने उसका गाजियन से हासिल किया है, कुछ कारीगरी दिखाता है कि फला चीज बेचो, तो इसमें क्या छूटा है ? अगर वह उस लड़के को कोई वस्तुकारी सिखा दे और कहे कि फला चीज बेचो और काम करो, तो उसको इस बिना पर सजा दी जा सकती है कि वह बैरिंग में शामिल है। अगर वह

उसको गाना सिखा दे, तो उसके लिये भी सजा हो सकती है।

Shri Oza (Zalawad): I think there is some misunderstanding. It is “soliciting or receiving alms”. That is not an offence. The offence is, “soliciting or receiving alms in a public place,” under the pretence of singing, etc. That is an offence.

श्री मूलबन्ध बुबे : मिस्टेस क्या होता है ? माननीय सदस्य ने जो यह बतलाया कि “अण्डर दि मिस्टेस आफ बैरिंग . . .” यह मेरी समझ में नहीं आता। मेरे शौकत खयद समझें होगे। कोई गलत है, या नाचता है, या कोई वस्तुकारी का काम करता है, तो उसके बारे में कहा जायगा कि यह तो मर्दान बहाना है भीष्ण माँगने का। यह साबित करना होगा कि वह बहाना था।

Shri Oza: The emphasis is on “soliciting or receiving alms” under the pretence of singing. For the purpose of doing so, soliciting or receiving alms, under pretence, is an offence.

श्री मूलबन्ध बुबे . मेरे दोस्त समझ रहे हैं, लेकिन मेरी समझ में यह नहीं आता है। शायद मेरी अक्ल इतनी भोटी है कि मेरी समझ में यह बात नहीं आती है कि कोई नाजालिय लड़का—सोलह बरस से छोटा लड़का—कोई वस्तुकारी जानता है, छोटी चीजें बनाता है और उनको बाजार में बेचता है और आप कहते हैं कि वह बैरिंग है। मेरी समझ में नहीं आता कि वह बैरिंग कैसे हो जायगी। मुझे नाम तो याद नहीं आ रहा है, लेकिन मैं जानता हूँ कि एक पाच छ. बरस का लड़का था। उसको वैद्यकी गाना आता था। वह एक मशहूर गवैरे का लड़का था और वह गाना सीख गया। शायद उसका नाम पटवर्धन था। वह बहुत अच्छा गाता था और लोग उसको गाने के लिये बुलाते थे। आप कहते हैं कि वह गाना भीष्ण माँगना है। मेरी समझ

[श्री मूलचन्द दुबे]

में यह बात नहीं आती। जहाँ तक भील मागने का सवाल है, वह ठीक है, लेकिन अगर कोई गाना गाकर, नाच कर या किसी दस्तकारी से पैसा कमाता है, तो उस को भी सजा होनी है। मावनीय सदस्य कहते हैं कि उसको बहाना समझ लीजिये। इस लिये मिनिस्टर साहब इस पर गौर करके बैरिंग की डेजीरीशन को बदल सकें, तो अच्छा ही। अगर इतना ही रखा जाय कि

"soliciting or receiving alms in public place,"

तो मैं समझता हूँ कि वह बिल्कुल काफी होगा, बर्तन नाबालिगों को कोई दस्तकारी सिखाना, या कोई चीज सिखाना, जिसे वे अपना पेट पालन कर सकें और सोसायटी में किसी काम को हो सकें, जुर्म हो जायगा। इस बात का जरा ख्याल करना चाहिये। मैं मैं इस बिल का स्वागत करता हूँ। वह ठीक और मैं उस को सुपोः करता हूँ।

**Shri Narasimhan:** The most important departure in the Bill from the existing law on the subject is that the presumption has shifted, or the burden of proof has now been placed on the accused. Government naturally think that it makes investigation and prosecution and punishment easier. It is no doubt true. But I have another viewpoint which I want Government to take into account. What is important is enforcement of all these provisions of laws. What is wanted is not mere stiffening of existing legislation. What is needed is competent officers to detect efficiently these criminals and crimes. A mere provision of a deterrent punishment is not going to curb crime. The fear of detection is a better deterrent even if followed by only a milder punishment. Immunity from the fear of detection is the greatest encouragement that these criminals are nowadays having. Therefore, I want to impress upon the Government this aspect. It is no use passing a stiff law and making it a

dead letter. If, with the existing law, a full investigation is made and if the Government take a better interest and the officers are efficient, many of the ghastly and horrifying crimes would become less and less in number and gravity. That is why I urge that the Government machinery of detection in the case of these horrifying crimes be stiffened and efforts should be taken to see that the crimes are detected soon.

We have come across a number of ghastly crimes even in this capital city. We have only recently seen in the newspapers. The news that a child was murdered and its mother seriously wounded. The mother was saved and she is in the hospital. We do not know the rest of the story and what is happening in regard to the detection of this crime. The police are investigating, but our machinery should be effective. For instance in Madras, they have the police dogs. I do not know whether other States have police dogs. The police dogs take scent of the criminals and that Madras police find these dogs useful. I do not see any reason why, similarly, police dogs should not be kept in the various headquarters of the States.

Thus, I repeat my request that Government should not be satisfied with having a legislation and getting it further stiffened and making offences punishable more severely. That would not do. Our police officers should be clever in the art of finding criminals and like the Scotland Yard our reputation should increase. Robbers and kidnappers should not be under the impression that it is very difficult for Government to catch them.

**Shri S. M. Banerjee (Kanpur) Sr.,** I rise to support this Bill. **Shri Nathwanji** says that there is no question of circulating this Bill for eliciting public opinion. May I submit that to mobilise public opinion is absolutely essential, if we are sincerely aiming at



social reform? I am sure this Bill will be passed unanimously and the punishment may extend to 10 years under this Bill. Some of my friends have suggested that there should be capital punishment or life imprisonment. If it is extended to that limit, I do not object, but who is going to implement it?

I come from the industrial city of Kanpur and I am also a jail visitor. I visit the juvenile section of the jails where there are young boys aged 12, 13, etc. Recently I was talking to a young boy who was in jail for stealing from a railway goods shed. He said, "There is a seth who pays me Re 1, he asks us to go to the shed and steal anything available there. So it is a conspiracy against the present society and they utilise small children for this purpose."

Even if this Bill is enacted into law, who is to implement it? I have had sad experience of our policemen. Especially the policemen at my place are efficient in shooting and killing people, but they are unable to unearth anything of this kind. I might mention for the information of this House that 9 people have been killed in Kanpur city, where there is no accommodation for 20,000 people. They simply sleep on the pavements. You must have read in the papers, Sir, that there have been mysterious murders. In 2½ months, 9 people have been killed there. They were actually very poor people, who were sleeping on the pavements. They have been killed with the sharpest instruments.

**Shri A. M. Tariq** (Jammu and Kashmir) That has nothing to do with this Bill.

**Shri S. M. Banerjee:** I am not afraid of firing, but you are.

**Shri A. M. Tariq:** I am not.

**Sardar A. S. Saigal** (Janjgir) My learned friend has just referred to some firing in Kanpur. I cannot see how this is relevant to this Bill. This has nothing to do with the firing in Kanpur. I will request you to see

that such kinds of things not connected with this Bill are not brought in here.

**Shri S. M. Banerjee:** I was talking about the 'efficiency' of the police.

**Mr. Chairman:** Whatever might be the inefficiency of the police in a particular State, that is practically a matter for the State. So far as this Bill is concerned, it is no argument that because the police is inefficient, no Bill should be passed. It is only incidental, it has nothing to do with this Bill.

**Shri S. M. Banerjee:** May I submit to you that the police firings there.

**Mr. Chairman:** I would ask the hon. Member to refer to the provisions. He need not dilate on police.

**Shri S. M. Banerjee:** I bow to your ruling. I only mention that these murders are taking place without purpose and the policemen in Kanpur are unable to arrest even a single man. Nobody sleeps outside in certain localities because of this. It has become a serious problem and it has baffled the local policemen in Kanpur. Some people are doing it, I do not know for what reason. They are doing it without any purpose of stealing anything. They are simply murdering people.

In the same way, if small children are actually kidnapped and if we report it to the police, what is the result of it? My other friends might have got very good experience of police rule, but, unfortunately, I have a sad experience. It is before my eye and so it is my duty to point out to the hon. Minister that unless there is an effort to have a social reform by eliciting public opinion, this will become another source of income for the policemen of U.P. at least. As I do not belong to other States, I cannot say about them. My sole object in suggesting that it should be circulated for public opinion is that there should be a strong public opinion against such criminals. It is a crime against society and so those people should be awarded exemplary punishment.

[Shri S. M. Banerjee]

My other point is, as pointed out by Shri Dube, about the definition of begging. Suppose a small boy is interested in magic and he earns some money. He goes to the people and says "give me some money, I will show you certain tricks". Will it come under the definition of "begging" in this Act? Suppose a small boy is a good singer and he sings and gets some money. How does it come under this definition? I am only referring to the defects in the definition of "begging". If the Bill is passed with the present definition of "begging", I tell you that many people will go to jail and the policemen of a place like Kanpur, and other places too, will make money. If anybody sings in the street, the policeman will swoop down on him and say "this is the Bill which has been passed; you are violating it; come to jail". There will be much misuse of this Bill.

I am all for the passage of this Bill. But my submission is this. This should not be misused by policemen if it is to be correctly implemented. As it is, many people will be sent to jail. I welcome that. After all, what is a prison? Who goes to prison? Prison is meant only for the unsuccessful criminal. There are successful criminals in this country, and other countries too, and for them there is no prison.

So, I would submit that a proper survey should be made. May I ask the hon. Minister whether any evidence has been taken from those maimed boys or girls whether they have any suggestions to make? If we have not conducted any survey, I would request that a survey should be conducted so that this problem may be looked into exhaustively and a solution found. I welcome this Bill. I share the irritation of my friends in not being able to detect the criminals in the murders in Kanpur. There the policemen have not been able to arrest even a single man. That is going on. When they are not afraid of committing murder,

will they be afraid of maiming a child? They may take a callous attitude; that is my fear, and that is why I request the hon. Minister to take note of it.

Mr. Chairman: Two hours were allotted for this Bill.

Shri Supakar (Sambalpur): There are not many speakers and then some time may be extended at your discretion.

Mr. Chairman: That is all right. But what I say is that there should be no repetition.

Shri Supakar: Sir, I appreciate the excellent motive behind this Bill, but I am afraid that there are very many loopholes which may make this Bill, after it is passed, rather ineffective. Some of the defects or possible defects have been pointed out by some of the previous speakers who have taken part in this debate. I would only refer to the more serious problem which this Bill seeks to deal with, namely the problem of maiming.

It is stated in sub-clause (2) that—

"Whoever maims any minor in order that such minor may be employed or used for the purpose of begging shall be punishable with imprisonment for life, and shall also be liable to fine."

In the case of ordinary kidnapping a presumption is provided for in sub-clause (3), namely,—

"It shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging."

But no such presumption is provided for in the case of maiming. Therefore it is just possible that when a case is taken to a court of law the accused may escape. Therefore I am afraid that the case of bringing to book a person guilty of the more serious

offence covered under sub-clause (2) of this section 388A may be very difficult.

Another aspect to which I wish to draw the attention of the hon. Minister is the social aspect of this problem. The reason why this problem is becoming more and more acute is that the gangs of criminals who were previously operating in some important cities of this country are now trying to spread their nets in the interior of the country as is evident from an experience in my State, Orissa, where in the most interior of the Kalahandi District we found that a gang, which had been operating from the State of Assam, had sent their men to kidnap children from that distance. So, these gangs who make a profit out of the pity of mankind by this cruel method are spreading their nets wide. It is the duty of the Government to prevent this crime at the source. One of the methods to do that is to see that this profession of kidnapping minors and maiming them becomes as unprofitable as we can make it.

Shri V. P. Nayar (Quilon) In cities adults are also maimed

Shri Supakar. Therefore the Government should see if it is practicable that those persons who have been maimed very recently and whose maiming can be detected by proper medical examination to have been of very recent occurrence, should be segregated and put in some sort of an asylum so that nobody can make a profit out of their deformity or the maimed condition. It may not be possible for the Government to ban begging of all kinds altogether, but it may be possible for them, with the aid and help of the Social Welfare Board and the police, to know cases where maiming has been of recent occurrence. Though it may not be possible to bring to book the members of the gangs themselves, it will be very easy to know the cases of recent maiming from the beggars them-

selves, and if Government can take care of them and help them to take to some other profession for their daily bread instead of begging, then I suppose this profession of kidnapping and maiming would become unprofitable to the criminals and a good check can be effected on these anti-social crimes.

Therefore, while I appreciate the good intentions of the Government, I appeal to the Government to take into consideration this social aspect of the matter by making the profession of kidnapping and maiming as unprofitable as we can make it.

श्रीमती कुष्णा मेहता (जम्मू तथा काश्मीर) सभापति महोदय, मैं समझती हूँ कि इण्डियन पीनल कोड में यह एमेंडिय बिल गृह मन्त्रालय ने पेश करके समाज की तरक्की व समाज सुधार के काम में एक बहुत बड़ा कदम उठाया है। यह हमारी बदकिस्मती है कि हमारे देश में बच्चों की रक्षा तथा बच्चों की देखभाल उतनी नहीं होती है जितनी कि होनी चाहिए और उतनी ही नहीं बल्कि कुछ भी उनकी रक्षा के लिये नहीं किया जाता है। किसी भी स्वतन्त्र देश के लिये यह भ्रष्टाचारी बात नहीं हो सकती है कि उसके बच्चे इस तरह से भील मागते फिरें। आज हम देखते हैं कि हमारे बच्चे स्टेशनों पर, सड़कों पर, तथा दूसरे स्थानों पर भील मागते फिरते हैं। इनमें कुछ लूले होते हैं, कुछ लंगड़े होते हैं, कुछ अंधे होते हैं और कुछ ऐसे भी होते हैं कि जो भ्रष्टाचारी हालत में भी होते हैं। ये बच्चे पैसे मागने फिरते हैं और देश को पुकारते फिरते हैं। यह एक बहुत ही दर्दनाक हालत है। इसको सुधारने के लिये सरकार को इससे भी बड़ा कदम उठाना चाहिये था ताकि जो इस तरह का काम बच्चों से कराते हैं, उनकी और भी कड़ी, और भी सख्त सजा दी जा सके।

इसमें कोई शक नहीं है कि कुछ सत्धार्य सरकार की ओर से बनाई गई है और कुछ

## [श्रीमती कृष्णा मेहता]

सोर्गों ने आप बनाई हैं जो कि बच्चों के लिए बड़ा अच्छा काम कर रही हैं। लेकिन उतनी संस्थाओं से काम नहीं चलता है। मैं आपको अपना एक अनुभव बतलाना चाहती हूँ। मैंने एक लड़का देखा जो कि साधु के देश में था। बहुत ही सुन्दर वह बच्चा था। वह दूकान दूकान पर जा जाकर भीख मांगता फिर रहा था। उसकी दशा देख कर मेरी आँखों में आँसू आ गए। मैं उसके पास गई और उससे पूछा कि क्या जो कुछ तुम कर रहे हो वह तुम्हें पसन्द है और यदि पसन्द है तो कितना पसन्द है और क्या तुम्हारे मा बाप नहीं हैं? उसकी आँखों में मेरी यह बात सुन कर आँसू आ गए और वह दर्दनाक तस्वीर आज भी मेरी आँखों के सामने है। जब कभी भी वह घटना मुझे याद आती है मेरे रोगटे खड़े हो जाते हैं। उसने मेरे सवाल का यह जवाब दिया कि यह काम मुझे बिल्कुल भी पसन्द नहीं है लेकिन मैं क्या करूँ, मेरी रक्षा की जिम्मेदारी कौन ले सकता है। मुझे कोई भगा कर ले आया है और मुझे उसने इस काम में लगा दिया है और मैं भजन गा गा कर, दूकान दूकान फिर कर पैसा इकट्ठा करके उसे जाकर देता हूँ। जिस दूकान में यह घटना घटित हुई उसमें और भी लोग बैठे हुए थे और उनके दिनों में भी उस बच्चे के प्रति सहानुभूति ही थी लेकिन न वे और न ही मैं कुछ कर सकने की स्थिति में थे। कोई कायदा, कोई कानून नहीं था जिस का सहारा लेकर उसको इस काम से छुड़ाया जा सकता।

यह खुशी की बात है कि सरकार अब इस तरफ ध्यान दे रही है। जरूर ऐसे लोगों को सजा होनी चाहिये। जब कभी हम बच्चों को ऐसी हालत में देखते हैं, उनको ऐसे मांगते हुए देखते हैं, उनको भीख मांगते हुए देखते हैं, उनको रोटी रोटी पुकारते हुए देखते हैं तब हमारे दिलों में यह ब्याल आता है कि कैसे गलत रास्ते पर इनको

बाला जा रहा है, कैसे गलत ट्रेनिंग इनको मिल रही है, इन बच्चों पर ही तो हमारी बड़ी बड़ी आशाएँ हैं और उनकी यही हालत रही तो क्या ये देश में करेंगे, कितना नुकसान देश का होगा और क्या देश का बनेगा। इसलिये हमें चाहिये कि इस चीज को समाप्त करने के लिये हम सक्त कदम उठाएं।

मुझे खुशी है कि देश में कई संस्थाएँ बच्चों की भलाई के कार्य कर रही हैं। दिल्ली में एक बाल सहयोग नाम की एक संस्था है। मुझे ठीक याद नहीं लेकिन मेरा ब्याल है कि पिछले तीन चार सालों से यह यहाँ पर अपना कार्य कर रही है। उसने दिल्ली के बाजारों में जा जा कर भीख मांगते फिरते बच्चों को, जेठे कनरते हुए बच्चों को तथा दूसरे खराब काम करने हुए बच्चों को पकड़ कर उनको अच्छी शिक्षा दी है, उनका सुधार किया है, वहाँ से सीख कर वे निकले हैं और अच्छे काम वे कर रहे हैं। इसी तरह से सोशल वेलफेयर बोर्ड की तरफ से भी कई संस्थाओं को ग्राण्ट्स दी गई हैं जहाँ पर अच्छा काम होता है। जम्मू का आमीर राज्य में एक अंब विद्यालय खुला हुआ है जिसको कुछ तो ग्राण्ट्स सोशल वेलफेयर बोर्ड के द्वारा दी जाती है, और कुछ पैसा वहाँ की जनता इकट्ठा करके उसको चला रही है। वहाँ पर भी बच्चों के लिये अच्छी ट्रेनिंग का प्रबन्ध किया गया है और बच्चे बहुत अच्छे बातें सीख रहे हैं। मैं आशा करती हूँ कि जनता और भी काम समाज सुधार के तथा इन बच्चों की देखभाल के लिये करेगी। आज देखने में आता है कि वे बच्चे जिनकी देखभाल का अच्छा प्रबन्ध नहीं होता है, आगे चल कर चोर, डाकू आदि बनते हैं और बड़े बड़े डाके व चोरियाँ करते हुए पकड़े जाते हैं। इस बास्ते बच्चों की भलाई के बहुत ज्यादा काम हम को करने हैं, उनकी भलाई के और भी बड़े बड़े कदम

उठाने हूँ और साथ ही साथ जो इनको भगा कर ले जाते हैं, इनसे भीख आदि मंगवाते हैं, उनके लिये इससे भी ज्यादा कड़ी सजा देने की व्यवस्था करनी होगी। अगर और कड़ी सजा देने के लिये हमें कुछ और करना पड़े जो बड़ ही करना चाहिये।

अन्त में मैं इतना ही निवेदन करना चाहती हूँ कि जिस तरह से इस हाउस ने अब तक इस तरह के बिलों में दिलचस्पी ली है, जिस तरह से इस बिल के बारे में दिलचस्पी दिखाई है उमी तरह से आगे भी दिखायेगा। इसके लिये मैं आपका धन्यवाद करती हूँ और साथ ही साथ इस बिल का समर्थन करती हूँ।

**जीमती उमा नेहल (सीतापुर) :** सभा-पति महोदय, मैं इस बिल का स्वागत करती हूँ। इस कानून की बहुत दिनों से हम प्रतीक्षा कर रहे थे और इसकी आवश्यकता अनुभव कर रहे थे।

लेकिन इस कानून को देखने के बाद यह विचार जरूर दिल में आता है कि इस कानून को पास करने के बाद और लागू होने के बाद भी क्या जो बीमारी है वह बिल्कुल खत्म हो जाएगी। क्या बच्चे डारर भीख मांगा जाना बिल्कुल खत्म होगा या नहीं, यह ब्याल जरूर हमारे दिमाग में आता है। मेरे ब्याल में तो जो वेलफेयर स्टेट हम बनाने जा रहे हैं, उसमें पहला फर्ज हमारा यह होना चाहिये कि हम भीख मागना बन्द कर दे, डंगरी को खत्म कर दे। भीख मागना हमारे देश से जड़ खत्म हो जाये तो हमारा पहला फर्ज यह होगा कि जो भिखारी है, जो चारों तरफ बन्दर नचाते फिरते हैं, बच्चे नचाते हैं, या दूसरे काम करते हैं, उनके वास्ते वर्क हाउसिंग बनाए, होम्स बनाए, जहा पर इनको कोई बधा सिखाया जाए और इनको रोजी कमाने लायक बनाया जाए। अगर आप को इस कानून को लागू करना है और देखना है कि बच्चे भीख न मांगें तो पहली बात आप

को यह करनी होगी कि आप वर्क हाउसिंग बनाए ताकि वहा उनको काम करने के लिये मिल सके। इसमें कोई शक नहीं है कि जिस प्रकार आजकल बच्चों को पकड़ा जाता है और जिस के बारे में कई बातें बिल में लिखी हुई हैं वे सभी काफी हद तक ठीक है। लेकिन इसका एक दूसरा पहलू भी है। यतीम खानों के, आर्फनेजिल के बच्चे भी भाया करते हैं और मैंने खुद देखा है कि वे नाचते हैं, गाते हैं, बैड बजाते हैं, भीख मांगते हैं और जो लोग उनको लाते हैं, बंछिन कर बड़ी इधर उधर खड़े हो जाते हैं और इनमें असली आर्फनेजिल के बच्चे भी होते हैं और नकली भी। अब देखा यह है कि कौन असली होते हैं और कौन नकली। मुझे विश्वास है कि जब इस कानून को पास करने के बाद लागू किया जाएगा तो यह भी देखा जाएगा कि कहीं ऐसा न हो कि जिन लोगों को पकड़ा नहीं जाना चाहिये उनकी भी पकड़ लिया जाए या कोई और गलत काम हों।

वेलफेयर स्टेट जब आप बनाते हैं तो उसमें आपकी दो बातों का ध्यान रखना होगा। इसमें एक तो यह है कि बच्चों की जितनी भी उन्नति आप कर सकें आपकी करनी चाहिये। हमें बच्चों को भागे ले जाना है और इसके लिये जो कुछ भी किया जा सकता है किया जाना चाहिए। दूसरी बात यह है कि हम यह भी देखें कि बच्चों के साथ साथ स्त्रियों की भी उन्नति हो। जब तक बच्चों के साथ साथ स्त्रियों की उन्नति नहीं होगी तब तक ठीक ढंग की वेलफेयर स्टेट का बनना बहुत मुश्किल है।

मुझे ज्यादा कुछ नहीं कहना है क्योंकि जो जो चीजें होनी हैं उन सब को इस बिल में लिख दिया गया है। इसमें सब कुछ लिख दिया गया है कि क्या क्या चीजें हैं, किस किस तरह से वे होनी हैं, क्या क्या सुरतें होनी हैं। और कैसे भीख मांगने के लिए बच्चों का इस्तेमाल किया जाता है। इन

### [श्रीमती उमा नेहरू]

लोगों के लिए आपने सजायें रखी हैं और मैं चाहती हूँ कि इन को कड़ी से कड़ी सजा जरूर मिलनी चाहिए। जो लोग बच्चों को जखमी बना कर तथा दूसरे काम करवा कर भीख मंगवाते हैं, उनके लिये आपको सख्त सजायें रखनी हैं लेकिन इसके साथ साथ आप यह भी याद रखें कि इल बीनारी का इलाज सजा ही नहीं है, इस का इलाज यह है कि आप उनको बंधा दें, उनको काम दें उनको काम सिखायें। जब तक आप भिक्षु-मंगों के लिये काम नहीं देंगे तब तक यह देश पूरा भिक्षुमंगों का ही रहेगा। हमको देखना है कि हम उनको रोजी कमाने लायक किस तरह से बना सकते हैं। कई लोगों का भीख मांगना पेशा ही हो गया है। काफी रईस भी भीख मांगते फिरते हैं और उनको इस काम से हटाना होगा। लेकिन असली जरूरत ऐसे लोगों को काम देने की है जिन के पास खाने के लिये रोटी नहीं है, पहनने के लिये कपड़ा नहीं होता है और वे इस जरूरिये को अपना लेते हैं, क्योंकि यह एक आसान जरूरिया है और इसके द्वारा वे बच्चों को नचाते हैं, बन्दरों को नचाते हैं या दूसरे काम करते हैं। इन लोगों की तरफ ध्यान देने की आवश्यकता है। मैं कहना चाहती हूँ कि वेलफेयर स्टेट की जो असल जड़ है, जिससे वह फल फूल सकती है वह यह है कि हम इन लोगों को काम देवे त.कि भिक्षारियों का हमारे देश में नाम तक न रहे। हर एक को काम देने के लिये हम को बर्क हाउसिस बनाने होंगे और जब ऐसा हो जाएगा, तब यह जो बीमारी है, दूर हो जाएगी।

सरदार प्र० सि० सहगल : सभापति जी, यह बिल यहां पर उन लोगों के लिए लाया गया है जो कि कानून के मुताबिक गार्जियन न होते हुए नाबालिग बच्चों को बहका कर ले जाते हैं। मैं इस बिल का स्वागत करता हूँ और स्वागत करने के साथ ही साथ आप से यह प्रार्थना करता हूँ कि जो लोग उन

नाबालिग बच्चों के भीख मंगाने का काम करनेमें उनके लिये सख्त सजायें रखनी कर की सजा तो रखनी है, साथ में जुबकान की सजा है। पर जो नाबालिग न होते हुए उनसे भीख मंगवाने का काम करनेमें उनके लिये दस वर्ष की सजा रखी है। लेकिन इस सारे बिल को देखने के बाद यह कता नहीं लगता कि प्राब्लिज जो लोग माता पिता हैं या कानूनन गार्जियन हैं, और अपने बच्चों को सिखाते हैं कि तुम जाकर भीख मांगो, उनके लिये कौन सी व्यवस्था की गई है।

मैं आपसे यह भी कहने के लिये तैयार हूँ कि यह जो भीख मांगने का काम है वह इस तरह से दूर नहीं हो सकता चाहे एक नहीं दस कानून बनायें। हमें यह देखना है कि इस कानून के बनने के बाद जो हमारी स्टेट गवर्नमेंट्स<sup>3</sup> वह किस तरह से काम करती है। जब यह कानून बन जाता है और लागू हो जाता है तो हमारा पहला फर्ज हो जाता है कि हम देखें कि जो हमारी स्टेट गवर्नमेंट्स है वह इसको ठीक तरह से काम में लायें। साथ ही हम को बेगर होम्स बना कर रखने चाहिये जहां पर हम उन बच्चों को रख कर पढ़ा सके और दूसरे काम सिखा सकें। जब तक हम यह सारी व्यवस्थायें नहीं करते हैं तब तक इस बिल से कोई लाभ नहीं होगा। बैसे यह बिल ठीक है, इस को बनना चाहिये और मैं इसका स्वागत करता हूँ।

मैं आपसे यह भी कहना चाहूंगा कि सारे भारतवर्ष में जो स्टेट्स की सरकारें हैं उन सब को चाहिये कि वे अपने यहां सर्वे करे और सर्वे करके यह देखें कि दरफ्ट्स किसन ऐसे बच्चे हैं और कितने ऐसे लोग हैं जो इन कामों को करते हैं। उसके बाद उन बच्चों को लाकर हम बेगर होम्स में रखें तो ज्यादा फायदा होगा।

हमारे कुछ मित्रों ने यहां कहा कि पता नहीं इस बिल में सिलिबेरिटी है या नहीं।

में कहना चाहता हूँ कि अगर गवर्नमेंट के अन्दर इस बारे में सिसिधरिटी न होती तो शायद यह बिल ही यहाँ पर न आता। इसमें गवर्नमेंट के अन्दर सिसिधरिटी जरूर है। हमारे मित्र का यह भी कहना था कि इस बिल को जनता की राय जानने के लिये भेजना चाहिये। मैं समझता हूँ कि यह इस बिल को टरकाने का एक तरीका है। अगर बिल के पास होने में देर लगानी हो या इस कानून को जल्दी न आने देना हो तो उसका यह तरीका है कि बिल को जनता की राय जानने के लिये भेज दिया जाये। मुझे पता है कि राय के लिये भेजने के बाद किसी भी बिल को कितनी सीढ़ियाँ चढ़नी पड़ती है। इसलिये मैं इसको राय के लिये भेजे जाने की मुखालिफत करता हूँ।

जहाँ पर आपने क्लॉज ४ (ए) में लिखा है कि सालिसिडिंग और रिसीबिंग आम्ने इन पब्लिक प्लेस में इसका स्वागत करता हूँ। थोड़ी देर के लिये मान लीजिये कि किसी ने अपने बच्चे को नाचना सिखलाया, गाना सिखलाया और वह जाकर गाता है, नाचता है, तो उसको भी, और अगर वह सिखलाने वाला उस बच्चे का पिता नहीं है, वह केवल अपने पास बच्चे को रखता है, तो उसे भी सजा मिलेगी। इस कानून के मुताबिक जो भी सजा होगी, वह उसका हकदार होगा। लेकिन इस पर हमें जरा गौर करना चाहिये। ऐसे बहुत से बच्चे हैं जिनको बेगिंग के लिये नहीं, वैसे ही गाना और नाचना सिखलाया जाता है। अगर वह बच्चे को जबरदस्ती रखे या किबनप करे तब तो वह इस कानून के जद में आ ही जाता है, लेकिन अगर वह सिर्फ सिखलाने की गरज से रखे तो ऐसी हालत में उसको यह सजा देना, मैं समझता हूँ कि शायद ठीक नहीं होगा।

इस अक्सर पर ज्यादा न कहता हुआ हमारी उपमंत्री ने जो बिधेयक रक्खा है उसके 281 (A) LSD—8.

लिये मैं उनका बचाई देता हूँ।

Shri V. P. Nayar: Sir, I did not want to participate in this debate but reading through the Bill I found some difficulty and I wanted to draw the attention of the hon. Minister to clause 2(2) read with clauses (4) (i) and (4) (ii) and also clause 4(b) (i). My contention is that while the Act provides for punishment for those who commit an offence on a minor especially with the intention of making use of him for the purpose of begging, it does not cover another class of people who have become unfortunately the victims of such nefarious practices. It is a very delicate matter but I feel that duty compels me to refer to it in this House. Most of us know that in many North Indian towns and cities there are a set of people who are called hijras—eunuchs. I am told that even after the attainment of adult age, they are maimed and made into hijras merely for the purpose of making them beg. What is begging? I would not have been concerned with it but for the definition of 'begging'. Begging here means "soliciting or receiving alms in a public place whether under the pretence of singing, dancing, fortune-telling..." I think it will come under that. Then again it goes on: "...entering on any private premises for the purpose of soliciting or receiving alms". In Delhi in our houses also sometimes batches of these hijras come, especially when a new child is born. This was unknown to us in the South. In the North it appears to be the prevailing practice and I do not think that any north Indian town is free from this unfortunate set of people. I am afraid they are deliberately maimed for the purpose of collecting alms. I would request the hon. Minister to find out whether the Bill as it is before us would enable the Government to bring to book such offenders. If not, I submit suitable amendments will have to be made because it is a problem which is menacing and which is to be solved at the earliest possible time.

**श्री० रजबीर सिंह (रोहताक) :** सभापति महोदय, इस विधेयक का स्वागत करते हुए मैं यह कहे बगैर नहीं रह सकता कि अगर यह विधेयक आज से दस बारह वर्ष पहले आता तो हम इसका दिल से स्वागत करते। आज १२ सालों के बाद जबकि हम दूसरी पंचसाला योजना खत्म करने जा रहे हैं और उसके ऊपर ७२०० करोड़ रुपया खत्म करने जा रहे हैं, हमारे देश के भन्दर ऐसे भिकारी लोग हैं जो कि उसकी तहत नहीं आते, यह हमारे देश के लिये कोई बहुत उत्साह की बात नहीं। किडनीपिंग ही बुराई नहीं है, भिलारी भी हमारे लिये बुराई है। अगर अपना बच्चा हो और वह भिलारी बनता है तो वह भी बुरा है। उसे भी कानूनी तौर पर सजा मिलनी चाहिये। जहाँ तक सरकार का वास्ता है, मैं समझता हूँ कि जब उसने ७२०० करोड़ रु० खर्च किया है तो इस देश की बेकारी को खत्म करना उसका पहला फर्ज होना चाहिये था। जहाँ मैं इस विधेयक का स्वागत करता हूँ वहाँ मैं गृह मंत्रालय से यह प्रार्थना करता हूँ कि वह इस बारे में स्कीम बनाये ताकि थर्ड फाइव इमर प्लैन में इस देश के भन्दर न भिलारी रहें और न भिलारी बनाने वाले रहें।

**श्री जगदीश शयस्त्री (बिल्हौर) :** जेबकतरे रहें ?

**श्री० रजबीर सिंह:** जेबकतरो की शायद आपको ज्यादा ज़रूरत होगी, हमें जेबकतरो की आवश्यकता नहीं है या शायद पी० एस० पी० को ज्यादा ज़रूरत हो, हमारे यहाँ तो इसकी ज्यादा गुंजाइश नहीं है। मैं समझता हूँ कि सबको इस विधेयक का स्वागत करना ही चाहिये। लेकिन इसके साथ साथ हम को क्या देखना चाहिये ? इसी जैसा भय जाहिर किया गया, मुझे भी मायूस होता है कि अगर कोई ड्रामा पार्टी को चलाने वाला हो तो वह भी सही मानो मैं इस विधेयक से बच सकेगी या नहीं। कोई भी पुलिस अधिकारी अगर कोई ड्रामा पार्टी

भागनेवाइज करता है तो उसका भी बालान कर सकता है यह कह कर कि तुमने इस १४, १५ साल के बच्चे को किडनीप किया है, या तो तुम यह साबित करो कि तुमने इसको किडनीप नहीं किया है। आपके इस कानून में कोई ऐसी चीज नहीं रक्खी गई है कि जिससे कि जो ड्रामा पार्टीज चलाते हैं या कल्चरल प्रोग्राम्स चलाते हैं, उनके ऊपर कोई धाकत न आये। क्या इसके बारे में भी ध्यान रक्खा जायेगा ?

**Shrimati Alva:** Mr. Chairman, Sir, I am very grateful to the many hon. Members who have offered valuable suggestions on this measure which looks small on its face but which will have very far-reaching effects. While discussing this Bill sometimes some of the hon. Members lost sight of the wider perspective. This is a specific measure for amending the Indian Penal Code and giving it a greater effect as far as minors are exploited after maiming. Maiming or inflicting cruelties on children for the purpose of earning a livelihood or for gainful purposes, by those savage elements in society which use sadistic methods for inflicting the types of cruelty is not only inhuman but barbarous and gruesome.

When talking of beggary, as many of the hon. Members have talked, most of the States have framed anti-beggary laws. The subject of beggary falls in the concurrent list. Many of the hon. Members offered suggestions that it is not the laws that we pass in this House or that we put on the statute-book but it is the administrative effect finally that will bring the ultimate, desired result that we are hoping to achieve by the laws. I do admit that very much will depend on the manner in which these laws will be administered in the various States. The States have got their own laws in the field of beggary, whether it be for minors or others. In talking about children, minors and boys and girls—boys up to 18 and girls up to 16—there is a



confusion on that point. But we have retained the age as laid down in the Indian Penal Code. In the Penal Code, it is 16 for boys and 18 for girls.

Mr. Chairman: The hon Minister might continue tomorrow.

16:59½ hrs

### \*SCARCITY OF SUGAR

Mr. Chairman: We shall now take up the half-an-hour discussion on the scarcity of sugar. I should just like to mention one thing. There are as many as seven hon Members who have tabled this motion. Of course, there are a number of supporters. I have got only half an hour. Under the rules, the member who has given notice may make a short statement and any member who has previously intimated to the Speaker may be permitted to ask a question. That is all.

17 hrs

Shri Khuswaqt Rai (Kheri). May I make a submission? This discussion is based on a question about scarcity of sugar. The other day another question was asked about the prices of sugarcane. I have already tabled a motion for discussing the prices of sugarcane. I would like that that discussion should be allowed as a two-hour discussion. I would make that request to Speaker through you. (Interruptions)

Mr Chairman: Today I am concerned only with the half-hour discussion. Shri Braj Raj Singh

श्री ब्रजराज सिंह (फिरोजाबाद) :  
सभापति महोदय, यह चर्चा उस प्रश्न पर उठनी है जो मैंने सभ्य मंत्री महोदय से उस दिन पूछा था कि क्या मंत्री महोदय को यह पता है कि उत्तर प्रदेश के गन्ना उत्पादकों ने यह तह किया हुआ है कि यदि उनके गन्ने के दाम २ रुपये प्रति मन नहीं किये गये तो

वे १५ दिसम्बर से गन्ना हड़ताल पर चले जायेंगे। इस पर मंत्री महोदय ने प्रश्न को टालने की कोशिश की और उन्होंने कहा कि इससे गेहूँ का उत्पादन कम हो सकता है। एक माननीय सदस्य ने पहले भी शायद यह इशारा किया कि जो गन्ने की कीमत बढ़ाई जा रही है वह गेहूँ के खर्च पर बढ़ाई जा रही है। गेहूँ का उत्पादन उससे कम होगा लेकिन मैं भिन्न करना चाहता हूँ कि एक इस तरह का गलत प्रचार किया जा रहा है मुल्क में कि गन्ने और गेहूँ का कोई ऐसा सम्बन्ध है जिसमें गन्ने की कीमत बढ़ाने से गेहूँ का उत्पादन कम हो सकता है। मेरा निवेदन है कि लाघ मंत्री महोदय यह देखें कि गन्ना सिर्फ उन क्षेत्रों में पैदा हो सकता है जिनमें कि फेक्टरीज मौजूद हैं और फेक्टरीज आप खुद कंट्रोल किये हैं उन क्षेत्रों में जहाँ पर कि पहले से गन्ना हो रहा है और उन दूसरे क्षेत्रों में जहाँ पर कि गन्ने की फेक्टरीज नहीं है वहाँ पर गन्ने का उत्पादन नहीं होता और वहाँ पर गन्ने की कीमत बढ़ाने का सवाल नहीं है। अगर दूसरे क्षेत्रों में गन्ने का उत्पादन करे तो उससे सिर्फ गुड और खडसारी ही बन सकती है और खडसारी पर भी आप कंट्रोल कर रहे हैं। इस तरह गन्ने की कीमत बढ़ाने से गेहूँ का उत्पादन कम हो सकता है, गलत है। गन्ने का उत्पादन आसानी से नहीं हुआ करता। उसके लिये सिंचाई की आवश्यकता होती है, उसके लिए और सब चीजों की आवश्यकता होती है। आप जानते हैं कि आपने इन १२ सालों के अन्दर कितनी सिंचाई की सुविधाएँ किसानों को दी हुई हैं? इतनी सुविधाएँ नहीं दी हैं जिससे कोई ज्यादा गन्ने का उत्पादन बढ़ सके, किसी चीज का उत्पादन बढ़ सके। गन्ने का उत्पादन ऐसी चीज नहीं है जो आसानी से बढ़ सके इसलिए यह एम्पेशन देना कि गन्ने की कीमत बढ़ने से कहीं पर गेहूँ का उत्पादन कम हो जायगा, कतई गलत बात है।

\*Half-An-Hour Discussion.