

MR. SPEAKER: The House stands adjourned till 2 O'Clock.

13 hrs.

The Lok Sabha them adjourned for Lunch till Fourteen Hours of the Clock.

The Lok Sabha re-assembled after Lunch at five past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS (AMENDMENT, BILL—Contd.

MR. DEPUTY-SPEAKER: We take up further consideration of the following motion moved by Shri Pratap Chandra Chunder on the 21st November, 1978, namely:—

“That the Bill to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956, be taken into consideration.”

Shri Kодиyan,

SHRI P. K. KODIYAN (Adoor): I am not very happy over the provisions of the amending Bill. As many hon. Members have already pointed out, the amendments suggested do not solve the problem or even the difficulties that are said to have been met with during the implementation of the original Act. By this amending Bill Government proposes to have more officers appointed, and also to empower the State Governments to prohibit prostitution in certain areas.

The original Act came into force in 1958. Its main object was to prevent commercialisation of the vice of trafficking in women and girls. I am sorry to point out that since the Act came into force in May, 1958, our experience is just the contrary. The very same thing which the enactment wanted to prevent is happening. Commercialisation of this vice of prostitution has not only been happening since the enactment came into force, but it is happening on a much wider scale.

Now the basic reason for the prevalence of prostitution and for a large number of girls and women resorting to this kind of life as has been pointed out by the previous speakers, is poverty that exists in our country. I agree with them. Poverty is the basic reason. If poverty is the basic reason that compels a large number of women and girls to resort to prostitution as a way of life, then question arises as to what has been done in order to remove the basic cause. That is my first question.

Unless we tackle the basic problem of large scale poverty and the ever-increasing unemployment—according to the latest information there are more than one crores of educated men in the live registers of the Employment Exchanges of the country not to speak to the uneducated and unskilled labourers both in the urban and the rural areas—so long as poverty is allowed to continue and unemployment is allowed to grow without any check being put on its growth, I do not know how this problem of prostitution will be solved. Now I should say that our experience has shown that this Act has only resulted in harassment and persecution of those people of the lower income group who because they do not have any other resources, perforce have to resort to such a very bad way of life.

Prostitution has now assumed new forms and it has entered higher levels of society. What is happening in the commercial world today? Nobody is caring. Take the posh hotels in our country. Are the Five Star hotels running properly? Is it not a fact that any number of women are available, of course, on payment of specific charges in these posh hotels? What I want to point out is that even the commercial world is using sex increasingly as a way of making easy money.

In some of the business establishments and commercial firms, when people go for placing orders and inspecting the articles produced by those commercial firms, the would-be

[Shri P. K. Kодиyan]

customers are lavishly treated not only with bottles but also with women. This has become a practice, in many places and women and girls coming from respectable families are also being used for this purpose. Therefore the whole way of tackling this problem is one-sided. The police officers and other officers who are entrusted with the task of preventing prostitution always jump on the poor people of lower income group and completely neglect the sophisticated way of prostitution that has been developing in our country at an alarming pace in the commercial world. The very system in which we live is corrupt.

Those who are having wealth and wherewithals have devised so many methods to amass more money and one of the methods as I have already pointed out, is the use of fair sex. Therefore, I agree with all the hon. Members who have said that it is a comprehensive measure that is required which deals with all aspects of the problem and which aims at gradually rooting out the basic cause for people resorting to this kind of life.

Yesterday, Dr. Ramji Singh was very angry, legitimately angry. He was impatient; we are all impatient to see that this evil is put a stop to. He pointed out that in Russia there is no prostitution; in China, there is no prostitution; in Vietnam also, there is prostitution. At the time of the victory of the Vietnam liberation struggle, when the former capital of South Vietnam, Saigon, fell, we were told that there were half a million prostitutes in the city and within the last three years, all these half a million prostitutes and their children too rehabilitated. How could they do it? They removed the basic cause and provided proper rehabilitation. Rehabilitation is provided in our country also. What is the rehabilitation here? Actually, there is no rehabilitation scheme. That is my second criticism of the Bill.

Only some corrective institutions are there; some protective institutions are provided for. What kind of correction is being done there? What kind of protection is being given there? It was in one of the protective institutions in Bihar, in Patna, that one of the Bihar Ministers was alleged to have entered at the dead of night for giving protection.

AN HON. MEMBER: To whom?

HRI P. K. KODIYAN: It has become a big scandal.

There is no proper rehabilitation of those unhappy sisters and mothers who have been forced to indulge in evil. If other countries, like, Vietnam, have succeeded in rooting out prostitution, it is because they have succeeded in tackling the root cause of it. Here, we all talk highly about dignity of human labour. But there is no opportunity of employment; there is no opportunity of providing labour for hundreds and thousands of people. They have tackled the unemployment problem; they have tackled the problem of education. Everyone has a place to live and everyone has a job to engage himself in. Therefore, in such a society, there is no need for finding or searching for one's livelihood through this kind of trade, flesh trade. Therefore, I would urge upon the Government here to provide for protective measures. Any amount of increase in the number of officers and ranks also will not solve this problem. It will only result in the harassment of the poor people in the lower income group and the higher-ups will be left out.

With these words, I conclude.

श्री उषसैन (देवरिया) : उपाध्यक्ष महो दय, इसके पहले कि मैं इस विधेयक पर अपने विचार व्यक्त करूं मैं कहना चाहता हूँ कि बहुत ही अच्छा होता अगर इस विधेयक को प्रचार समिति की सीप विद्या जाता जहाँ पर पक्ष प्रौर विपक्ष क सभी पहलुओं पर

विचार विमर्श करने का अवसर मिलता और सत्ता पक्ष तथा विरोध पक्ष के लोग बैठ कर कुछ ठीक ठाक करके इस बिल को यहां लाते ।

एक जो सब से बड़ा विरोधाभास है वह आपके सामने मैं रखना चाहता हूँ । इसके इतिहास को आप देखें । मई 1950 में न्यू यार्क में एक सम्मेलन हुआ था । वहां पर भारत के प्रतिनिधि भी गए थे । वहां पर एक मसौदा तैयार हुआ था जिस पर भारत के प्रतिनिधि द्वारा भी हस्ताक्षर किए गए थे । उसके फल-स्वरूप 1956 में एक विधेयक इस सदन में लाया गया । उसको 1958 में पास करके लागू कर दिया गया । 1958 से लेकर 1978 तक बीस वर्ष तक इस विषय में कोई कार्रवाई नहीं हुई । ऐसा लगता है सरकार ने कोई सक्रियता इस बीच में नहीं दिखाई, कोई विशेष ध्यान इस ओर नहीं दिया । अब आप इस बिल को लाए हैं । मैं चाहता हूँ कि अगर इसको प्रवर समिति में भेज दिया जाए तो बहुत अच्छा हो । वैसे यह जो कदम आप ने उठाया है यह बहुत ही सराहनीय कदम है और इसका मैं स्वागत करता हूँ ।

यह विषय बहुत गम्भीर है । इस में नारी का मामला आता है । आप इतिहास को देखें, और नारी को परिभाषा को देखें । हमारे पूर्वजों ने नारी को अग्रगणिनी के रूप में देखा था, ग्रहण किया था । वैदिक काल में जब तक स्त्री मर्द की बगल में नहीं बैठती थी तब तक पूजा, हवन आदि नहीं होता था । धीरे-धीरे वैदिक काल के बाद मुस्लिम काल जब आया तब स्त्रियों का दर्जा कुछ कम हो गया । मैं आपको एक इतिहास की बात बनाना चाहता हूँ । तथागत भगवान बुद्ध एक बार धमते हुए एक बागीचे में चले गए । यह पत्थीस सौ बारह बहनें की बात है । बंशानों के पास उन्होंने अपना पड़ाव डाला । रात को जब वह उस बाग में विश्राम कर रहे थे तब उनको पता चला कि अन्नपाली जो एक मणिका थी उसका यह बागीचा था । अन्नपाली को जब पता चला कि तथागत भगवान आ कर उनके बाग में ठहरें हुए हैं विश्राम कर रहे हैं तो वह वहां आई, उसने उनकी पूजा की और वह उनकी भक्त हो गई । बौधकाालीन इतिहास में भी गणिका और साधारण नारी में कोई फर्क नहीं था । तब भी नारी का पं बहुत ऊंचा था । लेकिन जब से हमारी समाज में पर्दा आया, जब से हमारी समाज में बाल विवाह का चान हुआ, विधवा विवाह पर रोक लगा दी गई तब से स्त्री को एक गठरी के रू में माना जाने लगा और तब से सब खराबियां पैदा होनी शुरू हो गईं । साहित्य में भी कुछ का नुकसान नहीं किया है । अंग्रेजों में मैं क्या कहूंगा इन्दी में ही अनुवाद किए वेंता हूँ, बीसपीयर ने अपने एक पात्र ग कहलवा दिया है इसान तुम्हारी कमजोरी का नाम क्या है, तुम्हारा ही नाम तो औरत है । औरत इसान की कमजोरी का निशाना मान बन गई । नारी के मामले में भारतीयों का विभाग हठार बरम से एक तरफ से सड़ा हुआ है और हम सड़ान को दूर करने के लिए बहुत बड़े आन्तरिक कदम को उठाने की जरूरत थी ।

मैं एक सुझाव देना चाहता हूँ । अब तक नर नरौरी दोनों का मामला एक साथ हल किया जाता रहा है । अब नारी के मामले को मर्द के मामले के अलग से निपटाना आप शुरू करें । स्त्री का मामला अलग निपटाएं और मर्द का अलग निपटाएं । तभी दोनों में समता पैदा हो सकती है, दोनों में बराबरी की बात हो सकती है । शारीरिक दृष्टि से मर्द कुछ ज्यादा मजबूत होता है और स्त्री कुछ टैंडर होती है, कमशोर होती है । लेकिन दिमागी तौर पर दोनों बराबर हैं । औरत ज्यादा तेज होती है । आप इजराइल की औरतों को देखें । उपाध्यक्ष महोदय आप तो वहां गए हैं । अगर इजराइल से क्यों मार खाता है ? सब से बड़ा कारण यह है कि अगर औरतें पर्दे में रहती हैं, अब कुछ निकलने लग गई हैं लेकिन इजराइल की औरतें, तोप, टैंक, बम आदि सब चलाती हैं, हथियार चलाती हैं और मर्दों से आगे बढ़ कर काम करती हैं । पिछले विश्व युद्ध के इतिहास को आप देखें । एक रूसी महिला की मिसाल मुझे मालूम है । उसका नाम बेटाकी था । जब मास्को पतन के कगार पर खड़ा था तब इस महिला को जर्मन पकड़ कर जर्मन कैम्प में ले गए थे । शाम को यही महिला ट्रांसमिटर से जर्मनों की इन्स्टालगंज की, सभी ठिकानों की खबरें ट्रांसमिट किया करती थी और अपने देश की आजादी को बचाने के लिए, मास्को की रक्षा करने के लिए उसने अपना सर्वस्व दौम कर दिया था । आप वैश्या वृत्ति खत्म करने की बात करते हैं । यह होनी चाहिये । औरतों को आप दंडित करते हैं लेकिन जो मर्द उनके यहां जाता है, उसको आप क्यों दंडित नहीं करते हैं । जैसे हमारे परिवहन में कन्डक्टर को सजा है कि उसने बिना टिकट के क्यों बैठा लिया, मगर जो पैसेन्जर है, मुसाफिर है, उन पर कोई सजा नहीं है कि आप बिना टिकट बैठे क्यों ? ठीक वही हालत इसमें है । मैं मंत्री जो से निवेदन करूंगा कि वह कानून में इसके लिये संशोधन लायें । जो लोग ऐसे हैं जो बायबल में जाते हैं, उसके आसपास इशारे करते हैं, कुछ एक्स-साइज का सृजन करते हैं, साहित्य का सृजन करते हैं, उन पर वह क्या सजा ला रहे हैं ? यह कुछ इसमें नहीं है । अगर मैं एक लाइन में कहूँ तो इसका कारण है, बाल-विवाह, विधवा विवाह पर रोक, बाल-विवाह पर प्रतिबंध नहीं है, विधवा विवाह का हमारे समाज में चलन नहीं है । इसके बाद पाषचात्य विचारों का प्रभाव है, यहां पाकों में यूनान की जो आजादी है, पाषचात्य सभ्यता है, अर्द्ध-नग्न रहने की सभ्यता है, यह भी इसके कारण है ।

मैं आपको बताता हूँ कि एक नेता जो बम्बई गये, जब मैं उनको गेट के आगे इंडिया के पास ले गया तो उन्होंने कहा कि क्या ये रंडियां हैं ? हमने कहा कि नहीं, नहीं, ये नये फैशन की औरतें हैं, रंडियां नहीं हैं । यह फैशन-परस्ती सबसे बुरा काम इस देश में कर रही है । सिनेमा भी बुरा काम कर रहे हैं । मैंने एक बार दलीप कुमार से कहा था कि आपने लड़कियों का फैशन

[भी उपसीन]

बिगाड़ दिया। गलत साहित्य का सृजन करना, गलत उपन्यास लिखना और उसके बाद गलत-गलत चित्र बनाना तो फिस्मी दुनिया के लोग, चित्र-पटल के लोग कितना गलत काम करते हैं। इन सारी चीजों पर हमारे मंत्री जी को विचार करना पड़ेगा।

रूस में जार के जमाने में जान गन्धर ने एक किताब लिखी है जिसका नाम "इन-साइड रशिया" है। उन्होंने उस पुस्तक में लिखा है कि "जार के जमाने में मैं मास्को गया तो वहाँ पर 40 हजार रंडियां थीं और जब श्रांति के बाद लेनिन के जमाने में मास्को गया तो वहाँ 40 रंडियां थीं" और उसने लिखा है कि शिट टू फार फार्नेस।

चीन में माओ और चीन की कम्युनिस्ट पार्टी ने और वहाँ के नेताओं ने चीन में जितने भी वेश्याओं के ब्रायल्स ये या जितनी श्रावारा लड़कियां थीं, उन सब को पकड़ कर नर्स बना दिया, यूनिवर्सिटी कालेज की प्रोफेसर बना दिया, वहाँ वेश्यावृत्ति नाम की कोई चीज नहीं। तो इस मामले में हमको समाज पर हमला करना पड़ेगा। यहाँ जो देवताबाजी, पत्थर पूजा है, इन सब गलत धारणाओं को बिल्कुल खत्म करना पड़ेगा, तभी इस पर कुछ होगा। इसके सिलसिले में मैं दो उद्घरण अपने गुरु डा० लोहिया के पढ़ना चाहता हूँ, आप मुझे एक मिनट का समय दे दीजिये।

अखबार में लिखा है — "घट गये इन्सां बढ़ गये साथे।" डा० लोहिया कहते हैं — "मुझ से अगर कोई पूछे तो सबसे बड़ी कमजोरी इस नर-नारी के मामले में यह है कि नारी को नर के मामलों में कुछ कमजोर, एक तरह से कुदरत ही कहो, रहना पड़ता है। मैं शरीर की ताकत की बात कर रहा हूँ, दिमाग की ताकत की बात नहीं, मन की ताकत की बात नहीं, शायद उसमें वह ज्यादा हो, लेकिन शरीर की ताकत में श्रामतौर से औरत मर्द के मुकाबले में कमजोर होती है। यह कमजोरी, ऐसा लगता है, मूटि का एक अंग है, इसमें एक अजीब तरह की उलझन होती है कि इसके कारण शायद नर-नारी में पूरी तरह से बराबरी कभी नहीं हो पायेगी। उमी तरह में एक-दूसरी कमजोरी है। मर्द नृदा होता जरूर है लेकिन औरत के मुकाबले में कम होता है।

सबसे बड़ी कमजोरी यह है कि दिमाग हमारा दकियानमी बना हुआ है। जो कोई औरतों को सलाह देने वाले आदमी दुनिया में हैं, वह जरा सोचें कि तूम क्या हो, यह कुदरत आदत समझने की है। इसलिए इस समस्या पर कोई अमर पढ़ने वाला नहीं है। सारी विडम्बना हमारी संस्कृति की यह है कि पुरुष प्रधान होने के नाते औरत तरह तरह की उधंयनाओं के कारण हमारा दिमाग इतना सिकुड़ा हुआ और गंदा है कि वह यह सोच ही नहीं पाता कि दो स्त्री-पुरुष इस रूप में भी रह सकते हैं।

इसलिये आज आवश्यकता इस बात की है कि हम अपने सोचने और समझने में स्त्री और पुरुष को पहले कटघरे में डालकर न देखें, बल्कि उनकी दो स्वतंत्र

प्रतिस्व को मानकर उस पर विचार करें। डा० लोहिया ने यह भी कहा है :—

"आज हिन्दुस्तान में दहेज प्रथा है खास तौर से मध्यम वर्ग में। मैं तो समझता हूँ जो लड़की पैसा देने पर ही शादी कर सकती है—वह खुद नहीं देती, उसका बाप देता है, या भाई देता है, या कोई देता है, तो मेरी राय में उससे ज्यादा पतित कोई नहीं।"

खास तौर पर जो लोग समाज में बड़ा होने का दावा करते हैं, उन की लड़कियों की शादी तो बिना पैसा दिये होती ही नहीं है। मेरी पांच लड़कियां हैं। मैं जेल में था। मैंने शादी के बारे में चिट्ठी लिखी, लेकिन मेरी रिहाई नहीं हुई। मेरे दामाद के पिता मुझे मिलने के लिए आये। मैंने उन्हें पहचाना नहीं। वह बड़े नाराज हो गये और घर चले गये। उन्होंने मेरी लड़की, शकुन्तला, को कहा कि तुम्हारे पिता ने मुझे पहचाना नहीं। मैंने कहा कि अगर मैं पैसा न देता, तो यह शादी ही न होती; तो फिर मेरे पहचानने का प्रश्न ही क्या है। हम लोग राजनीति में काम करते हैं, मरने के बाद हमें कफ़न भी मिलने वाला नहीं है। अगर मेरे बस में हो, तो आज जो समाज में बड़े बड़े मठाधीश बने हुए हैं, जो बाल योगेश्वर और रजनीश हैं और सी०प्राई०ए० के पैसे से जो बड़ा आडर फैला हुआ है, मैं उस सब को एक मिनट के लिए भी देश में रहने का मौका न दूँ।

आखिर धर्म क्या है? जो धर्म मानवता को धामे नहीं बढ़ाता है, जो धर्म मनुष्य और मनुष्य में, इन्सान और इन्सान में फर्क करता है, उसे धर्म नहीं कहा जा सकता है। मैंने जेल में कुरान को पढ़ा और मैं उससे बहुत मुतासिर हुआ। कुरान में अल्लाह मियां अपने बंदों से फरमाते हैं कि जब शाम को धाना खाओ, तो देखो कि आम-पड़ोस में कोई भूखा तो नहीं है। अल्लाह मियां ने यह भी कहा है कि अपनी रिहाइश से ज्यादा अपने पास मकान न रखो। मुझ में ज्यादा कोई मुसलमान नहीं है, क्योंकि मेरे पास सिर्फ अपने रहने के लिए एक मकान है। लेकिन आज समाज में वही बड़ा मुसलमान है, जिसके पास पचास मकान हैं। जो जकात नहीं देता है, वह मुसलमान नहीं है।

दुनिया के बहुत में धर्मों की मानने वाले, जो अपनी धार्मिक किताबों की बहुत बातें करते हैं, अपनी बच्चियों को पर्दे में रखते हैं और उनको बराबरी का दर्जा नहीं देते हैं। मान लीजिए कि मैं रेलवे में रोड-वेज में कंडक्टर की करता हूँ। मैं सारा दिन अपने अक्षरों से उंडा-जता और गालियां खाता हूँ। लेकिन जब मैं शाम को अपने घर जा कर बीबी से कहता हूँ कि चाय बनाओ, और वह कहती है कि चीनी नहीं है, तो डंडा और थप्पड़ चलाता हूँ। औरत मां भी है, बीबी भी है बहन भी है और नानी भी है। औरत के कई रूप हैं। लेकिन हम औरत की पूरी इज्जत नहीं करते हैं। हम नहीं चाहते कि औरत को राक्षसी बनाया जाये, या देवी बनाया जाये। हम उसको साधारण इन्सान बनाना चाहते हैं। डा० लोहिया कहते थे कि यह दे

प्रजीवो-नारीब है, 99 बरस तक तो यहां की जनता गाय बनी रहती है और एक बरस और बन कर मपट्टा मारती है। हम हिन्दू हों, या मुसलमान, सिख या ईसाई हों, अगर हम अपने घर की महिलाओं को बराबरी का दर्जा नहीं देते हैं, तो हम अपने धर्म की शिक्षा के विरुद्ध आचरण करते हैं।

मैंने जेल में वाइबल को भी पढ़ा है और बड़े भनोयोग से विनोबा का गीता प्रवचन भी पढ़ा है। मैं मोसा में कैद था और बिरक में रखा गया था। मोहतरिमा यहां आ गई हैं। उन्होंने मुख्य मंत्री को कहा था कि उपसेन पर मोसा लगाओ। मैं साठ साल का बूढ़ा आदमी हूँ। छः महीने तक जेल में रहने के बाद मेरे खिलाफ कोई रिपोर्ट नहीं थी। फिर भी मुझ पर मोसा लगाया गया। चूंकि मोहतरिमा यहां आ गई हैं, इसलिए अब उनसे इस बारे में पूछने का वक़्त भी आ गया है।

आखिर यूरोप के देश, रूस, चीन, वियतनाम और इसराइल क्यों बढ़े हैं? वे इस लिए बढ़े हैं कि उन्होंने अपनी औरतों को बराबरी का दर्जा दिया है। मुझे बरसों तक नेताजी सुभाष चन्द्र बोस का झंडा उठाने का भी मौका मिला है। मैं उन की भावनाओं को जानता था। मैं बचपन से उनके साथ कलकत्ता जाया करता था। 1950 में अन्तर्राष्ट्रीय सम्मेलन में इस बारे में प्रस्ताव पास हुआ। 1956 में यह विधेयक पास हुआ और 1958 में लागू हुआ। उसके बीस बरस के बाद मंत्री महोदय संशोधक विधेयक ले कर आये हैं। वह जनता पार्टी की सरकार के मंत्री है। मैं भावनावश ये बातें नहीं कह रहा हूँ। ये मेरे विचार हैं और इन्हीं विचारों के कारण मैंने तीस चालीस बरस तक डंडे खाये हैं, तदलीफ़ पाई है। अगर मंत्री महोदय सही मानों में कुछ करना चाहते हैं, अगर वह नर और नारी को बराबरी का दर्जा देना चाहते हैं, हमारे समाज से वैश्यावृत्ति का नामो-निशान मिटा देना चाहते हैं, यहां पर रूस, चीन, वियतनाम और इसराइल जैसा समाज बनाना चाहते हैं, तो वह इस बारे में टंडे दिल से सोच कर इस विधेयक को प्रवर ममिति को भेज दें। माननीय सदस्य, डा० रामजी मिह, ने भी यही सुझाव दिया है और श्रीमती विमा घोष गोस्वामी ने भी यही बात कही है, जिनके बंगला भाषण को मैं ममज्ञ रहता था। मंत्री महोदय ने जो कदम उठाया है, मैं उसका स्वागत करता हूँ।

MR. DEPUTY-SPEAKER: Before I call Mr. Sathe, I want to tell you that we have exhausted the time that was allotted for this. (*Interruptions*) Mr. Balbir Singh, you will not get the chance because your name is fourth or fifth in the Janata List. So, the question is: whether we should extend it by at least half-an-hour to accommodate such of those members who belong to the parties who have not spoken.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: Now, Mr. Sathe. Please be brief.

SHRI VASANT SATHE: (Akola): Sir, this has been talked about so long. There are must have been volumes of books written on this. Great writers have written; Poets have also said the same thing about it. And yet this unfortunate practice continues.

If we really want to do something drastic about this, then we will have to go to the very root of it. The definition of the word 'prostitution' which has been put in this Bill, to my mind, is not satisfactory. What does the definition clause (f) say? It says:

"'prostitution' means that the act of female offering her body for promiscuous sexual intercourse for hire, whether in the money or in kind and whether offered immediately or otherwise and the expression 'prostitute' shall be construed accordingly;"

Now, I would like to know from the hon. Minister whether a woman's offer of her body or even the parent's offer of their daughter in what you sanctify as 'matrimony' where dowry has been paid is a willing consummation? As Bernard Shaw said, marriage, where there is no affection or where there is no mutuality is nothing else but a legalised prostitution. The essence of 'prostitution', according to me, because you are talking of immoral traffic, is the question of morality. What is moral? What do you consider this coming together of a woman and a man? I say that hire and consummation go together for mutual happiness, that is, the pleasure. That is the only moral relationship in nature? Tell me is there any other kind? No female will allow a male even to go near unless the female desires that consummation, for physical, biological fulfilment.

Here you are trying to justify as it were that the moment a woman, for any other consideration, gives her body, you say that it is only prostitution. (*Interruptions*) Therefore, let

[Shri Vasant Sathe]

us consider this question in a wider context.

When you talk of Soviet Union or other countries, after the last war, in the Western World because of a large number of young men got killed and the girls did not have young men as their counterpart, girls had no other option but to go to the streets and the whole generation born after that did not know who their father was. Why? It is because of this system. Everyone has said that here. As long as your whole economic and social system is based on the law of demand and supply—commercial—everything is for sale in the market—marketable commodity—you will find this phenomenon. There is a demand for that and remember it is not necessarily linked with poverty. It is wrong to say that prostitution is there only because of poverty. Then what about the big hotels? What about the educated women, call-girls, etc.? Are they poor? It is not because of poverty that they are driven to this act. It is because of the law of demand and supply which is breeding this sort of corruption. They have no other alternative because they cannot make an honourable living in the country and where there is a demand for them, you will find this happening. Therefore, two things arise out of this. If you want to change this whole system, if you want to root out this evil, the whole structure has to be changed. It is because of the economic or social system. Let us not deceive ourselves. But as long as you do not do that, if you try this half-heartedly by superficial methods, restricting certain areas—that is what you see in Civil Lines and in contentment areas—it is not going to help you. You want to restrict this to some place which is normally called the 'red-light' area. And then you want additional police post in these areas. This is what your Bill is trying to do. I would beg of you to consider this once again. Now, you want to tackle this problem. It breeds disease. You

know the incidence of venereal diseases which is growing today in all metropolitan cities has gone up in a gigantic proportion. What is the root cause of the diseases in young men? These unfortunate women. Therefore, in a place like Delhi or Bombay young men who visit those areas have no homes and they go there for physical pleasure because your society does not allow any other relationship, and, therefore, this is happening. What cannot be cured must be endured.

Now, you try to look at this problem from the social point of view. Have enough services for women. It is no use keeping these women in homes. How long can you keep them there? Is that rehabilitation? I think you provide them alternate jobs. Then it is understandable. I think the only practical way of tackling the problem today is be honest and make some improvement because if there is a system already, it will be there. If you stop it in a very strict manner, it will spread out. Therefore, contain it and give medical assistance and recognise it. I think that is the only practical approach in the present society. Recognise, legitimise and register and treat them. Get doctors to give medical assistance. That will probably make them medically better because if you go to some of these areas, you will find the horrible condition of these women. You can at least try to improve their lot and help them with medical assistance and other assistance. I think that is the only practical approach. This would mean trying to conceal the conscience. I would say that trying to suppress the immoral traffic is hypocrisy. You are not able to change the whole social and economic structure. You have to live with this. But at least be honest yourselves and try to help these unfortunate women to improve their conditions both physically and otherwise. If you can give them any alternate jobs, give them jobs, that is understandable. But otherwise I feel that this Bill does not deal with the problem. It will not solve the

problem. It will only make it worse. Punishment is no solution of the problem. As long as there are men who would demand women for this purpose, this unfortunate practice will continue. We are having prohibition. You are trying to persuade the people. You know full well that you cannot stop men drinking because he will make his own home a place of drink. How will you stop it? That is a fad of our Prime Minister, namely, prohibition. Do not make this another fad of the Education Minister. I think the Education Minister will take note of this and be realistic about it.

MR. DEPUTY-SPEAKER: Before I call Mr. Bala Pajanor, I may tell you that I have received slips from Members even after the extension of time. I am sorry I will not be able to accommodate all the Members. Even these Members who have given their names earlier will not get chance to speak. Mr. Sathé's name was sent by the whip and I have called his name. Therefore I will only call those who have already given their names. Now, Mr. Bala Pajanor.

SHRI A. BALA PAJANOR (Pondicherry): Sir, you have called my name. I am grateful to you because you have given me a chance to express my views in this matter, not only on my own behalf but also on behalf of my party. I need not lecture on the question of morality and moral values because many of the Members, I feel, have become doctors on this subject to speak on the suppression of Immoral Traffic Act. But I would dwell on certain issues.

I think Mr. Sathé has correctly put it. How far the Education Minister has presented the problem to this House so that it can reach this country in the correct perspective? In the Statement of Objects and Reasons he has said: "The Suppression of Immoral Traffic in Women and Girls Act, 1956 was enacted in pursuance of an International Convention signed at New York in 1950." It is because of that this Act has been introduced.

It is not so. Much earlier than that date, our Constitution Provides for it. Article 23 states:

"23 (1) Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

Only on that basis, our Government has come forward with the Bill. Of course, this International Convention has helped our various Governments to formulate laws to prohibit immoral traffic or to prevent the trade of girls and children in this country. Sir, I am in agreement with many of the speakers when they say that it is such a delicate subject and a lot of preaching is made but very little practice is being done. I cannot say how many of us have seriously believed in our eloquent speeches. They have read great books that are written on that subject. If you cannot make research on this, I can tell you that right from the times of Kalidasa, our own people have written many articles on this subject for and against.

Some people may say that it is a biological urge and you cannot stop it. If it is a biological urge, you have to regulate it for the sanity of this country. The Education Minister, I think, after consultations with the Law Ministry and in pursuance of the 64th report of the Law Commission headed by ex-Chief Justice of India, Shri Gajendragadkar has come out with this Bill in order to effectively implement the law of 1956. I have thoroughly studied this and it seems that it is only to help the police and the courts and to do away with the lacunae that were there in the 1956 Act so that this law could be effectively implemented. I have no grouse against these amendments except the last portion where you are providing or bringing forth justice of the worst fashion in the form of summary trials. It would have been all right, if you had tried to help the courts and po-

saved. Our women are being traded and our poor women are at the mercy of the vested interests." He said so many other things of this nature. Somebody told that prostitute, "Here is a good man who is speaking with so much vehemence. He can help you." To this, the prostitute replied: "Don't take him seriously. Within half-an-hour, the very same person will be at my house." This is a *fait accompli*, which you cannot deny.

Government has done good thinking on this subject, but not a comprehensive and detailed thinking. It has not taken the people into confidence. I would suggest that you must have had a national discussion on this matter. When the International Conference of Women was held in 1966, and again in 1970, they said: "It is our birth-right. Who are you to question us? When men can do it, why not women?" In a previous conference also, such an idea was expressed, because they were not educated on the subject. A national dialogue must have taken place on this. I do not know how far we are familiar with the changing attitude of people in the age group of 18 to 25 and of people in schools and colleges. They ask us, "You people come to propagate family planing and tell us, in our schools and colleges, everything. Thus it is only you who have given us a clue for it.

This is a very serious question. It is not by passing laws in Parliament that we can solve the problem. You cannot eradicate it that way. I cannot see the TV programmes at 8 O'clock in the night with my daughter aged 8 years. What is shown there is nonsense. You are giving young people all the clues. That is why I suggest that all of us should read Alvin Toffler's "Future Shock", so that the generation gap can be understood to some extent. The young people say that the TV programmes explain everything, and so they give a trial to them in their schools and colleges. Then it becomes a habit. There also, prostitution develops. They are encouraging prostitution there, for the

sake of certain favours. When I say that men also should be punished, I did not mean to do it, simply to satisfy people. Why should women alone be punished when men are also involved? It is a question, some people say, of the law of economics *viz.* of demand and supply. If more men demand more women, more women demand more men also. (*Interruptions*) This is a matter which we have to consider from a social angle. I am not objecting to this legislation, I understand it, and I welcome Government's intentions. But the question is, how far are you going to implement it.

15 hrs.

The report is very nice. You also read it from other angles. I do not know what prevented you from having a national dialogue on this. You ought to have a dialogue on this. You are having conferences on family planning and many other things and you are wasting a lot of public money. But you never thought of having a conference or a discussion on this subject in all the urban cities of this country.

Before you brought forward this legislation, we knew pretty well that such legislation was coming to this House. But how many people are aware of it? You are only interested to strengthen the hands of the police, to give easy trial for the Magistrate and so on. You want to define here and there some lacuna which will not satisfy you. So, with these words, I appeal to you by saying that by passing such a legislation alone you cannot contain it, because I am afraid, in many angles, we are losing our moral. I am not a big moralist to speak about it, but after reading some books on moral and marriage, I have come to the conclusion that this will not help you, because the younger generations are not going through Mahabharata or Gita or Bible. They are attracted towards certain things which are very fascinating to them, which you and I can-

[Shri A. Bal, Pajanor]
 not stop. So, if you are not able to march with it, it is better you leave it to the younger generation to rule this, country.

I am getting a feeling that by taking up any piece of legislation, you are becoming highly dogmatic; you never practice it. You are only preaching it. You do not practice it. When you come forward with certain dogmas, you do not consider what the younger generation wants to do in this country. When I say this thing, I do not say with the intention of becoming the Prime Minister of this country tomorrow or day after tomorrow, but I want to tell you that on every aspect of every legislation I will go on repeating my statement, because you are not able to follow the younger generation of this country. That is why you have made a big mess in this legislation also. When you are reviewing this legislation of 20 years back, that is, 1956, you have not considered the aspects of 1976-77 and 1977-78. You have not gone to the roots to the schools and colleges how boys and girls take it. You have not considered what boys and girls in schools and colleges are doing practically in this country. You have not considered what the new generations that are living in the villages and others places are doing. May I tell you that it has become a fashion for these people to have this kind of life?

If you take the history of American civilization, if you take the history of Canadian civilization, if you take the history of Paris civilization, you will find that there it started 50 years ago. There if you have gone to a girl, you are considered to be a bigger man in society; and that is taking place in this country also. You cannot deny that I can quote certain people who are high ups. They come and boost and say that they have an ap-

pointment with cinema artists, or guest artists. That has become a lacuna.

When there was prohibition and when people used to drink behind the screen without noticing it, that became a status symbol for them. Such things are taking place and you have not considered this matter.

Why I say this is because you are trying to restrict these institutions not to be near the Church, not to be near the temple, not to be near schools and colleges or not to be near places where people will be polluted in their moral value. But when you have it and if it is done by the high class society, then this is being considered as a moral virtue for such people. I hope this House will understand this point. Wherever it exists, wherever it is pleasureably permitted, that is to be stopped; and for that you need guts and for which the younger generations have got guts to stop it.

*SHRI GOVINDA MUNDA (Keonjhar): I welcome the suppression of Immoral Traffic in Women and Girls (Amendment) Bill which has been brought here for discussion and passing by the hon. Minister of Education, Social Welfare and Cultural Affairs. It would be improper for me if I do not participate in such an important Bill.

Sir, Adivasis and Harijans of our country are not aware of this Bill that we are going to pass now. Even men like me have come to know about it only when this Bill was introduced in this august House. It is not easy for them (Adivasis and Harijans) to know about this piece of legislation.

Prostitution was not there among the Adivasis and Harijans. With the growing population and shortage of food they had to work in different mines and fields. Then they started mixing with various other people from other communities and sections

*The original speech was delivered in Oriya.

of our society. With the increasing poverty and social evils they had to take to this vice. But they indulge in such vices in the far-flung areas, viz., forests and hilly tracks which is not at all visible to others. But this immoral traffic now prevailing in the big cities like Bombay, Calcutta and Madras is being indulged in by licensed institutions. This vice is not there in foreign countries.

While pointing out the reasons of this immoral traffic and find some solution for its eradication I would like to suggest to the hon. Minister that education can solve this problem. Due to lack of education people are taking to this vice. Merely by passing this Bill we cannot achieve our goal. Even if we engage police men to check this immoral traffic it cannot succeed. The reason for this that there is every possibility that the people indulging in such affairs may give bribe to the police men and escape any punishment. In this way a prostitute who previously charged Rs. 5/- may now charge Rs. 15/-. Thus she will not only go scot free but also get encouraged in pursuing this evil because of the protection from the police. This is why I say that education alone can solve this problem. Through education these Adivasis and Harijans will get moral strength. We will therefore have to educate our people. In this context I would like to suggest to the hon. Minister to recruit some educated women in the police department. They should be posted specially to check this immoral traffic.

It has been said in Section 5(b) that within a distance of 200 metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind such immoral traffic will not be allowed. In other words, this Bill allows this vice at any place of 200 metres away from the enumerated places. So we are allowing such prostitution by virtue of the present Bill. Sir, I would like to respectfully submit to our Education Minister and the Prime Minister

to take some bold decisions to eradicate such evil from our society forever. They should not pass this Bill haphazardly rather they should insert some other comprehensive provision which can help in achieving our purpose.

Sir, Adivasis and Harijans are below the poverty line in our country. If this Bill which was first introduced in the year 1956 and is now reintroduced is passed, then the evils of our society can be checked to a large extent.

While concluding my speech I would like to suggest to the Minister to lay proper emphasis on education. Food, shelter and clothing should be provided to everybody in the backward areas that they do not fall victims to such vices. Old days have gone by in the changing circumstances we should take some bold steps to reshape our society. With these words I support this Bill wholeheartedly.

श्री श्रीलाल (बिजनौर) : उपाध्यक्ष महोदय,
पार्टी की लिस्ट में मेरा नाम भी है ।

उपाध्यक्ष महोदय : आपने अपना नाम भेजा होगा,
लेकिन लिस्ट में आप का नाम नहीं है ।

Let me make it very clear that I know whom I am going to call and whome I am not going to call and I make no distinction nor any favour while calling the members. I go by certain principles and I stick to them. Unfortunately, some people get left out. I cannot help.

मैं यह बात सब सदस्यों के लिए कह रहा हूँ, सिर्फ आप के लिए नहीं कह रहा हूँ ।

imagine what a fertile ground is being created for the breeding of prostitution. In the galaxy of Hindu Gods, there are many who have got more than two wives. The author of Bhagawat Gita, acclaimed as the highest philosophic treatise all over the world, Lord Krishna was roaming around with thousands of Gopis. Even today this is depicted as the most vivid exposition of religious fervour. Is there any wonder that prostitution gets propped up by religious injunctions? I have referred to these things with a view to emphasising the urgent need for radically transforming our society, lock, stock and barrel, if we want to eradicate prostitution. We should have a rationalistic approach to this social problem.

Before a Bill of this nature is introduced, the Government would be well-advised to make a study of the existing social conditions and the steps to be taken to improve them not through legal measures but through social reforms. Even after 31 years of our independence, we have not considered it feasible to incorporate Right to Work in our Constitution. When there is no job opportunity and when there is a large family to be looked after, a helpless woman can trade only with her body. A business-man invests money. The suffering woman makes her body the capital and earns money for her and her family's living. The Government must not adopt a dog-in-the manger policy. The Government must have a time-bound plan to create job opportunities in the country. When the women are weaned away from prostitution, they must have alternative jobs.

Then, the stranglehold of casteism has also helped in the growth of prostitution in the country. The high-class people are able to appropriate all the amenities like medical etc. provided by the Government. The poor people have to fend for themselves. After our independence, many countries have become independent and within 5, 6 years their Gov-

ernments have been able to solve the problems of employment, housing etc. They have become self-sufficient. In our case, we are day in and day out confronted with the question of vastness of India. Who asks you to maintain such a vast country whose growing problems are not being solved by you? You can divide India into small countries and authorities like the local Governments to look after the needs of the people. Vastness is not an excuse for your inability to solve the people's problems. Here in this Bill, we are talking about establishing special courts for this crime of prohibition. The Central Government are not able to appoint special courts to try black-marketeers, smugglers and other anti-social elements and also those who have misused their power for personal benefit. Is the establishment of special court only answer for eradicating prostitution? There is no need for a special court for trying prostitution offences.

As the hon. Members have been demanding, I also suggest that this Bill must be referred to a Select Committee so that all these various suggestions can be considered in detail and necessary amendments can be incorporated in this Bill.

With these words, I conclude my speech.

डा० सुशोला नायर (झांसी) : उपाध्यक्ष जी, यह विधेयक बहुत लम्बे इन्तजार के बाद आया है। दस वर्ष तक एसोसिएशन फार मारल एंड मोशल हाइजीन की मैं स्वयं अध्यक्ष थी। पुराने कानून में बहुत कमियाँ हैं, यह बात हमने बार बार सरकार के सामने रखी थी। मारल एंड मोशल हाईजीन एसोसिएशन को छोड़े हुए भी मुझे काफी साल हो गए हैं। 1962-63 में मैं ने उस एसोसिएशन को छोड़ा था। इसका मतलब यह हुआ कि सरकार को इस तरामीन को पेश करने में 20—25 साल लगे लेकिन मुझे खेद इस बात का है कि इसमें भी बहुत कमियाँ हैं। जो बातें हमने बार बार सरकार के सामने रखीं उनको बिल्कुल नजरअंदाज कर दिया गया दिखाई देता है। कई साथियों ने कहा कि इसमें वैश्यावृत्ति ऐसी दिखाई गई लगती है कि शरीरत की सजा देने की जरूरत है या जो बीच बिचों-लिए इस अनाचार की प्रवृत्ति में काम करते हैं उनको सजा देने की जरूरत है या शहर के कुछ विशेष हिस्सों में से इस पाप को हटाने की जरूरत है

[श्री सुनीला नायर]

वहाँ कायद बड़े लोगों की कोठियाँ हैं, बड़े बड़े महल हैं, वहाँ से इस प्रवृत्ति को हटा दिया जाये या फिर सरकार के मन में क्या है वह मुझे नहीं मालूम क्योंकि इसमें कहा गया है कि कुछ हिस्सों को सरकार नोटीफाई कर सकती है कि यहाँ पर वैश्यावृत्ति नहीं होगी। इसका मतलब यह होता है कि हम लोग फिर से रीड-साइट एरियाज कायम करना चाहते हैं। बजाये इसके कि वैश्यावृत्ति के इस महान पाप को हम समाज से निकालने की कोशिश करें, बजाये इसके कि जो बहुत वैश्यावृत्ति के घनाचार का शिकार बनती हैं उनका संरक्षण करें ताकि वे इस नरक में न फँसें और पता लगाकर, उसका निराकरण करने का प्रयास करें, हम इस चिन्ता में हैं कि कैसे उनको ज़हर के भ्रमण हिस्सों में रख दिया जाये जहाँ पर कायद कुछ लोग जो स्वयं पर भी हो सकता है, ऐसी जगहों पर जाने वाले हों, लेकिन दुनिया की नज़रों में इज्जतदार दिखाई देना चाहते हों और अपने इलाके में इस प्रवृत्ति को होने देना न चाहते हों, ताकि वे वहाँ पर चूप चाप जा सकें। लेकिन यह बात इस जनता सरकार को शोभा नहीं देती है। जनता सरकार ने जनता के हृदय में बहुत सी धात्रायें उत्पन्न की हैं। जनता इस सरकार से बहुत कुछ धात्रायें रखती है। ऐसी हालत में क्या जनता सरकार का यह धर्म नहीं है कि इस देश में जो नारी का शोषण हो रहा है, सदियों से नारी का शोषण होता आ रहा है उसको बह समाप्त करे? इस शोषण को समाप्त करने के लिए वैश्यावृत्ति को सर्वथा निकालने की बात की जाये। क्या कारण है कि हम अपने यहाँ से वैश्यावृत्ति को समाप्त नहीं कर सकते, जब कई प्रगतिशील देश अपने यहाँ से वैश्यावृत्ति को समाप्त कर सकें हैं? आज सन् 1978 के अन्त में यहाँ पर यह बताया जाता है कि वैश्यावृत्ति को पूरी तरह से समाप्त नहीं किया जा सकता। क्यों समाप्त नहीं किया जा सकता? जो भी इसमें फँसी है प्रभावित है, उनको किसी दूसरे काम में क्यों नहीं लगाया जा सकता? चोरी डकैती और स्मगलिंग में लगे हुए लोगों के बारे में भी क्या हम यह कहेंगे कि नहीं, इसको रीथुनेट करने की ज़रूरत है, इसको समाप्त करने की ज़रूरत नहीं है? तब फिर वैश्यावृत्ति के बारे में भी यही चीज लागू होती है। मुझे विश्वास है कि दूढ़ता और मजबूती के साथ हमारी सरकार यह फैसला करे कि वैश्यावृत्ति में लगी हुई जो बहनें हैं उनको दूसरा धंधा देना है, उनको दूसरे काम में लगाना है, उनका रिहैबिलिटेशन करना है, और धागे से नारी का शोषण कोई भी न कर सके, इस बात की व्यवस्था करनी है, तो इस काम को यह सरकार नहीं कर सकती है—यह मैं मानने के लिए तैयार नहीं हूँ।

श्रीमन्, आज नारियों का शोषण कहां नहीं हो रहा है। गांवों में काम कर रही छोटी-छोटी लड़कियों का शोषण वहाँ के कमचारी करते हैं। दफतर में काम करने वाली स्त्रियों का शोषण होता है। अभी अभी मेरे पास कुछ स्त्रियाँ धाई थीं, जिन को मंहगाई के कारण काम करना पड़ता है। पति यहाँ पर है, उन का ट्रांसफर दूसरी जगह कर दिया जाता है। सरकार का नियम है कि नौकरी करने वाले पति-पतिन को एक जगह रखा

जाये, लेकिन इस के विरुद्ध काम किया जा रहा है। जब मंत्रियों से कहा जाता है कि इस तरह का काम किया जा रहा है, तब भी उन की कोई सुनवाई नहीं होती, क्योंकि जब धोरेतें घकेली दूसरी जगह पर काम करने जायेंगी, तो उन का शोषण करना ज्यादा आसान होगा। सरकार को इन सब चीजों की तरफ देखना चाहिये।

आज धाप जाति के नाम पर नौकरियों का आख्य का रिजर्वेशन कर रहे हैं—बिहार के बारे में हम ने अखबारों में पढ़ा है—वहाँ पर 3 परसेन्ट आख्य स्त्रियों के लिये रखी जायेंगी। मैं जानना चाहती हूँ—क्या समाज में स्त्रियों की संख्या 3 परसेन्ट है? जो धाप की जनता का 50 परसेन्ट हिस्सा है—उस के लिये 3 परसेन्ट नौकरियाँ रखना चाहते हैं, लेकिन कई जातियों के नाम से कहीं ज्यादा रखना चाहते हैं—यह सब क्या है? क्या यह बेन्द्रीय सरकार का काम नहीं है कि इस मौके पर अपनी धात्रायें बुलन्द कर के कहे कि यह चीज जो धाप कर रहे हैं—गलत चीज है, इस तरह में काम नहीं होना चाहिये?

मझे स्मरण है—1953-54 में श्री कैलाश नाथ काटजू केन्द्रीय सरकार में गृह मंत्री थे, उन्हें ने एक "चित्तडून्ज बिल" यहाँ पर पास करवाया। उस के बाद उन्हें पता लगा कि यहाँ दिल्ली में छोटी-छोटी सहकियों से वैश्यावृत्ति कराई जाती है। उस समय मैं दिल्ली सरकार में स्वास्थ्य, रिहैबिलिटेशन, धादि विभागों की मंत्री थी। मेरे पास यहाँ के डिप्टी कमिश्नर सन्देश ले कर धाये कि बहिनजी, काटजू सा ब ने कहा है कि हमें इन लड़कियों को निकालने के लिये छापा मारना है, आप अपनी कार्यकर्ता बहनों को हमारे साथ भेजिये, मैं पुलिस को इस में पता नहीं होने देना चाहता हूँ यदि पुलिस को पता लग गया, तो पहले ही उन को गायब कर दिया जायगा, आप इस काम के लिये अपनी कार्यकर्ता बहनों को हमारे साथ भेजिये। हमने बहनों को भेजा और उस एक छापे में—

we got 149 who were apparently under the age of 18 years from those brothels and dens of vice.

उन में हम ने देखा—एक औरत थी, जो विवाहित थी, उस के दो-तीन बच्चे भी थे, लेकिन उस का पति उस से यह धन्धा करवा रहा था, क्योंकि उस को पैसा चाहिये था।

हमारे सदस्य बाला पजनोर जी अभी यहाँ पर कह रहे थे कि आज हमारे यंगर-जेनेरेशन के स्टैण्डर्ड दूसरे हो गये हैं, उन को ध्यान में रखा जाना चाहिये। धरा पश्चिम की अच्छी बातों को हम नहीं ले सकते तो फिर पश्चिम की बुरी बातों को लेने की क्या आवश्यकता है? इस प्रकार "प्रामिसक्यूटी" को हम अपने समाज में बाखिल होने दें और बात करें यंगर जेनेरेशन की, कि इस तरह के स्टैण्डर्ड बन गये हैं, यह गलत

वात है। मैं इन सब बातों को नहीं मानती। हमारे बंगर और अंगरेजों के स्टेण्डर्ड अच्छे हैं या खराब हैं यह कौन फैसला करेगा। मैं मानती हूँ कि युवापीढ़ी आदर्श रखती है। उन को सही रास्ता दिखलाना प्रोल्डर जनरेशन का काम है, उन के शिक्षकों का काम है।

आज स्कूलों और कालिजों में नम्बर देने के लिये, डिप्लोमा देने के लिये लड़कियों का शोषण करने की बातें होती हैं। मेरे पास ऐसे मां-बाप आये हैं, जिन्होंने कहा है कि हमारी लड़की का अमुक कालिज से ट्रांसफर करवा दीजिये, वहाँ के परीक्षा के लेने वाले हमारी लड़की को पास नहीं होने देंगे। लड़कियों के साथ इस प्रकार का अनाचार करने की कोशिश की जाती है, लड़की यदि रजामन्द नहीं होती तो उस को फेल कर दिया जाता है। यह सब इस लिये होता है कि समाज में हम ने यह मान लिया है कि इस प्रकार की बातें तो चलेंगी ही सेक्स वायलोजिकल-अर्ज है। वायलोजिकल-अर्ज के नाम पर अनाचार करना, स्त्रियों का शोषण करना और जैसे स्त्री उन के भोग की सामग्री है—इस प्रकार का वातावरण खड़ा करना, भारत की संस्कृति के खिलाफ है और हमारी जनता पार्टी के सिद्धांतों के संबंधा खिलाफ है।

मैं चाहूँगी कि मंत्री महोदय इस पर गहराई से विचार करें, इस बिल को तेजी से पारित करने की जगह, इस को प्रवर समिति का भेजें, जसा कल हमारे भाई डा० रामजी सिंह ने कहा था। मेरे पास ये 20 नाम हैं—मैं आप को पढ़ कर सुना देती हूँ

MR. DEPUTY-SPEAKER: This is not the time for moving a motion for reference to the Select Committee. You have made the suggestion.

DR. SUSHILA NAYAR: If the Minister agrees...

MR. DEPUTY-SPEAKER: You need not mention those names.

DR. SUSHILA NAYAR: I will pass them on to the Minister and I will ask him to do it; rather than my moving this motion and mention these names, let him move the motion with such changes in the names as he wishes to make.

मगर मुझे लगता है कि इस बिल का काफ़ी हद तक सुधार जा सकता है। मैं ने सुना है कि मंत्री महोदय का यह कहना है कि एक काम्प्रोहिंसिव बिल लाएँगे, तब इस के बारे में सोचेंगे। प्रभु जाने, उस के आने में कितने वर्ष लग जाएँ। अभी जो बिल हमारे सामने है, उस को ही हमें दो, चार या छः महीनों के अन्दर ज्यादा अच्छा कर सकते हैं, जिस से हमारी बहनों को कुछ राहत मिल सके। बहुत दिनों से समाज सेवा में काम

करने वाली हमारी बहनों को यह आशा थी कि हमारी जनता सरकार कुछ ऐसा कानून लाएगी जिस से इम-मोरल ट्रेफिक को जो लड़कियाँ शिकार होती हैं, उन को राहत मिलेगी। कहां कहां से इस काम के लिए लड़कियाँ लाई जाती हैं? आसाम से, ट्राइबल एरियाज से और हिल एरियाज से वे आती हैं। उन को संरक्षण मिलना चाहिए। आज जो हमारी व्यवस्था है, उस में यह नहीं हो सकता है। कुछ चीजें इस विधेयक में अच्छी लाई गई हैं लेकिन इस विधेयक को और भी अच्छा बनाया जा सकता है अगर मंत्री महोदय इस को प्रवर समिति में भेजने के लिए तैयार हो जाएँ तो। अगर वे इस बात के लिए तैयार हो जाते हैं तो उन के प्रति हम सब लोग बहुत कृतज्ञ होंगे और जो हमारी बहनें इस नर्क में पड़ी दुखी हो रही हैं वे मां-बाप, जिन की लड़कियाँ उड़ाई जा रही हैं, वह समाज जिस की लड़कियाँ विदेशों में अनाचार के लिये भेजी जा रही हैं बेचो जा रही हैं, वे सब मंत्री महोदय और इस सरकार के शुक्रगुजार होंगे।

इसलिए मेरा विनम्र निवेदन है कि मंत्री महोदय हमारी प्रार्थना को स्वीकार करें और इस विधेयक को प्रवर समिति में भेजने की कृपा करें।

इन शब्दों के साथ मैं इस बात का स्वागत करती हूँ कि हमारी सरकार कुछ आगे कदम बढ़ाने का प्रयास कर रही है लेकिन वह बहुत कम है, बहुत इनसफ़ी-शियन्ट है और जो आवश्यकता है, उस को वह पूरा नहीं करता। इसलिए इस विधेयक को और सुधारने के लिए प्रवर समिति में इस को भेजने का अनुरोध मंत्री महोदय से करती हूँ।

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): Sir, in course of the debate on the general principles of this Bill many noble sentiments have been expressed in this House. Similar sentiments have been expressed by many people in many ages, in many countries. But unfortunately the evil of prostitution continues.

I have no dispute with the sentiments and I fully share with the hon. Members the sentiments which have been expressed, but as I told this august House at the beginning, the scope of this Bill is very much limited. If it is intended to have some Bill which will ban prostitution altogether, then it cannot come by way of amendment to this particular Act, but there may be a comprehensive law keeping in view various aspects of the problem because unless we are

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aware of the causes which lead to prostitution, it is not possible for us to provide machinery and other provisions for meeting those problems. Now, let us see what these problems are. Of course, many hon. Members have suggested that poverty is one of the major factors. To some extent this is true, but this is not wholly true because as an hon. Member rightly pointed out, we should not try to bring into disrepute millions of poor ladies in our country who are paragons of virtue and many other hon. Members also have pointed out that there is incidence of prostitution even in the richer section of society. So we do not have any single factor which can diagnose the problem in all its aspects. As a matter of fact, the Committee on the Status of Women which has been referred to from time to time particularly by the hon. Member, Shrimati Bibha Ghose Goswami, has tried to summarise the causes which lead to prostitution.

I quote:

(a) Natural events such as death of father/mother/guardian/husband or relatives;

(b) Economic causes such as poverty and destitution;

(c) Domestic causes such as ill-treatment or neglect by parents, husband, or relative;

(d) Social causes such as kidnapping, seduction, deception, bad influence;

(e) Causes of physiological significance such as sexual urge, illegitimate pregnancy etc.

(f) Causes related to mental disposition of attitudes such as ignorance, desire for an easy life and moral values."

So, you will notice that there are multifarious causes and factors which lead to prostitution and the scope of the Bill is very much limited. It can-

not touch all these factors or causes and meet the problem from all these different angles.

It has rightly been pointed by many hon. Members that the whole thing depends upon basic changes in our socio-economic conditions. Mrs. Bibha Ghose Goswami referred to the cases of China, Soviet Russia, Viet Nam and many other socialist countries where there has been real social revolution. I had occasion to visit the People's Republic of China and in Shanghai we were taken to one of the homes where former prostitutes were kept, but they were being trained for the purpose of earning their living in a proper manner. So, unless there is basic social and economic change in our country, the real purpose will not be served simply by having various measures introduced even in a comprehensive Act. We have tried to pass several social legislations for the prevention of dowry, restriction of child marriage, widow re-marriage etc., but it has not been possible for us to bring the desired results.

Again, some of the hon. Members rightly pointed out that much depends on education, and education of the proper type I should say, because other hon. Members have also pointed out that there are cases of call girls who come from educated families. Therefore, it is not right to say that simply by having education it will be possible for us to meet this menace. I tried to point out the seriousness of the problem and the complexity of the causes which lead to prostitution.

So, in this Bill if we try to bring in all these matters, it will go against the scope of the Bill, and ultimately we may require a fresh Act, which will not be an amending Bill of this nature. This I would like the hon. Members to consider very carefully.

It is not correct to say that nothing has been done to consult the public in this matter. We have not got this Bill all of a sudden. As hon. Mem-

ber Dr. Sushila Nayar, who was herself Minister of Health and also for a long time President of the Association for Moral and Social Hygiene which has now changed its name to Association for Social Health in India, has indicated, for about 20 years people have waited for a measure of this type. Ever since this Act came into force in 1958, complaints had been received against it. Then various State Governments were from time to time consulted, then expert groups were set up by the Social Welfare Department, and they considered the different aspects of the problem. Then again, there was this Committee on the Status of Women in India, and they have in their report at paragraphs 3.313 to 3.334, in all these long paragraphs, elaborately considered the different aspects of the problem, and towards the end, they have said:

"It is important that certain changes be made in the Act to help eradicate this social evil."

So, the Committee also suggested what changes should be made in the Act. More than that, the Sixty-fourth Report of the Law Commission deals entirely with this particular Act.

An hon. Member has referred to the 64th Report of the Law Commission. It has elaborately gone through each of the sections of this Act. Taking all these things together, we have come to the conclusion that the Act has been discussed at national level. Similarly, those associations, which I have, referred to just now, viz., the Association for Moral and Social Hygiene in India and the Association for Social Health in India which has succeeded it, have made some suggestions to the Government and after discussions, this particular Bill has been brought before this august House after 20 years. The Bill has been largely based on the important Report of the Law Commission viz., the 64th Report. I have not brought this Bill of my own sweet will. The provisions which are incorporated here are not based on my own ways of

thinking. We have based this Bill almost entirely on the Report of the Law Commission of India, viz., the 64th Report. I will, therefore, most humbly request the hon. Members to consider this aspect of the case.

Then there are many points which have been mentioned during the debate. But as we are discussing the general principles, it is not proper on my part to give replies to all the various other points which have been made.

But I should submit that this Bill was introduced by me in the last session of the Parliament and there had been a long gap between the two sessions of Parliament. If there had been any lacuna in this Bill, I should have expected that amendments would have come and we would have got time to discuss some of those amendments. But that has not come. Now the position is that a suggestion has been made that we should refer this Bill to a select Committee. As you know, even if the Bill is referred to a Select Committee, it cannot go beyond the scope of the Act and also the amending Bill which seeks to rectify the defects of the Act. The Select Committee, for instance, cannot tackle the question of abolition of prostitution because the purpose of the Act is very much limited, as the Law Commission itself has clearly pointed out in page 6 of the 64th Report. I quote:

"In short--(i) profiting by the prostitution of another person, or

(ii) exploiting another persons for prostitution, or

(iii) soliciting in a public place etc. are the broad categories of the main offences created by the Act. But a woman or girl who offers her body for hire, without soliciting or doing any of the other acts mentioned in the penal sections, is not guilty of an offence under the Act. The Act, thus, stops short of banning prostitution absolutely and

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deals with only certain specified and concrete forms of immoral conduct..."

So no ultimate purpose or useful purpose will be served by referring this Bill to a Select Committee. As I could understand from the trend of the discussion, if it is intended to ban prostitution altogether, that will go beyond the scope of the Act and no Select Committee under our present system can deal with it. Therefore, if it is intended by the House that a comprehensive Bill may be considered, any private Member can bring such a Bill or if some such draft or model Bill can be sent to me, we can consider that along with this particular Act. It is not difficult for the House to have a broader Bill and in that Bill, it may be possible to consider this particular Act, as amended by the House and incorporate the provisions of the Act of 1956, as amended, in that broader Bill. But this is a time-consuming process. Already twenty years have passed. Already so many important Committees have said that the real purpose of the Act, even in its limited scope cannot be achieved because of certain lacunae. So, we have brought this Bill before this House for consideration. Without further continuing my speech, I would most humbly request the House, as I have already moved, that the Bill be taken for consideration.

SHRI VASANT SATHE (Akola): Even within the limited scope of this Bill, what prevents you from making a provision—as you said, you cannot ban it—but wherever prostitution is there, why can't you take certain measures to see that at least—as I pointed out in my speech—from physical and health point of view, venereal diseases are not spread and you take care of that. At least that much could have been brought within the scope of this Bill. Why can't you do that?

DR. PRATAP CHANDRA CHUNDER: The suggestion made by the

hon. Member is very good. As I understand, there are many provisions in the State Acts also regarding health and other matters. But, as I said, the scope of the Bill is limited to suppressing immoral traffic in women and girls. Therefore, the suggestion does not fit in with this purpose although his suggestion is very vital and valid.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: We now take up the clause-by-clause consideration of the Bill. There are some amendments. Is Mr. Narasimha Reddy here? He is not here. So, I will put all the clauses together to the vote of the House.

The question is:

"That Clauses 2 to 20 stand part of the Bill."

The motion was adopted.

Clauses 2 to 20 were added to the Bill.

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

DR. PRATAP CHANDRA CHUNDER: I move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.