

Mr. Deputy-Speaker: Because it has not been laid on the Table as yet.

Shri Feroze Gandhi: There was one copy which I have taken.

Mr. Deputy-Speaker: As the House is aware, there will be special Government business from 4-30 to 5 P.M. Therefore, non-official business shall commence at 2 O'clock. The hon. Member who has to move must be present at that time, so that the time might not suffer.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): About the Proclamation on Kerala State the hon. Minister for Parliamentary Affairs has not stipulated the time. We would like to know how much time would be available.

Shri Satya Narayan Sinha: Five hours has already been announced.

Mr. Deputy-Speaker: That has been announced and approved by the House.

SUPPRESSION OF IMMORAL
TRAFFIC IN WOMEN AND GIRLS
BILL—concl'd.

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 29th November, 1956:

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

Shri Raghavachari may continue his speech, which was not concluded yesterday when the Lok Sabha rose.

Shri Raghavachari (Penukonda): I was making certain observations

on this Bill yesterday evening. I was particularly referring to the title of the Bill being very appropriate because the scope of the Bill is not to root out or abolish this bad disease from society, but more to suppress the traffic, and I was mentioning my apprehension that this "suppression etc. Bill" might only drive this activity underground and not necessarily achieve the healthy purpose that is desirable.

I have gone through the provisions of this Bill very carefully and to my mind it looks as though the framers of this Bill have put into it all conceivable punishments and restrictions and restraints on the persons either involved in it directly or trying to aid or bring about this business to continue in society. It is such a delicate matter where any amount of restrictions and any number of clauses providing for punishment may not really prove successful. But the real thing to consider is what exactly are the causes for the prevalence of this disease and how those causes can be removed. Some hon. Members may say that mostly it is due to the economic dependence or the helpless economic situation of a number of our women population. I agree to it mostly. But to my mind, it looks as if this is entirely or exclusively an urban problem. My impression is that this is not much prevalent in the rural areas as in the urban areas. It is more a matter which is confined to places of resort, to places of commercial importance, to ports and cities.

So, in this sense, it is really an urban problem, and it has assumed very large proportions. As civilisation advances, and as people gather in the towns, this institution spreads gradually. In the olden days, generally, it was confined to a particular street or to a particular locality. But, unfortunately, as the congregation of people went on increasing, this institution also spread into streets and lanes, and I may even say, into quarters where even decent people are living. That is rather unfortunate. So, the best

course would be, no doubt, to prevent it and express society's disapproval of the institution in all aspects.

There are provisions in this Bill which may simply satisfy the framers that they have forged an instrument which is expected to do the trick. But my own impression is that many of these provisions are rather very rigid, and I would say also that the punishments proposed are very severe and harsh.

There is, however, one good thing which the provisions of this Bill contain, and that is that in most cases discretion has been given to the courts to use the powers in regard to probation, the powers of admonition, the powers of demanding good behaviour, and also the provisions similar to section 562 of the Criminal Procedure Code. These things take away a little of the severity, and I hope that possibly the courts will make use of these provisions more literally rather than resort in the very first instance to inflict punishments for a minimum period of two years, five years and so on as provided in the Act.

Then, I feel that the provisions of this Bill are such that, if this Bill is really put into effect and administered very efficiently, the life of the people who might be found to have erred once and who might be caught into the arm of the law may become miserable thereafter; and their position in society may become intolerable. For, there is a provision that the courts may ask them to give their change of addresses for the next five years. There is also the provision that they will be taken away to a protective home or something like that. My fear is that if all such people are gathered at one place, then, correction or reformation becomes very difficult. The real solution is that there must be a number of such homes in almost every urban area, not one but more than one. The provision in this Bill is to the effect that the States may have an institution of this kind. I would expect that there should be more of

such institutions in every place with a population of one lakh and more. These institutions are very essential in such places.

Under the provisions of this Bill, a special police officer is being contemplated to carry out the purposes of this measure, and he may be assisted by a number of persons. That would ultimately mean that the ordinary police constables will be assisting him, and we shall be entrusting the life and fate of these people to the whims and fancies of those ordinary police constables, who might themselves not be persons who would sympathise with the objective of uprooting or abolishing this evil, but who might be persons who might take advantage of such an institution. Therefore, I would suggest that the special police officer as well as the other police officers who may assist him must, as far as possible, be women. That would minimise the severity of the provisions as also any possible misuse or abuse of those provisions. Although it may be difficult immediately to get such efficient women police officers, yet, Government, who are training so many persons every day, might recruit proper people of good status, of good equipment and good culture, to man these offices and also must be uplifted by love and sympathetically more with an eye to correct and reform rather than with a view to punish the offenders.

Since, mostly, this disease might be the result of the economic dependence or the helplessness of those people who are unemployed or who are not happily married, I would suggest that such people also may be encouraged to get training in these protective homes, so that they may find for themselves a useful and an honourable occupation in life, which will reduce the chances of the prevalence and spread of this disease.

Then, I would suggest that a corrective by way of public opinion is also very necessary. Thereby I mean that there must be education of the public to abhor this evil. It is not

[Shri Raghavachari]

that society sympathises with these things. In fact, the old notions in India continues even today, and it abhors this practice and this business. But modern trends are more conducive to the spread of this disease to a greater and greater extent, in the absence of that feeling of the pricking of the conscience. Our modern cinemas, our modern way of life, our modern tendencies, our modern beliefs and our modern ideals, —all seem to take away something of the sanctity attached to chastity, faithfulness and its place of honour. Unfortunately, these things are slowly loosening themselves, and naturally, our law must suit itself to the changing society as it grows. Now, we have technical advancement of all kinds, of aids for getting into this bad business, without the consequences provided by nature in the state of children (which themselves were a check) and so on. So, the more science advances, the more these notions gather ground, the more this business spreads into society. Therefore, better education, education of the right sort, according to the old ideals of paying regard and respect to chastity and faithfulness, is absolutely necessary. But, this is not a matter which can be done in a day or by one individual. As I have said already, we must have more and more homes for training them and for fitting them for profitable occupations, as well as a number of corrective institutions. If these institutions are to be successful, they must be, naturally, in the hands of women of the right status. I would particularly request the Government that they do train up the required personnel for the administration of these homes. They should be mostly women, and only in exceptional cases, men. Otherwise, the very institution may result in the abuse which we want to drive away. It may go from particular places and concentrate in another place.

I object to the provision relating to search without warrant, the search of houses by police officers.

It is said that urgency requires that. There may not be such an urgency created all of a sudden because it is promiscuity and the habitual thing that constitutes the offence. **There is** no need for a police officer to enter a house for search without warrant. It is said that within 200 yards of public places like schools, hospitals or some other institutions an arrest can be made. It is likely to lead to great oppression; it may become an engine of oppression. Particularly, in big cities if you go on circling places within 200 yards of schools and other institutions, then the whole city will be included in that. Therefore, you can enter any place without warrant at any time. It must always be that before you search any place the warrant must issue from a magistrate who might be expected to have given some thought to this matter, before he issues a warrant.

I would also urge the abolition of all these things, such as the giving of security and the reporting of addresses etc. It is likely to condemn these people in the eyes of the public and there will be no urge for them to correct themselves once you point them out to society as permanently condemned people. After all, society must be uplifted by love and sympathy rather than by putting them up contemptuously before the public as condemned people. I would therefore urge that aspect also to be considered by Government.

I certainly welcome the Bill. It creates an amount of public opinion that anybody who tries to behave in an unsocial way will not get any sympathy but will be liable to be prosecuted.

Mr. Deputy-Speaker: I see there is a desire on the part of a large number of Members yet to speak but we have very little time left. All support this Bill. I do not know whether that could be done only by an expression of opinion. I do presume that everybody is in favour of passing it as early as possible. It is to be concluded by 2 o'clock.

The Minister in the Ministry of Home Affairs (Shri Datar): And the general discussion should be finished by 1 o'clock.

Mr. Deputy-Speaker: Yes, and the general discussion should be finished by 1 o'clock.

Shri N. E. Muniswamy (Wandiwash): There are a few who oppose it. They may get at least 5 minutes.

Mr. Deputy-Speaker: If hon. Members agree, certainly, all can be accommodated.

Shrimati Sushama Sen (Bhagalpur South): Those who were on the Select Committee need not speak; others may be given the chance.

श्रीमती उमा नेहरू (जिला सीतापुर ब-जिला खेरी पश्चिम) : उपाध्यक्ष महोदय, मैं इस बिल का स्वागत करती हूँ। इस बिल को हम ने सेलेक्ट कमेटी (प्रवर समिति) में अच्छी तरह से देखा, और हर पहलू को देख कर हम ने इस को सुधारों और उसके बाद खुशी का दिन है कि कुछ अर्थों के बाद यह इस हाउस के सामने आया है। मुझे यकीन है कि जब यह बिल यहां पर पास होगा तो उस से समाज का बहुत लाभ होगा। हांलाकि मुस्तालिफ दलीलें भी मैं ने सुनीं लेकिन मैं देखती हूँ कि सब लोग इस बिल की सपोर्ट में हैं। यह बिल प्रास्टिट्यूशन (वेश्या वृत्ति) को खत्म करने के लिए नहीं मालूम देता है, लेकिन इस बिल के जरिए से प्रास्टिट्यूशन और ट्रैफिक इन वीमेन एंड गर्ल्स (स्त्रियों तथा लड़कियों का अनैतिक पण्य) के साधनों से उन को खत्म करने के लिये हम जरूर खड़े हुए हैं। मगर फिर भी नियत हमारी यही है कि हमारे देश से प्रास्टिट्यूशन खत्म हो जाए।

असल बात तो यह है कि जब तक आप समाज में उलट फेर नहीं करेंगे तब तक प्रास्टिट्यूशन की जो खराबी है वह खत्म नहीं हो सकती है। जब तक स्त्री और पुरुष एक ही लेबल पर नहीं होंगे, जब तक देश में स्त्री की इज्जत उतनी नहीं होगी जितनी पुरुष की होती है तब तक इस प्रास्टिट्यूशन का खत्म होना बहुत मुश्किल है। मैं जानती हूँ कि जो यह ट्रैफिक

इन वीमेन एंड गर्ल्स हम बन्द करने जा रहे हैं उस में मुमकिन है कि नतीजा यह हो कि प्रास्टिट्यूशन हमारे सामने न दिखलाई पड़े, और अन्दर चला जाए और एक नासूर की तरह से मुल्क में इधर उधर फूटता दिखाई पड़े। लेकिन इस के यह माने नहीं हैं कि हम इस के लिए कदम न उठाएँ। हम ने तो विचार कर लिया है कि हम की इसको बिल्कुल खत्म करना है। बात यह है कि जब हम प्रास्टिट्यूशन को देखते हैं तो समझते हैं कि असल में यह अमीरों की बीमारी है, रईसों की बीमारी है, और यह आज से ही नहीं है बल्कि सदियों से, युगों से चली आ रही है। उस के बाद हमारे अन्दर यह क्याल आता है कि हम किस तरह से इस को रोकें। रोकने का ढंग हमें एक ही दिखाई देता है, और वह यह है कि समाज को बदला जाए। इन छोटे छोटे रिफार्म्स (सुधारों) से काम नहीं चलेगा, आप को समाज में उलट फेर करना होगा, तभी आप इस बात को रोक सकते हैं। इस के सम्बन्ध में हमारे सामने यह बात आती है कि जो स्त्री सदा से पूजनीय कहलाती है, इस देश में जो आदरणीय कहलाती है, आज उस स्त्री की यह इज्जत है कि वह इस तरह से बरती जाती है। मैं तो सरकार से यह कहूंगी कि जब आज सरकार इस प्रथा को खत्म करने के लिए खड़ी है तो पहली चीज उस को यह करनी होगी कि वह देखे कि आखिर स्त्री क्यों इतनी गिरी। उस की सामाजिक और आर्थिक स्थिति सरकार को बदलनी चाहिए। सरकार को वर्क हाउसेज, और नर्सरी होम्स ऐसी चीजें चलानी चाहिए ताकि औरतों को काम मिल सके। औरतों की इज्जत हो और वह आगे बढ़ें। यह तभी होगा जब उन की आर्थिक स्थिति को आप बदलेगे। उन की दशा को बदलने के साथ साथ जो समाज सेवक या वर्कर्स देश में इस के लिए काम करेंगे उन की पूरी मदद आप को करनी होगी। जब तक इस काम के लिए सोशल वर्कर्स आगे नहीं बढ़ेंगे तब तक कोई काम नहीं हो सकता जब तक आप स्त्रियों के लिए वर्क हाउसेज नहीं बनाएंगे तब तक कोई फायदा नहीं हो सकता है।

[श्रीमती उमा नेहरू]

मैं आप को बताऊँ, मैं ने सुना था कि वृंदावन में स्त्रियाँ बेची जाती हैं। मैं खुद वृंदावन गई और वहाँ जा कर देखा एक जगह कि एक कैपिटलिस्ट (पूँजी पति) मारवाड़ी है। उस ने एक बड़ा भारी हाल बनवाया है। जब स्त्रियाँ विधवा हो जाती हैं। नौजवान विधवाओं को लाकर वह वहाँ छोड़ देते हैं और कहते हैं कि तुम अपना जन्म यहाँ बिताओ, भगवान का नाम लो और यहाँ रहो। उस मारवाड़ी कैपिटलिस्ट ने क्या किया है कि उन स्त्रियों को उस हाल में बिठाता है और वह स्त्रियाँ वहाँ पर “हरे राम” और “हरे कृष्ण” का भजन करती हैं। खरीदार वहाँ आते हैं, वह लोग उन को वहाँ पर पसन्द करते हैं और वहाँ पर वे बिकती हैं। मैंने खुद इस चीज की जांच की है और स्त्रियों से भी मैंने बात की है। उसी के आघार पर मैं इस चीज को आपके सामने रख रही हूँ। इस तरह की चीजें होती देखकर बहुत ज्यादा तकलीफ होती है। इस तरह का नज़ारा बहुत ही दुःखदायी नज़ारा होता है। वहाँ पर हमारे कैपिटलिस्ट भाई उनको खरीदते हैं और कैपिटलिस्ट भाई ही बेचते हैं। इस तरह से स्त्रियों की बेइज्जती होते देखकर सचमूच ही बहुत दुख होता है।

इस तरह की और भी कई मिसालें हैं और अगर मैं उनको बयान करने लगूँ तो काफी समय इसी में व्यतीत हो जाएगा। मेरी अपनी स्पष्ट राय यह है कि हम को कानून को सक्ती से अमल में लाना चाहिए। मेरी राय यह भी है कि हमको किसी भी चीज पर परदा नहीं डालना चाहिए और जो बात हो उसे साफ साफ कहना चाहिए और जो असलियत है उसे समाज के सामने आना चाहिए। मुझे अफसोस के साथ कहना पड़ता है कि यह जो प्रथा है यह प्राचीन काल में थी और आज भी हमारी आँखों के तले, हमारी नाक के तले यह चीज हो रही है। हम बड़े बड़े रईसों को, बड़े बड़े अफसरों को, बड़े बड़े लीडरों को इस कर्म को करते हुए देख रहे हैं। हम अपने

एम० पी० (संसद सदस्य) भाइयों को भी इस काम को करते हुए देख रहे हैं। इसकी हमारे सामने मिसालें मौजूद हैं। लाज और शर्म के बारे में हम इन सब चीजों को बयान नहीं कर सकते हैं। अगर हमारा बस चलता तो मैं आपको बताऊँ कि हम खुद जाकर पुलिसमैन का काम करके उनको गिरफ्तार कर लेती।

यहाँ पर कल चीन की चर्चा हुई। मैं भी चीन गई थी। वहाँ पर जा कर मैंने इस के बारे में अच्छी तरह से जांच पड़ताल की है। चीन में न मुझे कोई प्रास्टिट्यूट दिखाई दी और न ही कोई फकीर जिस को मैंने हाथ फैलाये हुए देखा हो। वहाँ पर जिस वक्त सरकार ने यह सोचा कि प्रास्टिट्यूशन बन्द होना चाहिये, उसी वक्त उसने वर्किंग होम्स बना दिये, नर्सरी बना दीं और एजुकेशनल इंस्टीट्यूशन में और दूसरी जगहों पर इनको काम पर लगा दिया। जिन औरतों ने जरा सा भी ढीठपन किया या जो पुरानी मुजरिम थीं उनको जेल भेज दिया। वहाँ पर उनको मारेलिटि की शिक्षा दी। इस तरह से वहाँ पर सरकार ने इस प्रथा को समाप्त कर दिया है। यह बात कहना कि वहाँ पर यह चीज ऊपर से खत्म हुई है और अन्दर कहीं पर है, यह मैं समझती हूँ ठीक नहीं है। चीन के प्रधान मंत्री जो आज कल यहाँ हैं, उन्होंने ने भी मुझे यही बताया था चीन की औरतों से भी मेरी बात चीत हुई है। उन्होंने ने मुझे कहा अगर चीन की कोई भी औरत प्रास्टिट्यूशन करेगी, तो यह चीन के लिये एक जलालत की बात होगी। एक बात और है। वहाँ पर स्त्रियों की डिगनिटी (गरिमा) बहुत ज्यादा है। मैंने जब उनसे यह सवाल किया कि क्या कारण है कि चीन की औरतें इधर उधर बहुत कम दिखाई देती हैं तो उन्होंने ने जवाब दिया कि चीन में स्त्रियों का अपना एक स्थान है, उनको अपनी इज्जत है। वहाँ पर स्त्रियों को इस बात का ज्ञान हो गया है कि उनको अपनी इज्जत है।

उन्होंने ने कहा कि हम अपने पतियों से अगर कहीं से कोई बुलावा आता है और उस में मिसिस को भी बुलाया जाता है तो नहीं जाती हैं। हम मिस्टर और मिसिस के फेर में नहीं पड़ती हैं। अगर हम को कोई बुलाता है तो हमारी जो इंडिज्जुएवलिटी (व्यक्तित्व) है, उस पर ही जाती है, किसी की पत्नी हो कर हम नहीं जाती हैं। जब स्त्रियों में यह ज्ञान होगा, जब उन की इस तरह से इज्जत होनी शुरू हो जायेगी तो प्रास्टीट्यूशन आप से आप खत्म हो जायेगी।

उपाध्यक्ष महोदय : पति को भी मना कर दिया जायेगा कि वह पति हो कर न जाये।

श्रीमती उमा नेहरू : पति और पत्नी में कोई भेद नहीं है। पति का हाथ हमेशा ही ऊपर रहता है और पत्नी का नीचे।

अन्त में मैं सरकार से यह कहना चाहती हूँ कि जितने भी सोशल बिल्स (सामाजिक विधेयक) हमारे सामने आये हैं और जो अभी तक पास नहीं हुए हैं, उन सब को वह इसी सेशन (सत्र) में पास करवा दें। मैं यह भी चाहती हूँ कि सरकार पूरी ताकत के साथ इन कानूनों को अमल में लाये। सरकार जो पुलिस इन कानूनों को अमल में लाने के लिये मुकर्रर करे, चाहे वह स्त्री पुलिस हो या पुरुष पुलिस, उस पुलिस को आप को खास किस्म की शिक्षा देनी होगी, उस पुलिस को आप को खास तौर से इस काम के लिये ट्रेन्ड करना होगा। पुलिस की हम को इस काम के लिये जरूरत नहीं है जो चोरों और डाकुओं को पकड़ती है। मेरा ख्याल है सरकार इस ओर खास तौर से ध्यान देनी

मैं आनरेबल मिनिस्टर साहब को बचाई देती हूँ कि उन के हाथों से यह बिल पास

होगा। हम जो स्त्रियाँ हैं वे तो कोशिश करेंगी ही कि यह जो कलंक का टीका है वह देश के माथे पर न रहे लेकिन सरकार को भी इस को मिटाने के लिये पूरा पूरा प्रयत्न करना चाहिये।

Shri L. Jogeshwar Singh (Inner Manipur): Mr. Deputy-Speaker, Sir, I am very grateful to you for having been given the opportunity to speak on this Bill. I only wish to speak with regard to certain parts of the Bill. The main question with regard to the suppression of immoral traffic is that we have to look to the social and economic background of these people. We see thousands of prostitutes in India and more particularly in cities, suburbs and towns and in the underdeveloped and backward areas. In the tribal areas, especially their social habits and customs are quite different from the rest of the people. We know how things are going on here. Hon. Members who are coming from other parts of India know about the conditions which are prevailing in their respective areas. So far as the conditions and customs in the tribal areas are concerned, I think that hon. Members know that there is free association among the people. They experience no difficulty at all to mix freely with each other. But the so-called civilized people from the plains and other parts of India go there for sight-seeing purposes, especially in the hill stations during the summer; they spend their time there and encourage prostitution in this part of the country. Because of their poverty and social conditions as well as the peculiarity of their character the people fall a prey to these immoral practices. The Police authorities also lack vigilance and the administration is not very effective with the result that these nasty things are practised there more freely. I wish to lay stress on the fact that these crimes are being committed in the hill stations with a certain amount of freedom. The touts are very active in receiving visitors and they live on the earnings of these innocent women who serve as prostitutes. I think that

[Shri L. Jogeshwar Singh]

the main purpose of this Bill will be thwarted, if we do not take into account the condition of the tribal areas, where these crimes are committed. As this question is purely economic, I would suggest that the matter should be taken as a 'national' problem. If we pass this Bill without at the same time providing the means to enable them to earn their livelihood, I think, the purpose of this Bill would be defeated.

The reason why I say so is this. I have travelled through a large part of the tribal area. I have also visited the city and town areas. I find that economic activity in the tribal areas is comparatively very poor. The economic conditions of the people living there are not improved. At the same time, certainly in the eastern and northern parts of the country the tribal population is very large and there are very beautiful ladies there.

Shri Achuthan (Crangannur): So he does not want people to go there?

Shri L. Jogeswar Singh: People go there and commit crimes and vice. Of course, I do admit that there are other people who go there and do good work for the uplift of the tribal people. I do not say that people are not doing good work there. They go there on social missions and with a view to implement economic programmes and so on. There is work done for the social uplift of the people in the tribal and hilly areas. Such people are welcome there.

But then there are others also. Just now I heard Shrimati Uma Nehru say that Marwari capitalists were also doing such things. This area is a paradise of such people. They earn money in the towns and go to the hills and spend it there. They entice the innocent girls. They encourage prostitution.

My submission is that this question has a major economic aspect. There are unemployed young men who go to these areas. There are touts there. They make their living on the earnings of the prostitutes. They encour-

age prostitutes. So whenever we try to tackle this problem, we must bear in mind this aspect also. These are the areas where tourists and businessmen go to spend holidays.

Then there is another point. I have seen, especially in the eastern part of the country, that unattached refugee camps have become the paradise of prostitutes. How has it taken place? Single persons, widows who have got no husbands, are kept there. Here is a source for carrying on prostitution.

So whenever you want to rid the country of the evil of prostitution, you should remember that moral rearmament is necessary. It is not only economic improvement that is necessary; moral rearmament is also necessary. Moral rearmament of all people, beginning from the high official down to the chowkidar, is necessary because they are all involved in this dangerous and shameful crime. Merely by passing this Bill we are not going to achieve anything. We should propagate among the innocent girls the evils and the harm that result from this profession. We should make them understand what injury and damage are caused to the health and morals of the girls. This should be brought home to our innocent people.

Then there is one point regarding protective homes. These homes will sometimes be very dangerous. They may become prostitute's houses run on a large scale. Why should we leave this matter to protective homes? This is a national problem. There are many prostitutes's colonies existing in the country. There is no prohibition. People may go there at daytime also. Then there is no registration throughout. Registration is there only in big cities and towns.

As I said, the mere passing of this Bill will not do. We must tackle the question of giving employment to these thousands of prostitutes. If we want to provide employment to these people, we should not leave them to the protective homes. The States

should take the problem in their hands. These protective homes should be run directly by the States and not left to any other agency. I would say that the States should take the entire responsibility for this upon themselves. That is the only solution to the problem.

Therefore, although I welcome this Bill, I would say that we should go into the root of the social and economic conditions and habits of the people. We have to undertake moral rearmament and we have to educate them. The States should take over all the protective homes. This is a national problem and should be tackled on the basis of a national plan. So I suggest that large sums should be provided under the Second Five Year Plan for this purpose. If you want the eradication of prostitution to be successful, you should provide large sums, as you are doing for irrigation, railways and so on, under the Second Five Year Plan for the purpose. Otherwise, the legislation will only remain in black and white; the scheme will not be successful.

Shri N. R. Muniswamy: I shall be very brief in my observations.

The caption of the Bill is "The Suppression of Immoral Traffic in Women and Girls Bill". But I do not find throughout this Bill any definition of 'immoral traffic'. Though we know the definition of 'woman' and 'girl', the term 'immoral traffic' has not been described.

It is with a view to satisfy the sentimental liking of many sections of the women of this country and also to satisfy the conscience of the Government, that this Bill has been brought forward, in pursuance of a certain understanding with an international convention to which Government are a party since 1950.

With regard to the implications of this Bill and its enforceability, I am very doubtful whether we can achieve the object we have in view. The reason is this. I find so many provisions have been embodied in this Bill from other Acts, including the Indian Penal Code and the Criminal Proce-

dure Code. The portions which deal with notification of address of previously convicted offenders, security for good behaviour from habitual offenders, search without warrant and jurisdiction of the Magistrate seem to be very much out of date. In the first place, it is not possible in these days to expect any person to notify the address of residence. As regards the provision for good behaviour, I think it is not going to work in the long run because of the prevalence of anti-social evils in the country.

I would again say that the drafting of the Bill is not well done. It is clumsily drafted. Unless the Bill is redrafted in a form which is readable and which could be implemented in the long run, it is better to withdraw the Bill and bring forward another.

It may be said that I am approving of certain provisions of the Bill but not the other provisions. But I oppose the Bill as it stands as I think that it is not going to achieve the desired results, considering the way in which it has been drafted. Basically I am opposed to it in the sense that certain provisions are wholesome but there are other provisions which are defective. It is surprising that the persons who deal with this, the women and the men who really carry on this profession, are not punished. They are let off, but the persons who happen to be intermediaries are alone sought to be punished. Here the intermediaries alone are checked up, not the real culprits. I would only say that all these provisions will not work in the socio-economic structure as it exists at present in the country. So, we have to see not only that the intermediaries are punished but also the persons who are the real culprits are punished. Otherwise, we cannot say whether this woman is innocent or that girl is innocent. Unless we punish both the intermediaries as well as the persons who are really involved in this, we cannot achieve the desired object, and the evil will still continue.

With these observations, I oppose the Bill.

Shrimati Renu Chakravartty (Basirhat): I just want to say one or two words about certain aspects of this Bill.

Many of the previous speakers have pointed out very correctly that we are attacking the problem in a very limited sense. We are trying to tighten up the law, but actually we are not approaching the problem basically.

12-52 hrs.

[**SRI RAGHAVACHARI** in the Chair]

My friend, Shri Jogeshwar Singh has very correctly pointed out that one of the root causes of this evil, as far as the women or a large part of the women are concerned, is the fact that poverty is the driving force, and unless we are able to give them much larger scope of employment, the individuality of the woman cannot be free to do what she desires to maintain her dignity, and therefore she often becomes a pawn for those who utilise her for their own profit. But at the same time, deeply conscious of the limitation of this Bill, I still rise to support it, because one aspect of the entire matter is to see that there is no evasion of the law. Even here, I feel that many in the Select Committee have been faced by a dilemma, that is, the difficulty in proving the act of trafficking and the evasion of those who are most ingenious to do so. In the course of our practical work we have found how very very easy it is for these people to get away by evading the law and by hiding behind interpretations of the law. High Courts have again and again let off offenders whom everybody in society knows as offenders, but it has not been possible for anybody to prove that they have been habitual offenders. On account of these technical and legal points, they have been allowed to evade the law.

On the other hand, many previous speakers have pointed out the difficulties which should be tackled to prevent these clauses being made

liable to abuse. There is no doubt about it. Many friends have pointed out that allowing the police to enter and search a place without warrant and asking the woman to appear before the magistrate summarily, may be liable to be abused. That is why I wish to point out while I entirely agree with the basic points, which are the tackling of poverty and opening up of employment and homes for women, educating people in high moral standards—that beyond these basic points, there is the great difficulty which the people, who have been working for rescuing women, have been faced with that is the need for tightening the law to bring to book the evaders of the law. We should tighten up the machinery through which we desire to check, even in a limited way, trafficking in women. That machinery has been the police. The police again and again have been in collusion and even in the Report of the Advisory Committee on Social and Moral Hygiene it has been pointed out, and we have several cases to our knowledge that women have very often had to buy their peace with the police officers by offering them their bodies. This is a corruption that is known to all. That is why it is absolutely essential that there must be a complete re-orientation and building of special police squad for this work, who should be above corruption, and who should have the proper attitude towards these women. The proper attitude has been expressed from many corners of this House, that is, a prostitute is a person who is not to be condemned for ever but a person who should be looked upon with sympathy and whom we have to help forward to regain a healthy life. It must be appreciated that even this limited legal penal measure which we are passing now will depend entirely on the training of the police, the special police, to do this work. It is with a spirit of persuasion and of trying to bring those women back to society that the police have to approach them. It is a difficult task, but unless we are able to do this, we will not be able to achieve even the

limited results out of the Bill which we are trying to pass.

Secondly, we have proposed, during the discussion in the Select Committee,—I want the House to pay attention to it—the association of women in the work at every stage, and more especially in the process of rescuing. This work will need women police who should be associated with the special police squad. In our State, for example, we have got special women police; but what are they used for? They become foolish in the eyes of the public because they are used to arrest women political workers, to arrest us. Send other people to arrest us. Why do you not train these women for this particular type of work? That is what we want. There may be States who will not be able to come forward in this matter immediately as there are all sorts of social restrictions, but it is the job of the other States and the Central Government to help in this matter, to train up the police force. This is one of the most important aspects of this limited measure.

The other point which I want to mention and which I think is very important is the question of protective homes. How these protective homes will finally turn out to be will depend upon the State Governments. As we have seen, large and sweeping powers have been left under the rule-making power of the State Government. How these homes will turn out to be ultimately we do not know. I hope that the main thing about these homes, which we have tried to emphasise and have been lucky to be able to incorporate in the body of the Bill itself, is that they will be really homes where women will be the main people who will be managing the internal affairs of these institutions. We know it, and if you read the Report of the Advisory Committee on Social and Moral Hygiene, you will find, for example, flagrant abuse of the way in which these Ashrams are managed. It says:

"The managing committee is invariably a men's committee with

one or two women on the list, who according to the man-superintendent played no active part—in fact, in the vast majority of cases never attended a meeting. The man-superintendent invariably lives on the premises, either with his family or without and moves about the quarters of the women with no respect for their privacy. Again and again on visiting these institutions, the inmates were lined up before the Committee, and in the presence of all, the manager would begin to relate the history of each girl—A is not married, but is in the fifth month of pregnancy, B was seduced by a Muslim and it was difficult to effect her rescue,...."

Then they go on to show how these men have been abusing their positions in these ashrams. I entirely agree with what Shri Jogeshwar Singh said in this respect. Unless this is checked, these protective homes themselves might become again sources of evil. One point where I do not agree with Shri Jogeshwar Singh is when he says that these protective homes should not actually have the right of setting up centres for work and vocational training. I do not think that is correct. I think the State Governments should give every possible help to these institutions so that the most important part of the work of these institutions will be economic rehabilitation of these women. Women do not have any profession in our country; they hardly know how to read and write. Therefore, if we really want to make the women equal citizens with us and bring them honourably back again to society, the main thing which we must do is to give them that training and it should be done in these institutions under the help and guidance of these women social workers, who should be in charge of these particular institutions.

13 hrs.

They should be specially trained to have a very sympathetic outlook

[Shrimati Renu Chakravartty]

towards those who have been put under them. Unless we have an adequate number of protective homes throughout India, I am afraid what will happen is that, as was pointed out very rightly by many hon. Members, we shall be passing a law which will only drive underground an evil which has been there from time immemorial. It is no doubt a social evil which can be eradicated, provided we approach it in the proper spirit, even in the limited sense it has been conceived in the Bill. The rescue work should be done by a special squad with the help of women who have been specially trained in it, incorruptible and with a proper psychological and moral attitude towards rescuing them and bringing them back to society; in these homes these women should be morally rehabilitated and made economically self-supporting to enable them to stand up as equal citizens of a free India.

श्रीमती कमलेश्वरिणी झाह (जिला गढ़वाल पश्चिम व जिला टिहरी गढ़वाल, व जिला बिजनौर उत्तर) : समापति महोदय, यह विषयक जो कल से इस सदन के सामने विचारार्थ है स्वागत योग्य है और अब शीघ्र ही इस पर धारा वार विचार प्रारम्भ हो कर यह पास हो जायेगा। मेरा तो यह विचार है कि इस प्रकार का विधान आज से बहुत समय पहले पास हो जाना चाहिये था, खैर जितनी देर हो गई वह तो हो गई इसे हम को जल्द से जल्द पास कर देना चाहिये। लेकिन हम इस को पास करते समय इस बात का भी ध्यान रखना है कि खाली इस कानून को पास कर देने भर से हमारा उद्देश्य सिद्ध होने वाला नहीं है और इस का विशेष लाभ स्त्रियों को कैसे होने वाला है।

इस सम्बन्ध में मैं कुछ सुझाव सरकार के सामने रखना चाहती हूँ और मेरा अनुरोध है कि सरकार उन पर विचार कर के उन पर अमल करने का प्राल्त करे। यह कुप्रथा

और कलंक हमारे देश और समाज से तभी मिट सकता है जब केन्द्रीय सरकार प्रांतीय सरकारों को इस काम में हर प्रकार से आर्थिक तथा अन्य प्रकार की सहायता दे और इस सम्बन्ध में प्रांतीय सरकारों के ऊपर केन्द्रीय सरकार का पूरा नियंत्रण रहना चाहिये वरना यह कुप्रथा मिटनी मुश्किल है।

यहां पर जो यह विचार प्रकट किया गया है कि यह कुप्रथा हमारे वहां आदिकाल से चलती आई है मैं ऐसा नहीं मानती। आदिकाल में भगवान ने जो सृष्टि की रचना की और प्राणीमात्र की रचना की तो वह सब के भले के उद्देश्य को ले कर ही की थी और कोई कुत्सित भावनार्थ मानव में नहीं थी लेकिन आगे चल कर मानव में बुरे भावों का उदय हुआ और अपने स्वार्थवशा उस ने बुरी बुरी किस्म की प्रथाओं को जन्म दिया है जिस के कारण आज हमारी ऐसी शोचनीय अवस्था हो रही है। इस सम्बन्ध में मेरा एक सुझाव यह है कि सरकार पहले गुप्त रूप से जितने भी देश में इस प्रकार के अनैतिक गृह हैं जहां कि इस तरह का शर्मनाक व्यापार चलता है उन का पता लगाये और व्यभिचार के स्थानों का पता लगाने के बाद एक दम से एक वक्त में उन सब स्थानों पर छापा मारे और उन को खत्म कर दे। मैं समझती हूँ कि यह तरीका अपनाने से सरकार को इस काम में अधिक सफलता मिलेगी और इस अनैतिक काम को रोकना भी ज्यादा आसान होगा।

मैं चाहती हूँ कि इस जुर्म के अपराधियों को अधिक से अधिक दंड दिया जाय, स्त्रियों को नहीं बल्कि मेरा अभिप्रायः उन लोगों से है जो स्त्रियों से इस प्रकार का पेशा करवाते हैं या गृह वगैरह चलाते हैं और वहां फांस फांस कर स्त्रियों को लाकर रखते हैं और उन्हें इस नीच कर्म के लिये बाध्य करते हैं।

मुझे यह कहते हुए बड़ा अफसोस होता है कि कहां तो हम इस कुप्रथा को खत्म करना

चाहते हैं और दूसरी तरफ सरकार उन बेश्यालयों से इनकमटैक्स (आयकर) ले रही है जिस से बजाय हतोत्साहित होने के वे लोग इस काम को करने के लिये उत्साहित होते हैं। इस पाप की कमाई का अंश सरकारी कोष में नहीं जाना चाहिये। और सरकार को ऐसा नहीं करना चाहिये, यह बहुत गलत बात है और ऐसा नहीं होना चाहिये।

एक मेरा निवेदन यह भी है कि इस काम को करने के लिये और खोज बिन करने के लिये पुलिस अफसरों में पुलिस में और मजिस्ट्रेट के स्थान में महिलायें होनी चाहियें और महिलाओं के जिम्मे इस काम को देना चाहिये और इस काम के वास्ते समस्त विभाग ही स्त्रियों का हो जाना चाहिये क्योंकि स्त्रियों इस काम को पुरुषों की अपेक्षा अधिक अच्छी तरह कर सकती हैं और स्त्रियों के जिम्मे यह काम रहने से बहुत कम करपान (अप्टाचार) की सम्भावना रहती है। मैं चाहूंगी कि इस खोजबिन का काम करने के लिये पुलिस अफसर पुलिसमैन और मजिस्ट्रेट्स ऊपर से नीचे तक सब महिलायें रखी जायें। मैं इस बात से तो इंकार नहीं करती कि स्त्रियों के द्वारा इस काम में करपान की संभावना बिल्कुल ही नहीं रहेगी क्योंकि हो सकता है कि कुछ स्त्रियां भी ऐसी हों जो कन्याओं को लाने व बेचने आदि का काम करती हों लेकिन तो भी स्त्रियों के द्वारा यह काम कराने से करपान की बहुत कम सम्भावना रहती है। पुरुष केवल चौकीदार और पहरे का काम करने के लिये भर्ती किये जायें। मेरा विश्वास है कि अगर इस विभाग में सारी स्त्रियां रखी जायें तो इस कुरीति को रोकने में काफी कामयाबी मिल सकती है।

इस के अतिरिक्त मेरा निवेदन है कि जहां आज हमारे द्वारा हरिजन भाइयों को ऊपर उठाने का प्रयत्न किया जा रहा है और उन को सर्वंग हिन्दू गले लगाने की कोशिश कर रहे हैं और यह बड़े हर्ष का विषय है कि काफी मात्रा में हम उस में सफल भी हुए हैं, उसी तरह क्यों न हम इन बेश्यालयों से अपनी बहनों का

उद्धार कर के, उन को हरिजनों के समान अपने बराबर स्थान देन का प्रयत्न करें। जरूरत आज इस बात की है कि हम अपनी उन अभागी बेश्या बहनों के दिल में यह विश्वास पैदा करें कि हम उन्हें अछूत और हीन नहीं समझते और वे भी हमारी तरह मनुष्य हैं और हमारी तरह संसार में सिर उठा कर रिसीकटेबली अपना जीवन व्यतीत कर सकती हैं। मैं समझती हूँ कि अगर हम ऐसा कर सके और अपनी उन अभागी बहनों को अपने बराबर बिठा सके तो हम बहुत बड़ी हद तक अपने इस उद्देश्य के प्रयत्न में सफल हो सकेंगे और अपने देश और समाज के ऊपर जो यह कलंक है उस को मिट सकने में समर्थ हो सकेंगे और अपने देश से इन बेश्यालयों को खत्म कर सकेंगे।

इस के अतिरिक्त बेश्याओं के जो बालक होते हैं उन को भी हमें समाज में मिलाना है क्योंकि अगर बेश्याओं के बालक बालिकायें समाज में नहीं मिलाये जायेंगे तो उन की बालिकायें आगे चल कर बेश्यायें बनेंगी और उन के लड़के पिम्प बन कर इस तरह के अनैतिक कामों में शरीक होंगे और पापपूर्ण जीवन व्यतीत करेंगे। हमें उन बेश्याओं और उन के बालक बालिकाओं को यह विश्वास दिलाना है कि वह कोई दूसरे नहीं हैं बल्कि हमारी तरह इंसान हैं, और उन का उद्धार करने के लिये हम अग्रसर हैं ताकि वह अच्छा जीवन व्यतीत कर सकें, हमें उन की हर तरह से सहायता करनी चाहिये।

एक हमारे भाई ने हमें बतलाया कि हमारे देश में यह प्रथा इसलिये मौजूद है क्योंकि हमारे देश में निर्धनता है और चूँकि यहाँ के लोगों के पास खाने पीने को कुछ नहीं है इसलिये यह कुप्रथा हमारे देश में फैली हुई है। मैं उन के इस विचार से सहमत नहीं हूँ क्योंकि यह जरूरी नहीं है कि अगर कोई व्यक्ति निर्धन है तो वह ऐसे कुकृत्य की ओर अग्रसर होगा। मेरे विचार में यह हमारी मानसिक कमजोरी है और

[श्रीमती कमलेन्दुमति शाह]

माश्चात्य सम्यता के कुप्रभाव के कारण हमारे संस्कार गलत होते जा रहे हैं इसी के कारण हमारा इस तरह पतन हो रहा है। मुझे यह कहते हुए बड़ा अफसोस होता है कि आज हमारे देश की माताओं को क्लबों और दूसरी इसी तरह की ऐक्टिविटीज (कार्यों) से फुसंत ही नहीं मिलती कि वे अपने बच्चों की देखभाल कर सकें और उन का चरित्र अच्छा बना सकें और उन में संस्कार डालें कि वे गलत राह पर जाने से रुक सकें। आज मातायें अपने बच्चों को सवरे से दाइयों के जिम्मे कर के ब्रिज, ताश इत्यादि खेलने निकल जाती हैं जिस का कि परिणाम यह होता है कि बच्चों के जैसे संस्कार बनने चाहियें वैसे नहीं बन पाते और वे गलत रास्तों पर सहज में ही बहक जाते हैं। इस वास्ते मैं समझती हूँ कि हम हर एक देशवासी का और माताओं का पहला यह कर्तव्य है कि हम अपने बच्चों को कम से कम जब तक कि वे ६, ७ वर्ष के न हो जायें और स्कूलों में जाने लायक न हो जायें तब तक दाइयों के जिम्मे उन को न छोड़ें और हम खुद अपना स्वार्थ त्याग कर उन की खबरगिरी रक्खें। मैं आशा करती हूँ कि हमारी मातायें मेरे इस अनुरोध पर अवश्य ध्यान देंगी।

इस के अलावा मुझे यह कहना है कि हमारे जो महिला आश्रम चलते हैं उन पर भी हमें निगरानी रखनी है और यह देखना है कि वे ठीक ढंग से चल रहे हैं या नहीं और वहां पर कोई गलत काम तो नहीं हो रहा है। मैं अपने ही प्रदेश के बारे में जानती हूँ कि वहां कुछ ऐसे आश्रम हैं जो कि छिपे तौर पर बेश्यालय बने हुए हैं और हमें देखना है कि वहां पर यह पाप कर्म न हो और मैं समझती हूँ कि महिलाओं के निरीक्षण के लिये महिला अफसर होनी चाहिये जिस से वे उन का अच्छी तरह निरीक्षण कर सकें और ऐसे आश्रमों में किसी भी समय वे जा सकें और यह देख कर

अपने मन में यह निश्चय कर सकें कि वे आश्रम ठीक प्रकार से चल रहे हैं। महिला अफसर को आश्रम के निरीक्षण का पूर्ण अधिकार होना चाहिये। इस के अतिरिक्त मैं समझती हूँ कि हमारी स्त्रियां जो इस पापपूर्ण कर्म की ओर प्रवृत्त होती हैं बहुत बड़ी हद तक उस की जिम्मेदारी हमारे पुरुष समाज पर है और अगर वे इस बात के लिये दृढ़ निश्चय कर लें कि हमें जैसे भी हो इस बुराई को अपने देश और समाज से दूर करना है तो हमारे भाई लोग बहिनों से पहले इस गंदे और घृणित काम को रोक सकने में कामयाब हो सकते हैं। भारतवर्ष से बेश्यालयों की बन्द कराने के लिये हम भाई बहिनों की समान जिम्मेदारी है और हम को दृढ़ निश्चय के साथ इस कलंक की अपने दामन से दूर करने के लिये जुट जाना चाहिये। जिसमें भाइयों को विशेष प्रयत्न करना है। दूसरे देशों में भी बेश्यालयों को बन्द करने के प्रयत्न हो रहे हैं और कहीं कहीं पर बहुत कुछ कामयाबी भी मिली है तब हम ही इस शुभ कार्य में किसी से पीछे क्यों रहें।

मैं आप को बतलाऊँ कि आज से दस साल पहले मेरे जिले और प्रदेश में बेश्यालों और बालिकाओं का निर्यात किस तरह से बंद था और आज किस तरह से वह निर्यात बढ़ रहा है उस का कारण यह है कि उस समय एक कानून था जिस से कि निर्यात २ प्रतिशत भी नहीं हो पाता था लेकिन आज उस कानून के लागू न किये जाने से वह निर्यात बढ़ कर ७० प्रतिशत हो गया है। कन्याओं के निर्यात किये जाने के सम्बन्ध में सन् १९२८ में मेरे जिले में यह कानून लागू किया गया था कि जो लड़कियां और औरतें ग्राम से बाहर जाती हैं उनको बाहर जाने की कोई आवश्यकता नहीं है। यानी पांच छः वर्ष की उम्र से ले कर पचास वर्ष की उम्र तक की कोई स्त्री एक जिले से दूसरे जिले में न जाये क्योंकि खेती वगैरह का काम बहुत काफी है उन्हें बाहर जाने

की आवश्यकता ही नहीं पड़ती। और अगर बाहर जायें भी तो किसी अधिकारी को बता कर जायें और उसे यह विश्वास दिला कर जायें कि किस कारण से बाहर जा रही हैं वे यह विश्वास दिला कर ही बाहर जा सकती थी। उन्हें यह भी बताना होता था कि कितने महीने बाहर रहेगी और वापस कब लौटेंगी। इस बात का समय निर्धारित कर दिया जाता था कि वह स्त्री और बच्ची बाहर कितने दिन रहेगी। इस प्रकार से अगर स्त्रियों के निर्यात के स्थानों पर अब भी सीमा बांध दी जायें तो बहुत काम चल सकता है। ऐसे कई इलाके हैं जिन में अगर यह प्रतिबन्ध लगा दिया जाये तो मेरा विश्वास है कि इस प्रकार का अवैध निर्यात बहुत कम हो जायेगा। मैं आशा करती हूँ कि सरकार यह प्रतिबन्ध लगायेगी और राज्य सरकारों को भी आदेश देगी कि ऐसा प्रतिबन्ध लगाना बहुत आवश्यक है क्योंकि यह मेरे जिले की ही बात है जहाँ से कन्याओं को बहुत बड़ी मात्रा में लाया जाता है, अतः इस प्रकार के प्रतिबन्ध के कारण वहाँ लड़कियाँ और औरतों का अवैध निर्यात बहुत ही कम होता था।

इतना कह कर मैं सरकार से यह कहना चाहती हूँ कि स्त्री की सब से बड़ी स्वतन्त्रता यही है कि जो कि पुरुष स्त्री का सम्मान करता है, उसको आदर व प्रेम से रखता है। यह हमारे लिये सब से बड़ी स्वतन्त्रता है और पति तथा कुटुम्बी जनों द्वारा सम्मान को पा कर स्त्रियों को सन्तोष होता है। अतीत काल से पुरुष वर्ग हमारा आदर करता आया है, अभी भी स्त्री के लिये सब से बड़ी स्वतन्त्रता यही है कि पुरुष उस का आदर करे, पुरुषों की आँखों में स्त्री की इज्जत होना स्त्री के लिये सब से बड़ी स्वतन्त्रता व सन्तोष की बात है।

Mr. Chairman: I have got two more Members who want to participate in the debate. The Bill has to close at 14.00 hours and how long will the Minister take?

Shri Datar: I shall take only five minutes.

Mr. Chairman: May I request those friends who want to participate to speak on the clauses. There are a number of clauses and whatever submission they want to make, may be made on the clauses. Unless they wish that they must speak now, they may speak on clauses and if they want to speak now, they cannot have more than five minutes each.

Shri Jangde: (Bilaspur—Reserved—Sch. Castes): Some new suggestions have to be made which would not be covered in the clause-by-clause consideration.

Shri Achuthan: Hon. Members who have not given slips may also be called.

Mr. Chairman: Yes. But there is no time.

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt-East): Clauses too may take some time.

Mr. Chairman: He will finish in five minutes. **Shri Jangde.**

श्री बांगड़े : सभापति महोदय, हमारे लिये यह बड़े सौभाग्य की बात है कि यह विषयक इस सदन में पारित होने के लिये आ रहा है। संयुक्त राष्ट्र संघ के संकल्पों के अनु ५ यह विषयक बन रहा है। हमारे देश में और हमारे देश की प्राचीन संस्कृति में राजभवनों और पूँजीपतियों के घरों में उन के आवासों में यह शंका चलता था। परन्तु उसका नाम वेश्यावृत्ति नहीं था। नर्तनकृत्य या दूसरे नामों से वह पुकारा जाता था। आज बड़ी रूढ़ीय वही पद्धति अनैतिक भ्रष्टाचार या वेश्यावृत्ति जर्जर छपरों सघन शहरों की गन्दी बस्तियों में और अनाथित स्थानों में आ टपकी है और अक्सर यह देखने में आता है

[श्री जांगड़े]

कि जो बड़े बड़े पूंजीपति हैं वह हम गरीबों की विवशता का नाजायज फायदा उठाते हैं। खैर मैं विस्तृत रूप में न जा कर कुछ स्पष्ट बात यहां रखना चाहता हूँ।

इस विधेयक को पढ़ने के बाद मुझे कुछ खामियां (कमियां) मालूम हुई हैं। एक खामी यह मालूम होती है कि चलते फिरते बाजारों, मेलों या तीर्थ स्थानों में ऐसे तम्बू या शिविर लगाये जाते हैं जहां पर कि बेश्यावृत्ति का घंघा चलता है और जिन मकसदों (उद्देश्य) को ले कर बाजार मले या तीर्थ स्थान रखे जाते हैं उन का दुरुपयोग होता है। इसलिये जो परिभाषा इस में ब्राथेल हाउस (चकलों) की दी हुई है उस में टेंट्स (शिविर) मोबाइल टेंट्स (चलते फिरते शिविर) के शब्द जोड़े जाएं तो मतलब पूरा हो सकता है।

क्लाज ७ और ८ में मैंने देखा कि जो औरतें इस कार्य को करती हैं उन के दंड की जो प्रक्रिया है वह बहुत ही कम है। कहा गया है कि उन्हें या तो सजा दी जा सकती है या जर्माना किया जा सकता है। यह जो शब्द रखे गए हैं वह बहुत स्पष्ट नहीं हैं कि उस औरत को सजा दी ही जाएगी। हम ने मुख्य प्राविधान में देखा, उस में लिखा है : "नाट लेस देन वन इअर" (एक वर्ष से कम नहीं) लेकिन अगर आप क्लोज ७ और ८ को देखें तो वहां पर पाएंगे कि किसी औरत को जो कि इस घंघे को करती है या जो किसी कोठे से या खिड़की से इशारों के द्वारा बेश्यावृत्ति को उकसाती है, दंड की जो प्रक्रिया है वह बहुत कम है। वहां पर कोई कम्प्लेन नहीं है, अनिवार्य दंड नहीं है। मैं चाहता हूँ कि भले ही ऐसी औरत को एक या दो महीने का ही दंड दिया जाये, लेकिन आर्थिक दंड के वजाय सजा दी जाय। न्यूनतम अवधि उस औरत के लिए भी यहां पर निर्धारित की जाये। तभी जा कर यह विधेयक सफल हो सकता है। अभी तक मैंने सुना, मेरी बहनें माफ करेंगी कि मैं ऐसे शब्द कहता हूँ, कि औरतों को विवश

हो कर बेश्यावृत्ति करनी पड़ती है, लेकिन अभी भी कई स्थान ऐसे हैं जहां पर कि पुरुष जिन्दा है, पति जिन्दा है, पति विवश है और हजारों की संख्या में औरतें पुरुष के रहते हुए एक स्त्री के रूप में रहते हुए भी बेश्यावृत्ति का घंघा चलाती हैं। पति जिन्दा है, फिर भी तीन चार साल के भीतर उसके तीन बच्चे पदा हो जाते हैं और उस को पता नहीं उस का पिता कौन है। अगर हम इस कानून द्वारा बेश्यावृत्ति को बन्द करना चाहते हैं तो इस तरफ से भी बन्द करें।

मैंने माना कि पुरुष औरतों पर बहुत जुल्म और अत्याचार करते हैं। पर सदा यह चीज एक तरफा ही नहीं होती है। कहीं कहीं अपवाद भी होता है। उसका इस विधेयक में समावेश होना चाहिए। मैं बता सकता हूँ कि कई ऐसे ऐसे शहर हैं जैसे कलकत्ता और बम्बई, जहां पर हजारों औरत जाती हैं और पति की इच्छा के विरुद्ध माता पिता की इच्छा के विरुद्ध जाती हैं, किसी का कहना नहीं मानती हैं समाज का सुधार करने के लिए इस की ओर भी ध्यान देना आवश्यक है।

मैं ने पूरा अनुभव किया है कि बेश्यावृत्ति का एक कारण यह भी है कि समाज में जो बिवाह विच्छेद का बन्धन है वह बहुत ढीला है। उस का नाजायज फायदा उठा कर बेश्यावृत्ति की जाती है। मैं जानता हूँ कि बिवाह विच्छेद का बन्धन जितना ढीला होगा उसका उतना ही नाजायज फायदा लोग उठा सकते हैं और बेश्यावृत्ति का यह भी एक प्रधान कारण है। आप लोग यकीन (विश्वास) करें या न करें, मैंने अपनी आंखों से देखा है और किसी भी सदस्य को कंविंस (विश्वास) करा सकता हूँ कि बिवाह विच्छेद का जो ढीला बन्धन है वह बेश्यावृत्ति का एक कारण है और इसके लिए हमारे मंत्री महोदय को ध्यान देना होगा। जब हिन्दू मीरेज एंड डाइवार्स बिल पर बहस चल रही थी उस समय भी मैंने इस के बारे में

कहा था परन्तु उस समय उसका समावेश नहीं हो सकता था। इस लिए जब यह विधेयक पारित हो उस समय इस चीज पर भी हमारे मंत्री महोदय ध्यान दें।

मैं यह भी देखता हूँ कि बड़े बड़े शहरों में जो सरमायेदार कारखानेदार या मालगोदाम वाले और पूँजीपति हैं वह हमारी माताओं और बहनों को सिर्फ़ आधी रात के समय, ६ बजे से १२ बजे रात तक या १२ बजे रात से ४ बजे सबेरे तक ही काम पर लगाते हैं। दुनियाँ में मैंने कहीं नहीं देखा कि आधी रात के समय या १२ बजे रात से ३ बजे सबेरे तक कहीं कोई औरत काम पर बड़े कारखानों में, कोयला खदानों में या दूसरी जगहों में रक्खी जाती हों। यहाँ क्या होता है कि बताया यह जाता है कि औरत कारखाने में काम करती है, पर असलियत यह होती है कि पूँजीपति भवसर निकाल कर आधी रात के समय हमारी गरीब माताओं और बहनों को काम देने के बहाने से अपनी कामान्नि की पूर्ति करते हैं और इस प्रकार से वेश्यावृत्ति चलाते हैं। मैं चाहता हूँ कि जब यह विधेयक बने तो इस में इस चीज का भी समावेश हो कि कोई भी औरत कहीं जा कर आधी रात के बाद या १२ बजे रात से ले कर ६ बजे सबेरे तक काम न करे। कहीं पर भी उस को इस तरह काम करने की अनुमति न दी जाये। इस को करने के बाद ही यह विधेयक ठीक तरह से पारित हो सकता है।

इस समय मैं इतना ही कहना चाहता हूँ। जैसे क्लाइ (खण्ड) तो बहुत से हैं जिन में क्षामियाँ (कमियाँ) हैं, लेकिन समय कम होने के कारण मैं ज्यादा समय नहीं लेना चाहता।

अन्त में मैं एक बात कह कर समाप्त करता हूँ। यह कहा जाता है कि गरीबी के कारण ही यह वेश्यावृत्ति फैलती है।

लेकिन फिल्म उद्योग में जो चलचित्रों के निर्माता हैं, उन के आवास गृहों में क्या देखते हैं। वहाँ से इस तरह की चीज प्रत्यक्ष रूप से न सही लेकिन परोक्ष रूप में हमारे समाने आ जाती है। जो फिल्मों का निर्माण होता है उन में भी कई ऐसी चीजें पाई जाती हैं, जिन से इस वृत्ति को प्रोत्साहन मिलता है। कई चलचित्र तो इतने अश्लील होते हैं, कि उन की अश्लीलता के कारण भी यह वेश्यावृत्ति बढ़ती है। सेंसर बोर्ड के जरिये अगर सरकार इस चीज को रोकने का भी प्रयत्न करे तो हमारा जो सामाजिक स्तर है वह ऊंचा हो सकता है।

जो उपाय मैंने बतलाये यदि इन को काम में लाया जाये और इन की और ध्यान दिया जाय तो हमारा जो नैतिक स्तर है, वह संसार के सभी देशों से ऊंचा हो सकता है।

श्रीअती विनीमाता (बिलासपुर-दुर्ग रायपुर-रक्षित-अनुसूचित जातियाँ) : सभापति महोदय, महिला अनैतिक बिल जो कई वर्षों तक प्रतीक्षा करने के बाद आज इस सदन में प्रस्तुत हुआ है, उस के लिये मैं श्रीमती राजमाता को और माननीय गृहमंत्री जी को धन्यवाद देती हूँ।

इस बिल को यहाँ पेश हुए देख कर मुझे खुशी हुई है। परन्तु इस के साथ ही साथ मुझे इस चीज को देख कर दुःख भी हुआ है कि हमारी सरकार इस चीज को हमेशा के लिये खत्म नहीं कर रही है। मैं समझती हूँ जितनी जल्दी इस चीजको खत्म कर दिया जाता उतना अच्छा होता। इस बिल में कहा गया है कि सार्वजनिक स्थान से २०० गज के अन्दर कोई वैश्यालय नहीं होना चाहिये। इस का क्या मैं यह अर्थ लगाऊँ कि २०१ गज की दूरी पर वैश्यालय खोला जा सकता है।

दूसरी बात जो मैं कहना चाहती हूँ वह लाइसेंस (अनुसूचित) के बारे में है। मैं चाहती

[श्रीमती मिनीमाता]

हूँ कि किसी भी व्यक्तिगत संस्था को हमारी सरकार लाइसेंस देने की कोशिश न करे। पहले पहल कई स्थानों पर विधवा आश्रम खोले गये थे परन्तु हर एक की कठिनाइयाँ उपस्थित हो जाने के कारण आज उन में से एक भी आश्रम दिखाई नहीं दे रहा है। इस वास्ते मेरी मंत्री जी से प्रार्थना है कि व्यक्तिगत लाइसेंस न दे कर छोटे से छोटे बचावगृह को भी सरकार अपनी देख रेख में रखे और प्रत्येक बचावगृह में उद्योगघरे चाहे वे छोटे छोटे ही हों, चालू करे। अगर आप ने वहाँ उद्योग घरे नहीं चलाये तो वे बचावगृह स्वावलम्बी नहीं बन सकेंगे। अगर ये बचावगृह स्वावलम्बी बन जायेंगे तो वहाँ पर रहने वालों का जो चरित्र है वह ठीक रह सकेगा और वे अपनी आत्मशक्ति को सबल बना सकेंगे। इस से उन के दिल में अनैतिक कार्यों के प्रति घृणा की भावना पैदा होगी और उन का चरित्र ऊँचा उठेगा।

मुख्य बात तो यह है कि समाज के अत्याचारों को और गरीबी और बेरोजगारी को जो कि गांवों में फैली हुई है उसे आप खत्म करें। इस चीज को देख कर बहुत ही दुःख होता है। हम सभी लोग तथा सरकार भी गांव की उन्नति के लिये नारा लगाते हैं परन्तु दिनों दिन गांवों में बेरोजगारी बढ़ती ही चली जा रही है। मैं कुछ पहले देखती थी कि गांव की लंगड़ी अंधी और निःसहाय महिलायें भी चक्की चला कर और घान कूट कर अपना अच्छी तरह से गुजर बसर कर लेती थीं। परन्तु अब तो छोटे से छोटे गांव में भी छोटी छोटी मशीनों की आवाज धक धक करती है और गांव वालों को काम से वंचित कर धक्का मार कर बड़े बड़े शहरों में भेज रही है। शहर में जा कर जो बहनें भगवान से जरा डरती हैं वे तो कठिन परिश्रम कर के कमा कर खा लेती हैं परन्तु जो बहन कठिन परिश्रम नहीं कर सकती हैं वे लाचारी की हालत में अनैतिक कार्यों में जुट जाती हैं।

उन को इस काम को लाचारी में ही करने को बाध्य होना पड़ता है। जब वे इस काम को करने लग जाती हैं तो समाज उन को घृणा की दृष्टि से देखता है और मजे की बात तो यह है कि उसी समाज के प्रतिष्ठित व्यक्ति वैश्यागामी होते हैं और समाज जानते हुए भी उन्हें पैसे के बल पर ऊँचे ऊँचे स्थानों पर उन को नियुक्त कर लेता है। इस बिल में आप ने वैश्याओं के लिये जिस जुर्म को करने के लिये सजा की व्यवस्था की है, वही सजा ऐसे अनैतिक कार्य करने वाले पुरुषों के लिये भी होनी चाहिये। अब तक ऐसा नहीं किया गया है। अगर आप कानून बना दें और साथ ही कानून की अवहेलना होने दें तो इस से क्या लाभ होगा? अगर आप ने सब के लिये एक सी सजा न रखी तो इस में जातिवाद और साम्प्रदायवाद की बात भी उठ खड़ी हो सकती है। मैं आप को यह भी बतलाना चाहती हूँ कि आप ने अस्पृश्यता निवारक कानून जो बनाया है, उस के बारे में आज गांवों में कहा जा रहा है कि हम इस को मुर्दा बना कर ही दम लेंगे। मैं ने उन लोगों से कहा कि भाई कुछ देर तो इंतजार करो, अगर आपने अभी से इस तरह करना शुरू कर दिया तो कैसे काम चलेगा। लेकिन कोई सुनता ही नहीं है। मैं आप को यह भी बतलाना चाहती हूँ कि छत्तीसगढ़ में इस कानून के होने की वजह से सात मर्डर केसिस (हत्या के मामले) हो चुके हैं। तो आप कानून तो बना देते हैं लेकिन उस पर अमल अच्छी तरह से नहीं होता है। आज कानूनों की कोई इज्जत नहीं करता है, कोई कद्र नहीं करता है। एक गांव है जिस का नाम जुरला है। वहाँ पर हर एक आदमी ने तीन तीन और चार चार औरतें रखी हुई हैं। एक को वे घर में रख लेते हैं, खेती वगैरह का काम करने के लिये, एक को बम्बई भेज देते हैं और एक को कलकत्ता भेज देते हैं। हर साल मैं उस गांव में जाती हूँ और आठ दिन या पन्द्रह दिन पहले उन के पास खबर भेज कर उन को

बुलवा लेती हैं। मैं उन से इसबात की कसम खिलवाती हूँ कि वे ऐसा नहीं करेंगे। एक बार तो मैं ने वहाँ पर श्रीमद् भगवद्गीता का पाठ भी करवाया था। लेकिन जब हम वापस आ जाते हैं उसके बाद वे लोग उन को इस काम को करने के लिये मजबूर करते हैं।

खड़गपुर में हम ने एक संस्था की स्थापना की थी और वहाँ पर हम ने कोई ५० स्वयंसेवक भी रखे थे। वहाँ पर हमने कलकत्ता वगैरह से ला कर ३०० के करीब लड़कियों को रखा था। परन्तु समाज ने उन की ओर घृणा की दृष्टि से देखा, उन को नहीं अपनाया और वे बेचारी लाचार हो वहाँ से चली गईं। तो मैं कहती हूँ कि समाज को भी अपना कर्तव्य समझना चाहिये।

मैं अन्त में माननीय मंत्री जी से यही प्रार्थना करना चाहती हूँ कि वह बचावगृहों में ऐसी बहिनों को ला कर रखें और उन गृहों को स्वावलम्बी बनायें। साथ ही साथ मैं समाज से भी प्रार्थना करती हूँ कि वह ऐसी देवियों को अपनावे। जब ऐसा होगा तभी उन बहनों का जो दुख है वह दूर होगा, उस का निवारण होगा।

Shrimati Sushama Sen: Mr. Chairman, Sir, we all welcome this Bill and we hope it will be passed during this session. It is a very important Bill and it should be passed.

I have just one or two suggestions to make. I quite agree with you, Sir, when you spoke on this Bill, that there should be women police.

Shri Joachim Alva (Kanara): Magistrates also

Shrimati Sushama Sen: This is one thing which is most important. I think we should train more women in this department and there should be women police for taking up this kind of work

The other thing that I want to say is, some hon. Members have spoken

about how they have eradicated this evil in China. I have just come from China, and I went into this question very thoroughly when I was there. I asked several women there, not necessarily in the Government but also outsiders, how they had got rid of this evil. They said, the Democratic Federation of Women went round each district, spoke to these women and got them employment, especially in the collective farms because by keeping them in the collective farms they can be kept separate from the other women. It is necessary to keep these women separate for some time and not let them mix in society. In China they have segregated these women by giving them employment in the collective farms. They are quite happy and do their work very well. In this way in China they have been able completely to get rid of this evil. I would, therefore, request the hon. Minister to try and do something in this field and see that these women get employment. Of course, for this the women's organisation should also help; I quite agree with that proposal.

With these words, Sir, I support this Bill and hope it will be passed without any amendment.

Shri Datar: Sir, I am obliged to the hon. Members of this House for the general support that they have given to the provisions of this Bill. I have not heard a single hon. Member who raised his voice against the provisions of this Bill. That is a measure of the general agreement so far as the need of this Bill is concerned.

A number of suggestions have been made. So far as the employment of women police and a number of other factors are concerned, they will be duly taken into account by the State Governments.

Shri Joachim Alva: Women Magistrates also.

Shri Datar: Women Magistrates are already there in some of the States. A beginning has been made in the appointment of women police office

[Shri Datar]

as well. It is quite likely that after this Bill has been passed, the need for women police officers would be felt by the various State Governments and I am quite confident that they will take all the necessary steps. There are women magistrates in a number of places even now.

A criticism was made that the provisions of this Bill were unusual in the sense that a minimum sentence was laid down and that in certain cases, the provisions were rigid. I would point out to this House that we do desire that the provisions of this Bill are enforced as sternly as possible, because, as I stated yesterday, prostitution is an evil which is sapping the vitality of our women and women and moral standards are falling down. A friend suggested the other day that the western civilisation was responsible for this disease. I would say that it is not merely the western civilisation, but also the social conditions in India which are responsible. We had a double standard, one standard for men and another standard for women. When we tolerated or condoned this vice of immorality in men, we took very serious notice of the same offence when it was committed by women. There is also the inequality of social and economic conditions so far as women are concerned.

An hon. Member has suggested that it is an urban offence. It is true that this offence is confined very largely to urban areas, but we have also to understand that women are drawn to urban conditions because of the misery of their rural life. It has been pointed out in the report that in the villages and rural areas, the conditions are extremely hard. So, on the merest chance of getting some pleasure out of life, legitimate or otherwise, these people are brought here, and they are tempted to this life of vice. Therefore, there ought to be a general rise so far as economic conditions are concerned and the Governments are taking steps in this respect. I am also

happy that this double standard of morality is gradually giving place to an idea of complete equality so far as our women are concerned. New social laws are being passed. A reference has been made to a number of laws which made for the inequality and disparity in the conditions of women. On the positive side we have been taking various steps. So far as the penal side is concerned...

Shri Dhusiya (Basti Distt.—Central-East cum Gorakhpur Distt.—West-Reserved-Sch. Castes): What are those steps?

Shri Datar: We are taking a number of steps for the economic rehabilitation of India, including the rehabilitation of women. A number of Acts have been passed, so far as Hindu law is concerned which give complete equality to women. Let the hon. Member understand that only yesterday one of the last Acts of the Hindu law—the Hindu Adoption and Maintenance Bill—was passed. That itself is a measure of the great attention that we are giving to give complete equality to our women. These are some of the steps, not all, that Government have taken for putting men and women on the safe footing as regards various conditions.

As I said, stern laws are necessary for rooting out this offence, which is a very age-long one.

Shri Veeraswamy (Mayuram-Reserved-Sch. Castes): Not even 2 per cent. of the Members of Parliament are present here.

Shri Datar: The importance of the Bill does not depend upon the number of Members; it depends upon the earnestness of Members—like the hon. Member who are here. Therefore, I am perfectly satisfied with the response that hon. Members have given to this Bill.

Mr. Chairman: The question is:

“That the Bill to provide in pursuance of the International Convention signed at New York

on the 9th day of May, 1950 for the suppression of immoral traffic in women and girls, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2.— (Definitions)

Mr. Chairman: There is only one amendment No. 23 to clause 2; but I do not find the mover, Shri N. R. Muniswamy, here.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Punishment for keeping a brothel etc.)

Dr. Rama Rao (Kakinada): I beg to move:

Pages 2 and 3—

lines 38 and 1 respectively—

for "of not less than two years and not more than" substitute "which may extend to".

I have already submitted my point yesterday. The idea is not that I object to severe punishment being given. It may be enforced as strictly as possible. The point is whether it is repugnant to the sense of dignity of the court to compel the magistrate to give a minimum sentence. That is all. You can give as much margin as you like, but the magistrate must be able to take the circumstances of the case into consideration and give suitable punishment. I have no objection to heavy punishment; my objection is only to compel the magistrate that he must give two years' imprisonment.

Mr. Chairman: Amendment moved:
Pages 2 and 3—

lines 38 and 1 respectively—

for "of not less than two years and not more than" substitute "which may extend to".

Shri Datar: I am not accepting this amendment and I have already explained the reasons. If, for example, a man is convicted in the sense that offence has been proved, he is bound to have at least a minimum punishment. There can be no other idea. That is why a minimum punishment has been provided.

Mr. Chairman: The question is:

Pages 2 and 3—

lines 38 and 1 respectively—

for "of not less than two years and not more than" substitute "which may extend to".

The motion was negatived.

Shri D. C. Sharma (Hoshiarpur): I want to say something on clause 3. You said that you would be giving some time to those who did not get any chance in the general discussion. I want to know whether you are going to stick to that decision.

Mr. Chairman: I said, those who are anxious to participate might as well do so on the amendments and clauses. Surely if the hon. Member had got up a little earlier, I would have given him a chance. Now I am putting the clause to the House.

The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill

Clause 4.— (Punishment for living on the earnings of prostitution).

Mr. Chairman: Is Dr. Rama Rao moving his amendment No. 15?

Dr. Rama Rao: No, Sir.

Shri D. C. Sharma: I want to say something on this clause.

Mr. Chairman: Yes.

Shri D. C. Sharma: I agree with the framers of this Bill that the punishment for this offence should be deter-

[Shri D. C. Sharma]

rent and also that the system of grade of punishment should be introduced. But I find one fatal word in this clause which is going to take away the whole effect from it.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

13-39 Hrs.

I am referring to the word "knowingly". I do not understand why this word has been put in. I think this has been put in only to soften the effect of this clause. I find that in the whole of this Bill, the tendency is to make the thing as deterrent as possible, but I cannot understand why this word "knowingly" has been put in. The purpose would be served if the word "knowingly" is removed. How is it going to help the administration of the Bill, so far as this clause is concerned, if this word is there. On the other hand, this word is going to make the conviction of a person much more difficult than it already is. I would like to understand the justification for this word in terms of psychology, or in terms of reason or in terms of law. I think this is a very useless word that has been put here. This word will give a lot of scope to those persons who are guilty to get out of the net of law that has been woven here in order to catch them. I would, therefore, say that the word 'knowingly' should be taken away because it does not mean anything so far as the style is concerned, but it will mean a great deal so far as the administration of the law is concerned. Lawyers will wax eloquent about it and they will try to prove that this man did not know or that this man did not do it deliberately and all that kind of thing. I think it will lead to infinite legal quibbling and many persons who have been guilty of the offence will be able to escape out of this loophole. I would, therefore, say that this word should be deleted.

Shri Datar: The word 'knowingly' has been knowingly put in. It is for

the purpose of saving those who are innocent of the acts of prostitution being committed by a person who is helping that other person. Take, for example, the case of a brother and sister. The brother is living in the rural areas and the sister is living in a city like Bombay or Delhi. The brother honestly believes that his sister has been carrying on a legitimate profession and out of her earnings she is helping him in the rural areas. Ultimately it comes to this that the sister is living the life of a prostitute and she is helping her brother. The moment the brother knows that the sister is living the life of a prostitute and that the amount that she is sending to him is out of these earnings, his offence begins. Otherwise, the offence does not begin at all. Therefore, an innocent person is sought to be saved, not a guilty person.

Mr. Chairman: I take it that amendment No. 15 has not been moved.

Dr. Rama Rao: No.

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.—*(Procuring, inducing or taking woman or girl for the sake of prostitution.)*

Mr. Chairman: Most of the amendments are by Shri M. L. Agrawal.

Dr. Rama Rao: I do not move amendment No. 16.

Mr. Chairman: I think Shri M. L. Agrawal may take up all these amendments together when he speaks.

Shri M. L. Agrawal: I beg to move:

(i) Page 4, line 6—

for "induces" substitute "induces or attempts to induce".

(ii) Page 4, line 9—

for "causes" substitute "causes or attempts to cause".

(iii) Page 4, line 13—

for "causes or induces" substitute "causes or attempts to cause or induces or attempts to induce".

(iv) Page 4—

for line 26, substitute: "attempt to procure or take her or to induce her to go or to cause her to be taken is made; or"

(v) Page 4—

(i) for line 29, substitute "or"; and

(ii) after line 29, add:

"(c) in her journey any intermediate place through which she passes as a result of the inducement, taking or causing to be taken."

There is very little time. The gist of my amendments relates to the jurisdiction which has been created in sub-clause (3) of clause 5. There are two sub-clauses (a) and (b). No doubt, jurisdiction is created at a place where the girl is procured, induced to go, taken or caused to be taken or from which an attempt to procure or take such woman or girl is made. This is all right. Either the girl is procured or taken or an attempt to take or procure is made. Then, that place will have jurisdiction. In sub-clause (b), the place to which she may have gone is referred to. The words are:

"in the place to which she may have gone as a result of the inducement or to which she is taken or caused to be taken or an attempt to take her is made."

This attempt refers to the result and the girl reaching that ultimate place. This is quite redundant and should not have been there. Also we have provided for jurisdiction at a place where an attempt is made. I wish that these words 'or an attempt to take her is made' should be taken away from sub-clause (b).

Then, there are two places where the court will have jurisdiction: in

the first place, the place from where the girl is taken and secondly, the place which the girl reaches. Then, she may pass through intermediate places. Although we can argue from sub-clause (b) that those places also will have jurisdiction, we should clearly put it. For this reason, I have put down another clause (c) which gives power to the court to take cognisance of the case at any intermediate place through which the girl passes when she moves from place A to place B.

There are four acts: a girl is procured, or induced to go, taken or caused to be taken. In this clause, attempt has also been made cognisable. But, it is not logical. Sometimes, we have made attempt to take, attempt to procure an offence, but not attempt to induce or attempt to cause to be taken. Therefore, I submit that if we make an attempt also an offence, it should be for all and not for only two acts. I want to make this clause more comprehensive and give jurisdiction to the court even in intermediate places and I want the redundant words 'for an attempt to take her is made' in sub-clause (3) (b) to be deleted. This is the effect of my amendments.

Mr. Chairman: Amendments moved:

(i) Page 4, line 6—

for "induces" substitute "induces or attempts to induce".

(ii) Page 4, line 9—

for "causes" substitute "causes or attempts to cause".

(iii) Page 4, line 13—

for "causes or induces" substitute "causes or attempts to cause or induces or attempts to induce".

(iv) Page 4—

for line 26, substitute "attempt to procure or take her or to induce her to go or to cause her to be taken is made; or"

(v) Page 4—

(i) for line 29, substitute "or"; and

[Mr. Chairman]

(ii) after line 29, add:

“(c) in her journey any intermediate place through which she passes as a result of the inducement, taking or causing to be taken.”

Shri Datar: So far as the first point is concerned, it is a question of procedure as to where the particular offence should be tried. It has naturally to be tried under sub-clause (a) at the place from which the woman is procured or induced to go, etc. Sub-clause (b) relates to the place where she has gone under inducement or has been taken under inducement. Therefore, in order to facilitate the prosecution at all the possible places, these sub-clauses have been put in.

So far as the other point is concerned, regarding attempt to induce, I would point out to my hon. friend that the word attempt is used when actually there is a completed act. When there is a completed act like taking or going, naturally, the question of attempt would come in. But inducement itself is an attempt. Which is to be done by inducement is some act. Therefore, when the word inducement has been used, it imports the element of an attempt and therefore, attempt to induce would be redundant.

Mr. Chairman: The question is:

Page 4, line 6—

for “induces” substitute “induces or attempts to induce”.

The motion was negatived.

Mr. Chairman: The question is:

Page 4, line 9—

for “causes” substitute “causes or attempts to cause”.

The motion was negatived.

Mr. Chairman: The question is:

Page 4, line 13—

for “causes or induces” substitute “causes or attempts to cause or induces or attempts to induce”.

The motion was negatived.

Mr. Chairman: The question is:

Page 4—

for line 26, substitute: “attempt to procure or take her or to induce her to go or to cause her to be taken is made; or”.

The motion was negatived.

Mr. Chairman: The question is:

Page 4—

(i) for line 29, substitute “or”; and

(ii) after line 29, add:

“(c) in her journey any intermediate place through which she passes as a result of the inducement, taking or causing to be taken.”

The motion was negatived.

Mr. Chairman: The question is:

“That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Mr. Chairman: I propose to take up clauses 6 to 8 together because there are only three amendments.

Dr. Rama Rao: I am not moving my amendment to clause 9.

Shri D. C. Sharma: I want to speak on clause 7.

Mr. Chairman: First let me dispose of clause 6.

The question is:

“That clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.— (Prostitution in or in the vicinity of public places)

Shri D. C. Sharma: I beg to submit that the words, within a distance of two hundred yards, are absolutely useless. They are going to negate the whole intention of this clause. As has been pointed on the floor of the House, we need protection so far as hostels, educational institutions and places of

religious worship are concerned, from this kind of disease. And I believe that we need more protection for them than for any other place, but the wording of this clause is such that public places of this kind will be exposed more now to the disease which this Bill seeks to control than the other places. It has, in a way, been made legal—I am using the word “legal” in a general sense—to do this beyond 200 yards. I would therefore say to the hon. Minister that he should only use the word “near” so that the thing is left purposely vague.

I see the word “knowingly” is again used in this clause. I do not know why this word is used so often in this Bill. Of course, the Minister says the innocent should not be punished. I agree. But I also believe that if you are going to make such plentiful use of this word, it will be very difficult to fasten the responsibility for any offence committed in connection with this Bill on any person. I would therefore say that this excessive fondness for the word “knowingly” is going to be, in a way, the death sentence of this Bill. I would again request the hon. Minister to cut out this word “knowingly”, and to think of ways and means of making a very sparing use of it.

We are passing this Bill to catch hold of those persons who are offenders, and he thinks that this Bill is there to prove people, even those who are offenders, to be innocent. I would therefore suggest that these words “within a distance of 200 yards” should be removed if this Bill is going to help religious places, places of worship, hostels and other institutions which should be kept away from the injection of this social vice.

Mr. Chairman: Shri Sharma has not moved any amendment to that effect which he has now placed before the House. So, I shall put the clause. He can vote against it if he so desires.

The question is:

“That clause 7 stand part of the Bill”.

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 10 were added to the Bill.

Clause 11.—(Notification of address etc.)

Shri M. L. Agrawal: I wish to oppose the clause.

Mr. Chairman: I shall put it to the House. He can vote against it.

The question is:

“That clause 11 stand part of the Bill”.

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12.—(Security for good behaviour from habitual offenders).

Shri Raghunir Sahai (Etah Dist.—North-East cum Budaun Dist.—East): I beg to move:

Page 8—

lines 8 to 10—

omit “finds that he has been habitually committing, or attempting to commit, or abetting the commission of, that offence or any other offence under this Act and the Court”

With the deletion of these words, the clause would read like this:

“When a court convicting a person of an offence under this Act is of opinion that it is necessary or desirable to require that person to execute a bond for good behaviour, such court may at the time of passing the sentence on the person order him to execute a bond for a sum proportionate to his means with or without sureties for his good behaviour during such period not exceeding three years as it thinks fit.”

[Shri Raghbir Sahai]

By moving this amendment I want to simplify the clause and to put the entire matter within the discretion of the court. By introducing these words complications would be created, and perhaps the magistrate who tries an offence of this kind may be put to certain difficulties. I want to make his task lighter, and I think that perhaps this line of reasoning may appeal to the hon. Minister.

Mr. Chairman: Amendment moved:

Page 8, lines 8 to 10—

Omit "finds that he has been habitually committing, or attempting to commit, or abetting the commission of, that offence or any other offence under this Act and the Court".

Shri Datar: So far as this question is concerned, this is what is known as the provision for preventing the offences whenever such offences are repeated and the wording has been borrowed from section 110 of the Criminal Procedure Code. That provision has been there since long and therefore it is perfectly possible to lead evidence to show that certain persons are carrying on certain acts habitually and therefore security for good behaviour has to be called for. Therefore, it is not possible to take away these words.

Shri Raghbir Sahai: I beg to withdraw my amendment.

Mr. Chairman: Has the hon. Member the leave of the House to withdraw his amendment?

Hon. Members: Yes.

*The amendment was, by leave,
withdrawn.*

Mr. Chairman: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clauses 13 and 14 were added to the Bill.

Clause 15.—(Search without warrant)

Shri M. L. Agrawal: I beg to move:

(i) Page 10—
lines 7 and 8—

Omit "and that search of the premises with warrant cannot be made without undue delay".

(ii) Page 10, omit line 10.

Mr. Chairman: I would request the hon. Member to be very short so that we may be able to pass the Bill. There is nothing very fundamental now.

Shri M. L. Agrawal: My amendments are with respect to clause 15. In clause 15 we have given power to the police officers to arrest without warrant. And what are the conditions when the police can arrest without warrant?

"...whenever the special police officer has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a woman or girl living in any premises and that search of the premises with warrant cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrant."

I do not think that by obtaining the warrant from the magistrate there would be any prejudice to the search. Nowadays we have got telephone services, and these things happen especially in the cities where magistrates are not far removed from the police. The police can always approach the magistrates. I do not think it is any good allowing the police officers to search without warrant. It would lead to harassment, it may lead to blackmail. And we know that our police are not quite above board.

There are instances in which they take a certain action with ulterior motives. In this regard, I would read a small passage which has been given

by the Advisory Committee on Social and Moral Hygiene:

"We must also take account of the factor of the human personality of the officials and should insure that a proper public policy does not become a vehicle of corruption or exploitation. We have also to refer to the complaints of harassment meted out to the prostitutes as a class by the men in the lower police ranks. They are often compelled to purchase peace with the police men by offers of illegal gratification in money and kind. Those who do not fall in with this line of least resistance are hounded from place to place."

So, nothing would be gained. Only we would be saving the harassment of the citizen, and therefore there is no necessity to allow the police officer to search without a warrant. In the Criminal Procedure Code there are already ample provisions to cover all cases, but if it is still thought necessary to have this provision here, there is absolutely no necessity to allow the police officer to search without warrant. At least, I have not been convinced, just as several of the hon. Members who have spoken against this provision have not been convinced. I feel that this is absolutely unnecessary. It may lead to blackmail and harassment of innocent citizens.

14.00 Hrs.

With these words, I commend my amendments for the acceptance of the House.

Mr. Chairman: Amendments moved:

(i) Page 10—

lines 7 and 8—

Omit "and that search of the premises with warrant cannot be made without undue delay"—

(ii) Page 10—

Omit line 10.

Shri Datar: May I point out that this question was considered in great detail by the Select Committee and they had radically amended the provision as it had originally appeared in the Bill? Now, one corrective has been provided for in this case, namely that before a warrant in this respect goes, the police officer will have to record the grounds for his belief. That itself is a circumstance which safeguards against any abuse of this power.

In all these cases, as the hon. Member will kindly understand, action has to be taken immediately, and without any inkling thereof going to the other party, namely the wrongdoer. If, for example, the police officer has to go to a magistrate and before the magistrate the whole proceeding has to take place openly, then the whole purpose will be defeated, for, all these wrongdoers are more skilful than we imagine them to be, and they have their own agents against the police and just nearabout the magistrate. So, if all this information goes or percolates to the offenders, the whole purpose of the search will be lost. So, this is a very valuable provision for the purpose of preventing prostitution.

Mr. Chairman: There is one other amendment to this clause in the name of Shri Raghavachari. The hon. Member is not present. So, I shall put amendments Nos. 6 and 7 to vote.

The question is:

Page 10—

lines 7 and 8—

Omit 'and that search of the premises with warrant cannot be made without undue delay'.

The motion was negatived.

Mr. Chairman: The question is:

Page 10—

Omit line 10.

The motion was negatived.

Mr. Chairman: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 and 17

Mr. Chairman: Then, I come to clauses 16 and 17. Since Shri Raghavachari is not present here to move his amendment to clause 17, I shall put these two clauses to vote.

The question is:

"That clauses 16 and 17 stand part of the Bill".

The motion was adopted.

Clauses 16 and 17 were added to the Bill.

Mr. Chairman: It is now two o' clock. But I propose to take the view of the House as to whether we can continue for another, five minutes and finish this Bill.

Shri Datar: Yes, we can finish this.

Clause 18.— (Closure of brothels and eviction of offenders from the premises)

Dr. Rama Rao: I beg to move:

Page 11, lines 31 and 32—

omit "within a distance of two hundred yards of any public place referred to in sub-section (1) of section 7".

Clause 18 authorises a magistrate to issue a notice directing that a house which is used as a brothel be vacated. But Government want to restrict the power of the magistrate by saying that he should not issue such notice to a brothel-owner or a house-owner who lets his house for a brothel, if that house or brothel is situated beyond a distance of two hundred yards from any public place. Of course, the definition of 'public place' is very wide, and I admit that it includes everything that can ordinarily come within that definition. Yet, I feel that this restriction on the

powers of the magistrate, namely that he has no authority to issue such a notice if the house is beyond a distance of two hundred yards from any school or hospital or a place of religious worship is quite unnecessary because it gives an unnecessary ground for argument and defence to the culprits.

Therefore, I want that these words be omitted, namely:

"within a distance of two hundred yards of any public place referred to in sub-section (1) of section 7".

Since the time is short, I would not dilate on this point. I hope the Minister will accept my amendment.

Mr. Chairman: Amendment moved:

Page 11, lines 31 and 32—

Omit "within a distance of two hundred yards of any public place referred to in sub-section (1) of section 7".

Shri K. C. Sodhia (Sagar): I beg to move:

Page 12, lines 22 and 21—

Omit 'sub-section (1) or'.

I would like to submit that proceedings under clause 18 (1) are quite different from those under clause 18 (2) and clauses 3 and 7. Now, sub-clause (2) of clause 18 reads:

"A court convicting a person of any offence under section 3 or section 7 may pass orders under sub-section (1), without further notice to such person..."

That the house should not be let on hire for one year. Under sub-clause (3), the orders passed under sub-clauses (1) and (2) are not appealable.

My submission is that the proceedings under sub-clause (1) and sub-clause (2) are quite independent. I do not see why an appeal should not be provided for in this case, because it is only at the instance of the police officer that the magistrate gets the

information that a particular house is being used for the purposes referred to in clause 7, and that information may be cooked up or may be wrong. So, if an appeal is not allowed against the proceedings under sub-clause (1), a big harm will be done.

I would, therefore, submit that the words 'sub-section (1) or' occurring in sub-clause (3) may be omitted, leaving only 'sub-section (2)' to remain.

Mr. Chairman: There is a Government amendment to this, namely amendment No. 20. I think that will be the answer to Shri K. C. Sodhia's point.

Amendment moved:

Page 12, lines 20 and 21—

Omit 'sub-section (1) or'.

Shri Datar: I beg to move:

Page 12—

after line 24, add:

"Provided that where a conviction under section 3 or section 7 is set aside on appeal on the ground that such house, room, place or any portion thereof is not being run or used as a brothel or is not being used by prostitutes for carrying on their trade, any order passed by the trial court under section (1) shall also be set aside."

I would point out that the object that my hon. friend has in view is completely covered by this amendment. Moreover, this is also a consequential amendment.

Shri K. C. Sodhia: No, it is not covered at all.

Mr. Chairman: Amendment moved:

Page 12—

after line 24, add:

"Provided that where a conviction under section 3 or section 7 is set aside on appeal on the ground that such house, room, place or any portion thereof is not being run or used as a brothel or is not being used by prostitutes for carrying on their trade, any

order passed by the trial court under sub-section (1) shall also be set aside."

Shri K. C. Sodhia: The proceedings under clauses 3 and 7 have been covered by the amendment tabled by the Minister. But that amendment does not say anything about proceedings under sub-clause (1) of clause 18.

Shri Datar: They are quite independent. As the time is short, I would not be able to explain.

Mr. Chairman: I shall now put the amendments to vote.

The question is:

Page 11—

lines 31 and 32—

Omit 'within a distance of two hundred yards of any public place referred to in sub-section (1) of section 7'

The motion was negated.

Mr. Chairman: The question is:

Page 12, lines 20 and 21—

Omit 'sub-section (1) or'.

The motion was negated.

Mr. Chairman: The question is:

Page 12—

after line 24, add:

"Provided that where a conviction under section 3 or section 7 is set aside on appeal on the ground that such house, room, place or any portion thereof is not being run or used as a brothel or is not being used by prostitutes for carrying on their trade, any order passed by the trial court under sub-section (1) shall also be set aside."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 18, as amended, stand part of the Bill".

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 and 20 were added to the Bill.

Clause 21.—(Protective homes)

Shrimati Jayashri (Bombay-Suburban): I beg to move:

Page 14—

lines 31 and 36—

for "at least thirty days before the date of its expiration, be renewed for a like period."

substitute "sixty days before the date of its expiration be renewed for such period as the State Government may think fit to specify in accordance with the rules made under this Act.

Provided that a licence may be renewed on an application made within sixty days before the date of its expiration, if the licensing authority is satisfied that there was sufficient cause for not making the application earlier."

I have moved this amendment on the basis of another Bill which had been referred to the Select Committee, namely the Women's and Children's Institutions Licensing Bill in the name of Shrimati Kamalendu Mati Shah. A similar clause was there in that Bill, wherein we had suggested:

"Provided that a licence may be renewed on an application made within sixty days before the date of its expiration, if the licensing authority is satisfied that there was sufficient cause for not making the application earlier."

My submission is that either through some mistake or owing to some postal difficulty, the renewal applications of many good institutions may not reach in time, and if this clause were allowed to remain as it is, then they might be prevented from continuing their work. There are many big institutions such as the Shradhananda Ashram in Bombay. If their applications do not reach in time and their licences are not renewed,

then what will happen to the inmates of those institutions? They will find their position very difficult. So, I would suggest that the amendment which I have proposed on the basis of the Women's and Children's Institutions Licensing Bill may be accepted.

Sub-clause (5) provides that a licence can be renewed for a 'like period' on an application being made at least thirty days before the date of its expiration. I have suggested that the licence may be renewed instead of for a 'like period' for 'such period as the State Government may think fit to specify in accordance with the rules made under this Act'. The words 'a like period' may mean just a short period of one year. Suppose there are very good institutions and Government are satisfied with their management; then they can extend the period. So, instead of saying that the licence may be renewed for a like period, I would say that it may be renewed for such period as the State Government may think fit to specify in accordance with the rules made under this Act.

I would, therefore, request the Minister to accept my amendment.

Mr. Chairman: Amendment moved:

Page 14—

lines 35 and 36—

for "at least thirty days before the date of its expiration, be renewed for a like period."

substitute "sixty days before the date of its expiration be renewed for such period as the State Government may think fit to specify in accordance with the rules made under this Act.

Provided that a licence may be renewed on an application made within sixty days before the date of its expiration, if the licensing authority is satisfied that there was sufficient cause for not making the application earlier."

Shri K. C. Sodhia: I beg to move:

Page 15 line 15—

add at the end:

“and the inmates thereof shall be transferred to another protective home”.

Sub-clause (8) of clause 21 reads:

“Where a licence in respect of a protective home has been revoked under the foregoing subsection, such protective home shall cease to function from the date of such revocation.”

I want to add the words:

“and the inmates thereof shall be transferred to another protective home.”

This is a very reasonable amendment, because we have to take care of the inmates of that protective home.

Shrimati Jayashri: That will come under the rules.

Shri Datar: That comes under the rules.

May I reply to the points raised? So far as the first point raised by Shrimati Jayashri is concerned, I would point out that thirty days is the usual period put in all cases where a licence is required. The Select Committee considered the Suppression of Immoral Traffic in Women and Girls Bill first, and they approved of this. Then, for reasons which I am not aware of, they stated that the corresponding period should be sixty days in the case of the Women's and Children's Institutions Licensing Bill. I believe that so far as protective homes are concerned, the period of thirty days would be sufficient, and all that is required is that within thirty days they have to put in an application. The application may be oral, written, or through post. Thirty days is more than a sufficient period.

So far as the point made out by my hon. friend Shri K. C. Sodhia is concerned, that can be covered; the question will be considered when the rules are made.

Mr. Chairman: The question is:

Page 15, lines 35 and 36—

for “at least thirty days before the date of its expiration, be renewed for a like period”.

substitute “sixty days before the date of its expiration be renewed for such period as the State Government may think fit to specify in accordance with the rules made under this Act.

Provided that a licence may be renewed on an application made within sixty days before the date of its expiration, if the licensing authority is satisfied that there was sufficient cause for not making the application earlier.”

The motion was negated.

Mr. Chairman: The question is:

Page 15, line 15—

add at the end:

“and the inmates thereof shall be transferred to another protective home.”

The motion was negated.

Mr. Chairman: The question is:

“That clause 21 stand part of the Bill”.

The motion was adopted.

Clause 21 was added to the Bill.

Clauses 22 to 25 were added to the Bill.

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

Title

Dr. Rama Rao: I have an amendment to the Title.

Mr. Chairman: I think that has been received rather late.

Dr. Rama Rao: I beg to move:

Page 1—

in the Long Title, *omit*:

“to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950”

Yesterday, I had explained why it was unnecessary for this sovereign House to mention that we were enacting this law in pursuance of an international organisation's suggestions. All good suggestions are welcome, but to put them in this form in law is quite unnecessary.

One hon. Member has pointed out that this item will come under the State List, but there is an exception namely that if anything is being done in pursuance of an international agreement, then legislation can be brought forward in the Central legislature. I do not know how the Central legislature is excluded or prevented from enacting a social law of this nature. I am not much of a lawyer, but Entry 1 in the Concurrent List reads as follows:

“Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution...”

I think this item does come under the Concurrent List. Therefore, I feel there is no reason why we should have the words ‘in pursuance of the International Convention signed at New York on the 9th day of May, 1950’.

Secondly, if we have no authority to pass a legislation of this nature, I am opposed to bypassing this prohibition under the excuse of some international organisation's recommendations.

Shri Datar: I would like to point out to the hon. Member that if these words were omitted, it would not be clear how Parliament was seized of this matter.

Under article 253 of the Constitution, and, if I mistake not, under Entry 14 in the Union List, Parliament can enact legislation in respect of a subject within the State's jurisdiction, provided it is in pursuance of an international covenant or agreement. So, it is absolutely essential to mention this, for, unless it is mentioned that this Bill has been brought forward in pursuance of an international agreement, Parliament will have no authority at all. Therefore, the authority has to be mentioned here.

Mr. Chairman: The question is:

Page 1, in the Long Title—

omit “to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950.”

The motion was negatived.

Mr. Chairman: The question is:

“That the Title stand part of the Bill”.

The motion was adopted.

The Title was added to the Bill.

Shri Datar: I beg to move:

“That the Bill, as amended, be passed”.

Mr. Chairman: The question is:

“That the Bill, as amended, be passed”.

The motion was adopted.

Mr. Chairman: We shall now proceed with Private Members' business. We are a little late. Actually, we should have started this business at 14.00 hours. That was decided with the concurrence of the House. We are now beginning at about 14.15 hours. We shall try and see if we can so adjust it as to enable the Finance Minister to make his statement. About that I shall announce a little later.

Dr. Ram Subhag Singh (Shahabad South): That should also be extended by a few minutes.

Mr. Chairman: I shall just have a talk with the Minister and find out how it can be adjusted. I will announce it later.