

**DISPLACED PERSONS (DEBTS ADJUSTMENT) AMENDMENT BILL**

**Shri Namdhari (Fazilka-Sirsa):** I beg to move for leave to introduce a Bill further to amend the Displaced Persons (Debts Adjustment) Act, 1951.

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

"That leave be granted to introduce a Bill further to amend the Displaced Persons (Debt Adjustment) Act, 1951."

*The motion was adopted.*

**Shri Namdhari:** I introduce the Bill.

**Mr. Deputy-Speaker:** Any other hon. Member who has since arrived?

**PREVENTION OF COW-SLAUGHTER BILL**

**Shri Nand Lal Sharma (Sikar):** I beg to move for leave to introduce a Bill to prevent the slaughtering of cows in India.

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

"That leave be granted to introduce a Bill to prevent the slaughtering of cows in India."

*The motion was adopted.*

**Shri Nand Lal Sharma:** I introduce the Bill.

**ORPHANAGES BILL—concl'd.**

**Mr. Deputy-Speaker:** The House will proceed with further consideration....

**Shri Nambiar (Mayuram):** Before we proceed, I would like to know what the fate of those Bills which are opposed today will be. Will they ever come up before the House, during the five years' life of this Parliament?

**Mr. Deputy-Speaker:** The way has been made clear for all the other Bills. A number of Bills have been admitted. Other Bills are blocked. If he just gives notice once again, then they will be arranged in the order of notice and he will have the next op-

portunity at the next time. Absolutely this is guaranteed.

**Shri Nambiar:** Next opportunity after disposing of all the introduced Bills? We do not know the procedure.

**Mr. Deputy-Speaker:** In the meanwhile, certain other rules are being modified and if they are accepted, there is no difficulty at all. Hereafter, wherever hon. Members have given notice of Bills, at the introduction stage, they will have precedence over other motions. That is, under the new rules.

**Shri Nambiar:** And they cannot oppose as they did today?

**Mr. Deputy-Speaker:** Am I to be given interpretation? The House will now proceed with the further consideration of the following motion moved by Shri M. L. Dwivedi on the 13th March, 1953, namely:

"That the Bill to provide for bringing up, maintenance and education of children who have lost their parents and have no other person to look after them in proper manner, be taken into consideration."

Some amendments have also been tabled. Dr. Satya Narayan Sinha to continue; both on the Bill as well as the amendments.

**Dr. S. N. Sinha (Saran East):** More than four months have passed since we discussed this question of promotion of orphanages in our country. Much water has flowed since then into the Ganges, and many changes have taken place inside our country and also in the international arena.

Very few people until now appeared to look into the childhood of persons like Tensing. Now they do. It is all because of his reaching the top of the Everest. He belongs to the Sherpa tribe. We have seen many of these Sherpas in the streets of Darjeeling. Their conditions are not better than those of any orphans. We have to look particularly to those coming from the hilly areas. Tensing:

[Dr. S. N. Sinha]

was an orphan, and he has to his credit such an excellent achievement—that of fighting against nature. This is an achievement of a century. So, his illustration shows that given proper chances, an orphan can achieve many things—a great many things—which others cannot do. In spite of his individual achievements, we find that the condition of orphans in our country has remained unchanged. It is but natural. The condition of the orphans cannot change because they are the most neglected and most helpless set of people in our country. They have no food, no shelter and no protection, and the society does not want to give them anything.

**Shri S. V. Ramaswamy (Salem):** Is there any time limit on speeches?

**Mr. Deputy-Speaker:** If the hon. Members want to fix up a time limit, I have no objection. How many people have already spoken?

**Shri M. L. Dwivedi (Hamirpur Distt.):** About 10 Members have already spoken and there are two more.

**Mr. Deputy-Speaker:** How much time will Dr. Sinha take?

**Dr. S. N. Sinha:** I will take about 15 minutes.

**Mr. Deputy-Speaker:** How much time will the hon. Minister take to reply?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** I would require 7 minutes.

सेठ गोविन्ददास (मंडला-जबलपुर-दक्षिण) : मैं दस मिनट लूंगा ।

श्री भार० एस० तिवारी (छतरपुर-दतिया-टीकमगढ़) : मैं भी इस पर बोलूंगा ।

**Mr. Deputy-Speaker:** अच्छा आप, भी ।

This will be finished by 1 O'Clock, if not earlier. Hon. Members will bear in mind that they have already asked me for the time they require and as such they will not ask for more time later.

**Dr. S. N. Sinha:** Orphanage is such a problem—a huge problem—that we are not capable of tackling it. We say this is due to the poverty of our country which prevents us from doing anything for the orphanages of our country. But, this analysis does not lead us anywhere. Well, it has neither solved the problem nor absolved us of our responsibilities towards the orphanages of our country. Sir, these orphans, who loiter in the streets are denied every protection that is needed. They snatch away what they can and they lead a very miserable life. This humiliation of a man is a very serious matter, and for any civilized Government it is a matter of serious concern. We are lagging behind many countries in the matter of these orphanages as they are taken care of in our country only by charitable or religious institutions. But those institutions have not solved the problem at all, and they cannot solve the problem, because the basic fact about the orphans remains that they feel inferior to many of us simply because they are brought up in orphanages. When they suffer from this inferiority complex, there is no remedy for it. They cannot achieve anything in life. As a contrast if we look towards other countries, we find much work has been done. As an illustration, I will give you something from Germany. During the postwar period the problem of orphans was very serious there. Practically, every third child was without his father. Many children used to go from one village to another, from one house to another, just to beg for food. I followed once these children and I saw it myself that a child when he approached the landlady of a house, he did not beg. He just demanded: "Bring me some coffee and bread." I was surprised I thought perhaps the landlady will not give a morsel at all and that she will feel insulted. But that was not the case. I saw that the lady brought not only bread and coffee but also some jam. When I asked the boy he said: "Why should we beg? You do not get

anything in the world if you beg. You should always demand. We are also human beings and have also a right to exist, and these fellows, who have a little more than they need they must share with us". This idea struck me, and I see that the German nation is advancing with great speed due to this idea that they are human beings and they must have also a standard of living. We find this in the national consciousness of the Germans which is awakening and so they say: "When other powers are pulling us down, we will not go down. We will drag them also with us. Others have no right to prosper when we are poor. They must give us every chance to develop ourselves."

This idea of feeling that one is a human being, and that one has come into the world not as a beggar, but with certain rights, is a great thing. In our country, what happens? The children we put in the orphanages, religious or private, become professional beggars. They come out as beggars. No other profession can they take, and the feeling they have is that whatever society gives them is due to the good wishes of the people, the good people, and that if they are denied, they have no right to ask them for anything. This is certainly wrong. A person when he comes into the world has certain rights, basic rights, human rights—to demand from the society in which he lives or from the Government under which he is, certain rights to have, not maybe a very high standard of living, but certain basic needs of life. This is denied in our country to the orphans everywhere. It was also denied in many other countries, but they have become alert, especially since the last years of the last century. In many countries, they have framed laws for the children and they have accepted these rights for them, that it is a great responsibility of the State to see to it that there is no orphan in the country.

While dealing with these laws, we find that one of the best laws which has been framed and which has been

constantly improved upon, is that of the United Kingdom. I would like to refer to one law which they have, a very good law, and that is the Childrens Act. The general principle underlying this Act is that orphaned children have a right to special treatment. The State cannot deny them. It says:

"Where it appears to a local authority with respect to a child in that area appearing to them to be under the age of 17 that he is orphaned, abandoned or not provided for, it shall be the duty of the local authority to receive the child into their care."

It is a very good law, and similar laws you will find also in many other countries. They exist also in Scandinavia. But, in our country we have no such law. Our Government does not realise even today its duty; it does not realize that it has certain responsibilities towards the orphans. These orphanages which exist in our country, as I said a couple of minutes ago, do not solve the problem at all. The State must come forward.

To decide whether a society is developed or not, whether it has a right to call itself civilized or not, we can take as criterion the care of children that it takes through its laws or through its institutions. In our country what we need, and very badly need, is State-managed orphanages where the orphans can take some training and get some education through which they can come forward in future life. Much talent is wasted by loitering in the streets. If all those energies are channelled, of course the country will improve; the general level of the country will improve.

This law should be framed as early as possible, because it cannot be neglected any further. What the others have done 50 years ago, at least we must make a beginning of in right earnest and right now. The level of our society will remain low so long as we do not look at this problem with all the seriousness it deserves.

[Dr. S. N. Sinha]

It is a Private Member's Bill, and I am afraid people may not take, or the Government may not take it very seriously, but that is definitely wrong. This is a very important matter, and this should be given the seriousness it deserves, because upon it depends the level of our society and the level of the functioning of our Government.

With these words I support this Bill, and I do hope that the Government will not oppose at least in this case, because the Bill is intended to bring a bright future for the orphans of our country, which in other words means a very bright future for our country as a whole.

**Shri Raghaviah (Ongole):** At the outset I must congratulate my hon. friend Mr. Dwivedi for having brought this Bill for the upliftment of the physical, moral and mental condition and the development of children without parents or guardians. The Directive Principles of the Constitution and certain Articles under Fundamental Rights have placed an amount of responsibility on the Government to look after the welfare of children who have neither parents nor guardians. This term "orphan" has unfortunately been taken from a foreign language and foreign traditions. I for one oppose the usage of this term "orphan". We know that in foreign countries like the Soviet Union and China, they don't call these as orphanages. They call them Children's institutions, children's schools or nurseries or something like that. Never do they call them orphanages. The very term "orphanage" is a mean one.

Apart from that, what are the factors that have compelled the Mover of the Bill to bring forth such a piece of legislation before this House? After the introduction of the Constitution and its working for the last three or four years, we have seen to our bitter experience that even the least care is not taken of these children without parents or guardians. Added to this, we have been suffering from another evil, viz., the entrance of lakhs of peo-

ple in the form of refugees into our country due to partition. This has also intensified this problem of orphans and demands greater care and attention from the Government. In the peculiar circumstances in which our Government is placed today, the question of looking after the welfare of these orphans takes on greater importance, and hence a greater responsibility is cast on the shoulders of the Government.

Before we attempt necessary measures for giving relief to these orphans, let us first of all consider what is the background or what are the causes and reasons that have brought about this pitiful condition of these parentless and guardianless children in our country. You know that in one of the Directive Principles of the Constitution, as a measure of giving relief to these orphans, a suggestion was made to develop cottage industries and other industries. We all know that the handloom industry is one of the major industries today in our country which is suffering from a severe crisis. I come from a constituency where this is a major industry. I would like to bring to the notice of this House, and also to the Members of the Cabinet, that so many parents in Andhra have thrown away their children or sold them for nothing. And today they are left as orphans, and some of them are even allowed to die. This is the plight of the children of handloom weavers in Andhra Desh today. A serious crisis is trying to enter into the fabric of society, and, the same happens to be the case with the children engaged in other cottage industries as well. The best way of giving relief to these children is by improving the cottage industries, and by organising them in a proper manner. This is one of the immediate needs of the situation, which demands our attention today.

It is a common sight in our country to see many families and many children living on the pavements of the streets of big cities like Madras,

Calcutta, Bombay etc. When I happened to visit China last year, to my surprise, I could never find even a single child or adult living and sleeping on the pavements in any of the cities in China, such as Shanghai, Canton, Peking and so on. I could not see even a single beggar in the whole of China. All this is in sharp contrast with the conditions prevailing in our country. Unfortunately, when we go to the big cities, the moment we get down from the train, we see a number of children sleeping on the pavements. Something must be immediately done to improve their condition.

This is one of the inhuman conditions in which our orphans have been placed in our country. Even after the Constitution has been in force, is it not a shame on our part to keep our brethren and our children in the same state in which they were during the last so many years, both under the rule of a foreign power, and even under our own Government? Unless the transfer of power from a foreign ruler to a national Government means something materially to the common man in the street it cannot be said that we have achieved freedom. Freedom must mean some material benefit to the common man in the street.

The condition of the orphans touches every one of our hearts, and evokes our sympathy. We also find that the number of deaths of children has also been on the increase, in a very significant manner. In a dependent country like ours, when our economy is moving slowly towards progress, because enough care has not been taken to develop the cottage industries and other village industries, we are seeing today that the rate of infantile mortality has been increasing, in an unchecked manner. Many of our children are employed in the mica mining and similar other industries, which are the very industries where they ought not to be employed. As a result of the overexertion of these children, the rate of infantile mortality has been

increasing, in our country, and if we look into the statistics of the average life of a person in advanced countries....

**An Hon. Member:** Like China.

**Shri Raghavaiah:** Yes, it is not my version, it is the version of Mrs. Vijayalakshmi Pandit. I hope that our friends will learn at least from the experience of others, of their own type, if not from those of our type. I also hope that the spirit of sportsmanship is not lacking on the part of hon. Members opposite. Wherever there is good, we have got to imitate. Imitation of something good, or adaptation of something good that we find in others is no demeaning thing. On the other hand, it enhances our spirit of appreciation of the good in others.

The cultural and economic development of the condition of these orphans takes two forms. Mere opening of some orphanages is not enough. The orphanages have been there in our country, but they are merely a drop in the ocean.

**Acharya Kripalani** (Bhagalpur *cum* Purnea): This is also an orphanage. Most of us are orphans.

**Shri Raghavaiah:** Unless we do something to improve it, it will continue to be so. It is high time that we wake up, and pass Bills of this nature, for the benefit of not only those outside this House, but also for bettering our own conditions. We should see to it that they are not merely on the Statute Book, but are implemented in the earliest possible period. Only then we would be able to retrieve ourselves from the plight in which Mr. Kripalani has placed us.

**Mr. Deputy-Speaker:** But there is an age-limit. That is the difficulty.

**Acharya Kripalani:** Many of us are in the second child age.

**Shri Raghavaiah:** It is not bread alone that makes a man live. Bread is useful and necessary for the development of the physique of men, women and children, but it is also necessary

[Shri Raghavaiah]

that some bread should be given to the brain. In countries with a progressive economy, we find that along with economic development of the condition of the parentless and guardianless children, cultural development is also taking place. For my part, I have seen in China children of the age of two or three playing such intelligent games, as strike a note of wonder in any Indian visitor. I have not seen any children in our country playing such intelligent games. I do not know how they are able to develop the average intelligence of these children in such a short time.

**Prof. D. C. Sharma** (Hoshiarpur): China produces prodigies.

**Shri Raghavaiah**: Certainly.

**Mr. Deputy-Speaker**: There are also nurseries there.

**Shri Raghavaiah**: In view of all this, it is necessary that we should start tackling the problem in all seriousness, and give immediate relief to these orphans.

In clause 3 of the Bill it has been stated:

"Soon after the passing of this Act, the Government shall arrange through their own agency or that of the States concerned to take up all orphanages throughout the country under state management."

The Government, we find, are always ashamed of taking up the management of any undertaking, and running it in a proper manner. Today, there are many industries which are in decay; there are many other institutions which are similarly on the verge of decay. But when we ask the Government to take up the responsibility and run them properly, they simply say, no men, no personnel, and no money. For instance, whenever you ask the Madras Government to take up any such institution, they always say, 'no money'. You ask for anything, they will say 'no money'.

**Shri P. N. Rajabhoj** (Sholapur—Reserved—Sch. Castes): Sir, on a point of order. There is no quorum in the House.

**Mr. Deputy-Speaker**: Yes, there is quorum.

सरदार ए० एस० सहगल (बिलासपुर): रन की मैथिमेटिक्स कमजोर है इस लिये हिसाब लगाने में गलती हो गई है।

**Shri Raghavaiah** rose —

**Mr. Deputy-Speaker**: I thought the hon. Member was finishing.

**Shri Raghavaiah**: No, Sir.

It is the imperative duty of the State to take up all orphanages, if at all there are any in existence today in a living condition and doing anything, and run them. It is their duty to manage them properly. It is also the duty of our Government to direct all the State Governments to give first and foremost priority to the uplift and betterment of these orphans in the different States. Here sub-clause (2) of clause 3 says:

"It shall be the duty of every State Government to trace all the orphans from time to time through official or public agencies and take them in Government custody for bringing them up and for their proper maintenance, and education".

Proper data of the number of orphans today cannot be had or a proper account of all these orphans cannot be maintained and the State Governments will not be able to have up-to-date figures unless they take the co-operation of the people's organisations working in that direction. Our Government is not in the habit of taking the help of the people's organisations whenever any such demand is put forward. So it makes one appeal to the Government once again to take the help of the public and also other organisations and parties and thus make it a national issue of serious importance and not an issue for the develop-

ment or the propaganda of any single party or the party in power.

Nowadays it has become a policy, I think, with the Government to stifle the intellectual development of the children and students in our country in the name of technical education. The education system that has been adopted very recently in our State makes a man look to his profession more than to his education. Schemes like this have been imparted in the different States and are perhaps in the contemplation of the Central Government also.

**Mr. Deputy-Speaker:** What has that to do with orphans?

**Shri Raghavala:** I am coming to that. I am making out an argument. If schemes like this are to be adopted even for the development of these children, what will happen is that you will be increasing the number of clerks or coolies or *hamals*, but not the development of genius of children. Who knows whether a child has in his brain an element that may flower sometime after, and make him shine in the world as one of the best figures? It is well said by Thomas Gray in his *Elegy*:

"Some village Hampden here  
may rest.

Some Cromwell guiltless of this  
country's blood."

Sir, like that we do not know how many of these orphaned children are pregnant with such destinies, if only the necessary objective conditions are given for their development. In view of this, it will be the duty of the Government to open up all possibilities and all avenues for the all-sided development of these parentless and guardianless children.

12 Noon

In this connection, I would only like to point out to the Ministry concerned some of the Directive Principles in the Constitution and say that provided these are implemented in the spirit and letter of the words, it will be doing enough for the improve-

ment of these orphans. Article 43 states:

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

I attach more importance to the last line, i.e. "The State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas". This assumes greater importance in view of the fact that the children of parents or families who are living on cottage industries today are being trained because cottage industries, like the handloom, are in a state of utter decay.

Then Article 45 says:

"The State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

This may be applied to the orphans also. In this connection I am surprised to see the word 'compulsory' in education. When I went to China, I put this question to one of the educationists there: 'Don't you have compulsory education in your country?' He replied: 'What is compulsory education?' They were surprised to hear the word 'compulsory'. Education becomes a necessity; it is not compulsory. Unfortunately, in our country the question of food is not solved; that is why it has to be compulsory. In our countryside, I have had experience as a teacher for sometime. We all know

[Shri Raghavaiah]

that whenever the Inspector comes to the elementary school for inspection, the teacher immediately runs into the street trying to gather children and bring them to the school to show the necessary attendance. He collects them compulsorily and brings them to school. Naturally the parents of the children say: 'What is the use of sending the boys to school? They may well go and get at least a basket-load of dung and we can make it into dung cakes and sell it in the market, getting a livelihood'. Unfortunately, education in our country has become compulsory because of utter poverty and destitution. When the first and foremost question of food and clothing is solved, education does not become compulsory. When this problem is solved, the children naturally run to the schools. The schools need not go to them; the children will go to the school. It is an irony of times that in our country the schools go to children and the children never go to schools. Unless the question of food is solved, the children will not go to school. So this compulsory education is really a wonderful feature of our Constitution.

**Shri Bhagwat Jha** (Purnea Santal Parganas): It should be removed. That is what he says.

**Shri Raghavaiah**: If you have the means, solve it; otherwise if you have no means, if you want the children to die before they are educated, allow them to die, as you are doing now.

**Prof. D. C. Sharma**: In China there is no compulsory education, but compulsory military service.

**Shri Raghavaiah**: To defend their country. Even here also it is necessary. We don't object to it.

Another Article of the Constitution, namely 47 says:

"The State shall regard the raising of the level of nutrition

and the standard of living of its people....."

We all know that it is because of the very low standards of living that we are maintaining today that the death rate of children and adults is on the increase. (*Interruption.*) The best way of decreasing the number is to help these orphans to live better lives, better than any of us do, by increasing the level of nutrition. I hope this first sentence of Article 47 will be borne in mind by the Government in implementing the Orphanage Bill.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

There is another Article, Article 39. Clause (f) says:

"that childhood and youth are protected against exploitation and against moral and material abandonment."

The sub-clause wants that childhood and youth should be protected against exploitation and moral and material abandonment. This is self-explanatory. I need not dilate on this. I hope this will also be borne by the Government and children will be given the best guarantees for the protection of their material, moral and intellectual development.

With these few words and with the hope that the many suggestions that are given to Government will not fall on deaf ears and that the implementation of this Bill will bear really plentiful fruit, I conclude.

श्री गोविन्द दास (मंडला-जबलपुर दक्षिण) : मैं इस विधेयक का हृदय से समर्थन करता हूँ। इस देश के सार्वजनिक जीवन में शायद ही कुछ ऐसे लोग होंगे जिनका काम इन अनाथालयों से न पड़ा हो। ये अनाथालय यथार्थ में उस समय स्थापित हुए थे जब यह देश स्वाधीन नहीं था। इस देश पर उस समय जिनका राज्य था उनका केवल एक ही उद्देश्य



था कि इधर से अधिक से अधिक धन किस प्रकार विलायत जा सकता है। उस समय इस देश के कुछ दानियों ने इन संस्थाओं को स्थापित किया था। इस बात से इंकार नहीं किया जा सकता कि अपने समय में इन संस्थाओं ने इस देश में बहुत उपयोगी काम किया है। परन्तु आज सारा दृश्य बदल गया है। आज भी जब हम यह कहते हैं कि इन संस्थाओं का प्रबन्ध सरकार को ले लेना चाहिये और इस समय जब हम इन संस्थाओं में होने वाली कुछ बुराइयों की तरफ लोगों का ध्यान आकर्षित करना चाहते हैं तब भी यह कृतघ्नता होगी यदि इन संस्थाओं ने जो उपयोगी काम किया है उस को हम स्वीकार न करें।

आज की इस बदली हुई परिस्थिति में मैं भी इस मत का हूँ कि हमें यदि अपनी भावी पीढ़ी का ठीक ढंग से निर्माण करना है तो इन संस्थाओं पर सरकार का नियन्त्रण होना नितान्त आवश्यक है। परन्तु जब हम इस प्रकार की चीजों पर विचार करें और अपने विदेशी अनुभवों को अपने देश के सामने रखें तो हमें सदा अपने देश को जो एक कोसने की प्रवृत्ति है उस प्रवृत्ति से भी थोड़ा अलग रहना चाहिये। अभी मेरे पहले जिन बक्ता महोदय का भाषण हुआ, उन्होंने कई बातें चीन के सम्बन्ध में कहीं। मैं भी चीन हो कर हाल ही में लौटा हूँ। लौटने के बाद और लौटने के पहले भी मैंने इस देश में चीन की बहुत चर्चा सुनी है। रूस की भी बहुत चर्चा सुनी जाती है और प्रायः यह माना जाता है कि तीन वर्षों के अन्दर जब से चीन में साम्यवादी नेतृत्व की सरकार की स्थापना हुई है तब से चीन ने सारे प्रदेशों को हल कर लिया है और चीन स्वर्ग हो गया है। चीन में कुछ अच्छी बातें हुई हैं, इस से मैं इंकार नहीं करता। लेकिन चीन स्वर्ग हो गया है और हमारा देश नरक है, चीन में सब कुछ

हो रहा है और हमारे देश में कुछ नहीं हो रहा है, चीन की व्यवस्था में सब प्रश्न हल हो गये हैं, वहाँ कोई भीख नहीं मांगता, वहाँ के सब लोग धनवान हो गये हैं, और हम वहाँ पर हैं जहाँ कि पहिले थे, ये बातें जब कही जाती हैं तो मुझे इन बातों को सुन कर बड़ा आश्चर्य होता है। मैं कहना चाहता हूँ उन लोगों से कि जो चीन गये हैं और उन से भी कि जो चीन जाने वाले हैं कि वे वहाँ जा कर शंघाई को और शंघाई के चारों तरफ जो मजदूरों की बस्तियां हैं उन को देखें। मैं अभी सारे संसार में घूम कर आया हूँ। मैं आप से कहना चाहता हूँ कि चीन में वे मजदूर बस्तियां जितनी बुरी हालत में हैं, वे उतनी खराब इस देश की तो क्या, दुनिया के किसी भी देश के मजदूरों की बस्तियां नहीं हैं। चीन में आज गरीबी, भारतवर्ष से अधिक नहीं तो कम भी नहीं है। चीन के गांवों की हालत को आप देखिये। वहाँ जो लोग गांवों में निवास करते हैं, उन की हालत को देखिये और निष्पक्ष भाव से देखिये कि आप के देश में कुछ हो रहा है या नहीं। आप का यह कहना कि वहाँ पर सब कुछ हो गया है गलत है। चीन स्वर्ग नहीं हो गया है। चीन के प्रति हमारी बड़ी सद्भावना है। रूस के प्रति हमारी बड़ी सद्भावना है। हम सब के मित्र हैं, किसी के शत्रु नहीं। हम सब का भला चाहते हैं। लेकिन जब हम यह सुनते हैं कि हमारा देश तो अधःपतन में जा रहा है और चीन और रूस स्वर्ग बन गए हैं, तो ये गलत बातें हैं। और ये गलत बातें जब दुनिया के सामने जाती हैं तो हमारा देश दुनिया में कोसा जाता है। हमारे देश की इस प्रकार की प्रवृत्ति कोई बड़ी अच्छी प्रवृत्ति नहीं है। जहाँ कहीं भी कुछ अच्छी बातें होती हैं, चाहे वे चीन में हों, चाहे वे रूस में हों, चाहे वे जापान में हों, चाहे अमरीका में हों, कहीं भी हों, हम उन सब को

[सेठ गोविन्द दास ]

ग्रहण करना चाहते हैं। यह नहीं है कि हम कहीं तो अच्छी बातें ग्रहण नहीं करना चाहते। एक दल चीन और रूस में होने वाली बातों को बुरा कहे और दूसरा दल अमेरिका में या जापान में होने वाली बातों को बुरा कहे, यह ठीक नहीं है। जहां भी अच्छी बातें होती हैं, हम उनको मान्यता देते हैं और हम उनको मानने को तैयार हैं। जो विदेश से लीटते हैं उन सब में मैं यह प्रवृत्ति देखता हूँ कि वे अमेरिका की तारीफ़ करते हैं, योरोप की तारीफ़ करते हैं, चीन की तारीफ़ करते हैं, रूस की तारीफ़ करते हैं, जापान की तारीफ़ करते हैं, और सब अपने देश की निन्दा करते हैं यह प्रवृत्ति कोई अच्छी प्रवृत्ति नहीं है।

अब जहां तक इन अनाथालयों का सम्बन्ध है, इन अनाथालयों में आज भी हमें कई अच्छे अनाथालय दिखाई देते हैं। कई बुरे अनाथालय भी दिखाई देते हैं। एक तरफ़ में आपको एक अच्छे अनाथालय का दृष्टांत दूंगा। महोग में जो कि हमारे प्रान्त का पड़ोसी प्रान्त है, एक अनाथालय है उस अनाथालय के चकाने वाले श्री रामाधार जी हैं, जिनकी अवस्था आज ८२ वर्ष की है। इन्होंने इस अनाथालय को बनवाया, इसका अब तक संचालन किया। सन् २९ में इस अनाथालय का शिलान्यास महात्मा गांधी के द्वारा किया गया। अब वे ८२ वर्ष के वृद्ध हो गये हैं, उनको स्वयं अपने गुजर बसर करने के लिये तो आवश्यकता नहीं है लेकिन आज भी ८२ वर्ष का वह बड़ा आदमी अनाथालय के बच्चों के लिये भीख मांग मांग कर उस अनाथालय का काम चला रहा है। उस अनाथालय ने कई बड़े बड़े योग्य व्यक्तियों को बनाया है और कितने ही वहां के लोग समाज में बड़े ऊंचे ऊंचे स्थानों पर पहुँचे हैं। अब इस प्रकार

का अनाथालय जिसका शिलान्यास महात्मा गांधी ने किया हो, जिसे रामाधार के सदृश एक वृद्ध व्यक्ति चला रहा हो और वह अनाथालय जो इतनी सुन्दर संस्था रहा है, रामाधार के बाद उसका क्या होगा, यह सोचने की बात है। मैंने इस समय महोत्रे का एक वृष्टान्त दिया। देश के भिन्न भिन्न स्थानों में और भी अनाथालय होंगे जिन अनाथालयों के गत जीवन का आप अवलोकन करें तो आपको मालूम होगा कि उन्होंने बहुत अच्छी तरह से काम किया है और बहुत अच्छे लोगों का निर्माण भी किया है। लेकिन आज उनकी अवस्था कोई बहुत अच्छी नहीं है, तो ऐसे अनाथालयों के लिये भी यह हो कि अब जबकि स्वराज्य की स्थापना हो गयी है और हमारी अपनी सरकार कायम है तो यह अनाथालय सरकार के नियन्त्रण में जायें। दूसरी ओर हमें देश में इस तरह के अनाथालय भी दिखते हैं जो अनाथालय सारे पापों के भंडार हैं। अब जरा उनकी तरफ़ देखिए (अन्तर्बाधा)

मेरे पहले वक्ता ने तो बहुत समय लिया, पन्द्रह मिनट के बजाय करीब आठ घंटा जहां तक मैं समझता हूँ विलों पर कोई टाइम लिमिट अथवा नियंत्रण नहीं है।

**Mr. Chairman:** Just after the Deputy-Speaker left, three or four hon. Members have expressed their desire to speak. So, if it is possible for the hon. Member to keep within the time-limit it would be rather good, because the other friends will get a chance.

**सेठ गोविन्द दास :** मैं बहुत संक्षेप में समाप्त करने का प्रयत्न करूंगा।

तो दूसरे अनाथालय असा कि मैंने आपसे कहा ऐसे अनाथालय भी हैं जिनमें सब प्रकार के पाप होते हैं, वहां पर जो लड़कियां रहती हैं उन

लड़कियों के सम्बन्ध में कई प्रकार के किस्से सुने जाते हैं। कई बार तो यह सुना जाता है कि ऐसे अनाथालयों से लड़कियां बेची जाती हैं। और यह तो एक आम बात लोगों को मालूम है कि इन अनाथालयों की लड़कियों लड़कों को गाना बजाना सिखाया जाता है। गाना बजाना कोई बुरी बात है यह मैं नहीं कहता, वह तो बहुत अच्छी चीज है, उससे तो भगवान् की भी प्राप्ति होती है ऐसा हमारे यहां कहा गया है। पर उस गाने बजाने का उपयोग किस प्रकार होता है, इस पर हमें ध्यान देने की आवश्यकता है। होता यह है कि अनाथालय के बच्चे गा बजा कर भोख मांगने को निकलते हैं। भोख मांगना एक बुरी प्रथा है, उसे हमें समाप्त करना है। जब अनाथालयों में छोटे छोटे बच्चों को आरम्भ से भोख मांगना सिखाया जाता है तब उनके आगे का जीवन किस प्रकार से उन्नत होगा, इस पर हमें विचार करना चाहिये।

श्री एम० एल० द्विवेदी (हमीरपुर जिला) : उस धन और प्राप्त हुए रुपयों का उन अनाथालयों में उपयोग होता है।

सेठ गोविन्द दास: इस धन का पूरा पूरा उपयोग भी उन अनाथालयों में नहीं होता। इसके अलावा हमें एक दूसरे प्रकार की भी शकल देखने को मिलती है। आप किसी भी ट्रेन में जाइये, थर्ड क्लास में जाइये, इंटर क्लास में जाइये, आपको इन अनाथालयों के नाम पर कुछ लोग भोख मांगते हुए दिखाई देंगे। भोख मांगने की बुरी प्रवृत्ति है, जिस प्रवृत्ति को आज सारा सभ्य संसार रोकने का प्रयत्न कर रहा है। हम देखते हैं कि वह भोख मांगने की प्रवृत्ति इन अनाथालयों के द्वारा जाग्रत की जाती है इन अनाथालयों में धर्म परिवर्तन भी होता है। कई बच्चे जो हिन्दू हैं वे ईसाई बनाये जाते हैं। मैं कोई सम्प्रदायवादी नहीं हूँ, लेकिन मैं जहां यह मानता हूँ कि किसी मुसलमान को

या किसी ईसाई को जबरदस्ती हिन्दू बनाने का प्रयत्न नहीं करना चाहिए, उसी प्रकार मैं यह भी मानता हूँ कि किसी हिन्दू को जबरदस्ती ईसाई और मुसलमान बनाने का भी प्रयत्न नहीं करना चाहिये। इन अनाथालयों के द्वारा धर्म परिवर्तन के भी बहुत से काम चलते हैं। तो मैंने जैसा निवेदन किया है कि इन संस्थाओं में बुरी और अच्छी दोनों हैं। सब मिला कर यह दिखाई देता है कि यदि हम इस देश के लिये ऐसे नागरिक तैयार करना चाहते हैं जो इस देश की आगे की सब बातों की जिम्मेदारी उठावें तो यह आवश्यक है कि इस समय यह जो अनाथालय हैं वे सरकार के नियन्त्रण में आएं।

अभी मैं अमरीका गया था, वहां कुछ लोगों से मेरी शिक्षा के सम्बन्ध में बातचीत हुई। आजकल के कुछ शिक्षा विशेषज्ञों की तो यह राय है कि किसी बच्चे की यथार्थ शिक्षा उसके तीसरे वर्ष और छठे वर्ष की अवस्था के बीच समाप्त हो जाती है, अधिक से अधिक सात वर्ष तक समझ लीजिये। मैंने इन विशेषज्ञों से बातचीत की, अमरीका में भी की और भी कई देशों में की और अधिकतर लोगों की यही राय मिली तीन वर्ष से ६ वर्ष या हृद से हृद सात वर्ष तक की अवस्था के बीच में यदि हम किसी का निर्माण करना चाहते हैं तो वह निर्माण हो सकता है, अन्यथा सात वर्ष के बाद तो हम बालकों और बालिकाओं का यथार्थ निर्माण नहीं कर सकते, अनाथालयों में अगर आप देखेंगे तो आपको पता लगेगा कि इसी अवस्था के अधिकतर बालक और बालिका रहते हैं। इस समय हम इस देश का निर्माण कर रहे हैं। इस देश में दो प्रकार का निर्माण नितान्त आवश्यक है, एक तो पार्थिव वस्तुओं का, खाने पीने और कपड़ों आदि का और दूसरे हमारी भावी पीढ़ी का। यहां जो इतना भ्रष्टाचार दिखता

[सेठ गोविन्द दास]

है उसके लिये कांग्रेस सरकार को कोसा जाता है। आज कांग्रेस सरकार की जगह समाजवादी या साम्यवादी या किसी भी दल की सरकार आ जाय तो जब तक इस देश के चरित्र का निर्माण नहीं होगा तब तक इस झण्टाचार का अन्त कदापि नहीं किया जा सकता।

तो मैं आप से यह कहना चाहता हूँ कि इस देश में हमको जो निर्माण करना है और उस निर्माण में पार्थिव वस्तुओं से अधिक में चरित्र को आवश्यक समझता हूँ, तो जब तक हम अपनी भावी पीढ़ी का ठीक ढंग से निर्माण नहीं करेंगे तब तक इस देश के प्रश्नों को हल नहीं कर सकेंगे। इस दिशा में यह विधेयक एक खास कदम उठाता है इसलिए मैं इस विधेयक का हृदय से समर्थन करता हूँ।

**Mr. Chairman:** Prof. Sharma. Before Prof. Sharma starts I would again request hon. Members to limit their remarks to ten minutes. There are four or five Members who still want to speak. Then, we would be going to the Second Reading and the Third Reading. I would, therefore, request hon. Members to keep to their time limit.

**Prof. D. C. Sharma:** I congratulate the mover of this Bill for bringing it forward. It is a very happy state of things that it has obtained the first place in the ballot. I also think that it augurs well for the future of children in our country.

I go to some of the villages in India; I go about in some of the sizable towns of India; I also sojourn in the big cities of India. But I must say that there is one thing which pains me most and it is that in the streets and alleys and by-lanes of our cities and towns and villages, you find so many waifs and strays, so many wreckages, I say, of the human family. Everywhere you see them. We cannot but be appalled at the sight of the untold misery that

we see all through the country on account of the neglect that we show to our children. Now what is that neglect? I believe, that our economy is the economy of an under-developed country. I know that our resources are limited. I know that educational facilities are very very limited. I also know that the possibilities of employment are not too plentiful. All these things are there and I think that this question should be viewed against that background. But all the same, I cannot help saying that children constitute,—there is no harm in repeating the truism which is as true as the Himalayas,—the best wealth of a country and yet I put this question to myself and to all the inhabitants of India, "what use are we making of these children?"

I want that this proposition should be viewed against some of the social evils which are rampant in our society at this time. I think all of us know that kidnapping is going on in this country on a very large scale. In my own State, cases of kidnapping of children are immense. Leading articles have been written on this subject, public meetings have been held to voice the feelings of the people against this. What is this due to? It is because the children are neglected; there are children who have no parents, no guardians and who are absolutely uncared for and unscrupulous persons are putting them to such uses as I think are not human.

Then I would say beggary is on the increase in this country. The other day one of our legislators in the Punjab issued a statement in which he said that children were being drafted into beggary; sometimes their eyes are pulled out; sometimes they are subjected to physical torture. This is because they have no parents. The State does not look after them, the police establishments are not so vigilant as to put a check upon those persons. Juvenile delinquency is on the increase. Everyday three or

our children are being arrested in the town to which I belong. I do not want to name the town lest it should get a bad name. The eldest of those children was about 12 and you know what was the profession they were plying; they were pick-pockets. One of these children was so cocksure about the dexterities of his fingers in picking the pockets of others that it was simply interesting to listen to him on the fine art of picking others' pockets. I heard these things second-hand from a Magistrate and I have no reason to doubt the testimony of that Magistrate. What I want to say is this, that the whole problem is to be viewed in the first place against the background of those evils which have crept into our society of late and which are eating into the vitals of our society. They are like cankers in our society.

At the same time, I beg to say that we have to look at this problem carefully. My friend opposite was talking too much about China. I also went to China in 1939; I am very sorry to say that I met the largest number of beggars in the city of Shanghai. I do not want to pick a quarrel with that gentleman. What I want to say is that this Bill is also in consonance with the principles of our Constitution. It is also in consonance with the Fundamental Rights which are granted to us and more than this it is in consonance with the kind of State that we are building up.

We are building up a welfare State and I think unless the welfare State begins at the first ladder, the foundations of the State would be rotten and would be utterly useless. I think the first foundation of the welfare State is the children and unless we look after the children, our foundation, I should say, would be shaky. This Bill is to be viewed in connection with our professions for building up a welfare State. I read in the papers that the Ministry of Education had set up a Social Welfare Board. I welcome this move. I am very glad that this Social Welfare Board has been set up in accordance

with the recommendations of the Planning Commission. There will be many kinds of charities, many kinds of beneficent work, many kinds of philanthropic work calling for the help of the Social Board, I think the first charge on the Social Welfare Board should be the looking after of the children who have no one to look after them.

After all, the State is not a hangman; the State is a father, the State is a mother, and the State is a guardian of the children. There is no doubt about the fact that there was a time when we had private agencies to look after the children. There were orphanages. There are good orphanages and there are bad orphanages. For one good orphanage you will have 50 bad orphanages. For one good orphanage where these children are turned into good human material you will have other orphanages where these children are exploited, made to do sweated labour and are turned into useless and inefficient members of the society.

I do not want to quote the instances of other countries. Our country is good enough. We are marching ahead. But here I would like to mention that in England they have Bernardo's homes and the way in which children are kept there is sufficient to fill the inhabitants of any country with pride. There the rough material of human society is turned into good and efficient citizens. Of course, we do not have Bernardo's homes but I would like that the orphanages which are being turned into factories for manufacturing beggars and criminals should be, so to say, turned into useful establishments for educating the children. This can happen only if the State has control and is vigilant in keeping a watch over the affairs of the orphanages. I should say that the orphanages should be supervised and should be brought upto a level which is consistent with our national needs and national efficiency. Of course, I agree with the gentleman who preceded me and said that the word 'Orphanages' was very

[Prof. D. C. Sharma]

obnoxious. I say that all these orphanages should henceforth be called "Children's homes" or something like that, so that the stink which the word "orphanage" carries with it is taken away and the children do not feel that they are living on a sub-human level.

At the same time, I would say that after this Bill is passed—I think there is nobody to take objection to that—a census should be ordered which can be done by the Panchayats. I do not want the Government of India to incur the expenditure. It can be done by panchayats, or local boards, or municipalities. A census of all the children who have none to look after them should be ordered to be taken. After that is done, a Committee should be appointed to go into the working of all the orphanages here. We should not think that the State should do everything. There are rich people, wealthy people, well-to-do people in the country who belong to those income groups which, I should say, are the income groups of affluence. All those persons who belong to those high income groups should adopt these children as their own. That will be one of the ways of solving this problem.

What I mean to say is that viewing this problem against our social background and national needs, I think this is the first step that a welfare State should take in order to lay its foundations broadly, strongly and firmly.

I wholeheartedly agree with the provisions of this Bill and I hope that this Bill would not be talked out but that effective action would be taken on it.

**Shri Damodara Menon (Kozhikode):** I wholeheartedly support the principles of this Bill. Our country is very poor and most of the population are under a subsistence level. That is a fact known to everybody in this country. But the condition of the orphan children is the most pitiable. Speakers

before me made reference to the responsibilities of a welfare State. I consider, that the first responsibility of a welfare State is to look after the defenceless orphan children. According to our present social order, the primary responsibility of bringing up children rests upon the family units. It may be that after some time this responsibility may be transferred or will be taken up by the State. But at the present time we have to work under the present concept of a society in which the responsibility for bringing up children rests with the family unit. In the case of orphans the sorry fact is that this family unit is denied to them. They have lost their parents and there is nobody else to look after them. In such a case it would be a grave wrong to society and also to these children if the State does not step in and look after their welfare. In ancient days in India we had a very noble conception of the duties of the State. In those days the kings thought that it was probably their responsibility to see that everybody in the land got proper protection and education at the expense of the State. I am making this statement, keeping in mind the beautiful sloka in *Raghuvamsa* where Kalidasa says referring to the responsibility of a king:

प्रजानां विनयाधानाद् रक्षणाय् भरणादपि,  
स पिता पितरस्तेषाम् केवलम् जन्महेतवः ।

That is, the king must be the parent of the people in respect of giving education, nourishment and protection. The king was really the father and the parent. The fathers and mothers of the people were merely the causes of their birth—they were only *Janma hethavah*. That used to be the conception before. Probably, when we have developed the idea of a welfare State it would be possible for us to create a society in which parents will be merely *Janma hethavah* and the responsibility of looking after and bringing up the children will rest with the State.

In our country, as has been pointed out by several speakers, the state of these children is really heart-rending. I have seen many of these orphan children struggling in the streets and pavements for morsels of food thrown off by people for the dogs. Feeling references have been made as to how they sleep on pavements and go about without any shelter in the rain and with only rags on their body. Who is to protect them? I know there are very many humanitarian people in this country whose charitable inclinations have helped these people. There are institutions where some of these people are taken care of. But that is only a very very small fragment of the help that is needed. The State must step in and see that these people are protected and trained properly.

My hon. friend Prof. Sharma referred to another grave aspect of this problem. It is a social aspect. And that is if these children are left uncared for, they will be potential criminals in the future. It is these orphans that are being made use of and trained by criminals for their own purposes. Young delinquency is a sure source for future criminals, and that is a danger to the whole society. In that respect also any amount spent on the proper bringing up of these children will be a social benefit to the State.

Therefore, I hope that the hon. Minister will find no difficulty in accepting this Bill and implementing it.

Reference has been made to the new Board that has been set up by the Education Ministry—the Social Welfare Board. I hope the primary work of that Board will be to look after orphan children and make provision for them—and not to hold meetings.

I would even go to the extent of suggesting that if our State can be bold enough to stop the privy purse of about Rs. 5 crores which is given to the Princes and utilise it for bringing up these defenceless orphan

children, it would be a great step in advance.

**Shri S. S. More (Sholapur):** The princes would become orphans!

**Shri Damodara Menon:** Let them become orphans.

**An Hon. Member:** They will have special homes!

**Shri Achuthan (Crangannur):** Copying one pronunciation of the hon. Professor, Shri Sarma, Mada'm, I welcome the principles of the Bill. According to me, in a welfare State such as ours, it is one of the unavoidable duties of the State to see that the unfortunate children, who have lost their parents and who have nothing to fall back upon, are brought up as good citizens of this ancient country.

**Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes):** On a point of order, Madam, is it Mada'm or Ma'dam?

**Mr. Chairman:** I leave it to the Members to pronounce as they wish.

**Shri Achuthan:** Our English Professor says Mada'm.

My thanks are due to the hon. Member Mr. Dwivedi who has moved this Bill in this House at this stage. In India, we understand that there are a number of institutions who have taken up this noble task. According to me, we ought not to discourage those institutions who have got that bent of mind to see that these unfortunate children are well looked after. As provided in the Bill, according to Mr. Dwivedi, the State must take control of these poor unfortunate brothers and sisters and look after them. I cannot agree with that proposition. I agree that the State must be the custodian of not only these unfortunate children, but the destinies of all the people. But, we have certain priorities with regard to all these necessary things which have got to be done. As was observed by Shri Raghavachari, food is the pri-

[Shri Achuthan]

mary thing. Education is another important thing. Shelter is the next important thing. So that, it may not be possible for the State to finance all these big enterprises and bring within its compass all these unfortunate children. I am of opinion that the State must encourage and give financial assistance for all religious or other institutions which take up the work of protecting and educating all these poor children.

According to me, this expression, *Anathalaya* or *yateem-khana* is not a very happy one. Can we say, our unfortunate brothers and sisters, *anathas*? I agree with the experienced professor that there must be children's homes. It cannot be *Alaya*; call it *Anatha Bhavan* or *Mandir*.

**Shri Velayudhan:** Why *anatha*?

**Shri Achuthan:** *Anatha* means not looked after by any one.

I cannot understand why we cannot encourage lotteries with regard to these institutions. Suppose an institution says that it wants to take up 500 so-called unfortunate brothers and sisters, and that it must be allowed to run a lottery with a capital of 10 lakhs of rupees, why can't we allow that? So that, there must be a spirit of healthy competition between these institutions of all denominations. As our great teacher said: God is seen not in these temples and churches with all this bell-ringing, but in the humanitarian activities, in this country. A man must be full of sympathy and good feeling to other people. That would make our country great. At least, our forefathers, thousands of years ago have taught us what a rational life is. I am referring to the Lord Buddha. According to me, he is one of the greatest rationalists that the world has produced. He taught us a better life 2500 years ago. When we have power in our hands, can't we see that life takes a new turn and then set an example to other nations that we know how to live the best life possible and manifest the

best instincts in human beings? I was referring to lotteries. We ought to see that lotteries are sanctioned to help the private institutions for the purpose of maintaining orphans, for the protection of lepers, destitutes and the unfortunate human beings, who are our brothers and sisters. How can we neglect or disregard even their daily necessities?

Not only that. If Members of Parliament, at least some Members who have no children themselves, could adopt some of these children and maintain them, it will be an example for others. I am referring to our hon. Health Minister who has no family or children. If she takes up 10 children, taken from all States, five *ladkas* and five *ladkis*, and maintains them, it will be an example to others. So also our hon. Member from Salem, a barrister of 20 years standing; he has no children. I appeal to Mr. Ramaswamy.....

**Shri S. V. Ramaswamy (Salem):** Madam, I protest against this. I am not barred.

**Shri Achuthan:** So far the hon. Member has none.

So, let them take some two or three children from their areas and see that they are well-educated and brought up in life, so that they can be proud of them. God has not provided them for the time being.—Shri Sarangadhar Das for example. But with regard to lady Member—I am referring to Kumari Annie Mascarene;—if any children are left in her custody, because she will get very angry very soon now and then, probably for the least thing they do, lashes will come in quick succession. So that, excepting her, I wish Members here in Parliament should set an example, and before this Bill is finally passed in this House, they must come up and say "We accept the principle of the Bill. We have adopted so many children, and this must be an example to those who have no child-



ren." And it will show that this country does not require legislation for this purpose.

**Shri S. V. Ramaswamy:** May I know what is the strength of the hon. Member's family?

**Shri Achuthan:** So that, according to me, there cannot be any difficulty with regard to finance. Moreover why not our friends who wear dhotis of five or six yards, use dhotis of two yards as we Malayalis are doing? After all, they want only covering to their body. Why should they use what are called "Long dhotees" which are so long, and in spite of it most part of their thighs are exposed when they walk. Suppose they make up their minds that hereafter for the purpose of this humanitarian work, they will use only dhotis of two yards. Then there are our Sikh friends wearing head dresses consisting of 10 or 15 yards of cloth, when a cap will be enough. I am not finding fault with them. If people make up their mind that hereafter, for the sake of humanitarian work, they will reduce their dress and head-dress and have some dress austerity and that that portion will be set apart for this work, will we have any need of money? I was particularly interested in seeing that Seth Govind Das sets an example. Suppose from tomorrow onwards, he or Tandonji takes up this idea of reducing the dress cost and setting apart that portion for maintaining orphans, that will set an example and encourage such institutions.

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** Madam, although many of the arguments raised during today's debate and that of other days previously are not quite relevant to the Bill that has been moved by my hon. friend Mr. Dwivedi, yet I am glad that this question has been discussed by the House, and we got an opportunity to give our consideration to this matter through this private Member's Bill. I may very briefly, in a few sentences, submit to you

the views of the Government on this Bill.

I regret to say that Government cannot accept this Bill as it is.

**Babu Ramnarayan Singh (Hazari-bagh West):** Shame!

**Shri K. D. Malaviya:** I will convince the hon. Member sitting there (*An Hon. Member:* Don't aspire.) that it is not a matter of shame, but it should be a matter of joy to him when I say that the Bill we propose to move very shortly in the Council of States will be a much more comprehensive Bill, perhaps beyond the comprehension of the hon. Member sitting there, and calling shame, and therefore, on this specific account.....

**Babu Ramnarayan Singh:** You can repeal this Bill then.

**Shri K. D. Malaviya:** ...We do not propose to accept the Bill just now discussed.

**Shri S. S. More:** Get it defeated now.

**Shri K. D. Malaviya:** There are many more points, but I do not wish to refer to them, except to one or two which have been mentioned this morning.

I agree and appreciate very much the sentiment expressed by my hon. friend, Member of the Communist Party, that orphanage is not a very happy word used for the Bill. The term 'Orphanage Bill' is not a very good expression to use, with regard to a Bill of this nature. The Government are coming forward with a very comprehensive Bill, and they have named it 'The Children Bill.' This Bill will deal with problems connected with the care and control of not only neglected children who have unfortunately lost their parents, but also those juvenile delinquents who need looking after either by the State or by other private agencies which are or will be recognised by the State. For such a comprehensive task, we require much more consideration than has been given by this Bill.

[Shri K. D. Malaviya]

Secondly, there are only five clauses in this Bill. Some of them are very relevant to the subject-matter, and we propose to include them in our Bill, such as the clauses relating to arrangement for technical education, the custody of orphans, and the taking over of orphanages by the State Governments.

**बाबू रामनारायण सिंह :** वह बिल सरकार कब लायेगी ।

**श्री के० डी० मालवीय :** सरकार वह बिल पहल कौन्सिल आफ स्टेट में लायेगी और बहुत जल्दी वहाँ से होकर यहाँ हमारे सामने आजायगा ।

We propose to introduce this Bill in the next Council of States session, so that we may have a Joint Select Committee for the consideration of this Bill.

The Bill which will be introduced by the Government will contain about 52 clauses, dealing with the problems of neglected children and juvenile delinquents, and also other matters which will have to be dealt with by Courts, besides containing provisions to give such powers as Government would like to take over, in order to control children who have parents, but who have not been looked after by them, and to levy fines and penalise them or to make other financial arrangements in connection with children who will be cared for, under this Bill.

**Shri R. K. Chaudhury (Gauhati):** May I know what the hon. Minister's idea is of the religion which these orphans will be expected to conform to?

**Shri K. D. Malaviya:** I do not think it is very relevant to the problem of taking care and control of the children. Religion will take care of itself. That is what I think.

**Shri R. K. Chaudhury:** The present system is that if the orphans are brought up in a Christian orphanage,

they take to the Christian religion, if in a Hindu orphanage, to the Hindu religion. What will be the religion given to these orphans? We are entirely ignoring that.

**Shri S. S. More:** Congress.

**Shri K. D. Malaviya:** As the hon. Member knows very well, everybody is free to observe his own religion.

**Shri R. K. Chaudhury:** I am talking of the State orphanages.

**Shri K. D. Malaviya:** The children will be free to accept any religion which they like. So long as they are children, they will be cared for and protected but perhaps there will not be much emphasis on religion, but that is my personal view.

I was referring to the comprehensive Bill which will shortly be brought forward by Government. Some of the provisions in that Bill will give power to impose fines on parents, under certain conditions if they have not taken care of their children.

**Dr. M. M. Das (Burdwan—Reserved—Sch. Castes):** We cannot follow.

**Shri K. K. Basu (Diamond Harbour):** We are not able to follow. The hon. Minister stated something about fines.

**Shri K. D. Malaviya:** I was saying that the Bill that we shall be introducing shortly will be a much more comprehensive Bill, and will deal not only with orphans, but with delinquent children also, who have got parents, but are not looked after by them.

**Shri K. K. Basu:** You were suggesting some penal clauses or something like that. What is that?

**Shri K. D. Malaviya:** These are the reasons which compel me to request my hon. friend the Mover of this Bill, to withdraw this limited Bill, which is restricted in its scope.

I hope my hon. friend the Mover of this Bill will withdraw the Bill, as it is not acceptable to us—not because

the principles are not acceptable to us, but because we want a more comprehensive Bill covering the problem of care of neglected children as a whole.

1 P.M.

श्री एम० एल० द्विवेदी (हमीरपुर-जिला): मैं इस सदन का बहुत ही आभारी हूँ कि उसने इस छोटे से बिल को इतना बड़ा सम्मान दिया और उसका पूरी तरह से समर्थन किया और वास्तव में वे भावनाएं जो हमारे सदस्यों के हृदयों में इस समर्थन को प्रेरित करती हैं, उन्हीं भावनाओं के आधार पर मैंने इस विधेयक को इस सदन में प्रस्तुत किया था। मुझे प्रसन्नता है कि सरकार ने भी उसको करीब करीब मान लिया है, उसके सिद्धान्त को मान लिया है और उसके सम्बन्ध में एक नया विधेयक सरकार की ओर से प्रस्तुत होगा जिसमें ये तमाम बातें और दूसरी अन्य बातें भी आ जायेंगी। माननीय मंत्री महोदय ने अभी अभी कहा कि उस बिल में और बच्चों के बारे में भी इन्तजाम किया जायगा, मुझे यह सुन कर बड़ी खुशी हुई और मैं उनको यह बतलाऊँ कि मैं इस ओर गाफिल नहीं था और मैंने एक और दूसरा विधेयक भी प्रस्तुत किया था जिसमें ऐसे बच्चों का इन्तजाम किया जाना था कि जो चोरी में लगे हैं, भीख मांगते हैं या अन्य बुरे कामों में लगे हुए हैं, मेरे इन दोनों बिलों को मिला कर यदि एक ऐसा संयुक्त बिल बनाया जाता तो मैं समझता हूँ कि उससे बच्चों की सारी समस्याएँ हल हो जातीं और जैसा आपने कहा कि आपके विधेयक में वे सारी चीजें आ जायेंगी, तो मुझे कोई आपत्ति उस बिल को स्वीकार करने में नहीं है, क्योंकि मेरा उद्देश्य केवल अपने बिल को पास कराना ही नहीं है बल्कि बिल के पीछे जो उद्देश्य निहित है उसको पूरा कराना है और मुझे यह जान कर बड़ी प्रसन्नता हुई कि सरकार द्वारा पेश किये जाने

वाले बिल से हमारा वह उद्देश्य पूरा हो जायगा। लेकिन साथ ही साथ सदन का ध्यान में इस तरह आकर्षित करूँगा कि यह विधेयक सन् १९५२ के शुरू शुरू में पेश किया गया था और उसके बाद से इस पार्लियामेंट के जितने सत्र हुए उनमें न्याय मंत्री, शिक्षा मंत्री और राजकुमारी जी ने यह आश्वासन दिया कि बच्चों के वास्ते एक कम्प्रीहेन्सिव बिल (व्यापक विधेयक) बहुत जल्द पार्लियामेंट में प्रस्तुत किया जायगा, लेकिन उन आश्वासनों के बावजूद भी इतना समय बीत चुका है और अभी तक उसके ऊपर कोई कार्रवाई नहीं हुई है।

श्री के० डी० बालचौधरी: वह तो तैयार है।

श्री एम० एल० द्विवेदी: अगर वह बिल तैयार हो चुका है तो मुझे कोई आपत्ति नहीं है इसको विद्वान् करने (वापिस ले लेने) में लेकिन उससे पहले मैं इस बिल के सम्बन्ध में सदस्यों ने जो विचार प्रकट किये हैं, उन पर आपकी अनुमति से संक्षेप में कहना चाहता हूँ।

सबसे पहली बात जो कि मैं सदन में इन अनाथालयों और बच्चों की बड़ी समस्याओं के सम्बन्ध में कहना चाहता हूँ, उनको मंत्री महोदय भी सुन लें तो ज्यादा अच्छा होगा। मैंने हिसाब लगाया है कि सन् १९३१ की मर्दमशुमारी के अनुसार देश में १४ लाख भिखमंगे थे और सन् १९५१ की मर्दमशुमारी के अनुसार उस संख्या में करीब ६ लाख की बढ़ोतरी हो गयी।

रेल तथा परिवहन मंत्री के सभा-सचिव (श्री शाहनवाजखान): इसमें साथ ही शामिल हैं।

श्री एम० एल० द्विवेदी: कुल बीस लाख भिखमंगे हैं, आखिर ये भिखमंगे कहाँ से आये

[श्री एम० एल० द्विवेदी ]

ये वही अनाथ बच्चे हैं जिनका हमने अभी तक कोई उचित इन्तजाम नहीं किया है, इन बीस लाख में से आधे के करीब बच्चे हैं और जो भीख मांगने के काम में लगे हुए हैं और अगर तीन पाव प्रतिदिन के हिसाब से इनके खाने का लगायें तो साल भर में जो अन्न खाया जाता है वह करीब एक करोड़ और चालीस मन का होता है और उस अनाज की कीमत २८ करोड़ रुपये सालाना होती है, इतना धन हम भिखमंगों पर बर्बाद करते हैं जो कि कोई रचनात्मक काम देश में नहीं करते हैं। और यह बहुत आवश्यक है कि सरकार इन बच्चों के लिए इस विधेयक में समुचित व्यवस्था करे और साथ ही इस विधेयक में या किसी दूसरे विधेयक में इस बात की भी व्यवस्था करे कि जितने भिखमंगे हमारे देश में हैं वह काम पर लें, जो अपंग हैं और जो काम नहीं कर सकते हैं वह न लें, लेकिन बाक़ी जितने भी लोग हैं वे समाज और देश के लिये उपयोगी नागरिक सिद्ध हों।

लेकिन जो काम करने के क़ाबिल हैं उन से कोई काम करायें और उनके खाने की कीमत उन से वसूल कर लें। ऐसा करने से इस देश की जो खाद्य सामग्री बरबाद जाती है वह बच जाती है और जिन से हम काम ले सकते हैं उनको काम मिल जाता है। आज आप अनाथ बच्चों का जो प्रबन्ध करने जा रहे हैं वह बहुत अच्छा कर रहे हैं क्योंकि इस से भिखमंगों की संख्या भी कम होगी। यह बहुत महत्वपूर्ण बात है जिसकी तरफ में आपका ध्यान आकर्षित करना चाहता हूँ। आप विचार कीजिये, आप ने इतनी बड़ी बड़ी योजनायें तैयार की हैं और उन पर करोड़ों रुपये खर्च कर रहे हैं। लेकिन मैं इस सम्बन्ध में जो कहना चाहता हूँ वह यह है

कि यह जो मानवता के जल-श्रोत हैं हमारे अनाथ बच्चे और जो निरुद्देश्य बहते हुए पड़े हैं आप को उन को बांधने का प्रयत्न करना चाहिये और जिनके माता पिता नहीं हैं उन को हमें मरने से बचाना चाहिये। अगर हमने इन समस्याओं पर इसी इसी प्रकार से ध्यान दिया जैसे हम नद योजनाओं की ओर ध्यान दे रहे हैं। और इन मानवीय जल-श्रोतों के नद पर भी बांध बना दिया तो हमारे मरे हुए माताओं और पिताओं के सूखे खेत फिर से हरे हो जायेंगे, और कौन जानता है कि इन अनाथों में से, इन उपेक्षित कड़ों से रत्न निकल पड़ें और हमारे देश की वास्तविक सेवा करें।

आपका ध्यान मैं इस ओर आकर्षित करना चाहता हूँ कि अभी पिछले सप्ताह ही दिल्ली में ६० लड़कियां पकड़ी गई हैं, और वह कहां से पकड़ी गई हैं यह सुन कर सदन को आश्चर्य होगा।

एक माननीय सदस्य : ६० नहीं ८४।

श्री एम० एल० द्विवेदी : एक माननीय सदस्य कहते हैं कि उन की संख्या ८४ है। वे देशियों के मकानों से पकड़ी गई हैं। उन से क्या पेशा कराया जाता था इस को मैं इस सदन में दोहराने की आवश्यकता नहीं समझता। आप स्वयं ही उसका अनुमान कर सकते हैं। यह ऐसी लड़कियां हैं जिन के माता पिता नहीं थे, जिन को लोगों ने बेचा था ताकि वह इन पेशों में जाकर लें। यह हमारे राष्ट्र की और इस सदन के माननीय सदस्यों के अपमान की बात है कि हमारे देश की छोटी छोटी बालिकाओं को ऐसे कामों में लगाया जाय तथा उनका कोई प्रबन्ध न किया जाय।

अभी सेठ गोविन्ददास जी ने बताया कि महोबे में एक बूढ़ा है जो कि महात्मा गांधी

के साथ रहा है और एक अनाथाश्रम चलाता है। उस की आयु ८० वर्ष की है और वह भीख मांग कर तीस, चालीस अनाथ बच्चों का पालन पोषण करता है। जब वह मर जायेगा तब उसके पास जो बच्चे हैं उनका प्रबन्ध कौन करेगा। इस लिये मैं कहना चाहता हूँ कि इस काम में विलम्ब करना अच्छा नहीं है, इस में जितनी जल्दी हो सके करनी चाहिये।

अभी मैं सदन का ध्यान एक उन सदस्य की तरफ दिलाऊंगा जिन्होंने ऐसे बच्चों के विषय में एक विधेयक पेश किया था। उनका नाम डा० पंजाब राव देशमुख है। वह तो कहते हैं कि अगर पांच, दस लाख रूपया दे कर मुझ से कहा जाय तो मैं ऐसा प्रबन्ध करा सकता हूँ जैसे कि बड़े बड़े शहरों के जो अनाथ बच्चे हैं उनका प्रबन्ध हो सकता है, और यह मुदिकल बात भी नहीं है। तो हमारी सरकार के बीच में ऐसे मंत्री भी हैं जो इसका भार लेने के लिये तैयार हैं। इसलिये इस में विलम्ब करने की आवश्यकता नहीं है।

मेरे इस बिल पर भाषण करते हुए श्री रघुबीर सहाय ने इसका समर्थन किया लेकिन उन्होंने एक बात कही "क्या सदस्य महोदय यह चाहते हैं कि बच्चों के अनाथालयों को सरकार लेकर ऐसा बना दे जैसे कि जानवरों के पिजरापोल होते हैं? और क्या हमारे पास इस के साधन हैं?" इस सम्बन्ध में मैं कहूंगा कि सरकार अनाथालयों को अपने प्रबन्ध में ले ले। जो अनाथालय जहाँ हैं वहीं रहें, और उनके खर्च की पूर्ति चन्दे से की जाय। अगर वे ठीक से काम करें तो वे बने रहें। इन संस्थाओं की जो आमदनी हो उस को बच्चों के कोष में शामिल कर दिया जाय। अगर धन की कमी हो तो धनी आदमियों से अपील की जाय और अन्य उपाय किये जायें जिस से धन इकट्ठा हो सके। मैं तो कहता हूँ कि अगर सरकार बड़ी बड़ी योजनाओं में

धन खर्च कर सकती है तो ऐसी कोई बात नहीं है कि वह हमारे अनाथ बच्चों के लिये थोड़ा धन न निकाल सके। और उनका प्रबन्ध न कर सके। उसको चाहिये कि अनाथालयों के लिये एक ऐडमिनिस्ट्रेटर मुकर्रर करदे और अनाथ बच्चों की देख रेख उनके जिम्मे कर दी जाय। मेरा कहना यह है कि हमारे अनाथ बच्चों को और शिक्षाओं के साथ शिल्प शिक्षा भी दी जाय और उत्पादक कार्य भी सिखाये जायें। इस प्रकार से हमारी आर्थिक कठिनाइयाँ ही नहीं दूर होंगी बल्कि हमारी आमदनी भी बढ़ सकती है।

श्री के० डी० मालवीय : यह सब हमारे प्रस्ताव में है।

श्री एम० एल० द्विवेदी : यह भी अच्छा है यदि हम नद योजनाओं के लिये करोड़ों रुपयों की रकम निकाल सकते हैं तो कोई कारण नहीं है कि इन अनाथ बच्चों का कोई प्रबन्ध नहीं किया जा सके विशेष कर जबकि दूसरे देशों में इस प्रकार की व्यवस्थाएँ हैं। अभी हमारे डा० सत्यनारायण सिन्हा ने बताया कि इंग्लैण्ड में कैसी व्यवस्था है। इंग्लैण्ड के कानून में लिखा हुआ है कि इंग्लैण्ड के ऐसे बच्चों के लिये जिनके घर बार नहीं हैं, निम्न प्रकार की व्यवस्था है :

"जहां स्थानीय अधिकारी को यह विदित हो कि उसके क्षेत्र में कोई भी बच्चा जिस की आयु १७ वर्ष से कम है और उसका वर्णन नीचे लिखे अनुसार है, तो उस अधिकारी का यह कर्तव्य है कि तुरन्त उस बच्चे को अपनी देख रेख में ले ले :

(क) यह कि उस बच्चे के मां और बाप दोनों में से कोई जीवित नहीं है और न ही उसका कोई संरक्षक है अथवा यह कि उस के मां बाप ने उसे त्याग दिया है तथा संरक्षक ने भी त्याग दिया है अथवा खोया हुआ है।

[श्री एम० एल० द्विवेदी]

(ख) यह कि उस के मां बाप तथा संरक्षक कुछ काल अथवा सदा के लिये शारीरिक, मानसिक व्याधि के कारण अथवा कोई और असमर्थता के कारण उसको रखने, और पालन पोषण करने में असमर्थ हैं,

(ग) प्रत्येक दशा में स्थानीय अधिकारी का उस बच्चे को अपनी देख रेख में लेना लोक हित में है।

२. जहाँ कहीं भी स्थायी अधिकारी ने किसी बच्चे को अपनी देख रेख में ऊपर के अनुच्छेद के अनुसार ले लिया हो, तो यह उस अधिकारी की जिम्मेदारी है कि तब तक उस बच्चे को अपनी देख रेख में रखे जब तक कि उसको इस की आवश्यकता हो और उसकी १८ वर्ष की आयु न हो गई हो।

मेरे सामने एक पुस्तिका है जो कि युनाइटेड नेशन्स यानी संयुक्त राष्ट्र संघ की तरफ से तैयार की गई है। इस में बच्चों के विषय में जो सुन्दर योजनायें दी गई हैं अगर हम उन पर भी ध्यान रखें तो भी हम को मालूम होगा कि उस की क्या मंशा है। उस के क्लोज (i) में लिखा हुआ है :

“(i) Children deprived of a normal home life should have the same rights as other children to food, shelter, health, protection, education, recreation, and social services, as embodied in the Universal Declaration of Human Rights and in the United Nations Drafts Declaration of the Rights of the Child.”

इसी प्रकार से

“(k) It is important that every government should recognize its responsibility for children deprived of a normal home life. Such responsibility should be made effective through appropriate legislation and adequate machinery to implement the legislation including constructive use, licensing

and supervision of non-governmental organizations concerned with care for these children.”

तो कहने की आवश्यकता नहीं है कि सरकार ने इन तमाम बातों के सिद्धान्त को माना है और मुझे खुशी है कि मंत्री जी इस विधेयक को जल्दी पेश करने जा रहे हैं।

जितने सदस्यों ने और जो बातें कही हैं वह सब सराहनीय हैं। मैं उनके प्रति आभार प्रकट करता हूँ। लेकिन एक सदस्य महोदय है जिनका नाम श्री बैरो है, उन्होंने इस विधेयक का विरोध किया है। उन्होंने कहा कि उसका ड्राफ्टिंग (प्राकरण) ठीक नहीं किया गया है। मैं कहना चाहता हूँ कि बिल तो बहुत संक्षेप में है। इसके अन्तर्गत नियम बन सकते हैं। आप ने दान और धर्म के सम्बन्ध में बहुत सी बातें बतलाई और इस बिल का विरोध किया है। मैं उनसे प्रार्थना करूँगा कि वह इस बिल पर गौर करें। यह बिल ऐसा नहीं है जैसा कि वह समझते हैं।

और सदस्यों ने जो बातें कही हैं उनकी ओर भी ध्यान दिया जाना चाहिये।

इन शब्दों के साथ मैं इस बिल को माननीय मंत्रों की इच्छानुसार वापस लेता हूँ।

**Shri M. L. Dwivedi:** I beg leave of the House to withdraw my Bill.

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

“That leave be granted to withdraw the Bill to provide for bringing up, maintenance and education of children who have lost their parents and have no other person to look after them in proper manner.”

*The motion was adopted.*

**Shri R. K. Chaudhury:** On a point of order. When there is a single Member who says that the proposal to withdraw should not be entertained, leave to withdraw cannot be given.

**Mr. Chairman:** It has already been put to the vote of the House.

**Mr. Chairman:** In view of the promise made by the Deputy Speaker, certain Members, who were not present in the House before, will be allowed to move their Bills now.

UNIVERSITY (EXTENSION OF JURISDICTION TO OTHER STATE OR STATES) BILL

**Shri Sivamurthi Swami (Kushtagi):** I move for leave to introduce a Bill to extend the jurisdiction of a University of any State in India to other State or States linguistically connected or for any other purpose and to provide for matters connected therewith.

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** I have opposed this already.

**Mr. Chairman:** I am sorry. It has already been objected to by the Deputy Education Minister and therefore I cannot allow this.

CHILDREN'S PROTECTION BILL

**Shrimati Sushama Sen (Bhagalpur South):** I beg to move for leave to introduce a Bill to provide for protection, maintenance, custody, education and employment of children.

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** Madam, I do not wish to object if she wants to move

it. But I think she may like to withdraw it in view of the fact that Government are bringing a comprehensive measure.

**Mr. Chairman:** Does the hon. Member want to press her motion?

**Shrimati Sushama Sen:** There seems to be considerable delay in the Government bringing their comprehensive Bill. There are provisions in my Bill which I am sure would be agreeable and they can make it more comprehensive. So I would press my motion.

**Mr. Chairman:** Does the hon. Minister oppose it?

**Shri K. D. Malaviya:** I do not wish to object to it. I have not the heart to oppose it.

**Mr. Chairman:** Since the hon. Minister is not objecting to it, I shall put it to the House.

The question is:

"That leave be granted to introduce a Bill to provide for protection, maintenance, custody, education and employment of children."

*The motion was adopted.*

**Shrimati Sushama Sen:** I introduce the Bill.

**Shri S. V. Ramaswamy (Salem):** I beg to move that my Bill...

**Mr. Chairman:** You cannot do it now. The House stands adjourned till 8-15 A.M. on Monday.

*The House then adjourned till a Quarter Past Eight of the Clock on Monday, the 17th August, 1953.*