

[Shri Frank Anthony]

in the Constitution—of the Supreme Court Judges should be placed at a higher level than the salaries of any other functionaries in our governmental set-up. And I say this advisedly. One very good reason why we must have a certain high level of salary, higher than that given to any other government functionary, is because we are not attracting to the judiciary the best talent at the Bar. I know, those of us who practise know, that the best lawyers spurn offers of being elevated, as we choose to call it, to the Bench. I am aware that in one of our best High Courts when the Judgeship was vacant nine of the leading lawyers who were approached in turn refused it, and it had to go to the tenth, and not necessarily perhaps a tenth rate but, at any rate, a mediocre lawyer. When we remember that leading members of the Bar can still command princely incomes, it is not sufficient for us—some of us do, and I do not do it myself—to preach philosophy to them: “Service to the country”. A man commanding a princely income is not at the end of his life going to accept elevation to the Bench which involves his income being reduced to one-third or one-fourth of his earning.

17 hrs.

My hon. friend would say that in the context of the resources of the country, Rs. 5,000 for the Chief Justice and Rs. 4,000 for the judges of the Supreme Court—these salaries—are adequate. I feel that, as I look at it, the salaries are inadequate. When I come to the pensions I will point out that they are not only inadequate but are grossly inadequate. So far as the Federal Court was concerned, we paid the Chief Justice of the Federal Court Rs. 7,000 or Rs. 7,500, Rs. 2,000 more than what we pay to the Chief Justice of the Supreme Court. We must remember this: that the duties of the Chief Justice of the Supreme Court are infinitely more onerous than were

Federal Court. As we know, those of us who practise, the jurisdiction and the duties of the Supreme Court have been vastly increased. Yet, today, in this context of a fierce inflationary spiral where a rupee does not buy a quarter of what it bought in 1939, we still pay the Chief Justice of the Supreme Court Rs. 2,000 less than what we were paying to the Chief Justice of the Federal Court.

**Mr. Chairman:** I believe the hon. Member will take some more time. He will resume his speech tomorrow. We now proceed to the half-hour discussion.

17.02 hrs.

#### \*SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS

**Shrimati Renu Chakravartty (Basir-hat):** Mr. Chairman, Sir, I have raised this half-an-hour discussion arising out of certain questions which were answered on the floor of this House regarding an Act of Parliament which was passed about two or three years ago. This particular Act was passed by his House in 1956, and received the assent of the President on the 30th December, 1956. I think it was on the 1st May, 1958 that it was actually notified in the gazette, after about two long years. Immediately that happened, we found that right throughout India and especially in the big cities, singing and dancing girls were brought out on the streets in processions and demonstrations, protesting against the eviction laws, the punitive clauses, which have been passed by this House. What happened actually? The people were stirred to find out what actually had happened, and even more so when Ministers of State were found to be addressing meetings saying that actually these laws would not be implemented until the rehabilitation clauses were also put into force.

We find that in Calcutta, the *Hindustan Standard*, dated 3rd June

wrote an editorial under the caption "Too many laws," as follows:

"No less a person than the Union Minister for Law has publicly announced in Calcutta that the Suppression of Immoral Traffic Act will not be enforced in West Bengal until the State Government was in a position to arrange the rehabilitation of all public women".

This, on the face of it, is a very reasonable statement to make, but from this emerges a very important point which has been also the subject-matter of another editorial. The editorial states thus:

"So many Acts of Parliament have been shelved likewise by the Executive in Free India that it is time to focus attention on the potentially dangerous implication of a possible divorce between Parliament and the Executive".

17.05 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It also states: "...It looks like defiance, if not contempt of Parliament". These are the reasons which have prompted me to bring this discussion before Parliament.

For 2½ years, this law after being passed, was not actually notified by the State Governments. When it was actually notified, we find that all the punitive clauses are put into effect. As a matter of fact, the House knows that already this Act had actually incorporated certain very great weaknesses. One great weakness is that individual prostitution remains unpunished. It is not punishable and most fantastic arguments were set up by certain hon. Members in this House that such a thing cannot be eradicated. But what has happened as a result of that? We have seen that this poison has actually now spread out.

In the city of Calcutta, small restaurants are coming up where girls

are used as waitresses. On the face of it, it looks all right. Why should we not have new professions opened up for women? In Europe we find waitresses in all hotels and restaurants. But it is a very pitiable state of affairs in Calcutta. We find that young refugee girls, poverty-stricken girls, are being used as waitresses for purposes of immoral traffic. But it is very difficult to eradicate it, because immediately certain articles of the Constitution will be invoked and in any case, individual prostitution is not punishable.

The rehabilitative clauses were inserted by Parliament after a great deal of discussion, because we felt that this is a social problem, very difficult to eradicate. In the present set-up of things, many people believed it would be impossible to eradicate it. But we felt, after much thought and much experience of this work in the various States by various social welfare organisations as the Central Social Welfare Board and other women's organisations, like this. These are the words:

"Whilst we want to eradicate prostitution, we want to be kind to the prostitute. We have to show concern, the law must show concern, near tenderness, to the prostitute. That would set a corrective to the present negative approach to the whole problem."

That is why this law had put down very clearly that we have to set up protective homes and rehabilitation centres and only then the punitive clauses have some meaning. But what has happened? There was no hurry and for two and a half years they did absolutely nothing. Then the eviction clauses were put into effect. In Delhi in one of the red-light areas, the brothels were closed. In answer to a question, we were told:

"The Nari Niketan is being used for the present as a protective home. The number of arrests made for contravention of the provisions of this Act is 89 women and 45 men."

[Shrimati Renu Chakravartty]

But these very women, not finding shelter, not finding any other mode of living, have migrated to the neighbouring areas of U.P. The U.P. Government have not yet, I believe, even framed the rules. They might have promulgated it by notification, but as far as I know, they have not even framed the rules. The West Bengal Government have promulgated the rules, but one of the clauses of the Act says that these rules are to be laid on the Table of the Legislature and the Legislature has to discuss these rules. But up till now nothing has been done, as far as I know, in my State Assembly.

We find that this evil, instead of being eradicated, has now gone underground. Even if these suffering women, who had been using prostitution as a profession, do not want to go back to it, where could they go, unless rehabilitation homes are set up? This is a very important point, which I want the House to consider. I want to know what is the jurisdiction of the Union Government, unless it sees that the laws passed by Parliament are implemented. We now see the ugly spectacle of Ministers saying in the Centre and the States, giving some excuses, that unless certain parts are implemented, even if a law is notified in the Gazette, that will remain a dead letter. That, I think, is a contempt of Parliament.

There is another aspect of this matter and it is this. Very large powers have been given to the magistracy and the police by this House. Actually, a magistrate can notify an area, expel women from that area and prevent them from coming back to that area without prior notice. The police can enter into houses without a warrant and make searches. All these very wide powers have been given to them. The only safeguard that we had suggested was that in every State, especially in the big cities, women social workers and

women who had social consciousness should be associated with the work of the police, both in the investigation stage as well as in the running of the homes. We had also suggested that the advisory committees which will have to be formed should consist mainly of women. I have very little time, because I know that many of the Members in this House would like to participate in this debate.

**Mr. Deputy-Speaker:** In that case, she has to conclude now.

**Shrimati Renu Chakravartty:** I am going to conclude.

There are many clauses which show that the appointment of special police officers has been suggested. At the same time, there was a suggestion that wherever practicable special women police should be appointed. That police should have the right to enter the houses. We have also suggested that women of the locality should also be there during the search. We had suggested that women social workers should be represented in the advisory committees. But, as far as I know, in no place has this been actively implemented. So far as Delhi State is concerned, there is some sort of an advisory board, but I know what is the work that they have done.

What I want this House to consider is: why is this not done? What is the reason? My charge against the government is that the government machinery is not at all interested in the eradication of this evil. Certain members of the government, may be certain section of the Government may be serious about it; but the Government as a whole is not serious about it. They do not have any faith in it and they are not making any efforts.

This has been brought up very glaringly recently by a startling document which has come to light in the State of West Bengal, and that is the report by Shri Nabagopal Das, ICS,

Special Officer, Anti-Corruption Department of West Bengal. This report is signed also by a Deputy Commissioner of the Enforcement Branch of the Calcutta Police and it is stated that it is a high Government document. It says that a high officer of the Government was using his premises in the Shivpur Botanical Gardens, also a Government garden, for building up a centre of prostitution. Not only that. An important official of the Government, a Joint Secretary of the West Bengal Government, two District Magistrates—we have given very large powers to the District Magistrates and to the Superintendents of Police—two Superintendents of Police of the Calcutta police, one Deputy Police Commissioner, one civil surgeon and one—I am ashamed to say that—ex-M.P. have been found guilty of actually visiting these places regularly; not only the private premises but even certain hotels in the Park Street area. It is a shameful document and it has been published in the biggest national papers. They have alleged that they have got a true copy of the document.

This is the reason why I think that even laws which we pass here cannot be implemented. It is not the impossibility of it but the lack of desire and the lack of faith that worries me. There is not only the negative quality of lack of faith and lack of desire, but there is the positive quality of actually participating in this evil, which has actually completely paralysed this machinery of Government.

\* That is why I want an answer from the Union Ministry. When it is this Parliament that passes the law, I would like to know why it is that when it is published by a notification in the Gazette we do not see that it is implemented. Yet we find explanations and statements by the Ministers and Chief Minister saying that until we do certain things we cannot implement it. On the other hand we find that those very magistrates and those very Police officers, who have been given these

wide powers are actually in this sin  
and in this whole corruption.

Shri V. P. Nayar rose—

**Shri Tangamani rose---**

**Mr. Deputy-Speaker:** Hon. Members may only ask a question or two.

**Shri V. P. Nayar (Quilon):** According to the replies given to various questions, it is almost certain that no provision exists today for the rehabilitation of these women. In view of that I want to know whether the hon. Law Minister, who addressed a meeting of public women as the chief guest of that meeting held on the 30th June, 1958, was justified in what he stated and also whether he was representing the Government's view when he said at that meeting of public women that they would be evicted without being offered alternative accommodation. Does it also mean that ignoring the directives of Parliament, Government does not enforce the Act, as it seems pretty certain from what has happened at that meeting in Calcutta?

**Shri Tangamani (Madurai):** Sir, In the statement it was . . .

**Mr. Deputy-Speaker:** At least half the time be left for the reply. Therefore the question . . .

**Shri S. M. Banerjee (Kanpur):** After the hon. Minister's reply questions may be allowed.

**Mr. Deputy-Speaker:** I cannot give another opportunity to the hon. Minister to reply to those questions. Half of the time has already been taken.

**Shri Tangamani:** In the statement attached to Starred Question No. 111 it was stated that there are States, such as, Andhra Pradesh, Kerala, West Bengal, Mysore and Punjab, where such rescue homes exist. What I would like to know is whether the number of rescue homes have increased in these States and whether other

[Shri Tangamani]

States have also got these rescue homes by this time. There is one more question that I would like to ask. In Madras there is a rescue home, Shri Sadana Rescue Home, whose capacity is 100 and the capacity of the Meenakshi Sadan Rescue Home in Madurai is 50. I would like to know whether it is only the capacity. How many people have been brought to these two homes?

**श्रीमती सुभद्रा जोशी (अम्बाला) :**

उपाध्यक्ष महोदय, मैं यह जानना चाहती हूँ कि अभी जैसे सवाल उठाया गया, दिल्ली में भी यह कानून कुछ वर्षों से लागू हुआ पर हम यहां देखते हैं कि जब कोई ऐसी अभागी बहिन पुलिस के पास खबर भेजती है कि मेरे ऊपर इस तरीके से अत्याचार हो रहा है और मुझको यहां से निकाला जाय तो हमारे यहां उस बहिन को निकालने का कोई कतई बन्दोबस्त नहीं होता है। मैं मिनिस्टर साहब से जानना चाहती हूँ कि उसके लिये क्या इंतजाम है? क्या आर्डिनरी जो प्रोसीज्योर है कानून में कि वह इतिला जाय, रिपोर्ट जाय फिर वह मजिस्ट्रेट के पास उसके लिये वारंट लेने के लिये जाय, इतना लम्बा चौड़ा तरीका अख्तियार किया जाता है और जो खबर ले कर जाते हैं उनको हैरेस किया जाना है और उनको वहां से निकालने का कोई बन्दोबस्त नहीं होता है। मैं जानना चाहती हूँ कि क्या इसके लिये कोई ऐसा स्पेशल इंतजाम है जिसकी कि रू से जब कोई इस तरह का खत किसी पुलिस अफसर या किसी एथोरिटी के पास पहुंचे, तो उस बहिन को जो मुसीबत में है उसको निकालने का कोई फ़ौरी बन्दोबस्त हो सके। उसको निकालने का कोई बन्दोबस्त होता है या नहीं?

मेरे देखने में यह आया है कि उसको निकालने के पहले पुलिस अपनी राय कायम करती है कि वह कौन है, कैसी है और कैसे

पहुंची है और पुलिस कई दफा तो यह कह देती है कि वह खराब है, वहां से वे निकलना ही नहीं चाहती है और वह झूठ कहती है और इस तरह उनको निकालने का कोई बन्दोबस्त नहीं होता है . . . . .

**उपाध्यक्ष महोदय :** माननीय सदस्या को केवल सवाल करना था, कोई स्पीच नहीं देनी थी।

**श्रीमती सुभद्रा जोशी :** कानून लागू हो जाने के बाद भी वहां आश्रय देने के अलावा उनको निकालने को भी क्या कोई स्पेशल मशीनरी है या नहीं, यह मैं मंत्री महोदय से जानना चाहती हूँ।

**Shrimati Manjula Devi (Goalpara):** When the hon. Law Minister himself admits that eradication of immoral traffic cannot be done unless rehabilitation is taken up, may I know what steps are being taken for the rehabilitation of these women?

**The Minister of Law (Shri A. K. Sen):** May I speak for only five minutes before my colleague replies?

I have not been keeping very well but still since this question has come up and reference has been made to certain observations that I have made to which I still stick, I have come.

The Act has to be analysed carefully. It contains, broadly speaking, two sets of provisions. The first set concerns itself with punishment of those who lead girls astray and make them live an immoral life and live on their earnings and so on. So far as those persons are concerned, the law should visit them as sternly as possible. I have not the least doubt about that. There is the other aspect of the problem. Those women who have already taken to this life of shame and are leading the life of prostitutes, what should be done to them. The first is a problem of prevention of further

accretion to the number of prostitutes already leading the lives of prostitutes. The second is the problem of rehabilitating those who have already taken to this life of shame.

The first problem admits of immediate enforcement and enforcement with all the rigour that the law can envisage. There is no doubt about that. The second problem is a little complicated one. As I read the law, I do not think it was intended that women should, without notice or without any alternative arrangement, be just thrown into the streets simply because, in the past, they have taken to this life of prostitution. I do not think it would be a fair interpretation either of the intention of this legislature or of the law itself to think that such a drastic and rather inhuman procedure could have been contemplated by any one. Taking the Act as a whole, the Act provides for the setting up of Homes

**Shrimati Renu Chakravartty:** That is right.

Shri A. K. Sen:..... and then eviction of the prostitutes who have already become prostitutes or who have led a life of prostitution for some time and taking them into those Homes. Magistrates are given power under a summary procedure to evict prostitutes if they are satisfied that they are prostitutes. If this is done without alternative arrangements being made for their shelter they go into the streets or into decent localities where the life and tranquillity of decent citizens might be in jeopardy. In fact, I can tell you, when I went to Calcutta about the end of May, I found that many unscrupulous people had created such a scare among the prostitutes, that a good part of them sold all they had in order to rent houses in decent localities by paying large salami or puggree. So that, there was a regular invasion into decent localities. People from decent localities had come to me and told me of the danger which they were facing. Apart from that, these unscrupulous

men were making money out of the law which had by that time come into force.

It is a fact that Protective homes could not be set up quickly. I agree that every decent society and State must proceed with the utmost expedition in the creation of Work houses and Protective homes so that when these women are taken out of those foul surroundings, they are put to useful work. I have had occasion to study the way prostitutes in Shanghai and other places in China were rehabilitated. I am very glad to say that from the reports that I have read, I find that their rehabilitation proceeded on absolutely correct lines. They were not just thrown in the streets, but taken to Work houses where they were taught some trade or work and many of them have been turned into useful citizens. I am sure that those hon. Members, specially the hon. Member Shrimati Renu Chakravartty, who has made an impassioned plea for the solution of this problem, would agree with me that nobody here wants these unfortunate women just to be evicted here and now, apart from the other aspect of preventing further accretion to their number by punishment with all the vigour that we possess of those who still make it their profession to cause women to be brought from innocent homes and made to lead lives of shame.

**Shrimati Renu Chakravarty:** In section 22 itself, the Act says that the State Government has rule-making powers to find out the best way of carrying into effect the provisions of eviction. How to do it?

**Shri A. K. Sen:** Therefore it is no use making rules unless they build the physical basis on which they would take roots. The trouble is that we have so many problems to solve, and since a reference was made to the State of West Bengal, I may say that especially there we have millions of refugees to settle, work has to be found for them, places for rehabilitating them

**Shrimati Renu Chakravartty:** But the refugee girls themselves have been brought into this.

**Shri A. K. Sen:** They should be punished as quickly and as vigorously as possible.

These are the problems, and I am sure that we shall be able to proceed on right lines, think about it calmly and to put up rescue homes—not only rescue homes where they lead idle lives, but homes where they would learn work, trade and other avocations of life which will make them useful citizens. At the same time, I give a warning, that those, who still think that they can with impunity make it a profession and thrive on the lives of women by causing them to be brought into these surroundings and by subjecting them to this type of life, should be told, and they should be made to feel that the State will be ruthless so far as they are concerned. There is no doubt about that.

I have just heard Shrimati Chakravartty referring to some report which was published in the papers. I do not know about the authenticity of it, but if the facts reported are true, it certainly discloses a very sorry state of affairs at least for those officers who are alleged to be connected with it. I do not think they can look for sympathy anywhere, either in this House or outside—not only for sympathy, I have no doubt the whole country, here and outside....

**Shri Subiman Ghose (Burdwan):** Government has not yet contradicted that news.

**Shri A. K. Sen:** I am assuming that the facts are correct. I am proceeding on that basis.

We have not much time. With these words I hope we shall all be able to work together and find a solution for this problem.

**Shri S. M. Banerjee:** They can entrust it to the Rehabilitation Ministry.

**Mr. Deputy-Speaker:** They ought to have been more discreet. They have taken the time, and there will not be much time left.

**The Deputy Minister of Home Affairs (Shrimati Alva):** May I ask you whether the half an hour is going to be stretched? Any elasticity?

**Mr. Deputy-Speaker:** No.

**Shrimati Alva:** Then, I think the hon. friends....

**Mr. Deputy-Speaker:** The only remedy that I have got is that I may ask the hon. Minister to lay a statement on the Table of the House, because....

**Shrimati Alva:** I do not think that will be necessary. My worthy colleague has covered the background of the socio-economic aspect of this problem that is facing us in this country. It is not a new problem.

Shrimati Renu Chakravartty said that this law was made in 1956, that it was lying there without being implemented, and came into force only on 1st May this year. There is a reason for it. Under section 23 the States had to make their model rules and implement them. For one reason or the other, the States were not able to do it, and so we had to draw up the model rules and circulate them to the States. We have heard from a number of States that they have been accepted, Madras, Andhra Pradesh, Mysore and Delhi Administration have intimated us, accepting the rules and published them in their Gazettes. Kerala, Rajasthan, Bombay and West Bengal have also intimated that they will be laid on the Table of the Legislature and fully implemented. The Delhi Administration have also published their rules and so also the other States are expediting. This is the information that we have received up to date. That is why there is no reason to feel that the States are not willing or are reluctant.

Because of want of time, I now go to the other matter. As Shrimati

**Shrimati Alva:** I would request her to go back to her State and see that the State functions better. Especially when she lays a charge on the officers of the ICS, ex-M.P.'s and what not, I think she alone should stop it and



[Shrimati Alva]

manage these people and convert them, purify them and help us to improve the conditions of these exploited women.

**Shrimati Renu Chakravartty:** Why only myself? The Ministers also should do so.

**Shrimati Alva:** I would just make one small reference, since I have got about half a minute more, to the singing and dancing girls' association that has been formed here. The hon. lady Member said that they came somewhere out in procession. I am sure they must have been from her State.

**Shrimati Renu Chakravartty:** My hon. friend does not know that they came to Parliament.

**Shrimati Alva:** Yes, they have come not only to Parliament, but they have been going to her and also coming to me.

**Shrimati Renu Chakravartty:** They never came to me.

**Shrimati Alva:** They have also been going to the well-known social workers in the city. But nevertheless, the singing and dancing girls' association is also taken with caution because we do not quite know them and we do not know what may go on in the name of singing and dancing, especially when, as the hon. lady Member herself has pointed out, anything may become a cover to carry on this activity.

My hon. friend said that they were spreading into respectable localities.

That happened long ago, when the States made their own laws. I know that in Bombay when we put the Prevention of Prostitution Act on the statute-book and tried to implement it, this was exactly what happened in the city of Bombay. They obviated the law by moving a gate from the left corner to the back corner, and by so many other ways. But then, we tried our best to implement the law. But this is a subject in which laws alone cannot succeed. There has to be a social conscience; as Shri A. K. Sen has said, we cannot throw them out, and we cannot take them all in also, because the question arises where shall we put them. Therefore, right-thinking men and women have to tackle this problem. Shrimati Subhadra Joshi has said that the police also stands in the way sometimes. I do grant that. There is bad and good everywhere and in everybody. But let us see that even the so called bad police co-operate with us, and I do not see why they should not co-operate.

Since it is past 5.30 P.M. I would only appeal to the social workers, in conclusion, to make our hands strong. The States are willing, and we keep on advising them, and we hope to do well in this sphere, if both men and women co-operate with us.

17.34 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 25th September, 1958.*