

Mr. Deputy-Speaker: The question is:

"That further consideration of the Bill be postponed till the first day of the next Session."

The motion was adopted

Mr. Deputy-Speaker: So, the further consideration of the Bill is postponed. Now, we shall take up the next Bill. But there is one thing that I would like to mention. The motion that we have adopted is to take up further consideration on the first day of the next session. That would be a Government day. It would not be necessarily a non-official day, but it would be a Government day. Therefore, we shall take it up on that day.

15.44 hrs.

ORPHANAGES AND OTHER CHARITABLE HOMES (SUPERVISION AND CONTROL) BILL.

Mr. Deputy-Speaker: Now, we shall take up the Orphanages and other Charitable Homes (Supervision and Control) Bill as passed by Rajya Sabha. Shri Jhunjhunwala. The hon. Member is absent. Then, Shri Goray. He is also absent. So, Shri D. C. Sharma.

Shri D. C. Sharma (Gurdaspur): I beg to move:

"That the Bill to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

I have much pleasure in sponsoring this Bill. As you are aware, Sir, this Bill was first moved for consideration in the Rajya Sabha; then, it came to the Lok Sabha. Then, a Joint Committee of both the Houses was appointed to consider this Bill. This Bill then went to the Joint Committee, and it was thoroughly scrutinised by

it. Afterwards, this Bill was considered by the Rajya Sabha and passed by them. Now, I am bringing forward this Bill as it has been passed by Rajya Sabha.

I think so far as the principles underlying this Bill are concerned, there can be no two opinions about them. I think this Bill provoked no controversy either in the Rajya Sabha or in the Lok Sabha. It was hailed by all the Members of the Lok Sabha when it was brought forward here in the first instance. You may ask me why it was like that. The simple reason is that it is a social measure of far-reaching importance. It is a piece of social legislation of which we can be very proud. It is, however, a pity that the original Mover of this Bill has become a political orphan, I mean in the sense that he has lost his seat in the Rajya Sabha. He has already become widowed of the power to bring forward this Bill himself in other places. But I must pay my humble tribute to that gentleman for thinking of this very grave problem, this problem of great social magnitude, and for pursuing this problem with a great deal of persistence, and also for getting a Joint Committee appointed, and then for getting this Bill passed by the Rajya Sabha. If persistence were a subject for examination, and I were an examiner to assess the quality of anybody's persistence I would give this gentleman very high marks for that.

Shri M. C. Jain (Kaithal): Why not cent per cent?

Shri D. C. Sharma: I feel that this Bill is a product of that gentleman's brain, who has done so much for social reform. I do not want to say much about this Bill, I can only say this much that the Bill as it has emerged from the Joint Committee is not as fruitful as we would have liked to make it. It has been made a very harmless kind of measure. Therefore, I look upon it as a first step in the direction of legislation for bringing orphanages and charitable homes under our supervision. It is a first step,

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and I hope that as time passes, we shall have more and more steps.

There is another thing also about this Bill, and that is that, so far, not much has been done for the provision of funds to implement this Bill. Shri Khushwaqt Rai who was a Member of the Joint Committee on this Bill raised that point there. I am told that something has been done in that direction also, but I am not very sure.

So, I would like, that after this Bill has been passed, something will be done to make provision for the implementation of this Bill, out of the Consolidated Fund of India. Unless that is done, I think this Bill will not be as effective as we want to make it.

So far as the definition of home is concerned, it is fairly comprehensive and there was a lot of discussion about that. We have also made it fairly inclusive. "home" means an institution, whether called an orphanage, a home for neglected women or children, a widows' home, or by any other name, maintained or intended to be maintained for the reception, care, protection and welfare of women or children".

We have also defined very precisely the functions of a managing committee. We have under this Bill tried to give definite responsibility to the managing committee. We have also tried to find a new category of such an institution and we have called it by the name of a 'recognised home'. We have made a distinction between the homes which are not properly certificated and those homes which have received some kind of an authority from the Government. We have thus defined all such things.

At the same time the functions and the powers of the Board of Control have been very precisely set forth. It has been provided that the term of office of a member of the Board shall be five years from the date of his election or nomination or until his

successor has been duly elected or nominated, whichever is longer.

The Board has been constituted in a way which can subserve the interests of democracy, of efficiency and also of welfare. There was a lot of discussion about the constitution of the Board and all these three objectives are fulfilled by this Board. There will be three members of the State Legislature and they will be elected by the members themselves. Then, there will be five members elected from amongst the managing committees in the States. There will be some persons to be nominated who are running some social welfare agencies. There will be six members who will be nominated by State Governments. In other words, it has been seen to it that the Board is made as workable as possible and as effective as possible. The interests of election have been balanced against the interests of nomination and we have arrived at a compromise. We have also laid down the principles according to which some casual vacancies can be filled up.

We have also seen to it that the functions of the Board are given very precisely.

"It shall be the duty of the Board to supervise and control generally all matters relating to the management of homes in accordance with the provisions of this Act; and exercise such other powers and perform such other functions as may be prescribed by or under this Act."

We have seen to it that these homes are subject to inspection.

"Any member of the Board, or any officer of the Board authorised in writing by it in this behalf, by general or special order, may enter at all reasonable times any home for the purpose of ascertaining whether the provisions of this Act or of any rules, regulations, etc. are being followed."

These rules and regulations are going to tighten up the management about which we do not always hear very good things.

It has also been said that the funds of the Board shall consist of (a) contributions, subscriptions, donations or bequests made to it by any person; and (b) grants made to it by the State Government or any local or other public body.

At the same time, a provision has been made for the appointment of the staff of the Board and other things. But the most important part of this Bill is the recognition of homes and if we look at clause 14 of the Bill it is stated :

"Every person desiring to maintain or conduct a home shall make an application for a certificate of recognition to the Board in such form and containing such particulars as may be prescribed".

It will be seen that this was one of the things which led so many people to run such homes on a commercial basis; they used to make money out of them; they used to have profiteering out of them. So, it has been said in this Bill that no homes shall be there without any certificate. If there is any home without a certificate, I am sure, that home will come to grief. What kind of certificate will be given has also been stated in this Bill. The certificate shall certify the name and location of the recognised home and the name of the manager thereof.

Under this Bill, the manager has been given special responsibilities and I am very happy that instead of saddling the whole managing committee with those duties and functions, we have made one person responsible for the discharge of those duties and functions. The form of certificate is also given and I am sure that this will help us a great deal in having those types of homes only which work for the social welfare of these persons.

We have also made a provision that a home for females will have ordinarily a woman superintendent. It was some time found that when men were superintendents of these homes, things did not work properly. So, this thing also has been provided for in this Bill. It has been said that nobody can change the location or the name of the home without getting due consent of the Board. It sometimes happens that people first of all start a home under one name and then they run it under another name. Now, we have made a provision for that kind of thing also.

Sir, it has also been said that if a man does not satisfy these conditions, his certificate will be forfeited, but the certificate can be restored if he fulfils the conditions again. It may be said that sometimes somebody may be dealt with unjustly in this matter. In order to safeguard any miscarriage of justice, we have made a provision for appeal also under clause 18.

"Any person aggrieved by an order of the Board refusing to grant a certificate or revoking a certificate may, in such manner and within such period as may be prescribed, prefer an appeal to the State Government or to such authority as may be specified by it against such refusal or revocation."

Then, Sir, very specific directions have been given so far as the running of these homes is concerned. The duties of managers have been laid down in clause 21. It has also been stated how inmates can be discharged.

We have seen to it that the State Governments should have the power to make rules and subjects on which they can make rules have been detailed in clause 20 of this Bill.

The powers of the Board to make regulations have also been given. What I was submitting is that this Bill has taken into account various problems in connection with orphanages and

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other charitable homes. Those problems are the ones which we have been made aware of on account of our experience. Those problems are there which have come to our notice on account of cases in law courts. Those are the problems to which our attention has been drawn in newspaper reports and all those problems have been set forth in this Bill. Of course, the implementation of this Bill is primarily the function of the States and I know the States of India will welcome this Bill. It is because we know that there has been a need for this kind of legislation in order to put an end to all those abuses to which I have already referred. But, as I said in the beginning, this Bill is the first attempt at social legislation of this kind. I visualise a day—and I hope that day is not far off—when all such orphanages and charitable homes will be managed by the State. After all, we have our Social Welfare Board and that Board should look after all such things. We can also have voluntary agencies working in this field. I have no desire to rule out such kind of agencies. But I think that since we are thinking in terms of a Welfare State, all those persons whom society has neglected or whom nature has not treated well or who have been deprived of something by the accidents of life—all these persons should be the charge of the State.

16 hrs.

Before I conclude, I must pay my humble tribute to all the Members of the Joint Committee and above all to Shri Hajarnavis who attended to every comma, word, sentence and clause in this Bill with the utmost care and attention. It is very seldom that a private Member's Bill has this kind of distinction of being referred to a Joint Committee. What is the fate of private Members' Bills? They are introduced, discussed and then withdrawn or voted out. This is the fate of private Members' Bill. But this Bill had the unique honour and distinction of having a Joint Committee appointed to go into its merits and

demerits. The Joint Committee attended to its work with a great deal of zeal and enthusiasm. The Members played their part well. I know sometimes very very difficult questions were put at the meetings of the Committee. But more than to the Members the credit goes to Shri Hajarnavis for the seriousness and earnestness with which he approached this work.

If the fate of 'private' legislation can be like the fate of this Bill, if social legislation were to be treated as serious as this Bill has been treated, I have no doubt that we, private Members in the Rajya Sabha and the Lok Sabha, will be able not to change—that is a very very big word—but to modify the social context or our living today. We may not be able to modify it in a revolutionary sense, but surely we will be able to modify it in a reformist sense. I wish that all the measures dealing with social welfare which are put forward by private Members in this House or in the Rajya Sabha should be treated with the same kind of seriousness as this Bill has been treated.

As I have already told you, it is the persistence of the sponsor of this Bill which is responsible for the results achieved. I pay my humble tribute to him also. While he has become a political orphan after having initiated it in the Rajya Sabha—he has been widowed of that legislative power which he used to have when he was a Member of the Rajya Sabha—while he has lost his seat in the Rajya Sabha, he has gained a permanent place in our country and also in the annals of the legislation of Lok Sabha and Rajya Sabha. His name will be inscribed in the proceedings of the Rajya Sabha and Lok Sabha. It is a great honour.

Mr. Deputy-Speaker: In the Lok Sabha, the Mover here would be remembered.

Shri D. C. Sharma: I am saying that he should be remembered much more than I.

I also pay my tribute to you. Both the times when this Bill has been discussed, you were in the Chair—

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(Supervision and
Control) Bill

both at the time the Bill was originally brought forward and now.

Mr. Deputy-Speaker: I have shared the fate of private Member's Bills myself.

Shri D. C. Sharma: Therefore, I say that only those persons should go to the Chair who have....

Mr. Deputy-Speaker: That should not be discussed. I will not allow

Shri D. C. Sharma: Since you know....

Mr. Deputy-Speaker: That is all.

Shri D. C. Sharma: You have been very kind to us. I thank you for it and tell you that the orphans of India and all those persons who are unfortunate will be happier after this Bill has been passed.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

श्री लुशवक्त राय (खेरी) : जैसा कि पूर्व वक्ता ने अभी कहा, जब यह विधेयक सिलेक्ट कमेटी में था, तो मैं ने उस में एक संशोधन उपस्थित किया था। आप देखेंगे कि ज्वाइंट कमेटी की रिपोर्ट के अपेंडिक्स ४ में यह छपा हुआ है। जब प्रवर समिति इस पर विचार कर रही थी तो मुझ को ऐसा प्रतीत हुआ कि इस विधेयक में जब तक कोई ऐसा प्रावजन नहीं होगा कि सरकार को धोर से रुपया मिलेगा, तब तक विधेयक के मातहत जो भी शक्तियां दी जा रही हैं वह बेकार ही जायेंगी। यह अमेंडमेंट पृष्ठ ४ पर दिया गया है। वह इस प्रकार है :

"The amendment given notice of by Shri Khushwaqt Rai, a Mem-

ber of the Joint Committee, to clause 10 (original clause 9) of the Bill (see appendix IV) was considered by the Chairman of the Joint Committee who directed Shri Khushwaqt Rai to obtain the recommendation of the President as required by rule 83 of the Rules of Procedure and Conduct of Business in the Council of States. The Committee were informed that the matters raised by the said amendment were still under the consideration of Government".

जो मैंने संशोधन उपस्थित किया था उस पर सरकार विचार कर रही थी। और जहां तक मुझे मालूम है, विधि मंत्रालय से उस पर सिफारिश भी हो गयी थी। मैं आपके जरिये से विधि मंत्री जी से जानना चाहता हूं कि उस पर सरकार का क्या फैसला हुआ और क्या मुझ को इजाजत होगी कि मैं उस संशोधन को यहां पेश कर सकूँ ?

The Deputy Minister of Law (Shri Hajarnavis): The President has declined to give assent to the amendment sought to be moved by the hon. Member.

Shrimati Renuka Ray (Malda): Mr. Deputy-Speaker, Sir, I am sure that there can be no two opinions that the objectives underlying this Bill are such that we must try to implement them as soon as possible. The hon. Mover of this Bill in this House has spoken on it, and I do not dispute in any way the necessity for some such measure.

I have found from my own experience, when the Study Team on the Social Welfare was going round the country, that not only in regard to orphanages and other charitable homes but in regard to many institutions of welfare meant for the under-privileged, there is immediate and urgent necessity for making arrangements through which some kind of supervision and some kind of regulation can be had over these, so that these things which are

[Shrimati Renuka Ray]

meant for the good of the under-privileged cannot be abused in any manner.

I do not want to make a long speech because I have already appended a Note of Dissent to the Report of the Joint Committee in which I have said that, though these activities are laudable and we must have a machinery, I do feel that there is a tendency in this country today to duplicate machineries of like nature. This not only means greater expenditure to the country but, what is of greater consequence, it is also embarrassing to those who have to come under the supervision of such machineries.

The Central Social Welfare Board is there and the State Governments also either have or are setting up Social Welfare Committees. In the recommendations we made on this matter, we pointed out that it was necessary to define the minimum institutional standards. Perhaps, the Central Board and its State branches could do this work to some extent. After that, there should be a machinery for regulation and supervision. This machinery should be left with the State Government; but, it should not be a machinery which is so impersonal or objective as a government machinery must naturally be. Therefore, it was suggested that the Central Board of Social Welfare which was already there and its State branches may undertake this work with the help of State Governments. If that is done, another machinery under this Bill need not be set up.

Today in this country we are setting up too many boards, sections and departments. That is not the only reason for which I feel that it would be better to achieve the objective of this Bill with the machinery which is already organised and established. It will lead to some reduction, in expenditure. But that is not of much consequence as the fact that the State Governments have more or less agreed

that they will adhere to certain minimum standards prescribed and they will agree to a machinery for regulation and supervision. If that is so, I do not know whether it is necessary to have another committee. Of course, I do not entirely object to this Bill going through this House. If it is only for this reason that this would show, perhaps, to the country and to the State Governments that what has been asked for is a matter of urgent necessity, then, from that angle this Bill may go through this House. But duplication of machinery should not take place. I do feel that some of these institutions which work for orphans may also work for juvenile delinquents. It would not only save cost but we would be preventing duplication of organisations. Therefore, it would be better or advisable to bring all these things in a comprehensive measure and put them into effect.

I certainly support the underlying objective of the Bill. But, if this Bill were to go through as it is, I will say one thing that any manager for homes for women should be a woman. That at least should be laid down. And so far as managing committees for women's homes are concerned, they should have a majority of women. That also is rather important.

Mr. Deputy-Speaker: Would that not be an expression of mistrust in men?

Shrimati Renuka Ray: It is not a question of mistrust in men; but, it is for the protection of men themselves, not putting them in embarrassing situations. It is also from experience of the past. I suggest that today when women are able and willing to come forward for work of social welfare, there is no reason why a man should be put there. On the committees, the majority should be women.

This Bill, if it goes through, may be a model legislation. It will help the

State Governments to make up their minds more quickly and to bring in this type of regulation and control. I do hope that a separate board will not be set up meaning thereby more expenditure and more lack of coordination as there is now in the field of social welfare. The resources are limited and yet we find so much of duplication and lack of coordination that there is wastage of both effort and of money.

Shri K. C. Bhattacharya (West Dinajpur): Sir, The hon. Member is justified in not believing men. Because, from time immemorial men have disbelieved women. I can quote from Chanakya here

विश्वामो नैव कर्तव्यः

स्त्रीषु राक्षसेषु च ।

"Both administration and women are not to be believed." That is Chanakya's maxim, Sir.

Shri Hajarnavis: May I draw the attention of the hon. Member to clause 16(1)—proviso which says :

"Provided that there shall be deemed to be included in the certificate granted in respect of a home for females a condition to the effect that the person in charge thereof, whether called superintendent or by any other name, shall ordinarily be a woman."

Shrimati Renuka Ray: I am sorry that was not in the Joint Committee.

Mr. Deputy-Speaker: Perhaps, she may desire that 'ordinarily' also should not be there.

Shri Hajarnavis: It is not possible, Sir. If no woman is available to work as manager, then it will not be possible.

Shrimati Renuka Ray: This has changed it for the better though it is not absolutely good.

426 (A) LS—8.

Dr. Samantsinhar (Bhubaneshwar): Mr. Deputy-Speaker, Sir, wholeheartedly I support this Bill, because it is a social measure and also a non-controversial one. This was thoroughly discussed in the Joint Committee; and the discussions in the Joint Committee were purely guided by the advice of the Deputy Law Minister, Shri Hajarnavis.

Shrimati Renuka Ray has just now said about parallel institutions because the work of the organisation set up under this Bill and the Social Welfare Board will go side by side. The Joint Committee actually discussed this matter but they thought it proper to leave for the State to decide. The opinion of the Social Welfare Board as well as that of the **Bharat Sewak samaj** was requested and they fully supported the provisions of the Bill. The **Bharat Sewak Samaj** fully supported the measure and the Social Welfare Board also agreed to the clauses of this Bill.

Shrimati Renuka Ray: The Social Welfare Board has said practically what I said here.

Dr. Samantsinhar: When this Bill is passed, it is the duty of the State to consider whether the work of the Social Welfare Board should be given to this committee and the money given by the Government should be diverted to this organisation.

There are three main provisions in this Bill. The first is the power to control and supervise the orphanages and also to give recognition to them. There are many orphanages and charitable homes in our country and some benevolent people contribute money for their establishment. There are also very good institutions which are giving shelter to these unfortunate people but there are, as everywhere, black sheep here also and so some persons are utilising these unfortunate people on a commercial basis and thereby earn their means of livelihood. This Bill has been introduced

[Dr. Samantsinhar]

to check this kind of things happening. There will be checks and supervisions and individuals and institutions which take money from the benevolent persons and the Government but do not give it to these homes cannot do such things. These homes are not properly managed and their inmates are utilised for various purposes. There will be supervision by this board over these orphanages or charitable homes and they will be run for the people for whom they are meant.

16.23 hrs.

[SHRI MULCHAND DUBE in the Chair]

The second point is the constitution of the board. The board will have representatives of all kinds. Women can be members of the board. There would be no objection that the board is not well-represented. The board represents every view and also the interest of the country.

Thirdly, there is a penal provision that whoever maintains a home without a certificate will be punished.

These are the main purposes of this Bill and I am glad that the Rajya Sabha has passed this Bill without any amendment. In the Lok Sabha also there are no amendments. I congratulate Shri Kailash Bihari Lal who has sponsored this Bill. Through his perseverance this Bill has come up to this stage and I hope that this House will accept the Bill and pass it.

Shri Achar (Mangalore): Sir, I support the Bill and congratulate the hon. Mover. I would almost say he has achieved a miracle as rarely does a private Member's Bill get through even the first stage. It has gone through Rajya Sabha and is also non-controversial here.

I am afraid the hon. Mover is not here but I would like to offer a few remarks. He said that every clause had been thoroughly considered and

there would be no need of further improvement. I am afraid I cannot fully agree with that view. Unfortunately, I have not sent any amendment but if he thinks that my suggestions are of some value, he may accept them.

While having a Bill of this nature, one of the important aspects which ought to be considered is the moral life. Clause 7 deals with the functions of the board and clause 16(3) also says like this.

Dr. Samantsinhar: What is your amendment?

Shri Achar: I shall suggest it. Clause 7 says:

"It shall be the duty of the Board to supervise and control generally all matters relating to the management of homes in accordance with the provisions of this Act...."

Importance is given to the management, that is, more or less the administrative side of it.

Clause 16 specifies the contents of the certificates which are to be granted for running such institutions. The most important is mentioned in clause 16(3):

"the minimum standards regarding boarding, lodging, clothing, sanitation, health and hygiene which, having regard to the conditions of the locality in which the recognised home is situated...."

These are all material things. I am not saying that all institutions in this country are bad—far from it. They are doing excellent service for the poor fallen women and widows and children. But there are instances where such homes are misused and so I think there should be one more important aspect mentioned there: moral standard, or moral life. This may be added in clause 16(e). That will give some control for this board. I find the board is well represented. There are ladies, M.L.As and one M.P. is also there.... (Interruptions.)

Shrimati Renuka Ray: Is there any necessity for the appointment of more boards afresh? This board which has branches in all the States can take on this work.

Shri Achar: My hon. friend, Shrimati Renuka Ray, asks whether this board should be there. I have no definite view on that question. The Bill provides for a board and as it is the State boards are not functioning in this field. I do not want to get into that controversy.

My hon. friend said that every word had been considered but only physical comforts and physical conveniences have been provided in clause 16(e). In addition to that, I would request him to see whether this aspect 'moral standards' can also be included there. That will make clause 7 also more explicit. It will then be not merely a question of supervision and control on administration or management of the board. It is not only a question of administration but really the moral welfare of the women and children there.

Then I come to clause 2(d). In spite of the hon. Mover stating that every word in the Bill is all right, I have my own hesitation as to the interpretation that would be given to clause 2(d). It reads like this:

"(d) 'home' means an institution, whether called an orphanage, a home for neglected women or children, a widows' home or by any other name, maintained or intended to be maintained for the reception, care, protection and welfare of women or children;"

The wording as it is, I think, will exclude an institution where there are both women and children. The wording must be "an institution of women or children or women and children". There are not only institutions for women, not only institutions for children—they are covered—but there may be institutions where there are both women and children.

They must also be covered. If my contention is correct, the wording in this sub-clause must be changed.

Then I come to clause 3 which says:

"Nothing in this Act shall apply to—

(a) any hostel or boarding house attached to, or controlled or recognised by, an educational institution; or".

I am afraid this will give a loophole for all sorts of institutions coming and saying that they are recognised institutions and the Board shall have no control on them. The wording as it stands is rather unhappy. Legally it may be interpreted to mean that if some institutions are recognised then the Board will have no control. In spite of the fact that the Select Committee has gone into the provisions of this Bill, if you read this clause you will find that it will give scope for all sorts of institutions coming and saying that they have been recognised by an educational institution. Once they are recognised by an educational institution, as the wording now stands, the Board will not have any control. The wording used here is "an educational institution". I can understand if it is a Government recognised institution, a college or a high school. If it is left as vague as this—"an educational institution"—as lawyers we know how we will interpret it. Therefore, some amendment is necessary there. I suggest that the wording should be: "an institution either controlled and managed by the Government or a Government aided institution".

I would like to suggest a small thing with regard to clause 9. The proviso there says:

"Provided that no such member or officer shall enter any home or part thereof where there are females, except in the presence of two respectable women of the locality."

[Shri Achar]

It is very good provision, no doubt. Some hon. Members expressed the opinion that we should have any suspicion against men. I feel that the provision is absolutely necessary and is quite correct. But I would say that this going into the institution is done with a purpose. Suppose something not very good is happening there and suddenly one wants to go and inspect it, a gentleman certainly should not go there except in the presence of two respectable ladies. I would suggest an improvement there. A surprise visit by a lady in that case would be very good. The clause as it stands is not quite good for that. Instead of saying: "Provided that no such member or officer" I would suggest: "Provided that no such gentleman member". I would suggest that amendment so that there may be a surprise visit by a lady member. The object of the Bill seems to be to avoid such occurrences, and for that purpose I would suggest that the proviso may be amended and the restriction may be put only with regard to men from entering there without the presence of two respectable ladies.

Then, there is another instance of poor wording in clause 17(b). As a lawyer I have felt that it may not be very good if the wording stands as at present. Clause 17(b) says:

"the management of the home is being persistently carried on in an unsatisfactory manner or is being carried on in a manner highly prejudicial to the moral and physical well-being of the inmates; or".

I would request that the word "highly" may be omitted.

श्रीमती लक्ष्मीबाई (विकाराबाद) :

यह बच्चों और बहिनों का मामला है ।
हमारी बहिनों को भी बोलने दीजिए ।

Shri Achar: I will finish in two minutes. What I say is, the word

"highly" is unnecessary, because that will again, while interpreting, cause a lot of trouble, as to what is prejudicial and what is highly prejudicial. Apart from that, "prejudicial to the moral and physical well-being" is sufficient enough. It is sufficient if it is prejudicial, the word "highly" is not necessary. I would, therefore, request the omission of that word.

With all apologies to the Mover who said that every word has been checked, I have made bold to make certain suggestions. Unfortunately, I did not have a copy of the Bill; otherwise, I would have sent in some amendments. I leave it to the Mover and the Deputy Minister to consider the suggestions that I have made.

Shri Shree Narayan Das (Darbhanga): Mr. Chairman, Sir, really this is an occasion for satisfaction and pleasure for a non-official Member to have such an opportunity to get a Bill passed by the Parliament, and I really congratulate Shri Kailash Behari Lal, at present a Member of Rajya Sabha who has been fortunate enough to pilot this Bill.

An Hon. Member: Outgoing Member.

Shri Shree Narayan Das: Sir, the motion has been put forward in this House by my hon. friend, Shri D. C. Sharma. I heartily support it, and I heartily support the idea which compelled or, rather, inspired the hon. Member, Shri Kailash Behari Lal to bring forward this measure for the consideration of this Parliament.

Before I give some suggestions with regard to the major provisions of the Bill, I would like, with your permission, Sir, to say that although this is a very noble measure, a measure which has to be supported by all the Members of this House, at the same time, I find from the provisions that have been accepted that the manner in which this measure is being supported by the Central Government,

Charitable Homes
(Supervision and
Control) Bill

the Minister, is not satisfactory.

The idea was conceived by a non-official Member. Now, this measure, this child is going to be delivered by the Parliament.

An Hon. Member: It is going to be an abortion.

Shri Shree Narayan Das: This child like an orphan is going to be thrown into the lap of the various State Governments. One does not know how the State Governments will receive this measure and put it into operation. Therefore, I feel a little bit disappointed. I would say that in a country like India which has accepted the ideal of a socialist pattern of society and which has declared itself as a welfare State, there should be no one in this country who can be just designated as an orphan. When a socialist and welfare State has been established and when we have passed the directive principles of State policy, even then, if there is a child or a boy or a girl in this country who can be called an orphan, I think it is a slur on the welfare State. It is the duty and the function of the State to take upon itself the responsibility of maintaining the boy or girl from whichever source the boy or girl comes. Really, it is a matter of sorrow for us that even after 10-11 years, and even after having accepted the directive principles of State policy, we have not been able to say to the society and to the world that there is none in this country who is an orphan. In respect of any boy or girl whose parents are not able to support the boy or girl, or whose parents are not there to support them—the parents who had given birth to them—it is the responsibility of the State to see that the boy or girl is protected and maintained. Therefore, to leave the matter of maintaining such orphans for the charitable institutions and for the non-official organisations is also a slur on the State. But efforts are being made to take up all the responsibility that can be taken under the directive

principles of State policy. Therefore, we should not despair.

It is the duty of the Government and it is the duty of all of us to set up such organisations in the country and no one should be considered an orphan and no one should be taken as such because there is no one to support him. So long as the State is not going to take up its responsibility, it is open to a charitable-minded person or the charitable institutions to take over the responsibility. I think that from time immemorial, society has taken up this responsibility in some form or other with very high objectives as has been stated by so many hon. friends. There may be black-sheep everywhere, but in a country like India, I think there are persons imbued with high motives and high ambitions and high sense of generosity who have set up so many institutions for the maintenance and the education of such children as cannot be taken care of by their parents. So, it is well that this idea came to the mind of Shri Kailash Behari Lal at a good moment.

This Bill has a very limited purpose. This measure is not to set up charitable institutions but to regulate and supervise such institutions and carry on the function of social emancipation. Therefore, this measure should be scrutinised only with this limited purpose in view, namely, supervision and control.

I do not know if the Board which is going to be set up under this measure will have a fund of its own. Clause 10 of the Bill mentions how the funds of the Board will be made up. The funds shall consist of "contributions, subscriptions, donations or bequests made to it by any person" and also by "grants made to it by the State Government or any local or other public body". It is rather ludicrous to find that the Central Government which is going to support this measure has got no say at present. As has been pointed out by my hon. friend Shri Khushwaqt Rai, it may be that the Central Government

[Shri Shree Narayan Das]

also should be able to contribute. If such a provision is incorporated here, namely, that contribution by the Central Government also may be made, then the Bill will require the sanction of the President to be considered by this House. But when the Minister was so generous as to accept the measure put forward by a non-official Member, Government should have taken the trouble of getting the sanction for the money so that the people might not think that this is after all a measure concerning orphans which, as some hon. Members said, is going to be delivered by this Parliament. And one does not know whether the State Government will receive it with a good heart or not. No one knows.

It is seen from the provisions that the administration which is to administer the measure is not sufficient or adequate. Measures should be taken to see that the provisions are administered in a good way. Clause 1(3) says that the measure will "come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint". Therefore, the whole responsibility of administering the measure is going to be thrown to the various State Governments. I do not know if, when this Bill was circulated for eliciting public opinion, the State Governments took care to go through the clauses and send their own opinions on this measure. But it is a fact that such charitable institutions are helped in every State and it is the duty of the State to see that these institutions are maintained and carried on in a satisfactory manner. I do not know whether any State Government has passed any measure on its own initiative. But for the guidance of the various States, this measure, when passed by Parliament, will go a long way, and I hope the State Governments will come forward with funds so that the body which is going to be saddled with the responsibility of supervision and appointment of suitable officers to function in respect of the administration, will discharge its

duties well. The Board is a welcome body, but a Board without any fund or any defined function would be of no avail. Therefore, after having passed this measure, the Central Government would be absolved of all responsibility of administering the measure. Therefore, I say that this is not a wholehearted measure, but a half-hearted measure. Even then, I support the Bill, and I hope that in course of time the various State Governments will take up their responsibility in this direction.

With regard to some of the provisions, I would like to point out one thing. Clause 6 provides a period of five years as the term of office of a member of the Board. I think three years will be sufficient. A member who comes in to work for this cause will have opportunities to work for three years. If he does good work, then he will be re-elected. Suppose there are members who do not take interest: they become members and continue for five years. That is not desirable. So, the period of five years should be reduced to three years.

Dr. M. S. Aney (Nagpur): Does he want this Bill to be passed by the House now?

Shri Shree Narayan Das: I support the Bill.

Dr. M. S. Aney: Then do not change it.

Shri Shree Narayan Das: I have not given any notice of amendment. I support the Bill. I hope this House will pass it in no time. But the time allotted is only two hours and other Members have also to speak. I have finished.

Shrimati Renuka Ray: I am sure this measure affects women. No woman Member has been given a chance to speak so far.

Mr. Chairman: Shri Khushwaqt Rai. After he speaks, Shrimati Renuka Ray will get a chance.

Shri Shree Narayan Das: Out of the two hours allotted, how much is for general consideration and how much for the rest of the procedure?

Mr. Chairman: There is still one hour.

Shri Shree Narayan Das: What time will be allotted for the motion for consideration and what time for clauses?

Mr. Chairman: How long would the Minister like to take?

Shri Hajarnavis: Not more than 20 minutes to reply, at the most.

Mr. Chairman: So, there are still 40 minutes.

Shri Ram Sevak Yadav: Each may be given just five minutes.

श्री लुशबक्तराय : श्रीमन्, जहां तक इस विधेयक का सम्बन्ध है, मैं इसका पूरे तौर से समर्थन करता हूँ, और साथ ही साथ इस विधेयक के जो प्रस्तावक श्री कैलाश बिहारी लाल जी हैं उनको भी मैं बधाई देता हूँ कि उन्होंने इस सरकार को जो कि अपने को सोशलिस्ट स्टेट की सरकार कहती है, यह सुझाव दे दिया, और उस सरकार ने इस सुझाव को मान लिया कि आज जो हमारे भनाय बच्चे और औरतें हैं उनके लिए इस प्रकार के विधेयक की आवश्यकता है। श्री कैलाश बिहारी लाल जी बड़ी मेहनत से इससे पहले तीन बार इस बिल को लाए थे और वह तीनों बार नामंजूर हुआ और जब वह चौथी बार इसको लाए तो यह मंजूर किया गया। लेकिन मुझे बड़ा अफसोस है कि इसका उनको इनाम यह मिला कि कांग्रेस पार्टी ने उनको दुबारा टिकट नहीं दिया।

मैं चाहता हूँ कि यह विधेयक, जैसा कि यह राज्य सभा से धारा है, वैसा ही पास हो जाना चाहिए। मैंने ज्वान्ट कमेटी में यह कहा भी था कि यह विधेयक ऐसा है कि जिसके हाथ पैर नहीं हैं, पर फिर भी मैं चाहूँगा कि

इस विधेयक में यहाँ कोई संशोधन न किए जाएं और यह जैसा पास होकर धारा है वैसा ही यहाँ से पास कर दिया जाए। इसके लिए मैं इस सदन के माननीय सदस्यों से अपील करता हूँ।

एक बात मैं और कहना चाहता हूँ जिसके लिए मैंने आपसे बोलने की आज्ञा चाही, और वह यह कि हमारी सरकार का रुख क्या है। उस पर मैं प्रकाश डालना चाहता हूँ। जब यह बिल राज्य-सभा में था तो सभी सदस्य इस बिल के पक्ष में बोले थे और यहाँ भी इसके पक्ष में बोल रहे हैं। इससे मालम होता है कि इस मामले में सारे सदन के माननीय सदस्य जाहे वह इधर के बैठने वाले हों या उधर के, एक मत हैं। पर आपको देखना है कि हमारी सरकार का इस पर क्या रुख है। आप विधेयक की धारा १० को पढ़ें जो कि पहले धारा ६ थी। उसमें यह दिया गया है :

"The funds of the Board shall consist of contributions, subscriptions, donations or bequests made to it by persons and grants made to it by the State Governments or any local or other public body".

इसके लिए कोई धन सरकार की ओर से नहीं दिया जाएगा। जैसी धनायाँ की संस्था है वैसा ही यह विधेयक भी धनाय सा है। कहीं से सरकार इसको कोई फंड नहीं दे रही और जो काम वह चलाने वाला है वह बहुत बड़ा है।

एक माननीय सदस्य : गवर्नमेंट देगी।

श्री लुशबक्तराय : वही तो मैं भी कहना चाहता हूँ। इसकी बात को देखते हुए तो मैंने एक संशोधन दिया था ज्वान्ट कमेटी में, पर उसके लिए माननीय राष्ट्रपति महोदय की आज्ञा की आवश्यकता थी। तभी वह पेश हो सकता था। उसके बारे में लिखा पढ़ी की गयी। जहाँ तक मुझे मालूम है विधि मंत्रालय ने उसके लिए सिफारिश भी की कि इसमें कुछ रूपया दे दिया जाए। मगर

[श्री खुशबक्त राय]

उसके बाद वह शायद फाइनेंस गया या कहा गया मुझे मालूम नहीं, पर उसकी इजाजत नहीं मिली और मैं वह संशोधन पेश नहीं कर सकता। मेरा संशोधन सिर्फ यह था कि केन्द्रीय सरकार इस पालियामेंट की इजाजत से, पालियामेंट के एप्रोवल से, इसमें रुपया दे। इसमें और कुछ नहीं था। वह सीधा साधा संशोधन था और मैं चाहता था कि सरकार के रुख में तबदीली आनी चाहिए कि आज जो समाज कल्याण के काम हैं उनके लिए सरकार के पास पैसा होना चाहिए। कल के दिन वर्ल्ड एप्रीकल्चुरल फेयर के बारे में चर्चा हुई और कहा गया कि उसके लिए इन्तिजाम करने को एप्रीकल्चर मिनिस्ट्री ने पांच लाख रुपया वैसे ही दे दिया और उसके बाद क्या दिया वह तो मालूम नहीं क्योंकि उसका हिसाब अभी नहीं आया है। परन्तु यह इतना भला काम है, यतीमों की सहायता के लिए, पर इसके लिए सरकार के पास पैसा नहीं है। मैं इतना जरूर कहना चाहता हूँ कि जब यह सरकार अपने को वैंलफेयर स्टेट की सरकार कहलाना चाहती है तो उसके लिए इस काम के लिए मदद देना लाजिमी है। जैसा यह विधेयक है उसको वैंसा पास कर देना चाहिए। पर मेरी आपके जरिए विधि मंत्री से प्रार्थना है, और मैं इसके लिए वित्त मंत्री से भी प्रार्थना करता पर वह इस समय हैं नहीं, कि जल्दी ही एक अमेंडिंग बिल लाना चाहिए जिसके जरिए से यह हो जाए कि जो बोर्ड बनेगा उसके खर्च के लिए सेंट्रल गवर्नमेंट को रुपया देना चाहिए।

श्रीमती उमा नेहरू (सीतापुर) : श्रीमान् जी, बिल का ब्याल तो बहुत अच्छा है लेकिन इस बिल का नाम देखकर दिल दहल जाता है। कारण यह है कि जिस वक्त हमने यह विचार था कि यह मुल्क आजाद हुआ और इसमें हमारी सोशलिस्ट गवर्नमेंट होगी, तो उस वक्त हमें यह पूरा ब्याल था कि जितने

भी कालेज और स्कूल हमारे यहां होंगे अगर उनके कम्पनल नाम होंगे तो हम उनको हटा देंगे और जितनी भी ऐसी चीजें होंगी जैसे विधवा आश्रम, आरफनेज या यतीमखाने, जिनको हम बरदास्त नहीं कर सकते। यह जो हमारे देश में यतीमखाने और विधवा आश्रम हैं, इन सबों में मैं बहुत काफी घूमी हूँ। जो भी मर्द भाई यहां बैठे हैं, मैं उनसे कहना चाहती हूँ कि मैं इनमें घूमी हूँ और बहुत काम भी किया है और मुझे इन आश्रमों की हालत देखकर रोना भी आया है। मैं कहना चाहती हूँ कि इन आश्रमों, विधवा आश्रमों और बच्चों के यतीमखानों के साथ समाज ने अन्याय का बरताव किया है। यतीम बच्चों को भिखमंगा बनाया है। यह चीज देखने के बाद हमारे ऊपर यह असर हुआ कि नहीं यह तरीका गलत है और इनका तरीका ठीक होना चाहिये। इसीलिए ज्यादातर स्त्रियों को उसमें रखने की बात सोची गयी, जो बोर्ड बने उसमें सारी स्त्रियां हों और पुरुष एक न हो। स्त्री पुरुष में कोई झगड़ा नहीं है, लेकिन यही विचार है कि पुरुष ने इन आश्रमों में बिल्कुल गलत तरीके से बर्ताव किया है, इस लिए स्त्रियां चाहती हैं कि पुरुष इन होम्स से दूर रहें। यह बिल तो बहुत अच्छा है, ब्याल भी अच्छा है, लेकिन यह बात मेरी समझ में नहीं आई कि इस के मुताल्लिक सारा काम तो स्टेट गवर्नमेंट करेगी, लेकिन यह बिल हमारे पास आया है। धन का प्रश्न भी बड़ा वेग है। हमें यह मालम नहीं है कि धन कहां से आयागा, कहां से हम भीख मांगेंगे, या फिर गवर्नमेंट ही इसका इन्तजाम करेगी। जैसा हमारा नेशन बिलिडग हो रहा है, इस तऱह अनेक आश्रम और अनेक बोर्ड वगैरह बनाना बिल्कुल गलत तरीका है। हमारे यहां सोशल वैंलफेयर बोर्ड मौजूद है। उस के जरिये से कुछ काम होता है।

फिर पंचायतें कायम हो रही हैं और उन के जरिये भी यह काम होगा। कार्पोरेशन्स के जरिये भी काम होगा। इतने सारे बोर्ड और दूसरी संस्थाएँ हम बना रहे हैं। ऐसा सूरत में इस काम के लिए एक और बोर्ड बनाने की जरूरत नहीं है। मैं समझती हूँ कि जो बोर्ड और संस्थाएँ सरकार ने बनाई हुई हैं, उन्हीं के जरिये से हमको काम करना चाहिये। मेरी राय यह भी है कि और बातों में भी हमारी संस्थाओं में एक दूसरे के साथ को-ऑपरेशन और को-ऑर्डिनेशन नहीं है। जरूरत इस बात की है कि ये संस्थाएँ एक दूसरे के साथ को-ऑर्डिनेशन से काम करें। जब तक हम सिमटेंगे तब तक हम कामयाब नहीं हो सकते हैं। फैलना आसान होता है, लेकिन सिमटना मुश्किल होता है। हम को सिमट कर चलना है और ठीक तरह से देश का संगठन करना है। इसलिए मैं इस बोर्ड के बनाए जाने के खिलाफ हूँ।

17 hrs.

कुछ भाइयों ने यह जिक्र किया कि इस बोर्ड में स्त्रियों का नाम क्यों आए। श्री भट्टाचार्य ने भी खड़े होकर इस बारे में कहा। मैं उन भाइयों से यह कहना चाहती हूँ कि हमारी जिन्दगी का अनुभव यही है कि हम कामयाबी से स्त्रियों के होम नहीं चला सके। मैं ऐसी जगहों में पुरुषों के होने के बिल्कुल खिलाफ हूँ। मैं लड़कियों के स्कूलों और कालेजों की मैनेजिंग कमेटीज में पुरुषों के रखे जाने के बिल्कुल खिलाफ हूँ, क्योंकि इस के मुताल्लिक मुझे बहुत सारा एक्सपीरियंस है। इसलिए मैं यह चाहती हूँ। जहाँ तक इस बिल का ताल्लुक है, वह इन्होंने बहुत अच्छे ख्याल से बनाया है और मैं समझती हूँ कि वह भी इस बात से सहमत होंगे कि अनेक बोर्ड बनाना गलत है।

मैं इस से सहमत नहीं कि कोई धनी व्यक्ति इन आश्रमों वगैरह के लिए धन दें। अभी

तक यहाँ के कैपिटलिस्ट लोग, तिजारती लोग इन आश्रमों और विधवाश्रमों के लिए रुपया देते रहे हैं, लेकिन मैं आपकी बताऊँ कि वह रुपया देने का नतीजा यह है कि वे लोग इन होम्स को मिसयूज करते हैं और वे होम्स पर हावी हो जाते हैं। इस वक्त जो सोशल वेलफेयर बोर्ड पंचायतें और कारपोरेशन हैं, ये संस्थाएँ ही इन होम्स का काम चलायें। हमें ज्यादा फौलाव नहीं फैलाना चाहिए। मैं इसके खिलाफ नहीं हूँ लेकिन मैं यह जरूर सोचती हूँ कि यह स्टेट का सामान है, यह वहीं होना चाहिए था। यह यहाँ पर आया, यह अच्छी बात है। गालिबन हमारे जिक्र करने से स्टेट गवर्नमेंट्स इस पर विचार करेंगी। इस बोर्ड के मैं खिलाफ हूँ। मैं समझती हूँ कि जो हमारे एगजिस्टिंग बोर्ड और दूसरी संस्थाएँ हैं, वे ही इन होम्स को चलाने के लिए काफी हैं।

श्रीमती लक्ष्मी ई. चैयर्समैन साहब, प्रारफनेजि. के बारे में जो बिल यह पढ़ रखा गया है, मैं तो उस को बेकार ही समझती हूँ। अभी श्रीमती उमा नेहरू बोलीं। वह बहुत अच्छी तरह से बोलीं। मैं यह कहना चाहती हूँ कि इस क्षेत्र में सोशल वेलफेयर बोर्ड बहुत काम कर रहा है। यह चार पांच सान पहले शुरू किया गया था और वह महिलाओं और चिल्ड्रन के लिए अच्छा काम कर रहा है। कानून के द्वारा एक प्रायड बोर्ड—सोशल वेलफेयर बोर्ड बना दिया गया। अब अगर इस बोर्ड के द्वारा बहनों और बच्चों का काम होता तो फिर वहाँ कौन काम करेगा? यह कहा गया है कि उस के लिए यहाँ से पैसा देना है। वह पैसा बोर्ड को देने के लिए या इंस्टीच्यूशन को चलाने के लिए देना है। सिर्फ बोर्ड को चलाने के लिए, दफ्तर रखने के लिए, हजाराएँ रुपया किराया भरने के लिए, ट्रेवलिंग एलाउंसिज के

[श्रीमती लक्ष्मीबाई]

लिए देना है, या स्टेट्स में काम करने वाली इंस्टीच्यूशन को देना है, यह बात इस में नहीं है। मैं अपने भाइयों—मेम्बरों—को यह समझाना चाहती हूँ कि वे क्यों बेकार ऐसे कानून यहां पर ला रहे हैं। मैं श्री शर्मा से यह कहना चाहती हूँ कि वह इस को सोने की खान न समझें। मैं उन को समझाती हूँ कि इस बारे में बहनें पहले ही काम कर रही हैं। वे सिर्फ बहनों और बच्चों का ही काम नहीं कर रही हैं, बल्कि अगर कोई बूढ़ा हो कर, लूला हो कर पड़ जाता है, तो उस को एजिड होम में रखा जाता है। आप हैदराबाद चलिये। मैं आप को बताती हूँ कि हमारे यहां बड़े लोगों के लिए भी आश्रम बनते हैं और उन को महिलायें चलाती हैं। जब लोग मरने को होते हैं, तो बहनों को आ कर उन की सेवा करनी पड़ती है। आप चलिये और माइन्ज और फेक्ट्रीज में चल कर काम कीजिये। ऐसा कानून बना कर दोनों बोर्ड को लड़ाने की बात की जा रही है। स्टेट्स में भी बोर्ड हैं और वे काम कर रहे हैं। उन की ताकत बढ़ाई जानी चाहिए और उन की अच्छी व्यवस्था की जानी चाहिए। बोर्ड को पैसा मिलता है, और अगर कोई दूसरा बोर्ड ठुकूमत करने के लिए आ जाये, तो वे काम नहीं चलायेंगे। जहां से पैसा आता है, उन के हाथ में ठुकूमत रहनी चाहिए। जैसे मां बच्चों को पालती है, उन की सेवा करती है और अगर वह कभी उन को डांटती है, तो पिता कहता है कि ऐसा क्यों किया। बच्चे का कंट्रोल, उस को डांटना बपटना, उस को खिलाना पिलाना मां के हाथ में ही होना चाहिए। दूसरे को उस में दखल नहीं देना चाहिए। यह बिस्कुल बेकार बात है। चिल्ड्रन

बोर्ड बनाते हैं। बोर्ड में कहीं चार पांच लोग रहते हैं। बच्चे को मां से प्रलग नहीं रखा जाना चाहिए। हम काबिल हैं। प्राहिस्ता प्राहिस्ता हमारी बहनें एम्बेसेडर बन रही हैं, मिनिस्टर बन रही हैं, एजूकेशन के क्षेत्र में उभरत कर रही हैं। मैं तो यह कहना चाहती हूँ कि हेल्थ और एजूकेशन का काम पूरा हमारे पास आना चाहिए। हम उस के लिए कोशिश कर रहे हैं। मगर चिल्ड्रन का काम हम पुरुषों को देने के लिए तैयार नहीं हैं। बे हिन्दुस्तान की बहनों को ऐसा न समझें कि वे यह काम नहीं कर सकेंगी। कहते हैं कि हम बच्चों का इस्पेक्शन करेंगे। पुरुषों को इस बारे में क्या मालूम है? उन के दिमाग में यह बात कैसे आ सकती है? बच्चा रोता रहता है, मां काम करती है, लेकिन पुरुष उस को देखते नहीं हैं, सोचते नहीं हैं। बच्चों का दिमाग पुरुषों की समझ में नहीं आता है।

इस के अलावा हमारे आन्ध्र प्रदेश में एक कानून बन गया है। वहां सब से पहले पंचायतों को अधिकार दिये गये हैं। पंचायत को ऐसी ताकत देना बड़ी गलती है। हर एक आरगनाइजेशन में दखल देने और उस को सुपरवाइज करने के लिए समिति बनाई। आप को नहीं मालूम, जहां इंस्टीच्यूशन होती है, पहले वह अपने को रजिस्टर्ड करा लेती है। हर एक स्टेट में रजिस्ट्रेशन एक्ट होता है। रजिस्टर्ड होने के बाद ही वह आरगनाइजेशन सरकार से पैसा मांगने जाती है। सेंट्रल वेलफेयर बोर्ड का कानून ऐसा है कि जहां पर इंस्टीच्यूशन को ताकत है, रहने के लिए घर है, कुछ पैसे हैं, कुछ मोतबिर लोग उस का काम चला रहे हैं, यह सब देखने के बाद पैसे मंजूर होते हैं। हवा में बैठ कर कोई पैसा नहीं लाता है। सोशल स्टेट्स, रजिस्टर्ड बाडी होना, कुछ मूल धन होना जरूरी है। ऐसी इंस्टीच्यूशन को ही गवर्नमेंट पैसा देती है। अभी श्रीमती उमा नेहरू ने साहूकारों के पैसा देने की बात कही। एक्सपेंडीचर टेक्स लग जावे

से वे भी कुछ नहीं दंगे। पैसा लाना घासान नहीं है। हमें ऐसे धानदार इंस्टीच्यूशन बनाने चाहिए, जहां लोग सेवा भाव से काम करते हों। सिटीज में कार्पोरेशन होती है। कोई इंस्टीच्यूशन चलती है, यतीमखाना चलता है तो कार्पोरेशन उन में प्राती है और देखती है। इस बारे में एग्जिमेंट और कन्डीशन होती है—बेहद कन्डीशन होती है, चौबीस पच्चीस कन्डीशन होती है। वे तमाम कन्डीशन बुल कर के ही सौ, दो सौ, पांच सौ रुपये मिलते हैं। अगर पांच सौ मिल गया, तो इतना एस्टाब्लिशमेंट है, हर महीने इस का रिपोर्ट देना पड़ता है। अभी प्रापका कानून बना हुआ है। उधर स्टेट्स में होम डिपार्टमेंट है। वहां पर जो कानून है उसके अनुसार काम चलता है। वह कानून पुराने जमाने से चला आ रहा है। वहां के होम डिपार्टमेंट के पास कानून है। जितने भी चिल्डरन होम हैं या दूसरे होम हैं वे कानून के मुताबिक चलते हैं। मैं कहना चाहती हूँ कि इस कानून के द्वारा बोर्ड को रखने की जरूरत नहीं है। यह बोर्ड अच्छी तरह से काम नहीं कर सकेगा। बोर्ड अभी शुरू नहीं हुआ है पैसे की मांग हो रही है। बोर्ड की जरूरत नहीं है।

मैं मानती हूँ कि शर्मा जी की नीयत अच्छी है। मैं उनको घन्यवाद भी देती हूँ। लेकिन शर्मा जी को भी चार साल के बाद होम में जाना पड़ेगा। इसके लिए कोई कानून बनाने की जरूरत नहीं है। वहां पर हम उनकी मां बन कर सेवा करेंगी। जो इतिजाम अभी है वह एडमिनिस्ट्रेशन के प्वाइंट प्राफ व्यू से अच्छा है। इस वास्ते प्रलग बोर्ड कायम करने की कोई आवश्यकता नहीं है। बच्चों का और बहनों का यह मामला है इसलिए इस को बहनों पर ही छोड़ दिया जाये। होम मिनिस्टर आइब यहां पर बैठे हुए नहीं हैं, वे चले गये हैं। शर्मा जी बैठे हुए हैं। विधि उपमंत्री बैठे हुए हैं। मैं प्रार्थना करती हूँ कि इसको प्रेक्टिस में न लायें। इसको स्टेट्स पर छोड़ दें।

प्राप कौन हैं जो डांटने वाले हैं? प्राप पैसा देने वाले नहीं हैं और जब प्राप पैसा देने वाले नहीं हैं तो अब प्राप कोई डायरेक्शन देंगे तो वे कहेंगे कि प्राप कौन हैं, प्राप वापिस चले जाओ। इस को पास कर देने का नतीजा यह होगा कि वे दोनों प्रापस में लड़ना शुरू कर देंगे जोकि नहीं होना चाहिए। यह बहनों, बच्चों इत्यादि का मामला है और उन्हीं पर प्रापको इसे छोड़ देना चाहिए। मैं यह बात सेवा की भावना से कह रही हूँ।

अन्त में मैं इतना ही कहना चाहती हूँ कि इस को वापिस लीजिये और राज्य सभा को वापिस भेज दीजिये।

Shrimati Renu Chakravarty
(Basirhat): I welcome this Bill very much because only recently in Delhi itself we were shocked to read of a very startling case of a young girl in an orphanage who, I believe, used to be forced to go and attend to the cares of the manager. She was supposed to be tending him. At that time, this gentleman gave her such a kick that she fell on a stove and was burnt. This came in all our papers. It was a shocking case. (An Hon. Member: It was a lady.) I think the manager was a lady. So it is not always that ladies are kind. The inhumanity of the whole thing was brought to the forefront. The young girl, who was an inmate, was being used to look after, and tend to, the cares and comforts of the Superintendent.

Also about two years ago, I think the Social Welfare Board had compiled a book including within itself the whole evaluation of the way orphanages and institutions for women were being looked after. It was compiled by Dr. Maitri Bose. It makes very interesting reading. She says that in most of these institutions which they visited, they found that various doings were going on, the responsibility for which was specially on the Superintendents. I believe in the great majority of cases the Superintendents are males. That is why they

[Shrimati Renu Chakravarty]

have recommended very clearly that in future wherever we are going to license these homes and institutions for women and children, they must always be under the care of women Superintendents.

I say this not because all women are kind, as I showed earlier, but because of the fact that in these institutions there is a tendency when we leave them entirely to the male Superintendents, for things to go wrong and women being misused. That is why I would certainly like that it should not be said that wherever possible, the Superintendent should be a male. It should be made one of the conditions of recognition that it should be not only under the supervision but the superintendence of a woman. That is one basic criterion we should lay down for the recognition of a women's hostel or institution for children.

There is no doubt—and I agree with my hon. friend, Shri Shree Narayan Das in this respect—that more money and help should come from the State Governments and the Central Government. Otherwise, these institutions often become not only centres of vice but they are used also as centres for making money in various undesirable ways. Therefore, it is very necessary to deal with both: the question of vice as well as the question of giving them proper training and guidance and superintendence.

As regards the funds of the Board—other hon. Members have also referred to this point—I think we need not stress the point. It is something that is very very important, that adequate funds must be made available from the State exchequer. Sometimes I have found that people give charity out of good ideas; at some other times I have found that the word 'charity' has a hidden meaning, hiding the objective of the donor; sometimes the objective is not quite so high. As a matter of fact, I have before me the experience of two

Homes which were run in the city of Calcutta and specially in the district of Howrah from where my hon. friend, Shri Muhammed Elias, comes. There was a Nari Niketan there which was run entirely on private donation. We found that many of these donors were fairly rich people; and it became a centre of vice. It became so bad that, finally, after years, the Government had to intervene. From all this experience, we feel it is necessary to have some sort of Bill of this kind.

One thing we have to take into consideration is what should be the Board which will supervise it. One of the basic weaknesses of all measures in every department is that we have far too much of duplication. In front of every board we have very laudable objectives. This is also one of the examples where this idea of setting up standards of institutions and standards of supervision for all these homes and infirmaries for women and children is going to be duplicated.

In this Bill there is a board which is going to be set up. On the other hand, in every State, we have got State Social Welfare Boards. One of the objectives of the State Social Welfare Boards is also the setting up of standards. I do not say that the State Social Welfare Boards have been able to do very much in this particular respect.

Of course, it is also true that there are very few women social welfare workers able to give the amount of time that is needed for undertaking this work properly. In this Board we get three members from the State Legislatures. In India, in every Legislative Assembly we have got women representatives; and I would say that out of the two members to be elected by the State Legislative Assemblies, at least one should be a woman. Then, with regard to the 5 members of the managing committees in the States also, at least a percentage of these—one or two people—from the Social Welfare Boards of the States. They

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should also be represented on this Board.

My idea in saying this is that it will firstly eliminate duplication and, secondly, it will also bring about a weightage of women within the Board. I certainly deprecate the idea which might have been given by some of the speeches, that is men versus women, men and women fighting one another. I do not think that is the objective of the Bill at all. We will not be able to achieve anything if we have that outlook. But, at the same time, our own experience shows also that in these institutions it is desirable that a larger number of women should be there on the Board because you have given the Board the power of inspection.

If you read the book which has been compiled by the Social Welfare Board, you will find that the power of inspection has, on many occasions, been abused by the members. Although we should not think that the members of the Legislatures etc. will misuse their powers, it is better that this Board should have a good weightage of women in it because it is going to set up standards and it is going to have the power of inspection. On the whole, I think it is necessary that, in these homes where there will be growing girls, young women and widows, we should give as much responsibility to the women as possible.

Lastly, with regard to the question of recognition of homes, one of the points that has been made is that of the minimum standards regarding boarding, lodging, sanitation, health and hygiene. That is quite true. But with that, I think, it will also be necessary to know what the standards of education to be imparted are going to be there.

I have seen that even in Government infirmaries, institutions which have been set up by Government for the refugee women from East Pakistan in Bengal, some of the women have been kept there for more than 4 or 5

years without any provision being made for their education—or adult education—vocational training. It is a shocking state of affairs. I feel that this should be made one of the conditions of recognition of these institutions—for the children there must be a standard of education. Education must be there and something should also be done about vocational education.

Lastly, one of the important things is that when we allow these women to go out. She can be discharged when she earns a livelihood or is otherwise fit. That is what it says here. We have given the State Governments large rule-making powers and they should actually define what this 'otherwise fit' is. Otherwise, this may be liable to be abused again. After having trained these women, we should place these women in homes and in jobs that are secure. That is one of the big problems which we face. After having educated a girl and having given her vocational training, we find it difficult to place her in a job and even if a job is available the problem is whether we can be sure that the homes in which they are going to work are such that we will allow our own daughters to work.

These are some of the problems, Sir. With these words I would certainly say that this is a timely Bill and we all support it.

श्री ज० का० भट्टाचार्य : मुझे भी दो मिनट बोलने का अवसर दीजिये ।

समापति महोदय : आप भी बोल लीजिये ।

श्री ज० का० भट्टाचार्य : श्रीमान समापति जी, इस विधेयक के प्रति मैं अपना हार्दिक समर्थन जाहिर करता हूँ। इस सम्बन्ध में मेरा क्याल यह है कि विधेयक में जिस धारा में बोटें तथा प्रबन्ध समिति का उल्लेख है उसकी तरफ आपका ध्यान जाना चाहिए ।

[श्री ५० क० भट्टाचार्य]

समापति जी, मेरे कहने का मतलब यह है कि बोर्ड और प्रबन्ध समिति को चलाने वाले लोगों पर ही किसी भी अनाथ आश्रम को मुबारक रूप से चलाना निर्भर करता है। जो बहुत सी गड़बड़ियाँ बोर्ड और प्रबन्ध समितियों के लोग करते हैं, उनके बारे में उदाहरणों की कमी नहीं है और ये गड़बड़ियाँ अनाथालयों की ठीक प्रकार से देखरेख न होने की वजह से ही होती हैं। कलकत्ता के एक स्त्रियों के अनाथालय के बारे में मैं जानता हूँ। यह कई बरसों की बात है। इस आश्रम के अधिकारियों को हटाने के लिए भ्रष्टचारों में भी काफी आन्दोलन करने की जरूरत पड़ गई।

इसी तरह के बहुत से उदाहरण दिल्ली तथा बड़े बड़े शहरों में भी मिलते रहते हैं। इसलिए मेरी इतनी ही प्रार्थना है कि बोर्ड में और प्रबन्ध समिति में योग्य व्यक्तियों की नियुक्तियाँ होनी चाहियें।

अन्त में मैं इस विधेयक को पेश करने वाले माननीय सदस्य श्री कैलाश बिहारी लाल जी का आभारी हूँ कि उन्होंने इस विषय पर काफी ध्यान दिया है।

श्री रामसेवक यादव (बाराबंकी): अधिष्ठाता महोदय, सब से पहले मैं श्री भट्टाचार्य जी को बधाई देता हूँ कि आज उन्होंने अपना भाषण हिन्दी में दिया है और इस विधेयक पर अपने विचार हिन्दी में व्यक्त किये हैं। मैं श्री कैलाश बिहारी लाल जी को भी बधाई देता हूँ कि उन्होंने अनाथालयों के बारे में चिन्तन किया और उस चिन्तन के फलस्वरूप एक विधेयक हम लोगों के सामने पेश किया। मैं समझता हूँ कि इस के बारे में सरकार द्वारा विरोध करने का प्रश्न ही नहीं उठेगा क्योंकि इस तरह के बिल को पेश करना सरकार का कर्तव्य था। वह देखती कि अनाथालयों में जो लोग रहते हैं, उनके साथ जो दुर्व्यवाह्र होती है तथा जो पैसा का मिसयूज होता है उसको रोका जाय

लेकिन उसने पिछले बारह सालों में इस पर कोई ध्यान नहीं दिया। यह सरकार अपने को मंगलकारी सरकार कहती है और इसे ही चाहिए था कि वह इस सम्बन्ध में कोई विधेयक पेश करती। लेकिन उसने ऐसा नहीं किया और अब जो बिल आया है इसको उसे स्वीकार कर लेना चाहिए।

इस विधेयक का यहाँ सर्वत्र स्वागत हुआ है। यदि किसी माननीय सदस्य ने इसका विरोध भी किया है तो किसी धारा का ही किया है लेकिन जहाँ तक इस विधेयक के मूल सिद्धान्तों का, इस विधेयक का तात्पर्य है उसका किसी ने विरोध नहीं किया है। चूंकि अब संशोधन रखने का मौका नहीं है क्योंकि अगर संशोधन दिया जाता है और उसको स्वीकार कर लिया जाता है तो यह विधेयक खटाई में जाता है, इस वास्ते कोई संशोधन नहीं किया है। इस वास्ते दो एक धाराओं के बारे में ही मैं अपने विचार इस सदन प्रकट करूंगा।

इसकी धारा ५ और उपधारा २ में कहा गया है कि जो बोर्ड बनेगा उस में किस तरह के लोग होंगे। श्रीमती रेणु चक्रवर्ती ने इस के बारे में अपनी बात कही है और दूसरे माननीय सदस्यों ने भी अपना मत प्रकट किया है। परन्तु मैं समझता हूँ कि एक बहुत ही जरूरी चीज छूट गई है और वह यह है कि जिन अनाथों के बारे में यह विधेयक बनने जा रहा है, जिन के बारे में बड़ी चिन्ता प्रकट की गई है, उनका कोई भी प्रतिनिधि इस बोर्ड में नहीं होगा। यह बहुत बड़ी कमी रह गई है। मैं चाहता हूँ कि जिन लोगों के बारे में ये नियम बनने जा रहे हैं, व्यवस्था होने जा रही है—और मैं गर्मा जी से भी निवेदन करूंगा कि वे इस प्रश्न पर ध्यान दें—उन को भी इस में प्रतिनिधित्व मिलना चाहिए। इसके लिए आप चाहे चुनाव की व्यवस्था रखें या कोई और व्यवस्था रखें, लेकिन उनका प्रतिनिधि इस में अवश्य होना चाहिए। माननीय सदस्य कह सकते हैं कि अनाथालयों में ना-बालिग

ग होते हैं, छोटे बच्चे होंगे लेकिन यदि विधेयक को ठीक तरह से पढ़ा जाये तो आ चलेगा कि उन में औरतें भी होंगी, श्रमिका स्त्रियां भी होंगी, नौजवान भी हो सकती हैं, बालिका भी हो सकती हैं और वे अच्छी तरह से अपने विवेक और बुद्धि का इस्तेमाल कर सकती हैं और अच्छी राय दे सकती हैं। इस वास्ते जिन लोगों के बारे में यह विधेयक बनने जा रहा है, उनको भी इस ठेक में प्रतिनिधित्व मिलना चाहिए।

धारा ६ में जांच की बात कही गई है।

इस सम्बन्ध में यह कहना चाहता हूँ कि मैं में यह भी ब्यबस्था होनी चाहिए कि जिस के में या जिस जगह वह अनायालाय हो उसके अन्दर आने वाले विधान सभा के सदस्य को भी यह अधिकार हो कि वह उसके अन्दर जा कर जांच पड़ताल कर सके।

इन शब्दों के साथ मैं पुनः इस विधेयक का समर्थन करता हूँ और सरकार से अपील करता हूँ कि वह इस में न जाये कि सरकार की जिम्मेदारी बढ़ जायेगी। उसको जिम्मेदारी चाहिए। श्री स० म० बनर्जी ने कहा है कि मैं कह दूँ कि वह भी इसका समर्थन करते हैं।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और आशा करता हूँ कि सरकार को स्वीकार कर लिया जायेगा।

Shri M. C. Jain: Mr. Chairman,....

Mr. Chairman: The hon. Member has got only four minutes.

Shri M. C. Jain: Mr. Chairman, Sir, as my hon. friend, Shri Bhattacharya has today spoken in Hindi, I want to speak in English. I am sorry, I have to oppose this Bill. It will be rather surprising to the House because I am one of those who always support progressive and social measures. But so

far as this Bill is concerned, I think it is misconceived. This Bill is going to repeal Act 105 of 1956 the Women's and Children's Institutions (Licensing) Act, 1956. If you compare the provisions of the Act which this Bill is going to repeal you will find that except for the provisions with regard to the constitution of the Board there is no new provision in the present Bill, and this Bill is going to create a vacuum.

Under clause 31 of the Bill the old Act is going to be repealed. Under clause 5 the State Governments are being empowered to constitute the Board. The wording of the clause is: "The State Government may...." We know the affairs in the States. They may take one year, they may take years. The Board has to be constituted as provided in the various clauses. The State Government has to nominate people, the managing committees of the various institutions have to nominate persons, three Members have to be elected by the Assemblies and so on, with the result that much time will be taken and there will be a vacuum. Apart from this, it would have been much better if the old Act of 1956 was amended in respect of certain particulars.

There is only one more point and I will finish. I was thinking how the Government has supported this Bill. When I thought deeply I came to the conclusion that the Government is shirking its own responsibility. Under a welfare State it is the responsibility of the State to help the unfortunate people of the society, the orphans, the unfortunate women and such kind of people for whom this Bill is going to be enacted by the Parliament. We know it and it has been the experience of this country all over that most of these institutions are now run by private persons. They are mis-managing the institutions. Rather these unfortunate persons are being exploited. I do not know whether this exploitation will cease and I do not know whether the non-official agencies will help in stopping such

[Shri M. C. Jain]

exploitation. We have had so many things such as Bhoodan Boards etc. How have these bodies acted in the various States? When the State Governments could not function properly under the old Act, how can we expect them to function properly under this new measure? There was no expenditure to be incurred in the previous measure. There was licensing of the institutions, penalties and revocation of authority and all that. All provisions which exist in this Bill exist in the old Act also. If any non-official agency is to help the State Governments I would suggest that advisory bodies which do not exist under the present Act should be formed and those advisory bodies coupled with the State authorities should function and control these institutions. Otherwise, so far as the present Bill is concerned, I feel very strongly that it will rather postpone the discharge of the present functions and hamper the efforts that are made. There will be nothing fruitful.

In the end, I should like to appeal to the hon. Deputy Minister to see that the vacuum created by this Bill is filled. I have pointed out what it is. The existing Act is going to be repealed. Between the period when the Board starts functioning and the repeal of the present Act, what will happen in the meanwhile? I request the Minister to consider these aspects also.

Shri Hajarnavis: Mr. Chairman, Sir, I join the Mover of the Bill and the other hon. Members of this House in paying my humble and sincere tribute to the author of this very wholesome measure and I also share the regret that he will no longer be able to grace the other House of which he was such a distinguished Member for a very long time. I hope, together with other Members, that his absence from Parliament will only be for a short period and that we shall soon have the benefit of his sagacious advice.

I personally can justify and I can confess that another man with less courage, with less zeal, would have been deterred by the obstacles that have been created and would not have been able to pass the stone-wall that Government can think of creating—I do not think that I can very well deny the charge—but in this private Member's Bill it is really admirable that he has been able to persuade us. However, as I said, it took almost many years of persistent effort, inspired by missionary zeal, to persuade us to co-operate with him. Of course, as I have already indicated, after we decided to accept the Bill—we have almost adopted it—we have been fostering it and we have made available to him such drafting talents as we had at our service.

I might again repeat what Shri D. C. Sharma said, namely, that between the draftsmen and the Select Committee we have not left anything which requires further examination so that I can assure the House that even though we may be passing this Bill within such a short time, yet, every single point and every legal point has been very carefully considered under the watchful eyes both of the Mover in the other House and the Mover here. I share with Professor D. C. Sharma the pride that the Select Committee so legitimately feel that they have done their best to see that the legislation is put in proper drafting form.

On this point I might deal with the last point made by a very progressive member of this House, he is a sincerely progressive member and I must, if possible, remove the doubts of Shri M. C. Jain. He is apprehensive that there will be an interregnum between when the 1956 Act which we are repealing will be repealed and the passing of this Act and that there will be a vacancy left. He is a very astute lawyer but what appears to have escaped his attention is that the 1956 Act will be repealed only after the State Government decides to apply the Act.

It is only after the Act is applied that the 1956 Act will be repealed and till then it will continue to function. As soon as the Act applies the State Governments incur the statutory liability to erect all the institutions which have been created by the Act. Therefore, there shall not be any vacuity or gap or any hiatus between the repeal of the 1956 Act and the passing of this particular Act.

There is another point and that is the apprehension which has been expressed by several hon. Members, especially the lady members, as to whether by this Act we are in any manner hampering the work of the Social Welfare Boards which have already been established. I am not quite familiar with the constitution of the Central Social Welfare Board or the State branches of the Social Welfare Board, but, as far as I remember, these boards have no statutory foundation.

17.37 hrs.

[MR. SPEAKER in the Chair]

Now, I see nothing which will hamper the same boards from taking over statutory functions under this Act and carrying on their present activities. A view has been expressed that the Government has set an ideal before itself to establish a Welfare State. That is accepted. Now, if the ideal of Welfare State enjoins upon us to undertake social welfare activities, that is being done. As has been already stated, there is the Central Social Welfare Board working. It is doing exceedingly useful and meritorious work assisted, as it is, by its various branches in the States. I will again remind the House that there is no Act, there is no statute which permits this being done. The whole thing is done on an executive level. Now, if the Central Social Welfare Board for instance, thought that probably a statutory addition of their powers was necessary, here is an Act which they will find quite useful.

426 (A) L.S.—9.

Mr. Speaker: Which is the Act that the hon. Minister is referring to?

Shri Hajarnavis: The present Bill that we are considering, when it becomes an Act.

Mr. Speaker: Does he support the Bill?

Shri Hajarnavis: Yes. Now, as I was saying, it may be that the present activities which are undertaken by the Social Welfare Board cover a wider field than are contemplated by the Act.

It is quite true that under the present Act, the Board will only supervise and look after orphanages and widows' homes. There are other fields of social welfare which are covered by the Welfare Board's activities. But I see nothing wrong in the same Board continuing to exercise the same activities and assuming the statutory powers under this Act.

Dr. M. S. Aney: There are certain provisions here as to the constitution of the Boards. They are by election and so on. How could the other Board which is there come in its place and exercise this power?

Shri Hajarnavis: I accept the criticism. I accept the observation. What I intended to say was that once it has been decided that this Act is the instrument through which the Social Welfare Board will be carried on then the Board may be constituted in accordance with the Act. It will have these statutory powers. Then together with that it may also be entrusted with the other activities which the Social Welfare Board is at present carrying. A welfare board does not become less powerful or less efficacious because it has been given additional enforceable powers under the Act. Therefore I submit that instead of putting an obstacle in the way of social welfare activities, we regard this as a distinct aid to those activities. Again, as I said and I shall keep on repeating it, the credit of all this must

[Shri Hajarnavis]

be due to the vision and enthusiasm of Shri Kailash Bihari Lal who has put all of us under deep gratitude.

Shri Achar made some drafting points. He is a very careful and responsible Member. I cannot lightly put aside his objections. First of all he said that under clause 15 whereas we have provided for certain minimum standards in health and hygiene we have not also provided for moral standards. As I understand, the region between the enforcement of morals and the enforcement of law is to a large extent common. A thing which is immoral may also be a crime and may be punished by the State. It may also be immoral without the State taking upon itself the work of punishment for infringement of that moral conduct. But I am clear in my mind that no State, unless it includes a breach of morality into the realm of criminal law, can take upon itself the enforcement of all moral standards. For instance, it will be difficult to know what exactly are the ethical standards which are to be enforced largely. But any apprehension that he has that we have neglected this aspect, namely, that we shall not be able to proceed against any institution which does not conform to the strict ethical standards is not justified because, I believe, clause 17(1)(b), seems to have escaped his attention. Whenever you make an institution you do not say that that institution shall conform to moral standards. It is always assumed. Every individual, every institution, every activity is presumed to be moral unless the accepted standards are contravened.

Here it has been made quite clear that the Board may, without prejudice to any other power, revoke the certificate if the management of the home is persistently carried on in an unsatisfactory manner or is being carried on

in a manner highly prejudicial to the moral well-being of the inmates. That is to say, the requirement that the management of the institution shall conform to moral standards is a legal requirement, in the absence of which the privileges that a certificate shall give shall be withdrawn, and, therefore, I believe that the provision has already been made in that behalf.

Shri Achar: If that is the intention, then why not add it in sub-clause 1 (e)?

Shri Hajarnavis: That the activity shall be moral is always assumed. It is not prescribed by law.

Then, several Members have said that the Central Government should have taken upon themselves the finding of funds for the implementation of this Bill when it becomes law. Here, I might make a small observation. We are legislating here upon a subject which falls within the concurrent List. The House will remember that we have two sets of Government functioning within our federation, the Central Government as well as the State Governments; the State Governments have their executives, and the Central Government have their executives. A thing which falls in the Concurrent List has usually to be carried on by the State Government. Therefore, the Central Government are usually reluctant that they should legislate for the States and ask the States that their executive should carry out a certain duty which has been imposed by a law by the Centre. That is to say, unless it is absolutely necessary, the Centre will not do it. After all, this is a subject to which the State Governments are very much nearer than the Central Government, entrusted as they are with the maintenance of law and order. This subject falls more or less in a region which is very near maintenance of law and order. Therefore, so far as the enforcement of this measure is concerned, we must rely upon the machinery,

that is, the executive machinery of the State Government, and it shall have to be entrusted to the State Government.

Therefore, we have done two things. Firstly, having created a pattern, we have left it to the State Governments to apply it if and when they think fit. If at any time they are persuaded, if public opinions there requires, that the State Government should bring into force this legislation, then, surely, they will make provision for funds. If they do so, then the whole responsibility of putting into motion this measure and carrying out the various purposes of the measure will be that of the State Government and all that the Central Government can do is to sympathetically watch the proceeding and also give financial aid. Therefore, the provision that we have made is this, that they are capable of acquiring funds. If the Central Government had given all the funds, then, surely, a situation would have arisen where all the funds would have been found by the Central Government, while the machinery would have been that of the State Government, and any complaint that the funds are not being properly utilised would probably have been difficult to dispose of in this House, because we would have only responsibility to give funds whereas we would not have any control over the machinery through which the enforcement of this measure would be made.

Personally, I was quite sympathetic, as Shri Khushwaqt Rai recalled, to the grant of funds, but the whole question was 'Should the Central Government in this very Bill undertake the statutory responsibility of finding the funds?' The Central Government can find funds. I hope they will find funds. As I said, it is not as if the Central Government are stinting for funds. They are spending large sums on social welfare activities. I am quite sure that if the State Governments decide to put the Act into force, the Central Government will not remain unsympathetic.

Mr. Speaker: The time is up.

Shri Hajarnavis: I repeat that but for the interest taken by Shri Kailash Behari Lal and Shri D. C. Sharma, such a useful and valuable measure would not have been brought forward here. I pay my tribute to them.

Mr. Speaker: The question is:

"That the Bill to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

Mr. Speaker: There are no amendments tabled.

The question is:

"That clauses 1 to 31, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

Clauses 1 to 31, the Enacting Formula and the Long Title were added to the Bill.

Shri D. C. Sharma: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

17.52 hrs.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL

(Amendment of section 73) by Shri
Hem Raj

Shri Hem Raj (Kangra): I beg to move:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration".

This amending Bill of mine for amending section 73 of the Representation