

in the press and outside, this procedure is followed, namely, I will certainly request the hon. Minister to confide in this House, though originally they might not have liked to take the House into confidence, and prematurely give information regarding any important matter here. A number of details appear in the newspapers, and certainly the people are anxious to know what the position is. Of course, it is a matter for individual consideration of each individual case.

Shri Ranga: I would like to make one request to you and through you to the Treasury Benches. While the House is in session, let them not hold press conferences in the capital city itself and make it another House.

Shri Tyagi: That is true.

Mr. Speaker: I cannot prevent any press conference, but all that I can say is, at the press conferences no new enunciation of policy may be made, a policy which was not given to this House in advance.

Shri Ranga: When the House is sitting, it is the platform for the whole of the country. The members of the press gallery are there and they take note of whatever is being said here. If the Government want to divulge any information or make any observation about the international affairs or anything, they must first come to this House or the other House. (*Interruptions*).

Shri Braj Raj Singh: A press conference is held monthly.

Shri Tyagi: ** **

Shri Braj Raj Singh: How can it be there when Parliament is in session?

CHILDREN BILL

The Minister of Education (Dr. K. L. Shrimali): I beg to move:

"That the Bill to provide for the care, protection, maintenance,

welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union Territories, as passed by Rajya Sabha, be taken into consideration."

I should like first to mention briefly the major changes that have been made by the Joint Committee in this Bill. Under the existing provisions of the Bill, all children, whether they are delinquent or neglected...

Shri Braj Raj Singh (Ferozabad): Sir, I want one clarification. Item No. 12 in the Order Paper is the "Report of Commissioner for Linguistic Minorities" about which the motion is to be moved by Shri Datar. Before that, there are three or four other items. So, I want to know whether that item will come at all for discussion before this session ends. It is a very important subject. Now, the Children Bill has been taken up and then there are certain other smaller Bills coming up. So, we would like to know whether that report will come up at all for discussion even tomorrow, because tomorrow, we have only two hours for official business.

Mr. Speaker: Today, the half-hour discussion is also coming up at 4.30. Five hours have been allotted for discussing the report of the Commissioner for Linguistic Minorities. Why should it not stand over? Let the children be taken care of first, through the Children Bill.

Shri Braj Raj Singh: That report came up previously, but it was held over till this session.

Mr. Speaker: What can I do? I am trying to allot as much time as possible for all measures. Let the Children Bill be passed first, and be given effect to.

Shrimati Benu Chakravartty (Basirhat): My point is that the discussion

**Expunged, as ordered by the Chair.

[Shrimati Renu Chakravartty.]

on the report of the Commissioner for Linguistic Minorities should not be for less than five hours. If it happens that we have only two hours left over for it, I feel that it should not be taken up now.

Shri Supakar (Sambalpur): There is another point. The general census of 1961 is coming in the month of March next, and I think it will be very profitable if the report is discussed much earlier than that period especially before the end of this session. For, if we discuss it in the next session, it will be too late, because the new census figures may also have to be referred to during the discussion of the report of the Commissioner for Linguistic Minorities.

Mr. Speaker: Shri Rane is sitting there. It seems to be the desire of a section of the House that the report of the Commissioner for Linguistic Minorities may be discussed tomorrow, and tomorrow is the last day, but the time is short. What does Shri Rane suggest?

Shri Rane (Buldana): The Bills must first be passed.

Mr. Speaker: Tomorrow is Friday. Even if we have the whole of tomorrow for official business, I wonder if we could discuss the report completely. Further, we have non-official business for 2½ hours tomorrow. Unless the non-official business is postponed—and I do not think any hon. Member will be willing to forgo it....

Shri A. C. Guha (Barasat): This report cannot be discussed within two hours. Unless we get more time, it is no good.

Mr. Speaker: Very well; it will go on to the next session. I will try to give top priority to it.

Shri P. K. Deo (Kalahandi): This may be discussed on the first day of the next session.

Mr. Speaker: Even if we take it up, it will go for two days. Let it go on. Dr. Shrimali.

Dr. K. L. Shrimali: I was drawing the attention of the House to the fact that originally, we had provided in the Bill that the children's court will deal with both neglected and delinquent children. This matter was discussed at very great length in the Joint Committee, and the Members felt that it would not be proper for the children's court to deal with neglected children also. There were two categories. The delinquent child commits some kind of offence—some kind of crime. In regard to such children, it will be all right for the children's court to deal with them. But, as far as the neglected children are concerned, they should not have any kind of stigma. If they go to the children's court along with the delinquent children, the general impression would go in the public to the effect that they have also committed some kind of crime. Therefore, the Joint Committee felt—and we have accepted their recommendation—that two entirely different machineries should be set up to deal with the delinquent and the neglected children.

It was also felt that in the child welfare board which would deal with neglected children there should be at least one woman. The idea was that there should be as many women as possible since it was felt that they can deal with young children in a better way than man can. In view of the fact that it may be difficult to find many qualified women for this purpose, it was laid down that there should be at least one woman member in every child welfare board.

Similarly, in the children's court also, it has been provided that there should be at least one woman member, and clause 5, which was originally clause 4, has been amended. Some amendment has also been made to sub-clause (4) of clause 9. The Joint Committee felt that rules should be

framed for giving a certificate to children's homes. It was felt that sometimes children's homes come into existence which exploit the children and all kinds of complaints are made against these institutions. In order that children may not be exploited, it was necessary that proper rules should be framed, so that they may get recognition and certificate.

Coming to clause 11—original clause 9—the committee felt that in the observation home, there should be facilities not only for accommodation, maintenance, medical examination, and treatment, but also for the development of general character and for useful occupation. So, sub-clause (3) makes provision in this behalf.

The committee also felt that when a child is placed in the custody of a statutory guardian, when it is proposed to get the child married, the permission of the competent authority should be obtained. This provision has been made in order that statutory guardians may not in any way exploit the children. So, a provision has been added to that effect.

These are some of the major changes that have been made in this Bill. As I pointed out last time when this Bill was discussed, the whole approach of this Bill is educative. I think this Bill may be considered as one of the most progressive measures. No child, for whatever offence he commits, would be tried by any other court except the children's court. Even in progressive countries like Sweden for serious offences, the children are sent to the ordinary courts. In this Bill we have gone one step forward and laid down that in no circumstances should a child be sent to an ordinary court. It was our view continuously that the child is a victim of certain circumstances; on account of certain situations in the environment, he gets into difficulties and commits some kind of offence. The whole approach should be a psychological one. An effort should

be made to rehabilitate the child and not to punish him in any way. For this reason the children will be sent only to the children's court or the children's welfare board and in no circumstances they will be sent to an ordinary court.

All the other measures that have been provided in this Bill have aimed at proper understanding of the child and after proper understanding, giving them proper care and protection, so that the child, which is lost to the society, may be restored to the society. The whole approach has been psychological. A child may be lost to the society on account of circumstances for which he is not responsible. Sometimes there may be broken homes, for which the child is not responsible. The child may be born under circumstances, which may lead him astray. All these factors indicate that a different approach has to be made than what we have made in the past. When it is passed, it is our intention to set up proper institutions in order that proper care may be taken of these unfortunate children. I am quite sure that the Bill will get the unanimous support of this House.

Mr. Speaker: Motion moved:

"That the Bill to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union Territories, as passed by *Rajya Sabha*, be taken into consideration."

Shrimati Renu Chakravarty: Mr. Speaker, Sir, this Children Bill is a great advance over the previous Children Bill which was introduced in this House and I welcome this Bill, because the conditions in which a large number of our children live in this country are really pitiable. As we travel in trains and move about the country, we see young children coming

[Shrimati Renu Chakravartty.]

to us absolutely destitute, not only in the sense that they are without clothes, education or proper health, but they go about begging in the most degrading manner for the left-over, of our food. One wonders at the depth of degradation to which we have brought these youngsters in whose hands lies the future of our country.

In the villages, specially in the constituency I come from, 20 to 25 per cent of the people are widows, women who have no husbands or guardians, with little children. They are the most unfortunate, with nobody to look after them and protect them. If they go about begging for alms, it is something that weighs on our minds, because it is one of the most pitiable sights. As Members of Parliament, as a free Government, it is our duty to look after these children. They are our first responsibility and therefore, I am glad that this Bill has come before this House.

We have seen how children are wilfully maimed, so that they can go about begging for money. We see all these things, but the question is how do we set them right? One of our biggest problems has been that, whilst we have passed social laws who have not been able to implement them. Some of the social laws are good so far as legal framing is concerned. Even the sentiments expressed by members of Parliament while passing them have been laudatory. But when the question of implementation has come, unfortunately, we have lagged far behind. We have failed in bringing those social institutions into existence which are a part and parcel of these laws. Furthermore, we have failed to bring into existence the instruments which are going to heal these festering sores, and who will be looking after them. It is this approach which is the most important. It is not the right approach that we shall put our social laws for implementation in the hands of police officers—DSPs or the local police offi-

cers—or that the Cr. P. C. should be the only tenet by which we will bring about a change. This approach has to be changed. That is why I have some criticisms to make about this Bill. The purpose of the Bill I know, and I welcome it. But in its implementation I have some serious misgivings. I will come to that in detail.

For example, to me the problem is both social and economic. How are we going to stop begging, how are we going to stop the taking of alms and the maiming of children unless we are able to stop this huge poverty and this huge unemployment that we have in the country? That is a very very big question. Because I have found that even when we have passed laws against begging—as a matter of fact, I think we have passed a law whereby one cannot beg within a railway station—but at every chance I find that they do beg. And when they do beg and are unfortunately caught, what happens? Nothing happens. How do they become economically settled in life? That is one of the objectives of this Bill. Without that any number of special schools or information centres or probation officers will not be able to bring about permanent good. Therefore, this question of the economic resettlement of these children is also a very major problem.

Socially too, this whole system of alms giving and alms taking has almost been sanctified by religion. I remember seeing, when I went to Mathura a few years ago, a very large number of women and children from our State there. They are unfortunate widows, who have come there because society has been so unkind to them. The whole system of their existence is based on what we call the chanting of Radheshyams, in the temples. As you come out of temples you see beggars crowding around you and the first thing you have to do is to give alms. So, that begging at places of

pilgrimage is a system which, as I said, is almost sanctified by religion. Therefore, we come upon all these things also, as we tackle this problem.

Still, we welcome this Bill as it is a first step. We would like that it should succeed. And because we want it to succeed we want also to show what are the things on which more emphasis has to be laid.

For example, one of the things which the hon. Minister has mentioned is children's courts. We are going to have children's courts. We are not going to try the children in the ordinary courts of law. That is a very welcome thing. But these children's courts are going to function within the framework of the Criminal Procedure Code—if I am mistaken I may please be corrected. My understanding of the problem of a delinquent child or a neglected child is that it is a social problem, it is an economic problem, it is a psychological problem. As such, have the Criminal Procedure Code, if you like; but there must be much further intimate discussions and constant visits and fairly friendly approaches made, in an informal manner, with the children, the parents and everybody. That should be the job, and an integral part, of the children's court's functions. It should not be that it should be only a lawyer's job, and it should not be a magisterial approach.

I know, the hon. Minister will say, "well, we have given you the provision of a probation officer". But I say that within the magisterial provisions made, there should be a larger number of social workers. There should be a larger percentage of women, wherever available. As a matter of fact, I think that even if a woman is not very highly educated, even if a woman does not know all the intricacies of law, if she is of a motherly type with experience of children, that is the type of woman whom we want associated with the work of the children's courts.

With them we should also like to have some psychologists. Personally I am not too much in favour of psychologists, because sometimes they make the science far and above what the human approach should be; they make it into a mechanical thing. But I am in favour of having some psychologists.

Therefore, in relation to this question of magistracy who will be dealing with the children's courts, I think this is very important that women should be there, not only where possible, not only in one or two places but, I should say, in all places. Especially in cities and towns, at the district headquarters, I am sure we will be able to get a large number of women who will be able to serve on these magistrate's courts.

I want to take you now to one such clause, that is clause 59 dealing with the rule-making powers. The main essence of the entire Bill has been left to the rule-making powers. My point is, here are the delinquent children and the neglected children whom we are dealing with. The major way in which, as I have seen, for instance in Great Britain they deal with them is this, namely, that they have what they call the child guidance mothers or child guidance officers. I do not think they are always called probation officers. A probation officer has much of a police attitude attached to his work. But these child guidance clinics and officers are people who deal in a very informal manner, in a friendly manner as guidance workers, going to the houses, talking and becoming friends with the parents, with the child, the entire neighbourhood, knowing exactly what has happened, trying to put their finger as to how this child has become a delinquent, why it has become so, and if it is a psychological case it may take months for them to come to a definite conclusion as to what exactly is the cause of it. And they are a very important and integral part of the work of rehabilitating these children.

[Shrimati Renu Chakravartty.]

Now, in this Bill we have provision about probation officers, and the duties of probation officers and the qualifications of probation officers and left to rule making powers. We do not have any such category which are called child guidance friends or child guidance clinics or child guidance or help officers. We do not have any such category in this. We have what are known as the probation officers. There is no sacredness attached to the name, but I say that the attitude should be that of a child guidance helper, and friend. But even here we have not clearly stated what the duties of a probation officer are; it is left to the rule-making powers. And this, I think, is a very important part of the work contemplated by this Bill. If this Bill is going to be successful, one of the major jobs will have to be done by these probation officers.

Now, for example, if many of these clauses you will find that it is the administrator who is given almost overriding powers of decision. The administrator is actually the executive head of that particular area, the Lieutenant-Governor or the Chief Commissioner of the Union territory; that is, he is a man who is generally dealing with executive matters. He is given overriding powers of decision as to whether he can bring out a child before the end of the period awarded by the court, put him from one special institution to another, or send him out of the jurisdiction of the area in which the trial has taken place. Many such powers have been given to the administrator. How this administrator is going to decide what is good and what is bad for the child has not been laid down.

I feel that in these matters the best persons who can deal with them are actually these probation officers. The job of these probation officers must be very clearly stated, that they must do the work in such a way that they will be the real help, the real guide in dealing with all these matters. As a

matter of fact, the role of the probation officers seems to be under-estimated. The conception is that of a bureaucrat, as I have been trying to read the provisions. Even, there is no special section dealing with the work of the probation officers.

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There is no such section saying exactly what the work of the probation officer is. Finally I found that it has been relegated to the rule-making powers. So, as yet it is the Executive which is going to decide this. We have not put anything in the body of the Bill itself. But I feel that matters, such as, why the child has become delinquent, how he is being kept in the home to which he has been sent, whether he has been looked after and all such things should be dealt with by him and the position of a probation officer should be put on a high level. It should be a job which will be a honoured job because really it is a very difficult job. In many ways it may be a thankless job, but it will be a thankful job only when we look upon it as something which is going to deal with these young lives and is going to put into these crushed flowers some perfume and fragrance which they have lost.

Another point which I want to make is about special schools. What is envisaged about these special schools? I entirely agree that we cannot send them to ordinary schools and we must have special schools, very special schools as a matter of fact, for delinquent children. I know how very difficult it is. I am associated with some of these organisations and institutions and I do not think that we even run them very well. But about these special schools the whole thing has been left too vague by saying that the administrator may, if he so wishes, appoint a probation officer and that the administrator may, if he so desires, set up special schools. But I have a feeling that we are very, very vague even about what we mean by these

special schools. We must be clear in our minds about the categories of children who will be sent to these special schools, what will be taught in these special schools, will they only deal with the undeveloped brain, will they deal only with a child that has become delinquent as a result of some psychological defect or will they be dealing with more normal cases, will it be only psychological treatment of the child or will it be something further, will general education be added to it and whether these children will be given vocational training and guidance. What is it that we envisage by these special schools and how many special schools are we going to set up?

There are two special categories of institutions. There are the special schools about which the Bill talks. Then I think it also talks about children's homes. I presume it is meant that special schools will be schools where both types of children, delinquent and non-delinquent, will be sent as well as children who have been permitted to stay with their parents or guardians. I want to know exactly what it is. The children's homes are for children who cannot be permitted to stay at their homes.

Then there are other kinds of things also. All these things we should have made more specific. We should not leave them to rule-making powers. Many things we are enacting and are passing into law. But without the institutions that go side by side with them, everyone of these laws are becoming dead letters. If we do not synchronise them, if we do not set up sufficient number of schools or institutions side by side with these laws, these social laws will remain dead letters. There may be many even in this House who would come forward and say, "What is the use of enacting social legislation if after all they remain dead letters?" I am not one of them. Even if they remain dead letters for a time, I am for them. For rousing of public conscience I am in favour of social laws being passed. But it also lays responsibility on us that we really implement them and estab-

lish institutions which are absolutely a part of our legislation.

The third point which I want to mention is about after-care organisation to which I attach very great importance. That again I feel has been left in a very vague sort of way. I cannot say that it is there. It is there but it has been left in a very vague sort of way. Yet, after-care organisation to my mind is very important. After all, we are only going to take care of these children, that is, boys up to the age of 16 and girls up to the age of 18. Even if we have the very best of schools, children's homes, children's courts and friendly, good and efficient probation officers looking after them, they will need for a long time to come an after-care organisation to whom they can look as their friend, well-wisher and guide. They will need something of affection which they may have missed in normal life. Maybe, one may not have had a mother or a good family background. They would like to come back to this after-care organisation as their home to get guidance, help and affection. That is the type of after-care organisation which, I think, is necessary.

Secondly, what will happen to them after they leave the homes? I do not know whether they will be given vocational training and whether there will be a sort of responsibility of the State, it may be of an informal character but still the moral responsibility of the State will be there to see that we get them some sort of a job or put them into some sort of a position to earn for themselves a place of dignity in society. I know at least in our own social welfare institution, although it is not a part of the contract—we always say that—we do not send out the girls—I know only about girls—until we can put them in some safe job and some good family. We try to see that. It is the responsibility of these homes also to do so. Once that has been done we must see that this after-care organisation looks to what is happening.

In many of our rehabilitation centres we know we have taught many girls.

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but nobody knows where they have gone, whether they are living or are dead or whether they have gone again begging on the streets or not. If we really want to bring about some change in the whole sad state of affairs of our young people begging in the streets and leading a life of degradation, this after-care organisation is very very important.

That is why I say that while it is really a welcome Bill, these are things which have been left in a very casual manner. The whole thing has been left to the rule-making power. Of course, there is a clause saying that every rule made under this section shall be laid before each House of Parliament while it is in session and therefore we shall have a chance of seeing that. Certainly, we shall do our best to see that and take notice of what has been made under those rules. But together with that, the social institutions and instruments for running those institutions, the courts, the probation officers' work and all that must also be brought into being with not only efficient people but with people who really love children, who will guide them and will be their friend, philosopher and guide.

Mr. Speaker: Shrimati Renuka Ray: Let me give a chance to mothers first.

Pandit K. C. Sharma (Hapur): Not to fathers?

Shri Yadav Narayan Jadhav (Malegaon): Fathers also play an equal part.

Shrimati Renuka Ray (Malda): Mr. Speaker, Sir, in the Provisional Parliament we passed some very good and sound Acts in regard to the improvement of labour conditions. When we did that we felt that this was—and it is of course—the nucleus of a future code for the labour in our country and for their conditions of living. Since those days, I should say about ten or eleven years have gone by and yet many of the conditions which we hoped would be fulfilled with the passing of that legislation have not taken

place. I bring this to your notice not because I would like to detract from the goodness or soundness of the Children's Bill which is before the House today. I think it is very necessary. I also think that it was long due and that it will certainly be a method by which we shall implement the Directive Principles of State Policy in which we have said that youth and the child shall be protected. All these things are there.

There is no doubt that this Bill has come at a time when it is more than desired. I should like to congratulate the hon. Education Minister on it. But at the same time, as I said just now, we have got to see that this Bill that has come and which will be enacted today most likely will actually be implemented in such a manner that we do not have to say after another decade that we were not able to implement it in a sound way. If we are to do this, the most important thing is that the homes that are to come side by side with the passage of this Bill should be run in a manner that is fitting and that will carry out what is required. The previous speaker has said something about this. I would particularly like to lay emphasis on one or two things.

Firstly, it is not possible really for us to expect very great results on a widespread scale unless we have welfare personnel adequately trained for this purpose. At the present moment, we may have many people who have a great desire to help but who may not be adequately trained for the purpose. This is particularly so where we are dealing with delinquent children. In the case of delinquent children, the whole thing has to be treated with a great deal of care. There are delinquent children and delinquent children. Today, even in the schools of the upper middle classes, where the children of the richer elements go, we find that where the school is good and sound one, a great deal of care is given to the training of the child from the very beginning so that it does

not become in any way a delinquent child. I do not mean to say that a delinquent child is the poor man's or beggar's child which is taken up to the court of law. There are other types of delinquent children who have to be dealt with. This is being done to some extent on a very small scale. But, we do not have the personnel. If we are to have Probation officers, if we are to have the people who are going to look after the homes, we must have trained personnel to see that once a delinquent child is brought to the home, he is really given proper training. Otherwise, what happens is, after some time, the same conditions obtain and we do not bring about the objectives with which this Bill has come before the House. Of course, this Bill has, naturally, to be limited to the Union Territories. But, it can well be a model for all the States. Since it has a restricted sphere in which it can operate, I would request the hon. Education Minister, who is not listening to me at the moment . . .

Dr. K. L. Shrimall: I am listening.

Shrimati Renuka Ray: I know that he is very anxious about it that this should come to a successful fruition. I have not got the time, nor do I want to labour the point. There were certain suggestions made by the Social Welfare team on this particular point in regard to children's homes and other homes. I would request him that these should be really taken into consideration and implemented. It is no use our having legislation unless we have the means whereby this legislation can be implemented: not merely by going to courts of law and having delinquent children dealt with there, but in actual fact, having homes where these could be looked after in a proper manner. Having gone round the country, I speak from experience that the type of homes that have recently been setting up in many of the States does not and cannot possibly deal with this question in a proper manner. It is absolutely and urgently required that, if we are to deal with the child who is today on the streets, neglected

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or delinquent, we do not only have to have this Bill passed, but, at least in the Union Territories, which are under the hon. Minister's purview, bring into being such homes where this problem is dealt with properly. For that, even the preliminary step of having trained personnel who are going to deal with them, has not been taken. I would ask him to take that action first, so that, at least he can say that, in the Union Territories, the Children Act, once it is passed, is operated in a manner which is a model, not only in the way of legislative enactment, but in the way of its working, for the whole of India.

Before concluding, there is only one other point that I want to make. This legislation which is being brought in the Centre, is a good thing and something which we all desire. It has also to be seen that all the States in India take similar action. There are States which are keen about this. There are others which are indifferent about it. Of course, to the extent that is possible, I am sure, the hon. Minister and those who work from the Centre, the Social Welfare Board and others, will see to it that the State Governments are equally interested and such legislation is passed. As I said, the passing of the legislation is not going to bring about the results by itself. Today, unlike when I was inexperienced and said in the Provisional Parliament that it was a red letter day that labour legislation had been passed, I have to be more subdued and say that it will be a red letter day, not when this Bill is enacted, but when the Bill is operated in the right manner and with the right approach, so that childhood and youth are, indeed, protected in our society.

Mr. Speaker: Shrimati Jayaben Shah. I am going to call all ladies first and then come to men. Tell me a single case. So long as a child is a child, will it prefer the mother or the father?

Shrimati Ila Palchoudhuri (Nabawdip): The child will prefer the mother.

Shri D. C. Sharma: If the child has no mother, it prefers the father.

Shri Yadav Narayan Jadhav: The opinion of the Tata Research Institute is otherwise.

Mr. Speaker: I will give opportunities to all.

श्रीमती जियाबेन शाह (गिरनार) : माननीय सभापति महोदया, इस चिल्ड्रेन्स बिल पर बहुत कुछ राज्य-सभा में और यहां भी कहा गया है और मुझे तो इस के बारे में पहली बात यह निवेदन करनी है कि यह बिल जो कि यूनियन टैरीटेरीज के वास्ते बनाया गया है अच्छा होता अगर इस तरह का एक यूनियन लेजिस्लेशन सारे देश के वास्ते बना होता और अगर ऐसा हुआ होता तो बहुत अच्छा होता। ऐसा मैं इस कारण से कहत हूँ क्योंकि कई स्टेट्स में ऐसे ऐक्ट बने हुए हैं मगर उन पर जितना ध्यान देना चाहिये उतना ध्यान नहीं दिया जाता है। इहके अलावा दूसरी बात यह है कि ज्वाइंट कमेटी ने जो इस बिल में सुधार किये हैं वे सुधार भी स्टेट्स के ऐक्ट्स में नहीं हैं और वही पुराने डंग का लेजिस्लेशन वहां पर चल रहा है। इसलिये मेरी प्रार्थना है कि इस पर भी कुछ सोचा जाये और सारे देश में एक यूनियन लेजिस्लेशन इस तरह का लागू करने की बात सोची जाये।

सही बात तो यह है कि जब हम अपने देश की हालत को देखते हैं तो पाते हैं कि सारे देश के जो बच्चे हैं वे सभी किसी न किसी कैटेगरीज में आ जाते हैं। ज्यादातर इन्स्टिट्यूट्स हैं, नैगलेक्टेड भी हैं और ऐसा जमाना आया है कि अनकंट्रोल्ड चिल्ड्रेन भी होते जा रहे हैं। इस में खुशानसीबी की बात यह है कि यहां पर ऐसी हालत होने पर भी डेलीक्वेंसी दूसरे देशों की उपेक्षा बहुत कम है। हमारे देश की अपेक्षा अमरीका वगैरह में डेलीक्वेंसी अधिक है। वहां घन दौलत बहुत

अधिक होने पर भी डेलीक्वेंसी बहुत ज्यादा है और हमारे यहां इतनी डेलीक्वेंसी नहीं है। यह अलबत्ता हमारे लिये एक डीमिंग फीचर है।

जब एक ऐसा बिल आता है तो हमारे दिल में आता है कि हम सारे देश के बच्चों के लिये कुछ कर पायें और हमारे दिल में कुछ इस तरह के करैक्टिव मेजर से बढ़ कर करने की बात आती है। और इसलिये मैं इस से आगे जा कर कुछ कहना चाहती हूँ। यह बात बिल्कुल सही है कि प्रीवशन इज बैटर दैन क्योर। बच्चे कैसे नैगलेक्टेड होते हैं, डेलीक्वेंट कैसे होते हैं और अनकंट्रोलबुल कैसे होते हैं, उन के कारणों में हमें जाना चाहिये। अगर उन में हम नहीं जाते हैं और जब बिगाड़ हो जाता है तो उस के सुधार पर जाते हैं तो मैं समझती हूँ कि यह हमारे देश का जो मसला है वह हम कभी भी ठीक से हल नहीं कर पायेंगे। हमारे देश के बच्चे क्यों ऐसे हो रहे हैं और नैगलेक्टेड क्यों हैं इस पर भी मैं इस सदन का ध्यान दिलाना चाहती हूँ। हमारे देश में गरीबी (पावर्टी) इस का मेन काज हो सकता है। लेकिन मुझे यह कहने में भी दुःख होता है कि हमारे देश में पेयरेन्ट्स को, माता पिता को, अपने बच्चों के प्रति अपने कर्तव्य को जितना समझना चाहिये, उतना वे नहीं समझते हैं। मैं यह कहना चाहती हूँ कि चिल्ड्रेन हमारे देश का सब से बड़ा धन है। उन को कैसे आगे बढ़ाया जाये, उन के लिये कैसा एनवायरनमेंट बनाया जाये, यह सारे देश के लिये सोचने की बात है। लेकिन हम देखते हैं कि आज इस देश में ऐसी हालत नहीं है कि जिस में बच्चों को आगे बढ़ने का मौका मिल सके और उन पर अच्छे संस्कार डाले जा सकें। इस बारे में खास तौर से विचार किया जाना चाहिये।

आज ऐसा वातावरण, ऐसा वायु-मप्लड बन गया है, जिस में सारे समाज में वेल्यूज लुप्त होती जा रही है और हम सुपरफ्लुअस

श्री आर्टिफिशियल लाइफ में पड़ते जा रहे हैं। इस अवस्था में मैं यह समझती हूँ कि चाहे हम ऐसे कई विवेक सदन के सामने रखें, तो भी हमारा कोई मकसद बन रही आयेगा। मुझे माफ कीजिये। लेकिन मैं समझती हूँ कि आज हमारे देश में फिल्मज और सिनेमा हमारे बच्चों को बिगाड़ रहा है और डेलीक्वेंट बना रहा है। आवश्यकता इस बात की है कि फिल्मज का अच्छी तरह से सेन्सर होना चाहिये, जोकि आज ठीक तरह से नहीं होता है। हमारे छोटे-छोटे बच्चे डेलीक्वेंसी की बातें ज्यादातर फिल्मों में देखते हैं और उन से उन के माइन्ड पर बहुत बुरा प्रभाव पड़ता है। अगर इस बात का सरवे किया जाये कि बच्चों को बिगाड़ने में ज्यादा से ज्यादा किस का हाथ है, तो मुझे विश्वास है कि फिल्मज ही उस का सब से बड़ा कारण पाई जायेंगी। मैं एजुकेशन मिट्रि से प्रार्थना करती हूँ कि फिल्मों के ऊपर हमारा कुछ ज्यादा कंट्रोल हो, और जैसा कि सब को मांग है, अगर सेन्सर बोर्ड को कुछ रेगुलेट किया जा सके, तो हमारा आधा काम बच जायेगा।

हम कहते हैं कि हमारे बच्चे अनकंट्रोलेबल हैं, इनडिसिप्लिन्ड हैं। लेकिन प्रश्न यह है कि उन को क्या चाहिये। उन में शक्ति भरी हुई है, जिस के लिये एक्सप्रेसन का साधन होने चाहिये। उन को इस बात का मौका मिलना चाहिये कि उन में जितनी ताकत है, उसका वे एक्सप्रेस कर सकें। हमारे देश में सामाजिक एवं राजकीय परिस्थिति ऐसी है, जिस को बजह से बच्चों को ऐसा मौका नहीं मिलता है और इस कारण उन की शक्ति का बहुत ह्रास हो रहा है।

माननीय सदस्या, श्री.मती रेणु चक्रवर्ती, ने कहा है कि सब से बड़ा सवाल चिल्ड्रेन्ज एक्ट के इम्प्लिमेंटेशन का होता है। इस विषय में मेरी शिकायत यह है कि जब इस प्रकार का कोई बिल बनता है, तो रूज पर उस के

इम्प्लीमेंटेशन का ज्यादा भार छोड़ देना खतरनाक होता है, क्योंकि इम्प्लीमेंट करने वाले बहुत छोटे छोटे आफिसर होते हैं, जोकि अपने दिमाग से चलते हैं और कभी कभी इतने रिजिड हो जाते हैं कि हमारा उद्देश्य, हमारा आबजेक्ट ही मर जाता है। यह बिल्कुल जरूरी है कि इस बारे में जो कोर्ट बनेगी, उस का कुछ दूसरा तरीका होगा। जैसा कि पहले भी कहा गया है, अगर सिर्फ क्रिमिनल लाज पर ध्यान दे कर हम चलें, तो फिर हम को कोई खास फायदा नहीं होगा। जहां तक स्पेशल स्कूलज का सम्बन्ध है, हमें ऐसे होम्ज, स्पेशल स्कूलज, चिल्ड्रेन्ज होम्ज और दूसरी संस्थाएँ देखने का मौका मिला है, जिन में इस तरह काम होता है मानो वे पुरानी रेफॉर्मटरी या यतीमखाने हों। उस तरफ खास ध्यान दिया जाना चाहिये और ऐसी संस्थाओं में ऐसी सुविधाएँ दी जाय कि बच्चों को अच्छा खाने पीने को मिले और उन के लिये अच्छी एजुकेशन की व्यवस्था हो ताकि उन का मेन्टल और फिजिकल डेवेलपमेंट हो। अगर ऐसा न किया जा सका, तो यह बिल बिल्कुल फेल हो जायगा।

जहां तक नेग्लेक्टड चिल्ड्रेन और डेलीक्वेंट चिल्ड्रेन्स का सवाल है, हमारे देश में नेग्लेक्टड चिल्ड्रेन की तादाद ज्यादा ही रहेगी, जबकि डेलीक्वेंट चिल्ड्रेन की तादाद कम होगी और उन में भी हेबिचुअल आफेंडर्स की तादाद तो बहुत कम रहेगी। उन में से हर एक के लिये हमको अलग अलग इलाज करना पड़ेगा। इस में कोई सन्देह नहीं कि यह एक बड़ा ह्यूमन प्राबलम और साइकालाजीकल प्राबलम है। यदि इस बात को ध्यान में रख कर हम इस सवाल का हल करने की कोशिश करेंगे, तभी हम बच्चों का सुधार कर सकेंगे और उन को रिहैबिलिटेड कर सकेंगे, वना स्थिति यह होगी कि जितने समय वे हमारे पास रहेंगे तब तक ठीक रहेंगे और बाहर जा कर पहले ढंग से काम करने लगेंगे।

[श्रीमती जियाबेन शाह]

इस विषय में एक बात कहने में मुझे दुख और शर्म होती है कि लड़कियों के बारे में जो स्थिति इस समय है, उसकी व्यवस्था इस बिल में नहीं की गई है। जहां तक मेरा अनुभव है, ज्यादातर लड़कियां ऐसी हैं, जो कि इस ऐक्ट के नीचे आयेंगी, लेकिन इम्पौरल ट्रेफिक की रोक-थाम करने के लिये आवश्यक है कि इस बिल में लड़कियों की एज जो अठारह साल रखी गई है, उसको इक्कीस साल तक बढ़ा देना चाहिये।

Mr. Chairman: It is already 20 for girls.

Shrimati Jayaben Shah: I think it is 16, and 18.

Dr. K. L. Shrimali: 18 for girls.

श्रीमती जियाबेन शाह : जब हमने सीराष्ट्र में ऐसा बिल बनाया, तो बहुत सी लड़कियों को उसके नीचे रखा, लेकिन एज के बारे में इतना झगड़ा हुआ कि उनको छोड़ देना पड़ा। ऐसा होता है कि जब लड़कियां छोटी छोटी होती हैं, तो और लोग उनको उठा कर ले जाते हैं और उनको पाल कर बढ़ा करते हैं और फिर उनसे प्रास्टीच्यूशन करवाते हैं। इसलिये यह आवश्यक है कि ऐसे केसिज भी इस कानून के नीचे आयें और ऐसे व्यक्तियों को गार्डियनशिप प्रूव करनी पड़े। ऐसे मामले भी चिल्ड्रेन्ज कोर्ट के पास जायें और इसके साथ ही जो अपील कांटेस्ट रखा गया है, उसके बारे में कुछ विचार करना चाहिये। हम अक्सर देखते हैं कि हम किसी बहन को बहुत तकलीफ उठा कर बचाते हैं, लेकिन वे लोग अपील में छूट जाते हैं। ऐसी कंटेगरी के लिए कोई खास सुविधा होनी चाहिए, वरना इस कानून का खास फायदा उन बहनों की नहीं पहुंचेगा।

इम्पौरल ट्रेफिक के मामलों से सम्बन्धित लड़कियों का सारे का सारा नाता प्रास्टीच्यूशन के साथ है। इसलिए जब तक हम

प्रास्टीच्यूशन को रेगुलेट और प्राहिबिट नहीं कर सकेंगे, तब तक उसको हम इस ऐक्ट से बन्द नहीं कर सकेंगे। बच्चों को बचाने के साथ ही साथ यह भी हमारा फ़र्ज है।

इसके बाद मैं आफ़्टर केयर होम्स के बारे में कुछ कहना चाहती हूँ। मैं मानती हूँ कि चिल्ड्रेन्ज कोर्ट्स दूसरी कोर्ट्स से अलग हैं, लेकिन लोग तो समझते हैं कि उनका बच्चा जेल में गया है। वे यह नहीं समझते कि उस बच्चे के सुधार और रिफ़ार्म के लिए व्यवस्था की गई है। इसलिए जब वह बच्चा बाहर आता है, तो लोग उसको स्वीकार नहीं करते हैं। वे कहते हैं कि यह क्रिमिनल है, ऐसा है, वैसा है। इस अवस्था में आफ़्टर केयर एसोसियेशन्स बनना बहुत जरूरी है। मैं मानती हूँ कि गवर्नमेंट के पास इतनी मशीनरी नहीं है कि वह इसके लिए कुछ कर सके। मैं यह प्रर्थना करती हूँ कि जिन यूनिवर्सिटी टीचर्स में इसको लागू किया जाये, वहां आफ़्टर केयर एसोसियेशन्स बनाई जायें और इस बारे में पूरा पूरा बन्दोबस्त हो कि बच्चों को इन्स्ट्रिज में ट्रेनिंग दी जाये, उनको अच्छी एजुकेशन दी जाये, ताकि वहां से बाहर आकर वे अपने पांव पर खड़े हो सकें और समाज में उचित स्थान पा सकें।

इन शब्दों के साथ मैं इस बिल को वेलकम करती हूँ और एजुकेशन मिनिस्टर महोदय को धन्यवाद देती हूँ।

Dr. Atchamamba (Vijayavada): As everyone has agreed, this Children Bill is certainly very commendable, and a very urgent necessity for the society. When free and compulsory education comes into force hundred per cent, then, this problem may lessen in magnitude, and I hope it will lessen. But, as things stand, today, we have a lot of children, both neglected and delinquent.

I happen to be a magistrate in one of these children's courts in Andhra

Pradesh. So, I know how many children are brought every day into the reception homes and are sent to the different schools. We have to examine this problem very carefully.

Till now, we have not been separating the neglected children from the delinquent children. All of them have been treated in the same manner. They are brought to the children's courts in the same manner and are sent to the different schools or homes in the same manner. I am very glad that we are now separating them.

Most of these neglected children are brought by the police from the railway platforms. Otherwise, it is very difficult to get at them. We do not see the police going to their homes or anybody sending a child to the police saying that he is a neglected child. Most of these children who are brought to the children's courts are brought by the police from the platforms where they are wandering. Of course, most of them are children who have run away from their homes, because the parents have beaten them or because they could not get on or because they have fallen in the company of some other children who are addicted to wander about. We have got our officers, and we send word to the parents through them and then get them to the courts. If we feel that the children can be admonished and sent back to the care of the parents, we send them back. But it is very difficult to deal even with these children, because they might not have run away from the family for the first time; they might have run away in that manner twice or thrice before and they do not give real addresses. So, it takes a long time for the probation officer to find out the real parents, their address, before they can know anything about the background of the child. So, it happens that these children are kept in the observation homes for a number of months. I know of a child who has been there in the observation home for about six to nine months. During that period, he was simply being fed and kept there. So, I feel that when

these children are brought to these homes, if we are able to send them away immediately after knowing their background etc., it is all right; otherwise, we should have a provision for taking care not only of their health and food but also with regard to their education. That has to be provided for.

Then, we have children's boards and magistrate's courts. We have boards for the neglected children, and magistrates for the juvenile delinquents. Whether with regard to the boards or with regard to the magistrates, I have not been able to find out whether they are going to be honorary or paid. So far, they have all been honorary. Particularly, the magistrates have been honorary ones taken from among the public, and all of them are women, and very rightly too. For, the field of children is the special field of women, and it is they who can deal with the children, with understanding, affection and care, because they are mothers; only a mother can know the difficulties and treat a child with understanding. In fact, when, as a magistrate, I used to come across children who were brought before me, I used to ask myself, 'Suppose my own daughter had committed this thing; how would I treat her. That was how I used to think, and not sit as a magistrate only and look at the child as a criminal. This kind of attitude that I have adopted as a magistrate is a very great necessity, and I feel that only women can have that attitude towards children.

So, when I saw the provision that there shall be at least one woman magistrate, I was really surprised. I would have appreciated if they had said that at least one man must be there, but I do not concede even that. I feel that all these magistrates who are to deal with these children must invariably be women. As far as the officers and staff are concerned, men may be employed in those posts; so, it is not as though a whole department has been given away to women only. If women want to do their duty and want a special arena where they could put to use

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their special knowledge of children, I do not think Government should grudge it.

I would also say that they should be honorary. Otherwise, when they are paid, the whole thing becomes very official. We want a different set-up and a different attitude to deal with these children, not the official attitude or the official set-up. As we all know, the very concept of criminology has changed in the whole world. We are no longer treating criminals as criminals; we only feel that there is something wrong with their mind, that is, psychologically, they are unfit mentally or somewhat diseased. That is very much so with regard to children.

When we are thinking of honorary magistrates, we have to change our concept with regard to their qualifications etc. It has been stated here that they should pass certain examinations or that they should possess some diplomas in child psychology and so on. I do not mind if Government choose to give some training in child psychology or in some special knowledge with regard to these children, and the act, to the persons who are chosen to serve on these boards or in the courts. But I do not agree when it is said that they must have some degrees or diplomas.

I find that the word 'illegitimate' has been used in this Bill with regard to certain children. It has been provided that the costs of keeping these children in the homes shall be recovered from their parents, if there are any, and in the case of illegitimate children, from the putative parents. I object to the word 'illegitimate'. It should be completely deleted, because it is alien to our *Bharatadesa*. In all of our Indian languages, we do not find the word 'illegitimate' at all. It is something which is alien to us. The very idea is alien. That is why in our *shastras*, we have mentioned different types of marriages, but all the children are *satsantanas*, because they, our ancestors, were of the view that this stigma shall not be there for

the child. They have held firmly that the mother and the child shall not suffer due to any misdeed of any man. So, I do not understand why we should follow the foreign idea and have this word 'illegitimate' in this Bill. It is enough to say that either the parents or whoever is liable for payment should pay the costs. If we can find the exact father, we can ask the father to pay the costs. But we need not stigmatise the child and say 'illegitimate child'. I feel that it is absolutely alien to us, and it is wrong to use such a term, and it shall be removed, and it cannot go into the Bill.

As regards the psychological aspect, as I was saying a little while ago, our very conception of criminology has changed. So, these children must necessarily be treated psychologically, and for this purpose we must have psychological specialists, and not psychological faddists,—as you, Madam Chairman, have pointed out—specialists who will understand with affection and care all these children, and having a full knowledge of the circumstances of their parents, their economic condition etc. will try to understand why the child is behaving in that particular fashion.

I know of so many boys, who come from very good families, but who have fallen into the hands of absolute crooks. These crooks tempt those little children. They tell the child, 'We shall give you four annas, if only you try to cut that *kutchu* and bring it here' and so on. The child does not understand it. The child thinks that it is just fun. But once the child has got into the grip of these people, they cannot easily escape from them, because they threaten to beat him or kill him. The child cannot tell his parents about it, because he is afraid of the parents. Thus, the child has to be rescued from the grips of these elders. When these delinquent children are brought in, we should see why they are delinquent? You have to trace this delin-

quency to the elders who are driving them to be delinquent. This is a very very important thing. What we do is we simply take the child, say something about him and then send him to some home or school. If we want to eradicate this evil of delinquency in children, we must trace the cause back to the original source—the big people who are behind this delinquency. We have all read in *Oliver Twist* how the author describes the gangsters there. You have to trace the child's delinquency to these gangsters. The child is terribly afraid of these people. If you remove him from that atmosphere and rescue him from the hands of those people, he will be perfectly all right.

We have said that we will treat the neglected children and delinquent children in different ways. It is quite right. When we rescue a child, we have to give him a psychological treatment. Afterwards, he should be removed to the neglected children's group and given a break.

As regards adoption, it is really a very good thing, because to rehabilitate a child in the normal family atmosphere, where there is a family with father, mother and children, is a very useful thing. But it is very difficult to find people who will naturally take these delinquent children, because they are afraid. Also many of these delinquent children do not immediately change from the old order. So it is very difficult to find families who will take in these children. But after some time in these state homes, if we find that they have changed, there must be a committee which will be on the lookout to see where these children can be taken in into families. If we find that these delinquent children have changed, they should be put back into society, as it were, into families.

So there must be different stages. It is not as though you have dubbed a child delinquent and sent him to a school and there the matter ends. You have to watch him and see how he changes. When he is reformed, there must be a career open to him.

As Shrimati Renu Chakravartty and Shrimati Renuka Ray pointed out, the provision about career is very important. There is no use in our simply satisfying ourselves that we have the courts, the children are brought there and then they are sent to children's homes, and then at the age of 18 they are let loose on the world. What we have to see is not only that they undergo a psychological change and a change in their outlook, but also to see that when they come out, they are not lost in the world, but a career is ready for them where they can go and get some money and stand on their own legs. This is a very very important thing. This is much more important in the case of a girl. When she comes out and finds no career, and no home, where is she to go? Naturally, she will fall into the hands of anybody. As soon as she becomes 18 and we send her out, where is she to go if there is no career chalked out for her? When she has nothing, she will naturally walk into brothels. This is what will happen if we are not careful in providing them a definite career when they come out of these homes. We should also fit them into jobs in places where they can be economically perfectly independent and can stand on their own legs. This is a very important thing. Till now we have not really put it into practice, though in theory we have talked about it.

I know one thing from personal knowledge when I deal with these children in the court. I am very sorry to say that in these homes these children are treated so badly that they come out much worse at the end; because they have not learnt kindness and softness; they have only learnt bitterness. This is because the schools where these children are kept are like borstal schools. So they become hard-hearted and bitter against the world and against society. This directly leads them to crime and naturally to jails.

So we have to be very careful to see that all these things are attended

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to. The psychological basis of the whole process has to be understood and the children treated accordingly.

Shri P. K. Deo (Kalahandi): In a country like India where family planning is meaningless, where multiplication of population has been going on just for the sake of fun without realisation of its consequences or its impact on the economy of the country, where children are produced in millions and most of them are left to their own destiny and not properly cared for and so they fall victims to all the anti-social elements of society, a Bill of this type is overdue. I congratulate the authorities on coming forward with this Bill at long last. I welcome the Bill. Better late than never.

The importance of looking after neglected and delinquent children cannot be over-emphasised. I feel that it is the duty of the State to give protection and proper care to all children and to prepare them to be ideal citizens of this nation. After all, the children are the flowers of our nation. They are our future generation and on their well-being depends the future of the nation. So they cannot be allowed to be ill-treated, or be victims of the bad characters of society. It is the duty of the State to stretch its long hands to give them protection.

Children are after all children. Immature, as they are mentally and physically, they fall victims to all the anti-social elements. If you will trace the history of any neglected or delinquent child, you will come to the conclusion that he is a victim of circumstances. These children become victims of the social environment. If you trace the history of any of the children offences, you will find that the offence is due to some economic reason like poverty or other reason like lack of paternal care or victimisation by society. So in all cases of neglected or delinquent children, it is the duty of the State to give them proper care.

So far as this Bill is concerned, it envisages provision for children's homes for neglected children and special schools for delinquent children. I beg to submit that it is very difficult to distinguish between neglected children and delinquent children. It is very difficult to have a water-tight compartment and draw a line between neglected children and delinquent children. So instead of there being water-tight compartments, there should be provision for exchange. If they cannot be properly dealt with in the children's home, some of the children may be transferred from there to the special school, or if they have shown improvement in the special school, they may be transferred to the children's home.

In clause 21(4) there is provision for imparting religious instruction according to the religious denomination of the child and that no religious instruction shall be imparted contrary to the religious persuasion of the child. This provision only applies to the special school and to the persons to whose care these children have been committed. But, I beg to submit that this should be extended to the Children's Homes also.

I personally feel that the Children's Homes should not be State-owned. In our bureaucracy it is very difficult to find the right type of persons who will be specially suited for this kind of job; only women would be temperamentally suited to look after these Homes. It requires a great deal of patience. The persons in charge must have natural love for children and they must be well-versed in child psychology. They must be fired with the missionary spirit to serve the cause of children. Special type of social workers are needed to look after such homes. So, instead of having State-owned Home, I submit that all impetus and encouragement should be given to private individuals or private missions like the Ramakrishna Mission or the Arya Samaj or municipalities, because this problem is very acute in the urban areas

to have special homes for children and there should be provision in this Bill to give financial assistance to similar privately-owned homes.

The magnitude of the problem is so huge that it would be futile to just tinker with it or to have a few Children's Homes as show-pieces. That would not solve the problem. We must have a regular census of such children and we must have an adequate number of Children's Homes to cope with the magnitude of the problem and to effectively deal with this problem. I submit that adequate resources should be placed at the disposal of these boards so that the problem could be effectively tackled. At the same time, efforts should be made to place these children in private homes where there are no children and where they could be adopted. It should be assured that they would get the same treatment as if they are the real children of those homes. If people volunteer for this kind of work, then, all sorts of assistance should be given by the State.

In the definition clause you will find that a child is defined as:

"Child" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years;

In the case of the girl the age limit should be 18 years but in the case of boys the age limit should be increased to 20 years because a girl attains both mental and physical maturity much earlier than a boy. I cannot understand the reason why the age limit has been fixed at a higher level in the case of a girl and lower in the case of a boy.

So far as beggar children are concerned, we shall have to be ruthless in this regard. Of course, it will be very difficult and it will require proper handling to take away the children from their parents even if

they are beggars. But, we shall have to do that. We cannot afford beggars' children to be brought up in that social environment. By that we shall be perpetuating future generations of beggars.

As pointed out by you, Madam Chairman, it is no use thinking that by passing social legislation of this type alone we shall be able to eliminate the beggar problem in this country. We shall have to raise the standard of living and we shall have to provide employment for these beggars. If we want to stop begging, then, we shall have to be ruthless and we shall have to take away those children by force from those parents and place them in proper Children's Homes.

So far as lepers are concerned, I submit that the children of lepers should also be taken away from them before they catch any infection from the parents. They should get the same treatment in Children's Homes.

I think, for being magistrates in these courts or for being members of the Boards women would be the most temperamentally suited. So, I would like that all the posts should be filled in by women.

The application of the Bill is confined only to the Union territories. I submit that this should be passed as early as possible with improvements and a directive should be issued by the Centre to all the States that similar legislation should be enforced in their territories also. It is no use tackling this problem piecemeal.

Lastly, I beg to submit that this Bill envisages interference by the police. If the least interference is done by the police, it would be doing disservice to the cause of children. So, a more psychological and human approach is necessary to these problems than interference by the police.

With these remarks I welcome the Bill and submit that instead of allowing this Act to remain as a dead letter, it should be properly implemented in the right spirit and adequate resources

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should be placed at the disposal of the Boards so that this problem could be tackled effectively.

श्रीमती उमा नेहरू (सीतापुर) :
सभानेत्री महोदया, पेश्तर इसके कि मैं इस बिल पर कुछ कहूँ मैं एजुकेशन मिनिस्टरी और एजुकेशन मिनिस्टर साहब को बहुत मुबारकबाद देती हूँ कि आज वह दिन आया कि यह चिल्ड्रेन बिल इस हाउस में आया। इस चिल्ड्रेन बिल के बारे में मैं समझती हूँ कि पिछले ६,७ साल से इसका जिक्र मैं सुनती चली आती हूँ कि इस तरह का एक एक्ट बच्चों के लिए बनने वाला है। इस बिल को तैयार करने और इम्पूव करने के लिए जो ज्वाएंट कमेटी बैठाई गई थी उसमें मैं भी थी और हमने वहाँ इस बिल के हर एक क्लॉज को बहुत अच्छी तरह से देखा भाला और जहाँ तक हमसे बन पड़ा हमने इस बिल को सुधार कर मौजदा शकल में तैयार किया।

जैसे कि श्रीमती रेणु चक्रवर्ती ने कई चीजें बताईं और प्रोवेशन आफिसर्स के नाम का जिक्र किया और कहा कि यह ठीक नहीं है और मैं भी इस चीज को मानती हूँ कि यह शब्द जरूर हमारे कानों को कुछ बुरा सा लगता है लेकिन हमारे यहाँ और कोई दूसरा नाम अभी आया नहीं है और पश्चिमी देशों में जैसे कि बच्चों के वास्ते आफ्टर केयर आरगनाइजेशंस हैं मसलन चिल्ड्रेन नर्सरीज या चिल्ड्रेन होम्स और औबजरवेशन होम्स वगैरह होते हैं हमारे यहाँ अभी एसी व्यवस्था नहीं हो पायी है और हम अभी उस दिशा में शुरूआत ही कर रहे हैं। पश्चिम में इन संस्थाओं के नाम भी अलग अलग हैं और उनमें बच्चों के साथ बर्ताव अलग अलग होता है। इस बिल के बारे में मुझे यही कहना है कि बच्चों की साइकालोजी को समझना और इसके मुताबिक काम करना एक बड़ी सल्ट मुश्किल चीज है। मेरी राय में यह बिल बड़ा कठिन और सल्ट है और

इसको चलाना आसान काम नहीं है। थर्ड फ़ाइव थीअर प्लान हमारे सामने है। उसके साथ साथ हमको अपनी नेशन को, अपने राष्ट्र को बनाना है, जिसका मतलब यह है कि हम को देश के हर एक व्यक्ति को तैयार करना है, खास कर बच्चों को तैयार करना है। बच्चों को तैयार करने के बारे में यह सवाल हमारे सामने आता है कि हम किन हाथों से बच्चों को तैयार करें। हमारे मिनिस्टर साहब पुरुष हैं, हमारे भाई हैं, लेकिन हमको ऐसा लगता है कि पुरुषों के हाथ से यह काम होने वाला नहीं है। इस लिए नहीं कि पुरुषों में कोई कमी है, बल्कि इस लिए कि स्त्री को भगवान के घर से ही बच्चों की देख-भाल करने का गुण मिला है। उनका ध्यान रखना, उनकी देख-भाल करना उनका धर्म है। नेचर ने उसको ऐसा बनाया है। जिस पुरुष को पाल पोस कर, अच्छी बातें सिखा कर मां ने बड़ा किया है, वह यह नहीं कह सकता कि अगर उसके पालन पोषण में उसकी मां का हाथ न होता, तो वह खुद-ब-खुद बड़ा हो जाता और सब कुछ सीख जाता। मां बच्चों के लिए सैक्रीफ़ाइस करती है।

14 hrs.

इस लिए इन व्याख्यानों को सुन कर मुझे लगता है कि इस बिल को चलाने के लिए हमको बहुत सारे मसाले की जरूरत है, मसलन होम्स, आफिसर्स और कचेहरियाँ वगैरह। लेकिन सब से पहले हमको ऐसे लोगों को तैयार करना है, जो चाइल्ड साइकालोजी को समझते हैं, जिनके हृदय में दया हो, जो बर्दाश्त करना जानते हों, जो बच्चों को ज़रा ज़रा सी बात पर चपत और चांटा न लगायें। अगर हम इन होम्स को चलाने के लिए ऐसे लोगों को तैयार कर पायें, तभी हम इन बच्चों को अच्छे सिटीज़न्स बना सकेंगे। अगर ऐसा न हुआ, तो बच्चों को इस बिल से कोई लाभ न होगा। मुझे बच्चों से और खास कर उनकी शिक्षा से

बहुत शौक है। जो लोग मान्टेसरी सिस्टम को जानते हैं और बच्चों की साइकालोजी को समझते हैं, उनको मेरी तरह यह जान कर हैरत होगी कि मैंने जो मान्टेसरी स्कूल देखे हैं, जहां अच्छे बच्चे पढ़ते हैं, उनमें टीचर को खरा भी पेशेन्स नहीं है, कोई सब नहीं है कि बच्चे को समझायें। अगर बच्चा ज्यादा सवाल करता है, तो उस को डांट कर, मार कर बिठा दिया जाता है। यह इस वक्त भी मान्टेसरी स्कूल में हो रही है। जब हमारी एजुकेशन की यह हालत है, तो फिर उन होम्ब्र की हालत क्या होगी, जहां मामूली बच्चे नहीं, बल्कि गैर-मामूली बच्चे रखे जायेंगे? इसलिए वहां पर औरतों को मुकर्रर करना जरूरी है। मर्दों को भी रखा जाये, लेकिन औरतों को रखना ज्यादा जरूरी है।

जैसा कि डा० अचमम्बा ने कहा है, इस बिल में हर एक चीज के बारे में एक औरत का जिक्र है। मेरे ह्याल में ज्यादा मुनासिब होगा, अगर और औरतों को रखा जाये और रखना पड़ेगा, अगर हम इस काम को आगे बढ़ाना चाहते हैं। वह गाड़ी चल नहीं सकती है, अगर इस काम में औरतों का हाब ज्यादा न हो।

पंडित मुनीश्वर दत्त उपाध्याय (प्रतापगढ़) : इस में यह कहा गया है कि कम से कम एक हो। ज्यादा भी हो सकती हैं।

श्रीमती उमा नेहरू : एक से काम नहीं चल सकता है।

पंडित मुनीश्वर दत्त उपाध्याय : ज्यादा भी हो सकती हैं।

श्रीमती उमा नेहरू : बच्चों का भीख के लिए हाथ फैलाना और भिक्षा मांगना बहुत तकलीफदेह है। जहां तक हो सके, इस को जल्दी बन्द करना चाहिए। जहां तक इस में पुलिस का ताल्लुक है, कुदरती तौर पर हम को पुलिस की वर्दी बुरी लगती है और

उस को देख कर हम परेशान हो जाते हैं। यह अच्छा नहीं लगता है कि जो आदमी बच्चों को पकड़े और कचहरी वगैरह में ले जाये, वह पुलिस की वर्दी पहने हुए दिखाई दे। वह पुलिस वाला भले ही हो, लेकिन वह सादे कपड़े में हो, तो अच्छा होगा। बच्चों के माइन्ड को डेवलप करने के लिए, उन को सुधारने के लिए निहायत अच्छी फ़िज़ा की जरूरत है। यह नहीं होना चाहिए कि एक पुलिस वाला घसीट कर उन को कोर्ट में ले जाये। मुझे यकीन है कि मिनिस्टर साहब इस पर गौर करेंगे।

मुझे यह भी यकीन है कि इन होम्ब्र को खोलने में कोई जल्दबाजी नहीं की जायगी। सोशल वेलफ़ेयर बोर्ड ने आफ्टर केयर होम खोले हैं। जब तक सरकार के पास मुनासिब आदमी तैयार न हों, इस काम को करने के लिए स्त्रियां तैयार न हों, तब तक इन होम्ब्र को नहीं खोलना चाहिए, क्योंकि जब तक नींव मजबूत नहीं होगी, जब तक पक्की ईंटों से नींव नहीं डाली जायगी, तब तक मकान ठीक तरह से नहीं बनाया जा सकता है। आजकल तो ऐसा मालूम होता है कि हर एक के पीछे शैतान दौड़ रहा है। इस तरीके से सब काम कर रहे हैं। अगर इस बारे में जल्दी जल्दी काम किया जायगा, तो वह सिर्फ दिखावट होगी, असलियत नहीं होगी। मैं मिनिस्टर साहब से कहूंगी कि इस में दिखावट बिल्कुल न हो, असलियत हो। एजुकेशन में हम को दिखावट की जरूरत नहीं है।

फ़ारेन कन्ट्रीज़ में जब हम जाते हैं, तो वहां की नर्सरीज़ को देख कर हैरत में पड़ जाते हैं। बच्चों के साथ वे किस तरह से बातचीत करते हैं, उन को एजुकेशन कैसे दी जाती है, ये लाजवाब चीज़ें हैं, जो हम को उन से सीखनी चाहिए।

मैं फिर मिनिस्टर साहब को मुबारकबाद देती हूं और मुझे खुशी है कि आज इतने दिन बाद यह बिल फ़ैल हो गया है और मुझे

[श्रीमती उमा नेहरू]

पूरी उम्मीद है कि सब भाई बहन इस में मदद करेंगे और यह देखेंगे कि इस बिल पर कामयाबी से अमल हो और हर एक गरीब और भिखारी बच्चा देश का अच्छा सिटिजन हो और सिटिजन के पूरे राइट्स उस को मिलें।

श्री यादव नारायण जाधव (मालेगांव) : सभानेत्री जी, जिस बिल पर आज हम चर्चा कर रहे हैं, उस का ताल्लुक एक ऐसे सवाल से है, जिस के बारे में संयुक्त राष्ट्र संघ भी चिन्तित है। अभी संयुक्त राष्ट्र संघ में बाल अपराधियों के बारे में चर्चा होने वाली है और इस सम्बन्ध में एक कांफ्रेंस होने वाली है। हमारे देश में इस समस्या की क्या स्थिति है, हर स्टेट में इस के बारे में क्या अनुभव है और इस को मिटाने के लिए हर स्टेट में जो प्रयोग किये गये हैं, उस के बारे में मान्यवर मंत्री महोदय हमारे सामने कुछ बातें रखेंगे। इतना ही नहीं, जब संयुक्त राष्ट्र संघ में इस के बारे में चर्चा होगी, तो मैं समझता हूँ कि हिन्दुस्तान के कुछ प्रतिनिधि वहाँ जायेंगे और वहाँ पर, इस समस्या का यहाँ क्या स्वरूप है, यह रखने की कोशिश करेंगे, ऐसा मैं माननीय मंत्री महोदय से कहना चाहता हूँ। आज जो बिल सदन के सामने है उसके बारे में, जैसा श्रीमती उमा नेहरू ने कहा, छः सात साल के पहले से इस सदन में चर्चा थी। अभी अभी माननीय मंत्री श्री पंजाब राव देशमुख ने मुझ से कहा था कि वे जब आर्डिनरी मेम्बर थे तो उन्होंने ऐसा ही बिल सदन के सामने रखा था, लेकिन उस बिल पर उस बक्त चर्चा नहीं हो सकी। यह बिल सदन के सामने आया है। अब जो इस का स्वरूप है, उसे हमें देखना पड़ेगा। जिन बातों के ऊपर खास जोर दे कर यह बिल रखा गया है अर्थात् अपराधी बालकों के बारे में और जो नेगलेक्टेड चिल्ड्रेन या दुर्लक्षित बच्चे हैं, उन के बारे में, उन के ही सम्बन्ध में इस में चर्चा है। हिन्दुस्तान की जो आज दानत है, जो कि एक अर्द्धविकसित

देश है, उस को देखते हुए हमारी जिम्मेदारी और बढ़ जाती है। यह भी मैं जानता हूँ कि जो विकसित देश हैं उन के सामने भी यह समस्या है क्योंकि बाल अपराधियों की संख्या उन देशों में भी कम नहीं है। भारत सेवक समाज की तरफ से बाल स्वास्थ्य के ऊपर जो एक साप्ताहिक निकलता है उस के १३ दिसम्बर के अंक में बाल अपराधियों की समस्या के बारे में एक छोटा सा आर्टिकल शायद हुआ है। सारे देश में यह समस्या कैसी है, उस में इस के बारे में लिखा गया है और राष्ट्र संघ इस के बारे में कुछ न कुछ हल ढूँढ निकालेगा ऐसा उस में कहा गया है। लेकिन अभी श्रीमती जयाबेन शाह ने जो कहा मैं उस बात को मानता हूँ कि समाज में जो यह समस्या पैदा होती है उस को पैदा न होने देने के लिये हम क्या कर सकते हैं? उन्होंने यह भी कहा था कि "प्रिवेंशन इज बेटर दैन क्योर"। हिन्दुस्तान में बाल अपराधियों के दूसरे हिस्सों को छोड़ कर हम ने इस में केवल नेगलेक्टेड चिल्ड्रेन को लिया है। किन्तु सब से बड़ा सवाल जो मैं सदन के सामने रखना चाहता हूँ वह यह है कि हिन्दुस्तान के जो सर्वसाधारण आदमी हैं, उन की जो आर्थिक हालत है उस को हम देखें। देहात में रहने वाले किसान, शहरों में रहने वाले मजदूर, मिल में काम करने वाले और दफ्तर में काम करने वाले बाबू की आर्थिक हालत ऐसी है कि उसे अपने बच्चों की तरफ देखने का टाइम नहीं मिलता है।

अभी अध्यक्ष महोदय ने कहा था कि इस बिल पर बोलने के लिये वे इस सदन की महिलाओं को पहले समय देंगे। यह बात मैं मानता हूँ कि हमारे देश के बच्चों को सही रास्ते पर ले जाने के लिये ज्यादा से ज्यादा काम हमारी मातायें और बहनें कर सकती हैं। लेकिन आज की सामाजिक हालत में और आर्थिक हालत में क्या हमारे सदन की मातायें कह सकती हैं कि समाज में जो

महिलायें हैं उन्हें अपने बच्चों की तरफ देखने का टाइम मिलता है। इतना ही नहीं आज की मातायें अपने बच्चों को दूध पिलाने का टाइम भी नहीं दे सकती है और न ही इन के स्तनों में दूध है, यह हमारे देश की आर्थिक हालत है। ज्यादा से ज्यादा एक या दो महीने तक मायें बच्चों को अपने स्तन का दूध पिला सकती हैं। उस के बाद उन के स्तनों में दूध नहीं रहता। ऐसी हालत है हमारे देश की औरतों की। जब ऐसी हालत है हमारे देश की औरतों की कि जिन्दा रहने के लिये उन को घर के बाहर काम करना पड़ता है और बच्चों को देखने का समय नहीं मिलता, तब हमारे हिन्दुस्तान में नेगलैक्टड बच्चों की तादाद, जिन की तरफ हम तबज्जह नहीं दे सकते, जिन की देख भाल नहीं कर सकते, कितनी होगी।

अभी एक माननीय सदस्य ने कहा कि दुर्लक्षित बच्चों में भिखारियों के बच्चे भी आयेंगे। समाज में जो भिखारी है वे किस की गजती से हैं? आजाद भारत १३ साल बाद भी हमारे देश की गरीबी को खत्म नहीं कर सका। आप बड़े बड़े शहरों में जायें, तीर्थ क्षेत्रों में जायें, रेलवे स्टेशनों पर जायें, भिखारियों की भीड़ लगी रहती है। कुछ लोगों का धन्धा ही बड़ा है भीख मांगना का, ऐसा लोग कहते हैं। लेकिन एक टाइम ऐसा आता है जब उन्हें भीख मांगने के अलावा कोई चारा नहीं रहता है। भीख मांगना ही उन का पेशा बन जाता है। समाज में काम नहीं मिलता है। काम करने के लिये आदमी तैयार होता है, लेकिन फिर भी काम नहीं मिलता है। हिन्दुस्तान में हर चीज की कीमत है, लेकिन एक चीज ऐसी है जिस की बाजार में कीमत नहीं है, और वह है आदमी। उन में नौजवान हैं, छोटे बच्चे हैं। वे अपना श्रम बेचने के लिये बाजार में खड़े रहते हैं लेकिन उन के श्रम को लेने के लिये कोई तैयार नहीं है। जब ऐसा समय आ जाता है तो मनुष्य उकता जाता है, काम से नकरत करने लगता है क्योंकि वह काम करने के लिये तैयार है पर काम नहीं मिलता

है। ऐसे समाज में रहने वाले जो बच्चे हैं उन की मन की प्रवृत्ति इस लिये और बिगड़ जाती है कि समाज में जो एक दुसरा हिस्सा है जिन के पास जिन्दगी में बचन करने के लिये या जिन्दगी की दूसरी जरूरियात को पूरा करने के लिये पैसा होता है, साज सामान होता है, उन के आराम और बचन को देख कर इन बच्चों के दिल में यह बात आती है कि आखिर हिन्दुस्तान में रहने वाले लोगों में कुछ ऐसे भी हैं जिन को यह सब चीजें नहीं मिलती हैं। एक और इस देश में ऐसे बच्चे हैं जिन के पास अच्छे अच्छे गरम कपड़े हैं, लेकिन दूसरी ओर ऐसे बच्चे हैं जिन के पास सर्दों से बचने के लिये कपड़े नहीं हैं। जब भी हम रेल में सफर करते हैं तो देखते हैं कि हजारों बच्चे ऐसे हैं जिन के पास कपड़े नहीं हैं। उन के शरीर की तरफ देखें तो उन के बदन पर गर्द होती है, उन के बदन से बू आती है। इस लिये मैं कहना चाहता हूँ कि यह बहुत बड़ी समस्या है जिस को कि हमें देखना पड़ेगा। इसे हल करने के लिये

Mr. Chairman: The hon. Member must try to conclude now.

Shri Yadav Narayan Jadhav: Madam, five hours have been allotted for this Bill. I think there are not many hon. Members who want to speak on this Bill.

Mr. Chairman: There are 21.

Shrimati Ila Palchoudhuri: There are many speakers.

Mr. Chairman: I am giving about 14 to 15 minutes to each hon. Member. I have only rung the bell, the hon. Member can have another two minutes.

Shri Yadav Narayan Jadhav: Give me five minutes more.

Mr. Chairman: He can have only two more minutes.

श्री यादव नारायण जाधव : मैं ने यह जो समस्या आप के सामने रखी है उस को हल करने के लिये हमारे पास कितने साधन चाहिये, कितनी बड़ी मशीनरी लगेगी, इस की ओर मैं माननीय मंत्री महोदय का ध्यान आकर्षित करना चाहता हूँ। राज्य सभा में जब इस मशीनरी के बारे में सवाल उठाया गया तो माननीय मंत्री ने कहा कि हमारे पास बीस स्कूल्स हैं, संस्थायें हैं, जिन में हम इस समस्या को हल करने के लिये ५०० आदमियों को ट्रेन कर सकते हैं। यह संस्थायें केवल यूनिथन रिटरीज में ही हैं या पूरे देश में हैं, इस के बारे में उन्होंने साफ साफ कुछ नहीं कहा। मैं उन से कहूंगा कि इस बारे में भी वे अपने जवाब में जरा रोशनी डालें। इस बिल के प्राविजन्स बहुत अच्छे हैं। हमारे राष्ट्रपति जी सदन के सामने जब हर साल तकरीर करते हैं तो हमारी स्टेड्यूट बुक में कौन कौन से नये कानून आये हैं, इसे वतलाने की कोशिश करते हैं। इस साल भी जब उनकी तकरीर होगी तो वह बतायेगे। उनको खुशी होती है, लेकिन यह जो सोशल लेजिसलेशन होते हैं उनको अमल में लाने के लिए जो अधिकारी लोग होते हैं उनमें एक तरीके की ऐपेथी होती है, ऐसा मैं कहना चाहता हूँ। जो सोशल लेजिसलेशन हमारे यहां पास हुआ है, चाहे वह प्राहिबिशन का हो या दूसरा हो, हम उसे ऐसे नजरिए से देखते हैं कि हमने जो कुछ लेजिसलेशन पास किया है वह अमल में लाया गया है, सकसेसफुल हो गया है। इस तरीके से इन लेजिसलेशन्स की तरफ न देखा जाए यह मैं अर्ज करना चाहता हूँ।

राज्य सभा में यह पूछा गया कि यह जो बच्चे हैं उनको रिहेबिलिटेड करने के लिए जिन संस्थाओं में उनको पढ़ना पड़ेगा और जहां उनका कैरेक्टर बनेगा, उसके लिए कितना पैसा थर्ड फाइव अर प्लान में रखा गया है, लेकिन इसके बारे में मान्यवर मंत्री महोदय जवाब नहीं दे सके। मैं चाहूंगा कि ये सब बातें संयुक्त राष्ट्र के सामने रखी जाएं, हमारे हिन्दुस्तान की पूरी समस्या, इस बिल को अमल में लाने के लिए पूरी मशीनरी, और जो

कुछ जिम्मेदारी हम ले रहे हैं उसके लिए पैसा और अमल में लाने के लिए जो जिद है वह रखेंगे तो इस सोशल लेजिसलेशन को सदन के सामने रखने का फायदा होगा ऐसा मैं समझता हूँ।

Swami Ramananda Tirtha (Aurangabad): Mr. Chairman, I welcome this measure because it meets the requirements of the society at the present moment. It was long overdue and the Education Minister deserves our congratulations for having introduced this measure in the House. It embraces all the facets of the problem and is quite comprehensive in its implications. As has been stated, this Bill aims to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories.

When we look at this problem, we have to remember that it cannot be isolated from the overall situation that we find in society today, both economic and social. We have been tied down by certain customs and traditions and certain habits have been implanted in us and also by the economic surroundings that we find ourselves in. I would like to state that though it is move or less a problem of economic improvement, still, with all the limitations of our economic development, we have to apply ourselves from a social and psychological point of view. Therefore, howsoever our efforts may be in regard to the economic uplift of the people—and we all know that there are very many limitations—and howsoever zealous we may be to build up this country economically as quickly as possible, there are certain limitations inherent in the situation, and the progress is bound to be slower than it is expected to be, particularly when we build up the nation through democratic methods. Therefore, this problem, though in its main content an economic one, has to be viewed from all aspects and more so from the social point of view.

There is also another aspect of this problem. The Bill states that this measure is for taking care of the neglected children. Why are the people neglected? The answer to this is two-fold. One is, because of the poverty that exists in the society or family and the parents are confronted by the poverty. The second is, there are certain weaknesses. Why is it that parents neglect the children? It can be very easily said that because the father and the mother have to work for earning their livelihood, they find no time to look after their children.

In this connection, though it may be just a diversion from the main issue, I would like to say that it is the duty of the parents also, particularly now, at this stage of our development when our resources are so limited—the intelligent sections of India are conscious of it—to realise whether we should not put a limit to population. What is the use of giving birth to children who cannot be taken care of? Let us appeal to the social conscience of the people. After all, no State in the world can take care adequately of all children who year by year are being thrown out as delinquents and orphans. That aspect also has to be looked into and a very serious and earnest appeal has to be made to the social conscience of the Indian people. I have never touched on this point any time in this House though there has been much discussion about it, but I take this opportunity of stating that if possible by a moral appeal and if necessary by scientific methods also, the growth of population should be checked, because, it is going to be a drain on our economic resources. Therefore, this legislation, howsoever salutary it may be in its implications, has got its limitations.

Having said this, I come to the actual provisions of this Bill, and particularly I would like to mention sub-clause (4) of clause 21 which runs thus:

“In determining the special school, or any person to whose

custody a child is to be committed or entrusted under this Act, the court shall pay due regard to the religious denomination of the child to ensure that religious instruction contrary to the religious persuasion of the child is not imparted to him.”

This is very necessary. I have nothing to say against any missionaries. They are free to propagate their own religion, but there should be certain limitations, particularly when the child is young—a minor—and does not know the distinction between one religion and another. Also, when the child is delinquent or neglected, or, for the matter of fact, has committed some crime, that particular situation should not be taken advantage of for instilling into his mind religious sentiments contrary to the persuasions of the child. This provision is very necessary, and I welcome it.

More than this, clause 22 also is there. So, it shows that the Ministry is quite conscious of the problem and therefore it has provided here that though the child has committed a particular crime, the child should not be sent to ordinary prisons or any such shelter-house, but should be placed in particular houses where other type of care should be taken. It is also quite true that the period of the custody, or whatever you may call it, should be limited to the period for which the court may award the punishment. This is also quite a salutary provision.

I now come to two suggestions made by the previous speakers. I entirely agree with Shrimati Uma Nehru that there should be no undue haste about starting these homes or making certain arrangements for care of the delinquent children. When the money is provided, there is a tendency in these days particularly, to try to see that somehow it is spent, without looking to the physical results. Sometimes there is also another tendency that the amounts lapse. Both are there. So, we should take care to see

[Swami Ramananda Tirtha]

that there is no undue haste, because our tragic experience is that such relief homes, people say, are more or less brothels. It is a very sad word, but the helpless young women who are sent to some relief homes for being educated, so that they can take care of themselves in their future life, are somehow relegated to that degrading position of a prostitute. I, therefore, appeal to the Minister to see that proper personnel are trained and in relation to the personnel who are going to take care of the homes, the homes are started. There should be correlation between the personnel and the starting of the homes.

I am one with my sisters here that it would be more helpful or salutary and more effective if just as in education, the entire problem of delinquent children is entrusted to the women of India. But there are limitations in the present situation. Women are more fitted for propagating education amongst the people, but looking to the present situation, I would urge upon the Minister that more and more non-official agencies managed in a major part by women should be entrusted with this task of taking care of these delinquent children, because after all, whatever we may say, men are made of sterner stuff and delinquent children require affection, love and sympathy, which are more in women than in men. There is nothing wrong in admitting this limitation of the male personnel.

I would also plead with the Minister that though the State cannot be left out, I would not say bureaucracy, but the official imprint on this work should be as little as possible.

With these words, I support the Bill.

Dr. Sushila Nayar (Jhansi): Mr. Chairman, I wish to compliment the hon. Education Minister for bringing forward this Bill, which is much need-

ed and which lays down in concrete shape and form certain principles which have been accepted by us and by all civilised countries throughout the world. And that is, that a child that becomes delinquent is not an offender, but is really offended against and is the victim of circumstances.

In normal circumstances, a child that receives sufficient attention and sufficient guidance in his own home does not become delinquent. A child that becomes delinquent does so because of some shortcoming in society, in the environment in which that child has been brought up. Therefore, it is necessary that in the place of the punitive outlook which has been followed in the past, we resort to a different outlook, a correctional outlook, an outlook under which we will make up those deficiencies which resulted in a child becoming a delinquent child.

The delinquent children are produced before a juvenile court. Normally speaking, according to this outlook that I have mentioned, the juvenile court should have any lawyers attached to it. I have seen—and you must have seen it yourself that in certain civilised and progressive countries, no lawyers appear in the juvenile court, for the simple reason that it is not the object to punish the child. The lawyers are there to defend the culprit, but when the court is not there to punish the child, the court is there to understand the difficulties and circumstances and to find solutions, then lawyers become completely unnecessary. I wish we had made that provision in this Bill. As it is not there, I hope by convention, this rule will be followed.

I have had the unpleasant experience of being present in the juvenile court on more than one occasion, where I have seen children being convicted for the offence of smuggling liquor and being mixed up with the nefarious trade and illicit liquor sale

in the city of Bombay. I saw one child. The mother of that child was a very poor woman; she cleaned utensils of somebody and earned just the bare minimum to feed herself and her child. Yet there was a black-coated gentleman, a lawyer, defending that child.

I was rather curious to find out how this lawyer could have been provided with his fees by this poor woman. The lawyer was not appearing free in this case. Then somebody explained to me that it was not the mother who was defending the child but it was the illicit liquor trade that was providing the money for the defence of this child and which had engaged the lawyer. So I could not help remarking to the lawyer, "Look here my friend, do you think you are acting in the best interests of this child?" He just smiled and said, "Madam, I am acting within the law."

This is the attitude in the juvenile courts exhibited by some of our honoured sections of society. It is therefore necessary that we do everything possible to restore to the juvenile courts that atmosphere and status which is really contemplated under the spirit of this Bill. It was in view of the atmosphere prevailing in the juvenile courts today and the stigma that still attaches to a child who has been in a juvenile court that in the Joint Committee and in the Bill as it has emerged from the Rajya Sabha a provision has been made that a neglected child instead of being sent before a court shall be sent before a special board. I congratulate the hon. Minister for having done that because it means that the neglected child at any rate will appear before a Board consisting of certain social workers and educationists, before people who are genuinely interested in the welfare of the child people who will try to help that child in every possible way in a setting to which not even a distant tinge of odium or stigma can possibly be attached under any circumstances. I wish we had done the

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same for both the delinquent and the neglected children. A neglected child is one who has been deprived of certain normal rights which every child should enjoy in a healthy normal society but who has submitted to it. He has not rebelled against that situation. The only difference between the neglected child and the delinquent child is that the delinquent child has a little more spirit that the other fellow and he rebels against the situation in which he has been forced to be and as a result of this rebellion he does things which put him in the category of a delinquent child. Therefore I feel that to make a distinction between the delinquent and the neglected child is not correct because the child who does not submit to this kind of a situation and who rebels against it has a little more initiative and spirit and therefore is potentially perhaps better human material, who can be shaped into a good and a capable citizen given the right circumstances.

I know that the hon. Minister did not wish to make a distinction between these two groups of children and if he could have his way he would have probably treated both of them alike and would have made them appear before the board as happens in Sweden and certain other Scandinavian countries. But in our own society there are people who would turn round and say, "A boy of 15 or 16 can commit murder. Are you going to put that murderer in the same category as a neglected child?" and so on. It was because of this that a distinction was made and the Joint Committee agreed that if we are at least willing to spare the neglected child the agony of appearing in the juvenile court and be faced with the consequences of the stigma attaching to such an appearance, let us do it and save the neglected child from an unpleasant experience and at the same time continue to do our level best to improve the atmosphere of the juvenile courts so that the juvenile courts will not be the type of place to which anybody can attach any stigma and odium.

[Dr. Sushila Nayar]

14.46 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

I have seen well-to-do parents take their children to a juvenile court in some of the western countries. The child may have offended against the traffic rules or may have done some little naughty thing which makes the child appear before the juvenile court. But in that juvenile court the judge and the people sitting there are like the parents of the child, like the elders of the child who try to understand the mind of that child. In that fashion they try to help the child.

A short while ago some criticism was offered by hon. Shrimati Renu Chakravarti saying that the probation officers, special schools, homes etc., as provided in the Bill, were dealt with in a casual manner. She wanted clear-out definitions of the functions of probation officers, the type of education that will be given to the children in the special schools etc. I wish to submit that probation officers or probation service is a well recognised service and the duties and the functions of the probation service are clearly defined. There is no ambiguity about it. It is not necessary to have an outline of the qualifications and implications of this type of a service and of the duties of the probation officers in a Bill like this. Similarly, the special schools and the certified schools are also a fairly well recognised entity and their functions are well-known. I however agree entirely that the hon. Education Minister should make a special effort to see that people who are going to run these services, whether homes, certified schools or probation services, are very carefully selected and are given very good and very careful training because the success of the whole scheme will depend upon the human material and the calibre of the men and women who man these services.

The same thing applies to the after-care organisation. Let us not forget

that if we deal with the children properly, not only are we rendering a service to humanity and a service to these children but we are rendering a service to ourselves. If we do not take these children out of the morass in which society has thrown them, they may grow up into criminals and become a threat to society till the end of their days and Society will have to spend much more on dealing with those criminals than it will spend now to deal with these children in a proper and humane manner, in the correctional spirit and in the spirit of service.

I am glad too that certification of children's institutions is recognised under this Bill. I hope there will be adequate inspection and supervision of the institutions that are to be recognised and certified for this purpose. With these words I give my whole-hearted support to this Bill. I again compliment the hon. Education Minister for bringing it before the House.

Shrimati Ila Palchoudhuri: Mr. Deputy-Speaker, I do not think there is any opinion in this whole House against this Bill. It is a Children's Bill, a Bill to take care of and protect children. There can be no two opinions. At least I welcome this Bill warmly.

Mr. Deputy-Speaker: If it is children's day, it is mothers' turn to speak.

Shri D. C. Sharma (Gurdaspur): Fathers also are responsible.

Mr. Deputy-Speaker: Mothers have a prior right for custody of children.

Shri D. C. Sharma: All right, Sir.

Shri Kalika Singh (Azamgarh): But, they will never declare a child as delinquent.

Shrimati Ila Palchoudhuri: There would not be any need to declare a child as delinquent if there is a home to look after it. It is the mother that makes a happy child.

I would like to mention some aspects. There has been a lot said about this Bill. There are no two opinions. I congratulate the Select Committee and welcome the Bill as it has emerged from it, particularly the new clause 4 and the new clause 6. Because, in the new clause 4, you have separated the two kinds of children, those who are delinquent and those who are neglected. The neglected will come before the Child Welfare Board and the delinquent will have to be tried because they have committed an offence. What the source of the offence is and why they have committed the offence, it will be for the Administrators and Probation officers to trace afterwards, so that that condition can be corrected. The new clause 6 also stresses the point that the persons appointed to the Child Welfare Boards and Children's courts should possess special knowledge of child psychology.

In fact, the whole working of this scheme will depend on how you man the various schemes and it is the the personnel that would be the real live force in this whole scheme that you are trying to work. I should think that the first and foremost thing that should be taken in hand at once is the training of the various cadres of people at various levels so that they can carry on this work in the right spirit and with a certain amount of speed, although my esteemed friend Shrimati Uma Nehru said that we should not be in a hurry. I agree with that. At the same time, do not let us leave it and just let this Act remain an Act. What I should say is: First, high level Administrative officers to co-ordinate child welfare services in health, education or Administrative heads of units of Child welfare in the department of social welfare when these are created. These are the categories to be trained. Secondly: orientation of existing district level workers such as Block development officers and Mukhya sevikas; specific needs of children to be included in their normal training programme. The Mukhya sevikas in

the villages could do a lot regarding this. When we talk of delinquent children; we seem to talk of towns. There are many delinquent children and neglected children in the rural areas to which the Mukhya sevikas and gram sevikas will have access. Thirdly: training of a new cadre of full-time field level workers called Bal sevikas with full training in Balwadis and teachers with basic knowledge of health and nutrition and how to set up the necessary service activities for children at the field level. In all these services, I also fully support that there should be women, because women are moulded by nature for this work. Wherever there is need for police, let them utilise the women police if they are to be utilised at all for any good purpose. At the moment, I find, what the women police do is to manhandle women. That is all they do. They manhandle women. It is only in meetings that they are sent just to harass women more or less. I feel very sorry about it. I think women police must come wherever there is any occasion to take up a child.

We must have a large cadre of people. The main thing about this kind of Bills is that we cannot deal with homes with a number of children. We must have small units of Probation officers and people who take care of them so that there are not too many in a home. Each individual case is different and they need to be treated individually. Just to send him to a large home will not correct the delinquent child; nor will it give him that education or outlook that is primarily necessary to make him a useful citizen.

One Member opposite said,—Shri P. K. Deo, I think—that the Government should give assistance when people want to adopt a child. I think this is a very strange outlook. We in India have been taught to look at children as the gift of God. If we have not been so blessed, it should be our privilege to adopt a child. Let not the Government come into this

[Shrimati Ila Palchoudhuri]

to give assistance to adopt a child. Because, this could easily be exploited by the person who wants to adopt. By adopting a child, he could get assistance from the Government and he also gets child labour from that child. I oppose this suggestion very strongly.

I would like to say that, when we are thinking of the Children's Bill, let it be as sympathetic as possible. There are certain terms included in this Bill which are rather uncalled for and unnecessary. Let a child who is suffering from leprosy be called a leprosy patient. Let the place to which the child is being sent be called a hospital for chronic diseases. Let a child of unsound mind be called a child of retarded mental capacity. This terminology, I think, does affect the whole outlook, because, when we are wanting to deal with children an outlook of sympathy, is necessary and all these things should be eliminated.

Last but not least, illegitimacy is a term which should be abolished from this Bill. Who are illegitimate children? Sir, I claim, there are only illegitimate parents. There are no illegitimate children. Our Sastras do not offer any term for illegitimate children. There are only various kinds of "putras" and they are all "santans". They are all putras and santans. No stigma attaches to them according to the Hindu religion and Hindu Nyaya Sastras. It is only whenever we can serve children in any way that we really reach the very heart of all the teaching that has come down to us through the Sastras.

Also there are one or two things that I would like to bring to the notice of the Minister. For instance, it is said that the Administration will take note of the administration of dangerous drugs in public. Is the administration of dangerous drugs in private admitted? How are you going to control it unless you have small units, small areas, where Probation officers or Gram sevikas or whatever it is, could go into selected

homes and always have under their purview and care the children so that they can take care of anything that happens whether in private or public. I think that aspect must be looked into.

Otherwise, it is a very good Bill and I congratulate the Minister that at least after 13 years, we have brought forward a Bill to look after the future of India, because the children form the very core of our being. They have a right to the very best that any State can do for them. Whatever our worship may be, I think this is part of the worship that would reach Bal Gopal. That has been the tradition. Whatever we may be able to do for the children in this land will be like the ancient sloka:

ब्रह्मकाशात् पतितं तंयं, यदा गच्छति सागरम्,
सर्वे देव नमस्कार, श्री केशवम् प्रतिगच्छति ।

15 hrs.

Mr. Deputy-Speaker: I find much has been said, but still there are a large number of hon. Members who want to speak. Therefore, I would request hon. Members to condense their remarks within ten minutes.

Shrimati Manjula Devi. Mothers are in a hurry too.

Shrimati Manjula Devi (Goalpara): Mr. Deputy-Speaker, Sir, whenever I come across children begging in the streets and railway stations, hungry, half-naked, dirty and neglected, I hang my head in shame for the mockery of independence that is ours. I ask myself: is this independence, when our children have to beg in the streets? I am gripped with sickening pain whenever such a sight meets my eyes. So, I had resolved to bring a Bill to put a stop to this way of life of children. Then I was told that the Government intended to bring in a Bill of this type. I was very happy to know about it. I thank the Government for bringing forward this Bill. There has been a long-felt need for

this. Legislation only paves the way, it is the social consciousness of the people that can implement the principles of this Bill.

Children are the pillars of society, and the structure of future India should be strong and sound. They are also the flowers of society who should be beautiful, healthy, fresh, clean and mentally and physically looked after. I am sorry our children are lacking in all this.

I am glad this is a comprehensive Bill. All aspects are dealt with. I am also very glad that there is a certain distinction between neglected and delinquent children. The neglected child is a normal child, whereas the delinquent child is an abnormal child. It is not healthy for the normal child or the neglected child to mix up with the abnormal children. They should be protected from the delinquent children and guarded from the evils of delinquency. So, the delinquent children have to be segregated.

I am glad that there are two categories of treatment for these two types of children. The Children's Welfare Board deals with the neglected children, whereas the Children's Court deals with the delinquent children. I also feel that there should be separate institutions like children's homes, special schools, observation homes and after-care institutions for girls. The nature of girls is different from that of the boys, and it is much better and advisable that there should be separate institutions for girls and boys.

The majority of the competent authorities and personnel of the institutions should be women. There is a sub-clause here in Chapter II which says, "of whom not less than one shall be a woman". I would like to change it to read that the majority should be women because it is women who understand the psychology of the child.

Shri C. R. Pattabhi Raman (Kumbakonam): May I point out that

women magistrates are much more severe than men magistrates?

Mr. Deputy-Speaker: That is what is wanted perhaps.

Shrimati Manjula Devi: I do not want all of them to be women. I said the majority should be women. There are chances of men also being severe.

Mr. Deputy-Speaker: They want in the first instance to be in majority, and when they are in majority perhaps they would turn out the minority!

Shrimati Manjula Devi: I want the police officers in charge of the children's cases to be special police officers, preferably and desirably women. They should be women because they would know how to deal with children and their cases. They should also be trained in the social sciences so that they know how to deal with delinquent and neglected children. Their rank should be that of an Additional Superintendent of Police, so that only high officers would be in charge. The present police are rather unfit to deal with these cases. We hear cases of atrocities. Mentally the present police are not fit to take up such cases. So, I request the Minister to consider this point and see that the special police officers are social workers and women.

Girls, both neglected and delinquent, should be escorted by women whenever they are taken from the house to the court or the Children's Welfare Board, unless the officers themselves are women.

All institutes should have compulsory medical care. I am glad there is going to be medical care, but it should be compulsory. There should be also facilities for technical education in all these institutions, as well as provision for hobbies because hobbies take the mental strain from the child and brings its attitude towards normalcy.

[Shrimati Manjula Devi]

The neglected children have a children's home, but there should also be scope for their adoption. There should be foster parents. In England childless persons and even persons with families adopt children from these institutions, but in India it is rather difficult with economic pressure etc., that large families can adopt such children. But there are a number of childless parents who can adopt these children, and they can give the natural environment of a home to these children. So, this should also be taken into consideration.

The delinquent children have, of course, special homes, observation homes and after-care institutes, but they should be separate from the institutions meant for neglected children. There is no clear demarcation in the Bill that they would be separate.

Voluntary social organisations and welfare activities should play an important role in the administration of these children's institutions. Their experience and knowledge are of great value, and the administrator should take this into consideration. There should be special training centres to train the competent authorities and personnel of these institutions in child psychology. There should be a separate administrative set-up which should be absolutely free from politics. The training centres should be set up simultaneously with the establishment of the children's courts and the Child Welfare Boards. Otherwise, it would be quite useless to run these institutions without the trained personnel. It becomes meaningless and waste of money.

Of course, in the rural areas the delinquent children are fewer in number than in the urban areas, and the neglected children are almost nil.

There are delinquent children in the rural areas too, and there should be some rural courts for these rural children, because the transportation of these children to urban areas gives

them a panicky feeling, a feeling of uncertainty which will hamper the process of treatment. The panchayats and development blocks can help us in the matter.

There should be stricter measures for dealing with the employment of children as exhibits or the exploitation of children or inflicting cruelty on them. The giving of intoxicating drugs and liquors should also be prohibited. It has been mentioned in the Bill that these drugs should not be given only in public places, but I would like to add the words 'or otherwise' after the word 'public places'. In any case, the very act itself is a crime.

Mr. Deputy-Speaker: The hon. Member should conclude now. If everything is said by the hon. lady Member, then what would the others say? What would be left for others to say?

Shrimati Manjula Devi: I shall have something for others too. As regards the appointment of the officers, Government should give their deep consideration to this matter, and I hope they will take great care in regard to this matter.

One very important thing that I would like to mention is with regard to the guidance to parents. I would like to say that the parents are more or less responsible for the delinquent child and the neglected child. Therefore, there should be a guidance bureau for the parents. That is very essential. Social workers should help to work these guidance bureaux for the parents.

There should be priorities in the Five Year Plan for child welfare boards, children's boards, children's homes, special schools, observation homes, after-care institutes etc.

I am glad that this Bill is going to be put into effect in the Union Territories, but I hope that there will be a uniform law throughout the country, and the States will also be approached

to make a uniform law in their territories.

Mr. Deputy-Speaker: Shri Kodiyan, I think every one of the hon. Members who want to speak shall have a chance; only, they have to wait. But, for gentlemen Members, the time-limit allowed will be only ten minutes.

An Hon. Member: Why? No other lady Member is there to speak.

Mr. Deputy-Speaker: The Constitution provides that some provision can be made for ladies to give them protection.

Shri Kodiyan: (Quilon—Reserved—Sch. Castes): I welcome this measure. Many of the important points have already been dealt with by the previous speakers, and, therefore, I do not intend to deal with them any further. Yet, I feel that the most important aspect of this piece of legislation has not been given due regard. The most important aspect, according to me, is the rehabilitation of the children who come from the children's homes and special schools, rehabilitation not in the sense that these children should be given some employment but in the sense that they should come back to the society and take their rightful place as partners in the community or society, or, in other words, that the society should absorb them. Clause 12 has already provided for after-care organisations, but I feel that the rehabilitation aspect has been kept rather vague.

The main difficulty in rehabilitating these children is, I think, the stigma that always attaches to those persons who come from these schools and special homes. If the after-care organisations contemplated in this Bill are to be run just like the after-care organisations and after-care homes run by the Jail Department, I think the whole object of the Bill will be defeated, because, the after-care homes run by the Jail Department are places where people are kept in isolation from society. If the children who

come from the special schools and children's homes are to be kept in the after-care organisations in isolation from society or rather in segregation, then the stigma that attaches to them will continue to remain. In order to remove that stigma, there must be ample opportunity for these people to mix with the society; so that they themselves should feel that they are part of the society, and the society should also realise that even though these children, for no fault of their own, had committed some kinds of offences, they have reformed and they have become useful citizens who can take their rightful place in society.

Therefore, I would suggest that under the after-care organisations, there should be some industrial undertakings. But these industrial undertakings should not be solely kept for these children. The public should also take part in the activities of these undertakings. Then only, the feeling of oneness will develop. If a child has reformed and he gives sufficient proof that he will behave like a decent citizen in the future, even before he leaves the children's home or the special school, if there are opportunities for gainful employment for him in public undertakings or even other undertakings, then, of course, it must be the duty of the competent authority to recommend him for such employment.

Another important aspect is the need to train proper personnel for running the various institutions. Many hon. Members have already dealt with this aspect of the problem. I would only request the hon. Minister to enlighten the House as to what special efforts Government contemplate in order to meet the requirements of adequately trained personnel to run these institutions.

Another point that I would like to bring to the notice of the House is that by undertaking this legislation, Government are taking a heavy responsibility on their shoulders, because, for maintaining these institutions like the

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children's homes, special schools, observation homes and so on, heavy expenditure will have to be incurred. Unless Government provide sufficient funds for this purpose, the whole object of this Bill will be defeated. Therefore, I would request the hon. Minister to see that sufficient financial provision is made for implementing this Bill.

The hon. Minister, while commending this Bill, has rightly pointed out that the idea is not to punish the children who have committed offences. It is a welcome idea. But I find that the proviso to clause 22 reads:

"Provided that where a child who has attained the age of fourteen years has committed an offence and the children's court is satisfied that the offence committed is of so serious a nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other children in a special school to send him to such special school and that none of the other measures provided under this Act is suitable or sufficient, the children's court may order the delinquent child to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the Administrator".

What the hon. Minister has said while commending this Bill is that the idea is not to provide punishment for the children. But here it is stated that a child that has committed an offence of a serious nature is to be kept in safe custody. Safe custody of whom? And for what period? That is not clearly stated in this proviso.

Not only in this clause but in many other clauses also you find that the competent authority has been given overriding powers. Therefore, I feel that there must be some non-official body to advise the competent autho-

rity in this respect. I would suggest that a special advisory body should be constituted in each place to advise the competent authority. Similarly, there should be non-official visitors to supervise and report on the children's homes and special schools. As has already been pointed out by one hon. Member, the official print in implementing this legislation, which is necessarily a piece of social legislation, should be as little as possible and participation of non-official organisations and non-official bodies should become part of this legislation. Under the rule-making powers, when rules are framed, these suggestions should also be taken into consideration and provision made for constituting advisory bodies and also appointing visitors to children's homes and special schools.

Pandit Munishwar Dutt Upadhyay:
This is one of the most welcome measures that has been brought before this Parliament and I congratulate the Minister on the provisions made for care, protection, maintenance, training, education and rehabilitation of children and also for having a separate procedure and separate court for their trial. The subject-matter of this Bill is really the most important element of our nation. I should think that it is the greatest asset of our nation. It is really the future of our nation. They are really the hope of our nation. So when we are going to legislate with respect to them, we have to be very particular to deal with them suitably. In this view, I find that the provisions made in the Bill are really excellent so far as they go.

As regards implementation, that difficulty is, of course, there. I shall deal with it a little later. But now I would like to point out that the Bill itself has become a bit cumbersome. The provisions are sometimes overlapping, and there is a series of separate institutions to deal with different aspects of the problem separately.

In this connection, I would like to make a suggestion. As a number of hon. Members have said here, there should not be a court atmosphere when dealing with cases of delinquent children. In order to avoid that atmosphere, I think it may be enough that the Board may deal with these cases also. Provision has been made in the Bill to the effect that the members of the Boards shall have magisterial powers also. They shall form a Bench of Magistrates. In that case, they can very well deal with offences committed by children. Thereby the atmosphere which has to be avoided, according to the suggestion of hon. Members, can also be avoided; also multiplicity of institutions can, to a certain extent, be prevented.

This Bill is confined to Union Territories only. If it is extended to all the States, there will have to be a very huge organisation in the whole country. As a matter of fact, it requires a very large number of trained workers, trained not only in training schools and training colleges, but men with that temperament and psychology with which they can well deal with this kind of children, whether they be neglected children or delinquent children. This is not an easy task. It requires a huge amount of money also. Then the handling of this material has to be very delicate and careful. The task is really very arduous and difficult. It requires a very large organisation too. In what manner it shall be implemented successfully has to be looked into.

As I said, in this Bill there are a number of institutions envisaged. The Child Welfare Boards are there, children's courts are there, children's homes are there, special schools are there, observation homes are also there as also after-care organisations. Then there is the Administrator at the head of all these institutions. We have also the probation officer. Then there is some non-official machinery also to be there with fit persons to take charge of children where institutions are wanting.

If this organisation is spread over the whole country, the implementation of the scheme, as has been said by hon. Members here, would be rather difficult. The object of all these homes and schools and other institutions is to see that these children are helped to build character and ability, are trained and enabled to protect themselves from moral danger and exploitation. As they go, the objects are very laudable. If they are achieved, it will be an ideal achievement. But this makes the task a little more difficult. The management of these homes and institutions also becomes very difficult. We find that in big colleges and Universities we have not been able to do anything or if at all very little, on these lines. I do not know how we shall be able to do the same in respect of these delinquent and neglected children when children who are very well brought up by their parents have not been amenable to the reform we are contemplating. I think the agency we require in this respect should be of a very high moral standard. Ordinary agencies will not be of much help.

Then there is the question of after-care agencies or organisations. I think the idea was misunderstood by the hon. Member who said that they shall be kept seceded and apart. The object of these after-care organisations will be to try to put these children who are grown up in life in some useful job. They shall be given some work; they shall be provided with some business so that they may be put on a good career. That is, I think, the most important arrangement.

As I just now submitted, arrangement has also to be made, in case institutions are not there, to make use of foster homes. If these children are given over to private persons who are considered fit according to the administrators and the rules framed, and who are fit to take charge of these children it may be good. But, sometimes, in such cases these children may be exploited and misused. They may be used as menial servants. So,

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the chances of these children being trained and prepared for life suitably would be rather difficult in the hands of the private persons. May be there might be some good families. It has been said that if they are kept in families it would be much better. There is no doubt about that. But the chances are that they may be exploited also. Therefore, I do not think that they should be generally given over to families. Especially, in the case of girls, I would request the hon. Minister to see that girls are not placed in private families. They should be kept in properly managed Homes. Even the children of persons of bad character who had been leading a bad life and who had been leading immoral lives are not safe in the custody of their parents, as some arrangement has been made in this Bill it is very welcome.

Sometimes, even the own mother of the child is not the proper guardian. There also action may be necessary.

Suggestion has been made that some more women may be employed in these institutions. There is no doubt that it is a welcome idea but that women alone should be employed is not necessary. Quite a large number of men could also be suitably employed. If preference is to be given to women I have no objection.

The hon. Minister said that though there were difficulties, still some step was to be taken, to start with. I think it is a good idea. An objection that was raised by some of my hon. friends is that the Code of Criminal Procedure is being employed for these cases. I think it is a wrong idea. So far as the delinquent children are concerned, in the court the Criminal Procedure Code is not being acted upon. As a matter of fact, there is a different procedure laid down and the rules shall also provide the procedure to be followed by the competent authority in holding enquiries under this Act. They shall

be made separately under the provisions of clause 59 of this Bill. Therefore, there should be no fear on that account.

Another objection is that grown-up boys and girls are being kept in the same Homes. I think there should be a separate provision for that. It is not proper that they should be kept together.

So far as the provisions of this Bill are concerned, of course, great advance has been made over the enactments of Bombay and other States and the enactments which we find in respect of other countries. Still I submit its implementation is a difficult task. That is the main thing to be looked into. There are economic conditions which really stand in the way; then, there is want of proper personnel. Another difficulty is the standard of psychological knowledge and morality of the people who are to be employed and also the huge organisation that we shall require to work this out and the huge funds that we need. The management of these Homes and all these things will come in the way of implementation.

Lastly, I would submit one point. I do not know how far it will be possible to make arrangement for it. The definition of beggars as given in this Bill probably includes sadhus and mahants and others whose profession is to beg and also Sarvodaya workers who are working there accepting alms from people. There should be some provision by which they could be exempted from the mischief of this Bill. There might be some difficulty in respect of such children who live upon these alms. Otherwise, they might also be entangled and it may become difficult to get them out of the clutches of the law.

Only one more point and I finish. There is the question of joint trial. It

is very difficult to separate the trial of the child and the adult who commit the offence together. There might be some legal difficulty. If the adult is convicted and if he is sentenced to say 5 years' imprisonment and the judgment is sent to the court where the child is being tried, there might be some difficulty for the court. There should be some specific provision as to what attitude the court should adopt in respect of judgments when one of the actors in that transaction is sentenced and the other is a child and he is being tried separately.

श्रीमती शकुन्तला देवी (बांका) :

उपाध्यक्ष महोदय, शिक्षा मंत्री महोदय ने यह जो चिल्ड्रेंस बिल इस हाउस में पेश किया है उस के लिए मुझे बहुत खुशी है और मैं उसका हृदय से स्वागत करती हूँ। वे इसके लिए हमारी बधाई के पात्र हैं। इस बिल से हमारे बच्चों की अवश्य भलाई होगी क्योंकि अभी भी हम अपने देश में बहुत बच्चे ऐसे देखते हैं जो कि अनाथ हैं और सड़कों पर इधर-उधर भीख मांगते फिरते हैं। उन बच्चों के लिए कोई ऐसा स्कूल या होम्स नहीं हैं जहाँ कि उनकी देख भाल की जा सके और उनको शिक्षित किया जा सके।

रेलवे स्टेशनों पर देखा जाता है कि हजारों बच्चे भीख मांगते फिरते हैं। उन के मां, बाप होते हुए भी वे भीख मांगते हैं और हकीकत यह है कि उनके मां, बाप अपने उन बच्चों से भीख मंगवाते हैं क्योंकि भीख मांगना यह उनका एक पेशा हो गया है और लोगों के मना करने पर भी वे भीख मांगना नहीं छोड़ते और कहते हैं कि काम करके कमाने की क्या जरूरत है जब कि हमको इसी तरह भीख मांगने से आमदनी हो जाती है और हमारा गुजर बसर हो जाता है। इसलिए मेरा निवेदन है कि ऐसे बच्चों के लिए जल्दी से जल्दी इस ऐक्ट को लागू करें और उनकी भलाई के लिए इंस्टीट्यूट्स खोलें और उचित शिक्षा का बन्दोबस्त करें। नेगलेक्टेड बच्चों की पढ़ाई के वास्ते और उनको ठीक तरह से

देखभाल करने के वास्ते ट्रेंड महिला टीचर्स रखी जायें ताकि उन बच्चों को उचित शिक्षण दिया जा सके और शिक्षा देने के साथ ही साथ उन बच्चों को टेकनिकल ट्रेनिंग भी दिलवाई जाय ताकि वे उपयोगी नागरिक सिद्ध हो सकें और भली भांति अपना जीवन यापन कर सकें क्योंकि आगे चलकर उनके सामने रोजगार की समस्या खड़ी हो जायगी।

दूसरी बात यह है कि आजकल बहुत सी पढ़ी लिखी महिलाओं के बच्चे की भी ठीक से देखभाल नहीं हो पाती

उपाध्यक्ष महोदय : अभी तक माननीय सदस्या की आवाज रिपोर्टों तक नहीं पहुंच सकी है इसलिए वह या तो जरा आगे को बढ़ आयें या फिर जरा जोर से बोलें।

श्रीमती शकुन्तला देवी : इस का कारण यह है कि हमारी स्त्रियों में उचित शिक्षा की आम तौर से कमी है। इसलिये मैं मंत्री महोदय से निवेदन करूंगी कि सब से पहले वे एक अर्मेन्डिंग बिल लायें जिस से पहले महिलायें एक अच्छी मां तथा सदाचारिणी गृहणी बनें। औरतों को लड़कों का पालन करने की शिक्षा दी जाय, क्योंकि आज कल कालेज में लड़के और लड़कियां पढ़ने जाती हैं परन्तु उन को यह शिक्षा नहीं दी जाती है कि बच्चों को किस तरह से पाला जाय और और किस तरह से रक्खा जाय। इस का नतीजा यह होता है कि जब उन के बच्चे होते हैं तो वे उन को दाइयां और आयाओं को दे देती हैं और खुद उन पर ध्यान नहीं देती हैं। और वे बच्चे अच्छी तरह से नहीं रखे जाते। इस तरह की बात अधिकतर देहातों में ही होती है क्योंकि बेचारा किसान दिन भर अपने खेतों में काम करता है और उस के पास अपने बच्चों के पालने के लिये समय नहीं रहता है। न वहाँ पर उस के बच्चों के पढ़ने के लिये न अच्छे स्कूल हैं और न उन के खेलने के लिये चिल्ड्रेन्स पार्क हैं, जिस के

[श्रीमती शकुन्तला देवी]

कारण उन की मनोवृत्ति गन्दे-गन्दे लड़कों के साथ खेलने की हो जाती है और उनकी आदत खराब हो जाती हैं। आगे चल कर वही लड़के चोर और डाकू बन जाते हैं। इसलिए शिक्षा मंत्री महोदय से मैं कहना चाहती हूँ कि शहरों से पहले देहातों में वे इस तरह के इंस्टिट्यूट्स खोलें जिन में किसानों के बच्चों को शिक्षा दी जाय क्योंकि अभी तक जितने अच्छे से अच्छे स्कूल हैं वे शहरों में ही हैं, देहातों में नहीं हैं, और यही कारण है कि देहातों के बच्चे पढ़ नहीं पाते हैं।

वेलफेअर बोर्ड जो रक्खे गये हैं उन में ज्यादा से ज्यादा महिलाओं को रक्खा जाय क्योंकि महिलायें इस चीज को ज्यादा अच्छी तरह समझ सकती हैं और ज्यादा अच्छी तरह से काम कर सकती हैं। हिन्दुस्तान में सोशल वेलफेअर बोर्ड है, उस में चिल्ड्रेन वेलफेअर स्कीम हैं जिन को बालबाड़ी कहते हैं, उन बालबाड़ियों में उन शिक्षिकाओं को रक्खा जाता है जो मिडल पास की ट्रेनिंग करती हैं जो उन को अच्छी तरह ट्रेनिंग नहीं दे सकती हैं। उन को वेतन कम मिलता है। वे इस काम को अच्छी तरह से नहीं कर सकती हैं क्योंकि उन की ट्रेनिंग अच्छी नहीं होती है। इसलिये मैं मंत्री महोदय से निवेदन करूंगी कि इन इंस्टिट्यूट्स में अच्छी से अच्छी ट्रेन्ड टीचर्स रक्खी जायें।

श्री प्रकाश बौर शास्त्री (गुड़गांव) :
उपाध्यक्ष महोदय, संघ शासित प्रदेशों के बच्चों की अपराधी वृत्ति पर रोक लगाने के लिये जो यह विधेयक सदन में उपस्थित किया गया है, मैं उस का स्वागत करता हूँ। जिन बच्चों में अपराधी प्रवृत्ति जागृत होती है उन में से कुछ इस प्रकार के हैं जिन के सिर पर से बचपन में ही माता पिता का साया उठ जाता है, कुछ बच्चा उन में इस प्रकार के हैं जो ऐसी बुरी सोसायटियों में फंस जाते हैं कि जिन में आगे चल कर उन में

अपराधी प्रवृत्ति जागृत होती है। कुछ ऐसे भी बच्चे देखे गये हैं जो सौतेली माता आदि के व्यवहार से इस प्रकार उपेक्षित हो जाते हैं कि फिर आगे चल कर उन को अपराध करने के लिये विवश होना पड़ता है। परन्तु केवल इतना ही नहीं मैं यह बतलाना चाहता हूँ कि जो बच्चे उपेक्षित हैं उन के अन्दर ही अपराधी प्रवृत्ति जागृत हो रही है ऐसा नहीं है, अपितु सच तो यह है कि जो उपेक्षित बच्चे हैं उन के अन्दर भी अपराधी प्रवृत्ति धीरे धीरे जागृत होती चली जा रही है। माता पिता इस बात के लिये प्रयत्नशील हैं कि किसी प्रकार उन के बच्चे सद्गुण और सद्व्यवहार सीखें परन्तु सोसायटी और वातावरण इस प्रकार का है कि वे इस में सफल नहीं हो पाते। इसलिये मेरा सब से पहला निवेदन इस विधेयक के सम्बन्ध में विचार करने से पूर्व, शिक्षा मंत्री से, यह है जैसा कि कल ही आचार्य विनोबा भावे ने वाराणसी के अन्दर मुझाव दिया है, और वह मुझाव बहुत व्यावहारिक है, कि जिस प्रकार से हमारे देश में और बहुत से दल या संघ बन रहे हैं उसी प्रकार से अगर एक अभिभावक संघ बनाया जाय, माता पिता इस प्रकार का अपना संगठन बनायें जो अपनी ओर से समस्याओं के सम्बन्ध में थोड़ा व्यावहारिक दृष्टि से विचार करे और वे लोग आपस में बैठ कर बच्चों के सम्बन्ध में कोई मार्ग निकालें तो बड़ा उपयुक्त होगा।

दूसरी बात जो मैं विशेष रूप से शिक्षा मंत्री जी से कहना चाहता हूँ वह यह है कि प्रायः यह देखा गया है कि स्वतंत्र होने के पश्चात् बालकों के सम्बन्ध में जितनी भी पुस्तकें प्रकाशित हो रही हैं, उन पुस्तकों के अन्दर भौगोलिक बातें पर्याप्त मात्रा में होती हैं, वैज्ञानिक बातें पर्याप्त मात्रा में रहती हैं, एतिहासिक बातें भी पर्याप्त मात्रा में रहती हैं, परन्तु नैतिक और धार्मिक विचारों को प्रोत्साहन देने वाली चर्चायें, जिन में छोटे

छोटे बच्चों को सिखलाया जाता था कि चोरी नहीं करनी चाहिये, झूठ नहीं बोलना चाहिये, उन का माता पिता और गुरुओं के प्रति क्या व्यवहार होना चाहिये, धीरे-धीरे लुप्त होती जा रही है। उन पुस्तकों में इतना जरूर मिलेगा कि भारत का मान चिन्न कितना है, काश्मीर कहां पर है, किस देश की किस प्रकार की स्थिति है, कौन सी जाति विशेष रूप से कहां पर रहती है। इसलिये मैं चाहूंगा कि अपराधी प्रवृत्तियों पर रोक लगाते समय जहां और बातों पर विचार किया जा रहा है वहां शिक्षा मंत्रालय की ओर से इस बात के ऊपर अवश्य विचार किया जाना चाहिये कि छोटे बच्चों की जो पुस्तकें प्रकाशित की जा रही हैं उन में नतिकता को प्रोत्साहन देने वाली बातों का जोकि बच्चों के व्यवहार के निर्माण में सहायक होती है, अवश्य समावेश किया जाय।

तीसरी बात जो मैं इस विधेयक के संबंध में विशेष रूप से रखना चाहता हूं वह यह है कि जहां तक मेरी अपनी जानकारी है, इस प्रकार के विधेयक भारत के कुछ दूसरे प्रान्तों में भी हैं, लेकिन सारे प्रान्तों में इस प्रकार के विधेयक नहीं हैं। यह विधेयक उन विधेयकों की पृष्ठ भूमि के आधार पर तैयार किया गया है और उन विधेयकों में अपराधी प्रवृत्तियों पर रोक लगाने की बातों में जो त्रुटियां हैं उन को इस में से हटाने का प्रयास किया गया है। यदि इस में कोई वैधानिक आपत्ति न हो और इस विधेयक को सम्पूर्ण भारत में प्रचलित किया जाता तो अच्छा होता। जिन प्रान्तों के पास अपराधी प्रवृत्तियों को रोकने के लिये अपने विधेयक हैं, सम्भव है उन के लिये इस की आवश्यकता न हो, लेकिन जिन प्रान्तों में इस प्रकार के विधेयक नहीं हैं, यदि उन पर यह विधेयक लागू किया जाय किसी प्रकार, तो मेरा अपना विश्वास है शिक्षा मंत्रालय की ओर से यह देश की भलाई के लिये बड़ा भारी काय होगा।

चौथी चीज जो मैं इस विधेयक के संबंध

में कहना चाहता हूं वह यह कि इस में दो प्रकार की व्यवस्थायों की गई हैं। एक तो चिल्ड्रेन्स कोर्ट की और दूसरी वेलफेअर बोर्ड की। लेकिन चिल्ड्रेन्स कोर्ट और वेलफेअर बोर्ड के जो अधिकार हैं वे लगभग बराबर बराबर हैं। मेरी माननीय बहन श्रीमती जयाबेन शाह ने अपने भाषण में एक बात कही थी कि "कोर्ट" शब्द ऐसा है कि जो बालकों के न्यायालयों हैं उन में चाहे जितनी सरलतापूर्वक और सुविधापूर्वक बालक रखे जायें लेकिन इस शब्द के पीछे जो भावना लग गई है वह माताओं पिताओं और बच्चों के मस्तिष्क के लिये एक बहुत भारी चीज हो जायेगी। मेरा अपना विचार इस प्रकार का है कि जो यह वेलफेअर बोर्ड है अगर उसके अधिकार बढ़ा दिये जायें और इस के लिये कोई अलग कोर्ट न बनाये जायें, एक ही वेलफेअर बोर्ड बनाया जाये, तो यह कहीं अधिक सुविधाजनक होगा। जैसा अभी श्री उपाध्याय ने कहा कि जो इन अधिकारियों का चुनाव हो वह केवल उन की परीक्षा सम्बन्धी योग्यता के आधार पर नहीं होना चाहिये अपितु जो वेलफेअर बोर्ड के अधिकारी हैं उन के लिये यह देखा जाय कि उनकी पिछली सामाजिक सेवाओं का इतिहास क्या है और जिन व्यक्तियों को इस प्रकार के कार्यों में रुचि हो, उनको यह कार्य सौंपा जाय तो इस प्रकार के वेलफेअर बोर्ड अधिक हितकर सिद्ध हो सकेंगे। मैं इस कथन से भी सहमति व्यक्त करूंगा कि इस प्रकार के बोर्डों में, जो कि बच्चों की अपराधी प्रवृत्ति पर रोक लगाने के लिये बनाये जायें, अगर उन में महिलाओं के लिये ज्यादा स्थान रहे तो अधिक उपयुक्त होगा। हमारे यहां माता और पिता शब्दों की जोर व्याख्या की जाती है उसको आप देखिये। माता पिता की व्याख्या संस्कृत में क्या है? माता पिता शब्दों की व्याख्या करते हुए लिखा है :

"माता निर्माता भवति, पातीति पिता"

[श्री प्रकाश वीर शास्त्री]

जो रक्षा करने का काम करता है उसे पिता कहते हैं । लेकिन निर्माण करने का काम माता को ही सौंपा गया है । हम इस विधेयक को बनाते समय बालकों की प्रवृत्तियों के निर्माण की ओर जा रहे हैं, इसलिये माता अथवा नारी का दायित्व बहुत बढ़ जाता है । इसलिये यदि इस प्रकार के बोर्डों में नारियों का स्थान विशेष रूप से रक्षित जायेगा तो यह विधेयक अधिक उपयोगी सिद्ध हो सकेगा ।

पांचवाँबात जो मैं इस विधेयक के सम्बन्ध में कहना चाहता हूँ, हमारे शिक्षा मन्त्री उस पर विचार करें । इस विधेयक पर विचार करते समय इस प्रकार के बोर्डों के जो अधिकारी चुने जायेंगे उन के कार्यकाल का कोई निर्देश नहीं किया गया कि कितने दिन तक वे इन बोर्डों के अन्दर काम करेंगे । जब कोई इस प्रकार के संगठन बनाये जाते हैं तो उनमें इस प्रकार की बात होती है कि अमुक अमुक व्यक्ति का इतना कार्यकाल होगा, और यदि वह इस संगठन के नियमों के विपरीत कार्य करेगा तो उसे इस संगठन से हटा दिया जायगा, यदि बीच में ही इस प्रकार की बात हो गई, तो उसे बीच में ही हटा दिया जायगा । लेकिन इस विधेयक को बनाते समय इस पर ध्यान दिया जाय कि इसमें यह न्यूनता रह गई है । मैं समझता हूँ कि आगे के लिये कम से कम ऐसी न्यूनता को सम्भाला जा सकेगा ।

एक बात मैं और आवश्यक रूप से कहना चाहता हूँ, और वह यह कि हम अपराधी बालकों की प्रवृत्तियों पर नियन्त्रण लगाने के लिये, इस विधेयक को सदन में लाये हैं तो उसमें इतना ध्यान रक्षित जाना चाहिये कि जितने स्कूल्स हैं, चिल्ड्रेन्स होम्स हैं, आब्जर्वेशन होम्स हैं, उन में लड़कों और लड़कियों के एक साथ रहने की जो व्यवस्था है वह न हो तो अधिक उपयुक्त होगा । हम वह बालक

वहाँ लायेंगे जिनमें पहले से अपराधी प्रवृत्तियाँ जागृत हो चुकी हैं और हम चाहेंगे कि उन प्रवृत्तियों को रोका जाए, उन पर नियन्त्रण किया जाए, लेकिन अगर दोनों को एक ही स्थान में रखने की व्यवस्था की गयी तो भय है कि उन प्रवृत्तियों में और कहीं दूसरा मार्ग न खुल जाए । इसलिये मेरी अपनी इच्छा है और हमारा पुराना व्यवस्थाक्रम भी इस प्रकार का है कि इन दोनों को पृथक् पृथक् रखा जाए । अगर आपके पास उनको पृथक् रखने के लिये अलग अलग स्थान न हों तो भले ही उन भवनों के बीच में एक दीवार बना दी जाए, लेकिन अगर बालक और बालिकाओं को पृथक् पृथक् रखने की व्यवस्था करेंगे तो अपराधी प्रवृत्तियों पर नियन्त्रण रखने में कुछ अधिक सफलता आपको मिलेगी ।

मैं एक बात और कहना चाहता हूँ । आप बालकों की अपराधी प्रवृत्ति पर नियन्त्रण लगाने के लिये यह विधेयक लाये हैं, लेकिन जो उनको इन प्रवृत्तियों की ओर ले जाते हैं उनके लिये कोई व्यवस्था नहीं की गयी है । आपको इस प्रकार के लोगों के संगठन भी मिलेंगे । आप दूर क्यों जाएं, दिल्ली स्टेशन पर ही देखिए कि किस प्रकार बहुत से व्यक्ति छोटे छोटे बच्चों की टोलियाँ बना कर उनसे इस प्रकार के कार्य करवाते हैं । एक दृश्य मैंने स्वयं देखा । एक व्यक्ति एक बच्चे को बुरी तरह पीट रहा था और बच्चा तड़प रहा था । उसके बच्चे को जोर जोर से मारने पर बहुत से लोग जमा हो गए । वह बच्चा जो पीट रहा था एक सज्जन के पैरों में लिपट गया । आप जानते ही हैं कि इस प्रकार पिटते हुए बच्चे को देख कर आदमी को दया आ जाती है । लेकिन उस बच्चे के उस सज्जन के चिपटने के बाद भी वह व्यक्ति बच्चे को पीटता रहा । खैर किसी प्रकार उस बच्चे का पीटना रोका गया और वह सज्जन रेल के डब्बे में बैठ गए लेकिन थोड़ी देर बाद देखते हैं तो

उनका बटुका नदारद है। तो इस प्रकार की आदतें भी बच्चों को डाली जाती हैं। ऐसी स्थिति में उस बच्चे को उतना अपराधी न माना जाए लेकिन जो बच्चे में इस प्रकार की प्रवृत्ति जागृत करते हैं उनको दोषी माना जाए और ऐसे व्यक्तियों के लिये भी कोई व्यवस्था की जानी चाहिये।

एक बात मैं और विशेष रूप से कहना चाहता हूँ कि इस विधेयक में पुलिस को अधिक अधिकार दे दिये गये हैं। इसमें व्यवस्था है कि बच्चा २४ घण्टे तक पुलिस की कस्टडी में रहेगा और अगर उसको केन्द्र तक ले जाने की व्यवस्था न हो पाये तो उसको २४ घंटे से भी अधिक पुलिस की कस्टडी में रखा जा सकता है। मेरा अपना विचार है कि पुलिस की कस्टडी में २४ घंटे या इससे अधिक रखने की बजाए अगर ऐसे सामाजिक केन्द्रों की व्यवस्था की जा सके जिनमें बच्चा केन्द्र में जाने तक रखा जा सके तो ज्यादा उपयोगी होगा।

अन्त में अपने वक्तव्य को उपसंहार की ओर ले जाते हुए मैं एक निवेदन विशेष रूप से करना चाहता हूँ। हम देखते हैं कि हमारे शासन की यह प्रवृत्ति हो गयी है कि जिन समस्याओं का सामाजिक स्तर पर हल किया जा सकता है उनके लिये भी कानून बनाया जाता है। अगर इस समस्या का सामाजिक स्तर पर हल करने का प्रयास किया जाए तो ज्यादा उपयोगी होगा। इस प्रकार का कार्य करने वाली संस्थाएँ हैं, जैसे राम कृष्ण मिशन है, आर्य समाज है और दूसरी बाल संस्थाएँ हैं। अगर इन संस्थाओं का सहयोग प्राप्त किया जाये तो यह कार्य अधिक सुविधा के साथ हो सकता है। मैं निवेदन करता हूँ कि इस प्रकार की छोटी छोटी बातों के लिये कानून बनाने की प्रवृत्ति पर नियन्त्रण लगाना चाहिये और जो समस्याएँ सामाजिक स्तर पर हल हो सकती हैं उनको सामाजिक स्तर पर ही हल करने का प्रयत्न किया जाना चाहिये।

Shri D. C. Sharma: Mr. Deputy-Speaker, Sir, this Bill is the mirror of the sick civilisation and of the diseased society in which we are living these days. This Bill does not refer to the problems of our own country and our own age, but this Bill deals with problems that are global in their extent and that can be found in all countries of the world.

I am glad, Sir, that the Minister of Education has made a beginning in solving these problems and I wish good luck to him. But I will say this much, that the children's problems can be solved only when the society in which they live is a happy society, only when the society in which they live is free from tensions and frustrations, only when the society in which they live is free from those social maladies that are prevalent everywhere.

This world is today a battle ground for social forces against anti-social forces. Those anti-social forces have caught hold of not only adults but also children. That is why we have so many delinquent children. That is why we have so many neglected children. The family tie is getting looser and looser, and the result of that is that we have come across a new type of child called the neglected child. The social forces are diminishing day by day, and that is why we have delinquent children.

Now, how are we going to deal with them? I find that this Bill has been prepared with the utmost care and with a great deal of thoroughness. All the machinery that one can think of in terms of law, in terms of welfare agencies, in terms of homes and schools and in terms of organisations has been provided. I do not think anything has been left out here. All the paraphernalia, all the machinery for the care for children

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is to be found in this Bill. But I ask you one question. Will our problem of children be solved by these courts, by these welfare boards and by these homes and special schools? No, Sir. This problem of children will not be solved merely by that. But if this Bill succeeds in arousing the social conscience of the people of India towards the neglect of children, I think this Bill would have served a purpose.

Therefore, Sir, I think this Bill is more a warning to our nation, more a warning to our country than anything else. It is more a remembrance of the pitfalls into which our society is going than anything else.

Looking at this Bill, Sir, I find that it is weighted too much in favour of the urban society. What is this urban society? I think all the ills that we have today stem from this urban society and spread over to the other parts of our country. But 80 per cent of the people live in the villages. I would say that something should be done to provide adequate protection and relief to those children who are living in the villages. I know it will be said that this Bill will apply to the Union Territories also. I also know that by "Union Territories" it will mostly mean Delhi or some other big city, and the people of the villages will be neglected. Sir, the children living in the villages need as much care and protection as the children who are living in our big cities.

Another point that I want to make is this, that the provisions given in Chapter VI dealing with special offences in respect of children should be broadcast and should be made known everywhere. These are very wholesome things. I think these form the backbone of this Bill. Other people may think that courts and

other things are good, but I feel that the special offences in respect of children which are dealt with in this chapter form the very marrow of this Bill.

I think this Bill should be a warning to those persons who practise any kind of cruelty to children. So far as cruelty to children is concerned, one can walk a hundred yards in any city or village and one will find many instances—of course, sometimes cruelty is deliberate and sometimes cruelty is indeliberate. But cruelty is there—mothers are cruel to children, parents are cruel to children, brothers are cruel to sisters and so on. I think we are living in an atmosphere of cruelty and the sooner we get rid of it the better.

16 hrs.

Again, I find that we are living in an age of exploitation, and while we are exploiting workers and everybody else we have started exploiting children also. I know that when I used to go to the railway station a young boy used to come to me and pin a tricolour flag on my coat. At first I did not understand what it was about. I thought he was a very good boy who was very patriotically inclined. But afterwards I realised that it was a form of begging. So, all kinds of beggings are taking place in this country. There are certain persons who try to kill the soul of children by giving them all kinds of intoxicating drugs. Then there are the beedi workers who make money by selling beedies. I would like you to go and see the places where beedies are manufactured, and you will find how all kinds of sweat and labour methods are employed there, and most of those who are engaged in it are young. So, all kinds of exploitation are practised on children. I believe that this is something which we should avoid.

Much has been said about the relative merits of men and women so far as the administration of the Bill is concerned. I have all respect for women, because I know they deserve it and I revere my mother much more than anybody else, and I thank God—she is still alive.

A Hon. Member: What is her age?

Shri D. C. Sharma: I have every respect for her. What I say is, this is not a case of men and women and it is not that men can do more justice to children than women can. I can tell you, whether a person is a man or a woman, only that woman and only that man can do justice to the cause of children who has the heart of a child. Tagore had the heart of a child and he would have done much more justice to this Bill than any woman could. I think that the Government should be very careful when it appoints members of the board and appoints the probation officers, etc. I think that these appointments should not be done in the usual bureaucratic fashion.

Shri Supakar: How can you diagnose a child's heart in man?

Shri D. C. Sharma: I can tell the hon. Member that he has a child's heart within him. (*Interruption*).

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri D. C. Sharma: I shall finish in a few minutes. So far as the appointment of the persons under this measure in the Union territories is concerned, I should think that the Government should override the bureaucratic methods that they use in employing other officers. These officers are not to be treated as officers of the Indian Foreign Service or the Indian

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Administrative Service. They should be treated as officers who have some kind of missionary zeal in them. I think that for the working of these provisions, we require men of missionary zeal rather than men with a knowledge of psychology or economics or sociology or law.

We are having a Law Commission and the Commission is revising our laws from time to time and those reports are coming to us for our scrutiny and for our information. I believe that if we are going to have children's courts and other things we should do away with the Indian Penal Code and the Indian Criminal Procedure Code, and we should have a new code which should be called the Children's Code; we should judge the children by that code, and try to guide ourselves by that code. I think this suggestion can be made use of by the Law Commission, and that would be a unique step that our country could take towards progress.

The Education Minister has told us about the good points in the Bill. But he has not told us how much of money is going to be allotted for the working of the Bill. The Bill is good, and it is like the plan of a building. The plan of the building is good, but I want to know how much money is going to be spent in putting up that building—whether it will be a one-storeyed or double-storeyed or multi-storeyed building. Therefore, I would like the Minister to tell us how much money he is going to get from the Consolidated Fund of India for working this Bill and making it a success.

As the hon. Minister said, this Bill is of a very educative value. I think it is so, but I would also want the Bill to be one of practical value, and the practical value of the Bill could be felt only when ample funds are

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available, and when the machinery for running these boards and homes is good, and when the officers are such as will work this Bill in a spirit of unselfishness and a spirit of service.

Shri Radha Raman (Chandni Chowk): Mr. Deputy-Speaker, Sir, I also want to join the chorus of thankfulness to the Minister for bringing this Bill before the House. I am however unable to appreciate the long time that it has taken to become law. I find that much labour has been bestowed on it in order to bring the Bill to its present form. But after it went to the Joint Committee, I find that the changes which have been made in it, are all very good and have in fact, improved the Bill to a great extent.

I however find that there are still many deficiencies in it, and until they are removed either by some convention or legislative provisions, the Bill will not serve the purpose for which it has been brought before us. In the first instance, I find that the words used in this Bill do not sever themselves from the atmosphere, which in fact vitiate the objects of the Bill. On the very opening page itself, the Bill mentions words such as "trial of delinquent children" etc. The word "trial" is bad. I somehow could not reconcile myself to the fact that in a Childrens' Bill a child was going to be tried. I thought that the persons who were in charge of framing and bringing forward this Bill, had given full of consideration to this. We have to create a completely different atmosphere if we want our children to grow as really true citizens of our motherland. We have used the words 'magistrates', 'court', 'police' and so on and so forth. On the face of it, almost all such words vitiate the object for which this Bill was designed. I most humbly suggest to the hon. Minister of Education that in the matter of application or implementation of the

various provisions of the Bill and also in framing the rules which will guide the implementation of this Bill, there should be more and more emphasis and attention paid on the fact that we have to deal with the child in a much different way than we deal with other people. The Bill provides two different agencies for the neglected child and the delinquent child. One will be the child welfare board and the other will be the children's court. In the first instance, I quite agree that it is desirable to deal with these two types of children in two different ways. But I certainly feel that if you really want a child, either a neglected child or a delinquent child, to get to his or her own, then, we have to see that these child welfare boards and the children's courts are not so named and are not made to act in the manner that other courts and other welfare boards are acting. When we deal with a child, we deal with a plant, and it has got a tendency to be directed or to be guided in any manner we like. Unfortunately, I should say that an average child in India, in my opinion, is a neglected child. We see around us all kinds of miseries befalling the children whom we want to grow up as true citizens of our motherland. We have been crying hoarse for 13 years that their lot should be improved, but I see that crores of children do not get proper food, proper clothing and proper educational and medical facilities, which are the right of every child in every civilised country. We have not been able to provide that. I do not know how it will be possible, in the circumstances as they exist today, to take care either of neglected children or of delinquent children. Anyway, I welcome this step that has been taken and I hope that with this Act, we shall be able to move forward a little, if not to the extent we would like to and there will be certain happy and healthy results.

In this Bill, it has been stated that there will be an administrator and

he will be advised by the child welfare board in all matters. This is a very good provision and let us hope that it will bring the results we are aiming at. But I feel that for the satisfactory implementation of this Bill, there is need for having widespread education among the parents. At least 75 per cent of the parents do not object their children to tell lies and they want that the children should not be delinquent. We actually do not pay due attention to their dress and other things and we want that the child should not remain a neglected child. These two things cannot go together. It is a big task which is assigned to the Government in order to make the children healthy and wholesome and make them proper citizens to discharge their duties when they come of age. So I welcome this Bill but at the same time I want that more attention should be paid towards spreading education among the parents.

There are already parents' associations and teachers' associations, but they are not able to discharge the responsibilities that enjoin on them. Therefore, it is necessary that these child welfare boards and other agencies that are being created should first create an atmosphere in which a child coming under their supervision may be completely at home. The child should feel that it is in a family; he should be treated as such and he should not feel he is having a stigma that he is an illegitimate child or that he is being tried in a court and there is a policeman taking him from one place to another and so on. Even if a policeman catches his hand and takes him to the parent, the very fact that the policeman has caught him creates an impression in his mind which lasts and ultimately spoils the object for which we want the child to go to the welfare board or to the trying court. So, it is absolutely necessary that more attention and more emphasis should be placed on this aspect.

Hon. Members have suggested that there should be tried missionary personnel who have got a real desire to help the child grow in a proper manner. I fully agree with it, but emphasis has been laid on psychologists. I somehow do not agree that a theoretical psychologist is a fit person to deal with delinquent children. There is that experience required and there may be hundreds of experienced men who may prove to be better men to deal with children than the theoretical psychologists with book knowledge only.

Therefore, in dealing with this, we should not be rather rigid. We should try to take help from all quarters—official and non-official, men and women. Our main object should be that the person who is put in charge of the child, should have real affection and love for the child. He or she should have that mission of life to make a boy or a girl a fit citizen of the country. That sort of thing will certainly bring good results.

I once again welcome this Bill and I congratulate the hon. Minister for bringing it forward. But I have my own apprehensions that unless the rules are framed in a proper way, unless the persons are selected in a proper way and they have the spirit of service in them, the results may not be as good as are anticipated. I hope some of the deficiencies which I have pointed out in it will be also removed.

Shri C. R. Pattabhi Raman: Sir, the importance of children in society cannot be over-estimated. Whatever the other ideological differences may be between the Soviet Union and USA, they are one in this that they give first priority to the treatment of children from their early age right up to their attaining majority. The care of children is given a high place in those countries. Similarly in Sweden, expert care is being bestowed on children and after-care of children. Child psychology or paediatrics as it is

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called, has not advanced to such an extent and what appears at first sight to be delinquency really turns out to be a mental state which is curable. Precisely for that reason there are many children's homes, with experts guiding them and administering them.

It is true that in western countries, the problem of children has taken a different course from what it is in ours. In the west, it is on account of the broken home and children being left to themselves that in USA, for example, we have teddy boys, who even commit murders and who are responsible for a number of rapes. The delinquency has advanced so much. I am not painting a picture which is too red and exaggerated, but the fact remains that it is a big problem. Even in London, there are teddy boys in street corners. They are being handled with some little anxiety and care.

It is but proper that the Central Government should give the lead in this matter. We had a Bombay Act which is rather dilapidated and which was not serving the interests of children properly. 1948 was the last occasion when it was amended. So, I hope the lead given by the Union Education Ministry will be taken up by the other States and they will enact this sort of legislation.

It is true that you must have institutions for taking proper care of not only delinquent children, but also of neglected children. A proper approach is necessary. Frequent reference has been made to women being in charge of children's homes and to women having a predominant voice. While I heartily welcome it, I want the hon. Lady Members to note that so far as honorary magistracy is concerned, women magistrates are very much more severe than men magistrates.

Shri Palaniyandy (Perambalur): In Madras we have got very good women magistrates.

Shri C. R. Pattabhi Raman: In Madras also, the sentences are more brutal and severe. We must not have a rigid rule. You must not exclude the male variety so far as the administration and treatment is concerned. That is all I am pleading for.

With regard to the recognition of homes, I am very glad that clauses 10, 11 and 12 deal with the various stages of recognising institutions connected with children's care. In Madras we have the example of Sevasadan. A retired judge, Shri Venkatasubba Rao and his wife took up a huge institution. They have reclaimed many children. Many of those children are doing very well in life. We have Bal Mandir and most important of all we have the Ramakrishna Mission Students' Home which have been able to help and reclaim children. Similarly, the Avvai Home in Madras has been doing very important work. I am sure every State will have many bal mandirs.

The approach to all this has to be a scientific approach. The beginning menace is there. There is no doubt about it. The way children are used for begging purposes is a crying shame specially when the tourists come. I am surprised to see that our police authorities are so slack that a group of tourists is left alone. They are allowed to see anything. The moment they get out of the cars, they are surrounded by beggars. Most of these beggars are using children as aids for the purpose of begging. They must be severely dealt with. I have no doubt that the anti-begging laws will be applied rigorously and that the Children Bill be a good beginning and lead in so far as putting down of begging is concerned specially by children.

Rehabilitation of a delinquent child after he is taken into the home is very important. For that purpose the administrator must be a qualified man. You will have to teach and equip the many administrators and

their assistants so far as children's treatment is concerned. Many a time you will find that a child's case is a psychological case. He may be suffering from some neurosis or some complex and may be trying to shake it off. He may not have had a good home and parental care. That is precisely what is wanted in all these homes, that is, tenderness and a real spirit of trying to understand the child's mind. That is most important in all these children's homes. For that we must have really and scientifically qualified persons who will look after the children.

Children's homes should not merely be homes receiving neglected or delinquent children. They must also have educational facilities. They must have medical facilities. This is very very important. I also think—I agree with the one or two speakers who referred to this—that after a certain age these children should not be mixed up. Girls should have separate homes and boys should have separate homes. It is very proper that there should be segregation after a certain age specially with regard to delinquent children.

It is a very great pity that a child starts very early in his life trying to tell a lie and steal and not see anything wrong in these things. It will be a tremendous task to reclaim and rehabilitate them later on. Therefore trained officers to deal with the children's troubles with sympathy, care and some little expertise will be very very important.

I am glad that special provisions have been made in Chapter VI of the Bill now before the house. The punishment for cruelty to children is there. Punishment for employment of children for begging is also there. I am also glad to find that you cannot take cognisance of an offence punishable under sub-section (1) unless the complaint is filed with the previous sanction of the Administrator or an officer authorised by him in this behalf. Once you start filing

complaints in this matter, because in India there is so much poverty that in some cases it may be a case of their not being able to afford, something may happen. It is but proper that you take some little care before you haul up a man for a criminal offence.

It is also true that child labour is being used in an abominable degree in India. I am glad Professor Sharma referred to *bidi* labour. In many of these places where *bidis* are rolled, little children are doing this work. They cannot attend the school at all. They have to work for six or eight hours. Many of them lose their eyesight. They must have spectacles. Those places are not well lighted and are not properly ventilated. The Factories Act may not apply to some of these small *bidi* factories. That has to be attended to. Similarly, in *zari* work. I believe in Lucknow, tiny children do all this work. That is also a very cruel thing. The Bill should have a comprehensive grasp so far as child labour is concerned. The Administrator and the department dealing with children must be able to get hold of cases where child labour is being exploited and the children are not given a proper atmosphere to grow up in a healthy way.

Having said that, a doubt arises in my mind with regard to clause 3. I was just now discussing this with hon. Minister. It says:

"Where an inquiry has been initiated against a child and during the course of such inquiry the child ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a child."

That is to say, if a child attains the age of 18 while the inquiry is going on and it is treated as a child, you

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may have other legal difficulties. But, I do not think we should get bogged simply because there are legal difficulties.

Once we have compulsory education for which we have planned in our Constitution, there will be an improvement. We have solemnly undertaken to make education compulsory especially in the elementary stages. Delhi has given the lead. In Madras, we have also the midday meal scheme to which the hon. Prime Minister has been frequently referring. We have midday meal scheme for poor children. Once compulsory education comes, you must see that children are not taken to work and people escape the rigours of the law of compulsory education. This is what happens. They say that the child has to augment the income of the parents and therefore they permit them to work. The child works for 7 or 8 hours. They say: let it read after 7 or 8 in the evening. If a child works for 8 hours, it will be hardly able to read anything after dusk. Therefore, once compulsory education comes and the midday meal scheme is also introduced, I have no doubt that the proper atmosphere will be given to the children of the nation. Having said that, I sincerely hope that the training of administrators would be taken up right on hand straightaway. Shri D. C. Sharma was saying that not much provision was made....

Mr. Deputy-Speaker: Now, the hon. Member should conclude.

Shri C. R. Pattabhi Raman: With regard to these homes, I find no provision is made for equipping the Administrators and Probation officers. Only Rs. 38,000 is provided. I do not think it will be enough. I hope steps will be taken to increase the amount.

Shri Kalika Singh: Sir, any legislative measure relating to children's

welfare is always welcome. A Children Bill is generally welcome in the whole country, not only in the Union Territories. At present, we have not got Children Acts in all the States. It is for the first time here that the hon. Minister has just tried to assess the whole problem and bring a legislative measure relating to children and that is surely welcome.

The title of the Bill suggests that it covers everything relating to children. But, when we go into the provisions of the Bill, we see that it deals only with neglected and delinquent children. Therefore, the title ought to have been Neglected and Delinquent Children Bill or something like that. It ought not to have been Children Bill, because Children means and includes the whole of the children population which we have got in the Union Territories or in the country as a whole. Being is a Children Bill, it ought to have covered the whole of the Children population and dealt with every aspect of welfare of children.

We know that we have already got the Social Welfare Board which looks to all these problems. We have got journals which deal with so many social welfare works, and everything about the children is also covered, but we are now establishing child welfare boards, children's courts, observation homes, special schools etc. If we want to make these institutions effective, we will have to provide sufficient money so that they may not remain only on paper, because the Social Welfare Board, after the passing of this Bill, will not go into the problems of children below the age of 16 years in the case of boys and 18 in the case of girls.

There is some lacuna in the Bill. The definition of begging says:

“(b) ‘begging’ means—

(i) soliciting or receiving alms in a public place or entering on

any private premises for the purpose of soliciting or receiving alms...."

And the definition of a neglected child says:

"(1) 'neglected child' means a child who—

(i) is found begging; or

(ii) is found without having any home...."

As an hon. Member pointed out, in India we have got a large number of persons, whether children or majors, who have got begging as a profession ordained by religion, and if our Constitution prohibits interference with religion, these Children's courts might be confronted with a problem when a writ is filed in the High Court challenging the Act.

Shrimati Ila Palchoudhuri: May I submit that where begging is made a religious thing, there he does not have children; he is supposed to be leading a life of *brahmacharya* or *sanyasi*?

Shri Tyagi (Dehra Dun): He takes children as *chelas*.

Shri Kalika Singh: In the Hindu Religious Endowment and other endowment Acts the custom of a particular community is recognised as the law or the usage under which that law is administered. Where a religious *guru* nominates a *chela* and initiates him into that religion—the *chela* may be a minor of five or ten years of age—it becomes the religious duty of that boy to go begging. There are Buddhist *bikshus* and so many other religious people who have got that custom.

Mr. Deputy-Speaker: The hon. Member has still four minutes. Would he like to have it today or tomorrow?

Shri Kalika Singh: I will have it tomorrow.

Mr. Deputy-Speaker: Then he may continue tomorrow.

16.34 hrs.

*IMPLEMENTATION OF ELECTION COMMISSION RECOMMENDATIONS

Shri Tangamani (Madurai): I am raising this half-hour discussion on the reply given by the hon. Minister of Law on 2nd December, 1960 in reply to Starred Question No. 636 dealing with the Election Commission Recommendations.

As the House is aware, soon after the second general election was over, the Election Commission published a very detailed report giving as many as 40 recommendations to be followed by the Ministry of Law. Repeatedly, questions were asked in this House as to what had happened to those recommendations. On the 17th August, 1960, in reply to starred question No. 483, the Deputy Minister of Law, Shri Hajarnavis, was pleased to state as follows:

"Most of the important recommendations of the Election Commission have already been given effect to by suitable amendments of the election law. Some of the remaining recommendations raise highly controversial issues which were the subject of discussion in the House as well as in the Select Committee on earlier occasions. All these recommendations will have to be examined in detail before concrete proposals for amendment of the election law are finalised. No time-limit can, therefore, be prescribed for implementing all the recommendations."

This was what the Deputy Minister of Law stated on that occasion. So, the question of suitable amendment of the election law still stands, and the question of implementing many of the recommendations of the Election Commission remains still to be fulfilled.