

the House should sit also on Saturday, the 22nd December 1956, and dispense with lunch hour as necessary.

Now, Mrs. Menon may continue her speech.

THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS BILL, 1956—continued

SHRIMATI LAKSHMI MENON : Mr. Deputy Chairman, I was pointing out how in this House, whenever any social legislation is brought, we always invoke the articles of the Constitution on Fundamental Rights to show how they interfere with individual and private rights.

SHRI J. S. BISHT : Mr. Deputy Chairman, on a point of personal explanation. I wish to enter a protest on this point.

SHRIMATI LAKSHMI MENON : I am not yielding.

MR. DEPUTY CHAIRMAN : Order, order. Two Members cannot go on in this way.

SHRI J. S. BISHT : Sir, when I am misquoted, I am entitled to give an explanation.

MR. DEPUTY CHAIRMAN : You please sit down. She is not yielding.

SHRIMATI LAKSHMI MENON : Even when the question of Hindu succession was brought in, the same things were invoked in order to hamper legislation. What I was trying to say is that in such matters we should think of the ultimate goals of social progress and not give a narrow interpretation.

MR. DEPUTY CHAIRMAN : Anyway it is a *post mortem* examination. The House has accepted the principles of that Bill and also the clauses.

SHRI J. S. BISHT : It was another Bill to which I made reference. She was quoting it here in this Bill.

SHRIMATI LAKSHMI MENON : The same point was put forward by the hon. Minister namely, how the Report of the Social Welfare Board said that the Constitution gave the right to an individual to practise his own profession, and therefore, they were hesitant to make provisions which would eradicate the evil. It is not only his statement that says that but it seems to be the general custom and convention in this House to oppose all social legislations on this ground.

MR. DEPUTY CHAIRMAN : I am pointing out that it cannot be done at the third reading stage.

SHRIMATI LAKSHMI MENON : I want to point out that this Bill is supposed to be in pursuance of an international convention, but, unfortunately, the scope is considerably limited because it does not deal with inter-state traffic or traffic between countries. The convention itself is very liberal in its scope, and the purpose is to bring about a uniform law by which traffic in persons can be eliminated not only within States but also between States Sir, a very minor amendment brought forward by my colleague Shrimati Chandravati Lakhnawal which was a suggestion recommended by the Committee which was appointed by the Social Welfare Board, was not accepted by the hon. Minister Sir, that shows how the Bill will be rendered ineffective for want of an adequate and proper agency which could control these traffickers. As we know, these gangs for traffic in persons do not operate only within one State. Their operations extend all over India and have some relation to the proportion of sex in the population of different parts of India. As you go north and west, you find that there are fewer women per thousand of men. There is a disequilibrium in the population ratio. Therefore, to have a law which deals only with the regulation of brothels or prostitution within each State without paying adequate attention to inter-State traffic in persons is a defect in this Bill which I hope the hon. Minister will rectify by bringing in an amendment later on.

[Shrimati Lakshmi Menon]

Another very serious omission which has also been pointed out is about the matter of rehabilitation. It is true that there is provision in the Bill about starting homes, etc., which is left to the discretion of the State. Now that the Health Minister is here she will, I am sure support me when I say what happens when anything is left to the discretion of the State. Why do we have a Central legislation if the execution part of it is left to the discretion of the States?

SHRI V K DHAGE (Bombay) As the hon. Minister said, provision has been made for the State Governments for the starting of homes.

SHRIMATI LAKSHMI MENON It is another kind of home. It is a protection home or something like that. There is nothing in the Bill which deals with traffic in girls. That is what we are supposed to do in this Bill. The title of the Bill itself says that it is for suppression of this traffic. It is not in the Bill. I really do not understand how legislation is conducted in the House.

Another point that I want to say is that there must be all-out and radical methods by which the whole thing can be eradicated. It is no good saying that a brothel can be situated two hundred yards away from a place of worship. You are then really condoning it instead of eradicating it. It means that you accept it, you do not mind if prostitution is practised, whereas we women Members of this House feel otherwise. There are many other Members who feel that if it is a social evil which offends against the dignity and freedom of the individual then it should be eliminated, it should be drastically dealt with as it has been dealt with in other countries. Therefore, Sir, the great importance given to social rehabilitation by education and other means in the original Convention should have found a place in this Bill also in almost the same words. What is the point of condensing a thing when the condensation does not include those fundamental principles which are dealt with in

the original convention?

SHRI V K DHAGE Is it your contention that brothels are permitted under this Act?

SHRIMATI LAKSHMI MENON Of course, they are permitted.

SHRI V K DHAGE No, no I think they are not.

SHRI B N DATAR Not at all.

SHRIMATI CHANDRAVATI LAKHANPAL It is given here "provided there is only one prostitute carrying on the trade".

SHRI B N DATAR That is not a brothel.

SHRI H P SAKSENA Call it by any name you please. It comes to that.

SHRIMATI CHANDRAVATI LAKHANPAL If there is only one prostitute sitting in one place, then it will not be called a brothel?

SHRI B N DATAR The definition is given there.

SHRIMATI LAKSHMI MENON What I want to know from the Minister is whether we have signed this convention with any reservation or not. If we have signed without any reservation, then some of the important things in the Convention, in my opinion, should have found a place in this Bill. For instance the offence is extraditable in the original Convention and the offence can also be punished by the loss of civil rights. These things are omitted. Another thing is about checking immigration and education. Sir, I am told that in big sea-port cities like Bombay and Calcutta, there is a regular traffic not only in Indian persons, but also persons from other countries—from Japan, China, South-East Asia and from Europe. Now, there is nothing in this Bill to check that and the reason why we have an International Convention is to see that the laws of all the participating countries are put on the same level, so that the offence can be punished and it can be controlled from all countries and from all sectors. On

this ground. I find, that this Bill cannot be said to be in pursuance of the International Convention which is wider in its scope, stricter in enforcement and purports to achieve more humane things than those envisaged in this Bill.

SHRI P. S. RAJAGOPAL NAIDU (Madras) : Mr. Deputy Chairman, Sir, on a third reading, the scope of any speaker is very limited and within the short time that is allotted to me, I would like to point out to you that in the case of the penal provisions made in this Bill, there is a wide departure from the natural course of criminal jurisprudence. Traffic in human beings is prohibited under article 23 of the Constitution and any contravention of this provision should be punishable under law. In article 35 (ii) provision is made for Parliament, as soon as may be after the commencement of the Constitution to prescribe punishment for offences under article 23 of Constitution. Sir, I stress upon the words 'as soon as may be after the commencement of this Constitution.' Now, it is nearly six years since the Constitution has commenced and it is only at this late stage and during the last session so far as the other House is concerned, that this Bill is taken up for consideration. Of course, this Bill was, therefore, long overdue and has not come a day too soon. Traffic in human beings, as I have stated before, is punishable under article 23 and what this Bill should provide for is only the punishments that should be meted out for offences by persons indulging in such traffic in human beings. In my opinion, this Bill unique and original in the variety of penal provisions. Also, I should really express my lack of appreciation for the manner in which these penal provisions are incorporated in this Bill. But these provisions lack precedents. New variety of punishments have been introduced unknown to criminal law and criminal jurisprudence. Such things find a place in this Bill. The authors of this Bill, in my opinion, while trying to be a bit drastic in the matter of awarding punishments, had

made a mess of the whole thing so far as the penal provisions are concerned and punishments which are unheard of and unknown in criminal law are here. In the first instance, I would like.

MR. DEPUTY CHAIRMAN: The House has accepted the provisions. Now, your comment on this point—on what the House has accepted—is not fair.

SHRI P. S. RAJAGOPAL NAIDU: I am only trying to say how there is a departure.

MR. DEPUTY CHAIRMAN: Anyway, it is not relevant at this stage.

SHRI P. S. RAJAGOPAL NAIDU: I would like to point out a few things. In the Penal Code, the principle of enhanced punishment.

MR. DEPUTY CHAIRMAN : Hon. Members cannot make a third reading a first reading.

SHRI P. S. RAJAGOPAL NAIDU: If the Chair wants that I should not proceed with it, I will sit down.

MR. DEPUTY CHAIRMAN: No, no. But please be relevant. That is all that I want.

SHRI P. S. RAJAGOPAL NAIDU: Sir, I am sure I am relevant in this matter. In the Penal Code.

MR. DEPUTY CHAIRMAN: But can the hon. Member express opposition to a thing which the House has accepted? I mean.

SHRI P. S. RAJAGOPAL NAIDU: I am only saying that my comments are in regard to the penal provisions...

MR. DEPUTY CHAIRMAN : Yes. The penal provisions have been accepted by the House.

SHRI P. S. RAJAGOPAL NAIDU: Sir, I am going to say how it is a departure from the principles of the criminal law.

MR. DEPUTY CHAIRMAN: It has been accepted by the House.

SHRI P. S. RAJAGOPAL NAIDU:
I am prepared. . .

SHRI P. N. SAPRU (Uttar Pradesh):
It is surely open to a Member to say that it is regrettable that the House has accepted a provision of this character.

MR. DEPUTY CHAIRMAN :
Well, that will be a reflection on the House, I think, anyway.

SHRI P. S. RAJAGOPAL NAIDU:
Sir, the principle of punishment. . .

MR. DEPUTY CHAIRMAN: Shall I take it that you are opposing the Bill?

SHRI P. S. RAJAGOPAL NAIDU:
I am not opposing the Bill. Sir, the principle of penal enhancement has a very limited scope in the Penal Code. It is applicable only to a few types of cases under Chapters XII and XVII, that is, offences dealing with Government stamps and coins and also offences relating to properties such as, theft, etc. As you know very well, in such cases, enhanced punishment will be awarded under section 75 of the Indian Penal Code. The accused under section 75 is liable for enhanced punishment only if he had been convicted for an offence punishable with 3 years' imprisonment and more. But here we find, under the various clauses—Nos. 3, 5, 6, 7, 8, 9 and 21—that this salutary principle is not made applicable and this principle of enhanced punishment is provided even in cases where the punishment awarded is less than three years.

Secondly.....

MR. DEPUTY CHAIRMAN : I think the hon. Member was not present when it was explained why enhanced sentences have provided. It is a very serious offence against society and that is why, both initially and subsequently, enhanced punishments have been provided. He explained it yesterday.

SHRI P. S. RAJAGOPAL NAIDU:
He explained it this morning also and I was present at that time. But can we bring this under the provisions of section 75 of the Indian Penal Code? That is all I want to know. Can we try to equate these offences with those that are provided for under section 75? The point which I stress is this, under section 75 of the Penal Code, enhanced punishment is awarded only in cases where the punishment to be awarded is three years and more. Here under the various clauses 3, 5, 6, 7, 8, 9 and 21, even though the punishment awarded is less than three years, yet we find a provision is made for enhanced punishment. It is only on that that I am commenting. I am not commenting on any other.

Secondly, why should you fetter the discretion of the court in such matters? I have never come across a kind of provision as this. As a lawyer, I have studied several enactments and as a Member of Parliament, I have been going through the several Bills that come before this House and the other House and I have never seen a minimum punishment being prescribed for an offence in any Bill or in any Act. Why do you fetter the discretion of the court? Such matter as saying that "not less than one year or not less than 3 months" is quite unknown to me, at any rate, as a lawyer.

There is also the other provision that unlike in England and other countries, here in our country, appeal is being provided for enhanced punishment by the State. Suppose the public prosecutor expects a punishment of six months or one year and a punishment less than that has been awarded by the court, it is left to the state to make an appeal to the higher court. Also, if there is an acquittal, the State can file an appeal against this. When such is the case, I do not find any reason why this minimum punishment should be provided in the Bill.

Thirdly, all these clauses 3, 7 and 8, in my opinion, militate against the provisions in clause 10. In clauses 5,

7 and 8, we find that a minimum sentence is provided for and in clause 10, we find that it contemplates release of persons on probation and also release of persons after due admonition. I find that one offends against the other. Then a minimum sentence is provided for in clauses 5, 7 and 8. How can this provision under clause 10 be there, thereby giving powers to the magistrate to release a person after due admonition or on probation? If that minimum sentence is not provided for, certainly clause 10 can be there. I am afraid this clause 10 certainly militates against those three clauses.

Sir, I will take only two or three minutes more.

MR. DEPUTY CHAIRMAN : We have to close at 2.30. There are still one or two speakers.

SHRI P. S. RAJAGOPAL NAIDU : Then there is no uniformity.

MR. DEPUTY CHAIRMAN : Please wind up.

SHRI P. S. RAJAGOPAL NAIDU : Then, Sir, in clause 9 we find that for the first offence a minimum punishment is provided for, but for the second offence no minimum punishment has been provided for. That means, in my opinion, the magistrate can award for the second offence even lesser punishment than that provided for the first offence. I think this is a small error which we should rectify.

Then, Sir, security proceedings are usually instituted for offences of.....

MR. DEPUTY CHAIRMAN : Mr. Naidu, I think all these things are irrelevant at this stage. You did not make any suggestions at the first reading stage, and at the third reading stage you want to make these suggestions. You are an advocate, and I want to know how they are relevant at this stage.

SHRI P. S. RAJAGOPAL NAIDU : Sir, the Chair is from the very beginning of the opinion that I am irrele-

vant. If that is so, I will sit down. But I just wanted to point out that we are a sovereign body, and when we are making any laws, we should see that we do not make ourselves a laughing stock before the courts and before the lawyers. We must see that the prestige of the House is maintained. When we enact any law, we must see that we do not make ourselves a laughing stock in the law courts etc.

MR. DEPUTY CHAIRMAN : Yes, Rajkumari Amrit Kaur.

THE MINISTER FOR HEALTH (RAJKUMARI AMRIT KAUR) : Sir, I would just like to say one or two words, first of all, in support of the Bill. It is a step in the right direction. Now, Sir, much has been said about the punishment that is to be meted out. In my humble opinion, no punishment is heavy enough to be meted out to people who indulge in such heinous crimes.

In regard to some of the Members of my own sex who have spoken this morning and feel that the Bill has not gone far enough, at this stage it is too late to say anything, but I would like to plead with the hon. Minister to give us the assurance that such lacunae as have been pointed out by the women Members here—after all, this Bill affects my own sex more than any other and we know better than anybody else how women suffer and what terrible happenings go on, and, of course, it is open to us to bring any amendments that we like to this enactment at a later stage, if we feel that this measure has not gone far enough, but I would like the hon. Minister to be able to give us the assurance that such lacunae—will be provided for in the rules. That is all I have to say, Sir.

SHRI BHUPESH GUPTA : May I ask one question, Sir? It has arisen after I have heard the hon. Minister for Health. Sir, I would like to know whether such Bills are examined in the Cabinet before they are placed before this House. It is a very interesting thing that a Cabinet Minister is

[Shri Bhupesh Gupta]

making an appeal to another Minister to provide for certain things. We thought that such measures were duly examined in the Cabinet.

SHRI B K MUKERJEE (Uttar Pradesh) Sir, I am glad that this House is now passing this measure which, in course of time, may be the basis for our activities or action for eradicating certain evils from our society. I welcome this measure, although there are so many lacunae left in this legislation. First of all, Sir, this legislation has got to be treated as a preventive measure, not as a penal measure. Sir, lots of punishments have been provided for in this measure for certain lapses or acts of omission and commission. But we are well aware of the fact that no deterrent punishment has been able to eradicate evil from any society. Sir, for instance, everybody knows in our own country and elsewhere that a person who commits theft is arrested, convicted and penalised. He is sent to prison. But in spite of that, several thefts are going on. Only this morning, Sir, the hon. Minister, in reply to a question, stated that in spite of making elaborate arrangements for police and C.I.D. to eradicate the evil of pickpocketing, within the last three years, the incidence had risen from 164 cases to nearly 500 cases . .

SHRIMATI LAKSHMI MENON : 410.

SHRI B. K. MUKERJEE : Yes, about 500. Three years back it was 164, and in the current year the number is 400 and something, or nearly 500. That shows that this punishment is not enough to restrain anybody to commit any offence. Therefore, Sir, more and more emphasis has got to be laid on this fact that it is a preventive measure. We have got to create conditions under which people will not be encouraged to take such action as we find they are taking now. They are reducing people to lead a life of shame. That has got to be prevented and that is what is required of this Bill. If we lay more and more

emphasis on the penal side of the question, I think the very object of this enactment will be defeated. I hope therefore, that the hon. Minister will convey to the State Governments, which will have to implement this legislation, that they should lay more and more emphasis on the side of prevention than to penalise people who commit these offences.

Now, Sir, to start with, I want one clarification from the hon. Minister. I refer to clause 1(3). I do not know how the Central Government comes into the picture for announcing a date by notification in the Official Gazette, when the State Governments will have to implement this measure, and also I do not know when the measure will come into force. I do not know whether one date will be appointed by the Central Government for the entire country, or different dates will be fixed for different States, and also whether the Central Government will receive any advice from the State Governments for the purpose of notifying the date in the Official Gazette, or the Central Government will themselves take the initiative and fix some date.

Now, Sir, there were some amendments suggested to clause 13. . .

MR DEPUTY CHAIRMAN. They are all over now.

SHRI B K MUKERJEE : I know that they are all over now. But I want to submit that there is a provision in clause 13(3) (b) with regard to advisory bodies. My point is that the Central Government will be well-advised to insist on the State Governments to appoint these advisory bodies in every area, not necessarily one advisory body for one area or one State. They may divide the areas and appoint advisory bodies. There may be one officer either for the entire State or the entire district, but the advisory body may be appointed in every area, and the members of these advisory bodies may be empowered with certain rights of the police officers also. That will go a long way to eradicate this evil, if we are really keen about it.

Then, Sir, I have got to say something about clause 14(iii) and clause 15 (3). Sir, I wish the Government of India to advise the local Governments to be very careful in exercising the powers conferred on them under these two clauses because I am afraid these clauses will be more misused by the police authorities than used for the purpose for which they have been incorporated here. So, my advice to this Government is to advise the local Governments to use them very sparingly and ask the police to be very cautious in this matter.

There is clause 21.....

MR. DEPUTY CHAIRMAN : That will do. Mr. Mukerjee. Mrs. Nigam.

श्रीमती सावित्री निगम उप सभापति महोदय, यह विधेयक जिस उद्देश्य में लाया गया है, मेरा कहना यह है कि वह उद्देश्य इस विधेयक से पूरा नहीं होता है। इस विधेयक का उद्देश्य उस अमानवीय और घृणित प्रथा का अन्त करना था, जिसके कारण स्त्री जाति का इतना बड़ा शोषण और अपमान हो रहा है, जिस का ध्यान करके ही रोगटे खड़े हो जाते हैं।

दातार साहब स्वयं ही जानते हैं कि बिना इस विधेयक को लाये हुये भी जो इस विधेयक में चीजें रखी गई हैं, वे सारी बातें, वे सारे अधिकार सरकार को "Punjab Suppression of Immoral Traffic in Women Act" के अन्तर्गत प्राप्त थे। क्या स्वयं दातार साहब के निरीक्षण में ऐसा एक्सपेरीमेंट नहीं किया गया कि दो तीन सौ लड़कियां ब्राथलम से निकाली गयीं, लेकिन वे फिर यह कह कर छूट गयीं कि उनकी एज १८-१९ की होगी। रिश्ते देकर उनकी एज अधिक प्रवृत्त कर दी गई। इस प्रकार उन सारी लड़कियों को चकला रखने वाले गूंडे छूटा कर ले गये। कल मुझे दातार साहब की यह बात सुन कर बड़ा ताज्जुब हुआ कि चूँकि कांस्टीट्यूशन में यह अधिकार दिया हुआ है कि हर एक आदमी अपना अपना प्रोफेशन करे और यह चूँकि एक प्रोफेशन है, इसलिए यह बन्द नहीं हो सकता.....

श्री बी० एन० दातार : मैंने यह बात नहीं कही।

SHRIMATI SAVITRY DEVI NIGAM : You quoted.

SHRI B. N. DATAR : I read only.

श्रीमती सावित्री निगम . जो एडवाइजरी कमेटी की रिपोर्ट आपने पढ़ी, उसमें यह आपने पढ़ा, मैं यह आपको बताना चाहती हूँ।

श्री उपसभापति : यह रिपोर्ट मोगल वेलफेयर बोर्ड की है।

श्रीमती सावित्री निगम दातार साहब ने रिपोर्ट पढ़ कर के बताया।

श्री उपसभापति यह रिपोर्ट दातार साहब की नहीं है।

श्रीमती सावित्री निगम उस रिपोर्ट के बारे में सबसे पहले मैं यह कहना चाहती हूँ कि यह जो मन्त्रियों की कमेटी बनी, उसने कितने दिन काम किया। उसने बम्बई का सर्वे किया दो दिन, और देखना यह है कि जो काम उसको दिया गया था, वह कितना बड़ा था। पुलिस आफिसर्स से मिलना, लायर्स से मिलना, डाक्टर्स से मिलना और मोगल वर्क्स से मिलना और ग्रहण में स्थानों आदि का निरीक्षण करना, ये सारी बातें देखने के बाद आप ही बतावें कि दो दिन के अन्दर कैसे ये लोग किमी इविल के रूट में पहुँच सकते थे। इसलिए इस सम्बन्ध में जो कुछ उस कमेटी ने पेज २०९ पर दिया है, वह बेबुनियाद है। मुझे खेद है कि दातार साहब जैसे अनुभवी व्यक्ति ने इस कमेटी की रिपोर्ट पर इतना रैलाई किया। यह सोचने की बात है कि दो दिन में ऐसी प्रथा का क्या अध्ययन हो सकता था। मेरे विचार में दो दिन में एक गली का सर्वे करना मुश्किल है।

श्री उपसभापति : इस कमेटी में मेम्बर आप सभी हैं :

Shrimati Dhanwanthi Rama Rau

" Shanti Kabir

" Vimala Deshmukh

" Maitreyee Bose

" P. Parijatham Naidu

Shree V. V. Sastry

एक ही आदमी है।

श्रीमती सावित्री निगम : कमेटी ने खुद ही लिखा है :

"The Committee has only indirectly touched the problem of prostitution."

[श्रीमति सावित्री निगम]

अब आप देखें कि इस तरह इस विधेयक को पेश करना कितनी भारी भूल है और विशेष रूप से माननीय दातार साहब द्वारा पेश होना और भी भूल है क्योंकि वे स्वयं एक्सपेरीमेंट कर चुके हैं; वे जानते हैं कि केवल २० वर्ष तक की स्त्रियों में वेश्यावृत्ति को बन्द करना इस प्रब्लम को बिलकुल टच नहीं करता। इससे इस प्रब्लम का इरैडिकेशन नहीं हो सकेगा बल्कि और मिसयूज होगा। ऐसी दशा में, श्रीमन्, आप ही बतायें कि इस विधेयक में क्या फायदा होने वाला है।

में केवल तीन चार प्वाइंट यहां पर दूगी। एक बात यह कही गई है कि यह नेसेसेरी इविल है। मैं इस के सम्बन्ध में कहना चाहती हूं.....

SHRI V. K. DHAGE : I want to ask a question. I find from the report that they have toured from February 1955 to September 1955 and not for two days.

SHRIMATI SAVITRY DEVI NIGAM : A big city like Bombay...
(Time bell rings)

Sir, I have not even touched the points.

MR. DEPUTY CHAIRMAN: Your five minutes are over.

SHRIMATI SAVITRY DEVI NIGAM : Please let me deal with at least two points.

MR. DEPUTY CHAIRMAN : All right, you take two minutes more.

श्रीमती सावित्री निगम : श्रीमन् आप ही बतायें कि इस प्रकार का बेबुनियाद आर्ग्युमेंट देना कि यह प्रथा एक नेसेसेरी इविल है कितना गलत है। अगर यह नेसेसेरी इविल या सेफ्टी वाल्व है तो मैं पूछना चाहती हू कि क्या कोई भी सम्बन्धित माना पिता यह पसन्द करेंगे कि उनके परिवार की कोई स्त्री सोसाइटी के लिये सेफ्टी वाल्व बने ? फिर आप ही बताइये कि हमें क्या अधिकार है कि हम मुसीबत में फंसी हुई स्त्रियों के बारे में यह कहें कि चूँकि वे सोसाइटी के लिये नेसेसेरी इविल है, सेफ्टी वाल्व है, इसलिये हमें ऐसी अमानवीय प्रथा का समर्थन करना चाहिये।

दूसरी बात कांस्टीट्यूशन की यह कही गई कि कांस्टीट्यूशन यह कहता है कि यह प्रथा एक व्यक्ति का अधिकार है, मैं चाहती हूँ कि अगर कांस्टीट्यूशन यह कहता है, तो जैसे कांस्टीट्यूशन को बहुत से मामलों में अमेड किया गया है, उमी प्रकार इस सम्बन्ध में भी अमेड किया जाना चाहिये।

श्री उपसभापति : एक अमेडमेंट बिल आप लाइये।

श्रीमती सावित्री निगम : मैंने यह सोचा था कि मंत्री महोदय यह कठिनाई बतायेंगे कि हमारे पास इनमें होम्स नहीं है कि इन सारी स्त्रियों को रख सकें इसलिये हमने इस वेश्यावृत्ति को बिलकुल एवालिश नहीं किया है, लेकिन जब हमारे पास रेसक्यू होम्स की आवश्यक व्यवस्था हो जायगी हम इस प्रथा को खत्म कर देंगे। मुझे इस बिल के नाकाफी होने से उतना विरोध नहीं है जितना संसत्सदस्य के इस स्टेड में है कि यह प्रथा एक प्रोफेशन है। इस प्रब्लम के सम्बन्ध में उनका यह ऐप्रोच ही गलत है। यह प्रथा कभी भी एक प्रोफेशन नहीं हो सकती। अगर सुइसाइड करना इल्लीगल है तो यह भी इल्लीगल है। वेश्यावृत्ति कभी भी प्रोफेशन करार नहीं दी जा सकती और न दी जानी चाहिये। अगर यह प्रोफेशन करार दी जाती है, तो कांस्टीट्यूशन को तुरंत ही अमेड करना चाहिये।

SHRI AKBAR ALI KHAN: (Andhra Pradesh): It is not a profession under the Constitution.

श्रीमती सावित्री निगम : यह अमानवीय और घृणित प्रथा उस स्त्री जाती का घोर अपमान करती है, जिसने राम, कृष्ण और बापू जैसे महा-मानव को जन्म दिया। इसलिये इस प्रथा को प्रोफेशन कहना पाप है। मैं समझती हूँ कि इस देश में रस्कभी सम्मानित व्यक्ति यह बरदाश्त नहीं करेगा कि इस नीच प्रथा को प्रोफेशन का नाम दिया जाय।

SHRI B. N. DATAR : Sir, I would like to reply only to a few points and I would like to give an assurance that to the extent that there are any lacunae at all in this Bill or to the extent that they would be found out, certainly Government would take steps to amend the provision wherever it is necessary. Secondly, I would also point out to this House that the State

Governments have rule-making powers and in making rules they would take into account all the points made out by the hon. Members here not only in their speeches but also in the amendments that they have brought out.

Thirdly, I would also like to point out to hon. Members that there is a certain feeling that this Bill has been brought forward in a hasty manner. That is not correct at all. In fact Government received some years ago a model Bill framed by the All India Women's Association. We sent out the Bill to the various State Governments and the State Governments concerned consulted the women's associations in particular. Their opinions came and then we framed the Bill and again sent it to the State Governments. Lastly, Sir, as I have pointed out, the Chairman of the Committee whose report has already been referred to, looked into the Bill in its original form and she suggested certain amendments which also have been taken into account. Under the circumstances, Sir, it would be entirely wrong to say that the Bill has certain defects and that Government have allowed those defects to remain. That is entirely wrong.

I should point out to my friends here that they have not read clause 7 properly at all. Shrimati Kidwai as also Shrimati Lakshmi Menon have not understood what the provisions in clause 7 are. Clause 7 deals with prostitution as an offence so far as certain premises or the areas round about them are concerned. Brothels are completely abolished. To keep a brothel itself is an offence. The definition is wide enough to include a private house also provided prostitution is carried on and, to that extent, it becomes a brothel. Under these circumstances, there is no question of licensing brothels. It is an entirely wrong statement to make and I should like to correct that statement. Shrimati Kidwai dealt with two clauses together and there was a sort of confusion in her mind. Now, licences have been referred to in clause 21 and they are for opening protective homes, not for keeping brothels at all. So far

as clause 7 is concerned, it deals only with prostitution as an offence when it becomes a nuisance.

Then my hon. friend wanted to know as to when this Bill would come into force. The State Governments have been given powers to make rules. The moment the State Governments make rules—we shall see to it that they make these rules as early as possible—this Act would be made applicable to the whole of India. It is stated very correctly in clause 1(3) that it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. We are anxious to have this Act notified for the purpose of making it applicable to the whole of India as expeditiously as possible.

SHRI H. P. SAKSENA : Except the State of Jammu and Kashmir.

SHRI B. N. DATAR : We shall request the State of Jammu and Kashmir to follow the line of our action. On account of the agreement that has been entered into between the President of India on the one hand and the State of Jammu and Kashmir on the other, technically and constitutionally this point does not come within the powers of the Parliament, but I am quite confident, Sir, that the provisions of this Bill are so salutary that the Legislature of Jammu and Kashmir will take a cue from this and take the necessary steps.

These are the points that I wanted to reply to.

SHRI BHUPESH GUPTA : I want an answer to the point I raised. I think it requires an answer from the Government. I said that this Bill did not seem to have been seen even by the Health Ministry. Let the Government give a reply to this.

MR. DEPUTY CHAIRMAN : It is a question of policy.

SHRI B. N. DATAR : One second, Sir. My hon. friend stated that this matter was covered by article 23. It is not true at all. Article 23 deals with

[Shri B. N. Datar.]
 traffic in human beings, *begar* and other similar forms of forced labour. I am afraid this question is not covered by this article.

SHRI BHUPESH GUPTA : What is the answer, Sir.

MR. DEPUTY CHAIRMAN : He has said that it is not covered.

SHRI BHUPESH GUPTA : It is quite clear that the hon. Health Minister does not seem to have seen this or does not even seem to have been consulted in this matter and I think Government is responsible . . .

MR. DEPUTY CHAIRMAN : That is a different matter.

SHRI BHUPESH GUPTA : Why? It is quite relevant.

MR. DEPUTY CHAIRMAN : Order, order. Please resume your seat. I am putting the question.

SHRI BHUPESH GUPTA : It is a matter of right.

MR. DEPUTY CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

THE INDIAN MEDICAL COUNCIL BILL, 1956

THE MINISTER FOR HEALTH
 (RAJKUMARI AMRIT KAUR) :
 Sir, I beg to move :

“That the following amendments made by the Lok Sabha in the Indian Medical Council Bill, 1956, be taken into consideration :—

Clause 2

1. That at page 1, line 17, omit ‘comprised in the States’.

Clause 3

2. That at page 2, line 22, after ‘each State’ insert ‘other than a Union Territory’.

3. That at page 2, for lines 25 to 27, substitute:

‘(b) one member from each University to be selected from amongst the members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate by members of the Court;’.

4. That at page 2, line 37, for ‘six members’ substitute ‘eight members’.

5. That at pages 2 and 3 omit lines 39 to 42 and 1 to 6 respectively.

6. That at page 3, line 7, for ‘The Chairman and Vice-Chairman’ substitute ‘The President and Vice-President’.

Clause 4

7. That at page 3, for lines 12 to 14, substitute:

‘4(1) An election under clause (b), clause (c) or clause (d) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf, and any rules so made may provide that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, the members referred to in clause (d) of sub-section (1) of section 3 may be nominated by the Central Government instead of being elected as provided therein.’

Clause 7

8. That at page 3, line 30, for ‘The Chairman or Vice-Chairman’ substitute ‘The President or Vice-President’.

Clause 9

9. That at page 4, lines 32 and 33, for ‘the Chairman, Vice-Chairman’ substitute ‘the President, Vice-President’.